

1981 No. 1613 (S.170)

## COUNTRYSIDE

## The Regional Parks (Scotland) Regulations 1981

*Made* - - - - 5th November 1981*Laid before Parliament* 23rd November 1981*Coming into operation* 14th December 1981

In exercise of the powers conferred on me by section 48A(4) of the Countryside (Scotland) Act 1967(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Regional Parks (Scotland) Regulations 1981 and shall come into operation on 14th December 1981.

*Interpretation*

2. In these regulations, unless the context otherwise requires—

“the Act” means the Countryside (Scotland) Act 1967;

“regional park designation order” means an order under section 48A(2) of the Act designating an area of land as a regional park;

“the National Trust for Scotland” means the National Trust for Scotland for places of Historic Interest or Natural Beauty incorporated by Order confirmed by the National Trust for Scotland Order Confirmation Act 1935(b);

“the Nature Conservancy Council” has the meaning assigned to it by section 1 of the Nature Conservancy Council Act 1973(c);

“the Scottish Sports Council” means the body of that name established by Royal Charter, dated 21 January 1972,

and other expressions have the same meaning for the purpose of these regulations as they have for the purpose of the Act.

*Form of regional park designation order*

3.—(1) A regional park designation order shall be in the form, or substantially in the form, set out in Form I of the Schedule to these regulations with such modifications as the circumstances may require.

(2) A regional park designation order shall be described by reference to a map on a scale of 1:50,000; provided that the Secretary of State may, on the application of the regional council, in any particular case authorise the use of a different scale where he is satisfied that the circumstances so require.

(a) 1967 c. 86; section 48A was inserted by section 8 of the Countryside (Scotland) Act 1981, (c. 44). (b) 1936 c. ii. (c) 1973 c. 54.

(3) In the case of any conflict between the map and the particulars contained in the schedule to the regional park designation order, the schedule shall prevail.

*Procedure before order is confirmed*

4.—(1) Before a regional park designation order is confirmed the regional council by whom the order was made shall give notice—

- (a) stating that the order has been made ;
- (b) naming a place convenient to the area of land being designated where a copy of the order and of a statement of the general reasons for making the order may be inspected free of charge at all reasonable hours ;
- (c) specifying the time (being not less than twenty-eight days from first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

(2) The notice to be given under the foregoing paragraph shall be given by—

- (a) publication, in one or more newspapers circulating in the area where the land to which the order relates is situated, of a notice in the form, or substantially in the form, set out in Form No. 2 of the Schedule hereto with such modifications as the circumstances may require ; and
- (b) by serving a notice in the form, or substantially in the form, set out in Form No. 3 of the Schedule hereto with such modifications as the circumstances may require on—
  - (i) every owner, occupier and lessee of any of the land to which the order relates ;
  - (ii) every district council whose area includes any of the land to which the order relates ;
  - (iii) any statutory undertakers to whom there belongs or by whom there is used, for the purposes of their undertaking, any apparatus under, in, on, over, along or across that land ;
  - (iv) the Countryside Commission for Scotland ;
  - (v) the Nature Conservancy Council ;
  - (vi) the Forestry Commissioners ;
  - (vii) the National Trust for Scotland ;
  - (viii) the Scottish Sports Council.

*Procedure for representations and objections*

5.—(1) If no representations or objections are duly made, or if any so made are withdrawn the regional council by whom the order was made may confirm the order without modification as an unopposed order.

(2) If any representations or objections duly made are not withdrawn, the regional council shall submit to the Secretary of State the order and such other material as he considers necessary and before deciding whether to confirm the order, the Secretary of State may either—

- (a) cause a local inquiry to be held, or
- (b) afford to any person by whom any representations or objections have been duly made and not withdrawn an opportunity of being heard by a person appointed by him for that purpose.

(3) The Secretary of State after considering the representation or objection and the report of any inquiry or hearing, as the case may be, may confirm the order with or without modifications.

*Procedure following confirmation of order*

6.—(1) As soon as may be after the order has been confirmed, the regional council by whom the order was made shall publish in the same manner as provided in Regulation 4(2) above a notice in the form, or substantially in the form, set out in Form No. 4 of the Schedule to these regulations hereto, with such modification as the circumstances may require, stating that the order has been confirmed, with or without modifications and naming a place where a copy of the order as confirmed and of the map referred to therein may be inspected at all reasonable hours and shall serve a notice in the form or substantially in the form, set out in Form No. 5 of the Schedule to these regulations, and a copy of the order as confirmed on any persons on whom notices with respect to the order were required to be served under regulation 4(2) above.

(2) The order shall become operative on the date on which the notice required by paragraph (1) above is first published, or on such later date as may be specified in that notice.

George Younger,  
One of Her Majesty's  
Principal Secretaries of State.

New St. Andrew's House,  
Edinburgh.

5th November 1981.

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SCHEDULE

FORM NO. 1

[Regulation 3]

*(Form of regional park designation order)*

COUNTRYSIDE (SCOTLAND) ACT 1967

*(Title of Order)*

The *(insert name of Council)* Regional Council in exercise of the powers conferred on them by section 48A (2) of the Countryside (Scotland) Act 1967 and of all other powers enabling them in that behalf, hereby make the following order:

1. This order may be cited as *(insert name of regional park)* Designation Order 19 .
2. The land described in the Schedule to this order and delineated with a solid black border in the map executed as relative to this order shall be designated as a regional park.
3. The designation will be effective from the date of first publication of the notice of confirmation of this order or from such later date as may be specified in that notice.

Dated this            day of            19 .

*(Authenticate in the manner  
appropriate to the order-making  
council).*

## SCHEDULE

## DESCRIPTION OF LAND DESIGNATED

*(Give a description of the land sufficient to identify its location and extent)*

## MAP

*(The area should be delineated by a solid black line and the map should be authenticated in the manner normally used by the order-making council e.g. signed and sealed, and identified as shown below)*

This is the map referred to in (name of park) Designation Order 19 .

## FORM NO. 2

[Regulation 4]

*(Form of newspaper notice of making of regional park designation order)*

## COUNTRYSIDE (SCOTLAND) ACT 1967

*(Title of Order)*

Notice is hereby given that (insert name of Council) Regional Council made the above order on            day of            19    which is about to be confirmed.

A copy of the order and of the map referred to therein together with the statement of the reasons for the making of the order have been deposited at (name premises and give address) and may be inspected there free of charge during normal office hours.

Any representation or objection with respect to the order must be sent in writing to the Secretary, Scottish Development Department, New St. Andrew's House, St. James Centre, Edinburgh EH1 3SZ to arrive by the (1) day of 19    stating the grounds on which it is made.

Dated the            day of            19 .

*(Signature and designation of proper officer)*

*(1) Insert a date at least 28 clear days from the date of first publication of the notice (i.e. 28 days excluding the date of first publication).*

## FORM No. 3

[Regulation 4]

*(Form of notice to owners, occupiers and lessees etc. of the making of a regional park designation order)*

## COUNTRYSIDE (SCOTLAND) ACT 1967

(Title of Order)

Notice is hereby given that the (*insert name of Council*) Regional Council made the above order on                      day of                      19                      which is about to be confirmed.

A copy of the order which includes land in which you are believed to have an interest [as owner/occupier/lessee] and of the map referred to therein, together with the statement of the reasons for the making of the order are enclosed.

Any representation or objection with respect to the order must be sent in writing to the Secretary, Scottish Development Department, New St. Andrew's House, Edinburgh EH1 3SZ to arrive by the (1) day of                      19                      stating the grounds on which it is made.

Dated the                      day of                      19                      .

(Signature and designation of proper officer)

(1) *Insert a date at least 28 clear days from the date of service of the notice (i.e. 28 days excluding the date of service).*

## FORM No. 4

[Regulation 6]

*(Form of newspaper notice of the confirmation of a regional park designation order)*

## COUNTRYSIDE (SCOTLAND) ACT 1967

(Title of Order)

EITHER

Notice is hereby given that on the                      day of                      19                      the Secretary of State confirmed [with modifications] the above order.

OR

Notice is hereby given that on the                      day of                      19                      , there being no representations or objections maintained against the above order (*insert name of order-making council*) confirmed the order without modification.

AND

A copy of the order as confirmed and of the map referred to therein has been deposited at (*name premises and give address*) and may be inspected there free of charge during normal office hours.

The order becomes operative on the                      day of                      19                      [being the day on which notice of confirmation is first published]. (1)

Dated the                      day of                      19                      .

(Signature and designation of proper officer)

(1) *Delete when inappropriate*

## FORM No. 5

[Regulation 6]

*(Form of notice to owners, occupiers, lessees etc. of the confirmation  
of a regional park designation order)*

## COUNTRYSIDE (SCOTLAND) ACT 1967

*(Title of Order)*

## EITHER

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ the  
Secretary of State confirmed [with modifications] the above order.

## OR

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_, there  
being no representations or objections maintained against the above order (*insert  
name of order-making council*) confirmed the order without modification.

## AND

The order includes land in which you are believed to have an interest [as owner/  
occupier/ lessee].

The order becomes operative on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_  
[being the day on which notice of confirmation is first published]. (1)

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

*(Signature and designation of proper officer)*

(1) *Delete when inappropriate*

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations prescribe the procedure that is to be followed when an area is to be designated as a regional park. The Regulations prescribe—

- (a) the form of a regional park designation order (Regulation 3 and Form 1);
- (b) the procedure before an order is confirmed; the form of notice of the making of an order to be given in newspapers; and the form of notice of the making of an order to be given to owners, occupiers, lessees and other bodies. (Regulation 4 and Forms 2 and 3);
- (c) the procedure for representations and objections (Regulation 5);
- (d) the procedure following confirmation of an order; the form of notice of that confirmation to be given in newspapers; and the form of notice of that confirmation to be given to owners, occupiers, lessees and other bodies (Regulation 6 and Forms 4 and 5).



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