



# 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 a local water authority within the meaning of the Water (Scotland) Act 1946 may, if it appears to them 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 the authority have an interest;
  - (b) provide, or otherwise make available, facilities for use by persons resorting to any such waterway or land for the purposes of any such form of recreation.

- (2) The powers of a local water authority under subsection (1) above shall, in the case of a waterway or land in which the authority have an interest but which they do 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 the authority are 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) A local water authority may make such reasonable charges as they 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 the authority under that subsection.

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*Status: This is the original version (as it was originally enacted).*

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- (5) A local water authority may let to any person, for such consideration and on such terms and conditions as they think fit, any works constructed by them for the purpose of providing facilities under subsection (1) above, and may authorise that person to make such reasonable charges as the authority may determine in respect of the use thereof as mentioned in that subsection.
- (6) A local water authority 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 a local water authority jointly with any other authority, body or person.
- (7) A local water authority 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 the authority 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 the local water authority in such manner as the byelaws may provide; and the byelaws may authorise the authority to make reasonable charges in respect of the registration of boats in pursuance of the byelaws.
- (9) A local water authority may take such action as they consider 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 them in doing so from the person in default.
- (10) Sections 61(6) and 62 of the Water (Scotland) Act 1946 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 61.
- (11) For the purposes of this section a local water authority shall be deemed to have an interest in a waterway or land if they have power to make byelaws under the said Act of 1946 in relation to the waterway or land, and any reference to a local water authority shall be construed as including a reference to a water development board within the meaning of the Water (Scotland) Act 1967.