



Local Government (Scotland) Act 1894

1894 CHAPTER 58

PART VI

SUPPLEMENTAL

42 Protection of rights of way

- (1) It shall be the duty of a town council or in a police burgh of the burgh commissioners, and of a district committee, and, where there is no district committee, of the county council, to assert, protect, and keep open and free from obstruction or encroachment any right of way, whether wholly within or partly within and partly without the burgh, police burgh, district, or county respectively, which it may appear to them respectively that the public have acquired by grant, prescriptive use, or otherwise, and they may respectively, for the purpose of carrying this section into effect, institute and defend any legal proceedings and generally take such steps as they may deem expedient.
- (2) Where a parish council, or any six parish electors, of a parish have represented to the district committee or, where there is no district committee, to the county council, that any public right of way within the district, or beneficial to any inhabitants of the district, has been or is likely to be shut, or obstructed, or encroached upon, it shall be the duty of the district committee, or, where there is no district committee, of the county council, if they are satisfied that the representation is well founded, to take such proceedings as may be requisite for the vindication of the right of way, and if the district committee refuse or fail to take proceedings in consequence of such representation, the parish council, or the electors who made the representation, may petition the County council, and if the county council so resolve, the powers and duties of the district committee under this section, in relation to such right of way, shall be transferred to the county council.
- (3) Any expenditure incurred by a county council or a district committee thereof in connexion with any legal or other proceedings, under the two preceding sub-sections, or either of them, shall be defrayed out of the road rate for the district, or, where a county is not divided into districts, out of the road rate for the county. Provided always, that any litigant who is successful against the county council or district committee

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

shall not be assessed for such portion of the road rate as is rendered necessary by such expenditure.

- (4) Within a county, district, or parish respectively it shall be in the power of the county council, or district committee, or parish council, and of any member or members of the public, with the consent of any one of these bodies, to erect and maintain guide posts and direction notices upon any right of way.