



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART I

THE COUNTRYSIDE COMMISSION FOR SCOTLAND

1 The Countryside Commission for Scotland

- (1) There shall be established a Countryside Commission for Scotland (in this Act referred to as " the Commission ") who shall exercise the functions conferred on them by this Act for the provision, development and improvement of facilities for the enjoyment of the Scottish countryside, and for the conservation and enhancement of the natural beauty and amenity thereof.
- (2) In the exercise of their functions the Commission shall have due regard to the need for the development of recreational and tourist facilities and for the balanced economic and social development of the countryside.
- (3) The Commission shall consist of such number of members not exceeding fourteen, as the Secretary of State may from time to time determine, and the members shall, in accordance with subsection (4) below, be appointed by the Secretary of State, who may appoint one of them to be chairman.
- (4) The Commission shall be comprised of—
 - (a) persons appointed after consultation with such associations of local authorities as appear to the Secretary of State to represent local planning authorities;
 - (b) persons appointed after consultation with such organisations as appear to the Secretary of State to be representative of countryside interests; and
 - (c) such other persons as the Secretary of State may think fit.
- (5) The provisions of Schedule 1 to this Act shall have effect with respect to the Commission.
- (6) The Secretary of State may, after consultation with the Commission, give to them directions of a general character as to the exercise of their functions, and the Commission shall give effect to any such directions.

Status: This is the original version (as it was originally enacted).

- (7) In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies offices the holders of which are disqualified under that Act) as it applies to the House of Commons of the Parliament of the United Kingdom, there shall be inserted at the appropriate point in alphabetical order the entry " Chairman of the Countryside Commission for Scotland ".

2 The Countryside

- (1) In this Act " the countryside " means the areas which are for the time being designated as such on maps prepared and approved by the Secretary of State in accordance with subsections (2) to (5) below, or as amended by him under subsection (6) below, or, before the approval of those maps, such areas as are described in subsection (8) below.
- (2) The Secretary of State shall, as soon as may be after the passing of this Act, prepare maps relating to the areas of local planning authorities designating the parts of those areas which are to be treated as the countryside for the purposes of this Act, and in preparing those maps he shall consult with the Commission and the local planning authorities concerned and shall have regard to the following considerations—
- (a) whether land is of a rural character or otherwise ;
 - (b) in the case of extensive areas of open land within burghs or other centres of population, the suitability of that land for open-air recreation ;
 - (c) the indications as to the use or proposed use of land given by a development plan for the time being in force by virtue of the Act of 1947 ;
 - (d) whether land is for the time being treated as part of the countryside by virtue of subsection (8) below.
- (3) The Secretary of State shall refer the maps mentioned in subsection (2) above to the Commission and to the local planning authorities concerned, who may make representations to him with respect thereto.
- (4) Having considered any representations made to him under subsection (3) above the Secretary of State may make such amendments, if any, to the maps as he considers appropriate and may from time to time approve those maps.
- (5) The Secretary of State shall complete his approval of all the maps referred to in subsection (2) above within one year from the passing of this Act or within such longer period (not exceeding two years from the passing of this Act) as may be specified in an order made by statutory instrument by him, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) After the completion of his approval of the maps in accordance with subsection (5) above the Secretary of State may, having regard to any changes in the circumstances affecting the areas concerned, from time to time prepare and approve amendments to those maps, and the provisions of subsections (2) to (4) above with regard to the preparation and approval of maps shall, apart from any provision as to time, apply with any necessary modifications to the preparation and approval of those amendments.
- (7) Every local planning authority shall make available for inspection by the public at all reasonable hours and without charge copies of the maps relating to their district which have been approved by the Secretary of State under this section, including any amendments of those maps which have been approved as aforesaid, and copies thereof, including reproductions on such scale as may be appropriate, shall be made available by them on sale to the public at a reasonable cost.

- (8) Before the approval by the Secretary of State of maps relating to an area, " the countryside " in relation to that area means the landward areas of counties and the areas of small burghs containing according to the last published census a population of less than 5,000 inhabitants, but excludes such areas or includes such other areas as the Secretary of State, having regard to the considerations mentioned in paragraphs (a) to (c) of subsection (2) above, may, after consultation with the Commission and the local planning authorities concerned, by order from time to time designate.

3 Duties of the Commission

The Commission shall have the following duties—

- (a) to keep under review all matters relating to the provision, development and improvement of facilities for the enjoyment of the countryside, the conservation and enhancement of its natural beauty and amenity, and the need to secure public access to the countryside for the purposes of open-air recreation; and to consult with such local planning authorities and other bodies as appear to the Commission to have an interest in those matters;
- (b) to encourage, assist, concert or promote the implementation of any proposals with respect to those matters made by any other person or body, being proposals which the Commission consider to be suitable ;
- (c) to exercise the functions relating to development projects or schemes conferred on them by section 5 below;
- (d) to consult with local planning authorities regarding the exercise of their powers under section 48 below and from time to time to advise them thereon;
- (e) to advise the Secretary of State or any other Minister or any public body on such matters relating to the countryside as he or they may refer to the Commission or as the Commission may think fit.

4 Powers of the Commission

The Commission shall have the following powers—

- (a) where it appears to the Commission that it would assist them in the exercise of their functions, to establish, promote or assist in the establishment of committees or other appropriate bodies, to promote or assist in the promotion of conferences or meetings, to participate in such committees, bodies, conferences or meetings, and to defray in whole or in part the expenses of participants;
- (b) where it appears to the Commission that the provision, development or improvement of recreational or tourist facilities or the conservation or enhancement of the natural beauty or amenity of any area of the countryside involves special problems or requires the application of special professional or technical skill, on being so requested by any local planning authority concerned, to place at the disposal of the authority the services of officers or servants of the Commission on such terms as may be agreed with the authority and are approved by the Secretary of State ;
- (c) to carry out or commission the carrying out of such inquiries, investigations or researches, either on their own account or jointly with other persons, as the Commission may deem necessary or expedient for the purposes of their functions;

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- (d) to engage in any activity which they may consider appropriate for the purpose of educating and informing persons in the proper use of, and behaviour in, the countryside;
- (e) to provide or assist in the provision of publicity and information services relating to the countryside, to places of beauty or interest therein or to the functions of the Commission;
- (f) to make such charges for any of their services as they think fit;
- (g) to make to any public body recommendations as to the making of byelaws affecting the countryside or any area therein;
- (h) to accept any gift or contribution made to them for the purposes of any of their functions, and, subject to the terms of the gift or contribution and to the provisions of this Act, to apply it for those purposes;
- (i) for the purpose of providing themselves with office or other accommodation in connection with the exercise of any of their functions, to acquire land in manner provided by section 6(1)(a) below, to erect and maintain buildings or other structures thereon, and, when the land is no longer required for such purpose, to dispose of it in manner provided by the said section 6;
- (j) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.

5 Development projects or schemes

- (1) In pursuance of section 3(c) above the Commission shall have the following functions—
- (a) after consultation with such local authorities and other bodies as appear to the Commission to have an interest, from time to time to prepare and submit to the Secretary of State for his approval proposals with respect to any area for a development project or scheme designed to facilitate the enjoyment of the countryside or to conserve or enhance its natural beauty or amenity, which—
 - (i) in relation to that area involves the application of new or developed methods, concepts or techniques, and
 - (ii) is designed to illustrate the appropriateness of such a project or scheme to that area or other areas of a similar nature or which present similar problems to that area ;
 - (b) to concert, promote or to undertake, either by themselves or in conjunction with any other authority or person, measures to implement any proposals so approved.
- (2) The Secretary of State may approve in whole or in part or with modifications any proposals submitted to him under paragraph (a) of the foregoing subsection, or may refuse to approve them.
- (3) Section 14(2) of the Highlands and Islands Development (Scotland) Act 1965 (approval deemed to be planning permission) shall apply to an approval under subsection (2) above as it applies to an approval under that Act, so however that for any reference to the Board in that section there shall be substituted a reference to the Commission.

6 Powers of Commission in relation to development projects or schemes

- (1) For the purpose of their functions under section 5(1)(b) above the Commission may—

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- (a) with the approval of the Secretary of State, by agreement acquire land, whether by way of purchase, feu, lease or excambion;
 - (b) acquire land compulsorily ;
 - (c) hold and manage land, and with the approval of the Secretary of State, and subject to the subsequent provisions of this section, dispose of or otherwise deal with land;
 - (d) erect buildings or other structures and carry out works or other operations on land ;
 - (e) provide equipment and services on or in connection with land or with the use of land ;
 - (f) hold, manage, maintain, hire, let or otherwise dispose of such works, equipment or services;
 - (g) exercise any powers to carry out work or provide services or facilities conferred by this Act on local authorities or local planning authorities;
 - (h) with the approval of the Secretary of State and the Treasury, acquire by agreement and carry on or set up and carry on, directly or through an agent, or themselves carry on as agent, any business or undertaking, and, subject to such approval, may dispose of any such business or undertaking.
- (2) The disposal of land under this section may be by way of sale, feu, lease, or excambion, and there may be created in relation to land held by the Commission any servitude, right or other privilege, but such land may not be disposed of by way of gift.
- (3) The powers conferred by paragraphs (d) to (g) of subsection (1) above—
- (a) may be exercised by the Commission either on or in connection with land belonging to them, or with the consent of all persons having an interest therein, on or in connection with other land, and
 - (b) shall be exercisable in relation to land not belonging to them on such terms as may be arranged by agreement with the persons having an interest in the land.
- (4) Where any person having such an interest in any land as enables him to bind the land enters into any such agreement as aforesaid, the agreement may be recorded in the Register of Sasines, and if so recorded shall be enforceable at the instance of the Commission against persons deriving title to the land from the person who entered into the agreement:

Provided that any such agreement shall not be enforceable against a third party who shall have in good faith and for value acquired right (whether completed by infestment or not) to the land prior to the agreement being recorded as aforesaid, or against any person deriving title from such third party.

7 Grants and loans to persons other than public bodies

- (1) In accordance with arrangements approved by the Secretary of State and the Treasury, the Commission shall have power to give financial assistance by way of grant or loan, or partly in one way and partly in the other, to any person, other than a public body, carrying on or proposing to carry on any project approved by the Secretary of State for the purposes of this section which in the opinion of the Commission is conducive to the attainment of any of the purposes of this Act.
- (2) Before applying for the approval of the Secretary of State to any such project the Commission shall satisfy themselves that in all the circumstances it is preferable that the project should be carried out by a person other than a public body.

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- (3) On making a grant or loan under this section the Commission may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.
- (4) In this section " public body " does not include The National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the National Trust for Scotland Order Confirmation Act 1935.

8 Advisory functions of Commission regarding planning matters

- (1) The Commission may, and if so requested by the Secretary of State or any local planning authority shall, advise the Secretary of State or, as the case may be, the authority, in relation to any matter arising under the Planning Acts which affects land in the countryside.
- (2) In this section " the Planning Acts " means the Town and Country Planning (Scotland) Act 1945 and the Town and Country Planning (Scotland) Acts 1947 to 1966.

9 Areas of special planning control

- (1) The Commission may, and if so requested by the Secretary of State shall, advise him as to the exercise of his powers under subsections (2) and (3) below.
- (2) Where the Secretary of State is satisfied that any area in the countryside should by reason of its beauty or amenity or other special characteristics be the subject of further planning control, he may, after consultation with any local planning authority concerned, by order designate that area as an area of special planning control, and where an area is so designated the following provisions of this section shall apply.
- (3) The Secretary of State may give directions to any local planning authority requiring them to give in accordance with subsection (4) below such information as may be specified in the directions regarding applications made to them for planning permission in respect of all development or any class of development as may be so specified in or in any part of an area of special planning control.
- (4) Where directions under subsection (3) above are in force in relation to any application for planning permission the information specified in the directions shall, within 21 days of receipt by them of the application or such longer period as the Secretary of State may in any particular case allow, be given by the local planning authority to the Secretary of State and to the Commission, and the authority may when giving that information indicate the manner in which they propose to dispose of the application.
- (5) After consultation with the local planning authority concerned the Commission shall, within 21 days of the receipt by them of such information relating to an application for planning permission, or such longer period as the Secretary of State may in any particular case allow, make recommendations to the local planning authority as to the manner in which they should dispose of the application, including, where appropriate, recommendations as to the conditions which should be attached to a grant of planning permission, and the authority shall notify the Secretary of State whether or to what extent those recommendations are acceptable to them.
- (6) The Secretary of State shall as respects any application for planning permission in relation to which directions under subsection (3) above are in force intimate to the local planning authority concerned whether he desires that the application should be

referred to him under section 13 of the Act of 1947 (reference of applications to the Secretary of State) and the authority shall not grant planning permission in respect of any such application until the Secretary of State intimates to them that he does not so desire.

(7) Expressions used in this section have the same meanings as in the Act of 1947.