

# Factsheet

## Equestrian access rights and responsibilities in Scotland

Scotland is rightly proud of its inclusive approach to outdoor access. British Horse Society Scotland is equally and justly proud of the important role it played in ensuring that horse riders and drivers enjoy equal rights of access as walkers, cyclists and other legitimate access takers to most land.

Often mistakenly referred to as the “right to roam”, Scottish access legislation does not necessarily mean you can go wherever and whenever you want. Understanding the basic principles of access rights and responsibilities is key to working out where you can ride or drive a horse in Scotland. This leaflet provides a brief overview of access rights and responsibilities in Scotland, explains what BHS does for equestrian access year-round in Scotland, and how you can get involved. Other information sheets offer more detailed guidance on where you can ride and drive with a horse in Scotland, finding out about routes, what to do if you encounter a problem, and all the other essentials of equestrian access.

All of the following can be downloaded free of charge from <http://www.bhs.org.uk/access-and-bridleways/free-leaflets-and-advice>. Remember to click on the Scottish versions.

Horse sense: a summary of equestrian access rights and responsibilities in Scotland

Where can I ride or drive a horse in Scotland?

Finding places to ride and drive horses off-road in Scotland

Rights of way and equestrian access in Scotland

Responsible riding and carriage driving in Scotland

Responsible commercial equestrian access in Scotland

Protocol for promoting off-road riding and carriage driving routes in Scotland

Riding on beaches in Scotland

Riding on hills, mountains and moorland in Scotland

Riding through woods and forestry in Scotland

Riding on cropped land in Scotland

Riding on tow paths in Scotland

Equestrian access and livestock in Scotland

Equestrian access and wind farms in Scotland

Shared and single use paths in Scotland from an equestrian perspective

Dealing with equestrian access problems in Scotland

Dealing with confrontation in Scotland

Safeguarding and improving equestrian access in Scotland

Working with farmers and landowners in Scotland

In this and all other guidance and information sheets included in this series, the term access refers to recreational off-road riding and carriage driving.

Guidance on road safety, and other aspects of riding or carriage driving on roads, is covered elsewhere on the BHS website.

## **An overview of access rights and responsibilities in Scotland**

The Land Reform (Scotland) Act 2003 fundamentally altered the legal basis for outdoor access in Scotland, confirming a right of responsible access for non-motorised users to most land, day or night, provided rights are exercised responsibly. This means that in Scotland horse riders and drivers enjoy a right of responsible access on most paths and tracks, across hills, mountains, moorland and farmland, along beaches and through forests and farmland, providing they exercise their rights responsibly. The Scottish Outdoor Access Code <http://www.outdooraccess-scotland.com/> offers guidance on what this means on the ground. Basically, it's common sense: avoid causing any damage, respect the interests of other people and take individual responsibility for your own actions. Land managers in turn are obliged to manage land in ways that take proper account of the right of responsible access.

## **What the British Horse Society does for access in Scotland**

BHS Scotland has been working to improve equestrian access in Scotland for nearly 50 years. It is the only organisation actively dedicated to maintaining and improving equestrian access in Scotland and helping horse riders and carriage drivers enjoy access to safe off-road riding. We are committed to developing, promoting and maintaining off-road riding and driving opportunities, and to educating riders, land owners and managers about their rights and responsibilities in relation to equestrian access.

BHS was closely involved in the development and introduction of the Land Reform Act. There is no question that if BHS had not been part of the core team, horse riders and carriage drivers would not enjoy equal rights as walkers and cyclists.

## **BHS Scotland's role in relation to equestrian access in Scotland**

- Lobby Scottish Parliament to provide access for horses.
- Highlight the needs of riders and drivers to access authorities.
- Support a network of volunteers throughout Scotland.
- Provide advice on all aspects of equestrian access to horse riders, carriage drivers and access professionals.

Our current work in Scotland in relation to equestrian access includes:

- Representing the interests and needs of horse riders and carriage drivers on the National Access Forum and other organisations, such as Scotways and Paths for All Partnership.
- Encouraging and supporting representation of equestrian access on all Scottish local access forums.
- Encouraging responsible use of the off-road network of paths and tracks.
- Promoting responsible equestrian access and the Scottish Outdoor Access Code through events, local and national media, equestrian establishments and direct contact with riders.
- Campaigning for improved equestrian access at local and national level.
- Encouraging and supporting individuals who want to make a difference to access in their area through Equestrian Access Groups.
- Responding to access queries.
- Providing, where necessary, an advocacy service in response to equestrian access problems.
- Responding to government, road realignment and wind farm development consultations.
- Producing, maintaining and updating resources to increase awareness and understanding of equestrian access rights and responsibilities in Scotland.
- Organising an annual sponsored ride to fund raise for equestrian access development in Scotland.

## **Working in partnership**

Working in partnership is essential to ensure that we are protecting and improving access for everyone. BHS Scotland is proud of the close working relationships it has developed with other

organisations, including Forestry Commission Scotland, National Farmers Union Scotland, Mountaineering Scotland, Ramblers Association, Scotways, Sustrans, Cycling Scotland, Scottish Natural Heritage, Paths for All Partnership, local authority and national park access officers and many others.

## **How does BHS operate in relation to access in Scotland?**

In recognition of devolved government and completely different legislative framework north of the border, Scotland has its own national access committee which works to help members and non-members alike, both riders and carriage drivers. Members of the committee are volunteers, representing each access authority area and BHS region in Scotland. They work with their local access authority and other organisations to ensure that the interests and needs of riders and carriage drivers are considered alongside those of cyclists and walkers.

## **Equestrian Access Groups**

Affiliated equestrian or riders access groups have been set up in many parts of Scotland, some prompted by a specific issue, to raise funds for a project, or to organise pleasure rides and other events, others to co-ordinate local response to consultations. Each group works hard to defend, extend and promote equestrian access in their area. The individuals involved usually have a good knowledge of local routes. You can check if there is a local group near you on the BHS Scotland website <http://www.bhsscotland.org.uk/equestrian-access-groups.html>. If you would like to join an existing group, please contact the organiser direct. If you would like to set up a group, see BHS Scotland's guidance leaflet on Setting up an Equestrian Access Group.

## **What you can do to improve equestrian access in Scotland**

- Become a member of the BHS. All profits go towards BHS charitable work, including development and promotion of equestrian access.
- Join your local equestrian access group – if there isn't one, how about setting a new group up?
- Volunteer to help improve access in your area. Contact your local BHS access representative to discuss how you might be able to help and what training and support is available for volunteers.

## **If you encounter problems when riding or driving off-road in Scotland**

If you encounter an obstruction on a route, such as a locked gate or barrier impassable with a horse without any viable alternative, we urge you to follow these simple steps:

- Check that you have a legal right to be where you are with a horse, or if not, that you have permission to be there.
- Check that you are exercising your access rights responsibly.
- Make a note of exactly what and where the problem is and if possible, take a picture.
- Contact the relevant access authority and ask if they are aware of the problem.
- Try and identify who owns or manages the land and speak with them. Try and see the situation through their eyes, always be courteous and remain calm.

Contact your local/regional BHS access representative. Contact details are available from the BHS website [www.bhs.org.uk/bhs-in-your-area/Scotland](http://www.bhs.org.uk/bhs-in-your-area/Scotland). Click on the relevant region then look under Get in touch (middle right of screen) for a link to regional committee details.

For further guidance, see BHS' Scotland's factsheet "Dealing with equestrian access problems in Scotland".

If you need further advice on equestrian access in Scotland, contact your local BHS access representative (see [www.bhsscotland.org.uk](http://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](mailto: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](mailto: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.