

Advice on Where you can ride or drive a horse in Scotland

Scotland's access legislation is completely different to that in England and Wales, based on a legal framework which confirms a right of responsible access for non-motorised users to most land and water rather than a rights of way network. Bridleways and byways are foreign concepts in Scotland. Under the Land Reform (Scotland) Act 2003, horse riders and carriage drivers enjoy equal rights of access as walkers and cyclists to most land, day or night, provided that they exercise their rights responsibly.

This does not necessarily mean you can ride or drive a horse anywhere and everywhere, or that you have a right to roam over any land. Most of Scotland is farmed, crofted, managed as productive forestry, or for wildlife, recreation or other purposes. Scottish access legislation has been carefully crafted to reflect the fact that most of the countryside is a working environment, and to respect peoples' privacy, while allowing people to responsibly enjoy the great outdoors on foot, cycle, or horseback, regardless of their age or mobility.

This information sheet explains in more detail where you can ride or drive horses off-road in Scotland.

Responsible riding and carriage driving in Scotland explains the essential individual responsibilities which underpin access rights.

Finding places to ride and drive horses off-road in Scotland offers guidance on how to find out about routes in different parts of Scotland.

Other information sheets offer detailed guidance on specific aspects of access rights and responsibilities.

Who do access rights apply to?

Access rights apply to individual horse riders, as well as groups of individuals riding together (see below for carriage driving).

They also include commercial equestrian access such as pony trekking, provided the person exercising the right could carry on the activity other than commercially or for profit. In recognition of the greater impact of commercial access, BHS recommends that as a matter of courtesy, all commercial operators and anyone organising an event should contact relevant land owners and managers and discuss with them their proposed route, the potential impact of their activities, mutual concerns and appropriate action required to address these concerns.

More detailed guidance on responsible commercial equestrian access can be downloaded from the BHS Scotland website, or from <http://www.bhs.org.uk/access-and-bridleways/free-leaflets-and-advice>.

Event organisers should read Outdoor events in Scotland: guidance for organisers and land managers <http://www.snh.org.uk/pdfs/SOAC/Outdoor%20Events%20in%20Scotland.pdf>.

How can I exercise my access rights?

Section 1 of the Land Reform Act gives all legitimate access takers the right to be on land, and to cross land, so long as they are doing so for recreational or educational purposes, or as part of commercial activities as defined above. Motorised or mechanically propelled vehicles are excluded from access rights, as is hunting, and being accompanied by a dog or other animal not under proper control – which reinforces the need to make sure you are in control of your horse before venturing out.

Carriage driving

In principle carriage drivers enjoy the same access rights as horse-riders, although in practice the range of routes accessible to horse-drawn carriages is often more limited. Realistically, off-road carriage driving access is mainly limited to tracks across, through or around fields, woods or open hill ground. Problems most commonly arise because of restrictions across the end of tracks. Land managers are legally entitled to take appropriate action to prevent illegal vehicular access, which often means locking the main gate across a track and providing independent access for walkers, cyclists and horse-riders. Leaving a gap wide enough for a carriage is often insufficient to control the illegal vehicular access. Where livestock are not a consideration, the Kent carriage gap (see page 25 of the Outdoor Access Design Guide <https://www.pathsforall.org.uk/pfa/creating-paths/outdoor-access-design-guide.html>) may be a practical solution. Elsewhere, alternatives may need to be explored. Generally, carriage drivers need to be prepared to work with land owners and managers to sort out appropriate access arrangements. Although it may go against the grain, some carriage drivers have negotiated keys to unlock gates to enable them to access forest and farm tracks which they would not otherwise be able to access.

Do I need to ask permission?

You don't need to ask permission or consult with land owners and managers before riding or carriage driving off-road, so long as you follow the Scottish Outdoor Access Code and stay on land included within access rights. Permission is required for:

- activities not covered by the rights conferred by the Land Reform Act, for example repetitive schooling, use of facilities such as custom-made gallops, or cross country jumps.

- Land not included within access rights under the Land Reform Act, such as through a steading, garden or within the curtilage of buildings, unless using a core path or right of way (see below).
- Organised events or competitions.
- Large groups involving more than 11 individuals.

Permissive routes as exist in England and Wales do not usually apply in Scotland as recreational non-motorised access rights apply to most land.

Even though you don't need to ask permission, approaching land owners and managers can also be worthwhile for other reasons, including:

- to identify if/where you might meet any restrictions or obstructions to access;
- to determine the best route from a safety perspective, and to avoid any issues related to riding or driving a horse over their land;
- to establish and maintain good relations with people over whose land you regularly ride or carriage drive;
- to check whether a crop has been planted in a field (in which case access rights would not apply);
- as a matter of courtesy to check when and where your neighbouring farmer(s) might be lambing or calving to minimise risk of disturbance.

Where do rights of responsible equestrian access apply?

Paths and tracks provide the basic framework for off-road access, but access rights also apply to most other land, as summarised in the table below. More detailed guidance on riding through woodland and forests, on hills, mountains and moorland, through grass and cereal fields, on beaches, loch shores, riverbanks and canal towpaths in Scotland can be downloaded from <http://www.bhs.org.uk/access-and-bridleways/free-leaflets-and-advice>. Make sure you click on the Scottish version of the relevant guidance!

Land Use	Access rights with a horse include	Access rights don't include
Grass being grown or managed for hay or silage	Grass at an early stage of growth	Grass at a late stage of growth (ankle deep or taller)
Grassland grazed by livestock or being used for other purposes	Enclosed fields, rough grazing and other ground on which cattle, sheep, deer or other livestock are grazing – see detailed advice on riding through livestock	

Cereal fruit or vegetable crops	Stubble. Grass strips. Margins, headlands and endrugs of fields in which crops are growing or have been sown, provided ground conditions allow you to ride without causing damage, and if you ride in single file - see detailed guidance on riding on field headlands	Across or through the middle of fields in which crops have been sown or are growing (but you can still ride around the headlands)
Hills, mountains and moorland	Rough grazing, moorland, unfenced ground	
Woodland and forests	All woodland and forests, regardless of ownership	Areas where felling or extraction is actively happening
Beaches, loch shores, riverbanks, canal towpaths	Beaches, loch shores, riverbanks, water margins, canal towpaths	
Buildings, steadings, houses	Core paths, established rights of way or signed paths and tracks through steadings	Land on which there is a house or other building, including tracks through steadings where there is no right of way or approved core path or signed path. Land immediately surrounding buildings sufficient to ensure reasonable privacy
Gardens, sports pitches, golf courses	Grass sports or playing fields while not in use, provided horses go around the edge and do not cause damage	All private gardens. Sports or playing fields in use for a recreational purpose.
Golf courses	Paths through or around golf courses, to cross over the land	Greens, trees, fairways

Remember that whether you are riding or driving individually or in a group, rights of access in Scotland depend on exercising rights responsibly.

Farming, crofting and forestry provide a livelihood for many people. It is your responsibility to respect the countryside as other peoples' workplace, as well as respecting the needs of wildlife and walkers, cyclists and others keen to enjoy their access rights.

Exclusions to access rights

The following activities are specifically excluded from legal access rights in Scotland:

- hunting,
- taking access accompanied by a dog or other animal not under proper control being responsible for a dog or other animal

A summary of the types of land excluded from access rights are summarised in the table above and BHS Scotland's information sheet entitled Horse Sense: Equestrian access rights and responsibilities in Scotland. Land over which access rights are not exercisable also includes land to which members of the public were admitted on payment for 90 days or more in the year ending 31st January 2001, and for 90 days or more every year since.

Defined areas of land may also temporarily be excluded from access rights where an access authority has granted an order under Section 11 of the Land Reform Act, for example during a major golf tournament, music festival, car rally or other event.

There are various other situations where access rights might temporarily be excluded or subject to variation, for example using paths across fields being sprayed with pesticides, or tracks through woodland during felling or timber extraction. Most of these restrictions are common sense, provided you understand, and adhere to, your responsibilities as a rider or carriage driver.

The Scottish Outdoor Access Code provides legal chapter and verse on exclusions to access rights.

Core paths

The Land Reform Act required every access authority in Scotland to draw up a plan for a system of "core paths" giving the public reasonable access throughout the area. Farmers, landowners, recreational user groups and local communities (including riders and carriage drivers) were all invited to participate in the core path planning process, identifying the most frequently used paths and those they considered most important. The resultant core path plan for each area is usually available for download from the relevant access authority's website, or hard copies can be viewed in your local library, council or national park offices.

Core paths form the skeleton of the wider path network, based mainly on pre-existing well-used paths and claimed rights of way. Less than 5% of core paths are newly created routes. Most core paths are now signed at road junctions, but not necessarily waymarked.

In drawing up core path plans, access authorities were obliged to consider the needs and interest of all users – including walkers, cyclists, horse riders and canoeists – and to cater for everyone, including people with disabilities. However, there is no legal or other requirement for all core paths to be accessible by all users. Access authorities have legal powers to maintain and promote core paths, and to keep them free from obstructions, but they are not legally obliged to do so.

Not all core paths are suitable for horse riding.

- Access rights are not restricted to core paths.
- In Scotland, rights of way have largely been superseded by wider rights of access under the Land Reform Act

Rights of Way

Rights of way still exist in Scotland, but unlike England and Wales, Scotland has no definitive map, most rights of way are claimed rather than legally asserted, and in Scotland rights of way can be extinguished because of lack of use. The system used to catalogue rights of way in Scotland resulted in most claimed rights of way being recorded as pedestrian, even those with a long history of equestrian or multi-use. For further information on where rights of way still matter and the legal intricacies, see the BHS Scotland factsheet "Rights of Way and equestrian access in Scotland".

Other promoted paths and tracks

Throughout most parts of Scotland, there are an ever increasing number of paths promoted, and sometimes waymarked, encouraging and enabling people to explore an area, it's local heritage, or to become more physically active. In some areas, promoted paths have been developed specifically with horse riders in mind, including:

Ayrshire	Eglinton Country Park
Clackmannanshire	Gartmorn Dam
Dumfries and Galloway	Ae Forest and South of Scotland Countryside Trails linear route Beattock via Moffat and Eskdalemuir to Hawick
Inverness-shire	Trail of the Seven Lochs

	South Loch Ness Trail
Midlothian	Tyne Esk Trails
West Lothian	Pentland Hills
Scottish Borders	South of Scotland Countryside Trails
Stirlingshire	Plean Country Park

Details of all of these routes, together with opportunities for exploring Loch Lomond and the Trossachs National Park with a horse, can be downloaded from the BHS Scotland website <http://www.bhsscotland.org.uk/riding-routes1.html>.

The position regarding equestrian use of other promoted routes is less clear cut. Although horse riders in Scotland enjoy exactly the same access rights as walkers and cyclists, most promoted off-road paths in Scotland are developed and promoted by or for walkers, and to a lesser extent cyclists. Promotion of a path or off-road route by whatever means (signs, waymarking, leaflets, website) does not necessarily mean it is passable with a horse, or suitable for equestrian access. BHS Scotland's factsheet "Finding places to ride and drive off-road in Scotland" offers further guidance on how to determine if a path or track is suitable for your intended use.

Pavements and cycle paths

Horse riders and carriage drivers share the same legal right of access on designated off-road cycle paths in Scotland as walkers and cyclists. Whether it is responsible for horse riders, or dog walkers, to use bespoke mountain bike trails is a moot point. BHS' advice is that riders should stay off marked cycle-only routes. For your own safety, and that of other users, it is always better to use an alternative route wherever possible. BHS recommends contacting the trail manager and working with them to identify and clearly waymark a mutually acceptable alternative route for walkers and horse riders to avoid risk of conflict on downhill mountain bike routes.

Horses do not have a legal right to use a pavement alongside a road, unless it is a designated core path. Horses should also try and avoid using cycle lanes delineated by a solid white line which form part of the road carriageway.

How does past use of a path, track or field relate to access rights?

Access rights under the Land Reform Act apply regardless of whether a path, track or land has been used for public recreational access in the past.

Historic paths and tracks

As you will find by looking at Ordnance Survey maps, or travelling around the country, Scotland has a rich heritage of historic routes such as old military, Roman, drove and thieves roads. Sadly, just because these are marked on maps does not mean that they are necessarily passable with a horse, nor that these historic routes enjoy any legal status. Access rights along historic routes in Scotland are identical to those which apply to any other land, mainly as determined by the Land Reform (Scotland) Act, and occasionally by recognition as a right of way.

Scotland's Great Trails

Scotland's Great Trails (SGTs) are nationally promoted long distance trails for people-powered journeys. Each of the 29 SGTs is at least 25 miles in length, distinctively waymarked, largely off-road, and offers a range of visitor services. Although designed for multi-day outings by those looking for a challenge, SGTs offer plenty of scope for short or single day trips, and great opportunities to explore the best of Scotland's nature, landscape, history and culture. Further information on SGTs can be found on <http://www.scotlandsgreattrails.com/>.

The Cross Borders Drove Road and Romans and Reivers Route were developed from the outset with horse riders in mind, and other SGTs such as the Formatine and Buchan Way and Deeside Way are ideal for multi-use. Most other SGTs were originally designed and are still managed primarily for walkers. Although in theory horse riders enjoy the same access rights along these routes as walkers and cyclists, some sections of some SGTs are impassable with a horse. BHS has been working for several years with route managers to identify and reduce unjustified restrictions, but some sections of some SGTs (such as the West Highland Way along the east side of Loch Lomond) will never be capable of sustainably supporting equestrian access. Detailed notes on multi-use access of SGTs, including precise location of restrictions and obstructions, are downloadable from the BHS Scotland website <http://www.bhsscotland.org.uk/riding-routes1.html> or from individual SGT websites.

Parking

Parking and vehicular access are outwith the Land Reform (Scotland) Act. Although you may have a legal right to ride on a beach, through a forest and in many other places, that does not mean you necessarily have a right to park anywhere off-road. Many car parks have no restrictions, and some forward thinking authorities provide specially designated areas for trailers, boxes and coaches, but height barriers to restrict motorhomes, vans or lorries using popular car parks are entirely legitimate. If lack of suitable parking restricts scope to exercise legal access rights, then it's worth approaching the landowner or local authority, but remember that neither access authorities or landowners are obliged to allow or provide parking for horse trailers and horse boxes.

Frequently asked questions

Do I need to stick to paths and tracks?

Unlike England and Wales, access rights apply to most land, rather than a defined linear route. Behaving responsibly will usually mean sticking to paths or tracks if you are riding or carriage driving, but legally you don't have to, provided you are not causing damage or disturbance. Sometimes you can reduce risk of damage, and avoid conflict with other users, by riding on rough grass alongside a surfaced path.

Are paths signed or waymarked in Scotland?

Some promoted paths such as Scotland's Great Trails or locally promoted paths are waymarked, but most paths and tracks in Scotland are not signed or waymarked. As access rights in Scotland are determined largely by the Land Reform Scotland Act rather than rights of way, and apply equally to all users, signage will not usually show whether it is accessible with a horse. This means it is all the more important to understand access rights and responsibilities.

Can I take a horse along something signed as a footpath?

Yes, at least in theory, as access rights in Scotland are usually independent of rights of way and horse riders enjoy exactly the same rights of access as walkers and cyclists. However, that doesn't necessarily mean you will be physically able to get through. Some paths are still wrongly signed as footpaths, either because signage predates the Land Reform Act, perhaps because whoever erected the sign doesn't fully understand Scottish access law, or because the path is physically impassable with a horse.

What if there's a sign saying no horses?

Signs have usually been erected for a reason, and BHS advice is generally to respect signs and notices. If you meet a sign saying no horses, you should ask yourself if you are within your legal access rights, and whether you will be fulfilling your responsibilities as an access taker if you ignore the sign. It may be that the sign has been erected because the path is physically impassable with a horse because of a long flight of steep steps or other insurmountable physical restriction (in which case arguably the sign should alert all users to what they will meet). Or because a path has been newly surfaced and needs time to settle. However, more often than not, signs saying no horses tend to reflect a lack of understanding of, or respect for, the basic principles of the Land Reform Act, which place responsibility on individual access takers for their own actions and decisions. BHS

recommends that you walk the path first on foot to see if there is a good reason why the sign has been erected, such as an impassable landslide, or very recent path resurfacing which needs time to settle.

If there is no obvious reason, check with your local BHS access representative, local Equestrian Access Group (contact details are available from BHS Scotland) or access authority to see if they know of any legal reason for restricting equestrian access at the location of the sign. If there is no physical reason why horses should be excluded, provided you are confident that you are within your access rights, and that you are not behaving irresponsibly, then you can choose to ignore a sign saying no horses, but take extra care not to cause any damage. If you believe a sign saying no horses conflicts with the Land Reform Act or Scottish Outdoor Access Code, you should report it to the relevant access authority.



Signs such as this explaining why riders are temporarily restricted should always be respected. Anyone ignoring this sign would not be behaving responsibly and would not therefore be within their access rights.

Can I use a path or track if there is a sign saying it is closed or diverted?

Exercising your access rights responsibly includes following any reasonable advice or signage (providing it complies with the Land Reform Act). Land managers' responsibilities include not purposefully or unreasonably preventing, hindering, deterring or interfering with responsible equestrian access, on or off paths and tracks, and keeping any restrictions to the minimum area and duration. In theory, therefore, both for your own safety and to comply with the Scottish Outdoor Access Code, you should follow diversion signs and not go any further if you meet signs saying a path is closed.

However, issues can arise when signs fail to identify the length or destination of the diversion, or when you have reason to believe a sign or path closure is not “reasonable”. For example, closure of forest roads, tracks or paths during timber extraction is within the spirit of the Land Reform Act, for the duration of the work. Leaving signs up 24/7 if work is limited to daylight hours, or six months after extraction has finished, is not reasonable, and therefore removes the obligation to respect and follow the signs.

Remember that you are responsible for yourself and your horse, and BHS’ advice must always be to respect signs and follow diversions. Bear in mind that signs are usually erected for safety reasons, and you ignore signs at your own risk. Some forest contractors work day and night, seven days a week, and may not be immediately visible. If you do choose to ignore signs, take extra care to ensure you are readily visible, and to alert machine operators or vehicles to your presence.



If a signed diversion is clearly not suitable for horses and no alternative has been identified – for example if it involves jumping a wide, boggy ditch, as pictured above, rather than continuing along the forest road – then you would be justified continuing along the original route.

What should I do if I meet a sign saying there’s an organised event taking place which affects the path/track I want to use?

Section 4.14 of the Scottish Outdoor Access Code advises land managers that if they are organising an event, they can ask people to avoid using a particular route or area for the duration of the event. It also recommends land managers to identify appropriate alternative routes for the duration of the event. Where necessary, Section 11 of the Land Reform Act gives access authorities powers to exempt

land from access rights for up to 5 days. Orders for six or more days (e.g. during Tea in the Park) require public consultation and ministerial approval.

The Code advises people exercising access rights that they need to follow signed precautions, provided these are reasonable and practicable. If you see signs alerting you to a dog sled rally, mountain bike race or other event affecting the path or track you want to use, for your own safety you are advised to follow guidance and use alternative identified routes, unless the signs have clearly been left in place long after the event.

Can I still ride through a field if someone is ploughing or spraying?

BHS Scotland have produced a separate information note on riding on cropped land. Access rights across land where a crop is growing are restricted to paths, tracks, rights of way, field margins and headlands. Your responsibilities as a rider or carriage driver include respecting the interests of other people – which includes farmers and crofters for whom the countryside is their workplace rather than a playground. If you meet someone ploughing, harvesting or undertaking any other land management, respect the fact that this is their livelihood and for your own safety, consider whether there is an alternative acceptable route to avoid any interference with what they are doing. If not, keep a safe distance, take heed of reasonable advice or notices, and follow any precautions provided for your safety – particularly where crop spraying is underway, or has recently taken place.

Can I take my dog out riding or driving with my horse?

Dogs are the single most controversial aspect of recreational off-road access in Scotland (and the rest of the UK). Legally, there is nothing to say you can't take your dog riding with you, but access rights only apply if exercised responsibly. The Scottish Outdoor Access Code clearly states "access rights apply to people walking dogs provided that their dog(s) is kept under proper control". This is usually defined as being on a short lead or, providing it responds promptly to commands, kept close to heel. Both of these are difficult with a horse, particularly when you meet other dogs, are going through livestock, or where there are deer or game. Unless you are 100% confident that you can reliably control your dog all the time, in all circumstances, while leading, riding or driving your horse, then you should not consider taking it with you. Remember that in accordance with the Scottish Outdoor Access Code, you are not allowed to take your dog into fields where there are lambs, calves or other young animals, or into fields of vegetables or fruit unless you keep your dog to a recognised path.

Am I allowed to ride on a track or through a wood where shooting takes place?

The short answer is yes. The Land Reform Act puts responsibility on both access takers and land managers to take responsibility for their own actions. This might include land managers or

gamekeepers putting up signs (in advance and on the day) at main entry points to alert members of the public to a shoot and encouraging them to use alternative routes, but it is not unusual to come over a hill or through a wood from another direction where there are no signs. Your responsibilities as a rider or carriage driver include:

- avoiding causing any unnecessary disturbance to shooting
- finding an alternative route if possible
- sticking to clearly defined established paths and tracks
- if possible alerting shooters to your presence

What should I do if the route I want to take is obstructed?

See BHS Scotland's fact sheet on 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 for contact details) or Helene Mauchlen, national manager for BHS Scotland Tel. 01764 656334 or email 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.

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.