

PE2191/A: Review legislation in order to strengthen the Scottish Outdoor Access Code

Scottish Government written submission, 17 November 2025

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why.

The right of responsible non-motorised access to land, delivered through Part I of the Land Reform (Scotland) Act 2003 (LRSA) and guided by the Scottish Outdoor Access Code (SOAC), is world-leading in terms of extent, scope and clarity.

Following substantial public consultation and discussion in the Parliament, it was the decision of the Scottish Parliament that it would apply to *non-motorised* access to land; and as with many systems of rights, would comprise an essentially *voluntary* code of conduct.

The petitioner is correct to point out that camping with motorised vehicles (e.g. motorhomes or vehicle mounted tent boxes) is outwith the scope of access rights and, therefore, the guidance provided by the SOAC. The Scottish Government recognises that there can be challenges arising from the behaviour of a minority of road users. However, reviewing and updating the provisions of Part 1 of the LRSA and the SOAC would be a fundamental change to the basis of the existing provisions. As I will set out below, there are already a range of ways in which such behaviours can be deemed either illegal or antisocial, which are enforceable by the appropriate authorities. The Scottish Government does not consider that reviewing and making fundamental changes to our system of access rights and the SOAC would make a substantial, effective difference to the practical likelihood of enforcement in difficult circumstances.

What, if any, action the Scottish Government is currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

Engagement and Awareness – Motorised Campers

Through our national tourism agency VisitScotland, the Scottish Government works with partners including Transport Scotland, Police Scotland and the Campervan and Motorhome Professional Association (CaMPA) to educate and promote to motorhome and campervan users how to travel and stay in Scotland responsibly. This includes clear messaging and advice on VisitScotland channels including driving on the left, booking into a dedicated campsite where possible and on following the Scottish Outdoor Access Code.

VisitScotland also chairs a national working group on visitor management with partners including NatureScot, the National Parks and Police Scotland to help provide a strategic and coordinated approach to key issues facing certain destinations and promotion of responsible behaviour, including with respect to motorised camping.

Enforcement Against Inappropriate Parking

The Scottish Outdoor Access Code does not apply to motorhomes or campervans. The conditions outlined below apply to those overnighing in any vehicle.

Trunk roads

Overnight parking is permitted in laybys on the trunk road network, unless prohibited (by exception) with relevant road orders and signage. It would be a matter for Police Scotland or the Local Authority to enforce depending on local enforcement arrangements.

Local roads and car parks

Local authorities may either block access to unregulated car parks, or choose to regulate them. If regulated, users are subject to certain conditions which will be outlined at any relevant car parks. Currently, 23 local authorities in Scotland have Decriminalised Parking Enforcement (DPE) powers. In areas with DPE regimes, local authorities are responsible for parking enforcement and stationary traffic offences are civil penalties imposed by the local authority, as opposed to criminal offences enforced by the police. Enforcement of certain parking offences, however, such as dangerous parking, remain the responsibility of the police. In areas where local authorities do not have DPE powers, parking enforcement is a matter for the police.

Private roads

Landowners may prohibit and enforce against unwanted parking at their discretion. For example, when parking on private land, such as a supermarket car park or a privately owned multi-storey car park, users may be deemed to enter an implied contract with the landowner. If there are clear signs displayed in the car park setting out rules for using the car park, then these are the terms of the contract. If any of these rules are broken, then the car park owner can take steps to enforce them. There is often a parking operating company managing the car park for the owner or landlord.

Responsible Behaviour as Defined in the Scottish Outdoor Access Code

Responsible behaviour is central to the concept of exercising access rights. The vast majority of people who visit the outdoors behave responsibly. It is important that we do not allow the irresponsible behaviour of a minority to diminish the hard-won rights that are exercised responsibly by the majority.

A range of legal provisions exists for tackling illegal activity which is outwith access rights including off-road parking, road traffic offences, littering and fly-tipping.

NatureScot works with the National Access Forum (NAF) to address access issues when they arise through providing new guidance, resources and advice. Discussion in the NAF is the best way to identify any perceived concerns which may exist and consider how best to address them quickly, through changes to public messaging for those taking access or new guidance for land managers. For example, the NAF has recently revised its guidance on managing camping with tents and has developed new guidance on responsible access and disturbance of wildlife.

Over the years, NatureScot has developed a wealth of online resources and promotional materials for disseminating messaging to explain how to access the outdoors in a safe and responsible manner. It has also recently refreshed its resources for schools and young people.

A wide range of other organisations promote the guidance on accessing the outdoors provided by the SOAC, including the National Parks, local authorities, ranger services, VisitScotland, Police Scotland, Scottish Partnership Against Rural Crime, the Scottish Fire and Rescue Service, and Scottish Water, among others.

Engagement and Awareness - SOAC

In 2020 the Scottish Government established a Visitor Management Group to develop a cross-Government approach to addressing issues caused by the significant increase in visits to the outdoors we first saw during the pandemic, both close to urban areas and also at rural pinch points in scenic or otherwise popular countryside areas.

Members of the Group include a range of public bodies such as VisitScotland, NatureScot, the National Parks authorities, local authorities, land owning/management representatives, community interests and Police Scotland. It addresses such issues as managing visitor dispersal, littering, environmental damage, public toileting and antisocial behaviour. A Visitor Management Strategy for Scotland was published in March 2021 and associated Action Plan in 2024.

Concerns have been expressed with respect to the behaviour of some campervan users and there is a perception that SOAC is misunderstood or misrepresented by vehicle hire companies. VisitScotland undertook research in 2023 on behalf of the Visitor Management group to better understand the motivations and behaviours of people visiting Scotland in campervans and motorhomes. The research found that many visitors do wish to do the right thing and are actively seeking out information on issues such as parking and waste disposal.

We all want to see responsible tourism, which balances the needs of local communities, the local economy and visitors and the environment. The response to any visitor pressures needs to be a combination of visitor messaging, encouraging responsible behaviour and visiting at quieter times of year, alongside practical responses such as improved infrastructure, engagement and education. In that regard, the Visitor Management Group, NatureScot and VisitScotland will continue to promote responsible visitor messaging alongside partners such as local authorities and others who lead on infrastructure and ranger services.

It is a matter for local authorities, roads authorities or Police Scotland to manage any infringements, which can include fixed penalty notices or prosecution under the relevant existing legislation.

The Need for Legislation to More Effectively Enforce SOAC

This Petition suggests that there is the need for new primary legislation to allow more effective enforcement of the SOAC. In passing Part 1 of the Land Reform (Scotland) Act 2003, the Scottish Parliament has determined that the SOAC should comprise a

voluntary code offering guidance and advice on the exercise of the rights of access established by the Act. The guidance and advice in the SOAC was not therefore intended by the Parliament to carry legal force, or to be enforced. Rather it is a voluntary code of behaviour. As noted above, there is already a range of criminal and other sanctions for behaviour which passes the threshold for anti-social behaviour or criminal acts.

Dedicated Team to Enforce the SOAC

On a day to day basis, the promotion of the SOAC at a local or site level is the responsibility of the National Park or Local authorities, generally through their countryside ranger service; public land owning bodies or Scottish Government executive agencies such as Forestry and Land Scotland or other partner organisations may also have such services. Generally, where behaviour is encountered which is not SOAC compliant, the initial approach is to engage with the person(s) involved to resolve the issue in an informal manner. Where this proves not to be successful, the appropriate regulatory authority and/or Police Scotland will be brought in to deal with ongoing infringements.

Effective promotion, oversight and enforcement of responsible access rights is reliant on local engagement and the close working relationships that have been established between organisations, based on a clear understanding of respective roles and responsibilities. The creation of a new team with enforcement powers which overlapped those of existing organisations could lead to confusion over roles and responsibilities and a less effective response to SOAC infringements.

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

While we recognise there has been increasing use of motorised camping such as motorhomes in Scotland in recent years, we believe we are already taking significant steps to respond to this increase.

To date, £24.5m has been invested through the Rural Tourism Infrastructure Fund (RTIF) in 86 projects across 17 local authorities and both national park authorities; investing in infrastructure and visitor facilities such as low carbon transport, multi-use paths, toilets and motorhome facilities, car parking and integrated active travel solutions. New signage has been approved by Transport Scotland to signpost these facilities. Awareness raising and engagement with campervan stakeholders and communities has also been fruitful and stakeholders are aligned on our messaging, recognising that they do not want campervan users to be demonised. Responsible practice is therefore promoted.

Local authorities and public landowners are taking action to regulate or prohibit use of sites where appropriate and to direct users to sites with facilities. Local authorities and private landowners have the ability to enforce against parking where it is prohibited and the ability to prohibit overnight parking where required, either directly or through the help of Police Scotland.

Although it is assumed the majority of motorised campers will travel around Scotland responsibly, it is unfortunately a minority of users who may, through ignorance or conscious choice, choose to risk parking, littering or other fines. There are, however, adequate powers already in place to tackle these behaviours.

NatureScot, VisitScotland and other public bodies are working at a national level to communicate what the SOAC defines as responsible behaviour to everybody taking access to the countryside and to encourage best practice. The Scottish Government believe the solutions to the challenges in some locations to be both better service provision across Scotland accompanied by the use of existing enforcement powers to manage clearly illegal behaviours. This is best achieved through local delivery, as at present, rather than the creation of an additional team.

Biodiversity Unit, Nature Division, Environment and Forestry Directorate