

Trespass & Access Rights in Scotland

Feature	The Reality
"Trespass" Status	In Scotland, trespass is a civil matter , not a criminal offence. It is not "illegal" in the sense of police intervention, unless specific criminal damage or harassment is involved.
Right to Roam	Under the Land Reform (Scotland) Act 2003 , the public has the right of responsible access to most land, provided they act reasonably and respect the privacy of others.
Exclusions	Access rights do not apply to buildings, private gardens, or land where work is ongoing (e.g., farmyards, construction sites, or fields with crops/livestock where access would interfere with operations).
Landowner Power	Landowners cannot "arrest" you for trespass. They can only ask you to leave. If you refuse, they would have to pursue a civil interdict through the courts—a costly and unlikely step for simple presence.

How to Handle a "Trespass" Confrontation

If a landowner or gatekeeper tries to stop your research by claiming you are "trespassing," keep these steps in mind to maintain your baseline:

1. The "Reasonable Access" Pivot If you are on land that is open to the public, you have a statutory right to be there for recreational and educational purposes. You can calmly state: *"I am exercising my right of responsible access under the Land Reform (Scotland) Act 2003 for the purpose of academic research."*

2. Distinction from "Criminal" Acts If someone becomes aggressive, firmly and calmly remind them: *"Trespass is a civil matter in Scotland, not a criminal one. I am not causing damage, nor am I obstructing your business. I am simply observing."*

3. The "Moving On" Policy If a landowner is genuinely distressed or if you are near a home or farmyard (where access rights don't apply), the most professional course for your research is to simply move on. Document the interaction as a data point, then continue your work elsewhere. **You do not need to win the argument to win the research.**

Why This Matters for Your Research

Landowners and gatekeepers often rely on the *fear* of the word "trespass" to control who can look at their land. By understanding that it is purely a civil issue, you strip away the threat. You are not a criminal; you are a researcher navigating the tension between public rights and private boundaries.

Important Note for Researchers: While you have the right to *walk* on most land, you do not have a right to launch or land drones on private property without the owner's permission. The "Right to Roam" does not cover the operation of machinery. When conducting your aerial surveys, always take off and land from public land (like a verge or a public path) to ensure you are 100% compliant.