

Advice on Dealing with Confrontation in Scotland

Occasionally riders and carriage drivers meet people who, for one reason or another, act aggressively. Some riders also act aggressively at times, particularly if something has happened to startle their horse and nearly caused an accident. Many of these encounters are over so swiftly that nothing is exchanged beyond a couple of angry shouts, though that can be enough to cause lasting ill-feeling or tarnish the reputation of horse riders and drivers. More serious confrontation can cause a breakdown in relations between horse riders and drivers and others.

The best rule is not to lose your temper in the first place, to calm down as soon as you realise you are getting upset, and to apologise for causing any offence, even if you are convinced that you are in the right. It's usually better to sort out the real rights and wrongs later when everyone has calmed down. But we all know it is not always that simple!

BHS Scotland has produced this information sheet to provide advice on dealing with confrontation to minimise the upset and potential repercussions for all involved.

Know your access rights and responsibilities

Walkers, cyclists, horse riders and carriage drivers share equal rights of access to most land in Scotland, provided rights are exercised responsibly. The Land Reform Scotland Act 2003 provides the legal framework, and the Scottish Outdoor Access Code sets out the detail of how this applies on the ground. Understanding your access rights and responsibilities is crucial to avoiding conflict and confrontation, and to keeping your calm in a fraught situation. BHS Scotland's leaflet "Horse Sense: equestrian access in Scotland" summarises the key points of access rights and responsibilities and encourages you and land managers to see things from each other's point of view. More detailed explanation is provided in "Where can I ride and drive off-road in Scotland with a horse?" and "Responsible riding and carriage driving in Scotland".

Golden rules to avoid confrontation:

- Know your access rights and responsibilities, and stick to them. Make sure you follow the Scottish Outdoor Access Code.
- Respect the interests of other people, including land managers and others enjoying the outdoors on foot, cycle, in a wheelchair, with a buggy or with a dog.
- Don't lose your temper. Take three deep breaths, relax and always be polite. Arrogant and impolite behaviour by one rider or carriage driver can spoil relationships for hundreds of others for years to come.

Riding and driving on public roads

The law is that horses have a right to be ridden and driven on all public roads except motorways, and a limited number of dual carriageways which are clearly signed to exclude horses, such as the Edinburgh by-pass. Some motorists nevertheless get wound up because they think horses are getting in their way on the road. A commonly heard abusive shout is that horse riders or carriage drivers do not pay road tax so should not be on the road. This is a fallacy. The road fund licence of vehicles was abolished in 1937, since when every tax payer contributes to provision of roads irrespective of their mode of transport.

Taking the BHS Riding and Road Safety Test, and following the advice in BHS' Road Sense for Riders leaflet will help minimise risk of conflict or confrontation on roads. If you are confronted by abusive motorists when riding or driving along a road, you might refer them to the BHS safety leaflet "Horse Sense for Motorists". If you get the opportunity, explain politely why you are riding two abreast, or in single file.

Wear high-viz

High-viz adds considerably to the ability of other road users to see you and take appropriate action. In poor light or low visibility conditions, BHS now also recommends wearing a flashing light around your outside ankle or leg, which helps motorists identify the width of you and your horse. The split second of early warning which this provides can be crucial to avoiding an accident.

Roadside verges

Most people think of the public highway as being limited to the tarmac strip surfaced for the convenience of motorised vehicles with pneumatic tyres. In fact, the legally defined highway usually extends to the adjacent boundary fence/wall/hedge. Regardless of where the legally defined boundary may lie, in Scotland, unless there are specific bye-laws dictating otherwise, access rights include verges of all roads which horses have a legal right to use. Watch out for broken glass and other rubbish which might injure your horse.

Occasionally householders place posts, stones or plants on roadside verges to extend their garden or improve the appearance of their property. Some people assume responsibility for mowing the verge alongside their property, and get very irate at riders using this section of verge, even if they don't technically own it, particularly if horses leave deep hoof prints on a neatly mown stretch of grass verge. To avoid risk of conflict, it's usually better to avoid using such strips of grass, but sometimes you may be forced to step onto the grass or manicured verge for safety.

If a householder confronts you about riding on a verge which he/she has adopted, the best strategy is usually to apologise for any perceived damage, while pointing out politely that you believe it to be part of the highway which you are permitted to use. You may wish to recommend that he/she checks with the local authority roads department to confirm the legal boundary, rights and responsibilities. If you feel that encroachment of verges is an issue, or encounter any conflict with householders in this respect, speak to the relevant local authority roads department to confirm the boundaries and access rights. You might also like to discuss the issue with your local BHS access representative and/or Equestrian Access Group.

Off-road encounters with vehicles

Off-road outdoor recreational access rights in Scotland specifically exclude motorised vehicles, other than those constructed or adapted for and being used by someone with a disability. You may nevertheless meet vehicles because farmers, crofters, foresters, gamekeepers, shepherds, ghillies and landowners obviously have their own independent rights of vehicular access. You may also meet other vehicles using tracks with the owners' permission. You are legally required to respect other peoples' interests. The Scottish Outdoor Access Code also recommends everyone treating others with courtesy and respect. Acknowledging people you meet in a polite and friendly way goes a long way towards establishing good relations and avoiding conflict. Where there is space and it's safe to do so, you can avoid risk of conflict or confrontation by stepping off the track or out of the way and waiting for vehicles to pass.

Remember that tractor drivers or timber machinery operators will not be able to hear you and may not be aware of your approach because they are (quite rightly) concentrating on what they are doing. Try to wait in a safe place until the driver has seen you and can pass safely.

Off-road encounters with walkers, cyclists and others exercising their access rights

Legally, in Scotland, walkers, cyclists and horse riders all share equal access rights and each individual is responsible for respecting the interests of other access takers. Some people you meet may not be aware of access rights and responsibilities, or misunderstand how, where or to whom they apply. Signage which refers only to specific types of use can exacerbate the situation. For example, although horses have a right to use canal towpaths, signage and promotion purely for walkers and cyclists can result in confrontation if other users challenge your right of access with a horse.

What if someone challenges your access rights?

People are more likely to be aggressive if they have had a bad experience in the past. It might be that they are fed up with riders or drivers galloping where they should be walking, or with people

(regardless of whether they are on foot, cycle or horseback) interfering with what they are trying to do. It's quite understandable that some farmers and crofters get annoyed at people leaving gates open or failing to control dogs so that cattle or sheep get mixed up. It can waste hours of their time trying to reunite lambs with their mothers or separate cows back to where they belong. Many farmers are also (usually mistakenly) concerned whether recreational access, particularly with a horse, may conflict with their farm assurance scheme or single farm payment regulations.

If you meet someone who challenges whether you are riding or driving a horse within your legal access rights, or whether you are behaving responsibly, the first thing to do is to acknowledge their concern. Make sure you are in a safe place to stop, and that you are not obstructing or restricting anyone else who wants to get past. Ask the person who has challenged you to explain the basis of their concerns. Are you wholly confident you are within your rights and responsibilities? If not, you need to accept full responsibility and apologise immediately. Have you or they misunderstood access rights or responsibilities as defined by the Land Reform Act and Scottish Outdoor Access Code, or is it that your interpretation differs? Is there an issue with poor or misleading signage or waymarking, in which case you might politely discuss how this might be improved. Or is the other person cross because previous riders have behaved badly? Take the time to listen to the person's grievance, offer to try and spread the word around other riders or suggest who else they might usefully speak with to prevent the same thing happening again.

Remember that one person's irresponsible behaviour does not provide legal justification to exclude others.

If you find yourself in the wrong place

Occasionally, despite the best laid plans or navigation, you may find yourself where you hadn't planned to be, with no alternative other than to take your horse through somewhere you know access rights don't usually apply. It might be that you need to speak with someone to confirm exactly where you are or which way you should be going, and the only way of doing so is to go into the farmyard. Or because the track or path you were following was blocked and the only way out runs close to someone's house, or around the edge of a playing field. If you see or meet anyone, explain politely why you are there, and ask for their help identifying which is the best way to go without causing damage or disturbance.

Serious aggression

No matter what someone's previous experience, there is no excuse for serious aggression, or for physical threats. If you are subjected to either of these, you should leave immediately and report the matter to the police as soon as possible, and to your local BHS access representative (contact details are available from BHS Scotland) and your local access authority. Make sure you provide details of

the exact place, date, time and what happened, and details of any witnesses. Ask the police to give you an incident report number.

Write a full note about any incident, while the details are still fresh in your memory, and keep a copy safely, no matter who you have already reported the matter to.

If you need further advice on equestrian access in Scotland, contact your local BHS access representative (see www.bhsscotland.org.uk for contact details) or Helene Mauchlen, national manager for BHS Scotland Tel. 01764 656334 or email Helene.Mauchlen@bhs.org.uk.

For guidance on equestrian access in England and Wales, contact Access and Rights of Way Department, The British Horse Society, Abbey Park, Stareton Lane, Kenilworth, Warwickshire CV8 2XZ. Telephone 02476 840581. Email access@bhs.org.uk.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. The Society recommends seeking advice specific to a site where it is being relied upon.