

WHERE CAN YOU CYCLE?

	LOCATION	CYCLING PERMITTED?
1.	Carriageway	Yes
2.	Footway of a road	It is illegal to cycle on "any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers" - Section 72 Highways Act 1835. This is a criminal offence, punishable with a fine of up to £50. From August 1999 the police have had the power to issue a fixed penalty notice for cycling on a footway. The notice gives the offender 28 days to either pay the penalty or challenge the notice in court. The fixed penalty is £20. A fixed penalty notice cannot be issued to anyone under 16 years of age. It is for individual police officers to decide whether to caution, issue a fixed penalty notice or report the matter for prosecution.
3.	Footpath	Unfortunately the Highways Act 1835 does not apply to footpaths which are not by the side of a road. Cycling on a highway where the only right is to pass over land by foot will be a trespass and actionable as such by the Highway Authority. The problem is that usually the only effective remedy for trespass will be to seek an injunction which is an expensive and time consuming remedy. It is therefore difficult to deal effectively with unauthorised cycling on footpaths.
4.	Bridleways	Section 30 of the Countryside Act 1968 gives the public a right to cycle on bridleways if they give way to walkers and horse riders.

5.	Cycle tracks	The Cycle Tracks Act 1984 gives a Highway Authority the power to construct a cycle track as part of the highway in or by the side of a highway. Cycle tracks are maintainable at the public expense. This Act also allows a Highway Authority to designate footpaths as cycleways. Cycling on a footpath which has been designated as a cycleway is legitimate.
6.	Redways	Redways are highways which were dedicated to be highways maintainable at the public expense by Buckinghamshire County Council. The redways were dedicated on the basis that they would be open to the use of the public by means of pedal cycles and on foot only. It is therefore legitimate to cycle on a redway.
7.	Permissive paths	It is not illegal to cycle on a permissive path. It is up to the landowner who permits access over his land to decide whether he wishes cyclists to be able to use the path. There is obviously a risk that if the public insist on cycling on paths where the landowner does not want them to do so, the path will be closed altogether, but this is not a matter within the control of Milton Keynes Council.
8.	Open Spaces	Some problems are caused by cyclists using open spaces such as that in front of Milton Keynes Station. Where such land is privately owned, the owner decides whether cycling is permitted. If cycling is not discouraged (eg. by signs) cyclists can use the land. Even if the owner does not want cyclists to use the land, it would not be a criminal offence for them to do so and the owner would have to take civil action. Of course in practice it may be easier to physically prevent cycling by barriers etc. There is no specific restriction on cycling on public open space. Some open spaces may fall within the definition of a "road" for the purposes of the Road Traffic Act 1988 which makes it an offence to ride a cycle dangerously, carelessly or inconsiderately on a road".
9.	Subways	It is legitimate to cycle on a subway where the dedication as public highway includes a right to cycle. Some subways in Milton Keynes are covered by the Redway Agreement and so it is legitimate to cycle through them. The difficulty is that if there are no rights to cycle through a subway, a subway is not a footpath by the side of a road and so it is not illegal to cycle through a subway. Again, as with footpaths, it is a trespass and therefore difficult to deal with effectively.

GENERAL NOTE

- (1) It may be useful to point out that to ride a cycle on a “road” dangerously, without due care and attention or without reasonable consideration for other persons are criminal offences under the Road Traffic Act 1988. Road” is defined widely to mean any highway and any other road to which the public has access and can include a footway. Prosecution would be a police matter.

- (2) I have found some bylaws relating to cycling on footpaths in Bletchley which makes it an offence punishable with a fine of up to £50 to cycle in certain places. There do not seem to be any for elsewhere in the Borough.

Author: Carol Bolt, Solicitor (Planning) - MK252649