

## History of the Access Legislation

By the late 1990s more people realised that change was needed:

- The access legislation was very unclear
- The duties and powers of local authorities needed up-dating
- The rights of way system wasn't working
- Reliance on the voluntary principle achieved only patchy results
- Land managers needed more practical support to help manage access
- Public expectations were growing
- We needed better access provision to support the promotion of healthy living, social inclusion and sustainable transport especially in towns and cities
- To help rural economies, visitors and tourists needed clearer access to Scotland's outdoors.

**1997:** Greater freedom for people to enjoy the outdoors was a New Labour manifesto commitment. On election, the Government asked SNH to look at legal arrangements with the Access Forum. This involved:

- Surveys and studies
- A wide debate among the Access Forum's membership
- Extensive public consultations.

**Nov 1998:** The Access Forum's advice provided the basis of SNH's recommendations to the Scottish Parliament.

**Jul 1999:** Following the establishment of the Scottish Parliament, a White Paper "Land Reform: Proposals for Legislation" was published for consultation.

**Nov 1999:** The White Paper was debated in Parliament Feb 2001: The Draft Land Reform (Scotland) Bill was sent out as a consultation paper. Meanwhile, SNH prepared a draft Scottish Outdoor Access Code and consulted on this.

**2000:** At the same time, in England and Wales, similar legislation was being prepared and consulted upon. This legislation became the Countryside and Rights of Way Act, 2000. While comparable, there are significant differences. For instance, the English and Welsh access rights:

- Apply specifically to areas which are to be mapped (comprising mountain, moor, heath, down and registered common land)
- Do not include inland water
- Do not extend to cycling or horse-riding, ie. there is no general right of access as there was to be in Scotland.

**2001:** The Land Reform (Scotland) Bill was introduced in the Scottish Parliament on 27th November 2001.

**2003:** The Bill proceeded through Parliament, until it was passed and received Royal Assent on 24th February 2003 as the Land Reform (Scotland) Act 2003. A major public consultation on the draft Code was undertaken by SNH from March - June 2003, and over 1350 responses were received. All the views were analysed, and a proposed Code was prepared to take account of the consultation.

**2004:** The Scottish Executive made some changes to the proposed Code which was approved by Ministers before being laid before Parliament in May 2004. The Scottish Outdoor Access Code was approved by resolution of Parliament on 1 July 2004.

**2005:** The statutory right of responsible access came into effect on 9 February 2005.