

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 1 Access Rights

Section 11: Power to exempt particular land from access rights

46. Subsection (1) enables local authorities, whether on applications from third parties or on their own initiative, by order, to exempt a particular area of land from access rights for a particular purpose.
47. Subsection (2) requires a local authority, where an order would have effect for six or more days, to consult the owner of the land in question, the local access forum and any other person considered appropriate, to publicise the intended purpose and effect of the proposed order and to invite and consider objections on the proposed order.
48. Subsection (3) requires that any order which would have effect for six or more days requires confirmation by Ministers.
49. Subsection (4) requires local authorities to send to Ministers copies of any objections received in pursuance of subsection (3) and any other representations received relating to an order requiring confirmation by Ministers.
50. Subsection (5) places a duty on the Ministers, prior to confirming any such order, to consider any objections or representations received and provides that they may hold an inquiry to enable them to decide whether to confirm the order. If an inquiry is held, subsection (6) applies the same procedures as apply to local inquiries under planning legislation.
51. Subsection (7) sets out Ministers' powers in relation to an order which requires their confirmation (and, in particular, allows them to confirm it with modifications) and subsection (8) makes provision for the date from which an order takes effect.
52. Subsection (9) requires local authorities to publicise the order as soon, as is practicable after it has been made or, as the case may be, confirmed by Ministers.
53. Subsection (10) allows local authorities to revoke, amend or re-enact any order made by them under this section.
54. Subsection (11) provides that where it is proposed that an order is revoked, amended or re-enacted, and the order would continue to have effect for six or more days, then subsections (2) to (9) will apply in these cases.
55. Subsection (12) provides that all orders made under this section will, subject to subsection (13), have a maximum duration of two years
56. Subsection (13) sets the maximum duration of orders which re-enact an order made under subsection (1).