

The law and management of public access rights vary widely between the four countries of the United Kingdom. Practical elements of the following advice apply in all of them but the legal requirements in Scotland and Northern Ireland differ from those in England and Wales.

More advice is available on www.bhs.org.uk/accessadvice.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. Where it is being relied upon, The Society strongly recommends seeking its advice specific to the site.

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Occasionally riders and carriage drivers meet people who, for one reason or another, act aggressively. Equestrians can, of course, also act aggressively, perhaps because someone has done something to threaten their horse and nearly caused an injury or fall.

Many of these encounters are over so swiftly that nothing is exchanged but a couple of angry shouts, though that can be enough to cause lasting bad impressions or ill-feeling. Some incidents last longer and leave people feeling upset or even cause a breakdown in relations with others you need to deal with in the future.

The best rule is not to lose your temper in the first place, even if you're convinced that you're in the right but we all know that is easier said than done. However, calming down

quickly and offering an apology mean it may be possible to sort out the real rights and wrongs later and be to your benefit.

If you are confident in the knowledge that what you are doing is right, it is easier to keep calm in a fraught situation. This and other BHS Advice Notes will help to give you that knowledge and it is strongly recommended that you be sure of your responsibilities and rights by reading the whole series on www.bhs.org.uk/accessadvice.

Use hi-viz clothing, on and off-road

Many encounters could have been avoided had the other party been aware earlier of the horse and rider or driver.

Hi-viz adds considerably to the ability of other users to see you and take appropriate action and they may be justifiably annoyed if an incident could have been avoided had you been using hi-viz equipment, rather than dark, dull colours which give much less warning of your presence. That split second of earlier warning can be vital. See the BETA Guide to Rider Hi-Viz equipment, most of which applies to driven as well as ridden horses.

On roads

Motorists sometimes abuse riders and carriage-drivers because they think horses are in their way on the road. The law is that horses have a right to be ridden and driven on all public roads except motorways, the only exception being the rare cases when a Traffic Regulation Order (TRO) suspending the right to ride or drive a horse is in operation. However, although you have every right to be on the carriageway, it is courteous to accommodate faster moving traffic where it is safe and reasonable to do so. This is not required in the Highway Code, as it is for tractors, but is helpful in promoting tolerance and is simply showing consideration for other users and accommodating each other, which is the basis of common law for highways.

The 'BHS Ride Safe' training helps riders (and carriage-drivers despite its name) to have greater awareness of safe skills on the road and is supported by the Department for Transport. See also the BHS Safety advice, 'Road Sense for Riders' available on www.bhs.org.uk.

When you have the opportunity (not likely while on the road!), you can explain to motorists why riders may be two abreast, or a group in single file, or unable to pull over. You may find it useful to refer them to the BHS Safety advice 'Horse Sense for Motorists' available on www.bhs.org.uk. The BHS campaign 'Dead Slow' recommends passing horses as wide as possible at a maximum speed of 15mph.

A commonly heard abusive shout is that horse riders or carriage drivers do not pay road tax so should not be on the road. 'Road tax' or the 'road fund licence' of vehicles was

abolished in 1937 and since then every tax payer contributes to provision of roads irrespective of their mode of transport. All users have an equal right to use a public road, irrespective of their choice means of travel.

Equally, it is common to hear or read criticism of equestrians who appear oblivious to other road users because they are on the phone or chatting to a companion. BHS advice is to *always* consider other users, to remain alert and undistracted while riding or driving on the road and to acknowledge cooperation, even if you would have preferred a slower or wider pass, a courteous response is more likely to promote tolerance than ignoring any effort. Using a phone while riding clearly means that you have, as in a car, less control and less awareness of what is around you. If you must take or make a call, stop somewhere safe to do so rather than continue while riding.

As in those towns where cycling is most common, motorists tend to be more tolerant of equestrians when they are frequently encountered. Fewer people riding or driving horses means that horses become less common on the roads, so motorists are less prepared to meet them and therefore are less likely to react appropriately, so equestrians avoid using the road, and that downward spiral can be difficult to reverse. Meeting up with other equestrians for road work can help equestrians to feel more safe and also help educate motorists to expect horses on the road.

Cyclists on roads

Be alert for big events (e.g. Grand Depart, Tour of Britain, L'eroica). Plan to avoid the area and the event. Major sportive events are listed by British Cycling with the route. For smaller events, try approaching local cycling clubs with the aim of knowing when they are holding events or training so that you can avoid them. By 'making friends' you can also encourage the cyclists to devise routes avoiding the links which are important for equestrians.

With individual or groups of cyclists it is important to 'meet, greet and educate' where there is an opportunity. Wherever possible spread the 'Call out from a distance' or 'Hail a horse' message and always smile and say hello even when there is no response.

Be aware that many cyclists will not be familiar with horses and simply do not know the best action to take so, to them, passing you as quickly and quietly as possible very likely seems the right thing to do!

Road verges

Sometimes riders are abused by householders because they are riding on the verge to avoid motorists. In most cases, as long as you are riding within the highway boundaries—usually hedges, fences or walls—you are exercising your right to travel along the highway. The tarmac strip is there to facilitate passage with motor vehicles but the highway normally extends to the boundaries and includes the verges, which you equally have a right to use on horseback (generally not feasible with a horsedrawn vehicle).

In England, Wales and Scotland (but not Northern Ireland), riders have a right to ride on the verge and it is often the safest place to be although you should be alert to trip hazards. Where a verge is not in a condition to ride but would aid safety, you can make a case to the highway authority or parish council for it to be mown, or a volunteer group may be able to do so to help all riders.

Encroachment by householders onto a verge is common, from mowing grass to placing posts, stones or plants, to linked fences and extensive 'gardening'. All of these discourage riders, although some may genuinely be intended simply to improve appearance (in the householder's view) or deter motorists.

The majority of residents are unaware that the verge is part of the highway, and that they are not allowed to obstruct it in any way, whether by placing stones or parking vehicles. They may consider the road to be the tarmac only: this is a common view.

If a resident confronts you about riding on a verge which they have 'gardened', it is advisable to apologise for any perceived damage but to point out that you believe it to be part of the highway which permits you to use it, whether to avoid motorists or the tarmac, and if their view differs, they should check with the highway authority.

You should report any incidences of encroachment and conflict over use of verges to the highway authority, seeking confirmation that this stretch of verge is public highway and asking for it to also confirm your right of use to the resident. The question to ask is for the highway authority (county council) to "confirm the extent of highway". Unfortunately, some authorities are slow or unwilling to take enforcement action against encroachment of verges.

Off road

Unexpected encounters

Sometimes aggression arises because of an unexpected meeting at a blind corner or because a dog has spooked a horse (or sometimes vice versa!). In such circumstances try to keep calm and say as little as possible.

Walkers (including dog walkers) and cyclists have the right to share bridleways, byways and the other unsurfaced highways, although cyclists must give way to riders and walkers on bridleways (Countryside Act 1968 Section 30).

Horsedrawn vehicles and any kind of cycle are allowed on restricted byways (but no 'mechanically propelled vehicles'), and all traffic is legally allowed to use byways and unsealed roads. It is not unusual to meet motorists, even on bridleways, because farmers and others may have a private right of access with a motor vehicle along the route although they should use their right with attention to the user of the bridleway or byway and give way as appropriate.

All-terrain bikes

With individual or groups of cyclists it is important to 'meet, greet and educate' where there is an opportunity. Spread the message of 'Hail a horse' from a distance and if a group of cyclists stop, it is best if they are all on the same side of the path and avoid sudden movements or noises. One message is 'What will scare a horse' but equally important is 'If half a ton of horse hits you and your bike...'.

Cyclists sharing routes with equestrians may have very different desires, mainly on surfaces (they may prefer a much more rough and rocky challenge) but working with local groups will show that cyclists and equestrians have more common goals than differences and can work successfully together to repair routes that accommodate requirements of both groups. Taking a horse out and actually showing how certain size stones hurt an animal has a big impact so, as with road cyclists, the key is building local friendships.

Being in the wrong place

Signposting and waymarking should make rights of way easier to follow and reduce the chance of users being in the wrong place, although this can still happen. However, there are places where local equestrians use the 'wrong' route, often at the request of the farmer, to avoid a farmyard or to go round a field instead of across. This can cause problems for visitors unaware of local custom and can also lead to various legal difficulties, including for the landowner. The BHS advises against such unofficial diversions (see **Farming operations**), but it is usually best not to argue with the farmer at the time. Discuss it with the BHS afterwards, whether HQ or your local volunteer officer. If the right of way is obstructed by the landowner, you have a right to deviate onto land belonging to the same landowner in order to get round the obstruction. You should report any obstruction to the highway authority (county council).

If you are using a route that you don't know or have not used for a long time, it is advisable to carry an up-to-date Ordnance Survey map, whether on a phone app or paper. The Ordnance Survey 1:25,000 or Explorer maps are the best because they show field boundaries which are often crucial in sorting out "Am I in the right place?" problems. They also show, as 'Other Routes with Public Access', the unsurfaced highways on which you are likely to have a right to ride and drive, although not all of these are shown and their rights do vary. An Ordnance Survey map is not conclusive legal evidence of a right of way, but it is usually a very good guide. If in any doubt at all, check the status of a route with the highway authority.

OS maps do not show designated routes for riding or driving in Public Open Spaces, on commons, in country parks, or most routes with use by blanket permission and so on. The BHS can give further information on how to find where to ride.

If challenged and told you are on the wrong route, ask politely which is the correct route, and consult the map in the presence of your challenger, or invite your challenger to show you the correct route. A legal change (e.g. where a bridleway has been diverted) could

have occurred since your OS map was issued, especially in areas where new housing or industrial development is taking place although such changes will be well-signed by the council. Be aware that it is common to claim that a right of way has been “closed years ago” or “diverted years ago” which is very rarely true as a bridleway or byway may only be changed by a legal process, undertaken by the council, and the Ordnance Survey is notified when such an order is confirmed, so if you are using an up to date map (strongly recommended) you can be sure that either the changes will be clearly signed or a legal change has not occurred. In this situation, you may still simply follow direction from your challenger, but do check with the council on your return and report the issue as either needing clear signs or that a person is claiming a change which has not occurred, which is a criminal offence.

If you are on a route which you know has long been ridden but is recorded as footpath, it may have evidence of higher status. The correct rights need to be recorded as soon as possible, especially if your right to use the path has been challenged. See the BHS advice notes on ‘Recording a Right of Way’ and ‘2026 Toolkit’ on www.bhs.org.uk/accessadvice.

If you appear to be on the wrong line, apologise, thank the person for their help and go immediately on to the correct path. If you are right and are allowed to continue without further comment, do so considerately. If your challenger insists that you should not continue, it is usually best to leave quietly to avoid the situation deteriorating. You can always check whether you were correct later with the highway authority and ask them to take action, either to improve waymarking if you were wrong, or to educate the land holder or whoever challenged you. Take careful note of your exact location and, if feasible, ask who is challenging you.

If you are turned off a path shown on the map to be a bridleway, restricted byway or byway open to all traffic (BOAT), you should report the incident immediately to the highway authority for the area.

Farming operations

Be considerate when farming operations temporarily block a right of way. Sheep and cattle have to be moved, crops have to be harvested and most often the work is being done to a tight schedule under a lot of pressure. However, if a right of way is regularly blocked, for instance by a ‘temporary’ fence to guide cows to the milking parlour, and this causes difficulty for equestrians, report it to the highway authority.

Learning about farming operations can be very helpful to you understanding the needs of those managing land. Rights of way add big complications, work and expense to an already difficult job for farmers, often at times of high demand from other tasks that are time-critical and have to take priority.

Land holders can become angry and aggressive if people are in the wrong place or have behaved badly, for instance by riding off the line of the right of way and damaging crops, or leaving gates open that should be shut. This is understandable given that it is their

livelihood at stake; the results of your actions could be far greater than you realise, for example, ewes and lambs scattered by galloping horses can take many hours of work to reunite and lambs may be rejected by ewes as a result. You may also cause a farmer to be in breach of the many regulations they work under, which may cause them extensive problems and possibly a fine. Bad behaviour by users is a major factor in landowners being understandably reluctant to permit more public access.

You should:

- Follow the Countryside access code for your country of the U.K.
- Follow the advice 'Leave gates as you find them', even if you have to dismount to do so, but report gates which are difficult to open from horseback to the highway authority.

See Advice on Blocked and difficult to use bridleways on www.bhs.org.uk/accessadvice.

Be aware

If possible, learn to recognise local crops in all stages of growth; remember that even grass is a crop, and treat it with respect. Where an unfenced bridleway crosses a field of ungrazed grass in early summer, ride in single file if possible while the grass is growing as it will be required for winter feed.

Stubble, young grass or fodder grass (grass being grown for silage or hay) should not be treated as open land for a gallop; this may damage a new crop already sown beneath the stubble or reduce the grass available to harvest.

Riding in the wrong place on land subject to a government-funded agri-environment scheme (e.g. Countryside Stewardship) could cause a farmer to be in breach of their agreement, possibly with a fine, which could be significant and very probable reluctance to allow access in future.

A tractor driver may not be aware of your approach if they are concentrating on operating the machinery behind them. Try to wait in a safe place until they see you and you can pass safely.

If your horse has escaped your control and strayed off the line of the path, try to contact the farmer as soon as possible after your ride or drive to explain and apologise. This helps boost tolerance of equestrians because trespassing off the right of way is a very common complaint against riders and a reason why it is very difficult to gain more rights of way.

If you are in the wrong place, it is best to admit it and apologise, then leave quietly. If the farmer is cross because earlier riders behaved badly, it helps if you can take the time to listen to their grievance and say that you will spread the word amongst local riders to try to prevent it happening again.

Horse droppings

Horses' droppings (dung) can be contentious on or off road and especially on beaches or paths which are also heavily used by cyclists or users with wheelchairs or pushchairs. A droppings bag can be installed behind carriage horses but this is not possible for the ridden horse. It is usually difficult to predict when or where a horse will dung although it will be more likely to do so if startled or at a location where it has been startled before.

If possible, try to avoid riding where droppings are likely to give offence. If a path has a hard surface that is used by people with wheelchairs, cycles or pushchairs, try to keep your horse to the side so that droppings are at least out of the main passage. On such routes it is much appreciated if equestrians are able to dismount and kick droppings to one side. Such behaviour increases the potential for new routes to include horses, as dung is frequently given as a reason to exclude horses.

It may be helpful to know that horse dung is not toxic to humans or dogs; it is highly valued for compost and can support biodiversity. See BHS Advice on Dung on www.bhs.org.uk/accessadvice.

Serious aggression

There have been occasions on rights of way or roads where equestrians have been physically threatened. Should this happen to you, you are urged to leave immediately and to report the matter to the police, as well as to the highway authority, the parish or town council, on the BHS Horse-I app or web page and any local bridleway group. It is essential that seriously aggressive behaviour is reported to the police as soon as possible as the situation may be escalating. Give a specific description of the place, date, time and the action taken to deter your use of the right of way, such as 'threatening stance', 'abusive language', 'physical obstruction', 'drove at me with a Land Rover', 'pointed a gun at me', and ask for appropriate action to be taken. Also provide details of any witnesses. Ask the police to give you an incident report number.

Video camera

Use of a helmet or body worn video camera as a matter of course when riding or driving is strongly recommended. If choosing a camera, make sure its image quality is high enough resolution to identify vehicle registrations and faces. Increasingly, the police will act on camera evidence if it is of high enough quality. Sadly, increased aggression and intolerance in society means that you should view a helmet or body camera as highly advisable for your protection, to be able to demonstrate to your insurer that you were not at fault.

Keep a written record

Write a full note about any incident (even if it did not involve serious aggression) whilst the details are still fresh in your memory, and keep it safely, no matter to whom you reported the encounter, as it may be helpful if the situation is repeated or escalates.

Four golden rules

- Don't lose your temper, either in the first place or afterwards. Take three deep breaths and relax!
- Ride or drive considerately, obeying the Highway Code and the Countryside Code.
- Always be polite: arrogant and impolite behaviour by one equestrian can spoil relationships for hundreds of other equestrians.
- Know and comply with the law and behave responsibly, it is then much easier to keep calm under provocation. Even if you are convinced that you 'in the right', it may be sensible to leave rather than put yourself or your horse at risk.

If this is a saved or printed copy, please check www.bhs.org.uk/accessadvice for the latest version (date top of page 2).