



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 1

#### ACCESS RIGHTS

### CHAPTER 6

#### GENERAL AND MISCELLANEOUS PROVISIONS

## 32 Interpretation of Part 1

In this Part of this Act—

“Access Code” means the Scottish Outdoor Access Code issued by Scottish Natural Heritage under section 10 above;

“canals” means inland waterways within the meaning of section 92 (interpretation) of the Transport Act 1962 (c. 46);

“core path” means a path, waterway or any other means of crossing land such as is mentioned in section 17(2) above which is set out in a plan adopted under section 18 above or, as the case may be, such a plan as amended under section 20 above;

“cultural heritage” includes structures and other remains resulting from human activity of all periods, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes;

“inland waters” means any inland, non-tidal loch, river (to the extent that it is non-tidal), lake or reservoir, whether natural or artificial and whether navigable or not, and includes the bed and the shores or banks thereof;

“land” includes—

- (a) bridges and other structures built on or over land;
- (b) inland waters;
- (c) canals; and
- (d) the foreshore, that is to say, the land between the high and low water marks of ordinary spring tides;

“local authority” in relation to specific land in respect of which access rights are or would, but for a provision of or order made under this Act, be exercisable means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) where the land is, on the day on which this section comes into force, within an area designated as a National Park under the National Parks (Scotland) Act 2000 (asp 10), the National Park authority for that National Park; and
- (b) in any other case, the council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39)) whose area includes that land;

“natural heritage” includes the flora and fauna of land, its geological and physiographical features and its natural beauty and amenity;

“owner”, in relation to land, means—

- (a) the owner of the land; and
- (b) where the owner is not in natural possession of the land, the person who is entitled to such natural possession;

“statutory undertaker” means—

- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power;
- (b) the operator of a telecommunications code system;
- (c) an airport operator (within the meaning of the Airports Act 1986 (c. 31)) operating an airport to which Part V of that Act applies;
- (d) a gas transporter, within the meaning of Part I of the Gas Act 1986 (c. 44);
- (e) Scottish Water;
- (f) a holder of a licence under section 6(1) of the Electricity Act 1989 (c. 29);
- (g) the Civil Aviation Authority or a holder of a licence under Chapter I of Part I of the Transport Act 2000 (c. 38) (to the extent that the person holding the licence is carrying out activities authorised by it);
- (h) the Scottish Environment Protection Agency; or
- (i) a universal postal service provider within the meaning of the Postal Services Act 2000 (c. 26);

and “undertaking” means the undertaking of such a statutory undertaker; and

“telecommunications code system” and “operator”, in relation to such a system, have the same meanings in this Part of this Act as they have in the Telecommunications Act 1984 (c. 12).