



# Countryside (Scotland) Act 1967

## 1967 CHAPTER 86

### PART II

#### ACCESS TO OPEN COUNTRY

#### 10 Provision for public access to open country.

- (1) For the purpose of enabling the public to have access for open-air recreation to open country, the provisions of this Part of this Act shall apply to land which is or which gives or forms part of access to open country, being land—
- (a) to which the provisions of the next following section are applied by an agreement under this Part of this Act (hereinafter referred to as an “access agreement”) or by an order under this Part of this Act (hereinafter referred to as an “access order”),
  - (b) acquired under this Part of this Act for the aforesaid purpose.
- (2) In this Part of this Act “open country” means any land appearing [<sup>F1</sup>to Scottish Natural Heritage or]to the authority with whom an access agreement is made or to the authority by whom an access order is made or by whom the land is acquired, as the case may be, to consist wholly or predominantly of mountain, moor, heath, hill, woodland, cliff or foreshore,<sup>F2</sup> . . . [<sup>F3</sup>and any waterway; and in this section “waterway” and “foreshore” shall include any bank, barrier, dune, beach, flat or other land adjacent to the waterway or foreshore.]

#### Textual Amendments

- F1** Words in s. 10(2) inserted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para.2; S.I. 1991/2633, **art.4**.
- F2** Words in s. 10(2) repealed (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 27(2), **Sch.11**; S.I. 1991/2633, **art. 4**.
- F3** Words substituted by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), s. 2

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*Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part II. (See end of Document for details)*

## 11 Rights of public where access agreement or order in force.

- (1) Subject to the following provisions of this Part of this Act, where an access agreement or order is in force as respects any land, a person who enters upon land comprised in the agreement or order for the purpose of open-air recreation without causing damage, or who is on such land for that purpose after having so entered thereon, shall not be treated as a trespasser on that land or incur any other liability by reason only of so entering or being on the land:

Provided that this subsection shall not apply to land which for the time being is excepted land as hereinafter defined except in so far as an access agreement provides that it shall so apply.

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- ...
- (2) Nothing in the provisions of the foregoing subsection shall entitle a person to enter or be on any land, or to do anything thereon, in contravention of any prohibition contained in or having effect under any enactment.
- (3) An access agreement or order may specify or provide for imposing restrictions subject to which persons may enter or be upon land by virtue of subsection (1) above, including in particular, but without prejudice to the generality of this subsection, restrictions excluding the land or any part thereof at particular times from the operation of the said subsection (1); and that subsection shall not apply to any person entering or being on the land in contravention of any such restriction or failing to comply therewith while he is on the land.
- (4) Without prejudice to the provisions of the last foregoing subsection, subsection (1) above shall have effect subject to the provisions of Schedule 2 to this Act as to the general restrictions to be observed by persons having rights of access by virtue of the said subsection (1).
- (5) For the purpose of this Part of this Act, the expression “excepted land” means land which for the time being is of any of the following descriptions, that is to say—
- (a) land used for agricultural purposes other than livestock rearing land, being land which was so used at the date when the relevant access agreement or order was made;
  - (b) land comprised in a declaration for the time being in force under section 19 of the National Parks and Access to the <sup>M1</sup>Countryside Act 1949 (declarations that areas are nature reserves) or that section as applied by section 21 of that Act, in so far as that land is subject to byelaws made under section 20 of that Act or under that section as applied by the said section 21 prohibiting entry of persons;
  - (c) land covered by buildings or the curtilage of such land;
  - (d) land used for the purpose of a park, garden or pleasure ground, being land which was so used at the date when the relevant access agreement or order was made;
  - (e) land used for the getting of minerals by surface working (including quarrying), land used for the purposes of a railway (including a light railway) or tramway, or land used for the purposes of a golf course, sports ground, playing field, racecourse or aerodrome within the meaning of the <sup>M2</sup>Civil Aviation Act 1949 as extended by the <sup>M3</sup>Airports Authority Act 1965;
  - (f) land (not falling within the foregoing paragraphs of this subsection) covered by works used for the purposes of a statutory undertaking [<sup>F5</sup>or a telecommunications system] or the curtilage of such land;

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- (g) land excepted from the application of this section in accordance with the provisions of section 15 below:
- (h) land as respects which development is in course of being carried out which will result in the land becoming such land as is specified in paragraphs (c), (e) and (f) of this subsection:

Provided that land which is for the time being comprised in an access agreement or order shall not become excepted land by reason of any development carried out thereon, or any change of use made thereof, if the development or change of use is one for which under the Act of 1947 planning permission is required and either that permission has not been granted or any condition subject to which it was granted has been contravened or has not been complied with.

#### Textual Amendments

- F4** Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), **Sch. Pt. VII**
- F5** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), **Sch. 4 para. 46(1)**

#### Modifications etc. (not altering text)

- C1** References to the Civil Aviation Act 1949 and the Airports Authority Act 1965 to be construed respectively as references to the [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#) and the [Airports Authority Act 1975 \(c. 78, SIF 9\)](#) by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), **s. 17(2)(a)** and s. 25(8) of the said 1975 Act
- C2** [S. 11\(5\)\(f\)](#) extended by [Post Office Act 1969 \(c. 48\)](#), **Sch. 4 para. 93(1)** (xxvii) and [Civil Aviation Act 1971 \(c. 75\)](#), **Sch. 5 para. 5(x)**

#### Marginal Citations

- M1** 1949 c. 97.
- M2** 1949 c. 67.
- M3** 1965 c. 16.

## 12 Commission to consult with local planning authorities and other bodies on access requirements.

- (1) <sup>F6</sup> . . . [<sup>F7</sup>Scottish Natural Heritage] shall consult from time to time [<sup>F8</sup>with general and district planning] authorities and with such bodies as appear to [<sup>F7</sup>Scottish Natural Heritage] to be representative of owners and occupiers of land for the purpose of ascertaining what land there is of the descriptions specified in section 10(2) above and considering what action should be taken, whether by the making of access agreements or orders or by the acquisition of land, for securing such public access.
- (2) In considering what action should be taken as aforesaid, [<sup>F7</sup>Scottish Natural Heritage] and the local planning authority shall have regard to all relevant circumstances, including—
  - (a) in the case of particular land, the extent to which such access as aforesaid is likely to be available without such action being taken, and
  - (b) generally, the extent to which there is a need for greater facilities in the area of the authority for such access, whether for persons living in their area or for other persons.

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#### **Textual Amendments**

- F6** Words in s. 12(1) repealed (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(2), [Sch.11](#); S.I. 1991/2633, [art.4](#).
- F7** Words in s. 12 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 14(3); S.I. 1991/2633, [art.4](#).
- F8** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 9, [Sch. I Pt. II para. 2](#)

### **13 Access agreements.**

- [<sup>F9</sup>(1) An access agreement may be made—
- (a) by Scottish Natural Heritage with any person having an interest in land;
  - (b) by a general or district planning authority with any person having an interest in land situated in the area of the authority,
- whereby the provisions of this Part of this Act relating to access agreements shall apply to the land.]
- (2) An access agreement may provide for the making of payments by [<sup>F10</sup>Scottish Natural Heritage or, as the case may be,] the local planning authority of either or both of the following descriptions, that is to say in consideration of the making of the agreement and by way of defraying or contributing towards expenditure incurred by the person making the agreement in consequence thereof.
- (3) An access agreement may be made subject to such provisions for revocation or variation as may be specified in the agreement.
- (4) Any person, being the liferenter or the heir of entail, in possession of any land shall have power to enter into access agreements relating to the land or any part thereof.
- (5) The Trusts (Scotland) <sup>M4</sup>Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general powers of trustees) there were included a power to enter into access agreements relating to the trust estate or any part thereof.
- (6) .....
- (7) Subject to the provisions of subsection (8) below, where an access agreement is made with one or some, but not all, of the persons having interests in the land to which the agreement relates, the provisions of this Part of this Act shall not, as against any person for the time being entitled to an interest in the land who is not a party to the agreement, operate so as to prejudice his rights in relation to that interest, or impose any restriction on him or confer any right against him, and [<sup>F11</sup>Scottish Natural Heritage or, as the case may be,] the local planning authority shall, as soon as may be after the agreement is made, serve a copy of the agreement on every such person who is not a party thereto.
- (8) A grazings committee appointed under section 24 of the <sup>M5</sup>Crofters (Scotland) Act 1955 may, with the consent of a majority of the crofters ordinarily resident in the township, enter into an access agreement in relation to any part of the common grazings and may agree to the revocation or variation of any such agreement, and such agreement, revocation or variation shall be binding upon all the crofters who share in the common grazings and upon their successors.

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- (9) Where any agreement referred to in the last foregoing subsection contains a provision for the making of a payment under subsection (2) above, the payment shall be made to the grazings committee and shall be applied by them—
- (a) in the case of a payment in consideration of the making of the agreement, either <sup>F12</sup>(i) by division among the crofters who share in the common grazings in proportion to their respective rights therein or, <sup>F13</sup>(ii) subject to subsection (9A) below] in carrying out works for the improvement of the common grazings or the fixed equipment required in connection therewith;
  - (b) in the case of a payment in respect of expenditure incurred in consequence of the agreement, by defraying or contributing towards that expenditure.
- <sup>F14</sup>(9A) A grazings committee to whom such a payment as is referred to in paragraph (a) of subsection (9) above has been made and who are proposing to apply the payment in carrying out works in accordance with head (ii) of that paragraph shall give notice in writing to each crofter sharing in the common grazings of their proposals: and any such crofter may within one month of the date of such notice make representations in respect of the proposals to the Crofters Commission who may approve them with or without modifications or reject them.]
- (10) In this section “crofter” has the meaning assigned to it by section 3 of the <sup>M6</sup>Crofters (Scotland) Act 1955 as read with section 15(6) of the <sup>M7</sup>Crofters (Scotland) Act 1961.
- <sup>F15</sup>(11) Payments made under subsection (2) above in consideration of the making of the agreement shall be made on the basis of an assessment of the capital value of the land arrived at in accordance with the provisions of Schedule 4 to this Act.]

#### Textual Amendments

- F9** S. 3(1) substituted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1 ), s. 13, **Sch. 3**, para. 3(2); S.I. 1991/2633, **art.4**.
- F10** Words in s. 13(2) inserted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para. 3(3); S.I. 1991/2633, **art.4**.
- F11** Words in s. 13(7) inserted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3 para. 3(4)**; S.I. 1991/2633, **art.4**.
- F12** Word inserted by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 2 para. 24(a)**
- F13** Words substituted by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 2 para. 24(a)**
- F14** S. 13(9A) inserted by Crofting Reform (Scotland) Act 1976 (c. 21), **Sch. 2 para. 24(b)**
- F15** S. 13(11) added by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), s. 3(1)

#### Marginal Citations

- M4** 1921 c. 58(128.)
- M5** 1955 c. 21.
- M6** 1955 c. 21.
- M7** 1961 c. 58.

## 14 Access orders.

- <sup>F16</sup>(1) Subject to subsection (2) below, an access order may be made—
- (a) by Scottish Natural Heritage, as regards any land in Scotland;
  - (b) by a general or district planning authority, as regards any land in their area,

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but an order so made shall be submitted to the Secretary of State and shall not have effect unless confirmed by him.]

- (2) An access order shall not be made as respects any land—
- (a) if an access agreement or access agreements are in force which in the opinion of the <sup>F17</sup>body] having power to make such an order adequately secure to the public access to the open country in question for open-air recreation;
  - (b) where such an agreement or agreements are not in force, unless it appears to the <sup>F17</sup>body] impracticable to secure the making of such an agreement or agreements.
- (3) An access order shall contain a map, on such scale as may be prescribed, defining in such manner as may be prescribed—
- (a) the land comprised in the order and, if it is not itself open country, its relation to the open country in question, and
  - (b) any land comprised in the order which is excepted land;
- and the order shall also include such descriptive matter, if any, as may be prescribed or as may appear to the <sup>F17</sup>body] to be requisite for the purposes of the order.
- (4) The provisions in that behalf of Schedule 3 to this Act shall apply to the making, confirmation, coming into operation and validity of access orders.
- (5) The Secretary of State shall not confirm . . . <sup>F18</sup> access order before byelaws have been made and confirmed under section 54 or made under section 55 of this Act in relation to the land in question.
- <sup>F19</sup>(6) . . . . .
- (7) . . . . . <sup>F20</sup>
- (8) An access order <sup>F21</sup>made by a general or district planning authority] may specify work or other things to be done (either at one time or from time to time) on the land in the exercise of the powers conferred by section 61 below.

#### Textual Amendments

- F16** S. 14(1) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 4(2); S.I. 1991/2633, [art. 4](#).
- F17** Word in s. 14(2)(a)(b)(3) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 4(3)(a)(b)(4); S.I. 1991/2633, [art. 4](#).
- F18** Words repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), [Sch. 4 Pt. I](#)
- F19** S. 14(6) repealed (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(2), [Sch. 11](#); S.I. 1991/2633, [art. 4](#).
- F20** Ss. 5(2)(3), 9, 14(7), 32(1)(3), 33(2)–(4), 36(2)(3), 37(3), and 45(2) repealed by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), [Sch. 2](#)
- F21** Words in s. 14(8) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 4(5); S.I. 1991/2633, [art. 4](#).

## 15 Provisions as to land used for agricultural purposes or as woodlands.

- (1) If, on the submission of an access order to the Secretary of State for confirmation, a representation is duly made as respects any land—

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- (a) that the land is used, or about to be brought into use, for agricultural purposes, and that the use or proposed use as aforesaid will be prejudiced by the application of the provisions of section 11 above to the land; or
- (b) that the land is used, or about to be brought into use, for the growing of timber for commercial purposes, and that the use or proposed use as aforesaid will be prejudiced as aforesaid; or
- (c) that the land is used for the growing of timber so as to be of value for the amenity of the neighbourhood and that the growth or regeneration of the timber will be prejudiced as aforesaid,

then, subject to the provisions of this section, if the Secretary of State is satisfied that the conditions specified in paragraph (a), (b) or (c) of this subsection are fulfilled and outweigh the benefit arising from the increased facilities for public access, he shall not confirm the order so as to apply the said provisions to the land.

- (2) Where, as respects land comprised in an access agreement, it is represented to the Secretary of State that the conditions specified in paragraph (a), (b) or (c) of the foregoing subsection are fulfilled, and the Secretary of State is satisfied as stated in that subsection, then subject to the provisions of this section—
  - (a) the Secretary of State shall notify to the [F22]body by which] the agreement was made the fact that he is satisfied as aforesaid, and thereupon the [F22]body shall vary the agreement so as to exclude the land;
  - (b) the fact that the agreement is expressed to be irrevocable shall not prevent its variation so as to exclude the land; and
  - (c) if the concurrence of any party to the agreement other than the [F23]body], or of the successor in title to his interest, cannot be obtained to the variation of the agreement as aforesaid, the [F23]body] may by order made with the approval of the Secretary of State vary the agreement.
- (3) Where, as respects land comprised in an access order<sup>F24</sup> . . . , it is represented to the Secretary of State that the conditions specified in paragraph (a), (b) or (c) of subsection (1) above are fulfilled, and the Secretary of State is satisfied as stated in that subsection, then subject to the provisions of this section the Secretary of State shall make an order varying the access order so as to exclude the land.
- (4) Before exercising any of his functions under this section the Secretary of State [F25, except as regards an access order made by Scottish Natural Heritage,]shall consult with [F26Scottish Natural Heritage]; and before coming to a conclusion on any such representation as is mentioned in the two last foregoing subsections, the Secretary of State shall either cause a local inquiry to be held or afford to the person by whom the representation was made and to [F27the body by which the order was made] an opportunity of being heard by a person appointed by the Secretary of State for the purpose, and shall consider the report of the person by whom the inquiry was held or the person appointed as aforesaid as the case may be.
- (5) In determining whether the conditions specified in paragraph (a), (b) or (c) of subsection (1) above are fulfilled in the case of any proposed access order, the Secretary of State shall have regard to the provisions of section 11(3) above; and references in this section to varying an agreement or order so as to exclude land shall include references to varying an agreement or order by the imposition of such restrictions under the said section 11(3) as may be specified by the Secretary of State as requisite for the purposes of this section.

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- (6) In this section the expression “timber” includes trees of every description, and also saleable underwood.

#### **Textual Amendments**

- F22** Words in s. 15(2)(a) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 5(2)(a); S.I. 1991/2633, [art.4](#).
- F23** Word in s. 15(2)(c) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 5(2)(b); S.I. 1991/2633, [art.4](#).
- F24** Words in s. 15(3) repealed (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), ss. 13, 27(2), [Sch. 3](#), para. 5(3), [Sch.11](#); S.I. 1991/2633, [art.4](#).
- F25** Words in s. 15(4) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 5(4); S.I. 1991/2633, [art.4](#).
- F26** Words in s. 15 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. [14\(3\)](#); S.I. 1991/2633, [art.4](#).
- F27** Words in s. 15(4) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 5(4); S.I. 1991/2633, [art.4](#).

## **16 Effect of access agreement or order on rights and liabilities of persons interested in land.**

- (1) A person interested in any land comprised in an access agreement or order, not being excepted land, shall not carry out any work thereon whereby the area to which the public are able to have access by virtue of the agreement or order is substantially reduced:  
 Provided that nothing in this subsection shall affect the doing of anything whereby any land becomes excepted land.
- (2) Any restriction arising under an agreement or otherwise as to the use of any land comprised in an access agreement or order shall have effect subject to the provisions of this Part of this Act, and any liability of a person interested in such land in respect of such a restriction shall be limited accordingly.
- (3) For the purposes of any enactment or rule of law as to the circumstances in which a right of way or servitude may be constituted, use of land by the public or by any person at any time while it is comprised in an access agreement or order shall be disregarded.
- (4) Every access agreement and access order and every instrument or order varying or revoking any such agreement or order shall contain a particular description of the lands affected or a description by reference of those lands in the manner provided by section 61 of the <sup>M8</sup>Conveyancing (Scotland) Act 1874.
- [<sup>F28</sup>(5) As soon as practicable after an agreement or instrument such as is mentioned in subsection (4) above is made or an order so mentioned is confirmed, it shall be registered or, as the case may be, recorded in pursuance of subsection (6) or (7) below.
- (6) In the case of an agreement or order made by Scottish Natural Heritage or an instrument or order varying or revoking such an agreement or order—
- (a) if an interest in the land to which the agreement, instrument or order relates falls to be registered in the Land Register of Scotland, Scottish Natural Heritage shall cause the agreement, instrument or order to be registered in that register;



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- (b) in any other case it shall cause the agreement, instrument or order to be recorded in the appropriate Division of the General Register of Sasines.
- (7) In the case of an agreement or order made by the general or district planning authority or an instrument or order varying or revoking such an agreement or order—
- (a) if an interest in the land to which the agreement, instrument or order relates falls to be registered in the Land Register of Scotland, the general or district planning authority shall cause the agreement, instrument or order to be registered in that register;
  - (b) in any other case they shall cause the agreement, instrument or order to be recorded in the appropriate Division of the General Register of Sasines.
- (8) Subject to subsection (9) below, an agreement, instrument or order registered or recorded in pursuance of subsection (6) or, as the case may be, subsection (7) above shall be enforceable at the instance of respectively Scottish Natural Heritage or the general or district planning authority against persons deriving title to the land or the relevant interest therein from the person so entitled when the agreement, instrument or order was made.
- (9) An agreement, instrument or order shall not be enforceable as mentioned in subsection (8) above against a third party who has in good faith and for value acquired right (whether completed by infetment or not) to the land or to the relevant interest therein prior to the agreement, instrument or order being registered or, as the case may be, recorded in pursuance of subsection (6) or (7) above, or against any person deriving title from such third party.
- (10) In this section “relevant interest” means an interest which is subject to an agreement, instrument or order such as is mentioned in subsection (4) above.]

#### Textual Amendments

**F28** S. 16(5)-(10) substituted (01.04.1992) for s. 16(5) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3, para.6](#); [S.I. 1991/2633](#), [art.4](#).

#### Marginal Citations

**M8** 1874 c. 94.

## 17 Provisions for securing safe and sufficient access.

- (1) An access agreement or order may make such provision as appears expedient for the purpose of the agreement or order for securing that safe and sufficient access will be available for the public on the land comprised in the agreement or order.
- (2) Provision made by an access agreement or order by virtue of this section may be provision for any one or more of the following matters—
- (a) the improvement or repair of any means of access to the land in existence at the time when the agreement or order is made;
  - (b) the construction of new means of access to the land;
  - (c) the carrying out of work to protect persons who are on land comprised in the agreement or order from injury or damage due to the state of the land or anything done or omitted to be done on it;

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- (d) the imposition of restrictions on the destruction, removal, alteration or closure of any means of access to the land or of any works provided under the last foregoing paragraph, or the doing of any thing whereby the use of any such means of access by the public would be impeded or the safety of the public would be endangered; and
- (e) the maintenance of any such means of access to the land as are mentioned in paragraphs (a) and (b) of this subsection or of any works carried out in accordance with paragraph (c) of this subsection.
- (3) No provision made by an access order by virtue of this section shall—
- (a) apply to land which is for the time being excepted land, or authorise or require any thing to be done in relation to such land or any means of access thereto;
- (b) affect the doing of any thing whereby any land becomes excepted land; or
- (c) require, or authorise any person to require, any work to be carried out at the expense of any person interested in the land except as hereafter in this section expressly provided.
- (4) <sup>F29</sup>Where, as regards any access agreement or order made by Scottish Natural Heritage or a general or district planning authority, it appears to it or them] that any work is required for giving effect to any such provision of <sup>F29</sup>the] agreement or order as is specified in paragraphs (a), (b), (c) and (e) of subsection (2) above, <sup>F30</sup>Scottish Natural Heritage or, as the case may be,] the authority may agree with the owner and occupier of the land as to the carrying out of the work, and where it is agreed that it shall be carried out otherwise than by <sup>F31</sup>Scottish Natural Heritage or the authority, it or, as the case may be, they] may defray the cost of the carrying out thereof, or may contribute such part of that cost as may be specified in the agreement.
- (5) If, in a case falling within the last foregoing subsection—
- (a) <sup>F32</sup>Scottish Natural Heritage or, as the case may be, the general or district planning authority] are unable to make an agreement, or
- (b) the owner or occupier fails to carry out within a reasonable period any work which he has agreed to carry out,
- <sup>F32</sup>Scottish Natural Heritage or, as the case may be, the general or district planning authority], after giving to the owner and the occupier not less than fourteen days' notice of <sup>F33</sup>its or] their intention so to do, may take all necessary steps for carrying out the work; and where, in a case to which paragraph (b) of this subsection applies, the agreement provided that <sup>F34</sup>Scottish Natural Heritage or, as the case may be,] the authority should contribute part of the cost of carrying out the work, <sup>F34</sup>Scottish Natural Heritage or, as the case may be,] the authority may recover the amount of any expenses reasonably incurred by <sup>F35</sup>it or] them in carrying out the work, reduced by <sup>F36</sup>its or] their contribution under the agreement, from the person by whom under the agreement the cost (apart from the <sup>F37</sup>contribution of Scottish Natural Heritage or, as the case may be, the authority]) of carrying out the work fall to be borne.
- (6) In this section the expression “means of access,” in relation to land, means any opening in a wall, fence or hedge bounding the land or any part thereof, with or without a gate, stile or other works for regulating passage through the opening, any stairs or steps for enabling persons to enter on the land or any part thereof, or any bridge, stepping stone or other works for crossing a water-course, ditch or bog on the land or adjoining the boundary thereof.

*Status: Point in time view as at 01/04/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part II. (See end of Document for details)*

### Textual Amendments

- F29** Words in s. 17(4) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 7(2)(a)(b); S.I. 1991/2633, [art.4](#).
- F30** Words in s. 17(4) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 7(2)(c); S.I. 1991/2633, [art.4](#).
- F31** Words in s. 17(4) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 7(2)(d); S.I. 1991/2633, [art.4](#).
- F32** Words in s. 17(5) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 7(3)(a); S.I. 1991/2633, [art.4](#).
- F33** Words in s. 17(5) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 7(3)(b); S.I. 1991/2633, [art. 4](#).
- F34** Words in s. 17(5) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 7(3)(c); S.I. 1991/2633, [art. 4](#).
- F35** Words in s. 17(5) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 7(3)(d); S.I. 1991/2633, [art.4](#).
- F36** Words in s. 17(5) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 7(3)(e); S.I. 1991/2633, [art.4](#)
- F37** Words in s. 17(5) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act \(c. 28, SIF 46:1\)](#), s. 13, Sch. 3, para. 7(3)(f); S.I. 1991/2633, [art.4](#).

## 18 Power of local planning authority to enforce access.

- (1) If any person contravenes the provisions of section 16(1) above, or any such restriction as is specified in paragraph (d) of subsection (2) of [<sup>F38</sup>section 17 of this Act—
- (a) if the agreement or order was made by Scottish Natural Heritage, it;
  - (b) if the agreement or order was made by the general or district planning authority, they,]

may serve on that person a notice requiring him, within such period as may be specified in the notice, to carry out such work so specified as may appear to [<sup>F39</sup>Scottish Natural Heritage or, as the case may be,] the authority to be requisite for remedying the contravention, being work for restoring or re-opening any means of access or for providing new means of access.

- (2) If within the period specified in a notice under the foregoing subsection the person on whom the notice is served fails to comply therewith, [<sup>F40</sup>Scottish Natural Heritage or, as the case may be, the general or district planning authority] may take all necessary steps for carrying out the work specified in the notice and may recover from that person any expenses reasonably incurred by [<sup>F41</sup>it or] them in carrying it out.

- (3) Any person on whom a notice is served under subsection (1) above may, at any time within the period specified in the notice for carrying out the work so specified, appeal against the notice to the sheriff on the ground—

- (a) that the period specified as aforesaid is too short;
- (b) that the work specified in the notice, or some of that work, is not requisite for remedying the contravention;
- (c) that he has not contravened the provisions or restriction in question; or
- (d) that the work specified in the notice, or so much of the work as is requisite for remedying the contravention, has been carried out.

- (4) On any such appeal the sheriff, if satisfied of the grounds of the appeal, may—

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- (a) extend the period within which the work was required to be carried out by the notice, or
  - (b) quash the notice as respects the whole or any part of the work specified therein, as the nature of the appeal may require; but if not so satisfied shall dismiss the appeal.
- (5) The sheriff on such an appeal to him may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and an appeal shall lie to the Court of Session on any question of law from the decision of the sheriff.
- (6) Where an appeal is taken under this section, the time between the taking of the appeal and the final determination thereof shall be disregarded in determining the period within which, in accordance with the notice, the work specified therein is to be carried out.

#### **Textual Amendments**

- F38** Words in s. 18(1) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 8(2)(a); S.I. 1991/2633, [art. 4](#).
- F39** Words in s. 18(1) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 8(2)(b); S.I. 1991/2633, [art. 4](#).
- F40** Words in s. 18(2) expressed to be inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 8(3)(a); S.I. 1991/2633, [art. 4](#).
- F41** Words in s. 18(2) expressed to be substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 8(3)(b); S.I. 1991/2633, [art. 4](#).

## **19 Suspension of public access to avoid risk of fire.**

If the Secretary of State is satisfied that, by reason of any conditions of weather for the time being prevailing, public access to land comprised in an access agreement or order or any part thereof is likely to result in fires occurring thereon, he may direct that section 11(1) above shall not have effect in relation to such parts of the land and during such period as may be specified in the direction.

## **<sup>F42</sup>20 Compensation for access orders.**

[<sup>F42</sup>(1)] Where the value of the interest of any person in land is depreciated, or any person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of an access order, then subject to the following provisions of this Part of this [<sup>F43</sup>Act][<sup>F44</sup>—

- (a) where the order was made by Scottish Natural Heritage, it; or
- (b) where the order was made by a general or district planning authority, they,]

shall pay to that person compensation equal to the amount of the depreciation or damage:

<sup>F45</sup> . . . [<sup>F42</sup> (2)] Nothing in this section shall confer on a person a right to compensation for depreciation of the value of an interest in land or for disturbance in his enjoyment of land, being land which in either case is not comprised in the order or if so comprised is excepted land, except if and in so far as either—

- (a) it is held with land comprised in the order which is not excepted land, or

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- (b) the omission of any other person to exclude the public from the land comprised in the order or any part thereof would have been actionable at the instance of the first-mentioned person if the access order had not come into operation.

#### Textual Amendments

- F42** S. 20 renumbered (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3 para. 9\(2\)\(3\)](#); S.I. 1991/2633, [art.4](#).
- F43** Word substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 9, [Sch. 1 Pt. I, Pt. II, para. 8](#)
- F44** Words in s. 20 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3 para. 9\(2\)](#); S.I. 1991/2633, [art. 4](#)
- F45** Words in s. 20 omitted (01.04.1992) by virtue of [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3 para. 9\(3\)](#); S.I. 1991/2633, [art.4](#).

## 21 Compensation to be assessed with regard to effect of first five years of access.

- (1) For the purpose of enabling compensation under the last foregoing section to be assessed in the light of experience gained of the actual effect on land of the coming into operation of access orders, any such compensation shall not, save as hereinafter provided, be claimed or payable before the expiration of a period of five years from the coming into operation of the order giving rise to the compensation (in this and the next following section referred to as “the relevant order”).
- (2) Nothing in the foregoing subsection shall be construed as requiring such compensation to be assessed as at a date later than the date of the coming into operation of the relevant order; but in calculating the compensation it shall be assumed that on a sale at that date of the interest in respect of which the compensation is claimed, the purchaser would have had knowledge—
- (a) of the actual effect during the said period, on the land in which the said interest subsists and the use of that land, of the coming into operation of the relevant order;
- (b) of the fact and date of any revocation or variation during that period of the relevant order;
- (c) of the fact and date of any changes during that period, as respects land comprised in the relevant order, from or to excepted land.
- (3) If during the said period of five years the relevant order is revoked or varied so as to exclude from the operation thereof any land not being excepted land, the foregoing provisions of this section shall thereupon have effect, so far as concerns any claim for compensation in respect of the operation of the relevant order as respects the said land, as if for any reference to the said period of five years there were substituted a reference to the period beginning with the coming into operation of the relevant order and ending with the said revocation or variation.
- (4) Where at different times within a period of five years two or more areas of land which are contiguous or adjacent to one another become comprised in access orders, and any person has an interest in each of those areas, then, with consent of every person having an interest in each of the areas other than the one first so comprised, the foregoing provisions of this section shall apply in relation to each of the last-mentioned areas with the substitution for any reference to the period of five years from the coming into operation of the order by virtue of which that area became so comprised as aforesaid

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of a reference to a period of five years from the coming into operation of the order by virtue of which the first of the areas became so comprised.

## 22 Claims for compensation and interest.

- (1) Any person claiming to be entitled to an interest in land in respect of the depreciation or the disturbance in the enjoyment of which compensation will become payable under section 20 above may apply to the [<sup>F46</sup>body by which] the compensation will be payable to record his claim; and where an application is duly made under this subsection the [<sup>F47</sup>body] shall record the claim accordingly in such manner as may be prescribed.
- (2) An application under the foregoing subsection shall be made in such manner and within such period (not being less than three months) after the date when the relevant order came into operation as may be prescribed, and shall be accompanied by such particulars of the interests in land in respect of which it is made as may be prescribed: Provided that nothing in this subsection shall authorise the imposition of any requirement that an applicant under the foregoing subsection shall state the amount of the compensation.
- (3) Within such period as may be prescribed (not being less than three months) after the end of the period after which under the last foregoing section compensation may be claimed, any person who has applied under subsection (1) above for the recording of a claim to compensation, or any person claiming under him in respect of that compensation, may apply to the [<sup>F48</sup>body by which compensation is payable], in such manner as may be prescribed, for the payment of the compensation.
- (4) An application under the last foregoing subsection shall state the amount of compensation claimed by the applicant; and the application shall be accompanied by such evidence of the title of the applicant to the compensation as may be prescribed.
- (5) Any compensation payable under section 20 above shall become due when, on an application for the payment thereof duly made under subsection (3) above, the amount of the compensation has been agreed or, in default of agreement, has been determined in manner provided under section 70 below; and any such compensation shall be payable with interest, at such rate as may be prescribed, from the date on which the relevant order came into operation to the date at which the compensation is paid.

### Textual Amendments

- F46** Words in s. 22(1) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 10(2)(a); S.I. 1991/2633, [art.4](#).
- F47** Word in s. 22(1) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 10(2)(b); S.I. 1991/2633, [art.4](#).
- F48** Words in 22(3) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 10(3); S.I. 1991/2633, [art.4](#).

## 23 Payments on account in special circumstances.

- (1) At any time during the period after which, under section 21 above, compensation may be claimed in respect of the coming into operation of an order, a person claiming to be entitled to such compensation may apply to the [<sup>F49</sup>body by which compensation is payable] for a payment on account of the compensation on the ground of special circumstances; and if the [<sup>F50</sup>body is] satisfied that such circumstances exist [<sup>F51</sup>it] shall

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make to him a payment on account of the compensation of such amount as [F51:it] may determine.

- (2) Any person aggrieved by the refusal of a [F52:body] to make a payment on account under the last foregoing subsection, or by [F53:its] determination thereunder of the amount of the payment to be made to him, may appeal to the Secretary of State; and the Secretary of State, after affording to the said person and to the [F52:body] an opportunity of being heard by a person appointed by the Secretary of State for the purpose, may either confirm the decision of the [F52:body] or direct that [F54:it] shall make a payment on account of such amount as appears to the Secretary of State to be just.

#### Textual Amendments

- F49** Words in s. 23(1) substituted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, Sch. 3, para. 11(2)(a); S.I. 1991/2633, art.4.
- F50** Words in s. 23(1) substituted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, Sch. 3, para. 11(2)(b); S.I. 1991/2633, art.4.
- F51** Word in s. 23(1) substituted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, Sch. 3, para. 11(2)(c); S.I. 1991/2633, art.4.
- F52** Word in s. 23(2) substituted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, Sch. 3, para. 11(3)(a); S.I. 1991/2633, art.4.
- F53** Word in s. 23(2) substituted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, Sch. 3, para. 11(3)(b); S.I. 1991/2633, art.4.
- F54** Word in s. 23(2) substituted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, Sch. 3, para. 11(3)(c); S.I. 1991/2633, art.4.

## 24 Acquisition by local planning authorities of land for public access.

- (1) Where it appears [F55:to Scottish Natural Heritage as respects any land in Scotland or] to [F56:a general or district planning] authority, as respects any land in their area which is or which gives or forms part of access to open country,—
- (a) that it is requisite that the public should have access to that open country for open-air recreation; and
- (b) that in the circumstances it is expedient that for that purpose the land should be acquired by [F57: Scottish Natural Heritage or, as the case may be, the general or district planning authority],
- [F58:Scottish Natural Heritage or, as the case may be,] the authority . . . F59 may, . . . F59 acquire the land by agreement, whether by way of purchase, feu, lease or excambion [F60:or, with the consent of the Secretary of State, acquire the land compulsorily: provided that the authority may not acquire the land compulsorily unless it is impracticable to obtain such access by an access agreement or an access order.].
- (2) [F61:Scottish Natural Heritage or, as the case may be, a general or district planning authority] may carry out on land acquired by [F62:it or] them for the purposes of this section, and for the time being held by [F62:it or] them for those purposes, such work as [F63:it or] they may consider requisite for providing convenient means of access to the land or otherwise for the said purposes.
- (3) While land acquired by [F64:Scottish Natural Heritage or, as the case may be, a general or district planning authority] under this section is held by [F65:it or] them for the purposes thereof, it shall be the duty of [F66:Scottish Natural Heritage or] the authority so to manage the land as to give to the public access for open-air recreation to so much

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thereof as appears to [<sup>F66</sup>Scottish Natural Heritage or] the authority to be practicable, having regard to the nature of the different parts of the land, to anything done thereon which may result in danger to the public or to persons employed thereon unless public access to the land or to adjoining land is restricted, and to all other relevant circumstances.

#### Textual Amendments

- F55** Words in s. 24(1) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 12(2)(a); S.I. 1991/2633, [art.4](#).
- F56** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 9, [Sch. 1 Pt. I](#), Pt. II, para. 9
- F57** Words in s. 24(1)(b) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 12(2)(b); S.I. 1991/2633, [art.4](#).
- F58** Words in s. 24(1) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 12(2)(c); S.I. 1991/2633, [art.4](#).
- F59** Words repealed by [Countryside \(Scotland\) Act 1982 \(c. 44, SIF 46:1\)](#), [Sch. 2](#).
- F60** Words substituted by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), s. 4.
- F61** Words in s. 24(2) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 12(3)(a); S.I. 1991/2633, [art.4](#).
- F62** Words in s. 24(2) inserted (prosp.) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 12(3)(b); S.I. 1991/2633, [art.4](#).
- F63** Words in s. 24(2) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 12(3)(c); S.I. 1991/2633, [art.4](#).
- F64** Words in s. 24(3) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 12(4)(a); S.I. 1991/2633, [art.4](#).
- F65** Words in s. 24(3) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 12(4)(b); S.I. 1991/2633, [art.4](#).
- F66** Words in s. 24(3) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 12(4)(c); S.I. 1991/2633, [art. 4](#).

## 25 Acquisition by Secretary of State of land for public access.

- (1) Where it appears to the Secretary of State, as respects any land which is or which gives or forms part of access to open country—
- (a) that it is requisite that the public should have access to that open country for open-air recreation; and
  - (b) that in the circumstances it is expedient that for that purpose the land should be acquired by him,
- the Secretary of State may, with the consent of the Treasury, acquire the land by agreement, whether by way of purchase, feu, lease or excambion, or acquire the land compulsorily.
- (2) Unless in any particular case the Secretary of State otherwise determines, any land acquired by the Secretary of State under this section shall be transferred to such other persons on such trusts or subject to such conditions as may appear to him expedient for securing to the public access for open-air recreation to so much thereof as appears to the Secretary of State to be practicable, having regard to the matters mentioned in subsection (3) of the last foregoing section.
- (3) Subject to the provisions of the last foregoing subsection, the transfer of land under that subsection may be on such terms as to payment or otherwise as may, with the



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consent of the Treasury, be provided for by the arrangements for the transfer; and where the arrangements so provide the Secretary of State may defray or contribute to the cost of managing the land while it is managed in accordance with the trusts or conditions referred to in the last foregoing subsection.

- (4) The Secretary of State may carry out on land acquired by him for the purposes of this section, and for the time being held by him for those purposes, such work as he may consider requisite for providing convenient means of access to the land or otherwise for the said purposes, or may arrange for any such work to be carried out by persons to whom the land is transferred.
- (5) The Secretary of State may defray the cost of managing any land acquired by him under this section and not transferred to other persons.

## 26 Maps of land subject to public access.

- (1) A local planning authority whose area comprises any land—
  - (a) which is subject to an access agreement or order, or
  - (b) which has been acquired under either of the two last foregoing sections and is for the time being held for the purpose for which it was acquired,shall prepare and keep up to date a map, on such scale as may be prescribed, defining in such manner as may be prescribed—
  - (i) the land subject to the agreement or order or the land acquired and held as aforesaid, as the case may be;
  - (ii) in the case of land subject to such an agreement or order, any land comprised therein which is excepted land;
  - (iii) in the case of land acquired and held as aforesaid, any land comprised therein from which, for the purpose of avoiding danger to the public or to persons employed thereon or for any other reason, the public are excluded.
- (2) An authority who are required by the foregoing subsection to prepare and keep up to date any map shall, so long as they are required so to do, have copies of the map and of the notices referred to in paragraph (b) below available for inspection by the public at such places as the authority may determine; and the authority shall display, at such places as they think fit, including places where the public obtain access to the land to which the map relates—
  - (a) reproductions of the map on an appropriate scale,
  - (b) notices specifying any restrictions on access to the land or any part thereof, whether the restrictions have effect by virtue of any of the provisions of this Part of this Act or otherwise.
- [<sup>F67</sup>(3) Scottish Natural Heritage shall, within 14 days of—
  - (a) an access agreement having been made by it; or
  - (b) an access order made by it having been confirmed,send to the general or district planning authority in whose area the land to which the agreement or order applies is situated a copy of such agreement or order.]

### Textual Amendments

**F67** S. 26(3) inserted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, Sch. 3, para.13; S.I. 1991/2633, art.4.

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## 27 Provisions as to danger areas.

- (1) The [F68body] making an access agreement or order shall, after consulting with the owner and occupier of any land concerned, so delimit the land to which the agreement or order applies as to exclude all land which, by reason of anything done thereon or on other land contiguous or adjacent thereto, it appears to the [F68body] expedient to exclude for the purpose of avoiding danger to the public or to persons employed on any of the said land.
- (2) Where, while an access agreement or order is in force, [F69body by which] the agreement or order was made are satisfied, as respects any land to which the agreement or order applies, that by reason of anything done or proposed to be done on that land or on other land contiguous or adjacent thereto it is expedient for the purpose aforesaid that the first-mentioned land should be excluded from the operation of the agreement or order, the [F70body] shall vary the agreement or order so as to exclude that land.
- (3) The fact that an access agreement is expressed to be irrevocable shall not prevent its variation in pursuance of the last foregoing subsection; and where the concurrence of any party to an access agreement other than the [F71body], or of the successor in title to his interest, cannot be obtained to the variation of the agreement in pursuance of that subsection, the [F71body] may by order . . . F72 vary the agreement.
- (4) [F73Scottish Natural Heritage or, as the case may be,][F74a general or district planning] authority shall have power, as respects any land which is subject to an access agreement or order, or as respects land held by [F75Scottish Natural Heritage or]the authority to which section 26(1)(b) above applies, to take such steps and carry out such work (including the erection and maintenance of fences or notices) as appear to [F76;it or] them requisite for protecting the public from any source of danger on the land or on adjoining land.
- (5) The provisions of the last foregoing subsection shall apply to the Secretary of State as respects land for the time being held by him under section 25 above as they apply to [F77Scottish Natural Heritage or a general or district planning authority as respects land held by it or them].
- (6) The application of section 11 above to any land shall not, in relation to any factory, magazine, store or premises already established, constitute the land an open place of resort for the public, or a public place, for the purposes of the Explosives Acts 1875 and 1923, or any order made or licence granted thereunder.
- (7) The application of the said section 11 to any land shall, in relation to any factory, magazine, store or premises subsequently established, constitute the land such a place as aforesaid for the purposes of the said Acts or any such order or licence.

### Textual Amendments

- F68** Word in s. 27(1) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 14(2); S.I. 1991/2633, [art. 4](#)
- F69** Words in s. 27(2) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 14 (3)(a); S.I. 1991/2633, [art. 4](#)
- F70** Word in s. 27(2) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 14(3)(b); S.I. 1991/2633, [art. 4](#)
- F71** Word in s. 27(3) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 13, [Sch. 3](#), para. 14(4); S.I. 1991/2633, [art. 4](#)
- F72** Words repealed by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), [Sch. 2](#)

*Status: Point in time view as at 01/04/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part II. (See end of Document for details)*

- F73** Words in s. 27(4) inserted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para. 14(5)(a); S.I. 1991/2633, **art.4**
- F74** Words substituted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 9, **Sch. 1 Pt. I**, Pt. II para. 10
- F75** Words in s. 27(4) inserted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para. 14(5)(b); S.I. 1991/2633, **art.4**
- F76** Words in s. 27(4) inserted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1) s. 13, Sch. 3, para. 14(5)(c); S.I. 1991/2633, **art. 4**
- F77** Words in s. 27(5) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para. 14(6); S.I. 1991/2633, **art.4**

## 28 Boundary notices.

[<sup>F78</sup>Where Scottish Natural Heritage or, as the case may be, a general or district planning authority have made an access agreement or order it or they] shall have power to erect and maintain notices or other means of indicating the boundaries of land comprised in [<sup>F79</sup>such] an access agreement or order and of excepted land.

### Textual Amendments

- F78** Words in s. 28 substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para. 15(1)(a); S.I. 1991/2633, **art.4**
- F79** Word in s. 28 inserted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para. 15(1)(b); S.I. 1991/2633, **art.4**

## 29 Power of local planning authority to contribute to work carried out by other persons.

[<sup>F80</sup>Scottish Natural Heritage or, as the case may be,]<sup>F81</sup>a general or district planning authority shall have power, as respects any land <sup>F82</sup>. . . which is subject to an access agreement or order [<sup>F83</sup>made by it or them], to defray or contribute towards, or to undertake to defray or contribute towards, expenditure incurred or to be incurred in relation to the land by any person interested therein in taking such steps or carrying out such work as is mentioned in section 27(4) above, or in erecting and maintaining such notices or other means of indicating boundaries as are mentioned in the last foregoing section or section 26(2) above.

### Textual Amendments

- F80** Words in s. 29 inserted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para. 16(2); S.I. 1991/2633, **art.4**
- F81** Words substituted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 9, **Sch. 1 Pt. I**, Pt. II para. 10
- F82** Words in s. 29 omitted (1.4.1992) by virtue of Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para. 16(3); S.I. 1991/2633, **art.4**
- F83** Words in s. 29 inserted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 13, **Sch. 3**, para. 16(4); S.I. 1991/2633, **art.4**

**Status:**

Point in time view as at 01/04/1992.

**Changes to legislation:**

There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part II.