



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART IV

FURTHER POWERS OF CERTAIN AUTHORITIES

63 Provision of recreational facilities by local water authorities.

- (1) Subject to subsection (5) of this section [^{F1}Scottish Water]^{F1} may, if it appears to [^{F2}it]^{F2} reasonable to do so—
 - (a) permit the use by members of the public, for the purposes of any form of recreation, of any waterway or land in which [^{F3}Scottish Water has]^{F3} an interest;
 - (b) provide, or otherwise make available, facilities for use by person resorting to any such waterway or land for the purposes of any such form of recreation.
- (2) The powers of [^{F4}Scottish Water]^{F4} under subsection (1) above shall, in the case of a waterway or land in which [^{F5}Scottish Water has]^{F5} an interest but which [^{F6}it does]^{F6} not own, be exercisable only with the consent of the owners thereof:
Provided that where those powers are to be exercised in relation to a particular part of a waterway the consent of the owners of that part only need be obtained if [^{F7}Scottish Water is]^{F7} satisfied that the exercise of those powers will not prejudice the rights or interests of other owners.
- (3) The provisions of this section shall not authorise any authority, body or person to do or permit anything in relation to a waterway or land in which any other person has an interest if apart from this section the doing or permitting thereof would be actionable at his instance by virtue of that interest and he does not consent to the doing or permitting thereof.
- (4) [^{F8}Scottish Water]^{F8} may make such reasonable charges as [^{F9}it]^{F9} may determine in respect of the use for the purposes of recreation of any such waterway or land as is described in subsection (1) above, and of any facilities made available by [^{F10}Scottish Water]^{F10} under that subsection.

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 Countryside (Scotland) Act 1967, Section 63. (See end of Document for details)*

- (5) [^{F11}Scottish Water]^{F11} may let to any person, for such consideration and on such terms and conditions as [^{F12}it thinks]^{F12} fit, any works constructed by [^{F13}it]^{F13} for the purpose of providing facilities under subsection (1) above, and may authorise that person to make such reasonable charges as [^{F14}it]^{F14} may determine in respect of the use thereof as mentioned in that subsection.
- (6) [^{F15}Scottish Water]^{F15} may receive contributions from any authority, body or person in respect of the cost of the provision of the facilities mentioned in subsection (1) above, and those facilities may be provided by [^{F15}Scottish Water]^{F15} jointly with any other authority, body or person.
- (7) [^{F16}Scottish Water]^{F16} may make byelaws prohibiting such a waterway or land as is described in subsection (1) above and as may be specified in the byelaws from being used for boating (whether with mechanically propelled boats or otherwise), swimming or other recreational purposes, or regulating the way in which any such waterway or land so specified may be used for any of those purposes, and when making byelaws under this subsection [^{F17}Scottish Water]^{F17} shall have regard to the need to protect water from pollution and to the need to avoid conflict which might arise from the use of the water or land for various recreational purposes.
- (8) Byelaws made in respect of any waterway by virtue of subsection (7) above may include provision prohibiting the use thereof by boats which are not for the time being registered with [^{F18}Scottish Water]^{F18} in such manner as the byelaws may provide; and the byelaws may authorise [^{F19}Scottish Water]^{F19} to make reasonable charges in respect of the registration of boats in pursuance of the byelaws.
- (9) [^{F20}Scottish Water]^{F20} may take such action as [^{F21}it considers]^{F21} necessary to remedy the effect of any contravention of, or failure to comply with, byelaws made under subsection (7) above, and may recover the expenses reasonably incurred by [^{F22}it]^{F22} in doing so from the person in default.
- (10) Sections [^{F23}71(6)] and [^{F23}72] of the Water (Scotland) Act [^{F23}1980] shall have effect in relation to byelaws made under subsection (7) above as they have effect in relation to byelaws made under the said section [^{F23}71].
- (11) For the purposes of this section [^{F24}Scottish Water]^{F24} shall be deemed to have an interest in a waterway or land if [^{F25}it has]^{F25} power to make byelaws under the said Act of [^{F23}1980] in relation to the waterway or land, ^{F26} . . .

Textual Amendments

- F1** Words in s. 63(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 5\(3\)\(a\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#) (with savings in art. 3)
- F2** Word in s. 63(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 5\(3\)\(a\)\(ii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#) (with savings in art. 3)
- F3** Words in s. 63(1)(a) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 5\(3\)\(a\)\(iii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#) (with savings in art. 3)
- F4** Words in s. 63(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 5\(3\)\(b\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#) (with savings in art. 3)
- F5** Words in s. 63(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 5\(3\)\(b\)\(ii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#) (with savings in art. 3)
- F6** Words in s. 63(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 5\(3\)\(b\)\(iii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#) (with savings in art. 3)

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- F7** Words in s. 63(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(b)(iv)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F8** Words in s. 63(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(c)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F9** Word in s. 63(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(c)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F10** Words in s. 63(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(c)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F11** Words in s. 63(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(d)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F12** Words in s. 63(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(d)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F13** Word in s. 63(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(d)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F14** Words in s. 63(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(d)(iv)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F15** Words in s. 63(6) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F16** Words in s. 63(7) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(f)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F17** Words in s. 63(7) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(f)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F18** Words in s. 63(8) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(g)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F19** Words in s. 63(8) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(g)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F20** Words in s. 63(9) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(h)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F21** Words in s. 63(9) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(h)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F22** Word in s. 63(9) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(h)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F23** Words substituted by Water (Scotland) Act 1980 (c. 45, SIF 130), **Sch. 10 Pt. II**
- F24** Words in s. 63(11) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(i)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F25** Words in s. 63(11) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 5(3)(i)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in art. 3)
- F26** Words in s. 63(11) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13, para. 72(7)(b), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

Changes to legislation:

There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Section 63.