
EXPLANATORY NOTE

(This note is not part of the Order)

This order modifies the Land Reform (Scotland) Act 2003 by inserting a new provision in section 7(10).

The new provision amends the definition of the expression “land on which crops are growing” as used in section 6(1)(i) of the Act. Section 6 describes the circumstances in which access rights under the Act are not exercisable. Section 6(1)(i) provides that they are not exercisable on land “in which crops have been sown or are growing”. Trees may be crops and therefore land on which they have been sown or are growing may be land on which access rights are not exercisable.

New paragraph 7(10)(c) inserted by the Order removes land used wholly or mainly as woodland or an orchard, or for the growing of trees from the definition of land in which crops have been sown or are growing (article 2(a)). However, provision is also made to continue to include in that definition land used wholly for the intensive cultivation of tree seedlings.

Provision is also made as a consequence to delete the word “forestry” from section 7(10) (article 2(b)).