

# Scottish Law Commission

*.....News Release.....News Release.....News Release....*

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION

NOT FOR PUBLICATION OR BROADCAST

BEFORE 0001 HOURS THURSDAY 19 APRIL 2001

\*\*\*\*\*

## **LAW OF THE FORESHORE AND SEABED**

A comprehensive review of the existing law relating to the foreshore and seabed is contained in a discussion paper published today by the Scottish Law Commission.

## **Background**

As part of its wider programme of land reform, the Scottish Executive submitted a reference to the Commission requesting that it consider the existing law of the foreshore and seabed and advise on possible reforms with a view to improving clarity and consistency.

## **Main topics**

In its Discussion Paper on *Law of the Foreshore and Seabed* (No 113) the Commission examines the legal definition of the foreshore and seabed, the nature of the Crown's interest and the extent and protection of the public rights exercisable on the foreshore. Consideration is also given to a number of diverse topics relating to the foreshore and seabed identified as areas of public concern in the Land Reform Policy Group's public consultation exercise. These include the power to restrict the exercise of the public rights for military purposes or in connection with civil aviation, crofters' rights, udal law and the ownership and control of the foreshore and seabed within harbours.

## **Main proposal for reform**

However, central to the Commission's paper is the analysis of the Scottish Executive's proposal to create a statutory right of access over land in Scotland (including the foreshore) contained in Part 1 of the Land Reform (Scotland) Bill.

As presently drafted, the Land Reform Bill envisages the existence of two distinct systems of rights in relation to the foreshore, one statutory and the other at common law. The Commission's proposal, on which views are invited, is that the scope of the statutory scheme is extended in relation to the foreshore so as to cover activities presently included within the common law rights. The common law rights would then be abolished, providing the public with a clearly defined and regulated statutory scheme. This would also remove the Crown's role as protector of the public rights, a function which is rarely exercised in modern practice.

Comments are invited by 31 July 2001. The full text of the Discussion Paper is available on the Internet at <http://www.scotlawcom.gov.uk>

## **NOTES TO EDITORS**

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman is the Hon Lord Gill. The other Commissioners are currently Mr Patrick S Hodge QC, Professor Gerard Maher, Professor Kenneth G C Reid and Professor Joseph M Thomson.
2. Further information can be obtained by contacting Mrs Judith Morrison, Scottish Law Commission's office at 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131, Fax: 0131 662 4900, e-mail: [info@scotlawcom.gov.uk](mailto:info@scotlawcom.gov.uk), website: [www.scotlawcom.gov.uk](http://www.scotlawcom.gov.uk).)