



Public access rights in Scotland

WHAT RIGHTS DO I HAVE?

General right of access. You have the right to cross and to be on land for recreational, educational and certain commercial activities. This applies to most land and inland waters in Scotland, as long as you behave responsibly. It does not require the consent of the landowner or tenant and they may not hinder or block responsible access. These rights apply to non-motorised users (e.g. walkers, runners, cyclists, equestrians, kayakers, wheelchair users) and to the users of vehicles adapted for and used by people with a disability, such as mobility scooters.

Rights of way. You have the right of passage – that is the right to go along a track or path from one public place to another. At a minimum, a right of way is for walking, but may also be for use by horse riders, cyclists or even, in a few instances, by motorised vehicle; it depends on what rights have been established.

Access to the foreshore. You have the right to be on the shore between the high and low water marks.

WHERE CAN I GO?

When travelling by any non-motorised means (e.g. cycle, foot, horse, kayak) or on a motorised vehicle modified for and used by a disabled person (e.g. mobility scooter):

- Using the **general right of access**, you can go almost everywhere – above, below and on the surface. So, potholing, paddling and paragliding are as legal as cycling or walking.
- On a **right of way**, you must stay on the path or track. In open country there may not be a visible one: stick to the general line.
- On any core paths.

(Core Paths are networks of routes established following consultation and shown on the Core Path Plans produced by the access authorities)

WHERE CAN'T I GO?

Under the GENERAL RIGHT OF ACCESS you DO NOT have the right to access:

- Buildings, most structures or works, plant, fixed machinery and the enclosures or land immediately surrounding them.
- Houses, caravans, tents, structures giving privacy or shelter.
- Land around a private dwelling sufficient for reasonably undisturbed enjoyment of that dwelling by the residents.
- School grounds.
- Land with growing crops (although you may go along the margins of fields).
- Sports grounds when they are being used for their particular recreational purpose. Access rights **never** apply to specially prepared sports surfaces, such as golf and bowling greens, cricket squares and tennis courts.
- Visitor attractions where the public pay for admission (depending on use on 31 January 2001!).
- Land on which building, civil engineering, demolition work or quarrying is being carried out.
- Areas of land where access rights have been removed by the access authority for a short period, e.g. to allow a special event to take place.
- Land that has been excluded from access rights by the government for defence or national security reasons.

Note: The exercise of access rights may be restricted in specific areas under other statutes and through byelaws.

RIGHTS OF WAY

- If a right of way goes through an area where general access rights do not apply, you should not stray from the right of way unless there is an obstruction, e.g. a flood or a fallen tree.

WHAT CAN I DO?

Under the GENERAL RIGHT OF ACCESS, you can do the following:

- 'Right of Passage' – crossing land or water, not restricted to a direct route from A to B.
- Educational activity – improving understanding of natural or cultural heritage.
- Recreational activity – pastimes; family and social; active pursuits.
- Wild camping – small groups, not in fields containing crops or livestock, well away from buildings and roads, no more than two or three nights in any one place, leaving no trace.
- Commercial activity – only actions which can also be carried out on a non-profit basis, e.g. leading walking tours because walking can be enjoyed as a hobby.

RIGHTS OF WAY

You have the right to follow the right of way in part for from end to end.

You must use the route in a way that has been established. For example, you cannot travel on a quad bike, when the route has been established by walking only.

WHAT CAN'T I DO?

When using the GENERAL RIGHT OF ACCESS you may not:

- Hunt, fish or shoot.
- Have a dog out of control.
- Take something from land for commercial purposes or profit.
- Use a motorised vehicle or vessel (unless it has been modified for and is being used by a disabled user).
- Be on land in contravention of a court order.
- Interfere with responsible land management.
- Interfere with or obstruct people who have a right to be there. These may be other users exercising their right of access, e.g. you can't play football in a place where a group is already playing frisbee; or obstruct a statutory undertaker, such as an electricity authority.
- On a golf course you may not carry out educational, recreational or commercial activities or cross the greens.

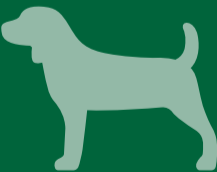
There may also be local rules or byelaws in place to regulate, for example, camping.

RIGHTS OF WAY

You may only use a right of way (or part of it) to get from one place to another. You may not camp or fish, for example.

DOGS

Walking your dog must also be done responsibly. Out of control dogs are a particular problem and people with out of control dogs have no right of access. The Scottish Outdoor Access Code advises people not to take dogs into a field where there are young animals or where vegetables or fruit are grown. Dogs should be kept on a lead or under close control, and faeces must be removed.



LANDOWNERS

A landowner (or tenant) must use and manage the land in a way which respects the right of responsible access and rights of way. This includes not interfering unreasonably with those rights; for example, by placing a fixed barrier across a path. However, the landowner may, for example, stop or divert access for land management purposes, provided a suitable alternative is provided. Also, a landowner may not put up signs that unduly deter or restrict responsible access, e.g. 'Private', or 'Beware – Bull in Field' when there is no longer a bull in the field!

WHAT IF I HAVE A PROBLEM?

If you come across some form of obstruction or deterrent on a right of way or where you believe access rights apply, here's what you can do*



1. Note the exact nature and location of the obstruction with grid references and take pictures. Is the obstruction deliberate? **



2. Do you know how long it has been there?



3. Who is affected? Everybody, or just one group of users, e.g. horse riders



4. Contact the relevant access authority. Explain the issue to them and pass on all the information that you have



5. Await response from the access authority. They may already be aware of the issue



6. Contact ScotWays if you have further queries about the route and/or access rights ***

You may wish to follow-up the issue with other interested bodies, such as a local paths group, community council or local politicians

* This only refers to public rights of access. For issues such as a neighbour blocking access to your property, speak to your local council. ** It could be a fence or barrier, steps, a trench, off-putting signage or a land manager trying to deter you. If the obstruction is not intentional, e.g. a fallen tree, contact the land manager first, if you know who they are. Otherwise, contact the access authority *** ScotWays can offer guidance, but has no statutory powers.