



Land Reform (Scotland) Act 2003

2003 asp 2

PART 1

ACCESS RIGHTS

CHAPTER 1

NATURE AND EXTENT OF ACCESS RIGHTS

1 Access rights

- (1) Everyone has the statutory rights established by this Part of this Act.
- (2) Those rights (in this Part of this Act called “access rights”) are—
 - (a) the right to be, for any of the purposes set out in subsection (3) below, on land; and
 - (b) the right to cross land.
- (3) The right set out in subsection (2)(a) above may be exercised only—
 - (a) for recreational purposes;
 - (b) for the purposes of carrying on a relevant educational activity; or
 - (c) 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.
- (4) The reference—
 - (a) in subsection (2)(a) above to being on land for any of the purposes set out in subsection (3) above is a reference to—
 - (i) going into, passing over and remaining on it for any of those purposes and then leaving it; or
 - (ii) any combination of those;
 - (b) in subsection (2)(b) above to crossing land is a reference to going into it, passing over it and leaving it all for the purpose of getting from one place outside the land to another such place.

Status: This is the original version (as it was originally enacted).

- (5) A “relevant educational activity” is, for the purposes of subsection (3) above, an activity which is carried on by a person for the purposes of—
- (a) furthering the person’s understanding of natural or cultural heritage; or
 - (b) enabling or assisting other persons to further their understanding of natural or cultural heritage.
- (6) Access rights are exercisable above and below (as well as on) the surface of the land.
- (7) The land in respect of which access rights are exercisable is all land except that specified in or under section 6 below.