



Trespass (Scotland) Act 1865

1865 CHAPTER 56 28 and 29 Vict

2 Interpretation of terms.

In this Act the following words shall have the meanings hereby assigned to them:

“Premises” shall mean and include any house, barn, stable, shed, loft, granary, outhouse, garden, stackyard, court, close, or inclosed space:

“Magistrate” shall mean and include the [^{F1}sheriff principal and sheriff], or any one or more justice or justices of the peace, or any one or more magistrate or magistrates, having jurisdiction respectively in the county or burgh where any offence against the provisions of this Act is committed, or where any person charged with such offence is found or brought to trial:

“Procurator fiscal” shall mean and include the procurator fiscal of the court having such jurisdiction.

[^{F2}“Road” shall mean and include any way, other than—

- (a) a waterway; or
- (b) without prejudice to section 100(c) (damage to roads by fire) or 129(4) (camping in a road) of the Roads (Scotland) Act 1984, a road within the meaning of that Act.]

Textual Amendments

F1 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

F2 S. 2 definition added by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 128(1), 156(1), [Sch. 9 para. 5\(2\)](#)

Modifications etc. (not altering text)

C1 Functions of burgh magistrates now exercisable by justice of the peace: [District Courts \(Scotland\) Act 1975 \(c. 20\), s. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Trespass (Scotland) Act 1865, Section 2.