

PE1422/E

Environment and Forestry Directorate
Natural Resources Division

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Ms Alison Wilson
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The Scottish Parliament
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21 May 2012

Dear Ms Wilson,

CONSIDERATION OF PETITION PE1422

I refer to your letter of 20 April 2012 to my colleague Dave Thomson seeking a written response to address the issues raised in the above petition. The Scottish Government's response is set out below.

1. Inequality between the rights of landowners compared to those exercising the right to access land

The Scottish Government believes the Act provides for a balanced relationship between landowners and those exercising the right to access land. The Act gives everyone statutory access rights to land and inland water throughout Scotland, with few exceptions, for recreational, educational and some commercial purposes, but only if they are exercised responsibly.

The Scottish Outdoor Access Code (SOAC), drawn up under the Act and approved by Parliament, provides non-statutory guidance setting out the rights and responsibilities of land managers and those exercising access rights. One of the three key principles of the SOAC is to ***“Respect the interests of other people. Acting with courtesy, consideration and awareness is very important. If you are exercising access rights, make sure that you respect the privacy, safety and livelihoods of those living or working in the outdoors, and the needs of other people enjoying the outdoors.”***

The petitioner calls for an independent body to deal with access disputes. The Act requires all local authorities and national park authorities (“access authorities”) to establish a local access forum, consisting of land manager and recreation interests, for the purpose of considering and resolving problems and disputes. Beyond this, access matters under the Act may be referred to the Sheriff Court, for judicial determination on where access rights apply and what is or is not responsible behaviour.

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