



Land Reform (Scotland) Act 2003

2003 asp 2

PART 1

ACCESS RIGHTS

CHAPTER 2

NATURE AND EXTENT OF ACCESS RIGHTS: FURTHER PROVISIONS

7 Provisions supplementing and qualifying section 6

- (1) Section 6 above does not prevent or restrict the exercise of access rights over any land which is a core path ^[F1]unless it is land—
 - (a) to which public access is prohibited or restricted by or under any enactment in consequence of an outbreak of animal disease; or
 - (b) in respect of which access rights are not exercisable, having been specified (whether as part of a larger area or not) in an order under section 11]
- (2) Land which bears to be within section 6 above by virtue of a development or change of use for which planning permission was or is required under the Town and Country Planning (Scotland) Act 1997 (c. 8) shall, if—
 - (a) such planning permission has not been granted; or
 - (b) such permission was granted subject to a condition which has not been complied with,be regarded, for the purposes of that section, as if that development or change of use had not occurred.
- (3) Where planning permission for such a development or change of use of land has been granted, the land shall, for the purposes of section 6 above, be regarded, while that development or change of use is taking place in accordance with the permission, as having been developed or having had its use changed accordingly.
- (4) In section 6(1)(b)(iii) above, “school” means not only a school within the meaning of section 135(1) of the Education (Scotland) Act 1980 (c. 44) but also any other institution which provides education for children below school age within the meaning of that provision.

Changes to legislation: There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 7. (See end of Document for details)

- (5) There are included among the factors which go to determine what extent of land is sufficient for the purposes mentioned in section 6(1)(b)(iv) above, the location and other characteristics of the house or other place.
- (6) For the purposes of section 6(1)(d) above, access rights do not extend to the land to which public access is prohibited, excluded or restricted only to the extent of the prohibition, exclusion or restriction.
- (7) Section 6(1)(e) above prevents the exercise of access rights over land to which it applies only if—
- (a) the land is being used for the purpose for which it has been developed or set out and, in the case of land which is not a sports or playing field, the exercise of those rights would interfere with the recreational use to which the land is being put;
 - (b) the land is a golf green, bowling green, cricket square, lawn tennis court or other similar area on which grass is grown and prepared for a particular recreational purpose; or
 - (c) in the case of land which is a sports or playing field, the surface of the land is comprised of synthetic grass, acrylic, resin or rubber granule.
- (8) For the purposes of section 6(1)(e) above, land which has been developed or set out for a particular recreational purpose does not include land on which groynes have been constructed, deepening of pools has been undertaken, fishing platforms have been erected, or where other works for the purposes of fishing have taken place.
- (9) Section 6(1)(f) above does not prevent or restrict the exercise of access rights over land to which it applies by any person who forms part of a class of persons who are not, on the days taken into account for the purposes of determining whether that provision applies in relation to the land, required to pay to gain admittance to the land.
- (10) For the purposes of section 6(1)(i) above land on which crops are growing—
- (a) includes land on which grass is being grown for hay and silage which is at such a late stage of growth that it is likely to be damaged by the exercise of access rights in respect of the land in which it is growing, but otherwise does not include grassland;
 - (b) does not include headrigs, endrigs or other margins of fields in which crops are growing,
 - [^{F2}(c) does not include land used wholly or mainly—
 - (i) as woodland or an orchard, or
 - (ii) for the growing of trees;
 but does include land used wholly for the cultivation of tree seedlings in beds,] and “crops” means plants which are cultivated for agricultural, ^{F3}... or commercial purposes.

Textual Amendments

- F1** Words in s. 7(1) inserted (20.12.2013) by [The Land Reform \(Scotland\) Act 2003 \(Modification\) Order 2013 \(S.S.I. 2013/356\)](#), arts. 1, 2
- F2** S. 7(10)(c) and words inserted (9.2.2005) by [The Land Reform \(Scotland\) Act 2003 \(Modification\) Order 2005 \(S.S.I. 2005/65\)](#), art. 2(a)

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F3 Word deleted (9.2.2005) by [The Land Reform \(Scotland\) Act 2003 \(Modification\) Order 2005 \(S.S.I. 2005/65\)](#), **art. 2(b)**

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