

## **Scottish Outdoor Access Code (SOAC) Part 1**

### **Introduction**

This is the first in a series of articles focussing on sections of the Scottish Outdoor Access Code (aka “The Code”). Part 1 of the Land Reform (Scotland) Act 2003 gives everyone statutory access rights to most land and inland water if these rights are exercised “responsibly.” The Code explains whether a person has acted responsibly in a range of possible scenarios as well as translating the Act into plain English.

Know the Code before you go ... Enjoy Scotland’s outdoors - responsibly!

The Code is based on three key principles that apply equally to the public and to land managers.

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

### **Part 1 - Deer stalking on the Open Hill**

August is the start of peak stalking season. Deer culling and stalking are essential to the sustainable management of deer populations and the natural heritage of much of the upland areas of Scotland. Mountaineers and land managers need to co-operate to ensure that both interests are accommodated.

Most stalking estates are very responsible in the information they provide by giving as much information as possible about where stalking is occurring, and when. As walkers we need to make an effort to find out this information from the sources below and take account of it in planning our routes.

A very small minority of estates, unfortunately, have yet to embrace the Code fully. In section 4.4 the Code states that “following the guidance in this Code will also ensure that people who wish to exercise or who are exercising access rights are not unreasonably prevented, hindered or discouraged from doing so.” Also “this essentially means not obstructing or hindering people from exercising access rights, either by physically obstructing access or by otherwise discouraging or intimidating them” (4.8) . Section 4.15 states that “the area involved and duration of any precaution needs to be kept to the minimum required to allow the work to be conducted safely and effectively, and that any request is appropriate for the type of operation and the level of risk involved.” Hence, a permanent sign advising you to avoid an area for the whole stalking season is not reasonable under the Code. If you see a sign that seems to be unreasonably restricting your access rights, please let us know; even better if you can send a photograph. You may wish to also bring this to the attention of the Local Access Officer (contact details linked from MCofS website).

The text of the Code is at [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com), as well as details of where to obtain hard copies. The most up to date information, for those estates that take part, is the Hillphones system; details are available at [www.hillphones.info](http://www.hillphones.info). It also has further information about stalking, how it is carried out, and some useful tips for hillwalkers. The other source of useful information is the book *Heading for the Scottish Hills* which was last published in 1996. Copies are now difficult to obtain, but if you have the exact location you wish to access during the stalking season, we may be able to give you the estate stalker contact details that were current in 1996. A website version may become available in the next year or so, and will be posted on the MCoS website. Up to date information is also available at access points to some estates.

Watch out for part 2 of the series in the next edition of *The Scottish Mountaineer*.