

# FOOTWAY (PAVEMENT) CYCLING

In Scotland the 'pavement' is officially known as the 'footway.'

**Cycling on a footway (pavement) is an offence under section 129(5) of the Roads (Scotland) Act 1984 and (for England / Wales) under section 72 of the Highways Act 1835.**

Rule 64 of the [Highway Code](#) states – “*You MUST NOT cycle on a pavement. Laws HA 1835 sect 72 & R(S)A 1984, sect 129.*” Although much of the Highway Code is advice rather than law, it is here telling you the legal position and the relevant laws.

**However you can cycle on a footway** which has been *designated and signed for shared use*; and you can also cycle *across* (but not along) a footway to access a route where cycling is allowed

Under the Land Reform (Scotland) Act 2003 (the 'right to roam' law) you can also cycle along a footway which is *designated as a 'core path'* – but this is very unusual.

Of course, it is also illegal to cycle “*dangerously*” or in a “*careless or inconsiderate manner*,” and this could attract a much higher penalty than the fact that you are on the footway.

- ◆ “Dangerous” is defined as “*cycling in a manner liable to cause either injury to a person or serious damage to property.*”
- ◆ “Careless or inconsiderate” is cycling “*without due care and attention, or without reasonable consideration for other persons.*”

## Penalties & discretion for footway cycling

You can be given a **fixed penalty fine** (£30) for cycling on the footway – these are not given out very often, but are the most likely penalties. However, if you are **prosecuted** the fine can be up to £500 (much more if you are cycling dangerously or inconsiderately).

There is no **lower age limit** to the pavement cycling ban. However, the Criminal Justice and Licensing (Scotland) Act 2010, Section 52 establishes that no-one aged under 12 can be prosecuted for an offence – thus anyone aged under 12 can cycle on the pavement without risk of prosecution (even a fixed penalty notice is extremely unlikely to be given or to be enforced for a young child).

The police (and UK government) clearly recognise that in some places there are severe traffic dangers, because the government (for England and Wales) has issued guidance to the police [which states](#), “*the fixed penalty is not aimed at responsible cyclists who sometimes feel obliged to use the pavement out of fear of traffic and who show consideration to other pavement users.*” This is a discretion about penalties, not a 'right.' We have not seen similar statements from Police Scotland or the Transport Minister, but we imagine the police here might show similar discretion.

## Footpaths

Footpaths are paths not associated with a road – for example most park paths and offroad paths, whether in urban or rural areas.

Cycling on footpaths used to be illegal, but was made legal (in Scotland only) by Section 1 of the abovementioned Land Reform (Scotland) Act 2003. There are a few exceptions, such as where crops are growing, or where other laws restrict access, but in practice nearly all park and offroad paths are legal for cycling. However the 2003 Act says that these footpath rights *must* be “*exercised responsibly*” – in other words, to be within the law you must cycle carefully and considerately.

## Further information

1. This sheet is taken from section 7 at [www.spokes.org.uk/documents/advice/considerate-cycling](http://www.spokes.org.uk/documents/advice/considerate-cycling)
2. For more on cycling in Scottish Law see p9-11 of this Scottish Parliament SPICe Bulletin... [www.parliament.scot/ResearchBriefingsAndFactsheets/S4/SB\\_12-24.pdf](http://www.parliament.scot/ResearchBriefingsAndFactsheets/S4/SB_12-24.pdf)
3. This document is our best understanding but should not be taken as legal advice.