

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies section 7(1) of the Land Reform (Scotland) Act 2003 (“the 2003 Act”).

Section 6 of the 2003 Act provides that access rights are not exercisable over the categories of land specified in that section. Section 7(1) of that Act qualifies the effect of section 6 by providing that it does not prevent or restrict the exercise of access rights over any land which is a core path.

This Order modifies section 7(1) to create two exceptions to its general effect. Where public access to land has been prohibited or restricted by or under any enactment in consequence of an outbreak of animal disease, or where land has been included in an order under section 11 of the 2003 Act (power to exempt particular land from access rights), the exercise of access rights will be prevented or restricted over that land notwithstanding the fact that the land in question is a core path.

A Business and Regulatory Impact Assessment has not been prepared in relation to the first aspect, as animal disease outbreak is unpredictable and impacts would vary depending on the location and nature of an outbreak.

However, a Business and Regulatory Impact Assessment has been prepared in relation to the second aspect (orders under section 11 of the 2003 Act) and placed in the Scottish Parliament Information Centre. Copies are available from the Natural Resources Division, Victoria Quay, Leith, Edinburgh, EH6 6QQ and on-line at www.legislation.gov.uk.