



Access Rights in Scotland

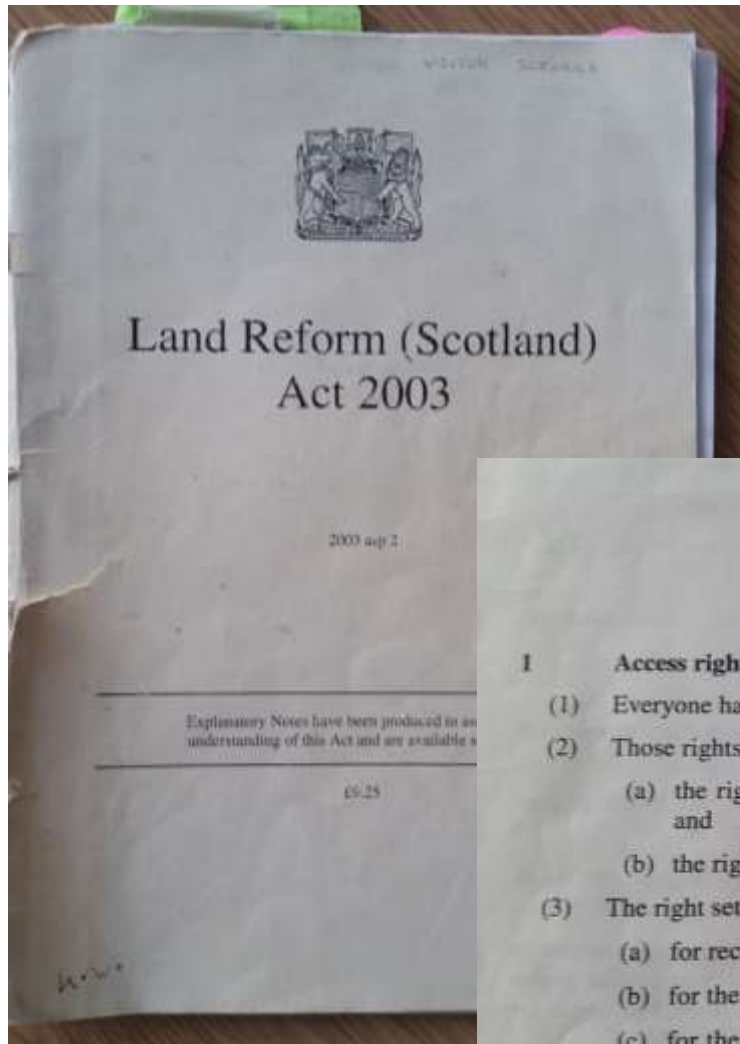
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Context: the 1990's

- Uncertainty over law – public and landowners
- Political interest and part of land reform
- Devolution





PART 1
ACCESS RIGHTS
CHAPTER 1
NATURE AND EXTENT OF ACCESS RIGHTS

1 Access rights

- (1) Everyone has the statutory rights established by this Part of this Act.
- (2) Those rights (in this Part of this Act called "access rights") are—
 - (a) the right to be, for any of the purposes set out in subsection (3) below, on land; and
 - (b) the right to cross land.
- (3) The right set out in subsection (2)(a) above may be exercised only—
 - (a) for recreational purposes;
 - (b) for the purposes of carrying on a relevant educational activity; or
 - (c) for the purposes of carrying on, commercially or for profit, an activity which the person exercising the right could carry on otherwise than commercially or for profit.
- (4) The reference—



Part 1: Land Reform (Scotland) Act 2003

- Everyone has access rights
....if exercised 'responsibly'
- Responsibilities also for land owners
- Access Code explains responsibility



Right of access to most land and water

Non-motorised access - walking, cycling, horse-riding, kayak, micro scooter...

- recreational
- educational
- limited 'commercial or for profit'



Everywhere ‘except’ :

- buildings, structures, compounds
- privacy zone around houses
- curtilage of other buildings (eg. farmyards)
- sown and growing crops
- sports fields in use, etc.



Excluded conduct :

- if dog not under 'proper control'
- hunting, shooting, fishing
- commercial purposes or criminal purposes
- motorised vehicles/vessels (unless adapted for and used by person with disability)



The Scottish Outdoor Access Code

Guidance for:

- Access takers
- Landowners and landmanagers

Prepared, publicised and promoted by:

- Scottish Natural Heritage

Publicised by Scotland's 34 access authorities



Are you riding responsibly?

Access rights in Scotland only apply if used responsibly.

Respect other users
Share the space - stay out of your way.

Keep to tracks and field margins
Don't ride through growing crops, grass, heath and vegetation strips.

Respect the environment
Don't ride your horse in bad conditions.

Take responsibility for your own actions
Be safe for work.

KNOW THE CODE BEFORE YOU GO
SCOTTISH OUTDOOR ACCESS CODE outdooraccess-scotland.com

The British Horse Society Scotland

For more information about your access rights and responsibilities as a horse rider or carriage driver, see www.bhsscotland.org.uk/responsible-riding

Supported by Scottish Natural Heritage

Enjoy Scotland's outdoors responsibly

- Take responsibility for your own actions
- Respect the interests of other people
- Care for the environment

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WATERPROOF EDITION

DO THE RIDE THING

A Brief Guide to Responsible Mountain Biking in Scotland

Scottish Natural Heritage
Dualchas Nàdair na h-Alba

Camping in Scotland

How to camp responsibly and follow the Scottish Outdoor Access Code

KNOW THE CODE BEFORE YOU GO
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DON'T GET YOUR DOG A BAD NAME

Dog Owners

Join the dog experts what the Scottish Outdoor Access Code means for you and your dog

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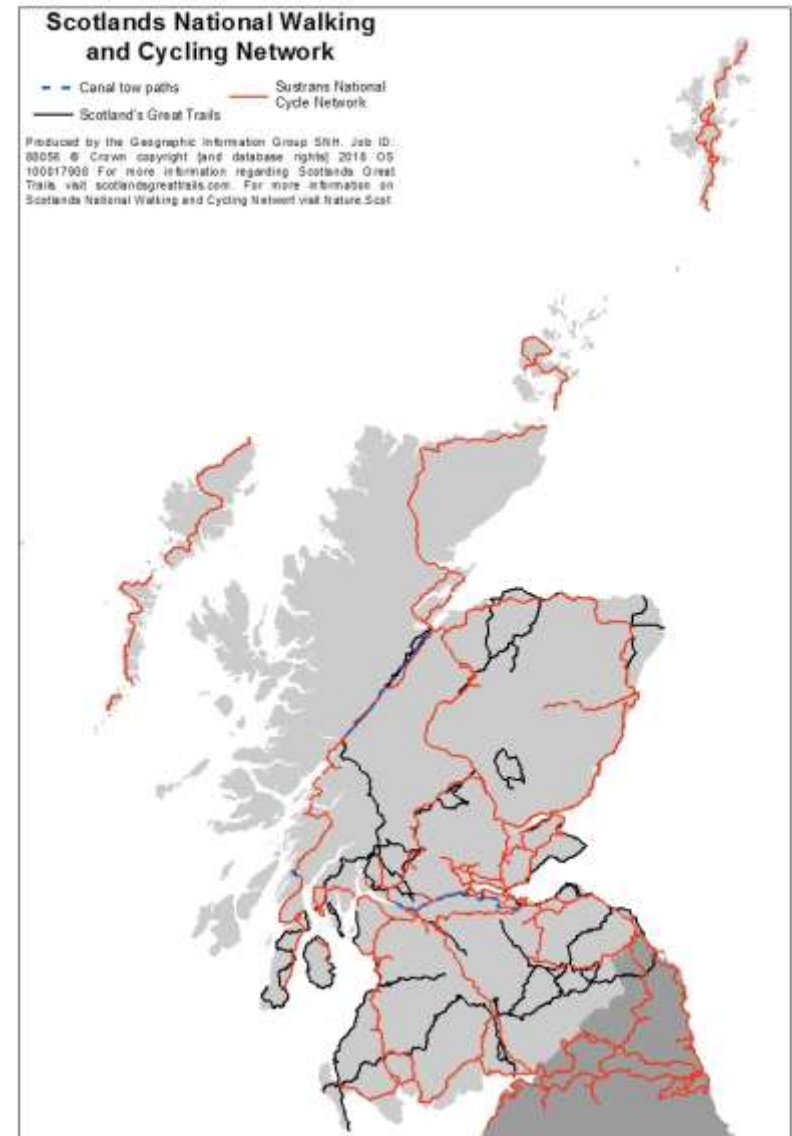
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Access Authority duties:

- To uphold access rights
- Set up a Local Access Forum
- Publicise the Access Code
- Prepare a core paths plan



Access Authority powers:

- Path agreements and orders
- Maintenance and anything for of core paths eg signage
- S11 exemption of access rights
- Byelaws
- Appoint rangers
- S13 notices to uphold rights and remove obstructions/hazards
- Legal determinations
- Acquire land (CPOs)



16 years on and what's happened?



Changes?

Public awareness of the Code has increased



Less stiles more accessible gates and gaps


Less locked gates and more access and paths



Some of the challenges



Land management big issues: dogs, tents, fires and liability



On the farm

Farmyards. Access rights do not usually apply to farmyards. However, if a right of way or core path goes through a farmyard, you can follow this at any time.

Gates. Use a gate or stile where one has been provided. Do not climb over walls or hedges unless there is no alternative. Leave gates as you find them – even if they are open. If you need to climb a gate, climb it at the hinge end.

Fields of farm animals or growing crops. Keep to unsown ground, field edges or paths. Do not take your dog into fields containing growing crops, calves, lambs, or other young animals. Never let your dog worry or attack farm animals.

Safety around cattle. Keep a safe distance from cattle. If they act aggressively, take the shortest safest route out of the field. If you have a dog with you, let go of its lead and let it find its own way to safety.



TAKE JESS'S
ADVICE.
DON'T GET
**YOUR DOG A
BAD NAME
OR RISK
PROSECUTION.**



**KNOW THE CODE
BEFORE YOU GO**

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The user big issues: still lots of stiles and gates:



Getting the use and the signage right:



Is this good or bad signage in a Scottish context?



Is shared use of paths really working?

Some tricky things:

- Legal cost of upholding rights
- Not easy to deal with irresponsible access takers
- Resources to progress on the ground solutions
- Changing behaviours



And some new things:

- E-bikes
- Drones
- Adapted vehicles
- and social media



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[nature.scot](https://www.nature.scot)