



Land Reform (Scotland) Act 2003

2003 asp 2

PART 1

ACCESS RIGHTS

CHAPTER 1

NATURE AND EXTENT OF ACCESS RIGHTS

5 Access rights, reciprocal obligations and other rules and rights

- (1) The exercise of access rights does not of itself constitute trespass.
- (2) The extent of the duty of care owed by an occupier of land to another person present on the land is not, subject to section 22(4) below, affected by this Part of this Act or by its operation.
- (3) The existence or exercise of access rights does not diminish or displace any other rights (whether public or private) of entry, way, passage or access.
- (4) The existence or exercise of access rights does not diminish or displace any public rights under the guardianship of the Crown in relation to the foreshore.
- (5) The exercise of access rights does not of itself amount to the exercise or possession of any right for the purpose of any enactment or rule of law relating to the circumstances in which a right of way or servitude or right of public navigation may be constituted.
- (6) Access rights do not constitute a public right of passage for the purposes of the definition of “road” in section 151(1) (interpretation) of the Roads (Scotland) Act 1984 (c. 54).
- (7) A person exercising access rights is to be regarded as being in a public place for the purposes of section 53 (obstruction by pedestrians) of the Civic Government (Scotland) Act 1982 (c. 45).

Changes to legislation:

There are currently no known outstanding effects for the Land Reform (Scotland) Act 2003, Section 5.