

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Cross Heading: The Countryside (Scotland) Act 1967 (c. 86). (See end of Document for details)

SCHEDULES

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of s. 1, 3, Sch. 3, 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

The Countryside (Scotland) Act 1967 (c. 86)

- 8 In section 31 (which makes provision as regards the compulsory creation of public paths)—
- (a) in subsection (1), after the words “them and”, there shall be inserted the words “, subject to paragraph 2(1A) of Schedule 3 to this Act, ”; and
 - (b) in subsection (2) for the words “confirm such an order” there shall be substituted the words “, in a case where his confirmation of the order is required, confirm it ”.
- 9 In section 34 (which makes provision as regards the closure of public paths)—
- (a) in subsection (1), after the words “them and”, there shall be inserted the words “, subject to paragraph 2(1A) of Schedule 3 to this Act, ”; and
 - (b) in subsection (5)—
 - (i) after the words “preliminary to the”, in both places where they occur, there shall be inserted the words “making or ”; and
 - (ii) the words “made under the next following section” shall cease to have effect.
- 10 In section 35 (which makes provision as regards the diversion of public paths)—
- (a) in subsection (1), alter the words “them and”, there shall be inserted the words “, subject to paragraph 2(1A) of Schedule 3 to this Act, ”; and
 - (b) in subsection (3), for the words “confirm the order” there shall be substituted the words “, in a case where his confirmation of the order is required, confirm it ”.
- 11 In Schedule 3 (which comprises provisions as to the making, confirmation, coming into operation and validity of access orders and orders relating to public paths)—
- (a) in paragraph 1(1)—
 - (i) after the word “Before” there shall be inserted the words “an authority make ”; and
 - (ii) for the words “is submitted to the Secretary of State for confirmation the authority by whom the order was made” there shall be substituted the word “they ”;

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- (iii) for head (a) there shall be substituted the following head—
 - “(a) stating the general effect of the order and that it is about to be made and, subject to paragraph 2(1A) of this Schedule, submitted for confirmation,” ;
- (iv) in head (b), for the word “copy” there shall be substituted the word “draft” ; and
- (v) in head (c), after the words “to the” there shall be inserted the word “draft” ;
- (b) paragraph 1(2) shall cease to have effect (c) in paragraph 1(3), for the words “either of the two foregoing sub-paragraphs” there shall be substituted the words “sub-paragraph (1) above” ;
- (d) in paragraph 2—
 - (i) at the beginning there shall be added the following sub-paragraph—
 - “(1A) If an authority have given notice under paragraph 1(1) above as regards a public path creation order, a public path extinguishment order or a public path diversion order, and no representations or objections are duly made in terms of paragraph 1(1)(c) of this Schedule or if any so made are withdrawn, then, subject to the provisions of Part II of this Schedule, the order shall on being made by them have effect without their having to submit it to the Secretary of State and without his confirmation.” ;
 - (ii) in sub-paragraph (1) for the word “If”, where it first occurs, there shall be substituted the words “In the case of an order other than one which has effect under sub-paragraph (1A) above, if” ; after the words “duly made” there shall be inserted the words “in terms of sub-paragraph (1)(c) of paragraph 1 of this Schedule” ; and the words “or make and”, as the case may be, shall cease to have effect ;
 - (iii) in sub-paragraph (2), the words “or making”, “or make” and “as the case may be,” shall cease to have effect ;
 - (iv) in sub-paragraph (3), the words “or make” and “or the draft order prepared by him, as the case may be,” shall cease to have effect ; and
 - (v) both in the proviso to sub-paragraph (2) and in subparagraph (3), for the words from “in the case” to “undertakers” there shall be substituted the words “where objection is made by statutory undertakers to a public path creation order or a public path diversion order,” ; and
- (e) in paragraph 4—
 - (i) the words “or made”, where they first occur, shall cease to have effect ;
 - (ii) after the word “State”, where it first occurs, there shall be inserted the words “or, in the case of an order which has effect under paragraph 2(1A) of this Schedule, has been made by an authority” ; and
 - (iii) the words “or, in the case of an order made by the Secretary of State, the Secretary of State,” and “or the Secretary of State (according as the notice or copy would require to be served by an authority or by the Secretary of State)” shall cease to have effect.

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Cross Heading: The Countryside (Scotland) Act 1967 (c. 86).