



Local Government (Footpaths and Open Spaces) (Scotland) Act 1970

1970 CHAPTER 28

An Act to confer on local authorities in Scotland power to take over the control and maintenance of certain footpaths, and to construct and maintain certain footpaths; to authorise local authorities in Scotland to acquire or maintain certain open spaces; and for connected purposes. [29th May 1970]

1, 2.^{F1}

Textual Amendments

F1 Ss. 1, 2 repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)

3 Power of local authority to acquire or maintain certain open spaces.

A local authority may, for the purpose of preserving or improving the amenity of land forming an open space,—

- (a) acquire the land by agreement, or
- (b) without acquiring the land, undertake the entire or partial control and maintenance of that open space:

Provided that the local authority shall not exercise the power conferred on them by paragraph (b) of this section unless they have taken all reasonable steps to ascertain the identity of every owner of the open space and have obtained the consent of at least a majority of those owners whose identity they have ascertained.

Modifications etc. (not altering text)

C1 S. 3 extended (8.9.2000) by [2000 asp 10, s. 9, Sch. 3 para. 1\(c\)](#) (with s. 32); [S.S.I. 2000/312, art. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Local Government (Footpaths and Open Spaces) (Scotland) Act 1970. (See end of Document for details)

4 Financial provisions.

There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided under any enactment relating to local government in Scotland.

5 Interpretation.

In this Act—

..... F2
 [F3“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”
 “open space” means an open space forming part of the lay-out of a development but excludes land laid out for the purposes of public recreation.]

Textual Amendments

- F2** The definitions of “carriageway”, “development” and “footpath” repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)
- F3** Definition in s. 5 substituted (1.4.1996) by S.I. 1996/974, art. 2(1), [Sch. 1 Pt. I para.4](#)

6 Short title and extent.

- (1) This Act may be cited as the Local Government (Footpaths and Open Spaces) (Scotland) Act 1970.
- (2) This Act shall extend to Scotland only.

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Footpaths and Open Spaces) (Scotland) Act 1970.