



Land Reform (Scotland) Act 2003

2003 asp 2

PART 1

ACCESS RIGHTS

CHAPTER 1

NATURE AND EXTENT OF ACCESS RIGHTS

2 Access rights to be exercised responsibly

- (1) A person has access rights only if they are exercised responsibly.
- (2) In determining whether access rights are exercised responsibly a person is to be presumed to be exercising access rights responsibly if they are exercised so as not to cause unreasonable interference with any of the rights (whether access rights, rights associated with the ownership of land or any others) of any other person, but—
 - (a) a person purporting to exercise access rights who, at the same time—
 - (i) engages in any of the conduct within section 9 below or within any byelaw made under section 12(1)(a)(i) below; or
 - (ii) does anything which undoes anything done by Scottish Natural Heritage under section 29 below,is to be taken as not exercising those rights responsibly; and
 - (b) regard is to be had to whether the person exercising or purporting to exercise access rights is, at the same time—
 - (i) disregarding the guidance on responsible conduct set out in the Access Code and incumbent on persons exercising access rights; or
 - (ii) disregarding any request included or which might reasonably be implied in anything done by Scottish Natural Heritage under section 29 below.
- (3) In this section the references to the responsible exercise of access rights are references to the exercise of these rights in a way which is lawful and reasonable and takes proper account of the interests of others and of the features of the land in respect of which the rights are exercised.