



Land Reform (Scotland) Act 2003

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

Everyone has the right to be on most land and inland 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.*

Find out more by visiting www.outdooraccess-scotland.com or phoning your local Scottish Natural Heritage office on (01292) 261392.

For further information and guidance on exemption orders and completion of the Forms, please contact the Access Officer

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Section 11 Exemption Orders



What are exemption orders?

Under the Land Reform (Scotland) Act the public are entitled to a right of responsible access to a wide variety of land and inland water. Where an event is to be held on land over which access rights can be exercised, there may be a need to exclude the land from access rights for the duration of the event, and possibly periods immediately before and after. Section 11 of the Land Reform (Scotland) Act 2003 provides a mechanism for access authorities to exempt a particular area of land from access rights to enable organisations and/or individuals to do so.

What are the reasons for an Order?

The powers in Section 11 are intended to address a number of situations, which range from small to events such as local village fetes, agricultural shows to larger more organised events such as the golf Ryder Cup. In general the reasons for exemptions should be limited to:

- Allowing a charge to be levied for admission to a particular event
- In the interests of safety and security
- Ensuring the protection of privacy, where the provisions of section 6 of the Act are not deemed sufficient in individual circumstances and the local authority considers the exclusion necessary

It is not envisaged that an Order will be required for all occasions where an entrance charge is proposed and that orders should only be considered necessary where:

- There is considered likely to be a problem in imposing a charge for entry from those attending
- There is a requirement to enforce the exclusion of land from access rights

Please note that it is the decision of the individual or organisation as to whether or not they require an Exemption Order however they should be aware that they will be unable to enforce a charge for access to an event without such an Order.

How long can land be exempted for?

Applications can be made for exemption orders lasting between:

- 1 to 5 days
- 6 days to 2 years

All applications for between 1 and 5 days will be processed by the Council. Those between 6 days and 2 years will be subject to public consultation and referred to the Scottish Ministers for a decision. All Orders granted must be notified to the public and an Order has effect for a maximum of two years unless re-enacted.



How do I apply?

All applicants are required to complete the Short-term Access Rights Exemption Orders application form. Further information is provided in the Council's Policy on Section 11 Exemption Orders and guidance notes are included within the Policy to assist the completion of the form.

It is recommended that applications be received in advance of the event as follows, to provide sufficient time for processing. For exemptions of:

- 1 to 5 days please allow 8 weeks
- 6 days or more please allow 6 months

Copies of the application form, policy and guidance notes are available from the Access Officer or on-line at:

www.north-ayrshire.gov.uk/outdooraccess

Please note that there is a cost associated with applications due to the requirement for public notice(s) to be placed. Full details of the costs are detailed within the Policy and charges are currently set at between £65.00 and £470.00 depending on the location and duration of the proposed exemption.