

Restrictions on outdoor recreation – well past their sell by date

Description

Having repealed the legal restrictions on travel on the 26th April, eight days ago the Scottish Government re-imposed them (see [here](#) for the Statutory Instrument) on people living in Moray and Glasgow, after deciding not to move these two local authorities to Level 2 like the rest of the country. One day it was perfectly legal for people to travel out of Level 3 areas for exercise or outdoor recreation, the next residents of Glasgow and Moray officially only had a reasonable excuse for doing so if they travelled no more than five miles beyond their local authority boundary and started and finished their recreation at the same spot. Initially presented as a temporary delay in the planned relaxation of restrictions, what actually happened is that the Scottish Government changed the law limiting outdoor recreation in Level 3 areas back to what it was a month ago.

This doesn't mean that it is actually illegal to travel further than five miles outwith a Level 3 local authority area for outdoor recreation but, if challenged, people living in such areas would need to be able to persuade the police and the courts that they did in fact have a reasonable excuse for doing so. Establishing that might not be too difficult because the restrictions make even less sense than they did seven weeks ago ([see here](#)).

First, the evidence that Covid-19 is much less likely to be transmitted outdoors becomes ever more convincing. Linda Bauld, the omnipresent Professor of Public Health from Edinburgh, recently stated that you were 20 times less likely to catch Covid outdoors than indoors. There may of course be exceptions, like singing crowds of football fans, but the science and data behind this explains why the Scottish Government has continued to allow people in G41 and G42, despite the recent spike in Covid cases, to continue to meet and drink outdoors, play sport etc. The important point to note here is that, whatever the risks of these activities, the risks of outdoor recreation in the countryside is generally even lower and going out for a walk with your household is probably as risk free as anything you could do. Whatever the merits of other restrictions on travel, that try and stop people going indoors for example, those that affect outdoor recreation are not proportionate. They are therefore contrary to our fundamental human rights ([see here](#)).

Second, basing restrictions on local authority boundaries is clearly discriminatory because it fails to differentiate areas which have the virus from those that don't. There appear to be far more cases of Covid-19 in East Renfrewshire, for example, than North East Glasgow but if you live in East Renfrewshire you can travel anywhere you like in Scotland for outdoor recreation (except Glasgow), whereas if you live in Drumchapel the message from the Scottish Government is that the Loch Lomond and Trossachs National Park should be out of bounds.

Third, restricting to people to their local authority boundary makes no sense as a means of preventing the spread of the virus when it comes to outdoor recreation. Effectively what the Scottish Government's rules imply is that its better for people from north east Glasgow to come to G41 for a drink than to go out into the countryside for a walk. Luckily, most people aren't so stupid and many are not voting with their feet.

Fourth, consider that thousands of people are still travelling into Glasgow to work each day, some to the Covid hotspots of G41 and G42. It is perfectly legal for these good folk to then travel wherever they want in their leisure time, whether for outdoor recreation or to take advantage of the facilities that have opened up in Level 2 areas. Where is the logic here?

The World Health Organisation has consistently argued that lockdowns, which have severe economic, health and social consequences, should only be used as a last resort. While imposing restrictions based on post code rather than local authority boundaries would make more sense and be fairer than what is happening at present, an effective track and trace system would be better still.

In principle, the only restrictions on outdoor recreation should be applied those who actually have the virus or have been in contact with such people and pose a risk of spreading it or have travelled from abroad. In that respect the Scottish Government's announcement of an "*enhanced contact tracing system*", in which not just contacts, but contacts of contacts would be traced in the G41 and G42 postcodes, is most welcome. With such a system in place, and a large proportion of the population vaccinated, there really is no justification for trying to restrict the rights of people in Glasgow and other areas where there are outbreaks of Covid-19 from travelling to another area to go for a walk.

Category

1. Access rights

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