



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART IV

FURTHER POWERS OF CERTAIN AUTHORITIES

54 Byelaws.

[^{F1}(1) A local authority may, as respects land in their area belonging to them and situated in the countryside, and [^{F2}a general or district planning] authority may, as respects—

- (a) a public path created—
 - (i) in accordance with a public path creation agreement to which they are party;
 - (ii) by a public path creation order made by them and confirmed where necessary by the Secretary of State; or
 - (iii) by a public path diversion order made by them and confirmed where necessary by the Secretary of State;

- (b) a long-distance route which passes through their area;
- (c) a public right of way in relation to which a duty is imposed on them by section 46(1) of this Act;

[a country park provided by them under section 48 of this Act; . . .]^{F4}

- ^{F3}(d) (e) land or a waterway—
 - (i) in relation to which an agreement or order has been made by them for the purpose of giving access to the public;
 - or
 - (ii) to which the public are given access in consequence of acquisition by the authority [^{F5}; or

- (f) a picnic site managed by them by virtue of section 4 of the Roads (Scotland) Act 1984,]

make byelaws for the preservation of order, for the prevention of damage to the land, path, route, right of way, park [^{F6}, waterway or picnic site] or anything thereon, therein,

*Changes to legislation: There are currently no known outstanding effects for the
 Countryside (Scotland) Act 1967, Section 54. (See end of Document for details)*

or adjacent thereto, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land, path, route, right of way, park ^{F6}, waterway or picnic site] by other persons.

(1A) In subsection (1) above—

“ long-distance ” means a route in relation to which there are approved proposals under section 40 of this Act (or approved proposals having effect subject to the provisions of a report or direction under section 42 of this Act) and includes any road forming part of the route and any ferry, proposals for the provision and operation of which are included in the approved proposals; and “ public path ” has the meaning assigned to it in section 30 of this Act.]

(2) Without prejudice to the generality of the foregoing subsection, byelaws under that subsection may prohibit, restrict or regulate—

- (a) the use of the land, [^{F7}path, route, right of way,] park [^{F8}, waterway or picnic site], either generally or in any manner specified in the byelaws, by traffic of any description, or for any recreational purpose, so specified;
- (b) the use of the waterway by boats which are not for the time being registered with the authority in such manner as the byelaws may provide, and may authorise the authority to make reasonable charges in respect of the registration of boats in pursuance of the byelaws;
- (c) the depositing of rubbish and the leaving of litter;
- (d) the lighting of fires;

and may be made so as to relate either to the whole or to any part of the land, [^{F7}path, route, right of way] park [^{F8}, waterway of picnic site], and may make different provisions for different parts thereof.

(3) Before making byelaws under the foregoing provisions of this section a local authority may . . . ^{F9} consult with

- [^{F10}(a)] [^{F11}Scottish Natural Heritage][^{F12}and
- (b) where a byelaw is to apply in any part of a National Park, the National Park authority.]

^{F13}[(4) Scottish Natural Heritage may in relation to land—

- (a) owned or managed by it; or
- (b) to which an access agreement or order made by it applies,

make byelaws with respect to any of the matters mentioned in the foregoing provisions of this section.]

^{F14}[(5) In this section “ local authority ” [^{F15} includes a planning authority] .]

^{F16}[(5A) Byelaws made under this section in relation to long-distance routes shall not come into operation in relation to any part of the route until—

- (a) the Secretary of State’s approval of the route under section 40 of this Act has been notified to the local authority or planning authority as the case may be; and
- (b) access over that part of the route is available to the public.]

(6) Byelaws made under this ^{F17}... shall not interfere with the exercise of any public right of way or navigation or of any functions of statutory undertakers or any port authority [^{F18}or with the running of [^{F19}an electronic communications code network] or the exercise of any right conferred by or in accordance with [^{F20}the electronic communications code] on the operator of any [^{F21}such network].]

Changes to legislation: There are currently no known outstanding effects for the
Countryside (Scotland) Act 1967, Section 54. (See end of Document for details)

Textual Amendments

- F1** S. 54(1)(1A) substituted for s. 54(1) by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), **s. 10(1)**
- F2** Words substituted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), **s. 9 Sch. 1 Pt. I, Pt. II para. 21(a)**
- F3** S. 54(1)(d) ceases to have effect for specified purposes (8.9.2000) by virtue of 2000 asp 10, s. 36, **Sch. 5 para. 2(5)(6)** (with s. 32); S.S.I. 2000/312, **art. 2**
- F4** Word repealed by Roads (Scotland) Act 1984 (c. 54, SIF 108), Sch. 9 para. 60(5)(a)(i), **Sch. 11**
- F5** Words inserted by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 60(5)(a)(ii)**
- F6** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 60(5)(a)(iii)**
- F7** Words inserted by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), **s. 10(2)**
- F8** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 60(5)(b)**
- F9** Words repealed by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), **Sch. 2**
- F10** Words in s. 54(3) renumbered as s. 54(3)(a) (8.9.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 2(7)(a)** (with s. 32); S.S.I. 2000/312, **art. 2**
- F11** Words in s. 54(3) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), **s. 14(3)**; S.I. 1991/2633, **art. 4**
- F12** S. 54(3)(b) and word “and” immediately preceding it inserted (8.9.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 2(7)(b)** (with s. 32); S.S.I. 2000/312, **art. 2**
- F13** S. 54(4) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 27(1), **Sch. 10, para. 4(4)**; S.I. 1991/2633, **art. 4**
- F14** S. 54(5) substituted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 9, **Sch. 1 Pt. I, Pt. II para. 21(b)**
- F15** Words in s. 54(5) substituted (1.4.1996) by 1994 c. 39, **s. 180(1) Sch. 13 para. 72(6)**; S.I. 1996/323, **art. 4(1)(c)**
- F16** S. 54(5A) added by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), **s. 10(3)**
- F17** Words in s. 54(6) repealed (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), s. 100(3), **Sch. 2 para. 4(d)** (with s. 100(2), Sch. 2 paras. 6, 7); S.S.I. 2005/17, art. 2(b)
- F18** Words inserted by Telecommunications Act 1984 (c. 12, SIF 96), **Sch 4 para. 46(4)**
- F19** Words in s. 54(6) substituted (17.9.2003) by Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 1(1), **Sch. 1 para. 5(4)(a)**
- F20** Words in s. 54(6) substituted (17.9.2003) by Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 1(1), **Sch. 1 para. 5(4)(b)**
- F21** Words in s. 54(6) substituted (17.9.2003) by Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 1(1), **Sch. 1 para. 5(4)(c)**

Modifications etc. (not altering text)

- C1** S. 54(6) 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)**

Changes to legislation:

There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Section 54.