



# Land Access Guidance for Divers

## Introduction

Since February 2005 the Land Reform (Scotland) Act has provided a statutory right of access to most land and water. Like all our other rights access rights carry associated responsibilities and the Scottish Outdoor Access Code is a document that explains how access rights should be exercised in a responsible manner.

With the introduction of this Act and Code Scotland now has a framework for access that is amongst the best in Europe, and a vital part of that framework is a much greater emphasis on helping people to understand their rights and responsibilities.

This document sets out to help divers understand the parts of the Scottish Outdoor Access Code that are most relevant to diving and explains how you can best enjoy the right of access by diving responsibly. This document currently refers only to access over land, and does not provide guidance on access to underwater sites.

The full version of the Scottish Outdoor Access Code can be obtained from the Scottish Natural Heritage Publications Department on 01738 444 177, or the following website: [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com).

## Key Principles

Your main responsibilities are to:

- care for the environment;
- take responsibility for your own actions;
- respect the interests of other people.

These key principles apply equally to divers, anglers, canoeists and any other water users and land managers; in fact everyone who either works or takes recreation in the outdoors should follow them. If you follow these key principles and apply a healthy dose of common sense then you shouldn't go far wrong.

## Enjoying Responsible Access on Land

Virtually all of the access disputes or complaints involving divers relate to our activities on land rather than in water. A little forethought can ensure that you can get to and from the water without compromising the interests of others.

Respect people's privacy by staying away from houses and private gardens. It's also important to be discreet when changing or going to the toilet.

Help landowners and farmers to work safely and effectively by thinking about your options when crossing land. Leave any gates as you find them and be careful not to damage fences or walls. Check for alternatives before entering fields with animals. Avoid causing damage in fields with crops by following the edge of the field or any paths, tracks or tractor tramlines. Watch for signs highlighting hazards and follow any reasonable guidance.

## **Enjoying Responsible Access to the Water**

Friendly communication can go a long way to understanding each others' position and avoiding problems developing.

- Respect the needs of anglers. When close to anglers keep as quiet as possible and avoid unnecessary splashing.
- Care for the environment and strive not to damage or disturb animals, vegetation or man made structures; especially during sensitive times of year. Don't pollute the water. You can help care for the environment by leaving the outdoors cleaner than you found it and reporting any pollution or suspicious activity to the relevant authorities.
- Drive and park carefully, particularly in rural areas. It is easy for the actions of a few to give everyone a bad name. Access rights only apply to non-motorised activities so don't drive on private roads without permission.
- Make sure the site you plan to dive at is appropriate for your activity and the numbers involved.

Taken from <http://www.outdooraccess-scotland.com/default.asp?nPageID=204>

On **inland waters**, access rights apply under water as well as on the surface.

Access rights extend to rivers, lochs and reservoirs (but never go close to spillways or water intakes). Care for the interests of other users and for the natural heritage of rivers and lochs by:

- not intentionally or recklessly disturbing birds and other animals;
- not polluting the water as it may be used for public water supply;
- making sure that the river, loch or reservoir is appropriate for your activity and the numbers involved;
- following the guidance in the Code, and any local byelaws, to ensure that your activity will not interfere unreasonably with the interests of other users, such as anglers, or the environment.

Access rights do not extend to water-based activities in the **sea**. Access arrangements for diving in the sea therefore continue as before the Scottish Outdoor Access Code was launched. Make sure that the area is appropriate for your activity and the numbers involved and take care not to interfere unreasonably with other interests. In some areas various management measures, such as zoning, may be needed for safety or other reasons. Follow any agreed guidance provided.

## **Local Authorities' and National Park Authorities' Responsibilities**

Local and National Park Authorities have a responsibility to uphold access rights. If you feel you are challenged unreasonably, or otherwise prevented or discouraged from enjoying your access rights you should report it to ScotSAC Headquarters, or to your local authority access officer.

## **Land Managers' Responsibilities**

Land managers should respect access rights in their day to day work. Sometimes for health and safety or animal welfare reasons they may have to lock gates or suggest alternative routes around areas of work. Co-operating with reasonable requests helps land managers to work safely.

## **Getting help and information**

You can find more information on the Land Reform (Scotland) Act 2003 and the Scottish Outdoor Access Code, as well as contact details for Access Officers, at [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com)

## **Know the Code before you go....**

Enjoying Scotland's outdoors – responsibly!

Everyone has the right to be on most land and water providing they act responsibly. Your access rights and responsibilities are explained fully in the Scottish Outdoor Access Code.

Whether you're in the outdoors or managing the outdoors, the key things are to:

- Take responsibility for your own actions
- Respect the interests of other people
- Care for the environment

For further information visit [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com) or call 01738 458545 for a free copy of the full code.

## **Sharing the water**

Please follow the advice in the Scottish Outdoor Access Code and remember the key points of respecting the interests of other people, caring for the environment and taking responsibility for your own actions and those of others in your group. These access arrangements should allow you to safely enjoy the fantastic opportunities offered by Scotland's waters.

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*The guidance in this document applies only in Scotland. Access legislation in England and Ireland differs.*