



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART V

GENERAL, FINANCIAL AND SUPPLEMENTARY

66 Conservation of natural beauty.

In the exercise of their functions relating to land under any enactment every Minister, government department and public body shall have regard to the desirability of conserving [^{F1}the natural heritage of Scotland within the meaning of the Natural Heritage (Scotland) Act 1991].

Textual Amendments

F1 Words in s. 66 substituted (1.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 27(1), **Sch. 10**, para. 4(7); S.I. 1991/2633, **art.4**.

Modifications etc. (not altering text)

- C1** S. 66 extended by Gas Act 1986 (c. 44 SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xx), Sch. 8 para. 33
- C2** S. 66 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 2(1)(9), Sch. 17 para. 33, **35(1)**
- C3** S. 66 extended (1.3.1996) by 1995 c. 45, s. 16(1) **Sch. 4 para. 2(1)(XV)**; S.I. 1996/218, **art. 2**

67, 68. ^{F2}

Textual Amendments

F2 Ss. 67, 68 repealed by Countryside (Scotland) Act 1981 (c. 44, SIF 46:1), **Sch. 2**

Status: Point in time view as at 27/05/1997.

Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part V. (See end of Document for details)

69 Acquisition, appropriation, disposal, etc. of land.

- (1) The ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory acquisition of land under this Act as if this Act had been in force immediately before the commencement of that Act, and in relation to such acquisition of land—
 - (a) by the Secretary of State, as if section 1(1)(b) of that Act included a reference to the Secretary of State, and
 - (b) by [^{F3}Scottish Natural Heritage] or by a local planning authority, as if [^{F4}it or] they were a local authority within the meaning of that Act.
- (2) No land may be compulsorily acquired under this Act unless the acquisition is authorised by the Secretary of State.
- (3) For the purposes of this Act [^{F5}a general or district planning] authority shall have the powers conferred on a local authority by [^{F6}sections 70, 71, 73 and 74 and section 85 of the ^{M2}Local Government (Scotland) Act 1973] (acquisition, appropriation and disposal of land and gifts of land) and [^{F6}Sections 70(3) and 211] of that Act (application of Lands Clauses Acts etc. and enforcement of duty) shall apply to [^{F7}a general or district planning] authority as they apply to a local authority.

Textual Amendments

- F3** Words in s. 69(1)(b) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), [s. 14\(3\)](#); [S.I. 1991/2633](#), [art.4](#).
- F4** Words in s. 69(1)(b) inserted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), [s. 27\(1\)](#), [Sch. 10](#), para. 4(8); [S.I. 1991/2633](#), [art.4](#).
- F5** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), [s. 9 Sch. 1 Pt. I](#), Pt. II para. 25(a)
- F6** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [s. 237\(2\)](#)
- F7** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 82:2\)](#), [s. 9 Sch. 1 Pt. I](#), Pt. II para. 25(b)

Marginal Citations

- M1** 1947 c. 42.
- M2** 1973 c. 65.

70 Supplementary provisions as to compensation under ss. 20, 37 and 62.

- (1) The following provisions shall have effect in respect of compensation under sections 20, 37 and 62 of this Act.
- (2) Any dispute arising on a claim for any such compensation shall be determined by the Lands Tribunal for Scotland, but until sections 1 to 3 of the ^{M3}Lands Tribunal Act 1949 come into force as regards Scotland, any such dispute shall be determined by an official arbiter appointed under Part I of the ^{M4}Land Compensation (Scotland) Act 1963.
- (3) Subject to the provisions of this section the said Act of 1963, so far as appropriate, shall apply in relation to any question of disputed compensation referred to in subsection (1) above as it applies to any such question referred to in section 2(1) of that Act, with the substitution for references to the acquiring authority of references to the [^{F8}body] from whom the compensation in question is claimed.

Status: Point in time view as at 27/05/1997.

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- (4) Rules 2 to 4 of the rules contained in section 12 of the said Act of 1963 (rules for assessing compensation) shall apply to the calculation of any compensation referred to in subsection (1) above, in so far as it is calculated by reference to the depreciation of the value of an interest in land.
- (5) In the case of an interest in land subject to a heritable security—
- (a) compensation referred to in subsection (1) above in respect of the depreciation of that interest shall be calculated as if the interest were not subject to the heritable security;
 - (b) a claim or application for the payment of any such compensation, or an application for the recording of a claim in respect of the interest under section 22(1) of this Act, may be made by any person who when the order giving rise to the compensation was made was the heritable creditor, or by any person claiming under such a person, but without prejudice to the making of a claim or application by any other person;
 - (c) a heritable creditor shall not be entitled to any such compensation in respect of his interest as such; and
 - (d) any compensation payable in respect of the interest subject to the heritable security shall be paid to the heritable creditor or, where there is more than one heritable creditor, to the creditor whose heritable security has priority over any other heritable securities secured on the land, and shall in either case be applied by him as if it were proceeds of sale.
- (6) In this section “heritable security” has the same meaning as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by ex facie absolute disposition or assignment, and “heritable creditor” shall be construed accordingly.

Textual Amendments

F8 Word in s. 70(3) substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(1), [Sch. 10](#), para. 4(9); S.I. 1991/2633, [art.4](#).

Modifications etc. (not altering text)

C4 S. 70 applied (27.5.1997) by [1997 c. 8](#), [ss. 166\(5\)](#), 278(2)

Marginal Citations

M3 1949 c. 42.

M4 1963 c. 51.

F971

Textual Amendments

F9 S. 71 repealed (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(2), [Sch.11](#); S.I. 1991/2633, [art.4](#).

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72 Exemption of Commission from betterment levy.

Section 56 of the ^{M5}Land Commission Act 1967 (exemption of public bodies from levy) shall apply to [^{F10}Scottish Natural Heritage], and accordingly after subsection 4(c) of that section there shall be inserted the following words;—

“(c) the Countryside Commission for Scotland;”.

Textual Amendments

F10 Words in s. 72 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\), s. 14\(3\)](#); S.I. 1991/2633, [art.4](#).

Marginal Citations

M5 1967 c. 1.

73 Crown land.

- (1) If the appropriate authority consent thereto, the power to carry out work, provide series or facilities conferred on [^{F11}Scottish Natural Heritage], local authorities and local planning authorities by this Act or by section 2 of the ^{M6}Local Government (Development and Finance) (Scotland) Act 1964 may be exercised on Crown land.
- (2) Parts II and III of this Act shall apply to Crown land, but subject to the following modifications—
 - (a) no access order, public path creation order, public path extinguishment order or public path diversion order shall be made as respects such land except with the consent of the appropriate authority;
 - (b) no such land shall be acquired under the said Part II or III except with such consent;
 - (c) if any land comprised in an access agreement or order, not being excepted land as defined for the purposes of the said Part II, becomes Crown land while it is so comprised, the access agreement or order shall cease to apply to the land unless the appropriate authority consent to the continued application thereto of the agreement or order.
- (3) An access agreement made by any government department shall be of no effect unless it is approved by the Treasury, and in considering whether to make or approve an access agreement relating to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.
- (4) Byelaws made under this Act shall apply to Crown land if the appropriate authority consent to their application thereto.
- (5) In this section “Crown land” and “the appropriate authority” have the same meaning as in section [^{F12}section 242 of the Act of 1997], and the provisions of [^{F12}subsection (3)]of that section as to the determination of questions shall apply for the purposes of this section.

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Textual Amendments

F11 Words in s. 73 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\), s. 14\(3\)](#); [S.I. 1991/2633, art. 4](#).

F12 Words in s. 73(5) substituted (27.5.1997) by [1997 c. 11 ss. 4, 6\(2\) Sch. 2 para. 15\(3\)](#)

Marginal Citations

M6 [1964 c. 67](#).

74 Expenses.

- (1) The Secretary of State may pay such sums in respect of the expenses of [^{F13}Scottish Natural Heritage] as he may, with the consent of the Treasury, determine.
- (2) There shall be paid out of moneys provided by Parliament—
 - (a) any expenses incurred by the Secretary of State under this Act; and
 - (b) any increase in the sums payable out of moneys so provided under any enactment relating to local government in Scotland or under the ^{M7}Forestry Act 1967.

Textual Amendments

F13 Words in s. 74 substituted (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\), s. 14\(3\)](#); [S.I. 1991/2633, art.4](#).

Marginal Citations

M7 [1967 c. 10](#).

75 Powers of entry.

- (1) For the purpose of surveying land in connection with—
 - ^{F14}(a)
 - (b) the acquisition under this Act of the land or of any interest therein whether by agreement or compulsorily,
 - (c) the making of an access order with respect thereto, or
 - (d) the making of a public path creation order, public path extinguishment order or public path diversion order,any person duly authorised in writing by the Secretary of State, ^{F15} . . . or other authority having power so to exercise functions, or to acquire land or to make the order, as the case may be, may, at any reasonable time, enter upon the land.
- (2) For the purpose of surveying land, or of estimating its value, in connection with any claim for compensation payable by virtue of this Act by the Secretary of State, ^{F15} . . . or other authority in respect of that or any other land, any person being an officer of the Valuation Office or a person duly authorised in writing by the authority from whom the compensation is claimed may, at any reasonable time, enter upon the land.
- (3) A person authorised under this section to enter upon any land, shall, if so required by the occupier or anyone acting on his behalf, produce evidence of his authority, and

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shall not demand admission as of right to any land which is occupied unless at least fourteen days' notice in writing of the intended entry has been given to the occupier.

^{F16}(4)

- (5) A person entering upon any land by virtue of this section may take with him such other persons as may be necessary, and on leaving any premises which he has so entered, being either unoccupied premises, or premises of which the occupier is temporarily absent, shall leave them as effectively secured against unauthorised entry as he found them.
- (6) A person who wilfully obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F17}level 3 on the standard scale].

Textual Amendments

- F14** S. 75(1)(a) repealed (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(2), [Sch.11](#); S.I. 1991/2633, [art.4](#).
- F15** Words in s. 75(1)(2) repealed (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(2), [Sch.11](#); S.I. 1991/2633, [art.4](#).
- F16** S. 75(4) repealed (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(2), [Sch.11](#); S.I. 1991/2633, [art.4](#).
- F17** Words substituted by virtue of [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), 6(f) and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. **289G** (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. **54**)

76 Inquiries and service of notices.

- (1) [^{F18}section 265 of the Town and Country Planning (Scotland) Act 1997](which provides for the holding by a Minister of local inquiries) shall apply for the purposes of this Act.
- (2) [^{F19}Section 271 of the Act of 1997] (which provides for the services of notices and other documents) shall apply to notices and other documents required or authorised to be served or given under this Act:
 Provided that this subsection shall not apply to the service of any notice required or authorised to be served under Schedule 1 to the ^{M8}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by this Act.

Textual Amendments

- F18** Words in s. 76(1) substituted (27.5.1997) by [1997 c. 11 ss. 4, 6\(2\)](#), Sch. 2 para. 15(4)(a)
- F19** Words in s. 76(2) substituted (27.5.1997) by [1997 c. 11 ss. 4, 6\(2\)](#) Sch. 2 para. 15(4)(b)

Marginal Citations

- M8** [1947 c. 42](#).

77 Orders.

Any order under this Act may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions:

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Provided that, without prejudice to the making of a new access order under Part II of this Act, an access order under the said Part II shall not be varied so as to comprise land not comprised in the original order.

78 Interpretation

(1) In this Act unless the context otherwise requires—

[^{F20}“the Act of 1997” means the Town and Country Planning (Scotland) Act 1997;]

“agricultural land” means land used for the purposes of agriculture within the meaning of section 86(3) of the ^{M9}Agriculture (Scotland) Act 1948 and “agricultural purposes” shall be construed accordingly;

^{F21}

“boat” includes any hover vehicle or craft being a vehicle or craft designed to be supported on a cushion of air and which is used on or over water;

^{F22}

^{F23}

“enactment” has the same meaning as in [^{F24}the Act of 1997];

[^{F25}“footway” has the same meaning as in the Roads (Scotland) Act 1984;]

“function” includes power and duty;

“interest”, in relation to land, includes any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting and fishing rights;

“land” includes land covered by water and, in relation to the acquisition or disposal of land by virtue of this Act, any right or interest in or over land;

“livestock rearing land” has the meaning assigned to it by section 1(3) of the ^{M10}Livestock Rearing Act 1951;

“local authority” [^{F26}means a [^{F27}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];]

“local planning authority” [^{F28}means a general, regional or district planning authority within the meaning of Part IX of the ^{M11}Local Government (Scotland) Act 1973.]

“open country” has the meaning assigned to it by section 10(2) of this Act;

“owner”, in relation to land, means the person who, for the time being, receives, or, if the land were let, would be entitled to receive the rent of the land, or who, in the case of land which is unlet, is entitled to occupy the land, and includes any trustee, tutor, curator, factor, agent or other person receiving the rent on behalf of any other person, and also a joint owner;

“prescribed” means prescribed by regulations made by statutory instrument by the Secretary of State subject to annulment in pursuance of a resolution of either House of Parliament;

“public body” includes any local authority, local planning authority or statutory undertaker, and any trustees, commissioners, board or other persons who as a public body and not for their own profit act under any enactment for the improvement of any place or the production or supply of any commodity or service;

[^{F29}“refreshments” includes alcoholic liquor within the meaning of the ^{M12}Licensing (Scotland) Act 1976;]

[^{F30}“road” has the same meaning as in the Roads (Scotland) Act 1984;]

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“statutory undertakers” and “statutory undertaking” have the meanings assigned to them by ^{F31}section 217 of the Act of 1997];

^{F32}“water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;]

“waterway” means any loch, lake, river, reservoir, canal or other waters, being (in any case) water suitable, or which can reasonably be rendered suitable, for sailing, boating, bathing, fishing or other water sport or recreation.

- (2) References in this Act to the conservation of natural beauty of an area shall be construed as including references to the conservation of features of geological or physiological interest therein and of the flora and fauna thereof.
- (3) References in this Act to any enactment are references to that enactment as amended by or under any subsequent enactment including this Act.

Textual Amendments

- F20** Definition of “the Act of 1997” in s. 78(1) substituted (27.5.1997) for “the Act of 1947” by 1997 c. 11 ss. 4, 6(2), Sch. 2 para. 15(5)(a)
- F21** Definition repealed by [Countryside \(Scotland\) Act 1981 \(c. 44, SIF 46:1\)](#), [Sch. 2](#)
- F22** In s. 78(1), definition of “the countryside” repealed (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(2), [Sch. 11](#); S.I. 1991/2633, [art. 4](#)
- F23** Definition repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F24** Words in definition of “enactment” in s. 78(1) substituted (27.5.1997) by 1997 c. 11 ss. 4,6(2), Sch. 2 para. 15(5)(b)
- F25** Definition inserted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 81:2\)](#), [Sch. 9 para. 60\(6\)\(a\)](#)
- F26** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 172\(a\)](#)
- F27** Words substituted (1.4.1996) in the definition of “local authority” in s. 78(1) by 1994 c. 39, s. 180(1), [Sch. 13 para. 72\(9\)\(a\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F28** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 172\(b\)](#)
- F29** Definition substituted by [Licensing \(Scotland\) Act 1976 \(c. 66\)](#), [Sch. 7 para. 6](#)
- F30** Definition substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 81:2\)](#), [Sch. 9 para. 60\(6\)\(b\)](#)
- F31** Words in definition of “statutory undertakers” and “statutory undertaking” in s. 78(1) substituted (27.5.1997) by 1997 c. 11 s. 4 Sch. 2 para. 15(5)(c)
- F32** Definition of “water authority” inserted (1.4.1996) in s. 78(1) by 1994 c. 39, s. 180(1), [Sch. 13 para. 72\(9\)\(b\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)

Modifications etc. (not altering text)

- C5** [S. 78\(2\)](#) applied by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), [s. 121\(12\)](#)

Marginal Citations

- M9** 1948 c. 45.
M10 1951 c. 18.
M11 1973 c. 65.
M12 1976 c. 66.

79 Short title and extent.

- (1) This Act may be cited as the Countryside (Scotland) Act 1967.
- (2) This Act, . . . ^{F33} shall extend to Scotland only.

Status: Point in time view as at 27/05/1997.

Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part V. (See end of Document for details)

Textual Amendments

F33 Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\) Sch. 3](#)

Status:

Point in time view as at 27/05/1997.

Changes to legislation:

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