

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Schedule 1: Path Orders

408. [Schedule 1](#) sets out the procedures that a local authority must follow when proposing to make a path order under section 22.
409. [Paragraph 1](#) requires a local authority to give notice to the owner of the relevant land of its intention to make an order, and to provide the owner with a copy of the proposed order.
410. [Paragraph 2](#) allows up to 28 days for objections to the proposed order to be submitted by the owner in the manner set out in the notice.
411. [Paragraph 3](#) provides that if no objections are received or any are withdrawn, the local authority can proceed with the making of the order and it shall take effect.
412. [Paragraphs 4 and 5](#) provide that if an objection is received and not withdrawn, then an order cannot have effect unless confirmed by Ministers. Where an objection is not withdrawn, the owner must be afforded the opportunity of being heard before a person appointed by Ministers.
413. [Paragraph 6](#) requires Ministers, after considering the report from the appointed person, to confirm an order with or without modifications, and [paragraph 7](#) provides that the order will have effect once it is confirmed.
414. [Paragraph 8](#) places a duty on a local authority, as soon as an order takes effect, to give notice of this to the owner along with a copy of the order.
415. [Paragraph 9](#) requires a local authority to obtain the consent of a statutory undertaker before making a path order over land on which the statutory undertaker has apparatus. However, [paragraph 10](#) requires that such consent should not be unreasonably withheld. [Paragraphs 11 - 14](#) make provision for the operators of any telecommunications code system in connection with the making of path orders. The telecommunications code is provided for in section 10 of and [schedule 2 to the Telecommunications Act 1984 \(c.12\)](#), and sets out statutory guidance on the exercise of functions by the operators of a telecommunications system who have been licensed under the provisions of that Act.