

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Schedule 2 Amendment and Repeal of Enactments

Countryside (Scotland) Act 1967 (c.86)

418. **Paragraph 4(a)** repeals the whole of Part II of the Countryside (Scotland) Act 1967, which relates to access to open country, which will be superseded by the creation of access rights and by the new duties and powers of local authorities as introduced by Part 1. Paragraph 65 provides that the repeal of Part II does not in any way affect any compensation claim under section 21 of that Act nor does it affect the rules governing the assessment and payment of compensation under sections 21 to 23 and 70 of that Act.
419. **Paragraph 4(b)** repeals sections 30 to 38 (creation, closure and diversion of public paths) of the 1967 Act, which are superseded by sections 21 and 22 of this Act. However, paragraph 7 provides a saving to enable the continued application of those powers in relation to land in respect of which access rights do not apply.
420. **Paragraph 4(e)** repeals section 55 of the 1967 Act which gave Ministers a default power to make bylaws and paragraph 4(d) makes an amendment to section 54 of that Act consequential on this repeal. Paragraph 4(f) removes references to the making of access orders in the provisions for the making, confirmation, coming into force and validity of orders relating to public paths set out in Schedule 3 of the 1967 Act. This is because the provisions in the 1967 Act relating to access orders are repealed by the repeal of Part II of that Act.
421. **Paragraph 5** amends section 47 of the 1967 Act to the effect that references to rights of way in Part III of that Act are not to be interpreted to include references to access rights created under Part 1. This means that the duties placed on local authorities in respect of rights of way by Part III of the 1967 Act do not extend to access rights.