



Land Reform (Scotland) Act 2003

2003 asp 2

PART 1

ACCESS RIGHTS

CHAPTER 6

GENERAL AND MISCELLANEOUS PROVISIONS

32 Interpretation of Part 1

In this Part of this Act—

“Access Code” means the Scottish Outdoor Access Code issued by Scottish Natural Heritage under section 10 above;

“canals” means inland waterways within the meaning of section 92 (interpretation) of the Transport Act 1962 (c. 46);

“core path” means a path, waterway or any other means of crossing land such as is mentioned in section 17(2) above which is set out in a plan adopted under section 18 above or, as the case may be, such a plan as amended under section 20 above;

“cultural heritage” includes structures and other remains resulting from human activity of all periods, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes;

“inland waters” means any inland, non-tidal loch, river (to the extent that it is non-tidal), lake or reservoir, whether natural or artificial and whether navigable or not, and includes the bed and the shores or banks thereof;

“land” includes—

- (a) bridges and other structures built on or over land;
- (b) inland waters;
- (c) canals; and
- (d) the foreshore, that is to say, the land between the high and low water marks of ordinary spring tides;

“local authority” in relation to specific land in respect of which access rights are or would, but for a provision of or order made under this Act, be exercisable means—

Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 32. (See end of Document for details)

- (a) where the land is, on the day on which this section comes into force, within an area designated as a National Park under the National Parks (Scotland) Act 2000 (asp 10), the National Park authority for that National Park; and
- (b) in any other case, the council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39)) whose area includes that land;

“natural heritage” includes the flora and fauna of land, its geological and physiographical features and its natural beauty and amenity;

“owner”, in relation to land, means—

- (a) the owner of the land; and
- (b) where the owner is not in natural possession of the land, the person who is entitled to such natural possession;

“statutory undertaker” means—

- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power;
- (b) the operator of a [^{F1}electronic communications code network];
- (c) an airport operator (within the meaning of the Airports Act 1986 (c. 31)) operating an airport to which Part V of that Act applies;
- (d) a gas transporter, within the meaning of Part I of the Gas Act 1986 (c. 44);
- (e) Scottish Water;
- (f) a holder of a licence under section 6(1) of the Electricity Act 1989 (c. 29);
- (g) the Civil Aviation Authority or a holder of a licence under Chapter I of Part I of the Transport Act 2000 (c. 38) (to the extent that the person holding the licence is carrying out activities authorised by it);
- (h) the Scottish Environment Protection Agency; or
- (i) [^{F2}a universal service provider within the meaning of Part 3 of the [Postal Services Act 2011 \(c.5\)](#)];

and “undertaking” means the undertaking of such a statutory undertaker; and

^{F3}

Textual Amendments

- F1** Words in s. 32 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 3(1), **Sch. 1 para. 15(2)**
- F2** Words in s. 32 substituted (1.10.2011) by [The Postal Services Act 2011 \(Consequential Modifications and Amendments\) Order 2011 \(S.I. 2011/2085\)](#), art. 1(2), **Sch. 1 para. 52**
- F3** S. 32: definitions of "telecommunications code system" and "operator" repealed (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), **art. 3(2)**, {Sch. 2 Table 1}

Modifications etc. (not altering text)

- C1** S. 32: definition modified (2.10.2010) by [The Cairngorms National Park Designation, Transitional and Consequential Provisions \(Scotland\) Order 2003 Modification Order 2010 \(S.S.I. 2010/348\)](#), **art. 3**

Changes to legislation:

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