



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART III

PUBLIC PATHS AND LONG-DISTANCE ROUTES

Creation of public paths

[^{F1}34 Closure of public paths.

- (1) Where it appears to [^{F2}a general or district planning] authority as respects a public path in their area that it is expedient that the path should be closed on the ground that the path is not needed for public use, the authority may by order (in this Act referred to as a “public path extinguishment order”) made by them and [^{F3}, subject to paragraph 2(1A) of Schedule 3 to this Act,] submitted to and confirmed by the Secretary of State extinguish the right of way over the path.
- (2) The Secretary of State shall not confirm a public path extinguishment order unless he is satisfied that it is expedient so to do having regard to the extent to which it appears to him that the path would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path, account being taken of the provisions as to compensation contained in section 37 below.
- (3) A public path extinguishment order shall be in such form as may be prescribed and shall contain a map, on such scale as may be prescribed, defining the land over which the right of way is thereby extinguished.
- (4) Schedule 3 to this Act shall have effect as to the making, confirmation, validity and date of operation of public path extinguishment orders.
- (5) Where in accordance with regulations made under paragraph 3 of the said Schedule proceedings preliminary to the [^{F4}making or] confirmation of a public path extinguishment order are taken concurrently with proceedings preliminary to the [^{F4}making or] confirmation of a public path creation order or of a public path diversion order ^{F5}... then, in considering—

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Countryside (Scotland) Act 1967, Section 34. (See end of Document for details)*

- (a) under subsection (1) above whether the path to which the public path extinguishment order relates is needed for public use, or
- (b) under subsection (2) above to what extent that path would apart from the order be likely to be used by the public,

the local planning authority or the Secretary of State, as the case may be, may have regard to the extent to which the public path creation order or the public path diversion order would provide an alternative path.

- (6) For the purposes of subsections (1) and (2) above, any temporary circumstances preventing or diminishing the use of a path by the public shall be disregarded.]

Textual Amendments

- F1** S. 34 repealed (9.2.2005) by [Land Reform \(Scotland\) Act 2003 \(asp 2\)](#), s. 100(3), **Sch. 2 para. 4(b)** (with [s. 100\(2\)](#) and subject to savings in [Sch. 2 para. 7](#)); S.S.I. 2005/17, art. 2(b)
- F2** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 9, **Sch. 1 Pt. I, Pt. II para. 14**
- F3** Words inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 9, **Sch. 1 Pt. I, Pt. II para. 9(a)**
- F4** Words inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **Sch. 3 para. 9(b)(i)**
- F5** Words repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **Sch. 4 Pt. I**

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