

Quick guide to access rights and responsibilities

For more definitive information, see the Land Reform (Scotland) Act 2003 and the Scottish Outdoor Access Code

Everyone, whatever their age or ability, can exercise access rights over most land and inland water in Scotland at any time of day or night, providing they do so responsibly

Rights of public access apply to:

- paths and tracks;
- open countryside – hills, mountains, moorland, grassland, woods and forests;
- land in which crops have not been sown;
- margins of fields where crops are growing or have been sown;
- rivers, lochs, canals and reservoirs;
- riverbanks, loch shores, beaches and the coast;
- most parks and open spaces;
- grass sports or playing fields whilst not in use;
- to everyone, day or night;

provided people act responsibly and follow the guidance in the Scottish Outdoor Access Code.

Rights of public access do not apply to:

- **golf greens**, bowling greens, cricket squares, lawn tennis courts or other similar area on which grass is grown and prepared for a particular recreational purpose, whether or not in use”land on which there is a house or other place providing privacy or shelter including their curtilage and gardens;
- land with buildings, including their curtilage, compounds, fixtures etc;
- land in which crops have been sown or are growing (including grass being grown for hay or silage that is at risk of damage);
- place where you have to pay to go in (e.g. castle grounds);
- land or water set out for a recreational purpose whilst in use;
- infrastructure (e.g. railways, airfields, demolition sites, quarries);
- where restricted by other legislation;

Key Principle	As an access user	As a land manager
Take responsibility for your own actions	Take account of natural hazards. Remember that the outdoors cannot be made risk-free and act with care at all times for your own safety and that of others	Act reasonably, lawfully and with care at all times for people’s safety
Respect the interest of other people – act with courtesy, consideration and awareness	Respect the privacy, safety and livelihoods of those living or working in the outdoors and the needs of other people enjoying the outdoors	Do not cause unreasonable interference with rights of anyone exercising or seeking to exercise their access rights. Respect their needs for a safe and enjoyable visit.
Care for the environment	Look after the places you visit and enjoy, leave the land as you find it	Help maintain natural and cultural features which make the outdoors attractive

Rights and responsibilities relating to golf courses

In relation to golf courses, the Scottish Outdoor Access Code (SOAC) says:

“Members of the public can only exercise access rights to cross over a golf course and in doing so, must keep off greens at all times and not interfere with any golf games. To avoid damaging the playing surface, cyclists and horse riders need to keep to paths at all times and not go on to any other part of a golf course. Golf course managers can ask people to avoid using particular routes when fertilisers or pesticides have been used, usually for no more than a few days.

Certain activities that are not included in statutory access rights have also been practiced for a long time by the public, such as ski-ing and sledging on some golf courses. Such access and activities are not affected by the Land Reform (Scotland) Act 2003.”

Activity	Responsible behaviour by public (advice in SOAC)	Responsible behaviour by land managers
Golf	<ul style="list-style-type: none"> - Allow players to play their shot before crossing a fairway - Be still when close to a player about to play - Follow paths where they exist 	Wherever possible provide paths around or across the course and/or advise people on the safest ways through the course. This will help to minimise safety risks.
Grass cutting and other land management operations <i>NB. Playing golf does NOT constitute a land management operation</i>	Proceed carefully and keep at a safe distance	You can ask people to follow a particular route to help minimise safety risks
Dog walking	Keep dog on a short lead (2 m) or under close control (i.e. the dog is able to respond to commands)	
Dog fouling in public open spaces such as golf courses	Pick up and remove the faeces and take them away with you. Not to do so is an offence under the Dog Fouling (Scotland) Act 2003	

As a land manager

- Accept responsibility for access provision on land which you manage.
- Consider public access as an integrated part of holistic land management.
- Be pro-active in providing for and managing public access on your land.
- Work closely with your local authority, access officers, ranger service and access forum to help manage access on your land.
- Involve local community, path, walking, cycling and horse-riding groups in developing and managing access.
- Tie in with your local access strategy (details for your local access officer).
- Recognise your limitations.
- Consider what impact your activities or land management operations may have on people exercising access rights on neighbouring land.

Land manager responsibilities at a glance

- Don't purposefully or unreasonably prevent, hinder or deter people from exercising rights on or off paths or tracks.
- Take access rights into account when planning and implementing any major land use change or development.
- Respect any rights of way or customary access across your land or water.
- Avoid the use of "no access", "private" or "keep out" signs.
- Avoid locking gates which would prevent legitimate public access.
- Act reasonably when asking people to avoid certain areas. Suggest and clearly waymark alternative routes.
- Publicise at obvious access points any necessary precautions or diversions, particularly where access levels are high.

Why plan for access?

- To ensure people are able to exercise their access rights under the Land Reform (Scotland) Act 2003.
- To anticipate and accommodate changes in public access resulting from the Land Reform Act or otherwise.
- To provide for different types of access: walking, cycling riding etc.
- To minimise potential conflict or interference with golf or other activities.
- To address specific problems.
- To establish a logical, user-friendly network of waymarked, fit for purpose paths.
- To help secure financial assistance.

A systematic approach to public access provision and management

<p>Stage 1</p>	<p>Mark on a plan or map of your golf course where people walk/cycle/ride in relation to your golf course at present and what attracts them, such as:</p> <ul style="list-style-type: none"> - key routes used, including rights of way and other informal paths - entry and exit points, formal or otherwise - destinations which people are heading for e.g. beach, school, pub, park - popular features which attract the public, on or off the golf course e.g. ponds, lochs, viewpoints, archaeological features, pubs, parks, canoe launch points <p>Think about who takes access at present and why - are they local dog walkers or joggers? Local residents enjoying exercise or fresh air? Mothers out for a stroll with a buggy? Visitors trying to get to the beach or reach a viewpoint?</p>
<p>Stage 2</p>	<p>Consider how level and type of access may have changed or may change in future. Are there plans for housing or other developments which might change where people want access or the number and frequency of people using the golf course? Are there people who have not previously been able to enjoy their legal rights of access?</p>
<p>Stage 3</p>	<p>Identify on your map/plan specific sites where there are problems relating to public access or which might be particularly sensitive for public access, such as:</p> <ul style="list-style-type: none"> - features or areas which might represent a hazard to the general public - concentrated traffic movement areas or machinery stores - sites that are valuable for nature conservation or cultural/ archaeological reasons - areas vulnerable to erosion
<p>Stage 5</p>	<p>Confirm which, if any, of these sensitive or problem areas are excluded from access rights.</p>
<p>Stage 6</p>	<p>Decide what you are going to do to positively manage access - see checklist and look at the range of standard management techniques including:</p> <ul style="list-style-type: none"> ▪ modify land use and land management activity ▪ influence where people go (through location of car parking, use of signs, waymarks etc.) but without preventing them from exercising their access rights ▪ manage zones differently to reflect level of use and sensitivity ▪ raise awareness of high risk and sensitive areas to minimise interference with play or course management <p>Check your proposed action complies with legal requirements under:</p> <ul style="list-style-type: none"> ○ Land Reform (Scotland) Act 2003 ○ Disability Discrimination Act 1995 ○ Management of Health and Safety at Work Regulations 1999 ○ Occupiers Liability (Scotland) Act 1960 <p>Limit scope for illegal activities by working with police, local authorities and regular and responsible visitors.</p> <p>Look for opportunities to improve public access for mutual benefits</p>
<p>Stage 7</p>	<p>Draw up an action plan. This will help you secure financial support</p>
<p>Stage 7</p>	<p>Seek help – from your local authority or national park access officer, local community path/access group, national user groups, Local Access Forum, volunteers, SNH etc.</p>
<p>Stage 8</p>	<p>Implement your action plan, monitor what's going on, review what you've achieved and what further action is necessary (if any)</p>

Remember you can find out more from www.outdooraccess-scotland.com