
Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Cross Heading: Countryside (Scotland) Act 1967 (c. 86). (See end of Document for details)

SCHEDULE 2 AMENDMENT AND REPEAL OF ENACTMENTS

Countryside (Scotland) Act 1967 (c. 86)

Countryside (Scotland) Act 1967 (c. 86)

- 3 The Countryside (Scotland) Act 1967 is amended as follows.
- 4 Subject to paragraphs 6 and 7 below, the following provisions—
- (a) Part II (access to open country);
 - (b) sections 30 to 38 (creation, closure and diversion of public paths);
 - (c) section 43 (ploughing of rights of way);
 - (d) in section 54 (byelaws), in subsection (6), the words “or the next and succeeding section”;
 - (e) section 55 (default powers); and
 - (f) in Schedule 3 (which includes provision for making and confirming access orders under Part II), in sub-paragraph (1) of paragraph 1, the words “an access order”, in sub-paragraph (3) of that paragraph the words “an access order or” and in sub-paragraph (1A) of paragraph 2, the words from “as” to “order”, where thirdly occurring,
- are repealed.
- 5 In section 47 (interpretation of Part III which deals with paths, routes and rights of way) there is inserted at the end “and references to a right of way do not include references to access rights within the meaning of section 1 of the Land Reform (Scotland) Act 2003 (asp 2)”.
- 6 The coming into force of the repeal of Part II does not—
- (a) prevent compensation thereafter being claimed or becoming payable under section 21 of the Act (compensation for depreciation or disturbance as a result of access order to be assessed only after five years' operation of order); or
 - (b) otherwise affect the operation thereafter of sections 21 to 23 and 70 of that Act in relation to claims for or payment of compensation.
- 7 Notwithstanding the repeal of section 30 to 38, those sections continue to have effect—
- (a) to the extent that the rights and facilities afforded to the public under those sections are not secured by section 1 above;
 - (b) in relation to land in respect of which access rights are, under section 6 above, not exercisable; and
 - (c) in relation to rights of way.

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