The History of ScotWays

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Although rights of way have existed in one form or another for many centuries, the story of ScotWays starts in 1845. At that time landowners in Scotland were becoming increasingly protective of their property and ordinary folk were being prevented from walking in the countryside. Angry at these restrictions, the Lord Provost of Edinburgh, Adam Black, convened a public meeting to form an organisation to protect the public's right of access to land.

That organisation was the Association for the Protection of Public Rights of Roadway in and around Edinburgh and, within two years, it was involved in one of the most celebrated cases in the history of access in Scotland. John Balfour, an ardent supporter of the newly founded Association and professor of botany at Edinburgh University, organised field studies for his students in the Highlands each summer. In 1847 he led a group from Braemar down Glen Tilt, where he met the Duke of Atholl and his ghillies barring the way. An acrimonious encounter ended only when Balfour and his students climbed over a dyke and ran off down the glen. The lengthy lawsuit which followed vindicated the right of way through Glen Tilt, and also established the Association's role as defender of the public's interest in such cases.

Forty years later the Association, renamed the Scottish Rights of Way and Recreation Society, installed the first rights of way signs in Scotland and became involved in another famous legal battle. A Society group led by Walter Smith set out on an expedition through the Mounth and Cairngorm glens to signpost rights of way. In Glen Doll it was intercepted by the keepers of the landowner, Duncan Macpherson, and the subsequent lawsuit was only finally settled in the House of Lords. The ruling confirmed the status of Jock's Road as a right of way, but it left both the Society and Macpherson virtually bankrupt, such was the cost of litigation.

At that time ScotWays had three MPs among its directors and, dismayed by the cost of the Jock's Road case, they advocated a much simpler and less expensive procedure for the settlement of rights of way disputes. Although this proved to be unsuccessful, they did succeed in having a duty imposed upon local authorities to protect rights of way added to the Local Government (Scotland) Act 1894.

One of the three MP directors was James Bryce who, with the support of ScotWays, sponsored three Access to the Mountains (Scotland) Bills to create a right to walk the mountains of Scotland, but without success. Bryce had a breadth of vision which enabled him to recognise the importance of rights of way while at the same time campaigning vigorously for freedom of access to the mountains. He realised that the existence of rights of way through the Highland glens made it virtually impossible for landowners to exclude hill-climbers from their estates, where they could enjoy a considerable degree of freedom of access to the hills. Even Walter Winans, the wealthy American who in the 1880s rented the land from Cannich to Kintail each summer for stalking and posted sentries to intercept travellers, had to recognise this, as is recorded by Sir Hugh Munro in his SMC Journal writings. It took until 2003 for Bryce's dream of a right of access to land to become a reality.

In the early decades of the 20th Century, ScotWays was relatively inactive, but it was involved in a dispute in Glen Tanar concerning the rights of cyclists on pedestrian rights of way. With the case settling out of court, however, it did not provide the sought after validation of a precedent for cyclists' rights.

During the 1930s one of our leading activists was our chairman, the Rev A.E.Robertson. After his completion of the Munros, he devoted much of his energy to walking the long-distance paths and tracks of the North-West Highlands and his pamphlet on this subject, published in 1941, was an invaluable record of these routes before the hydro-electric engineers flooded many of the glens in the 1950s. Between 1930 and 1934 Robertson carried on a long dispute with the owner of the Coulin estate, Torridon, who denied the existence of the age-old right of way across the Coulin Pass from Achnashellach to Kinlochewe. Robertson negotiated an alternative way that avoided the policies of Coulin Lodge, but the Forestry Commission subsequently planted over this route and the accepted route reverted to its original line.

In a change to ScotWays signposting of rights of way, the Second World War had ScotWays removing signs to make it harder for any German invaders to navigate. Many, but not all were replaced after the war ended.

Since 1945 many rights of way have been lost under densely planted forests and the rising waters of hydroelectric reservoirs, and promises to reinstate paths remain unfulfilled. In addition to these there has been a continuous gradual erosion of rights of way due to changing agricultural practices, building developments and the influx into Scotland of landowners who have no knowledge of or respect for our traditions of access. However, there can be no doubt that, but for the work of the Society, the loss of rights would have been greater than has been the case, and its compilation of a Catalogue of Rights of Way, with the help of Scottish Natural Heritage, during the 1990s has created for the first time a national record of known routes. At the same time, the revival of the signposting work has provided clear evidence on the ground of the vast network of paths that are part of our heritage.

The new access legislation passed by the Scottish Parliament in February 2003 has altered the scope of the Society's remit and activities. The change of name to The Scottish Rights of Way and Access Society (ScotWays for short) makes clear the intention to be involved in access matters in general and not just rights of way as in the past. The Society will continue to co-operate with local authorities, Scottish Natural Heritage, the Paths For All Partnership, Ramblers Scotland and Mountaineering Scotland and other such organisations for the benefit of all people who want to

enjoy walking, climbing and similar recreation in Scotland’s countryside.

175 years in 21 minutes

Join our Chief Operating Officer, Richard Barron, for a whistlestop tour of our history. Presented as part of the National Library of Scotland online events series, it was recorded on 11 June 2020.

Embedded media: https://www.youtube.com/embed/wQwjSei7Dbg?feature=oembed