



SHEPHERD+ WEDDERBURN



Accessing the Countryside: know
your rights and responsibilities

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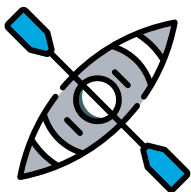
Scotland is renowned for its natural beauty and grand landscapes. But, as someone accessing the land, what are you legally allowed to do? And as a landowner, what rights do you retain over your land?

The public's right of responsible access (often referred to as the "right to roam") was embodied as a statutory right in the Land Reform (Scotland) Act 2003, allowing everyone access to most land and inland water in Scotland for recreational and other purposes.

We've put together a handy guide outlining some of the rights and responsibilities for both access takers and landowners to help you navigate the terrain. For detailed information, please see our fuller guide [here](#).

Do seek legal advice if you are unsure on your rights and obligations.

Individuals

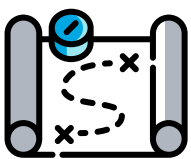


Do

Take part in recreational activities from [open water/wild swimming](#), sightseeing, picnicking and walking the dog, to horse riding, rock climbing, canoeing and camping as well as participating in marathons, triathlons and other sporting competitions.

Don't

Access any land that contains buildings or a fixed piece of machinery.



Do

Take part in educational activities such as supervised visits to the outdoors to learn about wildlife, landscape or geology, or field surveys of local flora or fauna.

Do

[Wild camp](#) responsibly, leaving no trace of occupation, and only in small numbers for a limited time.

Don't

Wild camp in a campervan or motorhome unless a landowner has permitted it.



Do

Take part in commercial activities which could also be carried out as recreational activities for example acting as a paid hiking guide, as hiking is also considered recreational.

Don't

Access gardens around houses, caravans or tents etc. or common gardens that are restricted to residents.

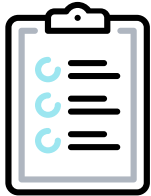


Do

Bring animals onto the land so long as they are kept under control and make sure not to bother livestock.

Don't

Access schools or land used by schools, such as a playground; or any land that has been developed as a sports or playing field.

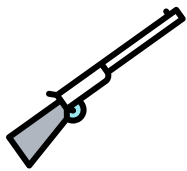


Do

Make sure you're aware of your responsibilities when accessing property, and what rights landowners have over their land. **Be aware of signage** that might prohibit your access, particularly relating to areas of danger.

Don't

Use land on which crops are growing.



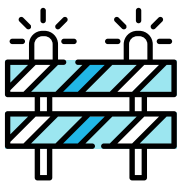
Don't

Take part in motorised activities, like off-road driving or motor biking, without the landowner's permission (other than for disabled use).

Don't

Access the land for hunting, shooting or fishing.

Landowners



Do

Remember that access to places such as paths next to private gardens may be restricted in certain circumstances to restrict anti-social behaviour.

Don't

Obstruct, discourage or prevent access using signs, hedges, machines, animals, etc.



Do

Seek advice about when you may be able to apply to the local authority or court to exempt land from public access.

Don't

Let your duty of care slip – you must maintain land so as to prevent injury.

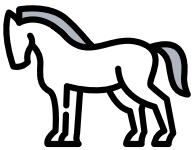


Do

Give/withhold permission for use of [motorised activities](#) (other than for disabled use) on your land.

Don't

Prevent someone with a disability from using a motorised vehicle on your land.

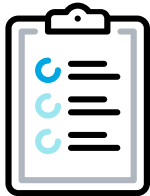


Do

Consider whether certain types of activity such as horseback riding can be unsuitable for the land and thus not permitted by the public.

Don't

Restrict individuals right to roam on your land unless permitted.



Do

Expect privacy – areas like private gardens or those close to the home are exempt from public access.

Do

[Be aware](#) of what rights the public has to your land, and what they can and cannot do.



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