

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 1 Access Rights

Section 2: Access rights to be exercised responsibly

9. Subsection (1) provides that access rights must be exercised responsibly.
10. Subsection (2) makes provision for determining what constitutes the responsible exercise of access rights. The presumption is that a person will be exercising access rights responsibly if they are not interfering unreasonably with the rights of others. Paragraph (a) goes on to provide that a person engaging in any conduct falling within section 9 or within any byelaw made under section 12(1)(a)(i) or does anything that undoes steps taken by Scottish Natural Heritage under section 29, will not be exercising access rights responsibly. Paragraph (b) also provides that regard will be had to whether a person has disregarded the guidance set out in the Scottish Outdoor Access Code which applies to persons exercising access rights or has disregarded any request by Scottish Natural Heritage under section 29.
11. Subsection (3) further clarifies what is meant by the reference to the responsible exercise of access rights.