

The duties and powers of access authorities including Local Authorities and National Park Authorities

- Local Authorities and National Park Authorities have a wide range of duties and powers under the Land Reform (Scotland) Act 2003
- Duties relating to the access rights and to the provision of paths and other facilities including
 - Outdoor Access Strategies
 - Core Paths
 - Local Access Forums
 - Reviewing byelaws
- Powers they have to improve management of access
 - Exemptions
 - Processes and procedures
 - Ranger Services
 - Other relevant powers

Duties

Scottish Outdoor Access Code Duty to publicise the Code
Uphold Access Rights Duty to assert, protect and keep open and clear any route, waterway or other means by which the access rights can reasonably be exercised.
Core Paths Plan Duty to draw up a core paths plan within 3 years and keep it under review. This plan must set out a system of enough paths (called core paths), to give people reasonable access throughout their area.
Core Paths Plan – Procedures Duty over consultation procedures and adopting the core paths plan.
Core Paths Plan – Review Duty to review the core paths plan.
Local Access Forums Duty to set up at least one local access forum covering its area, which will advise the authority and others on anything to do with access rights, rights of way and core path planning. Duty to make sure the appointments to the forum are reasonably representative of the community.
Review Existing Byelaws Duty to review any existing byelaws within 2 years and make any changes needed to be consistent with the Act.

Powers

Exemptions of Particular Land from Access Rights Powers by order to exempt particular land areas from specified purposes under access rights for a specified time. Consultation and notification procedures must be followed. Exemptions for more than five days require Ministerial consent, with a maximum period of two years.
Making Byelaws Powers to introduce byelaws over any land on which the access rights can be exercised to: <ul style="list-style-type: none"> ▪ preserve public order and safety ▪ prevent damage ▪ prevent nuisance or danger ▪ conserve or enhance natural or cultural heritage Procedures and consultations are specified.
Remedial Action on Signs, Obstructions etc Powers to serve notice on land managers for remedial action over prohibition signs, obstructions, dangerous impediments etc and if necessary to carry out the remedial action.
Measures for Safety, Protection, Guidance and Assistance Powers for appropriate measures, such as notices or fences, to warn and protect people from any danger on land on which access rights are exercisable, or to give directions to or enclose such land. Powers to install gates, stiles, seats, toilets, moorings and launching sites, lifeguards etc with the landowner's agreement.
Acquisition of Land for Access Powers to acquire land for access purposes by agreement, or compulsorily if approved by Ministers.

Maintain Core Paths

Powers to do anything considered appropriate to:

- maintain a core path
- keep core path free from obstruction or encroachment
- to show or provide public directions to a core path

Path Agreements

Powers to enter into agreements to mark and maintain paths.

Path Orders

Powers to mark a path by order where a path agreement is impracticable, which must then be maintained by the authority.

Path Reinstatement

Powers to reinstate paths damaged by ploughing or other surface works, after having given due notice to the land manager.

Ranger Services

Powers to appoint rangers to help and advise people about access rights on any land or water where the access rights can be used and to meet any other duties as the local authority sees fit. Such rangers have powers of entry onto access land to perform these functions.

Powers of Entry

Powers to authorise persons to enter land at reasonable times and after giving notice – unless for an emergency or to do with a core path – and to take relevant machinery or equipment with them.