

# LAND REFORM (SCOTLAND) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 9 – Access Rights**

#### **Court applications**

#### *Section 84 – Access rights: service of court applications*

413. **Section 84** amends section 28 of the Land Reform (Scotland) Act 2003 (judicial determination of existence and extent of access rights and rights of way) to expand upon current notification requirements when an application to the sheriff court is made. In making an application for a declaration under section 28(1)(b)(i) as to whether a person who has exercised, or purported to exercise access rights, has exercised those rights responsibly for the purposes of section 2 of that Act, inserted subsection (7A) provides that the person seeking the declaration must serve the application on the person whose exercise of access rights (or purported exercise of access rights) is in question. This is additional to the existing requirements in section 28(4) to serve the application on the local authority and in section 28(7) to serve the application on the owner of the land (if the person seeking the declaration is not the land owner).