



Land Reform (Scotland) Act 2003

2003 asp 2

PART 1

ACCESS RIGHTS

CHAPTER 4

REGULATION AND PROTECTION OF ACCESS RIGHTS

12 Byelaws in relation to land over which access rights are exercisable

- (1) The local authority may, in relation to land in respect of which access rights are exercisable, make byelaws—
- (a) making provision further or supplementary to that made—
 - (i) by sections 2 and 9 and under section 4 above as to the responsible exercise of access rights; and
 - (ii) by section 3(2) and under section 4 above as to the responsible use, management and conduct of the ownership of the land;
 - (b) specifying land for the purposes of section 6(j) above;
 - (c) providing for—
 - (i) the preservation of public order and safety;
 - (ii) the prevention of damage;
 - (iii) the prevention of nuisance or danger;
 - (iv) the conservation or enhancement of natural or cultural heritage.
- (2) Byelaws made under section (1)(c) above may, in particular—
- (a) prohibit, restrict or regulate the exercise of access rights;
 - (b) facilitate their exercise;
 - (c) so as to protect and further the interests of persons who are exercising or who might exercise access rights, prohibit or regulate—
 - (i) the use of vehicles or vessels;
 - (ii) the taking place of sporting and recreational activities;
 - (iii) the conduct of any trade or business;

Status: This is the original version (as it was originally enacted).

- (iv) the depositing or leaving of rubbish or litter; and
 - (v) the lighting of fires and the doing of anything likely to cause a fire,
- on the land.
- (3) Byelaws made under this section shall not interfere with the exercise of—
 - (a) any public right of way or navigation; or
 - (b) the functions of a statutory undertaker.
 - (4) Sections 202 to 204 (byelaws) of the Local Government (Scotland) Act 1973 (c. 65) apply to byelaws made under this section as they apply to byelaws made under that Act, but with the following modifications and further provisions.
 - (5) The references to one month in subsections (4), (5) and (7) of section 202 shall be read as references to such period of not less than 12 weeks as the local authority determine.
 - (6) The local authority shall, at the same time as they first make the proposed byelaws open to public inspection, consult the persons and bodies mentioned in subsection (7) below on the proposed byelaws.
 - (7) Those persons and bodies are—
 - (a) every community council whose area includes an area to which the proposed byelaws would apply;
 - (b) the owners of land to which the proposed byelaws would apply;
 - (c) such persons as appear to them to be representative of the interests of those who live, work, carry on business or engage in recreational activities on any land affected by the proposed byelaws;
 - (d) the local access forum established by them;
 - (e) every statutory undertaker which carries on its undertaking on land to which the proposed byelaws would apply;
 - (f) Scottish Natural Heritage; and
 - (g) such other persons as they think fit.
 - (8) The local authority are, for the purposes of subsection (6) above, to be taken as having consulted a person of whom or a body of which they have no knowledge or whom or which they cannot find if they have taken reasonable measures to ascertain whether the person or body exists or, as the case may be, the person's or body's whereabouts.