

The Scottish Countryside Alliance â?? peddling trespass to undermine access rights

Description

* 6. Thinking about some specific rural crimes do you think the problem is increasing, decreasing or staying about the same.

	Significantly decreasing	Moderately decreasing	About the same	Moderately increasing	Significantly increasing
Fly-tipping	<input type="checkbox"/>				
Livestock rustling	<input type="checkbox"/>				
Poaching – including deer and hare (illegal coursing)	<input type="checkbox"/>				
Agricultural machinery theft	<input type="checkbox"/>				
Fuel theft	<input type="checkbox"/>				
Harassment	<input type="checkbox"/>				
Trespass	<input type="checkbox"/>				
Wildlife crime	<input type="checkbox"/>				



Following my post on how â??trespassâ?• had reared its ugly head at

Aviemore ([see here](#)), it has done so again in the Scottish Countryside Allianceâ??s rural crime survey

[\(see here\)](#). The survey is due to close this weekend and the SCA states it intends to present the results to the Scottish Parliament before the elections next year.

“Trespass” is included in a list of rural crimes under questions six and seven. That is a completely wrong as trespass is a civil matter and not a crime, except in a few specified circumstances defined in statute. There is certainly no rural crime of “trespass”. The SCA should know that because last year the Tories included in their election manifesto a commitment to make trespass a crime in England. There would be no justification for that if it already was a crime.

The Scottish Countryside Alliance is not a separately constituted organisation but rather the brand under which the Countryside Alliance operates in Scotland. While it normally has a Regional Director, currently no-one from Scotland holds that role. Instead activity in Scotland appears to be conducted by their Campaigns Team. It may be therefore that a survey designed for England has been simply duplicated without any consideration being given to the statutory rights of access established by the Land Reform (Scotland) Act 2003. That is important because a primary reason for the Scottish Parliament passing that Act was to remove any doubt that by crossing or being on land for outdoor recreation people were doing anything wrong – committing a “trespass”.

Whatever the explanation for the SCA issuing this survey, it is still very dangerous:

* 7. Thinking of the following crimes please rank in priority order the ones which the Police should be prioritising. With 1 being top priority and 8 being the lowest priority.

- ☰ ⬇ Fly-tipping
- ☰ ⬇ Livestock rustling
- ☰ ⬇ Poaching - Deer and hare (illegal coursing)
- ☰ ⬇ Agricultural machinery theft
- ☰ ⬇ Fuel theft
- ☰ ⬇ Harassment
- ☰ ⬇ Trespass
- ☰ ⬇ Wildlife crime

By misrepresenting the law to their members, the SCA is encouraging some members of rural communities to view other people enjoying the countryside as a threat to their livelihoods, like livestock rustling or the theft of agricultural machinery.

What is more, Question 7 appears to be an attempt to legitimise the idea that the police should be involved in where people can go in the countryside. The question is likely to encourage more people to put up unlawful "No trespasser" signs and then call the police if they see someone on their land. Unfortunately, there will always be some police officers who don't understand the law (not necessarily their fault), as was illustrated by the two hillwalkers who were charged with Culpable and Reckless Conduct at Crianlarich ([see here](#)). The Land Reform (Scotland) Act 2003 was meant to put an end to all of this nonsense but now appears under attack from a number of directions.

There is, however, hope. In England there are now some Tories who are arguing back against the proposals to criminalise trespass there:

default watermark

of 2.8 million people into further

economic collapse in three centuries,

Give people the right

Conservatives, not just the Left, should want everyone to have the chance to explore our countryside

BEN GOLDSMITH



I don't know about you, but I found scenes of people crammed like sardines on south coast beaches as the national lockdown was lifted profoundly dispiriting. They offered a stark view of quite how hard it is in England for most people to find the connection with nature for which we all, at some level, yearn.

Rather than fanning out into the countryside, as people do in France, Germany or Scandinavia, the English have to flock to a handful of "honeypot sites" where they know they won't run into irate landowners or "Keep Out" signs. Worse still are the barbed wire fences which, when erected not to keep farm animals in but to demarcate ownership, are the ultimate expression

of human arrogance in the landscape.

"Nature deficit disorder", the term used to describe a lack of connection with the natural world, is at the heart of some of our most pressing social problems. Poor physical and mental health, spiritual impoverishment and an absence of meaning blight modern civilisation. Reconnecting people with the natural world is one of the central challenges of our age.

The Countryside & Rights of Way Act, passed 20 years ago, created a right to roam in England – but on just 8 per cent of our countryside. An astonishing 97 per cent of our rivers remain off-limits to us. The lack of access enjoyed by the English to the natural fabric of their own country strikes me as a terrible iniquity.

I understand that conservatism stands for property rights, but it also stands for freedom, for not being told what to do by others, and particularly not by the state. I've never understood why it is that the freedom to explore the landscape is historically associated with the Left – from the communist organiser of the Kinder Scout Trespass, Benny Rothman, to New Labour bringing in a partial right to roam in 2000 – when this ought to be prime territory for the liberal Right.

I am deeply concerned that the

Government has been criminalising trespass. It has been landowners who have been trespassing. It involves trespassing on private land. It affects a wide range of activities. It affects the ability to enjoy the countryside.

I own a small plot of land in Somerset. I have spent a lot of money on it. I have built a house on it. I have planted trees. I have planted a garden. I have planted a family. I have planted a couple of children. I have planted a flycatcher. I have planted a overwintering bird. I have planted a respect for the land.

It seems to me that the government is unconcerned about the rights of landowners. Margaret Thatcher said: "I don't think the earth is a gift. It should be cast-iron. It should be wildlifed. It should be instilled with a sense of ownership."

Credit Daily Telegraph

This is extremely welcome. There is a similar tradition of Tory thought in Scotland which encouraged some landowners to support the development of our Land Reform legislation. Perhaps Scotland??s

Tory MPs will now join Ben Goldsmith and use the example of how access rights have worked here to persuade their colleagues in England to drop their proposals to criminalise trespass? That would help prevent the concept of trespass in the countryside regaining any further legitimacy in Scotland.

Category

- 1. Access rights

Tags

- 1. access rights

Date Created

October 23, 2020

Author

nickkempe

default watermark