

Land Reform (Much Improved) Bill

By now I expect all of you will know that the Land Reform Bill has been introduced to Parliament and many of you will have read it. It consists of three documents: a Policy Memorandum, Explanatory Notes and the Bill itself. Despite fears that one or more sections of the draft version may be dropped this has not happened. The Bill still has three parts. The first deals with Access Rights, the second the Community Right to Buy and the third the Crofting Community Right to Buy.

If you have not got your copy yet you can get it either from the internet or the Stationery Office (see page 5). The advantage of the internet is that you get your copies immediately and the file sizes are relatively small. However you will need to print them out. If you go for all pages of the Bill then you are looking at 134 pages. If you go for the Stationery Office option then you need to pay, but at a total cost of £14.00 it may be cheaper in the long run!

Through the rest of these pages SCAN will bring you up to date on where we are in the legislative process, what happens next and how we got to where we are, a brief resumé on what has changed since the Draft Bill and some initial comments on the good and the bad of the Introduced Bill as it stands. We are trying to keep the website up to date and so you will find more information there.

As always the editor is grateful to a number of people for passing on information. In particular Dorothy Breckenridge, Mike Dales, Cathy Kinnear, Ron McCraw, Ian McColl, Jessica Pepper, Bob Reid and Sandy Valentine.

Where Have We Come From?

With each step we draw nearer to realise the James Bryce dream of 150 years ago (See SCAN NEWS 8). The more recent history began in October 1997 when the Government asked SNH to review the legal arrangements for access to the countryside. SNH consulted with the National Access Forum and reported back in 1998 with the document *Access to the Countryside for Open-Air Recreation: Scottish Natural Heritage's Advice to Government*. The key outcome was no surprise. There was a need to improve the legal mechanisms for access to the countryside.

The Government's reaction was to publish a White Paper seeking people's views on this in July 1999. Many views were expressed including a very well balanced view from the National Access Forum.

All the comments were carefully considered by the Scottish Executive and in February 2001 the Draft Land Reform Bill was published. This had a 12 week consultation period that was subsequently extended due to ensuing Foot-and-Mouth Disease outbreak until 30 June 2001.

The Draft Bill was appalling. Instead of taking on board all the advice and experience that had been passed to it, the executive appeared to ignore everything and produce one of the worst, unworkable, draft Bills ever.

The result was a campaign by user groups, landmanager organisations and others to get the Bill changed. Over 3,500 responses were received by the Executive during the consultation period - all of which condemned the Bill.

Open Scotland - Outdoor Access for All Petition

So concerned were people that a joint petition was started by SCAN, Scottish Environment Link and the Scottish Sports Association. The *Open Scotland - Outdoor Access for All Petition* was simple in its approach. It sought a return to the proposals of the National Access Forum and had three simple points that new legislation:

- does not introduce laws which could criminalise the public while enjoying the outdoors
- does not give landmanagers, local authorities or the police new powers to keep people off the land
- gives local authorities the duty and necessary resources to improve countryside access opportunities

SCAN, the Ramblers and many other organisations sent copies of the petition out with mailings and by email encouraging people to sign it. It was also available for signing on the e-petitioner website (www.e-petitioner.org.uk). A site managed by Heriot Watt University (dedicated to electronic democracy) where not only could the petition be signed, but comments could also be made. These would be passed directly to the Scottish Parliament's Petitions Committee.



From page 1

SCAN took a stand at the Scottish Wildlife and Countryside Fair held at Vane Farm specifically aimed at collecting signatures and explain what the draft Bill actually means. In total some 630 signatures were obtained including BBC Environment Correspondent Louise Batchelor and Green Party MSP Robin Harper. The Ramblers also had copies of the Petition on their stand and between the two over 1100 signatures were collected.

By the time the petition closed on 22 October some 14,550 signatures had been received making it the second biggest petition received by the Scottish Parliament to date.

To highlight the handing over of the petition SCAN arranged a special method of delivery. It started its journey at Dunfermline - the home of the first Scottish Parliament and then made its way to Edinburgh in true Olympic flame style carried by different people. Walkers, cyclists, climbers, canoeists, horse riders and wheel chair users helped it on its way to Parliament Square for hand over on Wednesday 24 October.

John McAllion MSP, Convener of the Public Petitions Committee received the petition. Needless to say there was press coverage with pictures appearing in the Herald, Courier and TGO. It did make it on to BBC and STV, but not the main evening bulletins.

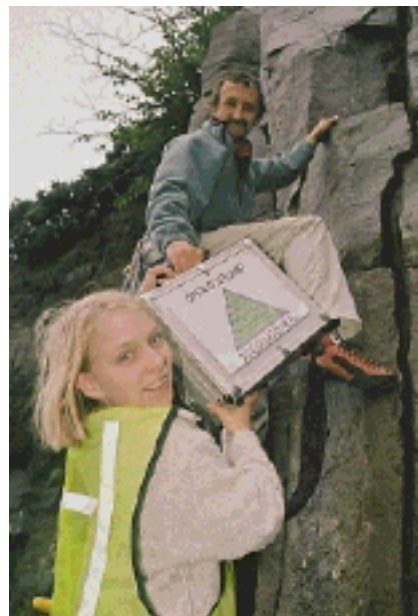
Anything over 10,000 falls into the 'very serious' category and it was duly considered at the Petitions Committee meeting on 6 November. At the meeting brief presentations were made to the Committee who then had a chance to ask any questions. The result was that the Committee agreed to seek the comments of the Scottish Executive on the points raised by the petition and to send a copy of the petition, for information only, to both Justice Committees. A response was duly received from the Executive that appeared to satisfy the Petitions Committee who then copied it to the petitioners to see if it satisfied them ...

Subsequently Bristow Muldoon MSP submitted a motion in Parliament supported by Donald Gorrie MSP. A motion is a method of showing support for an issue and in this case gave MSPs a chance to back the calls of the petition. The motion asked the Parliament to note the calls of 14,550 individuals and organisations from both Scotland and around the world, including the Scottish Human Rights Centre, who have supported the petition to the Parliament on outdoor access by the Scottish Environment LINK Access Network, Scottish Sports Association and Scottish Countryside Access Network and believes that the Land Reform (Scotland) Bill should establish a right to responsible access for all and improve and confirm, rather than threaten and restrict, access opportunities for all those who enjoy Scotland's countryside and for those communities that depend upon the business which derives from that access.

It was subsequently signed by a number of MSPs from all sides of the political divide.



Robin Harper MSP signs the Petition



Eilidh Livingston handing petition to Kev Howett at Rosyth Quarry



Fran Potheary, Davie Campbell and Brian Curtis at Dalgety Bay



John McAllion MSP convener of Parliamentary Petitions Committee accepting the petition

Photos by Andrea Partridge except Robin Harper by Richard Barron

Kayakers paddling petition over the Forth



The Introduced Bill. What's changed?

One of the key questions that everyone is asking is what has changed since the draft and is it better for it?

There have been many changes and the Bill is now a much more workable document. As one person was heard to say "it is now in the form it should have been in back in February." There is no doubt that a lot of work has gone in to correcting all the glitches that resided in the draft. The following section will briefly tell you what has changed.

Clause 1: general access right provisions

Sub-clauses 1-4 are identical to the previous version of the Bill. They set out the general right of access, i.e. a right to be on land for recreational purposes (still not defined) and the right to cross land. A new sub clause (5) refers to exceptions under clause 6.

Clause 2: responsible behaviour by users

This is a new provision that people only have access rights if they exercise them responsibly. It balances with the new clause 3 providing for responsible behaviour by landowners. A person is not acting responsibly if they contravene the Scottish Outdoor Access Code (Access Code), or contravene provisions of byelaws, or clauses 12 or 26.

Clause 3: responsible behaviour by owners

Landowners have a duty to use and manage their land so as not to cause unreasonable interference with people exercising their access rights, again by reference to the Access Code, and also to clauses 14 and 22.

Clause 4: Ministerial powers of modification

Ministers will have powers to modify clauses 2,3,9,14 and 22. This power will include placing restrictions on particular areas or classes of land and on particular activities of users and landmanagers.

Clause 5: Other rules and rights

Much of this is very similar to the previous clause 3: exercising access rights doesn't constitute trespass or affect other rights. But there is a new provision to say that the Bill does not have any effect on the landowner's duty of care towards people on his land.

Clauses 6, 7 and 8: Land excluded from access rights

These clauses contain similar provisions to what was previously in clause 4. As before, excluded land includes curtilages of buildings, school grounds, playing fields, land previously only open to the paying public, and land with growing crops. The definition of growing crops is clarified – it will include: land which has been sown; plantations of trees where they are in a vulnerable early stage of growth; grass which is being grown for hay and silage, but not other grassland. People will be able to use the margins of fields where crops are growing.

An important change is that rights of way are no longer excluded (as they were in the first draft), so people using rights of way can enjoy the wider rights provided by the general rights of access.

Under clause 8 Ministers can modify what land is excluded.

Clause 9: conduct excluded from access rights

This clause sets out a list of activities that are excluded from access rights, such as angling and being responsible for a dog that is out of control. The list is very similar to that which was in Clause 5 of the previous version, but making a fire is no longer included in the list of banned activities (it is now referred to in the byelaw powers in clause 12) and using a metal detector has been added. Golf courses are excluded from the recreation right, but not from the right of passage – i.e. you will be able to cross a golf course but not stop and play football on it. The main change in this clause is that commercial activities are excluded from the right.

Clause 10: The Scottish Outdoor Access Code

This sets out very similar provisions to those in Clause 7 of the previous version. SNH has a duty to draw up, issue and modify the Access Code after consulting local authorities, and with the approval of Ministers. There are new duties on SNH and local authorities to publicise the Access Code and on SNH to promote compliance with it.

Clause 11: Local authority powers to exempt particular land and exclude particular conduct

This is almost identical wording to Clause 10 in the previous version. It gives the local authority power to exempt a particular piece of land, or restrict the activities that can be carried on there, including restriction to particular times.

Clause 12: Byelaw powers

This clause sets out local authority powers for making byelaws to regulate the rights of access. Much of this clause is the same as clause 11 of the previous version but there are additions, e.g. to supplement the provisions relating to responsible behaviour in clauses 2 and 3, and to facilitate the rights of access. In the previous version there was a separate clause to deal with byelaws for inland waters, but land and water are now both dealt with in this clause.

Clause 13: Local authority duty to uphold access rights

There is a new *duty* on local authorities to protect, assert and keep open routes or other means of exercising access rights. This was only a power in the previous version (Clause 17).

Clause 14: Obstructions and prohibitive signs

This clause stops landowners putting up signs and placing obstructions in such a way as to prevent or deter people from exercising their access rights. The provisions are similar to those in clause 14 of the previous version, except that previously the local authority could only take remedial action in relation to dangerous obstructions.

Clause 15: Local authority powers in relation to public safety, provision of path furniture etc.

This clause provides local authorities with a number of powers to make access land safe and to provide signs, fences, gates, stiles etc. The provisions are similar to those in clause 18 of the previous version, except that the landowner's consent is no longer needed for all these functions. This clause also contains powers in relation to removal of dangerous obstructions; equivalent to those contained in Clause 14 of the previous version.

Clause 16: Local authority power to acquire land to facilitate access

This clause enables local authorities to acquire land by agreement or compulsorily in order to facilitate access. The provisions are similar to those in clause 19 of the previous version.

Clauses 17, 18 and 19: Core paths

These clauses provide much more detail than the previous version (clause 24) about the duties of local authorities to draw up core path plans. Within a period of two years local authorities must draw up core path plans which will consist of: rights of way; paths, tracks etc. which are provided or may be provided under other enactments; path agreements under clause 20; and path orders under clause 21. Ministers may provide guidance to local authorities on how to draw up core path plans. There is a formal procedure for giving public notice of the core path plan, receiving objections and holding a local inquiry where necessary. When this



procedure is completed, the local authority must adopt the plan and keep a list of core paths available for public inspection. Clause 19 indicates that the local authority duties and powers in clauses 13, 14 and 15 specifically apply to core paths, and to paths created by a path agreement or path order (under clauses 20 and 21).

Clause 20: Path agreements

This clause gives local authorities power to enter into path agreements on land with the new Access Rights. All such agreements must be recorded in the Register of Sasines or Land Register of Scotland. This clause is identical to clause 20 of the previous version.

Clause 21: Path orders

This clause is almost identical to clause 21 of the previous version. This clause gives local authorities power to make path orders on land with the new Access Rights. This carries a duty to maintain the path and, in the case of new paths, also to create it. Such paths are “overriding interests” in the land (i.e. they will bind new owners of the land). This clause also includes a provision that existing public path agreements, orders and public path diversion orders under the 1967 Act become agreements/orders under this Act, where they are on land where the access rights apply. This must be read with Schedule 2 which repeals those provisions of the 1967 Act except in relation to land where the new access rights do *not* apply – i.e. in those cases the old-style agreements and orders will therefore continue to apply.

Clause 22: Ploughing of paths

This clause deals with the administrative process to be followed by landmanagers if they want to plough a path covered by a path order. The provisions are identical to those in clause 22 of the previous version.

Clause 23: Rangers

This clause gives local authorities powers to appoint rangers in respect of any land where access rights can be exercised. The provisions are very similar to those in clause 25 of the previous version, but a previous purpose of appointment has been omitted – to secure compliance with the Act or any requirement under it.

Clause 24 Local access forums

This places a duty on every local authority to establish at least one local access forum in its area. The functions are to advise on the exercise of access rights and on the core path plan and to advise on disputes relating to these. The provisions are similar to those in clause 26 of the previous version, but core paths are specifically mentioned in the new version, and also there is a new power for the local authority to pay LAF members’ expenses and allowances, and for Ministers to give guidance to local authorities in relation to LAFs.

Clause 25: Applications to a sheriff for declarations

An application can be made to a sheriff for a declaration on whether access rights are exercisable in relation to particular land, and if so the extent of the rights in relation to that land. These provisions are the same as in clause 29 of the previous version, but a new provision has been added that the declaration can also relate to whether a landowner or user has acted responsibly.

Clause 26: SNH powers to protect natural heritage

This is a new provision giving SNH power to protect the natural heritage by putting up signs, but not by putting up fences.

Clause 27: Existing byelaws

This clause places a duty on any body that has made byelaws to check that they are consistent with the provisions of this Bill, and to modify them if necessary. The provisions are very similar to clause 30 of the previous version, but the new version adds that this must be done within 2 years.

Clause 28: Application of section 15 to rights of way

This clause extends clause 15 to rights of way (powers of the local authority to take safety measures and provide facilities etc.). This is the same as clause 32 in the previous version.

Clause 29: Interpretation of Part I

This clause provides interpretation of a number of terms in the Bill, but does not include any interpretation of recreation. One important interpretation is that land includes inland waters.

Schedule 1: Path Orders

This schedule contains the procedure for making a path order. It is similar to the schedule in the previous version.

Schedule 2: Amendments and repeals of other Acts

This schedule deals with amendments and repeals of other Acts. These were dealt with in clauses 33 to 38 of the previous version, rather than in a schedule. A new provision is that the clause in the Trespass (Scotland) Act 1865 that prohibited camping does not apply to people exercising their rights under this Bill. Also, in the various repeals of parts of the Countryside (Scotland) Act 1967, there is the addition of the repeal of sections 30 to 38 which deal with the creation, closure and diversion of public paths.

Provisions in the previous version that have now been dropped.

The previous version contained the following provisions that are not in the revised version:

Clause 8: Emergency suspension of access rights by the local authority.

Clause 9: Suspension of access rights by the owner of the land.

Clause 12: Byelaws about inland waters – now covered by the same provisions that deal with land.

Clause 15: This clause gave powers to expel people from land, and created an offence where someone failed to comply with a direction to leave land.

Clause 16: This clause gave the local authority power to make exclusion orders against any particular person for contravening the Access Code or exceeding their access rights.

Clause 23: This clause restricted pasturing of bulls on land where there is a path order.

Clause 27: This clause placed a duty on local authorities to draw up a register of land where access rights are *not* exercisable.

Clause 28: This clause required the local authority to provide a certificate stating what access rights were exercisable in relation to particular land.

Clause 29: This gave the police powers of entry on land in order to exercise their powers under the Bill.

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What Happens Now?

The Bill has now been introduced to Parliament and is at

Stage 1. This is where the nominated committee (In this case Justice 2) reviews the Bill, takes evidence and produces a report for consideration by the Parliament. At this stage no changes are made to the actual Bill, but changes can be recommended to the Parliament.

Initially the Justice 2 Committee asked for views on the general principles of the Land Reform (Scotland) Bill at the same time as it published. As the Committee had access to all the responses that were submitted in the consultation process on the draft Bill they asked that written evidence focus on the changes made by the Executive following consultation on the draft Bill and the extent to which these addressed any concerns which were raised during consultation. These were to be submitted by 21 December.

The Committee then proposed to hear evidence from a number of groups. The three sections of the Bill will be considered separately with meetings being in different venues around the country. SCAN will be appearing at the Inverness meeting on 14 January. A number of public seats will be available on a first come first served basis.

On 21 January the Development Committee will visit Fergus Wood's Farm near Aberfoyle (Farmer including rare breeds and owner of Scottish Wool centre in Aberfoyle) before taking evidence from COSLA, and Falkirk, Highlands & Islands, Argyll & Bute and West Dunbartonshire Councils.

Meanwhile the Rural Development Committee a secondary committee for the Bill will here evidence from the Ramblers' Association, NFUS, Visitscotland and the Scottish Outdoor Access Network.

All the evidence taken will be used to form a report on whether the Bill meets its aims and whether there is a need for further modification. This will then go forward to Stage 2 where the Bill is discussed in Parliament and MSPs will agree (or not) to make any changes. The key point here is that from now on only MSPs can change the content of the Bill. So if you feel a part of it requires modification then you need to lobby your MSPs to make the change.

Who Responded to the Draft Land Reform Bill?	
<i>Total Responses Looked at = 2816</i>	
Community Council	56
Crofter	19
Local Authority	24
Land Agent	35
Landowner	413
Other Individual	1954
Other Organisation	91
Public body	9
Political	2
Recreational group	61
Representative Organisation	33
Sporting Organisation	112
Tenant Farmer	7
<i>There was a gap between responses 1053 and 1492 in the files.</i>	

The New, Revised, Scottish Outdoor Access Code

This was not released at the same time as the new Bill, which was a shame as both are supposed to be companion documents. A number of people have commented that they really need sight of the Code to make sense of the Bill. Well it has now been released and can be found on the SNH website.

The last version had a number of problems - the key one being that the person who wrote it did not write the draft Bill so there were a number of inconsistencies. As most people felt the previous version of the Code to be fairly satisfactory the discrepancies must be down to the Scottish Executives blissful ignorance and blinkered method of preparing Bills.

Once again the Code has been redrafted by other than the Bill writer so let us hope the Scottish Executive provided SNH with a bit more information this time.

The letter accompanying the Code from SNH to the Executive notes that work still requires to be done in some areas particularly with regard to cropped land and access through farmyards. Once again the Health & Safety Executive has been involved, but this time its guidance has not been blindly followed. Instead a recommendation has been made that the National Access Forum - when reformed - should deal with the issue of access through farmyards.



Comments left on US Forest Service registration sheets and comment cards by backpackers completing wilderness camping trips:

"A small deer came into my camp and stole my bag of pickles. Is there away I can get reimbursed? Please call."

"Escalators would help on steep uphill sections."

"Instead of a permit system or regulations, the Forest Service needs to reduce worldwide population growth to limit the number of visitors to wilderness."

"Trails need to be wider so people can walk while holding hands."

"Ban walking sticks in wilderness. Hikers that use walking sticks are more likely to chase animals."

Interesting Documents on the Net

The Scottish Parliament Information Centre Research paper 01/23, Dec 2001, The Land Reform (Scotland) Bill: Access. www.scottish.parliament.uk/whats_happening/research/pdf_res_papers/rp01-23.pdf

Land Reform Bill - www.scottish.parliament.uk/parl_bus/bills/b44s1.pdf

Explanatory Notes (and other accompanying documents) - www.scottish.parliament.uk/parl_bus/bills/b44s1en.pdf

Policy Memorandum - www.scottish.parliament.uk/parl_bus/bills/b44s1en.pdf

Paper copies (with charge) available from The Stationery Office 0870 606 55 66

The Revised Scottish Outdoor Access Code: www.snh.org.uk/pdfs/strategy/Soac3.pdf.

Have the Changes Improved the Bill?

Yes. The changes that have been made go part of the way to ensuring the Bill mirrors the recommendations of the National Access Forum. The Executive have done an excellent job and should be congratulated.

Although the work they have done on the right of access section is tremendous the same cannot be said for the local authority duties. There is now a duty to protect (Countryside (Scotland) ACT 1967 wording) access rights and Core Path Network planning has been improved that is it. Still no requirement to put the Core Paths on the ground. The powers of the 67 Act still apply to paths across none access land. Only paths cover by a path order (or existing rights of way) need to be restored after ploughing.

The key problem is that there is no difference between a path and a core path. There is no benefit for a path to be a core path and it is not clear whether a core path must have an agreement over it.

If this section remains as it is then in terms of path provision we will be no further forward. We will spend a lot of time producing a plan, but for no real benefit and might end up having to pay for a path across land that the public has a right to use. Quite unsatisfactory.

So what are SCAN saying about the whole thing? Below is the evidence statement that SCAN has sent to Justice 2 Committee on what it feels still needs to change. Feel free to use it in your meetings with MSPs.

SCAN members have practical experience of implementing countryside access within the existing legislation. As cosponsors of the Open Scotland petition, we are reassured to see the proposed legislation moving back closer to the recommendations of the Access Forum. SCAN welcomes this amended Bill.

However we feel that some parts of it require development or clarification.

For Local Authorities and National Parks to deliver better countryside access for all, they will require further powers and duties, straightforward procedures and identified resources.

Powers s15.1 (b). Powers to indicate, enclose and make safe, 'bring paths into fit condition' without Land Owner permission must include drainage, surfacing, gates, stiles and bridges etc., and, where necessary, vehicular access to the site.

Core Path Network(CPN) s17.2 (b) It may be unnecessary or impossible (and will be resource intensive) to have all Core Paths covered by an agreement. A CPN Plan could be produced and accepted if there were no objections.

Agreements s20. (1). It is essential that agreements can be made over land without access rights.

Payment s20 (2). In principle, if a right exists there should be none!

LAs must have duty to create/implement and manage CPN. E.g. 'duty to identify, establish, maintain, manage, promote and review'. Without this there is no requirement to get paths on the ground. A time limit will give an incentive.

Rights of way.

Issues around rights of way have yet to be addressed.

How are rights of way to be defined for this Act?

LA (NPA) power to restrict, S11. Such powers need criteria and advice. There is concern that Local Authorities could misuse this power and/or be put under pressure from landowners and other groups. Powers could be limited to prevent misuse, broadly or specifically for the preservation of order, prevention of nuisance or danger, prevention of damage or preservation or improvement of amenity. Byelaws might cover the intentions.

Conservation s12 (1) (c) should be included in this clause or defined as 'amenity'.

Obstructions. s14. Could a Town and Country Planning (Scotland) Act 1997 stop or enforcement notice, or Roads (Scotland) Act 1984 procedures be used to remove obstructions? Would an appeal to Inquiry Reporters Unit be better/more effective?

If the clause is reworded to include 'all and any behaviour to obstruct' the sub clauses become illustrative and less likely to be misconstrued.

Ploughing. *S22. 8 weeks is too long a time for reinstatement. LA should be informed within a week and the path reinstated within 2 weeks (or an extension applied for)*

There should be opportunity for reinstatement charging. Access rights should continue over the ground.

What are the implications of our legal process, the Sheriff and the Fiscal, taking on the increased work, and potentially contentious cases?

Definitions

s6(a) (i) Does 'building or other structure or works' include walls, ruins, follies?

S6(b) (i) refers to buildings that are not a house.

Concerned about definitions of 'curtilage'. How will this apply to isolated gardens?

How would the proposed legislation affect tracks that pass close to structures, steadings and houses but are not rights of way?

S6(j), s7(7) Crops. Will grass and silage under 6" high also be excluded? The broad definition might be better in the Code with the 3 exclusions (trees, grassland and field margins) in the Bill.

S9 (1)(d) Bicycles could be considered mechanical. Their definition, as non-motorised or 'mechanical propulsion' needs to be consistent with the Explanatory Notes.

S9(1)(e) Golf Courses could be within 6(f)(ii). This would mean access rights would apply when golfers were not playing. Alternatively golf courses could be in the Code. The use for passage but not recreation is neat, but could set a precedent for other situations.

S9(2)(a) Commercial use is impossible to define or enforce and its exclusion from the right would be bad for rural economy. Commercial use should be covered in Code under responsibility.

'Landowner' also needs definition. With whom may a Local Authority make an agreement, ask for removal of obstruction or charge?

National Park Authorities should be specified as having appropriate LA powers and duties.

Further Explanation Needed

S4 & 8 Modification by Ministers. Why do Ministers have power to alter the fundamental clauses without going to Parliament?

S5 (2) liability requires to be explained more in the Code .

S10 Code. Need statement explaining clear purpose of Code and its relation to the Bill. (It is difficult to comment without having seen the revised Code).

Funding the New Act

The Financial Statement in the Explanatory notes provides some information on the likely costs of the new legislation. Of concern is the fact that local authorities are expected to have additional revenue costs in the order of £5 million a year. No statement is made as to where this funding is likely to come from. This is a particular worry when it is noted that Scottish Natural Heritage will phase out all its grant support for local authority access officers and rangers following enactment of the legislation.

It is to be hoped that the Scottish Executive will make suitable alteration to the local government settlement to cover the costs of the extra work that will be necessary.

The Financial table gives you an indication of what the Scottish Executive expect the costs of Part 1 of the Bill to be.

Body	Sum (£)	comments
Scottish Administration	40,000 p.a.	administering the new arrangements
Scottish Administration	6,000 years 1-2	core path plan inquiries
Scottish Administration	3,000 p.a. years 2-7	path order inquiries
Local Authorities	5,000,000 p.a.	additional revenue costs this might excluded costs of making & maintaining paths
Scottish Natural Heritage	5,000,000 p.a. years 1-2 then 3,000,000 p.a.	mainly promotion & education
Sheriff Court	12,500 p.a.	judicial determination of access rights
Sheriff Court	9,000 p.a.	landowner appeals against summons for preventing access
Legal Aid	less than 100,000 in first year then decreasing	To support peoples legal cases



New Releases

Paths for All Partnership 'Raising Awareness' seminar videos

£10 each, including Support Pack, from PfAP. SCAN, as a PfAP associate has a set.

If you want to borrow them, contact Cathy Kinnear or Richard Barron.

If you didn't get to the seminars, and are open to new ideas, and not overly hypercritical, you'll enjoy these, even if it's just to see how friends and colleagues perform at workshops and in front of the camera!

The texts are difficult to read, both on the screen (but that might be my telly/video) and in the Support Pack. The Packs feel a bit automatic. They could be more structured, (but that might be the old teacher in me). I also like to know how long a video is going to run... (hate to think what that reveals.)

Paths for People

Having been on a different Andy Inglis SPI training day, and helped run an 'event' this video was not full of surprises. It gives a good impression of the approach though the contents are a bit disjointed. Conor Lanigan's (CSCT) contribution is interesting but a bit lengthy. Ali Hibbert (Perth and Kinross Countryside Trust) makes some excellent points.

Raising Resources

An excellent grounding, inspirational (or at least re-energising) in parts. Technically the texts are sometimes unreadable (both in the Video and the Support Pack), don't link with the spoken word or what was being written on the flipcharts, or go past too quickly. But great content in the main, and very helpful, especially from Bruce Bennett (PfAP), Andrew Muirhead (Lloyds TSB Foundation for Scotland), Tim Wheatley (Heritage Lottery Fund) (but I don't think that his rights of way comment applies in Scotland) and David Blytheway (Wee Country News) (well worth a re-run).

Paths to Health

Again, not being able to read pieces of text is a bit of nuisance! This video is an excellent source of information about the political issues around Paths for Health. Peter Taylor (CHEX) establishes the principles and challenges, Mary Allison (HEBS) gave money:costs and information. I just wanted more of the same and wished I'd been able to ask questions. Neil West (Walking for Health) described the successes and non-successes of his project and was pragmatic and inspirational.

Hopefully when **Access and Land Management** comes out the problems with the text will have been sorted, and PfAP will have the resources to check out the Support Pack! Even if they don't I shall look forward to it, especially in the light of the Land Reform Bill.....

Contacting SCAN

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Or write to *Scottish Countryside Access Network*, PO Box 7438, Perth, PH1 5XS

Scottish Natural Heritage Activities

Those of you who have got the latest copy of the SNH Access Programme Update (13) will be aware that they are doing much to help with the implementation of the legislation. You will shortly be able to find a copy of this - as well as all the previous ones on the SCAN website under the land reform section. In summary it says ...

Local Authority Consultations

Letters requesting information from Local Authorities on access expenditure have been sent out. Replies are expected back in early January.

Advice and Guidance Development

The Paths for All Partnership and SNH are collaborating on preparing practical advice on Local Access Forums, and on a programme of case studies and trials aimed at developing guidance on Path Maintenance.

Study on the Feasibility of Path Management Funds

SNH has commissioned KPMG to examine the feasibility of establishing endowments funds as a means of providing long term revenue for funding path management.

Scottish Paths Record (Ex National Baseline Inventory)

The pilot phase of the project (South Lanarkshire) is due for completion very shortly. Three workshops have been held for local authorities, in which issues relating to the SPR were discussed, and the benefits of the SPR were made known. The national roll-out is due to commence in early January, subject to final project approval.

Programme on Encouraging Responsible Behaviour

Web site: - The pre-build research contract has recently been awarded.

Common Visual Language: - Responses from other UK countryside and nature conservation agencies are being evaluated.

Branding the Scottish Outdoor Access Code: - SNH is currently developing a brand identity for the SOAC.

Marketing Database: - Work is currently underway to develop a comprehensive database of both useful contacts, and outlets for SOAC and other access-related information.

Paths for All Partnership

Path Promotion Publication: - Paths for All Partnership is leading the development of a practical guide for path promotion.

Paths to Health Project: - 4 seminars have been held by the team introducing potential partners from the health sector to local access and conservation staff and the project outline.

Access Officer Training and Development Pack: - Although widely distributed to Local Authority staff and others, there are still packs available.



New Releases

New Blue Book

If you are interested in rights of way south of the Border then the new 'Blue Book' is for you.

Rights of Way: A Guide to Law & Practice is now in its third edition and has been fully revised and updated to include the Countryside & Rights of Way Act 2000 and even references to the new Foot-and-Mouth legislation.

The book is split into two sections with the first providing an explanation of the law and practice whilst the second contains the texts of selected Acts, Regulations & Circulars.

Has it an applicability to Scotland? Directly no, but it is a mine of useful information and can often provide a useful start point in solving a right of way problem.

Riddall J, Trevelyan J (2001) *Rights of Way: A Guide to Law & Practice*, Open Spaces Society and Ramblers' Association. ISBN 1 901184 45 5 £20.

The Standardised Gap

So you need to cross a fence line what do you use?

A gate or stile? You choose not to use a stile because you know it is likely to infringe the Disability Discrimination Act 1995 so you choose a gate. Question is how do you know the gate you choose won't?

Help is now at hand in the form of BS 5709:2001 Gaps, Gates and Stiles - Specifications. This snappily entitled book is aimed at anyone planning, specifying, approving, buying, erecting, maintaining or inspecting gaps, gates and stiles.

It is based on the principle of the least restrictive option and aims to make the countryside as accessible to as wide a cross section of people as possible.

From the start point of why have a gate/stile when there are no stock issues? The standard goes on to define performance criteria rather than specific designs to ensure gates/stiles are overly restrictive. The lack of specific designs means it is quite possible for a range of gates/stiles to meet the standard and it allows flexibility to deal with site specific issues.

Regular readers will remember that SNH are reproducing the 'Battleby Display sheets' and may have wondered what the delay has been. Well they have been waiting for this so that they can ensure that the designs that they suggest conform to the standard. What about your own gates and stiles do they conform? Order your copy of the standard now to find out.

British Standard 5709:2001. ISBN 0 580 3328 7 X Members £33, non members £66.



**Seasonal Greetings to all
readers from the SCAN
Committee**