EXECUTIVE NOTE

THE LAND REFORM (SCOTLAND) ACT 2003 (PATH ORDERS) REGULATIONS 2007 SSI/2007/163

This Instrument is made in exercise of the powers conferred by section 22(6) of the Land Reform (Scotland) Act 2003 (the Act) to prescribe the form of an order ("a path order") made by a local authority to delineate a path over land in respect of which access rights are exercisable.

Policy Objectives

Part 1 of the 2003 Act received Royal Assent on 25 February 2003. It establishes statutory rights of responsible access to land and inland waters for recreation, passage and other purposes. The access rights established by the 2003 Act came into force on 9 February 2005.

Under section 22 of the Act, local authorities and National Park Authorities may compulsorily delineate a path over land in respect of which access rights are exercisable. This may be done by order, in circumstances in which the authority considers it is expedient and where it appears to the authority to be impracticable to delineate the path by means of a path agreement under section 21 of the Act. Section 22(6) of the Act requires that the form of such path orders be prescribed by Regulations and that such an order must contain a map showing the delineation of the path.

Consultation

The Scottish Executive consulted a wide range of organisations on a draft of these Regulations. The consultation period ran from 10 October 2005 to 16 January 2006 and a copy of the consultation and draft Regulations were placed on the Scottish Executive's website. A total of 28 responses were received, raising various points which the Scottish Executive has taken into consideration in finalising the Regulations.

A report on the consultation has been produced and issued to all those who responded. It has also been placed on the Scottish Executive website. A copy of the report has been made available to the Scottish Parliament.

Financial Effects

There was no Regulatory Impact Assessment included as part of the consultation as the Order has no financial implications for the Scottish Executive, National Park Authorities or local government. Compensation to land owners is only made available in situations where they reach a path agreement with the local authority.

Scottish Executive Environment and Rural Affairs Department
February 2007