

Twenty Questions – answers

1. When does the public's statutory right to access become operational?	Feb 2005
2. Access legislation in England and Wales is different from that in Scotland	True. The Countryside and Rights of Way (CROW) Act gives access rights on unenclosed land only, as defined on maps.
3. The access legislation does not allow access to land or inland water for educational purposes.	False. You have rights of access to be on land and water, and to cross over land and water: for recreation, for educational activity, for certain commercial pursuits (e.g. mountain guides).
4. Who is responsible for the duties under the Act to uphold access rights; plan Core paths; establish Local Access Forums?	Local Authorities and National Park Authorities – Act Section 32 interprets “local authority” including National Park Authority. Uphold access rights - Act Section 13 Core path planning - Act Section 17 Local Access Forums - Act Section 25
5. Who is responsible for the duty to publicise the Scottish Outdoor Access Code?	Local Authorities and SNH. SNH also has the duty to promote understanding of the Code - Act Section 10.7.
6. All byelaws have to be reviewed and made compliant with the Act within 2 years	True - Act Section 30
7. With the access rights come responsibilities. Which are the two main groups of people who have responsibilities under the Scottish Outdoor Access Code?	Land and Water managers People exercising access rights - Code para 1.1
8. Which of the following are excluded from access rights under the Act?	<ul style="list-style-type: none"> • Fishing (but a person carrying a rod walking over a field or along a river bank is not excluded.) • Water skiing (motorised vessel – but a water skier may not be excluded eg if sitting on a loch side) - Act Section 9 • Walking dogs across a field of cows with calves, while not excluded in the Act, is covered in the Code as “do not take your dog into fields where there are lambs, calves or other young animals” – Code P 47
9. Access land can be closed for up to 5 days by Local Authority order; 6 days or more needs Ministerial approval	True. Managers wishing to close land for 5 days or less e.g. for an event, can apply to the Local Authority. For 6 days to 2 years needs Ministerial approval - Act Section 11
10. Who is responsible for re-instating blocked/ploughed paths and how much time is allowed?	Land manager, within 14 days. If the land manager does not reinstate the path the LA can do so, after informing the landowner, and can reclaim costs. This can be done without the land manager's agreement if necessary – Act Section 23

<p>11. Privacy zones around dwellings and curtilage of working buildings and associated facilities are defined and marked by the occupant</p>	<p>False. Privacy zones and curtilage are a matter of judgement and depend on terrain and on the characteristics of the recreation users (think of the difference between one walker during the day and 20 revellers in the dark) Code 3.13 – 3.20</p>
<p>12. Only SNH can close access areas for natural heritage reasons</p>	<p>True. Act Section 29 and 2(2)aii. Any landowner can ask SNH to use this power.</p>
<p>13. What are the three principles of the Scottish Outdoor Access Code?</p>	<ul style="list-style-type: none"> • Take responsibility for your own actions. • Respect the interests of other people. • Care for the environment.
<p>14. The message being used to promote the Scottish Outdoor Access Code is:</p>	<p>Know the Code</p>
<p>15. What is the address of Scotland's Outdoor Access website?</p>	<p>www.outdooraccess-scotland.com</p>
<p>16. Land managers' liability is unaffected by the access legislation</p>	<p>True – Code 3.8. Also see SNH (draft) Brief Guide to Occupiers' Liability in Scotland</p>
<p>17. A commercial operator can take a group of gorge walkers into a gorge that is a SSSI for its plants.</p>	<p>True, as long as there is no Section 29 notice, and they behave responsibly. Code 2.9; 3.43-3.48; 3.57</p>
<p>18. Mountain bikers have rights to use all paths</p>	<p>True. All types of users have the legal right to use any path (so we must stop calling them "footpaths"). People, whether biking or carrying out any other recreational activity, must judge whether they are being responsible in using a path (eg. What are the safety issues? Are they respecting other people's interests?) Code page 16 and 46</p>
<p>19. Under what circumstances can a path be only for the use of walkers?</p>	<p>In terms of legal rights all paths will be multi-use. This does not mean that they have to be engineered for all users – or at all. In practice some steep, narrow, rocky paths may continue to be usable only by walkers and climbers, as other users would not be acting responsibly. Code 4.7 - 4.10</p>
<p>20. It will not be possible to operate a permit system as a means of controlling numbers e.g. horse riders in a Country Park</p>	<p>True. Chapter 1 of the Act defines access rights. A permit system would be limiting these rights. Landowners who charge for horse riding may be able to continue to do so under the 90 day rule.</p>