

SCOTTISH BORDERS COUNCIL

(LAND AT HUNTLAW AND MUIRFIELD FARM) (REGULATION OF ACCESS RIGHTS) BYELAWS

Made 11 September 2025

The Scottish Borders Council as local authority in exercise of its powers under Section 12(1)(b) and (c) of the Land Reform (Scotland) Act 2003 and all other powers enabling it in that behalf hereby makes the following byelaws relating to land over which access rights are exercisable.

1 INTERPRETATION OF TERMS

1.1 In these Byelaws unless the context otherwise requires:-

1.1.1 "2003 Act" means the Land Reform (Scotland) Act 2003;

1.1.2 "access rights" has the same meaning as in section 1(2) of the 2003 Act;

1.1.3 "land" has the same meaning as in section 32 of the 2003 Act;

1.1.4 "local authority" has the same meaning as in section 32 of the 2003 Act;

1.1.5 "standard scale" has the same meaning as in section 225(1) of the Criminal Procedure (Scotland) Act 1995; and

1.1.6 "statutory undertaker" has the same meaning as in section 32 of the 2003 Act.

1.2 The Interpretation and Legislative Reform (Scotland) Act 2010 applies to the interpretation of these Byelaws as it applies to an Act of Parliament.

2 LAND IN RESPECT OF WHICH ACCESS RIGHTS ARE NOT EXERCISABLE

2.1 Land for the purposes of Section 6(1)(j) of the 2003 Act shall include the land identified in Schedule 1, delineated in blue.

2.2 Access rights are not exercisable in respect of the land specified in Schedule 1, delineated in blue.

2.3 The land identified in Schedule 1, delineated in red, shows the wider development site.

3 EXEMPTIONS

3.1 Nothing in these Byelaws shall interfere with the exercise of:

3.1.1 any public right of way; or

3.1.2 the functions of a statutory undertaker.

4 PENALTIES

4.1 This article applies to:

any person who purports to exercise access rights disappplied in article 2 and physically enters land identified in Schedule 1 for that purpose.

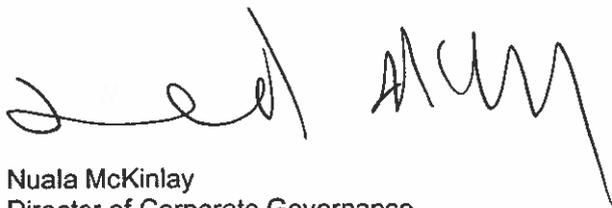
4.2 Any person to whom article 4.1 applies shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

5 CITATION

5.1 These Byelaws may be cited as The Scottish Borders Council (land at Huntlaw and Muirfield Farm) (Regulation of Access Rights) Byelaws 2025.

These Byelaws relating to land over which access rights are exercisable were made under the Common Seal of the Scottish Borders Council on the Eleventh day of September Two Thousand and Twenty Five




Nuala McKinlay
Director of Corporate Governance

SCHEDULE 1 (HUNTLAW AND MUIRFIELD FARM DEVELOPMENT)

- 1.1 The area shown delineated in blue on the deposited map, is hereby designated as land to which articles 2.1 and 2.2 apply.

EXPLANATORY NOTE TO THE SCOTTISH BORDER COUNCIL BYELAWS IN RELATION TO LAND OVER WHICH ACCESS RIGHTS ARE EXERCISABLE

(This Explanatory Note is not part of the Byelaws)

Provisions relating to land over which access rights are exercisable are set out in Part 1 of the Land Reform (Scotland) Act 2003 (the 2003 Act). The Scottish Borders Council, exercising the powers it has been given under Section 12 of the (2003 Act) has created these Byelaws to outline further conditions regarding such access rights in the Borders.

Article 2 – Land in respect of which access rights are not exercisable

Article 2 of the Byelaws prohibits the exercise of access rights under the Land Reform (Scotland) Act 2003 within the area of land at Huntfield and Muirlaw Farm identified in Schedule 1.

Article 3 – Exemptions

Article 3 of the Byelaws recognises that public rights of way and the rights of statutory undertakers are not affected by article 2 of the Byelaws.

Article 4 - Citation

Article 4 of the Byelaws specifies the name by which the Byelaws will be known.