
STATUTORY INSTRUMENTS

2003 No. 2250 (S. 10)

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
COUNTRYSIDE, SCOTLAND**

**The Land Reform (Scotland) Act 2003 (Directions for the
Purposes of Defence or National Security) Order 2003**

Made - - - - - *26th August 2003*
Laid before Parliament *5th September 2003*
Coming into force - - - *1st October 2003*

The Secretary of State, in exercise of the powers conferred upon him by sections 104, 112(1) and 113 of the Scotland Act 1998(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Land Reform (Scotland) Act 2003 (Directions for the Purposes of Defence or National Security) Order 2003 and shall come into force on 1st October 2003.

(2) In this Order—

“access rights” and “land” have the same meaning as in Part 1 of the Land Reform (Scotland) Act 2003(2);

“defence direction” means a direction given under article 2 for the purpose of defence; and

“relevant date”, in relation to a direction under article 2, means—

- (a) the day on which the direction was given; or
- (b) where it has previously been reviewed, the day on which it was last reviewed.

Directions for the purposes of defence or national security

2.—(1) The Secretary of State may by direction exclude or restrict the exercise of access rights in respect of any land if the Secretary of State is satisfied that it is necessary so to do for the purposes of defence or national security.

(2) A direction under paragraph (1)—

(1) 1998 c. 46.
(2) 2003 asp 2.

- (a) may be expressed to have effect—
 - (i) during a period specified in the direction;
 - (ii) during a specified period in every calendar year; or
 - (iii) indefinitely; and
 - (b) shall have effect as respects such land as may be specified in the direction.
- (3) Any direction given by the Secretary of State under this article may be revoked or varied by a subsequent direction.
- (4) Where a direction given under this article excludes or restricts the exercise of access rights in respect of any land—
- (a) indefinitely;
 - (b) for part of every year or of each of six or more consecutive calendar years; or
 - (c) for a specified period of more than five years,
- the Secretary of State shall review the direction not later than the fifth anniversary of the relevant date.
- (5) If in any calendar year the Secretary of State reviews a defence direction, the Secretary of State shall—
- (a) prepare a report on all reviews of defence directions which the Secretary of State has undertaken during that year; and
 - (b) lay a copy of the report before each House of Parliament.
- (6) The Secretary of State shall take such steps as the Secretary of State considers expedient to inform the public of the effect of any direction under this article including displaying notices on or near the land in respect of which the exclusion or restriction of access rights relates.

Scotland Office, Dover House, London
26th August 2003

ALISTAIR DARLING
Secretary of State for Scotland

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the Land Reform (Scotland) Act 2003 (“the Act”).

The Act, amongst other things, confers and regulates rights of access to land for recreational and other purposes (Part 1 of the Act). The effect of article 2 of this Order is to enable the Secretary of State to give directions excluding or restricting the exercise of access rights pursuant to the Act in respect of any land specified in the direction where necessary for the purposes of defence or national security. Article 2 requires the Secretary of State to review certain directions and to prepare and lay a report before each House of Parliament in any calendar year where a defence direction has been reviewed.

Provision is also made in article 2 for the Secretary of State to inform the public of the effect of any direction on access rights pursuant to the Act.