
Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, SCHEDULE 1. (See end of Document for details)

SCHEDULE 1 **S**

(introduced by section 22(8))

PATH ORDERS

Procedure

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- 1 Before making a path order, the local authority shall give notice of their intention to do so, together with a copy of the proposed order, to the owner of the land within which is the path proposed for delineation by the order (the “owner”).
- 2 That notice shall specify—
 - (a) a time, being not later than 28 days after the giving of the notice, within which; and
 - (b) the manner in which,objections to the proposed order may be made by the owner to the local authority.
- 3 If no such objections are made or any made are withdrawn, and the local authority make the order, it shall have effect.
- 4 If, however, an objection is made and not withdrawn, the order if made shall not have effect unless confirmed by Ministers.
- 5 Ministers—
 - (a) may; and
 - (b) if any objection made is not withdrawn, shall,afford the owner an opportunity of being heard by a person appointed by Ministers for the purpose.
- 6 Ministers shall, after considering the report of that person, either confirm or decline to confirm the order and, where they confirm it, may do so with modifications.
- 7 On its confirmation, the path order shall have effect.
- 8 As soon as a path order has effect, the local authority shall give notice of that fact to the owner together with a copy of the order.

Statutory undertakings

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- 9 No path order shall be made which would delineate a path over land in or over which there is apparatus belonging to or used by any statutory undertaker for the purpose of the undertaking unless the undertaker has consented to the making of the order.
- 10 Such consent shall not be unreasonably withheld and any question whether it is so withheld shall be determined by Ministers.
- 11 The operator of any [^{F1}electronic communications code network] for the purposes of which apparatus was kept installed in, under or over a path immediately before the path creation order which delineated the path was revoked retains after that revocation the same powers as before it; but the owner is entitled to require the alteration of the apparatus.

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Textual Amendments

- F1** Words in Sch. 1 para. 11 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 3(1), **Sch. 1 para. 15(3)(a)**

- 12 ^[F2]Paragraph ^[F3]108(2) of Schedule 3A to the Communications Act 2003 (the electronic communications code) (alteration of apparatus to include moving, removal or replacement of apparatus) applies for the purposes of paragraph 11 above as it applies for the purposes of the code.

Textual Amendments

- F2** Words in sch. 1 para. 12 substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 49(2)**; S.I. 2017/1286, reg. 2(d)
- F3** Word in sch. 1 para. 12 substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), reg. 1(1), **Sch. 1 para. 9(2)**

- 13 ^[F4]Part 6 of the electronic communications code (rights to require removal of apparatus) applies in relation to any entitlement conferred by paragraphs 11 and 12 above to require the alteration, moving or replacement of any ^[F5]electronic communications apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.

Textual Amendments

- F4** Words in sch. 1 para. 13 substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 49(3)**; S.I. 2017/1286, reg. 2(d)
- F5** Words in sch. 1 para. 13 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 3(1), **Sch. 1 para. 15(3)(c)**

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