

HAWICK COMMON GOOD FUND SUB-COMMITTEE 17 NOVEMBER 2015

Hawick Race Course

The purpose of this note is to assist the Members in their discussions relative to this agenda item.

Everyone has access rights which have been established by the Land Reform (Scotland) Act 2003, this is commonly referred to as the “right to roam” legislation. There is also a Scottish Outdoor Access code which is relevant. I attach a copy of pages 5-16 from the code.

The Land Reform (Scotland) Act 2003, conferred a duty on all local authorities’ to draw up a plan for a system of paths to be known as core paths and which would be sufficient for the purpose of giving the public reasonable access throughout their area. Scottish Borders Council have a system of core paths and one of these runs adjacent to the race course and I also attach a copy of a map showing the line of the core path.

Members will note that the Scottish Outdoor Access Code outlines where and when access rights can be exercised, what can be done under these access rights, where access rights do not apply and what attributes are excluded from access rights.

In particular I would draw members’ attention to the third last paragraph on page 12 which falls under the heading “Where do access rights not apply” and which paragraph specifically refers to Land which has been developed or set out for a recreational purpose such as horse racing gallops.

In Summary therefore it does appear to me that members would be entitled to insist upon members’ of the public sticking to the core path and from endeavouring to deter members of the public from entering onto the race course however, I appreciate that policing that will be easier said than done.

Ron Kirk, Managing Solicitor, Legal & Licencing Services