

# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 1

#### ACCESS RIGHTS

#### CHAPTER 1

##### NATURE AND EXTENT OF ACCESS RIGHTS

### **3 Reciprocal obligations of owners**

- (1) It is the duty of every owner of land in respect of which access rights are exercisable—
  - (a) to use and manage the land; and
  - (b) otherwise to conduct the ownership of it, in a way which, as respects those rights, is responsible.
- (2) In determining whether the way in which land is used, managed or the ownership of it is conducted is responsible an owner is to be presumed to be using, managing and conducting the ownership of land in a way which is responsible if it does not cause unreasonable interference with the access rights of any person exercising or seeking to exercise them, but—
  - (a) an owner who contravenes section 14(1) or (3) or 23(2) of this Act or any byelaw made under section 12(1)(a)(ii) below is to be taken as not using, managing or conducting the ownership of the land in a responsible way;
  - (b) regard is to be had to whether any act or omission occurring in the use, management or conduct of the ownership of the land disregards the guidance on responsible conduct set out in the Access Code and incumbent on the owners of land.
- (3) In this section the references to the use, management and conduct of the ownership of land in a way which is responsible are references to the use, management and conduct of the ownership of it in a way which is lawful and reasonable and takes proper account of the interests of persons exercising or seeking to exercise access rights.

**Changes to legislation:**

Land Reform (Scotland) Act 2003, Section 3 is up to date with all changes known to be in force on or before 08 January 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 74(1)(o)-(r) inserted by [2015 asp 6 s. 65\(b\)](#)
- s. 81(1)(ba)(bb) inserted by [2015 asp 6 s. 68\(a\)](#)
- s. 88(9A)(9B) inserted by [2015 asp 6 s. 69\(a\)](#)
- s. 92(5)(a)(b) substituted for words by [2015 asp 6 s. 71\(a\)](#)
- s. 92(5A) inserted by [2015 asp 6 s. 71\(b\)](#)
- s. 92(6A)-(6C) inserted by [2015 asp 6 s. 71\(d\)](#)
- s. 94(2)(aa)(ab) inserted by [2015 asp 6 s. 72\(2\)\(b\)](#)
- s. 94(2A)(2B) inserted by [2015 asp 6 s. 72\(3\)](#)
- s. 94(3A)-(3C) inserted by [2015 asp 6 s. 72\(4\)](#)
- s. 97ZA inserted by [2015 asp 6 s. 73](#)