



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART IV

FURTHER POWERS OF CERTAIN AUTHORITIES

48 Country Parks.

- (1) A country park is a park or pleasure ground in the countryside which by reason of its position in relation to major concentrations of population affords convenient opportunities to the public for enjoyment of the countryside or open-air recreation.
- (2) Each local planning authority shall assess the need for a country park whether within or outwith their area or partly within and partly outwith their area and shall from time to time review that need; for the purposes of this subsection each local planning authority, or where a joint advisory committee has been established under subsection (8) below, that committee, shall from time to time consult with [^{F1}Scottish Natural Heritage] and with such other local planning authorities as appear to them to be concerned.
- (3) In assessing and reviewing the need for a country park under subsection (2) above, the local planning authority shall have regard to the existing availability and adequacy of such opportunities as are described in subsection (1) above.
- (4) Any local planning authority may, whether within or outwith their area or partly within and partly outwith their area, provide, lay out, improve, maintain and manage a country park including any buildings, equipment, facilities, services or works ancillary thereto or which appear to them to be requisite for the enjoyment or convenience of the public, and the authority shall have power to make such charges as they think fit in connection with the use of the park by the public.
- (5) Any two or more local planning authorities may combine together for the purpose of exercising the powers conferred by subsection (4) above and the expenditure incurred in the exercise of those powers shall be shared between the authorities on terms agreed by them having regard to the prospective use of the country park by the inhabitants of the areas of the respective authorities concerned or failing such agreement on terms determined by the Secretary of State having regard to the aforesaid consideration.

Status: Point in time view as at 01/04/1992.

Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part IV. (See end of Document for details)

- (6) Any local planning authority or authorities shall have power to act as agent for any other local planning authority or authorities in the exercise of their powers under subsection (4) above and may receive from the authority or authorities on whose behalf they act contributions towards the expenditure incurred in the exercise of those powers on terms agreed or determined as mentioned in subsection (5) above.
- (7) The powers conferred by subsection (4) above may be exercised by a local planning authority either on land belonging to them, or, with the consent of all persons having an interest therein, on other land and they shall include power to make arrangements by agreement for the exercise of any of those powers on behalf of the authority by some other person on such terms as may be specified in the agreement.
- (8) Any two or more local planning authorities may, . . . ^{F2} concur in establishing a joint advisory committee for the purpose of making recommendations to those authorities as to the need mentioned in subsection (2) above, as to the provision of the country parks by those authorities, and for the purpose of consulting with [^{F1}Scottish Natural Heritage] as to those matters; and any such committee shall be constituted in such manner as may be determined by the authorities by whom it is established:
 Provided that a majority of the members of any such committee shall be members of those authorities.
- (9) ^{F3}
- (10) For the purpose of any of their functions under this section a local planning authority may acquire land compulsorily,

Textual Amendments

- F1** Words in s. 48 substituted (01.04.1992) by *Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1)*, s. **14(3)**; S.I. 1991/2633, art.4.
- F2** Words repealed by *Countryside (Scotland) Act 1981 (c. 44, SIF 46:1)*, **Sch. 2**
- F3** S. 48(9) repealed by *Countryside (Scotland) Act 1981 (c. 44, SIF 46:1)*, **Sch. 2**

[^{F4}48A Regional parks.

- (1) A regional park is an extensive area of land, part of which is devoted to the recreational needs of the public.
- (2) Regional councils shall have power—
- (a) by order to designate lands within their region as regional parks, and
- (b) to manage as a single administrative unit any parts of any such park which are under the control of the council,
- and where it is appropriate that lands extending into more than one region should be designated as a regional park the regional councils concerned may jointly exercise the powers conferred by this subsection.
- (3) Subject to subsection (4)(c) below, an order under subsection (2)(a) above shall not take effect until it is confirmed by the Secretary of State, who may confirm such order either without modification or subject to such modifications as he considers expedient.
- (4) The Secretary of State shall by regulations made by statutory instrument prescribe the procedure for making orders under subsection (2)(a) above and the form of such

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orders; and (without prejudice to the generality of this subsection) the regulations shall make provision as follows:—

- (a) that before an order under subsection (2)(a) above is submitted to the Secretary of State for confirmation, notice of the terms of the order shall be given to the owners, lessees and occupiers of land within the area designated in the order, and to such other persons, if any, as may be specified in the regulations;
 - (b) the objections and representations with respect to the order, if duly made in accordance with the regulations, shall be considered by the Secretary of State before he confirms the order;
 - (c) that if no objections or representations are made in respect of any order, or if any objections or representations made are withdrawn, the order shall not be submitted to the Secretary of State for confirmation, but shall be confirmed without modification as an unopposed order by the council or councils who made it; and
 - (d) that copies of confirmed orders shall be served on such persons as may be specified in the regulations.
- (5) Any statutory instrument made in terms of subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Where a planning application is made in relation to lands which fall within an area designated as a regional park, the planning authority shall have regard to the fact that the area has been so designated in considering the application.]

Textual Amendments

F4 S. 48A inserted by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), s. 8

49 Camping and caravan sites.

- (1) A local authority shall have power to provide camping sites for holiday or recreational purposes whether for the benefit of the inhabitants of their own area or otherwise, and to manage the sites or lease them to some other person.
- (2) A local authority shall have power to do anything appearing to them desirable in connection with the provision of such sites, and in particular—
 - (a) to acquire land which is in use as a camping site or which has been laid out as a camping site, or
 - (b) to provide for the use of those occupying camping sites any services or facilities for their health or convenience.
- (3) A local authority may make in respect of the use of sites managed by them, and of any services or facilities provided or made available under this section, such reasonable charges as they may determine.
- (4) A local authority shall, in the performance of their functions under this section, have power to acquire land compulsorily where it appears to them that a camping site or an additional camping site is needed in their area, or that land which is in use as a camping site should in the interests of the general public be taken over by the local authority.
- [^{F5}(5) In the foregoing provisions of this section “local authority” means an islands or district council.]

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Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part IV. (See end of Document for details)

(6) F6

Textual Amendments

- F5** S. 49(5) substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\), s. 9 Sch. 1 Pt. I, Pt. II para. 17](#)
- F6** S. 49(6)(7) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

[^{F7}49A

[Scottish Natural Heritage may enter into an agreement with any person having an ^{F8}(1) interest in land to do, or to secure the doing of, whatever in the opinion of the parties to the agreement may be necessary to secure the conservation and enhancement or to foster the understanding and enjoyment of the natural heritage of Scotland.

(2) A planning authority may enter into an agreement with any person having an interest in land to do or to secure the doing of whatever in the opinion of the parties to the agreement may be necessary to preserve or enhance the natural beauty of the countryside or to promote the enjoyment of the countryside by the public.

(3) An agreement under subsection (1) or (2) above shall be known as a “management agreement”]

(4) A planning authority or [^{F9}Scottish Natural Heritage] may make such payments in respect of such agreements as are specified in the agreement.

(5) Any person, being the liferenter of the heir of entail, in possession of any land shall have power to enter into management agreements relating to the land or any part thereof.

(6) The ^{M1}Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general power of trustees) there were included a power to enter into management agreements relating to the trusts estate or any part thereof.

(7) Subsections (8) to (10) of section 13 of this Act shall apply to management agreements as they apply to access agreements.

(8) 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 registered either—

- (a) in a case where the land affected by the agreement is registered in that Register, in the Land Register of Scotland, or
- (b) in any other case, in the appropriate Division of the General Register of Sasines.

(9) Any agreement registered in terms of subsection (8) above shall be enforceable at the instance of the planning authority or of [^{F9}Scottish Natural Heritage], as the case may be, 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 infetment or not) to the land prior to the agreement being registered as aforesaid, of against any person deriving title from such third party.

(10) Notwithstanding the terms of any management agreement, it shall be open at any time to the parties, as the case may be, to agree to terminate it; and where any

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management agreement has been registered in terms of subsection (8) above, the subsection agreement to terminate it shall be registered in the like manner.]

Textual Amendments

- F7** S. 49A inserted by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), **s. 9**
- F8** S. 49A(1)-(3) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(1), **Sch. 10**, para. 4(3); S.I. 1991/2633, **art.4**.
- F9** Words in s. 49A substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 14(3); S.I. 1991/2633, **art.4**.

Marginal Citations

- M1** 1921 c. 58(128).

50 Provision of accommodation, meals and refreshments.

- (1) A local authority may make arrangements for securing the provision in the countryside in their area (whether by the authority or by other persons) of accommodation, meals and refreshments and may for the purposes of such arrangements erect such buildings and carry out such work as may appear to them to be expedient:

Provided that a local authority shall not under this subsection provide accommodation, meals or refreshments except in so far as it appears to them that the facilities therefor are inadequate or unsatisfactory, either generally or as respects any description of accommodation, meals or refreshments, as the case may be.

- (2) A local authority may acquire land compulsorily for the purposes of any of their functions under the foregoing subsection.

[^{F10}(3) In this section “local authority” means a district council, an islands council, a general planning authority or a district planning authority.]

Textual Amendments

- F10** S. 50(3) substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **s. 9 Sch. 1 Pt. I**, Pt. II para. 18

51 Parking Places.

- (1) The powers to provide parking places conferred on [^{F11}local [^{F12}roads] authorities in Scotland by section 32 of the Road Traffic Regulation Act 1984] shall include a power to provide parking places where it appears to the authority desirable to do so to facilitate the enjoyment of the countryside by members of the public.

[^{F13}(2) General and district planning authorities may exercise the power conferred by the foregoing subsection and for that purpose may acquire land compulsorily; and [^{F14}sections 32, 33, 35, 41, 101 and 102 of the Road Traffic Regulation Act 1984] shall apply for the purposes of this subsection as if for any reference therein to a local authority there were substituted a reference to a general or district planning authority.]

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Textual Amendments

- F11** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), **Sch. 13 para. 3(a)**
- F12** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 60(4)**
- F13** [S. 51\(2\)](#) substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **s. 9 Sch. 1 Pt. I, Pt. II para. 19**
- F14** Words substituted by virtue of [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#) s. 146, Sch. 13 para 3(b) (the previous text in this place was “sections 28 (except subsection (6), 29, 31, 32, 52, 53 and 96 of the said Act of 1967” and the words substituted above were expressed to be substituted by Sch. 13 para. 3(b) of the 1984 Act for “sections 28, 29, 31, 32, 52, 53 and 96 of the said Act of 1967”)

52 Amendment of Local Government (Development and Finance) (Scotland) Act 1964.

- (1) Section 2(1) of the ^{M2}Local Government (Development and Finance) (Scotland) Act 1964 (which relates to the power of local authorities to carry out work on land) shall be amended by adding after paragraph (b) the words

“or

- (c) enabling members of the public to enjoy the countryside or engage in open-air recreation there.”

[^{F15}(2A) For the purposes of section 2(1)(a) and (c) and (2) of the said ^{M3}Act of 1964, general and district planning authorities may acquire land compulsorily.

(2B) For the purposes of section 2(1)(b) of the said Act of 1964, planning authorities may acquire land compulsorily.]

- (3) The reference in section 3(2) of the said Act of 1964 (supplementary powers) to the powers conferred by section 2 of that Act shall include a reference to any powers conferred by this Act to carry out work, or provide services or facilities.

Textual Amendments

- F15** [S. 52\(2A\)\(2B\)](#) substituted for [s. 52\(2\)](#) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **s. 9, Sch. 1 Pt. I, Pt. II para. 20**

Modifications etc. (not altering text)

- C1** The text of [s. 46\(4\)](#), [52\(1\)](#), [58\(5\)\(6\)](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M2** [1964 c. 67.](#)
- M3** [1964 c. 67\(81:2\).](#)

53 Contributions by or to local authorities.

- (1) A local authority may defray or contribute towards, or undertake to defray or contribute towards, expenditure incurred or to be incurred for the purposes of this Act by any other local authority, or by any other public body or person, and may receive

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from such a body or person contributions in respect of any expenditure so incurred or to be incurred.

In this subsection “expenditure for the purposes of this Act”, in relation to a local authority, includes expenditure in respect of which grant may be paid by virtue of section 67 of this Act.

(2) In this section “local authority” includes a local planning authority.

54 Byelaws.

[^{F16}(1) A local authority may, as respects land in their area belonging to them and situated in the countryside, and [^{F17}a general or district planning] authority may, as respects—

- (a) a public path created—
 - (i) in accordance with a public path creation agreement to which they are party;
 - (ii) by a public path creation order made by them and confirmed where necessary by the Secretary of State; or
 - (iii) by a public path diversion order made by them and confirmed where necessary by the Secretary of State;
- (b) a long-distance route which passes through their area;
- (c) a public right of way in relation to which a duty is imposed on them by section 46(1) of this Act;
- (d) a country park provided by them under section 48 of this Act; . . . ^{F18}
- (e) land or a waterway—
 - (i) in relation to which an agreement or order has been made by them for the purpose of giving access to the public;
 - or
 - (ii) to which the public are given access in consequence of acquisition by the authority [^{F19}; or
- (f) a picnic site managed by them by virtue of section 4 of the Roads (Scotland) Act 1984,]

make byelaws for the preservation of order, for the prevention of damage to the land, path, route, right of way, park [^{F20}, waterway or picnic site] or anything thereon, therein, or adjacent thereto, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land, path, route, right of way, park [^{F20}, waterway or picnic site] by other persons.

(1A) In subsection (1) above—

“long-distance” means a route in relation to which there are approved proposals under section 40 of this Act (or approved proposals having effect subject to the provisions of a report or direction under section 42 of this Act) and includes any road forming part of the route and any ferry, proposals for the provision and operation of which are included in the approved proposals; and “public path” has the meaning assigned to it in section 30 of this Act.]

(2) Without prejudice to the generality of the foregoing subsection, byelaws under that subsection may prohibit, restrict or regulate—

- (a) the use of the land, [^{F21}path, route, right of way,] park [^{F22}, waterway or picnic site], either generally or in any manner specified in the byelaws, by traffic of any description, or for any recreational purpose, so specified;

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- (b) the use of the waterway by boats which are not for the time being registered with the authority in such manner as the byelaws may provide, and may authorise the authority to make reasonable charges in respect of the registration of boats in pursuance of the byelaws;
- (c) the depositing of rubbish and the leaving of litter;
- (d) the lighting of fires;

and may be made so as to relate either to the whole or to any part of the land, [^{F21}path, route, right of way] park [^{F22}, waterway of picnic site], and may make different provisions for different parts thereof.

- (3) Before making byelaws under the foregoing provisions of this section a local authority may . . . ^{F23} consult with [^{F24}Scottish Natural Heritage].

[^{F25}(4) Scottish Natural Heritage may in relation to land—

- (a) owned or managed by it; or
- (b) to which an access agreement or order made by it applies,

make byelaws with respect to any of the matters mentioned in the foregoing provisions of this section.]

[^{F26}(5) In this section “local authority” means a district council, an islands council, a general planning authority or a district planning authority.]

[^{F27}(5A) Byelaws made under this section in relation to long-distance routes shall not come into operation in relation to any part of the route until—

- (a) the Secretary of State’s approval of the route under section 40 of this Act has been notified to the local authority or planning authority as the case may be; and
- (b) access over that part of the route is available to the public.]

- (6) Byelaws made under this or the next succeeding section shall not interfere with the exercise of any public right of way or navigation or of any functions of statutory undertakers or any port authority [^{F28}or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system.]

Textual Amendments

- F16** S. 54(1)(1A) substituted for s. 54(1) by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), s. 10(1)
- F17** Words substituted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 9 Sch. 1 Pt. I, Pt. II para. 21(a)
- F18** Word repealed by Roads (Scotland) Act 1984 (c. 54, SIF 108), Sch. 9 para. 60(5)(a)(i), Sch. 11
- F19** Words inserted by Roads (Scotland) Act 1984 (c. 54, SIF 108), Sch. 9 para. 60(5)(a)(ii)
- F20** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), Sch. 9 para. 60(5)(a)(iii)
- F21** Words inserted by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), s. 10(2)
- F22** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), Sch. 9 para. 60(5)(b)
- F23** Words repealed by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), Sch. 2
- F24** Words in s. 54(3) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 14(3); S.I. 1991/2633, art.4
- F25** S. 54(4) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 27(1), Sch. 10, para. 4(4); S.I. 1991/2633, art.4
- F26** S. 54(5) substituted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 9, Sch. 1 Pt. I, Pt. II para. 21(b)
- F27** S. 54(5A) added by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), s. 10(3)

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F28 Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch 4 para. 46\(4\)](#)

Modifications etc. (not altering text)

C2 [S. 54\(6\)](#) extended by [Post Office Act 1969 \(c. 48\)](#), [Sch. 4 para. 93\(1\)\(xxvii\)](#) and [Civil Aviation Act 1971 \(c. 75\)](#), [Sch. 5 para. 5\(x\)](#)

55 Default powers of Secretary of State as to byelaws.

- (1) If [^{F29}a general or district planning] authority, when required by the Secretary of State, as respects land or a waterway in relation to which an agreement or order has been made by them for the purpose of giving access to the public or such an order has been prepared in draft by him, or to which the public are given access in consequence of acquisition under Part II of this Act, to make byelaws with respect to any of the matters with respect to which they are empowered by the last foregoing section to make byelaws, do not within three months after being so required comply with the requirement to the satisfaction of the Secretary of State, he may himself make byelaws in relation to the matters, and as respects the land or waterway, in question:
Provided that before making byelaws under this section in relation to areas in the countryside the Secretary of State may . . . ^{F30} consult with [^{F31}Scottish Natural Heritage].
- (2) Before making any byelaws under this section the Secretary of State shall cause the proposed byelaws to be made known in the locality to which they relate, shall give an opportunity for objections being made to the proposed byelaws, shall receive and consider all objections made and may if he considers it necessary or desirable cause a local inquiry to be held.
- (3) Any byelaws made by the Secretary of State under this section shall have effect as if they had been made by the local planning authority and confirmed by the Secretary of State, and the provisions of this Act and of any enactment thereby applied shall have effect in relation to the byelaws accordingly.

Textual Amendments

- F29** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 9, [Sch. 1 Pt. I, Pt. II para. 22](#)
- F30** Words repealed by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), [Sch. 2](#)
- F31** Words in [s. 55\(1\)](#) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), [s. 14\(3\)](#); S.I. 1991/2633, [art. 4](#)

56 ^{F32}

Textual Amendments

- F32** [S. 56](#) repealed by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), [Sch. 4](#)

[^{F33}**56A Control of noise in quiet areas.**

- (1) For the purpose of preventing disturbance by the engine noise of vehicles and aircraft to the enjoyment by the public of quiet areas of the countryside, district and islands

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councils shall, subject to the following provisions of this section, have power by byelaws to control—

- (a) the use on land of waterways of vehicles (including hovercraft and boats); and
- (b) the landing and taking off of aircraft.

(2) Byelaws made under subsection (1) above shall not apply to the use of such vehicles of aircraft by—

- (a) emergency services;
- (b) statutory undertakers; or
- (c) owners, occupiers or tenants of the land, or owners of an interest in the land, on which the disturbance occurs, provided that the use involved is for the exercise of sporting rights.

(3) Subsection (1) above shall not apply to the Crown.

(4) In this section—

- (a) “aircraft” includes model aircraft.
- (b) “vehicles” includes model vehicles.]

Textual Amendments

F33 S. 56A added by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), s. 11

57 Supplementary provisions as to byelaws.

(1) Sections [^{F34}[^{F35}202] to 204] of the Local Government (Scotland) Act [^{F34M4}1973] (which relate to the procedure for making byelaws, penalties and the proof of byelaws in legal proceedings) shall apply to byelaws made by [^{F36}Scottish Natural Heritage] or a local planning authority or an Electricity Board under section 54, . . . ^{F37} or section 64 of this Act as if [^{F36}Scottish Natural Heritage] or authority or Board were a local authority within the meaning of the said Act of [^{F34}1973].

(2) In relation to byelaws made under the said section 54 . . . ^{F37} or the said section 64 the confirming authority for the purposes of [^{F34}section 202 of the said Act of 1973] shall be the Secretary of State.

Textual Amendments

F34 Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 171**

F35 Words substituted by [Local Government \(Scotland\) Act 1978 \(c. 4\)](#), **Sch. para. 1**

F36 Words in s. 57(1) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), **s. 14(3)**; S.I. 1991/2633, **art.4**.

F37 Words repealed by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **Sch. 4**

Marginal Citations

M4 1973 c. 65.

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Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part IV. (See end of Document for details)

58 Powers of the Forestry Commissioners.

- (1) The Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 (in this and the next succeeding section referred to as “the commissioners”) shall have the powers conferred on them by this section.
- (2) The Commissioners may, on any land placed at their disposal by the Secretary of State, provide, or arrange for or assist in the provision of tourist, recreational or sporting facilities and any equipment, facilities or works ancillary thereto, including without prejudice to that generality—
 - (a) accommodation for visitors;
 - (b) camping sites and caravan sites;
 - (c) places for meals and refreshments;
 - (d) picnic places, viewpoint stances, parking places, routes for nature study and footpaths;
 - (e) information and display centres;
 - (f) shops in connection with any of the aforesaid facilities;
 - (g) public conveniences;

and the Commissioners shall have power to make such charges as they think fit in connection with any of those facilities.

In this subsection “provide” includes manage, maintain and improve.

- (3) The Commissioners’ powers to make byelaws under section 46 of the ^{M5}Forestry Act 1967 shall include a power to make byelaws for regulating the reasonable use by the public of the facilities described in subsection (2) above, and in relation to any such matter as is described in section 54(2) above.
- (4) [^{F38}Scottish Natural Heritage] shall have power to act as agent for the Commissioners in the exercise of their powers under subsection (2) above.
- (5) The definition of “public open space” in section 9(6) of the Forestry Act 1967 shall be amended by inserting after “1949” the words “ or of Part II or section 48 of the Countryside (Scotland) Act 1967 ”.
- (6) Section 41 of the Forestry Act 1967 (which relates to the Forestry Fund) shall be amended as follows—
 - (a) in subsection (3)(b)(i) the word “and” shall be omitted and after the words “the Plant Health Act 1967” in that subsection there shall be inserted the words—

“and

(iii) the Countryside (Scotland) Act 1967”;
 - (b) in subsection (4), after the word “Act” there shall be inserted the words “ or received by them in the exercise of their powers under the Countryside (Scotland) Act 1967 ”.

Textual Amendments

F38 Words in s. 58 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. [14\(3\)](#); S.I. 1991/2633, [art.4](#).

Status: Point in time view as at 01/04/1992.

Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part IV. (See end of Document for details)

Modifications etc. (not altering text)

- C3** The text of s. 46(4), 52(1), 58(5)(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M5** [1967 c. 10.](#)

59 Extension of powers of Secretary of State under section 39 of the Forestry Act 1967.

The power of the Secretary of State under section 39 of the ^{M6}Forestry Act 1967 to acquire land shall include power to acquire land in proximity to land placed by him at the disposal of the Commissioners where it appears to him that the land which it is proposed to acquire is reasonably required by the Commissioners for the provision of such facilities as are mentioned in subsection (2) of the last foregoing section, . . . ^{F39}

Textual Amendments

- F39** Words repealed by [Forestry Act 1981 \(c. 39, SIF 54\)](#), [Sch.](#)

Marginal Citations

- M6** [1967 c. 10.](#)

60 Extension of powers of Secretary of State as respects certain land held by him.

- (1) Notwithstanding anything contained in the enactments mentioned in subsection (7) below the Secretary of State may, as respects land to which this section applies, exercise the powers conferred on the Forestry Commissioners by section 58(2) of this Act.
- (2) The Secretary of State may make byelaws for regulating the reasonable use by the public of land to which this section applies and facilities made available thereunder, and in relation to any such matter as is described in section 54(2) above.
- (3) Before making any byelaws under this section the Secretary of State shall cause the proposed byelaws to be made known in the locality to which they relate, shall give an opportunity for objections being made to the proposed byelaws, shall receive and consider all objections made and may if he considers it necessary or desirable cause a local inquiry to be held.
- (4) When such byelaws are made the Secretary of State shall cause them to be published in such manner as appears to him to be necessary to make them known to persons in the locality to which they relate, and shall on application furnish to any person a copy of the byelaws on payment of such [^{F40}reasonable sum] as he may determine.
- (5) A byelaw made under this section shall be deemed to be a regulation within the meaning of the ^{M7}Documentary Evidence Act 1868 and may be proved accordingly.
- (6) If anyone fails to comply with, or acts in contravention of, any byelaw made under this section he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [^{F41}level 2 on the standard scale].

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(7) This section applies to land held by the Secretary of State under or for the purposes of any of the following enactments—

- (a) the ^{M8}Congested Districts (Scotland) Act 1897;
- (b) the ^{M9}Sailors and Soldiers (Gifts for Land Settlement) Act 1916;
- (c) the Small Holding Colonies Acts 1916 and 1918;
- (d) the ^{M10}Land Settlement (Scotland) Act 1919;
- (e) ^{F42}
- (g) the ^{M11}Agriculture (Scotland) Act 1948;
- (h) the ^{M12}Forestry Act 1967,

but does not apply to land which for the time being is placed by the Secretary of State at the disposal of the Forestry Commissioners under the said Act of 1967.

(8) [^{F43}Scottish Natural Heritage] shall have power to act as agent for the Secretary of State in the exercise of his powers under subsection (1) above.

Textual Amendments

- F40** Words in s. 60(4) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(1), [Sch. 10](#), para. 4(5); S.I. 1991/2633, [art. 4](#).
- F41** Words substituted by virtue of [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), [s. 6\(e\)](#) and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#)), [s. 54](#))
- F42** S. 60(7)(e)(f) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XIII](#)
- F43** Words in s. 60(8) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), [s. 14\(3\)](#); S.I. 1991/2633, [art.4](#).

Marginal Citations

- M7** 1868 c. 37.
- M8** 1897 c. 53.
- M9** 1916 c. 60.
- M10** 1919 c. 97.
- M11** 1948 c. 45.
- M12** 1967 c. 10.

61 Improvement of waterways for purposes of open-air recreation.

- (1) Subject to the provisions of the next following section, a local planning authority [^{F44}may, as respects any waterway in] their area, carry out such work and do such other things as may appear to them expedient for facilitating the use of the waterway by the public for sailing, boating, bathing, fishing or other water sport or recreation, but in doing so shall take into consideration the disturbance of any fishing rights over the waterway which may be caused thereby.
- (2) A local planning authority may, as respects any waterway in their area, enter into an agreement, on such terms as to payment or otherwise as may be specified in the agreement, with any public body on whom powers are conferred in relation to the waterway by or under any enactment, for the exercise by that body of any power conferred on the local planning authority by the last foregoing subsection.
- (3) Where an agreement is made under the last foregoing subsection for the exercise of any power by any such body as is therein mentioned, no limitation imposed by law

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on the capacity of that body by virtue of the constitution thereof shall operate so as to prevent the body from exercising that power.

- (4) Where it appears to the Secretary of State, as respects a waterway in the area of a local planning authority, that any power conferred on the authority by subsection (1) above should be exercised by any such body as is mentioned in subsection (2) above, and the local planning authority have not entered into an agreement with the said body under the said subsection (2), the Secretary of State may direct that the said power shall be exercisable by the said body:
 Provided that no direction shall be given under this subsection except after consultation with the local planning authority and the said body.
- (5) Subject to the following provisions of this section, no body shall exercise any power conferred by this section without the consent of every local water authority having functions relating to the waterway in question; and before exercising any such power the body shall consult with every other body which under any enactment has functions relating to that waterway.
- (6) Where any local water authority referred to in the last foregoing subsection has refused its consent to a proposed exercise of powers under this section, the body proposing to exercise the power may apply to the Secretary of State who, if he is satisfied that the consent of the authority was unreasonably withheld, may authorise the proposed exercise of powers subject to such conditions or modifications as he may think fit.
- (7) Where any body consulted under subsection (5) above objects to a proposed exercise of powers under this section, and the objection is not withdrawn, the proposal shall not be proceeded with unless the body proposing to exercise the power applies to the Secretary of State who, if he is satisfied that it is expedient so to do, may authorise the proposed exercise of powers subject to such conditions or modifications as he may think fit, and if not so satisfied may refuse to authorise the proposed exercise of powers.
- (8) Before deciding whether to authorise any proposal on an application to him under either of the last two foregoing subsections, the Secretary of State shall consult with [^{F45}Scottish Natural Heritage] and shall afford to the body proposing to exercise the power and to every local water authority which has refused its consent and to every other body which has objected to the proposed exercise of powers an opportunity of being heard by a person appointed by him for the purpose, and shall consider that person's report.
- (9) Any local planning authority may acquire land compulsorily for the purpose of enabling any power conferred by this section to be exercised.

Textual Amendments

- F44** Words in s. 61(1) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(1), [Sch. 10, para. 4\(6\)](#); S.I. 1991/2633, [art.4](#)
- F45** Words in s. 61(8) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 14(3); S.I. 1991/2633, [art.4](#)

62 Exercise of powers under section 61.

- (1) The provisions of the last foregoing section shall not authorise a body to do anything in relation to land in which any other person has an interest, if apart from that section

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the doing thereof would be actionable at his instance by virtue of that interest and he does not consent to the doing thereof:

Provided that this subsection shall not apply in the case of land to or over which the public have access by virtue of an access order, but the exercise of any power under the last foregoing section as respects such land shall be subject to the provisions of Part II of this Act and of this section relating to such orders.

- (2) Any body proposing, in the exercise of the powers conferred by the last foregoing section, to carry out any work on land comprised in an access order, whether the work is specified in the order or not, shall give to the owner and occupier of the land not less than twenty-eight days' notice of their intention so to do, specifying the work to be carried out.
- (3) Where the work specified in a notice given under the foregoing subsection has not been specified in an access order as mentioned in section 14(8) above, then if before the expiration of the said notice the owner or occupier of the land serves notice of objection on the body they shall not carry out the work except in accordance with the provisions of the next following subsections.
- (4) A body on whom notice of objection has been served under the last foregoing subsection shall afford to the objector an opportunity of being heard by a person appointed by them for the purpose and shall then determine either—
 - (a) not to carry out the work to which the objection relates, or
 - (b) to carry out the work, either as originally proposed or with such modifications as the body may determine,and shall serve notice of their determination on the objector; and where the body determine as mentioned in paragraph (b) above, they may proceed with the work in accordance with the determination at any time after the expiration of fourteen days from the date on which notice of the determination is served on the objector:
Provided that if the objector serves notice of appeal under the next following subsection the body shall not proceed with the work except in accordance with the provisions of that subsection.
- (5) Any person aggrieved by a determination of any body under the last foregoing subsection may within the period of fourteen days therein mentioned serve notice of appeal against the determination on the Secretary of State and on that body; and where notice of appeal is served under this subsection the Secretary of State, after affording to the appellant and to the body an opportunity of being heard by a person appointed by him for the purpose, and after considering that person's report, shall either direct that the body may carry out the work (whether as specified in the notice given under subsection (2) above or subject to such modifications or conditions as the Secretary of State may think fit) or shall direct the body not to carry out the work.
- (6) Any power conferred by subsection (4)(b) above or by the last foregoing subsection to modify the work specified in a notice given under subsection (2) above shall not be exercised so as to affect land not affected by the notice.
- (7) Where the value of the interest of any person in land is depreciated, or any person has suffered damage by being disturbed in his enjoyment of land, in consequence of any work done under the powers conferred by the last foregoing section, on land comprised in an access order, the body who carried out the work shall pay to that person compensation equal to the amount of the depreciation or damage:

Provided that nothing in this subsection shall confer on a person a right to compensation for depreciation of the value of an interest in land, or for

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disturbance in his enjoyment of land, of which account has already been taken or will be taken in fixing compensation under section 20 above:

Provided also that nothing in this subsection shall confer on a person a right to such compensation in respect of land or the enjoyment thereof, not being in either case land on which the work was carried out or land held therewith, unless the carrying out of the work would have been actionable at his instance if it had been carried out otherwise than in the exercise of statutory powers.

- (8) A claim for compensation under the last foregoing subsection shall be made within such time and in such manner as may be prescribed and shall be made to the body by whom the work was carried out.
- (9) In this section “work” includes such other things as are referred to in section 61(1) above.

Modifications etc. (not altering text)

C4 S. 62 modified (8.9.2000) by 2000 asp 10, s. 9, **Sch. 3 para. 8** (with s. 32); S.S.I. 2000/312, **art. 2**

63 Provision of recreational facilities by local water authorities.

- (1) Subject to subsection (5) of this section a local water authority within the meaning of the Water (Scotland) Act [^{F46}1980] may, if it appears to them reasonable to do so—
- (a) permit the use by members of the public, for the purposes of any form of recreation, of any waterway or land in which the authority have an interest;
 - (b) provide, or otherwise make available, facilities for use by person resorting to any such waterway or land for the purposes of any such form of recreation.
- (2) The powers of a local water authority under subsection (1) above shall, in the case of a waterway or land in which the authority have an interest but which they do not own, be exercisable only with the consent of the owners thereof:
 Provided that where those powers are to be exercised in relation to a particular part of a waterway the consent of the owners of that part only need be obtained if the authority are satisfied that the exercise of those powers will not prejudice the rights or interests of other owners.
- (3) The provisions of this section shall not authorise any authority, body or person to do or permit anything in relation to a waterway or land in which any other person has an interest if apart from this section the doing or permitting thereof would be actionable at his instance by virtue of that interest and he does not consent to the doing or permitting thereof.
- (4) A local water authority may make such reasonable charges as they may determine in respect of the use for the purposes of recreation of any such waterway or land as is described in subsection (1) above, and of any facilities made available by the authority under that subsection.
- (5) A local water authority may let to any person, for such consideration and on such terms and conditions as they think fit, any works constructed by them for the purpose of providing facilities under subsection (1) above, and may authorise that person to make such reasonable charges as the authority may determine in respect of the use thereof as mentioned in that subsection.

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- (6) A local water authority may receive contributions from any authority, body or person in respect of the cost of the provision of the facilities mentioned in subsection (1) above, and those facilities may be provided by a local water authority jointly with any other authority, body or person.
- (7) A local water authority may make byelaws prohibiting such a waterway or land as is described in subsection (1) above and as may be specified in the byelaws from being used for boating (whether with mechanically propelled boats or otherwise), swimming or other recreational purposes, or regulating the way in which any such waterway or land so specified may be used for any of those purposes, and when making byelaws under this subsection the authority shall have regard to the need to protect water from pollution and to the need to avoid conflict which might arise from the use of the water or land for various recreational purposes.
- (8) Byelaws made in respect of any waterway by virtue of subsection (7) above may include provision prohibiting the use thereof by boats which are not for the time being registered with the local water authority in such manner as the byelaws may provide; and the byelaws may authorise the authority to make reasonable charges in respect of the registration of boats in pursuance of the byelaws.
- (9) A local water authority may take such action as they consider necessary to remedy the effect of any contravention of, or failure to comply with, byelaws made under subsection (7) above, and may recover the expenses reasonably incurred by them in doing so from the person in default.
- (10) Sections [F4671(6)] and [F4672] of the Water (Scotland) Act [F461980] shall have effect in relation to byelaws made under subsection (7) above as they have effect in relation to byelaws made under the said section [F4671].
- (11) For the purposes of this section a local water authority shall be deemed to have an interest in a waterway or land if they have power to make byelaws under the said Act of [F461980] in relation to the waterway or land, and any reference to a local water authority shall be construed as including a reference to a water development board within the meaning of the Water (Scotland) Act [F461980].

Textual Amendments

F46 Words substituted by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), [Sch. 10 Pt. II](#)

64 ^{F47}

Textual Amendments

F47 [S. 64](#) repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3), [Sch. 17 paras. 33, 35\(1\)](#), [Sch. 18](#)

65 **Wardens.**

- (1) An authority to which this section applies may appoint such number of persons as may appear to the authority to be expedient to act as [F48rangers] as respects any land or waterway in relation to which byelaws made by the authority are in force under or

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by virtue of this Act, or in relation to which the authority have power to make such byelaws.

- (2) The purposes for which [^{F48}rangers] may be appointed by an authority under this section as respects any land or waterway are—
- (a) to advise and assist the public as to any matter relating to the use of the land or waterway;
 - (b) to secure compliance with any such byelaws as are described in the foregoing subsection; and
 - (c) to perform such other duties in relation to the land or waterway as the authority may determine.
- (3) For the purpose of exercising any function conferred on him by or under this section a [^{F49}ranger] appointed thereunder may enter upon any land, or go on any waterway, [^{F50}(a) comprised in an access agreement or order in force under Part II of this Act; or (b) in relation to which byelaws made under section 56A of this Act are in force; or (c) as respects which he is otherwise appointed to act as a ranger.]
- (4) Any two or more authorities to which this section applies may agree to share the expenses of appointing [^{F49}rangers] under subsection (1) above as respects any land or waterway on such terms as may be specified in the agreement.
- (5) This section applies to the following authorities—
- (a) the Secretary of State;
 - (b) [^{F51}Scottish Natural Heritage];
 - [^{F52}(c) islands and district councils;
 - (d) general and district planning authorities;]
 - (e) the Forestry Commissioners constituted under the Forestry Acts 1919 to 1945;
 - [^{F53}(f) water authorities within the meaning of section 109(1) of the ^{M13}Water (Scotland) Act 1980];
 - (g) water development boards within the meaning of the ^{M14}Water (Scotland) Act [^{F54}1980];
 - (h) ^{F55}

[^{F56}(6) In this section “land” includes a long-distance route as defined in section 54(1A) of this Act.]

Textual Amendments

- F48** Word substituted by *Countryside (Scotland) Act 1981 (c. 44, SIF 46:1)*, **Sch. 1 para. 4(a)**
- F49** Word substituted by *Countryside (Scotland) Act 1981 (c. 44, SIF 46:1)*, **Sch. 1 para. 4(b)**
- F50** Words substituted by *Countryside (Scotland) Act 1981 (c. 44, SIF 46:1)*, **s. 12**
- F51** Words in s. 65(5) substituted (01.04.1992) by *Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1)*, **s. 14(3)**; S.I. 1991/2633, **art.4.**
- F52** S. 65(5)(c)(d) substituted by *Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2)*, **s. 9 Sch. 2 Pt. I, Pt. II para. 24**
- F53** S. 65(5)(f) substituted by *Water (Scotland) Act 1980 (c. 45, SIF 130)*, **Sch. 10 Pt. II**
- F54** Words substituted by *Water (Scotland) Act 1980 (c. 45, SIF 130)*, **Sch. 10 Pt. II**
- F55** S. 65(5)(h)(i) repealed by *Electricity Act 1989 (c. 29, SIF 44:1)*, s. 112(1)(3), Sch. 17 paras. 33, 35(1), **Sch. 18**
- F56** S. 65(6) inserted by *Countryside (Scotland) Act 1981 (c. 44, SIF 46:1)*, **Sch. 1 para. 4(c)**

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Marginal Citations

M13 1980 c. 45(130).

M14 1967 c. 78.

Status:

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Changes to legislation:

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