

Public Footpaths

THIS BRIEFING COVERS:

Legal status of public footpaths; countryside footpaths; conflict and conduct; pushing cycles on footpaths; upgrading footpaths; urban footpaths; gating orders. **Please note:** This briefing is about *footpaths* (paths for pedestrians that are away from the carriageway). It is not about *footways/pavements* (paths for pedestrians at the side of roads).

HEADLINE MESSAGES

- Opening up much more of the Rights of Way (RoW) network in England and Wales would be of enormous benefit for the healthy and environmentally-friendly activity of cycling, both for recreation and day-to-day travel.
- Whether a legal right exists to cycle on a RoW does not necessarily relate to how suitable it is. Many footpaths are better for cycling than many bridleways (see photo below) – but, in law, cyclists are only permitted to use the latter. From a cyclist's point of view, therefore, this often makes the RoW network incoherent, illogical and frustrating. This is a problem that can only be sorted out through legal reforms and political will.
- Even within the current laws, though, there are many ways in which local authorities could open up more paths for cycling.

KEY FACTS

- Cycling is legally permitted on less than a quarter (22%) of the Rights of Way network in England and Wales; in contrast, *Scotland's Land Reform Act (2003)* opened up most of the Scottish countryside to cyclists, as long as they abide by an access code.
- England has 146,000 km of public footpaths, and Wales over 26,000 km. These are mostly rural rights of way specifically restricted to pedestrians and the right to walk along them is legally protected. If most English footpaths were opened up for cycling, it could more than triple the mileage currently available to cyclists in the countryside.
- Unless the landowner permits it, cycling on a footpath in England and Wales normally constitutes trespass, making it a civil but not a criminal matter. A local bye-law or Traffic Regulation Order (TRO) covering a particular footpath, however, can make it an offence.
- Although there is no legal right to cycle on footpaths, some are regularly used by cyclists. If enough cyclists use a footpath in this way without the landowner challenging them for (usually) 20 years, then a restricted byway may be claimed through 'presumed rights' under s31 of the *1980 Highways Act*.



An example of inconsistencies in the Rights of Way network: cyclists have no right to use the well-surfaced footpath on the left, but can ride on the muddy bridleway to the right.

Cycling UK VIEW

- The public footpath network offers the only realistic option for providing significantly more off-road routes to meet current and future demands. The *Scottish Land Reform Act (2003)* gave cyclists lawful access to most countryside in Scotland. Its success suggests that public footpaths in England and Wales could be similarly opened to cyclists as a simple remedy to overcome the lack of off-road routes for cyclists and the fragmented nature of the available route network.
- Rights of way laws should be amended to permit cycling on footpaths with few limited exceptions only where there are clear location-specific reasons not to do so (e.g. where the increased use of the path would create significant environmental or safety hazards).
- Conflict on rights of way between cyclists and pedestrians is often more perceived than real. It can be mitigated by good design.
- Cycling UK believes that it is acceptable for cyclists to use footpaths, provided they do so in a manner which respects the safety of other path users and their peaceful enjoyment of the outdoors, and with regard for the environment and its ecology. These are the circumstances in which Cycling UK believes it is acceptable for cyclists to ride on footpaths:
 - Where the surface and width of the path make it eminently suitable for safe cycling without causing disturbance or risk to pedestrians; or
 - Where the path is lightly used, such that the likelihood of disturbance or risk to pedestrians is minimal; or
 - Where a path is unlikely to attract such high levels of cycling that it will cause environmental damage (notably erosion); or
 - Where there is a reasonable belief that the footpath in question might already carry higher rights, for example:
 - where there is historic evidence (e.g. through enclosure award maps) demonstrating past use either by horses or by vehicles;
 - where the path is shown on OS maps as an 'Other Road with Public Access' (ORPA), indicating an assumption that higher rights may exist;
 - where there is regular use by equestrians, motor vehicles and/or by other cyclists
 - Where the relevant landowner is a public body or a charity and/or accepts or appears to accept use of the path by cyclists.
- Except where the landowner has expressly permitted cycle use, Cycling UK does not generally support the use of footpaths by larger groups of cyclists – particularly as part of an organised event – as this is more likely to generate complaints.
- In suitable urban situations and where footpaths would form convenient links for cyclists, councils should seek to revoke cycling restrictions and prohibitions.
- Councils should stringently assess the impact of 'gating orders' on cycling and prioritise alternatives where a public footpath forms a convenient through route.
- There is good evidence, although no direct case law, to support the view that pushing a cycle on a footpath is not illegal. The presence of obstacles such as stiles should not be seen as a reason not to permit cycle use of footpaths.



BACKGROUND INFORMATION

1. Legality

Public footpaths are mostly rural rights of way specifically restricted to pedestrians and the right to walk along them is legally protected (s 329 *Highways Act 1980*). County and unitary councils have to maintain 'definitive maps', on which they mark all rights of way, including public footpaths. This makes them conclusive in law (although just because a path does not appear on the map, it does not necessarily mean that it is not a public path).

Footways (pavements) are not footpaths: The legal status of footways and footpaths differs: a footway runs alongside a carriageway (i.e. a road), whereas a footpath is located away from it (e.g. between buildings or through open countryside).

Unless the landowner permits it, cycling on a *footpath* normally constitutes trespass. This is a civil and not a criminal matter, i.e. neither the police nor a PCSO can take enforcement action. Instead, an aggrieved landowner can either ask someone cycling on a footpath over their land to leave, or they can seek a court injunction and/or damages against them.

Bye-laws and Traffic Regulation Orders¹ (TROs): The exception to the above is where the relevant authority has passed a bye-law or TRO, made under the *Road Traffic Regulation Act 1984*, prohibiting or restricting cycling on a particular footpath. Bye-laws and TROs have the force of law and non-observance may be penalised by a fine.

2. Footpaths in the countryside

Cycling UK view:

- The public footpath network offers the only realistic option for providing significantly more off-road routes to meet current and future demands. The *Scottish Land Reform Act (2003)* gave cyclists lawful access to most countryside in Scotland. Its success suggests that public footpaths in England and Wales could be similarly opened to cyclists as a simple remedy to overcome the lack of off-road routes for cyclists and the fragmented nature of the available route network.
 - Rights of Way laws should be amended to permit cycling on footpaths with few limited exceptions only where there are clear location-specific reasons not to do so (e.g. where the increased use of the path would create significant environmental or safety hazards).
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- Bicycling without permission on a footpath normally constitutes an act of civil trespass, although cyclists have a legal right to use bridleways.² As the status of many countryside paths is simply due to quirks of history, some footpaths are indistinguishable from bridleways, whilst others may actually be more suitable for cycling.³
 - Cyclists (and horseriders) have access to only 22% of the RoW network in England and Wales⁴. Opening up more of it to cycling would disperse the concentration of cycle use on the limited parts of the network where cycling is currently allowed, and help reduce congestion and any problems on routes that are also popular with pedestrians.
 - The *1968 Countryside Act* permits people to bicycle on bridleways as long as they give way to equestrians and pedestrians.



- The Natural England Stakeholder Working Group in their 2010 rights of way report *Stepping Forward* stated that there is a need to provide an integrated network for cyclists.⁵
- This was further supported by DEFRA (Dept for Environment, Food and Rural Affairs) in their subsequent public consultation, which confirmed that they propose to find ways of improving the network for cyclists and equestrians.⁶
- The *Cycle Tracks Act 1984* allows authorities to convert footpaths away from roads into cycle tracks. This process, though, is rarely used because it tends to generate objections (often from walkers reluctant to share the route with cycles) and, consequently, a costly and time-consuming public inquiry.⁷ Amongst thousands of other statutory rules and regulations, the process came under scrutiny during the Government's 'Red Tape Challenge' (2011, England). This resulted in an agreement to scrap the regulations and allow local authorities more local flexibility.⁸
- Notwithstanding, there are ecologically sensitive sites where there are valid reasons for maintaining restrictions on cycling to avoid environmental damage.

3. Footpaths and cycling

a. Fear of conflict

Cycling UK view: Conflict between cyclists and walkers on off-road routes is often more perceived than real. It can be mitigated by good design.

- Research from the Countryside Agency suggests that conflict between non-motorised users on off-road routes is more perceived than real, and often 'talked up' after the event.⁹ Cycling UK nevertheless accepts that where cyclists mix with pedestrians in an unsegregated shared-use environment, the onus is on the cyclist to respect pedestrians' safety by slowing down or dismounting as required. Codes and cycle training schemes should make this clear.
- The *Land Reform Act* in Scotland (see 'Policy Background' below), which provides access to much of the Scottish countryside for all non-motorised users, has demonstrated that shared routes lead to minimal conflict with either walkers or landowners.¹⁰
- This success could be reflected in England and Wales by providing access for cyclists under Part 1 of the *Countryside & Rights of Way Act 2000*.
- The DfT's guidance on shared use provision (Local Transport Note LTN 1/12, *Shared Use Paths for Pedestrians and Cyclists*¹¹), stresses the importance of high-quality, inclusive design.

- For further evidence showing that cyclists and walkers can use shared paths with minimal conflict, see Cycling UK's briefing *Cycling and Pedestrians*
www.cyclinguk.org/campaigning/views-and-briefings/pedestrians



b. Use of footpaths by cyclists

Cycling UK view:

- Cycling UK believes that it is acceptable for cyclists to use footpaths, provided they do so in a manner which respects the safety of other path users and their peaceful enjoyment of the outdoors, and with regard for the environment and its ecology. These are the circumstances in which Cycling UK believes it is acceptable for cyclists to ride on footpaths:
 - Where the surface and width of the path make it eminently suitable for safe cycling without causing disturbance or risk to pedestrians; or
 - Where the path is lightly used, such that the likelihood of disturbance or risk to pedestrians is minimal; or
 - Where a path is unlikely to attract such high levels of cycling that it will cause environmental damage (notably erosion); or
 - Where there is a reasonable belief that the footpath in question might already carry higher rights – for example:
 - where there is historic evidence (e.g. through enclosure award maps) demonstrating past use either by horses or by vehicles;
 - where the path is shown on OS maps as an ‘Other Road with Public Access’ (ORPA), indicating an assumption that higher rights may exist;
 - where there is regular use by equestrians, motor vehicles and/or by other cyclists
 - Where the relevant landowner is a public body or a charity and/or accepts or appears to accept use of the path by cyclists.
- Except where the landowner has expressly permitted cycle use, Cycling UK does not generally support the use of footpaths by larger groups of cyclists – particularly as part of an organised event – as this is more likely to generate complaints.

The law allows a right of way to become established by (normally) 20 years of use, providing this is done openly, peaceably and without generating opposition from the landowner. It therefore makes no sense to argue that cyclists should never stray from the RoW open to them, given that regular, unauthorised but unopposed use – whether by cyclists or others – is precisely the means by which RoW become established in the first place, under the current system. See also ‘Upgrading footpaths’ below.

Many footpaths are, in any case, entirely suitable for shared use, and there may be strong indications that some are not just for walking but carry ‘higher rights’ anyway, e.g. where a path is marked on an Ordnance Survey map as an ‘Other Road with Public Access’ (ORPA), and/or where there’s evidence to show that horses or vehicles have used it in the past.

As mentioned, in most circumstances cyclists and walkers are perfectly able to co-exist happily when they use the same routes. Mutual respect and consideration is a vital part of that, so cyclists need to use their discretion before deciding whether to ride along any route that is, for example, too narrow or too crowded and where there’s a risk that they will disturb or intimidate walkers. They should also guard against causing environmental damage, particularly in ecologically sensitive areas.

Events or activities that attract large groups of cyclists are, inevitably, much more likely to disturb walkers and generate complaints. For this reason, Cycling UK believes that footpaths are not appropriate for such use, unless express permission has been given by the landowner.

Some landowners are happy for cyclists to use footpaths on their land. Where there are good grounds for believing that this is the case, it is entirely reasonable for cyclists to enjoy the facility. If a landowner objects, it is important to remember that they can take civil action against the cyclist for trespassing. Cycling on a footpath, however, is not a criminal offence, unless it is specifically prohibited by bye-laws (more likely in an urban setting). See 'Legality' above.

Codes of conduct help reassure all users of a path and encourage courteous and consideration interaction. Cycling UK and British Cycling both endorse a code of conduct issued by Sustrans (2013) that recommends, for instance, that cyclists give way to pedestrians, slow down, use bells etc. See: www.sustrans.org.uk/resources/in-the-news/code-of-conduct

c. Upgrading process

Although there is no legal right to cycle on footpaths, some are regularly used by cyclists 'as of right' on the assumption of higher status. If enough cyclists use a footpath in this way without the landowner challenging them for (usually) 20 years, then a restricted byway may be claimed through 'presumed rights' under s31 of the *1980 Highways Act* (as amended by s68 of the *Natural Environment and Rural Communities Act 2006*).¹²

As mentioned above, many footpaths actually have the underlying higher status of a bridleway, restricted byway or byway. This is particularly the case in counties that classified 'carriage roads (footpaths)' and 'carriage roads (bridlepaths)' as footpaths during the development of the definitive map in the 1950s.

Where a highway authority becomes aware of evidence that the recorded status of a way is incorrect, it is required to make an order to rectify this. In reality, this is a slow and bureaucratic process that results in relatively few changes year on year.

Alternatively, or in cases where there is no evidence that a footpath has higher rights, there are a number of ways in which local authorities can update their status to bridleway or restricted byway. These include:

- provision of supporting documentary evidence under s53 of the *Wildlife & Countryside Act*¹³
- by landowner agreement under s25 of the *1980 Highways Act* (see endnote (6))
- by compulsory purchase under s26 of the *1980 Highways Act* (see endnote (6))

- For more, see Cycling UK's campaign's guide, *Developing new paths for cycling in the countryside*: www.cyclinguk.org/article/campaigns-guide/developing-new-paths-for-cycling-in-countryside



d. Pushing cycles on public footpaths

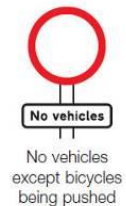
Cycling UK view: There is good evidence, although no direct case law, to support the view that pushing a cycle on a footpath is not illegal. The presence of obstacles such as stiles should not be seen as a reason not to permit cycle use of footpaths.

Cycling UK believes that the following supports the view that it is **not illegal** to push a cycle on a footpath:

- **Crank v Brooks 1980:** In this case, a motorist was prosecuted for injuring a cyclist who was pushing a cycle on a zebra crossing. In his judgment Lord Waller said: “*the fact that the injured party had a bicycle in her hand did not mean that she was no longer a pedestrian*”.
- **The Department for Transport:** In a letter written in 1994, the DfT confirmed “... *that a cyclist pushing a bicycle on a pedestrian facility is regarded as a pedestrian*”.¹⁴

A footpath is, arguably, a pedestrian facility in the same way as a zebra crossing or footway, and there is no obvious reason to differentiate between pedestrian facilities that form part of a vehicular highway, and those which do not.

- **The Highway Code** illustrates a prohibitive ‘no vehicles’ sign with the words ‘no vehicles except cycles being pushed’ underneath to qualify the message.¹⁵ The bicycle is defined in law as a vehicle, but the rationale behind this sign suggests that cycles being pushed are to be regarded as exempt from vehicular restrictions.



Alternative views:

- **Ramblers’/Open Spaces Society:** In *Rights of Way - a Guide to Law and Practice*, these organisations state: “*It is submitted that a bicycle is not a ‘natural accompaniment’ of a user of a footpath, and to push (or carry) one along a footpath is therefore to commit a trespass against the landowner*”.¹⁶

The term ‘natural accompaniment’ (or ‘usual’ accompaniment, as it is also termed), is thought to derive from the case of *R v Mathias* in 1861, before bicycles were invented. Here, the judge held that a perambulator being pushed by a pedestrian was a “... *usual accompaniment of a large class of foot passengers, being so small and light, as neither to be a nuisance to other passengers or injurious to the soil.*”¹⁷

It has been argued that, as a bicycle is “usually” ridden and only occasionally pushed (unlike a pram, golf caddy, shopping trolley or other such non-motorised machine with wheels), it is the usual accompaniment of a cyclist rather than that of a pedestrian. By following this logic, though, pushing a child’s scooter along a footpath would also be trespass.

In any case, Cycling UK’s reading of this judgement suggests that the distinction being made was not between machines that people usually ride and those they usually push, but between inoffensive “small and light” machines and large and heavy carts. The latter could potentially be a nuisance to other path users, and injure the soil. On this basis, had cycles been in existence and widespread use in 1861, the judge would surely have said that cycles (like prams) were small and light enough not to be out of place if pushed along a footpath.

Note: In 1931, a judge in a case in Scotland concluded that, in his view: “*a pedal cycle is only an aid to pedestrianism*”. While this phrase could helpfully be said to equate to ‘natural accompaniment’, it is irrelevant as far as English statute is concerned.¹⁸

- Others have attempted to use **s72 1835 Highways Act** (+ **s85 of the 1888 Local Government Act¹⁹**), which stated that it was an offence to “lead or drive” any animals, horse drawn carriage (or bicycle) on “any footpath or causeway by the side of any road alongside the road.”

Clearly, “lead or drive” does not apply to pushing bicycles, although it could apply to a ridden cycle. Moreover, the inapplicability of this Act to footpaths (i.e. highways not adjacent to roads), was confirmed in two cases:

- *R v Pratt* (1867) in which the judgment stated that the Act ONLY applies to footways alongside roads.
- *Selby v DPP* (1994) where a judgment found that an alleyway joining two roads did not constitute a footpath as defined by the 1835 Act.

It can therefore be assumed that the use of any public footpath in a field would receive a similar verdict, and this is also the conclusion in *An Introduction to Highway Law* by Michael Orlik.²⁰

4. Urban footpaths

Cycling UK view: In suitable urban situations and where footpaths would form convenient links for cyclists, councils should seek to revoke cycling restrictions and prohibitions.

If opened up for cycling, many urban footpaths could provide convenient, cut-through links for local cyclists. Although many are subject to bye-laws that restrict or prohibit cycling, it is possible to revoke them.

5. Gating orders

Cycling UK view: Councils should stringently assess the impact of ‘gating orders’ on cyclists and prioritise alternatives where a public footpath forms a convenient through route.

- Under Section 2 of the *Clean Neighbourhoods and Environment Act 2005* councils have the power to make, vary or revoke ‘gating orders’ to restrict public access to any public highway (including footpaths, bridleways or cycleways) within their area, without removing its underlying highway status. These orders are intended to deal with anti-social behaviour (ASB) and crime.
- Home Office guidance²¹ already stresses:
 - the need to make sure that the desire to prevent ASB/crime by gating is weighed up against any inappropriate inconvenience that residents and the public might experience as a result;
 - that councils should assess the measure’s impact on health if it is likely to encourage more people to drive (i.e. because alternative walking routes are too long, for example);
 - that “Gating orders are not the only solution to tackling crime and anti-social behaviour on certain thoroughfares.”
- Cycling UK believes that the impact on cyclists of a gating proposal should be stringently considered before an order is made and, if it is made, during its annual review process; and that alternatives (e.g. better lighting, more police patrols by foot or cycle) should be prioritised where the route in question is valuable to cyclists and closing it off would mean a detour that would take them longer.

6. A note on Scotland

- **Land Reform Act (Scotland) Act 2003²²**

This breakthrough legislation came into effect on February 9, 2005 and gives Scotland the most progressive access arrangements in the UK. Under the Act, cyclists have lawful access to almost all open areas under an Access Code that sets out responsibilities for all parties from landowners to visitors. While cyclists are free to roam over most of Scotland's countryside, so long as they abide by the Code, they (and the public) are not permitted to enter buildings, private gardens, or to cross fields with growing crops in them. Key points of the Code include:

- Acting responsibly, with care for the landowner, environment and other trail users;
- Being careful not to disturb any work taking place;
- Closing gates and looking for alternative routes around fields with animals.

Cycling on footpaths in Scotland

The following is an extract from a Scottish Parliament Information Centre briefing (SPICe), March 2012:

“Generally, anyone cycling on a footway or footpath in Scotland is committing an offence under the provisions of Section 129(5) of the Roads (Scotland) Act 1984. It is not an offence to cycle across a footway or footpath to access a cycle track, driveway or other land where cycling is allowed.

“The issue is complicated by access rights granted to cyclists under Section 1 of the Land Reform (Scotland) Act 2003 (“the 2003 Act”). The 2003 Act allows cycling on most land unless access is controlled by or under another enactment. This means that land reform access rights do not normally apply to roads or footways as their use is restricted under various statutes. However, the 2003 Act does allow cycling on any path where access has not been restricted by a Traffic Regulation Order or through other legal means. In practice, this allows cyclists to use most paths in urban parks and rural areas.

“To further complicate matters, Section 7(1) of the 2003 Act states that the restriction on access rights described above does not apply where land has been designated as a “core path” under the provisions of the 2003 Act. This means that cyclists may be able to cycle on a footpath, or even a footway, designated as a core path without committing an offence. However, it is important to remember that access rights must be exercised responsibly and cyclists should consider cycling on the carriageway (i.e. road) even if the associated footway has been designated as a core path.”

www.parliament.scot/ResearchBriefingsAndFactsheets/S4/SB_12-24.pdf

¹ For more on TROs, see <http://www.parliament.uk/briefing-papers/SN06013.pdf> (Parliamentary note, June 2013)

² Bicycling on bridleways has been legal since the *Countryside Act 1968*.

³ See presentation to campaigners' conference (Cheltenham), April 2006; and paper to the National Countryside Access Forum (NCAF) 2004, both by former Cycling UK councillor, David Moxon.

www.cyclinguk.org/article/campaigns-guide/rights-of-way-incoherent-network

⁴ Cyclists are allowed to use bridleways, restricted byways and byways open to all traffic (BOATS). Until recently, Natural England published the composition of the RoW network, but these figures are not yet available on its new website.

- ⁵ Natural England. *Stepping Forward - The Stakeholder Working Group on Unrecorded Public Rights of Way: Report to Natural England (NECR035)*. March 2010. <http://publications.naturalengland.org.uk/publication/40012>
- ⁶ <https://www.gov.uk/government/consultations/improvements-to-the-policy-and-legal-framework-for-public-rights-of-way> (Improvements to the policy and legal framework of public rights of way).
- ⁷ To convert a footpath into a cycle track, the local authority has traditionally had to make an order under the *Cycle Tracks Act 1984*. If there were objections to the proposal that were not withdrawn, the Order had to be confirmed by the Secretary of State and usually a public local inquiry followed. Only if there were no objections, or if they were all withdrawn, could the Order be confirmed by the local authority.
- ⁸ DfT. *Red Tape Challenge – road transportation*. Dec. 2011. (p38)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/2492/rtc-road-transport-summary.pdf
- ⁹ Countryside Agency. *How people interact on off-road routes*. Research Note CRN 32. March 2001. The Summary says: “In the main, route users accommodate others by changing their speed and pattern of travel: cyclists slow down, while walkers move in more of a straight line and speed up. / The research found that, when people gather together to talk about conflict, they talk it up and their recollection of how many others they met while on the route escalates. Their perceptions of conflict were much higher than that actually experienced.” <http://publications.naturalengland.org.uk/publication/50065>
- ¹⁰ Scottish Natural Heritage. *Monitoring responsible behaviour - recreation users and land owners/managers 2005-2007*. (Report 314). 2009. www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=1390; *Commissioned Monitoring responsible behaviour among recreational users and land managers*. (Report 424). 2011. www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/?q=424&cat=
- ¹¹ DfT. *Shared Use Paths for Pedestrians and Cyclists (LTN 1/12)*. Sep 2012.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9179/shared-use-routes-for-pedestrians-and-cyclists.pdf
- ¹² *Highways Act 1980*. <http://www.legislation.gov.uk/ukpga/1980/66>
- ¹³ *Wildlife and Countryside Act 1981*. <http://www.legislation.gov.uk/ukpga/1981/69>
- ¹⁴ Quoted in *Byways and Bridleways* (newsletter of the Byways and Bridleways Trust). 1995/4/19.
- ¹⁵ DfT. *Highway Code Revised edition 2007*. ‘Signs Giving Orders’. www.gov.uk/guidance/the-highway-code/traffic-signs
- ¹⁶ Riddall, J; Trevelyan, J. *Rights of Way: A Guide to Law and Practice*. 4th Edition. Ramblers’ Association and Open Spaces Society. 2007. P 26.
- ¹⁷ <http://www.commonlii.org/int/cases/EngR/1861/97.pdf>
- ¹⁸ *Aberdeenshire Council v Lord Glentanar Case Report: 1999 SLT 1456* as reported in *Access to the Outdoors in Scotland: A summary of relevant court decisions*. Scotways 2010. Page 62.
www.scotways.com/scotways_assets/files/045_ScotWays%20Case%20Law%20Publication%2014-09-2010.pdf
- ¹⁹ The 1888 Act added bicycles to the 1835 Act.
- ²⁰ Orlik, Michael. *An Introduction to Highway Law*. Shaw & Sons. First published 1993 (revised 2007). Page 10.
- ²¹ Home Office. *Clean Neighbourhoods and Environment Act 2005: Guidance Relating to the Making of Gating Orders*. March 2006.
<http://webarchive.nationalarchives.gov.uk/20100405140447/asb.homeoffice.gov.uk/members/article.aspx?id=7924>
- ²² See <http://www.snh.gov.uk/land-and-sea/managing-recreation-and-access/access-rights/>