



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART III

PUBLIC PATHS AND LONG-DISTANCE ROUTES

Miscellaneous Provisions relating to Rights of Way

43 Ploughing of public rights of way

- (1) Where a public right of way crosses agricultural land or land which is being brought into use for agriculture, then, if—
- (a) it is proposed in accordance with the rules of good husbandry to plough the land, and
 - (b) it is convenient, in so ploughing the land, to plough the way together with the rest of the land,

the right of way shall be subject to the condition that the occupier shall have the right, subject to the following provisions of this section, to plough the way as well as the rest of the land:

Provided that, where the way is subject to a public path creation agreement, a public path creation order, or a public path diversion order, the agreement or order may exclude the right to plough the way or any part of it and may impose restrictions or conditions on the exercise of that right.

- (2) Within seven days after ploughing a public right of way in the exercise of the right conferred by the foregoing subsection the occupier shall give to the authority responsible under section 46(1) below for the protection of the right of way notice of that fact.
- (3) Where a public right of way is ploughed in the exercise of the said right the occupier of the land shall as soon as may be after the ploughing is completed reinstate the surface of the way.

Status: This is the original version (as it was originally enacted).

- (4) A person who fails to comply with the foregoing provisions of this section shall be guilty of an offence and shall be liable on summary conviction—
- (a) in the case of a failure to comply with the provisions of an agreement or order as mentioned in the proviso to subsection (1) above, to a fine not exceeding £50;
 - (b) in the case of a failure to comply with the provisions of subsection (2) above to a fine not exceeding £10 ;
 - (c) in the case of a failure to comply with the provisions of subsection (3) above, to a fine not exceeding £50;

and where a person is convicted of the offence of failing to comply with the provisions of subsection (3) above and the offence in respect of which he was convicted is continued after the conviction he shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding twenty shillings for each day on which the offence is so continued.

- (5) If an occupier ploughs a public right of way and fails to reinstate the surface of the way, the local planning authority, after giving to the occupier not less than 14 days' notice of their intention, may take all necessary steps for carrying out the work, and may recover from the occupier the amount of any expenses reasonably incurred by them in relation thereto.
- (6) Nothing in the provisions of this section shall prejudice any limitation or condition having effect apart from those provisions.

44 Pasturing of bulls

- (1) No person shall, being the occupier of any field or enclosure through which there is a public right of way, permit any bull to be at large in such field or enclosure:

Provided that this section shall not apply to any bull which—

- (a) does not exceed the age of 10 months ; or
 - (b) is not of a recognised dairy breed and is at large in any field or enclosure in which cows or heifers are also at large.
- (2) A person who fails to comply with the foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

45 Power to authorise erection of stiles, etc., on public rights of way

- (1) Where the owner, tenant or occupier of land which is used or being brought into use for agriculture or forestry represents to the authority responsible under section 46(1) below for the protection of a public right of way which crosses the land that, for securing that the use, or any particular use, of the land for agriculture or forestry shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the way, the authority may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.
- (2) If, on a representation duly made under the foregoing subsection, the authority refuse to grant an authorisation thereunder, or grant such an authorisation subject to conditions, the person who made the representation may appeal to the Secretary of

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State against the refusal or against the imposition of the conditions, as the case may be; and if the Secretary of State, after giving to the appellant and to the authority an opportunity of being heard by a person appointed by him for the purpose and considering the report of that person, determines to allow the appeal, he shall—

- (a) if the appeal was against a refusal, authorise the erection of the stiles, gates or other works in question, subject to such conditions as he may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public ;
 - (b) if the appeal was against the imposition of conditions, direct that the authorisation granted by the authority shall, as may be specified in the direction, have effect either unconditionally or subject to such modified conditions as may be so specified.
- (3) Where an authorisation is granted by an authority under subsection (1) above or by the Secretary of State under the last foregoing subsection, the right of way shall be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached thereto are complied with.
- (4) Nothing in the provisions of this section shall prejudice any limitation or condition having effect apart from those provisions.

46 Protection and maintenance of rights of way

- (1) It shall be the duty of a local planning authority to assert, protect and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area, and they may for these purposes institute and defend legal proceedings and generally take such steps as they may deem expedient.
- (2) Any local authority or local planning authority may repair and maintain any public right of way (not being a road or a footpath at the side of a road) within their area, but this power shall not relieve any other authority or person from any liability with respect to such repair or maintenance.
- (3) Any person may with the consent of the local planning authority erect and maintain guide posts and direction notices on any public right of way other than a road.
- (4) Section 42 of the Local Government (Scotland) Act 1894 is hereby repealed.

47 Interpretation of Part III

In this Part of this Act, unless the context otherwise requires—

" bridleway " means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along that way;

" footpath " means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot with or without a right of way on pedal cycles;

" horse " includes pony, ass and mule, and " horseback " shall be construed accordingly ;

" public path " has the meaning assigned to it in section 30 of this Act