

Sample Access Agreement

Helping Orienteers and Land Managers Organise Events on Private Land



Part 1 of the Land Reform (Scotland) Act (the Act) 2003 provides a right of responsible access for educational purposes, some commercial purposes, and for recreational purposes, including orienteering. The Act also imposes obligations on landowners to manage the land in such a way that takes proper account of the right of responsible access.

The Scottish Outdoor Access Code (the Code) describes how access rights can be exercised responsibly, and how land managers can manage land and water responsibly in relation to access rights. The guidance provided in the Code is underpinned by three key principles:

Respect the interests of others.

Care for the environment.

Take responsibility for your own actions.

In relation to organising events, the Code advises ...

Events are held for a wide range of purposes. All events are organised to some degree, and their scale and timing can sometimes raise safety concerns, hinder land management operations or harm the environment. If you are organising an event, it is good practice to liaise with the relevant land managers. You need to obtain the permission of the relevant land manager(s) if your event:

- ❑ *Needs new or temporary facilities and services (such as car parking, fencing, signs, litter bins, marked courses or toilets); or*
- ❑ *Due to its nature or to the number of participants or spectators, is likely, to an unreasonable extent, to hinder land management operations, interfere with other people enjoying the outdoors or affect the environment.*

In relation to land management the Code advises land managers that they must ...

Respect access rights in managing your land and water. You can do this by:

- ❑ *Not purposefully or unreasonably preventing, hindering or deterring people from exercising access rights on or off paths or tracks.*
- ❑ *Using paths and tracks as a way of managing access across your land so that access is integrated with land management.*
- ❑ *Taking access rights into account when planning and implementing any major land use change or development.*

If you are contacted by the organiser of a group or event, reply positively. If your consent is required, you are encouraged to give this if your concerns or those of others can be properly addressed.

The Code can be viewed in full at www.outdooraccess-scotland.com

Within the context of the Act and the Code, this Sample Access Agreement is intended to provide orienteers and land managers with a practical tool to assist with the organisation and management of orienteering events on private land. It should be regarded as supplementary to pre-existing requirements, for example risk assessment.

Sample Access Agreement
 (As Approved by the Scottish Orienteering Association & Scottish Rural Property & Business Association)

Between (Land Manager) and (Club)

The accompanying explanatory notes constitute an integral part of this agreement. Please refer to these notes when completing this agreement.

Please note that it is the responsibility of the organising SOA/club official(s) to make all necessary arrangements unless specifically agreed below. (On many occasions land managers do have to move stock, unlock gates, cut grass, inform staff, etc. by agreement in order to facilitate the event)

1.	Land Manager consent for event to take place: Yes / No Facilities to be provided by club as required (e.g. car parking; fencing; signs; course route marking; litter bins; toilets) Yes / No	Land Manager Signature: _____ _____
2.	Geographic boundary of area available for orienteering – see attached map:	
3.	Specific compartments within the boundary not included in area available (if any) – see attached map:	
4.	Action to be taken to advise participants of those compartments not included in the event course (if any). Indicate these on the map: _____ _____ _____ _____	Action to be taken by (name): _____ _____ _____ _____
5.	Dates when orienteering can take place:	
6.	Type(s) of orienteering activity to be undertaken:	
7.	Upper limit, if necessary, for competitor numbers in all or part(s) of the area to be used:	
8.	Other interested parties to be informed (state name & designation): _____ _____ _____	To be informed by (name): _____ _____ _____

9.	Parking available on-site: Yes / No
10.	On-site parking: Location(s) (see attached map) _____ <u>Capacity at each location</u> _____ _____
11.	Arrangements for: Protection of fields as a result of parking _____ - _____ Protection of fences / walls _____ _____ Protection of stiles / gates _____ _____ Clearance of litter (including human waste) _____ _____ Other _____ _____ Arrangements for: Remedial work to repair damage to stiles, fences, ground condition etc _____ _____ _____
12.	Inform Land Manager of when preparatory work will take place: Action to be taken by _____
13.	Arrangements for spectator control (as required): _____ _____ _____ Action to be taken by: _____
14.	Insurance arrangements clarified: Yes / No (in accordance with the relevant accompanying explanatory note) Action to be taken by: _____

Date of Agreement: _____

Signature (SOA / Club Official): _____

Signature (Land Manager): _____

Date Agreement to be reviewed: _____

Checklist of SOA / Organising Club Responsibilities / Requirements

Responsibility / Requirement	Action to be taken by:	Completed
Relevant consents obtained.		
Advance notice to all relevant parties (e.g. land manager, SNH etc) of dates of forthcoming events: Event Date _____ Event Date _____ Event Date _____ Event Date _____	_____ _____ _____ _____	_____ _____ _____ _____
Arrangements for preparatory work in place.		
Provision of British Orienteering Federation event insurance.		
Clarification of indemnity, and copy of insurance cover to land manager.		
Arrangements to ensure no litter.		
Provision of adequate toilet facilities.		
Arrangements for spectator control.		
Competitors informed of any restrictions on dogs, and of the need to keep dogs under close control at all times.		
Copies of agreement issued to (specify names & tick as appropriate): Land Manager _____ Tenant Farmer _____ Tenant Farmer _____ SNH _____ SOA Event Organiser _____ SOA Course Planner _____ SOA Event Controller _____ Other _____ Other _____ Other _____	_____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____
Other requirements: e.g. Prior notification of access for officials? Are traders allowed? Prior sight of courses / arrangements by land owner?		

Signature (SOA / Club Official): _____

Date: _____

Addendum: Dates of Sporting Seasons

Red deer and sika deer	
Stags	1 July to 20 October
Hinds	21 October to 15 February
Roe deer	
Bucks	1 April to 20 October
Does	21 October to 30 April
Red Grouse	12 August to 10 December
Black Grouse	20 August to 10 December
Partridge	1 September to 1 February
Pheasant	1 October to 1 February
Wildfowl (foreshore)	1 September to 20 February
Wildfowl (inland)	1 September to 31 January
Salmon	(see note below) March to September
Sea trout (see note below)	16 March to 6 October
Brown trout & other freshwater fish	15 March to 6 October

Notes

- Salmon: The annual close time must last at least 168 days between September and February. Exact dates are set through local regulations, information on which can be obtained at <http://www.asfb.org.uk/seasons.html>
- Sea trout: The annual close time must last at least 153 days between 30 September and 1 March.
- In practice, the season for red deer stalking normally starts in mid-August.
- It is general practice not to shoot birds or deer, or fish for salmon on Sundays.

For further assistance and advice contact:

SRPBA Access Officer

Janice Gray
SRPBA
Stuart House
Eskmills Business Park
Musselburgh
EH21 7PB
Tel: 0131 653 5400
Fax: 0131 653 5401
E-mail: accessofficer@srpba.com

SOA Access Officer

Donald Petrie
20 Leman Drive
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Renfrewshire
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Tel: 01505 613094
Fax: 01505 613094
E-mail: donald@scottish-orienteering.org

Web Sites

www.srpba.com

www.scottish-orienteering.org

www.britishorienteering.org.uk

**Scottish Orienteering Association / Scottish Rural Property & Business
Association
Explanatory Notes for Completing the Access Agreement**

These notes form part of the Access Agreement between

_____ **(Land Manager) and**
 _____ **(Club)**

dated _____

Part I of the Land Reform (Scotland) Act 2003 provides a right of access to most land and inland water in Scotland. The right of access may be exercised for recreational purposes (including orienteering), educational purposes, or for the purpose of carrying on, commercially or for profit, an activity which the person exercising the right could carry on otherwise than commercially or for profit.

Access rights are conditional upon responsible behaviour. The Scottish Outdoor Access Code (the Code) provides detailed guidance on how to exercise access rights responsibly, and on how to manage land and water responsibly for access. Three key principles underpin the Code, these are:

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

The SOA believes the access legislation and the Code offers an opportunity to work in partnership with land managers to successfully integrate orienteering with other land uses. Wherever possible, land managers are encouraged to work with the SOA to facilitate responsible access for the sport. Expeditious co-operative working will serve the interests of land management and orienteering. The explanatory notes below, and the access agreement to which they relate, are intended to provide “Best Practice” guidance to event organisers in accordance with the requirements of the access legislation and the Code.

1.	In accordance with the Scottish Outdoor Access Code, it is good practice to liaise with the relevant land managers. You also need to obtain the consent of the land manager if your event: <ul style="list-style-type: none"> ▪ Needs new or temporary facilities and services (such as car parking, fencing, signs, litter bins, marked courses or toilets). ▪ Due to its nature or to the number of participants or spectators, is likely, to an unreasonable extent, to hinder land management operations, interfere with other people enjoying the outdoors or affect the environment.
2.	Provide a map showing the exact area to be used for the event. This will assist understanding and clarity for all involved. If possible use an OS or an estate map.
3.	Clearly identify any smaller specific compartments within the wider boundary that will not be included in the event course (if any), for example because of land management operations or conservation reasons. These may be seasonal, eg a wood with ground nesting birds which can be used outwith the nesting period.
4.	Specify what action will be taken to ensure that these compartments are not accessed during the event, for example by taping off a vulnerable site, marking it as out of bounds on competitors' maps, planning courses to avoid it. Clearly state who is responsible for carrying out the specified actions. This should be a member of the event organisation team unless otherwise agreed.

5.	Clarify with the land manager the exact dates when orienteering can take place. Clearly state these dates on the agreement form. An area or part of an area may not be available during lambing, or during the stag stalking & grouse shooting seasons when it is important that game is not disturbed.
6.	Specify the types of orienteering activities to be undertaken in the area, e.g. training events competitions, etc.
7.	Agree with the land manager the maximum number of participants in any one event in all or part of the area.
8.	Discuss with the land manager who else should be informed of forthcoming events, e.g. tenant farmers, SNH, keepers, stalkers etc. State clearly who will be responsible for informing other interested parties (this should be the responsibility of the event organiser, unless otherwise agreed with the land manager).
9.	Ascertain whether or not parking will be available on-site or on adjacent properties with the agreement of the appropriate land manager. If parking is not available on-site investigate parking possibilities at the nearest village/town, and consider provision of a bus from the parking zones to the event site.
10.	If parking is available on-site clearly identify on the map where the parking area(s) will be located and the maximum number of vehicles for each parking area. Note that several sites may be available and used for different events to allow maximum use of the area and reduce the impact on one particular site.
11.	Discuss with the land manager how the organisers will avoid damage/degradation to surfaces and structures resulting from event activities. Record (if necessary) the condition of fields, fences/walls, stiles/gates etc, prior to the orienteering activity. Discuss with the land manager arrangements for remedial works for damage caused to stiles, fences, ground condition, etc arising out of your negligence.
12.	Discuss with the land manager a mutually suitable time for any preparatory work to be undertaken, for example, marking out courses and car parking arrangements, installing temporary toilet facilities, etc.
13.	For big events that are likely to attract a significant number of spectators and/or competitors, discuss with the land manager arrangements for spectator control. Take into consideration other land management and privacy needs.
14.	Ensure that the land manager understands that the club indemnifies the land manager from and against all losses, costs, claims and liabilities arising in any way out of the staging of the event including without prejudice to that generality losses, costs, claims and liabilities incurred to spectators and competitors. The club warrants that it has public liability insurance to cover this indemnity for not less than £5,000,000 and will provide evidence of such cover.

This Sample Access Agreement is approved by:

Signed

Date 6 December 2005

Keith Arbuthnott
For the Scottish Rural Property & Business Association

Signed

Date 15 January 2006

Kenneth Daly
For the Scottish Orienteering Association