



# Countryside (Scotland) Act 1967

## 1967 CHAPTER 86

### PART III

#### PUBLIC PATHS AND LONG-DISTANCE ROUTES

##### *Miscellaneous Provisions relating to Rights of Way*

#### 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) [<sup>F1</sup>A] local planning authority may repair and maintain any public right of way (not being a [<sup>F2</sup>public] road or a [<sup>F3</sup>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 [<sup>F4</sup>public] road.
- (4) Section 42 of the <sup>M1</sup> Local Government (Scotland) Act 1894 is hereby repealed
- [<sup>F5</sup>(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 <sup>M2</sup>Local Government (Scotland) Act 1973.]

#### Textual Amendments

- F1** Word substituted by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\), s. 7\(a\)](#)
- F2** 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\(d\)\(i\)](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Section 46. (See end of Document for details)*

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- F3** Word substituted by [Roads \(Scotland\) Act 1981 \(c. 44, SIF 108\)](#), **Sch. 9 para. 60(2)(a)**
- F4** Word inserted by [Roads \(Scotland\) Act 1981 \(c. 44, SIF 108\)](#), **Sch. 9 para. 60(2)(b)**
- F5** [S. 46\(5\)](#) added by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 108\)](#), **s. 7(b)**

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**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.

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**Marginal Citations**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Section 46.