

Scotland on foot

**Ramblers Scotland's guide to rights
and responsibilities for walkers**



Photo: Dave Souza



ramblers scotland
at the heart of walking

50
YEARS
1965-2015

Dear fellow Ramblers

As a celebration to mark 50 years of Ramblers Scotland, we have produced this booklet giving advice and guidance on your access rights and responsibilities, and we are sending it to all members in Scotland.

The Scottish access rights established by the Scottish parliament through the Land Reform (Scotland) Act 2003 are generally felt to be working well. The quest for rights of public access to land was a long-time goal for the Ramblers in Scotland, and we can be proud of the contribution our organisation made as a result of many years of campaigning by members and staff.

We hope this advice helps you as individuals and groups to feel more confident as you get out and about, enjoying all that Scotland has to offer walkers. Please share this information with others and remember there's lots more advice, ideas and inspiration available at www.ramblers.org.uk/scotland.

Happy walking!

Jim Lawson
Convener

Photo: Alastair McIntyre

For 50 years, Ramblers Scotland has been helping people get the most out of walking in Scotland.

Whether you're looking for a short stroll close to home, a woodland walk with your family or a hike into rugged hills with your walking group, Scotland's outdoors offers all these opportunities at any time of the year.

Ramblers Scotland took a leading role in delivering Scotland's statutory rights of public access, which involved many years of campaigning by our members. We believe these

rights are amongst the best in the world, giving walkers the right to be on most land in Scotland. But with rights come responsibilities. In this booklet you'll find all the advice walkers need to get the most out of walking in Scotland. You'll also find ideas on how Ramblers groups and individual members can help to make sure that our rights and freedoms remain secure and to maintain walkers' positive relationships with land managers. We hope it'll give you the confidence to explore Scotland and promote the joys of walking to others.

Access rights: the legal framework

In Scotland we're fortunate to have world-renowned rights of public access to most land and inland water through the Land Reform (Scotland) Act 2003. Both the use of these rights and the management of the land and water must be carried out in a responsible way. Full guidance on responsibilities for land managers and those enjoying access is provided in the Scottish Outdoor Access Code.

This booklet's aimed at Ramblers members but also at anyone who's walking in Scotland. We hope it'll give you confidence that you are being responsible when out walking. But please note that this is our interpretation of the key issues for walkers; for more detailed guidance you should consult the Code or take expert advice.

Statutory rights: Our legislation establishes a right of access to most land and inland water, for walkers, cyclists, horse riders and canoeists, based on the principle that you have the right to be on or to cross most land provided that you're doing so in a responsible way.

The Scottish Outdoor Access Code, approved by the Scottish parliament, gives guidance on what responsible access and responsible land management mean in practice. Its three main principles are:

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

Land managers have a duty to manage their land in a responsible way and are encouraged to facilitate access wherever possible. Local authorities and national park authorities ('access authorities'), have a duty to uphold access rights and prevent obstructions. They also have powers to take appropriate measures, including legal action when necessary.

Traditional or customary rights of access: Before the statutory rights were enshrined in the 2003 Act, access was freely taken in Scotland on the basis of custom and tradition, provided there was no damage caused and privacy was respected. This freedom still applies where the public have enjoyed access over a long period of time, even in places where the statutory rights don't apply, such as over some dams and through some farmyards. Existing rights of way and rights to the foreshore are also unaffected by the 2003 Act.

Paths: Under the Land Reform Act access authorities had to designate a network of 'core' paths so as to give the public "reasonable access" throughout their area. There are around 18,000 km of core paths, and many more paths in the wider network. There are also numerous rights of way, which are of largely ancient origin and follow a defined route, connecting public places. These can be useful for retaining routes within urban areas, through farmyards or close to buildings.

Where the statutory right of access does not apply

Access rights generally apply to all land, but there are a number of exceptions. These are mainly a matter of common sense, but further guidance is given in the Code on where these exceptions apply. Those which are mainly relevant to walkers are listed below.

Houses and gardens

Access rights don't apply to houses or other dwellings and you must stay far enough away from them to make sure that you don't intrude on the privacy of the occupants or create unreasonable disturbance for people in the house. In the great majority of cases this simply means keeping out of their gardens. Where there are large country houses surrounded by extensive grounds, it's always a matter of judgement how close to the house access rights apply, taking into account the matters of privacy and disturbance mentioned above. The Code advises that in these circumstances you should keep a sensible distance from the house and use a path or track if one's available. However, it's not the case that you must always remain out of sight of the occupants.

Other buildings and works

Access rights do not apply on land on which there are other kinds of buildings, structures, works, plant or fixed machinery. If they are surrounded by fences, dykes, etc, you may not go into those enclosures. If not, avoid getting any closer than can be helped. Access has historically been taken across some dams, and this should continue.

Sporting facilities

Rights of access apply to sports and playing fields as long as they don't have an artificial surface and aren't being used for the intended sporting activity at the time. Access rights don't extend to playing fields that are part of the land adjacent to a school.

Visitor attractions

Access rights don't apply to visitor attractions where a charge for entrance has been agreed with the access authority or charging has been in place since before January 2001.

Farmyards

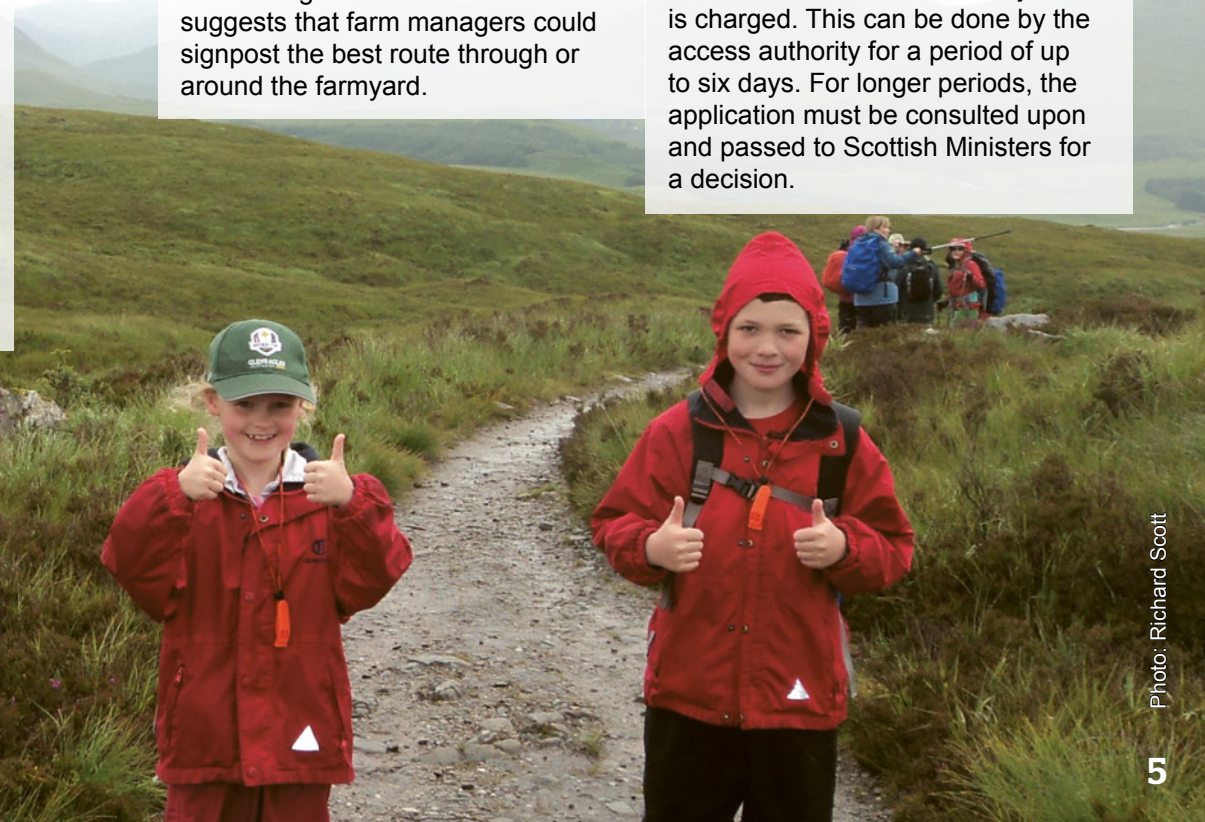
Farmyards aren't included in the statutory right of access, but many usable tracks lead through farmyards. Where these have been used in the past on the basis of custom and tradition you are still entitled to do so. You do in any case have the right to skirt the farm buildings, as long as you avoid getting too close to the house, by using the margins of the adjacent fields. The farm track may be a right of way or core path, in which case you have a right to be there, but you should always proceed with care and respect the privacy of those living on the farm. The Code suggests that farm managers could signpost the best route through or around the farmyard.

Construction sites

Access rights don't apply on construction sites, but with regard to extensive sites such as wind farms, this means those areas where building operations are active, rather than the whole area under the developer's control. Any restrictions should be kept to the minimum area and for as short a period as possible.

Exemptions

There are times when landowners, authorities or other bodies wish to suspend the public right of access for a time, such as during car rallies, or other events where an entry fee is charged. This can be done by the access authority for a period of up to six days. For longer periods, the application must be consulted upon and passed to Scottish Ministers for a decision.



Key points for walkers

Dogs

Dog owners have a particular responsibility to ensure that their pets don't create difficulties or hazards for other members of the community. Dog faeces should always be picked up and removed and it's essential to keep dogs under proper control. Dogs should be kept away from livestock. In particular, they shouldn't be taken into fields where there are young animals or into fields of vegetables or fruit unless there's a clear path. If you are threatened by cattle while walking with a dog, let the dog go and take the shortest route out of the field.

Walking as a group

When walking as a group on paths, be aware of other users and be prepared to let other travellers pass. Take extra care when crossing roads or level crossings, especially if your group has become strung out. There's no requirement to ask for permission from landowners to walk anywhere as a group, but there's no harm in informing a landowner that a group walk is taking place.

Shared paths

In Scotland, walkers, cyclists, horse riders – and canoeists – all enjoy the same rights of access. Paths can be used by everyone except those in motorised vehicles*, provided that people act responsibly and respect the interests of other users.

*Apart from people with a disability using a vehicle adapted for their use.

Fields of crops and grass

Access rights apply to all fields, but in different ways. If the field contains crops, you may walk on any ground which hasn't been sown or where crops are no longer growing. So, you may, for example, use the tracks left by the passage of tractors, as long as you avoid damaging crops. You have the right to cross fields of grass unless the grass has just been sown or is at a late stage of growth before harvesting for hay or silage, ie, about 20 cm or higher. However, regardless of the above conditions, you may use the margins of every kind of field. If a right of way or a core path is ploughed up or otherwise cultivated, the surface must be reinstated within 14 days from the day when the cultivation takes place.

Fields with animals

All livestock should be treated with respect by walkers and you should remember that cows with young calves can be aggressive. Check for alternative routes before entering a field with animals. If you have to cross the field, keep a safe distance and consider how you might exit safely if the need were to arise. It's illegal to keep bulls of recognised dairy breeds in fields crossed by a public right of way and that also applies to core paths. The Code emphasises that animals known to be dangerous shouldn't be left in areas where there's a path or track likely to be used by the public. Respect any notices giving temporary alternative routes.

Forestry operations

Access rights apply in forests and woods, but if forestry operations, such as planting or felling, are taking place you may need to use an alternative route, where one is signed. Foresters are advised to manage their operations in a way which is flexible and takes account of walkers, cyclists and horse riders. This includes signing alternative routes and removing signs if the work isn't taking place or has finished.

Gates, dykes and fences

Use a gate or stile, if one has been provided, and leave any gates as you find them. Try to avoid climbing over gates, fences or dykes unless there is no reasonable alternative. If you have to do so, climb gates at the hinge end and fences near to a post to avoid damage.

Golf courses

You have the right to cross golf courses providing that you avoid interfering with anyone playing golf and stay off the greens. You should follow paths where they exist and dogs should be kept on short leads.

Shooting and stalking activities

Walkers should take account of reasonable requests to minimise disturbance where sport shooting or culling is taking place of, eg, deer, grouse or pheasants. Disturbance can usually be minimised by following prominent ridges, main watercourses or established routes through the glens. Advice on deer stalking may be available between July–October for specific estates on www.outdooraccess-scotland.com.

Camping

Access rights apply to informal or wild camping as long as it's done in a responsible way. Take your litter away and bury toilet waste far away from rivers and burns. If you have a fire, keep it small and under control. Don't light a fire in a forest or wood, in dry conditions, or where there are warning signs.

Car parking

Vehicles can usually be parked within 15 yards of the road without causing a traffic offence, but make sure you aren't blocking gates or tracks. Use car parking facilities where they exist.

Valuing our Countryside

Litter in any form, including fruit skins, is unsightly and can cause harm to wildlife. Litter bins are only provided near communities where they can be emptied by the local authority and therefore it's our responsibility to ensure that all our own rubbish is taken home – and you could also consider picking up other litter that you find. Any deliberate dumping should be reported to the local authority.

Requests not to take access

Be guided by reasonable requests from land managers to take access by alternative routes when, for example, tree felling is taking place or you have a dog which might disturb ground nesting birds. Such requests should apply to relatively small areas and be for short periods of time.

Getting involved: promoting access locally

Local Access Forums

Under the Land Reform Act, all access authorities had to set up a Local Access Forum (LAF) to advise the authorities on matters relating to the exercise of access rights, rights of way and their core path networks. LAFs may also mediate in disputes. Members of the forum should represent the interests of recreation groups, landowners, local communities and the councils themselves and they are largely volunteers.

Many LAFs already have Ramblers members on them to help reflect outdoor recreation interests, but, if yours hasn't, why not think about putting yourself forward? LAFs often hold meetings open to the public, so get in touch with your local access officer and see what's happening in your area.

Path maintenance

Access rights are essential, but we all need good quality paths to make it easier to get out for a walk. If your local paths are getting overgrown or muddy, there are various practical tasks that can be carried out, in cooperation with access authorities, such as path clearance or surface improvement. You might like to try your hand at stile or bridge building. Ramblers Scotland can help you to organise a local path maintenance day or put you in touch with local activities which are already taking

place. Alternatively, contact your local access officer to see if you or your group can help with their own programme of path work, such as joining a path warden scheme in your area.

Promoting local paths

If you have good ideas about where new paths could or should be created, don't keep them to yourself, but let your local council know. As a Ramblers group, you can make funding applications for small projects such as local path leaflets, signage or producing web-based materials. Ramblers Scotland can give advice on funding sources.

Dealing with obstructions

If you find a path is obstructed, eg, by a broken stile, please try and inform the land manager. If you believe the obstruction is intentional, eg, a locked gate or a misleading sign, contact the access officer in that area. You can find contact details at www.outdooraccess-scotland.com. Ramblers Scotland is also able to give advice on the situation. If you believe you're walking in a responsible way, yet somebody tries to prevent or deter you from walking on their land, remain calm. Having listened to what is said, you may continue or choose to leave. Later you can contact the local access officer to report the incident and please also inform the Ramblers Scotland office.

Photo: Helen Todd

Promoting walking: what could your group do?

To give you some inspiration, here are some examples of initiatives that our groups have been carrying out to promote walking in their areas.

- Raising funds to produce a leaflet of local walks.
- Upgrading a local path and putting up signage.
- Collecting route descriptions from their members to produce a local walking guidebook.
- Helping to develop and promote a local long distance route.
- Carrying out regular path maintenance days.
- Adding a Ramblers Route or Medal Route to our online library.
- Widely promoting your walk programme and welcoming new members.

For advice and guidance visit www.ramblers.org.uk/scotland or get in touch: scotland@ramblers.org.uk.



Photo: Helen Todd

Key achievements and milestones

- 1965** First Scottish Area established by Ramblers' Association.
- 1985** Scottish Council and Scottish Council Executive Committee established, making Ramblers Scotland a constituent part of the Ramblers' Association.
- 1985** First member of staff for Ramblers Scotland appointed, Bill Forsyth.
- 1987** Ramblers Scotland had 17 groups and 1,700 members.
- 1993** Scotland's first access agreement, the Letterewe Accord signed, working with the Mountaineering Council of Scotland.
- 1994** Scottish Environment LINK's access research project set up and chaired by Ramblers Scotland, which commissioned Alan Blackshaw to research the basis of public access in Scotland.
- 1995** Took part in Harris superquarry public inquiry as part of LINK quarry group.
- 1996** Ramblers Scotland was a signatory to the Access Concordat for Scotland's hills and mountains.
- 2000** National Parks (Scotland) Act passed, after much effort by members.
- 2003** Passage of the Land Reform (Scotland) Act celebrated following much campaigning by members.
- 2007** Took part in first court case under Land Reform (Scotland) Act regarding public access at Kinfauns Castle, Perth.
- 2008** Took part in and won the Snowie case testing extent of public access at Boqhuan estate, Stirling.

for Ramblers Scotland, 1965–2015

- 2008** Joined the public inquiry into Donald Trump's proposed golf course in Aberdeenshire.
- 2010** Awarded National Governing Body of Sport status by **sportscotland**.
- 2011** Our groups celebrated Ramblers GB's 75th Anniversary.
- 2011** Ramblers Scotland signed a Memorandum of Authority with Ramblers GB at Glenmore Lodge.
- 2012** Medal Routes project launched in Glasgow by Minister for Sport and Commonwealth Games, Shona Robison MSP.
- 2012** Celebrated 25 years of Scottish Ramblers Gatherings.
- 2014** Ramblers volunteers led 45,000 walks across England, Scotland and Wales.
- 2014** Tayside Young Walkers established. Along with Aberdeen Young Walkers (launched in 2015) there are now four young walkers groups in Scotland. Overall 56 Ramblers groups in Scotland and 6,500 members.
- 2015** Ramblers Scotland celebrated its 50th year.
- 2015** Ramblers GB celebrated its 80th year.
- 2015** The Medal Routes project reached 500 walking routes across Scotland.

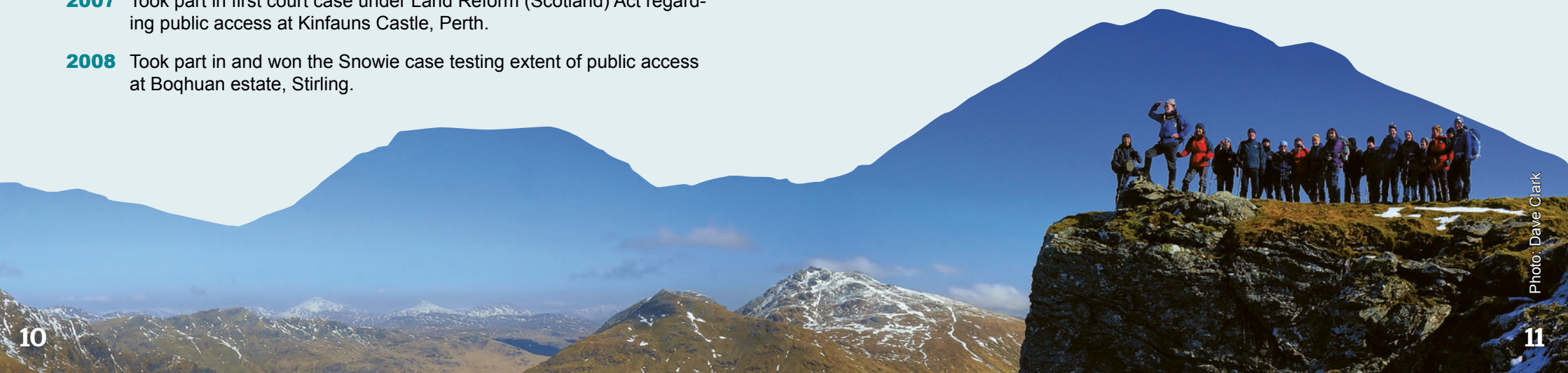


Photo: Dave Clark

Ramblers Scotland

Ramblers Scotland is the representative body for walkers in Scotland and recognised by **sportscotland** as a governing body of sport. As part of the Ramblers, we work across Great Britain to help everyone, everywhere enjoy walking and to protect the places we all love to walk. We have around 6,500 members in Scotland and 56 local walking groups, all run by volunteers.



**KNOW THE CODE
BEFORE YOU GO**

outdooraccess-scotland.com

Ramblers Scotland
Caledonia House
1 Redheughs Rigg
South Gyle
Edinburgh
EH12 9DQ

Tel: 0131 472 7006

Email: scotland@ramblers.org.uk



[@ramblersscot](https://twitter.com/ramblersscot)



[Ramblers Scotland](https://www.facebook.com/RamblersScotland)



www.ramblers.org.uk/scotland



December 2015

Printed on recycled paper

The Ramblers' Association is a registered charity (England and Wales no 1093577, Scotland no SC039799) and a company limited by guarantee, registered in England (no 4458492).

Registered office: 2nd floor, Camelford House, 87-90 Albert Embankment, London SE1 7TW