



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART III

PUBLIC PATHS AND LONG-DISTANCE ROUTES

Long-Distance Routes

39 General provisions as to long-distance routes.

- (1) Where it appears to [^{F1}Scottish Natural Heritage] that the public should be enabled to make extensive journeys on foot, on pedal cycles or on horseback along a particular route, being a route which for the whole or the greater part of its length does not pass along roads mainly used by vehicles, [^{F1}Scottish Natural Heritage] may prepare and submit to the Secretary of State a report under this section.
- (2) A report under this section shall contain a map showing the route, defining those parts thereof over which there exists a public right of way, and indicating in each case the nature of that right; and the report shall set out such proposals as [^{F1}Scottish Natural Heritage] may think fit for the provision, maintenance and enjoyment of the route, and without prejudice to that generality—
 - (a) for the maintenance or improvement of any public path or road along which the route passes;
 - (b) for the provision and maintenance of such new public paths as may be required for enabling the public to journey along the route;
 - (c) for the provision and operation of ferries where they are needed for completing the route; and
 - (d) for the provision of accommodation, toilet facilities, meals and refreshments along the route.
- (3) A report under this section may also include such recommendations as [^{F1}Scottish Natural Heritage] may think fit for the restriction of traffic on existing roads along which the route passes.

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- (4) Before submitting a report under this section [^{F1}Scottish Natural Heritage] shall consult with every local planning authority through whose area the route passes; and it shall be the duty of every such authority to furnish to [^{F1}Scottish Natural Heritage] such information as [^{F1}Scottish Natural Heritage] may reasonably require for the purposes of the report.
- (5) A report under this section shall contain an estimate, in such form as the Secretary of State may require, of the capital outlay and annual expenditure likely to be incurred by any authority in carrying out any such proposals contained therein as are mentioned in subsection (2) above; the report shall also contain any representations made by any authority consulted under subsection (4) above.

Textual Amendments

- F1** Words in s. 39 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#) , s. [14\(3\)](#); S.I. 1991/2633, [art.4](#).

40 Approval of proposals relating to a long-distance route.

- (1) On the submission to the Secretary of State of a report under the last foregoing section, he shall consider any proposals contained in the report under subsection (2) of that section, any recommendations made under subsection (3) thereof and any representations referred to in subsection (5) thereof, and may either approve the proposals, with or without modifications or subject to such conditions as he thinks fit, or reject the proposals:
 Provided that where the Secretary of State does not propose to approve the proposals as set out in the report he shall, before coming to a determination as to what action to take under this subsection, consult with [^{F2}Scottish Natural Heritage] and such other authorities and persons as he may think fit.
- (2) As soon as may be after the Secretary of State determines under the last foregoing subsection either to approve any proposals, with or without modifications or conditions, or to reject them, he shall notify his determination to [^{F2}Scottish Natural Heritage] and to every local planning authority whose area is traversed by the route to which the report relates.
- (3) Proposals approved by the Secretary of State under subsection (1) above, either as originally set out in the report or as modified by the Secretary of State, are hereinafter referred to as “approved proposals relating to a long-distance route”, and such proposals shall be implemented by the local planning and other authorities concerned as soon as may be after their approval as aforesaid.

Textual Amendments

- F2** Words in s. 40 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#) , s. [14\(3\)](#); S.I. 1991/2633, [art.4](#).

41 Ferries for purposes of long-distance routes.

- (1) Where approved proposals relating to a long-distance route include proposals for the provision and operation of a ferry, the authority who are responsible for the

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maintenance of the roads or public paths to be connected by the ferry or, where there is more than one such authority, those authorities acting jointly or any such authority as may mutually be agreed—

- (a) shall have power to provide and operate the ferry and to carry out such work and do all such things as appear to them expedient for the purpose of operating the ferry;
- (b) may . . . ^{F3} agree with any person or body of persons for the provision and operation of the ferry by him or them and for the making by the authority of such contributions as may be specified in the agreement:

Provided that nothing in this subsection shall—

- (i) be construed as conferring on such an authority any exclusive right to operate a ferry;
- (ii) authorise the doing of anything which apart from this subsection would be actionable by any person by virtue of his having an exclusive right to operate a ferry, unless he consents to the doing thereof;
- (iii) authorise the doing of anything in relation to land in which any other person has an interest, if apart from this subsection the doing thereof would be actionable at his instance by virtue of that interest and he does not consent to the doing thereof;

and before carrying out any work in the exercise of powers conferred by this subsection, being work on the bank or bed of any waterway, the authority shall consult with every authority which under any enactment has functions relating to the waterway.

- (2) An authority may acquire land compulsorily for the purpose of any of their functions under paragraph (a) of the foregoing subsection.

Textual Amendments

F3 Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

42 Variation of approved proposals.

- (1) Where proposals relating to a long-distance route have been approved by the Secretary of State under section 40 above, [^{F4}Scottish Natural Heritage] may from time to time prepare and submit to the Secretary of State a report proposing any such variation of the approved proposals as [^{F4}Scottish Natural Heritage] may think fit.
- (2) Where, as respects any proposals approved as aforesaid, it appears to the Secretary of State, after consultation with [^{F4}Scottish Natural Heritage], expedient that the proposals should be varied in any respect and [^{F4}Scottish Natural Heritage] have not submitted to the Secretary of State a report proposing that variation, the Secretary of State may direct that the proposals shall be so varied.
- (3) Where an authority have found it impracticable to implement any part of any proposals approved as aforesaid, they shall so inform [^{F4}Scottish Natural Heritage] and shall submit to [^{F4}Scottish Natural Heritage] a report proposing such variations of the approved proposals as they may think fit.

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- (4) Section 39(4) and 40 above shall with the necessary modifications apply to a report or direction under this section; and section 39(5) above shall with the necessary modifications apply to any such report.
- (5) Where the Secretary of State approves, with or without modifications, any proposals contained in a report under subsection (1) above, or gives a direction under subsection (2) above, the proposals for the variation of which the report was made or direction given shall thereafter have effect subject to the provisions of the report or direction; and references in this Act to approved proposals relating to a long-distance route shall be construed accordingly.

Textual Amendments

- F4** Words in s. 42 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#) , s. [14\(3\)](#); S.I. 1991/2633, [art.4](#).

Changes to legislation:

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