Guidance on Legislation

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- Guidance on Legislation 1990-1999

K C G Reid, (1993) Law Society of Edinburgh (1987-96). The Laws of Scotland – Stair Memorial Encyclopaedia. Vol 18. Property, Butterworths

One of the main authoritative texts.

Jeremy Rowan-Robinson, (1993) Public access to the countryside: A guide to the law, practice and procedure in Scotland, Scottish Natural Heritage in co-operation with COSLA

A useful practical guide, though somewhat dated now.

Brodies, (1996) Recreational Access to Scotland’s Waters – A Summary of the Law, Brodies, Solicitors

A summary review of the law surrounding recreational access to Scotland’s waters.

Professors R Paisley and DJ Cusine, (1998) Servitudes and Rights of Way, W. Green

The standard work on the subject of servitudes. Divided into three sections, Part I covers servitudes, whilst PartII covers public rights of way and Part III covers other rights.

- Guidance on Legislation 2000-2009

Jeremy Rowan-Robinson & Donna W McKenzie Skene (2000) Countryside Law in Scotland, T & T Clark ISBN 0 567 00538 0

Considerable attention is being focused on the way in which Scotland’s countryside is used and managed. Because of this, countryside law is of growing interest and importance.

This timely book deals with the principal aspects of the law:

- agriculture, crofting, forestry, hunting, shooting and fishing
- access to land and water, and the conflicts which can arise
- control of development, regulation of the environment, protection of species and habitats, safeguarding archaeological sites and managing the coastal zone.

The contributors – academics and practising lawyers – outline the policy underlying the law, explain the law in straightforward but detailed terms and comment on its working.

Scottish Natural Heritage, (2005) A Brief Guide to Occupiers’ Legal Liabilities in Scotland in Relation to Public Outdoor Access, Scottish Natural Heritage

This booklet aims to provide a brief introductory outline of occupiers’ liability in law in Scotland, in relation to public outdoor access. It is based on studies carried out for Scottish Natural Heritage by the University of Aberdeen School of Legal Studies, which considered legal judgements in relevant cases up to 2004, and has been updated to include cases up to 2016. This guidance draws out information from these cases that are relevant to land managers. Part One provides a brief introduction to the main statutory provisions. Part Two then looks at

various case decisions which have interpreted and applied the law to actual case circumstances. Download available

Professor R Paisley, (2005) Access Rights and Rights of Ways: A guide to the law in Scotland and Rights of Way, ScotWays

Superseded by the new 2018 book The ScotWays Guide to The Law of Access to Land in Scotland also published by ScotWays. Copies are available from our webshop.

Scottish Natural Heritage, (2007) A Brief Guide to Laws Relevant to Outdoor Access in Scotland, Scottish Natural Heritage

This booklet is intended to provide a quick-reference guide to the various legal powers and duties relevant for public outdoor access. it is not necessarily exhaustive, but it aims to bring together the main pieces of relevant legislation, and it aims to be useful particularly to access officers, rangers, local access forums and others dealing with outdoor access. Download available

Ann Faulds, Trudy Craggs, John Saunders (2008) Scottish Roads Law, Tottel Publishing ISBN 9781845927806.

Scottish Roads Law is a unique source of reference which brings together the legislation and case law relevant to the operation of roads law. This practical guide offers incisive analysis of and guidance on roads issues that arise in development control or management such as road construction consent, road adoption, stopping up orders and traffic regulation orders.

The second edition includes major legislative and case law changes brought about in recent years. It includes a new section on Road Traffic Regulation Orders made under the Road Traffic Regulation Act 1984. Coverage includes changes brought about by the Transport (Scotland) Act 2005 to the environmental legislative framework, to the administration and management of road works as well as the creation of new Regional Transport Partnerships.

Professor William M Gordon and Scott Wortley, (2009) Scottish Land Law, W. Green

The second edition of Scottish Land Law is a thoroughly updated and comprehensive account of Scots law relating to rights in and over land.

- Guidance on Legislation 2010-2019

Professor William M Gordon and Scott Wortley, (2011) Scottish Land Law, W. Green

The third edition of Scottish Land Law is a thoroughly updated and comprehensive account of Scots law relating to rights in and over land. Available from Sweet and Maxwell.

Malcolm Combe, (2018) The ScotWays Guide to the Law of Access to Land in Scotland, ScotWays

This book aims to provide a user-friendly guide to the law of access in Scotland. It explains how the law works to regulate access to Scotland’s outdoors, who might be entitled to access land or inland waters, and the activities people are entitled to do there. An understanding of the multi-layered framework of the law is crucial to clarify the rights and responsibilities of users and landowners/occupiers, and to minimise and resolve conflict. Available from our webshop.

- Guidance on Legislation 2020-2029

Sanders Greg (2003) A Practical Guide to the Right to Roam in Scotland. Law Brief Publishing ISBN: 978-1-914608-67-4

This slim volume concentrates on part 1 of the Land Reform (Scotland) Act 2003 and includes extensive sections of the Act. Through them, it provides guidance on how to litigate matters, primarily section 14 notices.