

*These notes relate to the Land Reform (Scotland) Act 2003
(asp 2) which received Royal Assent on 25 February 2003*

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 1 Access Rights

Section 1: Access rights

6. This section establishes statutory rights of access to land for recreational purposes, for the purposes of carrying on a relevant educational activity, for the purposes of carrying on, commercially or for profit an activity which the person exercising the right could carry on otherwise than commercially or for profit and a right to cross land for the purpose of getting from one place to another (subsections (1) to (4)). “Relevant educational activity” is defined in subsection (5). “Land” is defined in section 32 to include bridges and other structures built on or over land, inland waters (including non-tidal parts of rivers and lochs), canals and the foreshore.
7. Subsection (6) clarifies that access rights apply above and below ground, as well as on the surface of the land. This means that access rights extend to such activities as caving and paragliding.
8. Subsection (7) provides that access rights are exercisable on and over all land other than land of the type described in section 6 or which is otherwise excluded under that section.