



# Land Reform (Scotland) Act 2003

## 2003 asp 2

### PART 1

#### ACCESS RIGHTS

### CHAPTER 3

#### THE SCOTTISH OUTDOOR ACCESS CODE

#### **10 The Scottish Outdoor Access Code**

- (1) It is the duty of Scottish Natural Heritage to draw up and issue a code, to be known as the Scottish Outdoor Access Code, setting out, in relation to access rights, guidance as to the circumstances in which—
  - (a) those exercising these rights are to be regarded as doing so in a way which is or is not responsible;
  - (b) persons are to be regarded as carrying on activities, otherwise than in the course of exercising access rights, in a way which is likely to affect the exercise of these rights by other persons;
  - (c) owners of land in respect of which these rights are exercisable are to be regarded as using and managing, or otherwise conducting the ownership of it, in a way which is or is not responsible;
  - (d) owners of land in respect of which these rights are not exercisable are to be regarded as using and managing, or otherwise conducting the ownership of it, in a way which is likely to affect the exercise of these rights on land which is contiguous to that land.
- (2) Scottish Natural Heritage shall consult local authorities and such other persons or bodies as they think appropriate about the proposed Access Code and then submit it (with or without modifications) to Ministers together with copies of any objections or representations made in response to that consultation.
- (3) On receiving a proposed Access Code, Ministers may—
  - (a) approve it, with or without modifications; or
  - (b) reject it.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where Ministers reject a proposed Access Code under subsection (3)(b) above they may either instruct Scottish Natural Heritage to submit a new Code or they may substitute a Code of their own devising.
- (5) Where Ministers approve an Access Code with or without modification under subsection (3)(a) above or devise a Code themselves under subsection (4) above, they shall lay the proposed Code before the Scottish Parliament and Scottish Natural Heritage shall not issue the Code unless it has been approved by resolution of the Parliament.
- (6) The Access Code comes into operation on such date as Ministers fix.
- (7) It is the duty of—
  - (a) Scottish Natural Heritage and local authorities to publicise the Access Code;
  - (b) Scottish Natural Heritage to promote understanding of it.
- (8) Scottish Natural Heritage shall keep the Access Code under review and may modify it from time to time.
- (9) In reviewing the Access Code, Scottish Natural Heritage shall consult such persons or bodies as they think appropriate about the operation of the Code.
- (10) Subsections (2) to (6) above apply to modifications of the Access Code as they apply to the Code.