No Right of Access to Land in Scotland through the Scottish Outdoor Access Code

Statutory Access Rights · https://scotways.com/ken/no-right-of-access-to-land-in-scotland-through-the-scottish-outdoor-access-code/



Contrary to what you may read in the press, social media and on some signs, the Scottish Outdoor Access Code (SOAC) ***does not*** give a right of access to land and inland water in Scotland. Our amazing access rights come from the Land Reform (Scotland) Act 2003 (the Act).

So, what does SOAC do? It tells both users and land managers how to act responsibly, nothing more, nothing less. It replaced the Countryside Code and, just as that did not convey any rights of access, neither does SOAC.

Access rights come from the Scottish Government's flagship legislation, the Act. They are the very first thing that the Act creates (s.1), but they are immediately constrained as they only exist when they are exercised responsibly (s.2). The Act also places a duty on landowners to manage their land responsibly (s.3).

What being responsible looks like for both the public and land managers is set out in SOAC and follows three principles.

> Respect the interests of other people.
> Care for the environment.
> Take responsibility for your own actions.
>
> *Scottish Outdoor Access Code*

Whilst SOAC does mention where access rights do and do not apply, its sole role, as set out in the Act, is to help and guide people on how to act responsibly. It plays no part in interpreting any other part of the Act, including those that govern where access rights do not apply. This is something that the courts have confirmed through some of the earliest cases such as Gloag v Perth and Kinross Council and the Ramblers Association.