

EXPLANATORY NOTES

LAND REFORM (SCOTLAND) ACT 2003

INTRODUCTION

THE ACT – AN OVERVIEW

PART 1 ACCESS RIGHTS

Section 1: Access rights

Section 2: Access rights to be exercised responsibly

Section 3: Reciprocal obligation of owners

Section 4: Modification of sections 9, 14 and 23

Section 5: Access rights, reciprocal obligations and other rules and rights

Sections 6 and 7: Land over which access rights not exercisable

Section 8: Adjustment of land excluded from access rights

Section 9: Conduct excluded from access rights

Section 10: The Scottish Outdoor Access Code

Section 11: Power to exempt particular land from access rights

Section 12: Bylaws in relation to land over which access rights are exercisable

Section 13: Duty of local authority to uphold access rights

Section 14: Prohibition signs, obstructions, dangerous impediments etc.

Section 15: Measures for safety protection, guidance and assistance

Section 16: Acquisition by local authority of land to enable or facilitate exercise of access rights

Section 17: Core paths plan

Section 18: Core paths plan: further procedure

Section 19: Power to maintain core paths etc.

Section 20: Review and amendment of core paths plan

Section 21: Delineation by agreement of paths in land over which access rights are exercisable

Section 22: Compulsory powers to delineate paths in land over which access rights are exercisable

Section 23: Ploughing etc.

Section 24: Rangers

Section 25: Local access forums

Section 26: Power of entry

Section 27: Guidance

Section 28: Judicial determination of existence and extent of access rights and rights of way.

Section 29: Powers to protect natural heritage and cultural heritage etc.

Section 30: Existing bylaws providing for public access to land

Section 31: Application of section 15 to rights of way

Section 32: Interpretation of Part 1

PART 2 THE COMMUNITY RIGHT TO BUY

Section 33: Registrable land

Section 34: Community bodies

Section 35: Provisions Supplementary to Section 34

Section 36: Register of Community Interests in Land

Section 37: Registration of interest in land

Section 38: Criteria for registration

Section 39: Procedure for late applications

Sections 40 and 41: Effect of Registration

Section 42: Power to modify sections 40(4) and (5) and 41

Section 43: Anti-avoidance provisions

Section 44: Duration and renewal of registration

Section 45: Deletion of community interest in land

Section 46 : Re-registration of community interest

Section 47: Activation of right to buy

Section 48: Duties on owner, or creditor, proposing to transfer land

- Section 49: Procedure following receipt of notice under section 48
- Section 50: Power to activate Right to Buy land where breach of this Part
- Section 51: Exercise of right to buy: approval of community and consent of Ministers
- Section 52: Ballot procedure
- Section 53: Provisions supplementary to section 51: salmon fishings and minerals
- Section 54: Declinature or extinction of right to buy
- Section 55: Right to buy same land exercisable by only one community body
- Section 56: Procedure for buying
- Section 57: Powers of Lands Tribunal in event of failure or delay
- Section 58: Procedure where right to buy activated under section 50(3)
- Section 59: Assessment of value of land
- Section 60: Procedure for valuation
- Section 61: Appeals
- Section 62: Appeals to Lands Tribunal: valuation
- Section 63: Compensation
- Section 64: Compensation appeals
- Section 65: Effect of right to buy on other rights
- Section 66: Amendment to the Land Registration (Scotland) Act 1979
- Section 67: Construction of references to land in which community interest registered

PART 3 THE CROFTING COMMUNITY RIGHT TO BUY

- Section 68: Land which may be bought: eligible croft land
- Section 69: Land which may be bought: salmon fishings and mineral rights
- Section 70: Land which may be bought in addition to eligible croft land
- Section 71: Crofting community bodies
- Section 72: Provisions supplementary to section 71
- Section 73: Application by crofting community body for consent to buy croft land
- Section 74: Criteria for consent by Ministers
- Section 75: Ballot to indicate approval for purposes of section 74(1)(m)

Section 76: Right to buy same eligible land exercisable by only one crofting community body

Section 77: Reference to Land Court of purchase of eligible additional land without owners consent

Section 78: Modification of section 77(3)(a) to (e)

Section 79: Additional land included at request of owner

Section 80: Consent conditions

Section 81: Reference to Land Court of questions on applications

Section 82: Notification of Ministers' decision on application

Section 83: Leaseback to owner of sporting interests

Section 84: Effect on other rights of Ministers' decision on right to buy

Section 85: Confirmation of intention to proceed with purchase and withdrawal

Section 86: Completion of purchase

Section 87: Completion of transfer

Section 88: Assessment of value of croft land etc.

Section 89: Compensation

Section 90: Grants towards crofting community bodies' liabilities to pay compensation

Section 91: Appeals

Section 92: Appeals to Land Court: valuation

Section 93: Agreement as to matters referred or appealed

Section 94: Register of Crofting Community Rights to Buy

Section 95: Avoidance of disposal other than to crofting community body

Section 96: Limitation on affect of this Part

Section 97: Scottish Land Court: jurisdiction

PART 4 GENERAL AND SUPPLEMENTARY

Section 98: General and supplementary provisions

Section 99: Amendments, repeals and savings

Section 100: Short title, Crown application and commencement

Schedule 1: Path Orders

Schedule 2 Amendment and Repeal of Enactments

These notes relate to the Land Reform (Scotland) Act 2003 (asp 2)

Trespass (Scotland) Act 1865 (c.56)

Acquisition of Land (Authorisation of Procedure) (Scotland) Act 1947 (c.42)

Countryside (Scotland) Act 1967 (c.86)

Civic Government (Scotland) Act 1982 (c.45)

Public Order Act 1986 (c.64)

Criminal Justice and Public Order Act 1994 (c.33)

The Conservation (Natural Habitats Etc.) Regulations 1994 (S.I. 1994/2716)

Town and Country Planning (Scotland) Act 1997(c.8)

PARLIAMENTARY HISTORY FOR THE LAND REFORM (SCOTLAND) ACT 2003