



SHOOTING - RIGHTS OF WAY & ACCESS ***[SCOTLAND]***

SCOTTISH COUNTRY ACCESS

The Land Reform (Scotland) Act 2003 allows everyone, whatever their age or ability to access land in Scotland if you exercise the access rights responsibly. A summary of access rights is provided below:

You can exercise these rights, provided you do so responsibly, over most land and inland water in Scotland, including mountains, moorland, woods and forests, grassland, margins of fields in which crops are growing, paths and tracks, rivers and lochs, the coast and most parks and open spaces. Access rights can be exercised at any time of the day or night. There has always been a public right to recreation on the foreshore and with this Act you may now use any land to access that foreshore.

You can exercise access rights for recreational purposes (such as pastimes, family and social activities, and more active pursuits like horse riding, cycling, wild camping and taking part in events), for educational purposes (concerned with furthering a person's understanding of the natural and cultural heritage), some commercial purposes (where the activities are the same as those done by the general public) and for crossing over land or water.

Existing rights, including public rights of way and navigation, and existing rights on the foreshore, continue.

The following points where access rights do not apply are:

- Being on or crossing land for the purpose of doing anything which is an offence, such as theft, breach of the peace, nuisance, poaching, allowing a dog to worry livestock, dropping litter, polluting water or disturbing certain wild birds, animals and plants;
- Houses and gardens, and non-residential buildings and associated land;
- Land on which crops are growing;
- Land next to a school and used by the school;
- Sports or playing fields when these are in use and where the exercise of access rights would interfere with such use;
- Land developed and in use for recreation and where the exercise of access rights would interfere with such use;

- Golf courses (but you can cross a golf course provided you don't interfere with any games of golf);
- Places like airfields, railways, telecommunication sites, military bases and installations, working quarries and construction sites; and
- Visitor attractions or other places which charge for entry. Local authorities can formally exempt land from access rights for short periods. Local authorities and some other public bodies can introduce byelaws.

Shooting activities are not included as access rights and still require the permission of the relevant land owner.

CARRYING FIREARMS

Access rights must be exercised in ways that are lawful and reasonable. By definition this excludes any unlawful or criminal activity. This is also taken to include the carrying of any firearm, except where the person is crossing land or water to immediately access land or water, or return from such, where shooting rights are granted, held or held in trust or by any person authorised to exercise such rights. This means that it is lawful to carry a firearm or shotgun across private land as long as this is being done to access land or water where you have the right to shoot, such as on the foreshore. Note in Scotland only the right to recreation includes wildfowling using a shotgun only.

ADVICE FOR SHOOT OWNERS

If you are a landowner or the occupier of land for the purpose of shooting activities you may find that people exercising their access rights may appear near you from a variety of directions, which can be a problem for shooting activities.

Those exercising access rights should be courteous and not purposefully disrupt lawful activities such as shooting. Whilst there is a greater margin for complaints to be made to the police by those not sure about shooting or because they have seen you with a gun, common sense should be applied so as not to cause alarm to the public; always be polite if you talk to people and you must not hinder their passage. If you believe that people are not exercising their rights responsibly, i.e. they are entering land purposefully to disrupt lawful activities or to commit a criminal offence, call the police immediately.

PROTECTING YOUR SPORT

In Scotland most shoots are well established and open access laws have worked well to protect all types of shooting activity. New activities such as paint balling, air soft skirmishing and indeed land where newly started stalking and game shooting activities are planned may encounter problems and it is important to realise that whilst landowners and occupiers do not have the right to refuse the public entry to land in their own right; applications may be made to the local authority to exempt land from access rights and Byelaws may also be made by the local authority to restrict or regulate the exercise of access rights. Whilst these generally apply to country events such as game fairs, it is possible to restrict access where a genuine need is identified. If your shoot experiences problems that you believe can be alleviated by byelaws, it is advisable to liaise closely with your local authority access officer as to the best way to protect your sport and to maintain access by the public.

For further information the Scottish outdoor Access code can be found here: -
<http://www.outdooraccess-scotland.com>

For specific information about shooting activities in Scotland please contact BASC Scotland on
01350-723226

Additional information about disruption of shoots by demonstrators can be viewed on the BASC
website www.basc.org.uk

ENQUIRIES TO: Phone 01244-573010
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