



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART V

GENERAL, FINANCIAL AND SUPPLEMENTARY

78 Interpretation

(1) In this Act unless the context otherwise requires—

[^{F1} “ the Act of 1997 ” means the Town and Country Planning (Scotland) Act 1997;]

“agricultural land” means land used for the purposes of agriculture within the meaning of section 86(3) of the ^{M1}Agriculture (Scotland) Act 1948 and “agricultural purposes” shall be construed accordingly;

^{F2}

“boat” includes any hover vehicle or craft being a vehicle or craft designed to be supported on a cushion of air and which is used on or over water;

^{F3}

^{F4}

“enactment” has the same meaning as in [^{F5}the Act of 1997];

[^{F6}“ footway ” has the same meaning as in the Roads (Scotland) Act 1984;]

“function” includes power and duty;

“interest”, in relation to land, includes any right over land, whether the right is exercisable by virtue of [^{F7} ownership] or by virtue of a licence or agreement, and in particular includes sporting and fishing rights;

“land” includes land covered by water and, in relation to the acquisition or disposal of land by virtue of this Act, any right or interest in or over land;

“livestock rearing land” has the meaning assigned to it by section 1(3) of the ^{M2}Livestock Rearing Act 1951;

“local authority” [^{F8}means a [^{F9}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

*Changes to legislation: There are currently no known outstanding effects for the
 Countryside (Scotland) Act 1967, Section 78. (See end of Document for details)*

“local planning authority” [^{F10}means a general, regional or district planning authority within the meaning of Part IX of the ^{M3}Local Government (Scotland) Act 1973.]

“open country” has the meaning assigned to it by section 10(2) of this Act;

“owner”, in relation to land, means the person who, for the time being, receives, or, if the land were let, would be entitled to receive the rent of the land, or who, in the case of land which is unlet, is entitled to occupy the land, and includes any trustee, tutor, curator, factor, agent or other person receiving the rent on behalf of any other person, and also a joint owner;

“prescribed” means prescribed by regulations made by statutory instrument by the Secretary of State subject to annulment in pursuance of a resolution of either House of Parliament;

“public body” includes any local authority, local planning authority or statutory undertaker, and any trustees, commissioners, board or other persons who as a public body and not for their own profit act under any enactment for the improvement of any place or the production or supply of any commodity or service;

[^{F11} “ refreshments ” includes [^{F12}alcohol within the meaning of section 2 of the Licensing (Scotland) Act 2005 (asp 16)];]

[^{F13} “ road ” has the same meaning as in the Roads (Scotland) Act 1984;]

“statutory undertakers” and “statutory undertaking” have the meanings assigned to them by [^{F14}section 217 of the Act of 1997];

^{F15}

“waterway” means any loch, lake, river, reservoir, canal or other waters, being (in any case) water suitable, or which can reasonably be rendered suitable, for sailing, boating, bathing, fishing or other water sport or recreation.

- (2) References in this Act to the conservation of natural beauty of an area shall be construed as including references to the conservation of features of geological or physiographical interest therein and of the flora and fauna thereof.
- (3) References in this Act to any enactment are references to that enactment as amended by or under any subsequent enactment including this Act.

Textual Amendments

- F1** Definition of "the Act of 1997" in s. 78(1) substituted (27.5.1997) for "the Act of 1947" by 1997 c. 11 ss. 4, 6(2), Sch. 2 para. 15(5)(a)
- F2** Definition repealed by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), [Sch. 2](#)
- F3** In s. 78(1), definition of "the countryside" repealed (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(2), [Sch. 11](#); S.I. 1991/2633, [art. 4](#)
- F4** Definition repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F5** Words in definition of “enactment” in s. 78(1) substituted (27.5.1997) by 1997 c. 11 ss. 4,6(2), Sch. 2 para. 15(5)(b)
- F6** Definition inserted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 81:2\)](#), [Sch. 9 para. 60\(6\)\(a\)](#)
- F7** Word in s. 78(1) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 12 para. 28\(7\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F8** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 172\(a\)](#)
- F9** Words substituted (1.4.1996) in the definition of “local authority” in s. 78(1) by 1994 c. 39, s. 180(1), [Sch. 13 para. 72\(9\)\(a\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)

Changes to legislation: There are currently no known outstanding effects for the
Countryside (Scotland) Act 1967, Section 78. (See end of Document for details)

- F10** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 172\(b\)](#)
- F11** Definition substituted by [Licensing \(Scotland\) Act 1976 \(c. 66\)](#), [Sch. 7 para. 6](#)
- F12** Words in [s. 78\(1\)](#) substituted (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), [s. 150\(2\)](#), [Sch. 6 para. 2](#) (with [s. 143](#)); [S.S.I. 2007/472](#), [art. 3](#)
- F13** Definition substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 81:2\)](#), [Sch. 9 para. 60\(6\)\(b\)](#)
- F14** Words in definition of “statutory undertakers” and “statutory undertaking” in [s. 78\(1\)](#) substituted (27.5.1997) by [1997 c. 11 s. 4 Sch. 2 para. 15\(5\)\(c\)](#)
- F15** Definition of “water authority” in [s. 78\(1\)](#) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), [s. 71](#), [Sch. 7 para. 5\(4\)](#) (with [s. 67](#)); [S.S.I. 2002/118](#), [art. 2\(3\)](#)

Modifications etc. (not altering text)

- C1** [S. 78\(2\)](#) applied by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), [s. 121\(12\)](#)

Marginal Citations

- M1** [1948 c. 45](#).
- M2** [1951 c. 18](#).
- M3** [1973 c. 65](#).

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