

Draft Order laid before the Scottish Parliament under section 98(5) of the Land Reform (Scotland) Act 2003 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

LAND REFORM

**The Land Reform (Scotland) Act
2003 (Modification) Order 2013**

Made - - - - 2013

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 8(1) of the Land Reform (Scotland) Act 2003⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 8(3) of that Act, they have consulted such persons (and associations representing such persons) whom they consider to have a particular interest in the effect of the Order and such other persons as they think fit.

In accordance with section 98(5) of that Act⁽²⁾, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Land Reform (Scotland) Act 2003 (Modification) Order 2013 and comes into force on the day after the day on which it is made.

Modification of the Land Reform (Scotland) Act 2003

2. In section 7(1) of the Land Reform (Scotland) Act 2003 (provisions supplementing and qualifying section 6) after “path” insert—

“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”.

(1) 2003 asp 2.

(2) Section 98(5) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish
Statutory Instrument: The Land Reform (Scotland) Act 2003 (Modification) Order 2013 No. 356

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies section 7(1) of the Land Reform (Scotland) Act 2003 (“the 2003 Act”).

Section 6 of the 2003 Act provides that access rights are not exercisable over the categories of land specified in that section. Section 7(1) of that Act qualifies the effect of section 6 by providing that it does not prevent or restrict the exercise of access rights over any land which is a core path.

This Order modifies section 7(1) to create two exceptions to its general effect. Where public access to land has been prohibited or restricted by or under any enactment in consequence of an outbreak of animal disease, or where land has been included in an order under section 11 of the 2003 Act (power to exempt particular land from access rights), the exercise of access rights will be prevented or restricted over that land notwithstanding the fact that the land in question is a core path.

A Business and Regulatory Impact Assessment has not been prepared in relation to the first aspect, as animal disease outbreak is unpredictable and impacts would vary depending on the location and nature of an outbreak.

However, a Business and Regulatory Impact Assessment has been prepared in relation to the second aspect (orders under section 11 of the 2003 Act) and placed in the Scottish Parliament Information Centre. Copies are available from the Natural Resources Division, Victoria Quay, Leith, Edinburgh, EH6 6QQ and on-line at www.legislation.gov.uk.