



# Countryside (Scotland) Act 1967

## 1967 CHAPTER 86

### PART III

#### PUBLIC PATHS AND LONG-DISTANCE ROUTES

##### *Creation of public paths*

#### **[<sup>F1</sup>35 Diversion of public paths.**

- (1) Where an owner, tenant or occupier of land crossed by a public path satisfies [<sup>F2</sup> the general or district planning] authority in whose area the land is situated that for securing the efficient use of the land or of other land held therewith or providing a shorter or more convenient path across his land, it is expedient that the line of the path across his land, or part of that line, should be diverted (whether on to other land or his or on to land of another owner, tenant or occupier), the authority may by order (in this Act referred to as a “public path diversion order”) made by them and [<sup>F3</sup>, subject to paragraph 2(1A) of Schedule 3 to this Act, ]submitted to and confirmed by the Secretary of State
  - (a) create, as from such date as may be specified in the order, any such new public path as appears to the authority requisite for effecting the diversion, and
  - (b) extinguish, as from such date as may be so specified in accordance with the provisions of the next following subsection, the right of way over so much of the path as appears to the authority requisite as aforesaid.
- (2) Where it appears to the authority that work requires to be done to provide necessary facilities for the convenient use of any such new public path as is mentioned in subsection (1)(a) above, the date specified under subsection (1)(b) above shall be later than the date specified under subsection (1)(a) above by such time as appears to the authority requisite for enabling the work to be carried out.
- (3) A right of way created by a public path diversion order may either be unconditional or may (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) be subject to such limitations or conditions as may be specified in the order, and the Secretary of State may [<sup>F4</sup>, in

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*Changes to legislation: There are currently no known outstanding effects for the  
 Countryside (Scotland) Act 1967, Section 35. (See end of Document for details)*

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a case where his confirmation of the order is required, confirm it ]subject to such modifications or conditions as he thinks fit.

- (4) Before determining to make a public path diversion order on the representation of an owner, tenant or occupier, the authority may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards
- (a) any compensation which may become payable under section 37 below;
  - (b) any expenses which [<sup>F5</sup>any general or district planning] authority may incur in bringing the new site of the path into a fit conditions for use by the public.
- (5) The Secretary of State shall not confirm a public path diversion order unless he is satisfied that the diversion to be effected thereby is expedient as mentioned in subsection (1) above, and further that the path will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which
- (a) the diversion would have on public enjoyment of the path as a whole,
  - (b) the coming into operation of the order would have as respects other land served by the existing right of way, and
  - (c) any new right of way created by the order would have as respects the land over which the right is so created and any land held therewith,
- so, however, that for the purposes of paragraphs (b) and (c) of this subsection the Secretary of State shall take into account the provisions as to compensation of section 37 below.
- (6) A public path diversion order shall be in such form as may be prescribed and shall contain a map, on such scale as may be prescribed, showing the existing site of so much of the line of the path as is to be diverted by the order and the new site to which it is to be diverted, and indicating whether a new right of way is created by the order over the whole of the new site or whether some part thereof is already comprised in a public path and, in the latter case, defining the part thereof so comprised.
- (7) Schedule 3 to this Act shall have effect as to the making, confirmation, validity and date of operation of public path diversion orders.]

#### Textual Amendments

- F1** S. 35 repealed (9.2.2005) by [Land Reform \(Scotland\) Act 2003 \(asp 2\)](#), s. 100(3), **Sch. 2 para. 4(b)** (with s. 100(2) and subject to savings in Sch. 2 para. 7); S.S.I. 2005/17, art. 2(b)
- F2** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 9, **Sch. 1 Pt. I, Pt. II para. 15(a)**
- F3** Words inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **Sch. 3 para. 10(a)**
- F4** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **Sch. 3 para. 10(b)**
- F5** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 9, **Sch. 1 Pt. I, Pt. II para. 15(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Section 35.