



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART III

PUBLIC PATHS AND LONG-DISTANCE ROUTES

Miscellaneous Provisions relating to Rights of Way

^{F1}43 **Ploughing of public rights of way.**

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Textual Amendments

F1 S. 43 repealed (9.2.2005) by [Land Reform \(Scotland\) Act 2003 \(asp 2\)](#), s. 100(3), [Sch. 2 para. 4\(c\)](#) (with s. 100(2), [Sch. 2 paras. 6, 7](#)); [S.S.I. 2005/17](#), art. 2(b)

44 Pasturing of bulls.

- (1) No person shall, being the occupier of any field or enclosure through which there is a public right of way, permit any bull to be at large in such field or enclosure:
Provided that this section shall not apply to any bull which—
 - (a) does not exceed the age of 10 months; or
 - (b) is not of a recognised dairy breed and is at large in any field or enclosure in which cows or heifers are also at large.
- (2) A person who fails to comply with the foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F2}level 3 on the standard scale].

Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Cross Heading: Miscellaneous Provisions relating to Rights of Way. (See end of Document for details)

Textual Amendments

- F2** Words substituted by virtue of [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), **s. 6(d)** and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G** (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 54**)

45 Power to authorise erection of stiles, etc., on public rights of way.

- (1) Where the owner, tenant or occupier of land which is used or being brought into use for agriculture or forestry represents to the authority responsible under section 46(1) below for the protection of a public right of way which crosses the land that, for securing that the use, or any particular use, of the land for agriculture or forestry shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the way, the authority may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.
- (2) ^{F3}
- (3) Where an authorisation is granted by an authority under subsection (1) above . . . ^{F4}, the right of way shall be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached thereto are complied with.
- (4) Nothing in the provisions of this section shall prejudice any limitation or condition having effect apart from those provisions.

Textual Amendments

- F3** 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**
- F4** Words repealed by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), **Sch. 2**

46 Protection and maintenance of rights of way.

- (1) It shall be the duty of a local planning authority to assert, protect and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area, and they may for these purposes institute and defend legal proceedings and generally take such steps as they may deem expedient.
- (2) [^{F5}A] local planning authority may repair and maintain any public right of way (not being a [^{F6}public] road or a [^{F7}footway]) within their area, but this power shall not relieve any other authority or person from any liability with respect to such repair or maintenance.
- (3) Any person may with the consent of the local planning authority erect and maintain guide posts and direction notices on any public right of way other than a [^{F8}public] road.
- (4) Section 42 of the ^{M1} Local Government (Scotland) Act 1894 is hereby repealed

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[^{F9}(5) The references in subsections (1) to (3) above to planning authorities shall be construed as references to planning authorities which carry out district planning functions; and in this subsection “district planning functions” has the same meaning as in Part IX of the ^{M2}Local Government (Scotland) Act 1973.]

Textual Amendments

- F5** Word substituted by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), [s. 7\(a\)](#)
- F6** Word inserted in s. 46(2) (1.4.1995) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 72\(2\)](#); [S.I. 1995/702, art. 3\(d\)\(i\)](#)
- F7** Word substituted by [Roads \(Scotland\) Act 1981 \(c. 44, SIF 108\)](#), [Sch. 9 para. 60\(2\)\(a\)](#)
- F8** Word inserted by [Roads \(Scotland\) Act 1981 \(c. 44, SIF 108\)](#), [Sch. 9 para. 60\(2\)\(b\)](#)
- F9** [S. 46\(5\)](#) added by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 108\)](#), [s. 7\(b\)](#)

Modifications etc. (not altering text)

- C1** [S. 46](#) extended (with modifications) (8.9.2000) by [2000 asp 10, s. 36](#), [Sch. 5 para. 2\(1\)\(2\)](#) (with [s. 32](#)); [S.S.I. 2000/312, art. 2](#)
- C2** The text of [s. 46\(4\)](#), [52\(1\)](#), [58\(5\)\(6\)](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** [1894 c. 58](#).
- M2** [1973 c. 65\(81:27\)](#).

47 Interpretation of Part III.

In this Part of this Act, unless the context otherwise requires—

“bridleway” means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along that way;

“footpath” means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot with or without a right of way on pedal cycles;

“horse” includes pony, ass and mule, and “horseback” shall be construed accordingly;

“public path” has the meaning assigned to it in section 30 of this Act [^{F10}]; and

“public road” has the same meaning as in the ^{M3}Roads (Scotland) Act 1984.

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[^{F11} and references to a right of way do not include references to access rights within the meaning of section 1 of the Land Reform (Scotland) Act 2003 (asp 2)]

Textual Amendments

- F10** Definition added by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 60\(3\)](#)
- F11** Words in [s. 47](#) inserted (9.2.2005) by [Land Reform \(Scotland\) Act 2003 \(asp 2\)](#), [s. 100\(3\)](#), [Sch. 2 para. 5](#) (with [s. 100\(2\)](#)); [S.S.I. 2005/17, art. 2\(b\)](#)

Changes to legislation: *There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Cross Heading: Miscellaneous Provisions relating to Rights of Way. (See end of Document for details)*

Marginal Citations

M3 1984 c. 54(108).

Changes to legislation:

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