



Land Reform (Scotland) Act 2003

2003 asp 2

PART 1

ACCESS RIGHTS

CHAPTER 2

NATURE AND EXTENT OF ACCESS RIGHTS: FURTHER PROVISIONS

6 Land over which access rights not exercisable

- (1) The land in respect of which access rights are not exercisable is land—
- (a) to the extent that there is on it—
 - (i) a building or other structure or works, plant or fixed machinery;
 - (ii) a caravan, tent or other place affording a person privacy or shelter;
 - (b) which—
 - (i) forms the curtilage of a building which is not a house or of a group of buildings none of which is a house;
 - (ii) forms a compound or other enclosure containing any such structure, works, plant or fixed machinery as is referred to in paragraph (a)(i) above;
 - (iii) consists of land contiguous to and used for the purposes of a school; or
 - (iv) comprises, in relation to a house or any of the places mentioned in paragraph (a)(ii) above, sufficient adjacent land to enable persons living there to have reasonable measures of privacy in that house or place and to ensure that their enjoyment of that house or place is not unreasonably disturbed;
 - (c) to which, not being land within paragraph (b)(iv) above, two or more persons have rights in common and which is used by those persons as a private garden;
 - (d) to which public access is, by or under any enactment other than this Act, prohibited, excluded or restricted;
 - (e) which has been developed or set out—
 - (i) as a sports or playing field; or
 - (ii) for a particular recreational purpose;

Status: This is the original version (as it was originally enacted).

- (f) to which—
 - (i) for not fewer than 90 days in the year ending on 31st January 2001, members of the public were admitted only on payment; and
 - (ii) after that date, and for not fewer than 90 days in each year beginning on 1st February 2001, members of the public are, or are to be, so admitted;
 - (g) on which—
 - (i) building, civil engineering or demolition works; or
 - (ii) works being carried out by a statutory undertaker for the purposes of the undertaking,
are being carried out;
 - (h) which is used for the working of minerals by surface workings (including quarrying);
 - (i) in which crops have been sown or are growing;
 - (j) which has been specified in an order under section 11 or in byelaws under section 12 below as land in respect of which access rights are not exercisable.
- (2) For the purposes of subsection (1)(a)(i) above, a bridge, tunnel, causeway, launching site, groyne, weir, boulder weir, embankment of a canalised waterway, fence, wall or anything designed to facilitate passage is not to be regarded as a structure.