

## Who can help?

All Access Authorities have staff responsible for carrying out their duties and exercising their powers under the Land Reform (Scotland) Act. Most will have Access Officers, and sometimes Rangers, who can provide advice on access management relating to your land or water. Contact your Access Officer through your local authority or national park office. Access Officers can also advise you on signage; path management; new paths, gates and bridges; working with outdoor activity businesses; and funding and other support that may be available. They can also help you to address recurring problems associated with, for example, litter, gates or dogs.

Problems with criminal behaviour, such as theft, arson and vandalism, should always be reported to the police.

For fly-tipping issues contact the Dumb-Dumpers Helpline on 08452 304090.



## Further information and contact details

A summary of the Land Reform (Scotland) Act 2003, together with the full Scottish Outdoor Access Code can be downloaded from [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com)

This website contains extensive information on the implementation of access legislation including advice for farmers and land managers on signage, liability and access management, and has downloadable sign templates, together with Access Officer/Access Authority contact details.

Copies of the Code and summary leaflet can also be ordered from SNH Publications on 01738 444177.

### Other useful contacts:

#### NFUS Access Officer:

sue.hilder@nfus.org.uk  
0131 472 4107  
[www.nfus.org.uk](http://www.nfus.org.uk)

Local Access Officers can be contacted through your local council or national park authority office. Details in the Phone Book, or through [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com)

For further copies of this leaflet please contact the NFUS Access Officer.



## Know the Code before you go ...

### Enjoy Scotland's outdoors - responsibly!

Everyone has the right to be on most land and inland water providing they act responsibly. Your access rights and responsibilities are explained fully in the Scottish Outdoor Access Code.

Whether you're in the outdoors or managing the outdoors, the key things are to :

- take responsibility for your own actions;
- respect the interests of other people;
- care for the environment

Find out more by visiting [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com) or phoning your local Scottish Natural Heritage office.

# PUBLIC ACCESS TO FARMLAND

a brief introduction for farmers, crofters and growers on their rights and responsibilities



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Images provided by Paths for All Partnership.



your partner in farming



## PUBLIC ACCESS TO FARMLAND

The Land Reform (Scotland) Act 2003 gives everyone a statutory right of access to most land and inland water in Scotland for recreation, education, some commercial uses, and going from place to place, provided they act responsibly. These rights and responsibilities are explained fully in the Scottish Outdoor Access Code (the Code). The rights apply to all non-motorised\* forms of transport, including walking, horse-riding, cycling and canoeing.

## MANAGING LAND AND WATER RESPONSIBLY FOR ACCESS

The Code is based on 3 key principles, which equally apply to the public and to land managers. They are:

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

\*Access rights apply to a person with a disability who is using a motorized vehicle, or vessel, built or adapted for use by that person.

**For the public**, this is all about respecting the privacy, safety and livelihoods of those living and working in the outdoors; looking after the places they enjoy and visit; leaving the land and water as they find it; and acting with care at all times for their own safety and that of others.

**For the land manager** this is about respecting people's responsible use of the outdoors and their need for a safe and enjoyable visit; caring for the features in the environment that make the outdoors attractive for the public to visit; and acting with care at all times for people's safety.

### So what does this mean?

In your everyday management, it is recognised that you will need to erect fences and walls, put up signs and enclose stock. However, in managing land and water, you must not do anything that is designed to prevent or deter people from taking responsible access. Actions to avoid include deliberately obstructing a path or track with machinery, materials or fences, or using a sign to unreasonably discourage the public from accessing a particular route or area. The key is to ensure that access rights are not unreasonably impeded.

It is worth noting that Access Authorities (local councils and national park authorities) have a legal duty to uphold access rights and have powers to remove prohibitive signs, unreasonable obstructions and dangerous impediments, and to recover the costs from the person responsible. However, in most cases, the Access Authority will aim to work with land managers to resolve issues amicably.

### So what can I do?

Providing paths can assist with land management as well as helping the public to enjoy the outdoors. By creating routes that avoid sensitive areas, such as calving or lambing fields, you can encourage responsible access.

You are within your rights to ask people, either face-to-face or by use of temporary signs, to avoid specific areas whilst certain activities take place. This could be, for example, for their own safety or to avoid disrupting your work.

Much of your work (such as hedge cutting, ploughing, drilling, etc) is clearly visible and the Code advises people to proceed carefully and to keep a safe distance while the work is in progress. Where the hazard or land use is not obvious (e.g. spraying, shooting, tree felling, newly calved cows), it may be advisable to ask people to use a different route until work is completed or the land use changes.

You must make sure that your requests are reasonable and minimise the time and area

affected. People generally respond well to a positive, informative approach, so if you are asking people to avoid an area or refrain from a specific activity, it's best to explain the reason for your request. Most people will be happy with this and, although they don't have to stay on any given routes, they are more likely to follow signs and marked paths.

You should carry out a suitable risk assessment of your property, and/or the land you manage, to identify any significant risks to the public and any precautions that need to be taken.

If you come across someone you believe is acting irresponsibly you should ask them to change their behaviour. If they are causing damage or significant disturbance they forfeit their access rights and if they refuse to change their behaviour you can ask them to leave. Never use force.

### Am I responsible for the public on my land?

As in the past, you have a 'duty of care' to people on your land, whether they are on a path or not. This means you should avoid doing anything, either deliberately or negligently, that you could reasonably foresee might cause an accident. Access rights do not change your liability, but you need to bear in mind that walkers, horseriders, cyclists and canoeists, etc, may now be more likely to be on parts of your land or water where they have not traditionally ventured in the past.