

Wheels for Wellbeing Guide to Paths, Pavements and Roads

1. Introduction:

These guide sheets are intended to help people work towards creating a more accessible public realm: Without clear definitions, it's hard to communicate. Our aim is to enable all Disabled people to use the mobility aids which suit us to make journeys on all public rights of way and in all public spaces.

The words we used to talk about different parts of public spaces are often confusing. Some have more than one meaning, and others are not well known.

In this guide, we look at the meanings of a range of words related to paths, pavements and roads.

We will shortly be releasing a paired guide on mobility aids, including cycles.

2. Disclaimer:

We are not lawyers: This document is not legal advice – it is guidance intended to help campaigners and others interested in active travel and accessibility. Wheels for Wellbeing cannot be held liable for any loss or other negative outcomes resulting from use of any of the information in this document.

If you find any mistakes or ambiguity in this document, or have any other questions or comments, please [contact us](#).

3. Public rights of way

In the UK, most land is private, meaning you are not allowed to walk/wheel, cycle, ride or drive across it unless there is a specific right of access, right of way or if the landowner says you may:

In [England, Wales](#) and [Northern Ireland](#) you are not allowed to walk/wheel, cycle, ride or drive across most land unless the landowner says you may. [Open access land](#) (or open country in Northern Ireland) is land where everyone has the right to walk/wheel across the whole of an area.

In [Scotland](#), access rights give responsible non-motorised access for people to use much open land walking, wheeling, cycling and riding horses. You do not have a right to go into people's gardens or harm crops, even with open access rules.

[Public rights of way](#) are specific routes that people are allowed to use to make journeys: You may "pass and repass" – that is, go up and down as many times as you like – on any public right of way. "[Way](#)" is an old word meaning a [route, direction or path](#).

Many – but not all – footpaths, bridleways and cycle tracks, and most routes which look like roads, are public rights of way, but some are private routes or [permissive paths](#). It is not always easy to find out if a route is a right of way or not. Sometimes paths that are not protected as rights of way could be: Organisations such as [Ramblers](#) and [Natural England](#) have useful resources about

rights of way, and [Ordnance Survey](#) maps show most rights of way. [Definitive maps](#) show all rights of way in an area and are prepared by surveying authorities.

4. Highways

Essentially, [every public right of way is a highway](#)! Most people are likely to think of big roads when we say “highway”, but [footpaths](#), [bridleways](#) and [cycle tracks](#), [restricted byways](#) and [byways open to all traffic](#) are all highways in law.

“Highway” means every part of a road – the pavement (footway) and the carriageway too: When a driver parks their car blocking a pavement, they can be fined, because s137(1) of the Highways Act 1980 prohibits “wilful obstruction” of the highway “without lawful authority or excuse”.

The names of organisation like [National Highways](#) can be confusing: National Highways is only responsible for looking after motorways and some A roads in England, not any minor roads or any roads outside England.

There are many different laws and regulations which apply to different kinds of highways. Some are linked in this document.

The [Highway Code](#) is guidance about how to use of all kinds of highways safely and legally.

Rules in the Highway Code which say “must” or “must not” are legal requirements. The relevant laws will be referenced at the end of the rule.

Rules in the Highway Code which say “should” or “should not” are recommendations, not legal requirements. However, if you do not follow these recommendations and you harm someone, this could be used against you in court.

5. Roads vs carriageways

In the UK, most people call carriageways “roads” – it’s even in the Highway Code and the [Green Cross Code](#) taught to children.

The carriageway is the part of a road that motor vehicles (and horse drawn vehicles) are allowed to use. People walking/wheeling, cycling, riding or driving horses and driving herd animals are also allowed to use the carriageway:

Cars were invented less than 150 years ago. Most of the main roads running through and between villages, towns and cities in the UK were built before that: They were originally mainly for pedestrians, with some horse-drawn and driven (herded) animal traffic, too.

The [1888 Local Government Act](#) determined that cycles are “carriages”. This law gives cyclists the right to ride on all carriageways except motorways. This makes cycles different from other devices such as e-scooters, which do not have the right to use carriageways except in specific situations.

“bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the Highway Acts” – Local Government Act 1888 s85

6. Pavements vs footways

Most people in the UK use “pavement” to mean the part of a road that is only for people walking/wheeling – and that motor vehicles and cycles are not allowed to use. There is usually a raised kerb separating a pavement from the road (carriageway).

But:

- In UK law, the pavement is called the “footway” ([Highway Act 1980 s329](#)). Only people [walking/wheeling](#) are allowed to use the footway: Riding, cycling and driving on the footway are offences under the [Highway Act 1835 s72](#).
- To engineers and other people working in highways and construction, and in many other countries, “[pavement](#)” means any surface that has been made for people, vehicles or animals to use, including all the below-ground layers like the sub-base – so, engineers will talk about “pavement” meaning the whole surfaced area of a road, including the parts that vehicles drive on. Even grass football pitches can be called “pavements” by engineers!

When talking about pavements, it’s worth making sure the people you’re talking with are thinking of the same thing you are!

7. Footways and footpaths

Only people walking/wheeling have a right to use [footways and footpaths](#).

- [Footways are normally known as pavements](#) in the UK. They run alongside a carriageway (road). If properly authorised, vehicles can [cross a footway](#) access private property or to carry out maintenance.
- A footpath is a public right of way for people walking/wheeling which is not a footway.

Footpaths are always separate from roads, footways are always alongside a road.

8. Cycle tracks, cycle lanes, cycleways and cycle paths

a) Cycle tracks

[Cycle tracks](#) are defined in the [Highway Act 1980 s329](#) as highways where the public have “the following, but no other, rights of way, that is to say, a right of way on pedal cycles”.

Cycle tracks are not included as a category on definitive maps or in the [Highways Act 1980 s25](#), which details how local authorities can create footpaths, bridleways and restricted byways. Instead, cycle tracks can be created by local authorities using the [Cycle Tracks Act 1984](#) and the [Highways Act 1980 s65](#).

People walking/wheeling may or may not be allowed to use a cycle track, depending on how the local authority chose to set the rules for the cycle track.

- Government guidance on e-scooter schemes states that some [on-road cycle lanes are legally cycle tracks](#), but government guidance on “invalid carriages” states that [cycle tracks are always physically separated from carriageways](#). Clearly, both these statements cannot be correct;
- Many traffic-free routes where cycling is allowed are cycle tracks. Where footpaths are converted to cycle tracks, these keep the right of way walking/wheeling;
- Other traffic-free routes which may be known as cycle tracks are legally [bridleways](#), [restricted byways](#), or sometimes even [permissive paths](#).

To reiterate: [Some government guidance](#) states that mobility scooter and powerchair users can use cycle tracks but not cycle lanes, and defines cycle tracks as “separated from the road by barriers or distance”. However, [other government guidance](#) states that on-road lanes may be cycle lanes or cycle tracks – which confuses matters!

We have not found clarity in legislation to show how a cycle track which only has a right of way for pedal cycles and does not have a right of way on foot could permit use by mobility scooters and powerchairs. We are campaigning for change and clarity in legislation to allow all people moving faster than walking speed and not using a motor vehicle to use all cycle lanes and cycle tracks.

[E-scooters in trials](#) are not allowed to use cycle tracks unless the local authority has changed the [Traffic Regulation Order \(TRO\)](#) for the track, but are allowed to use cycle lanes.

In practice, depending upon which government guidance is correct, it is potentially impossible to tell by looking whether an on-road cycle lane is legally a cycle lane or cycle track. Unless there is very clear signage, it is definitely impossible to tell just by looking if a traffic free route or space is a cycle track, restricted byway or bridleway – or whether it’s an area where motor vehicles have been restricted by use of a [Traffic Regulation Order \(TRO\)](#)!

b) Cycle lanes

Cycle lanes are always a part of the carriageway of a road. They are defined in the [Traffic Signs Regulations and General Directions \(TSRGD\) 2016 s1](#) as “part of a carriageway of a road reserved for pedal cycles which is separated from the rest of the carriageway”.

[E-scooters in trial schemes](#) are also allowed to use cycle lanes in England, as the UK government altered the definition of cycle lanes to include e-scooter use.

Mobility scooter and powerchair users are [not allowed to use cycle lanes](#) – class 3 “invalid carriage” users have to go share the carriageway with motor vehicles when they want to go above 4mph! We are campaigning to change this law so all Disabled people can choose to use cycle lanes when we feel it is appropriate.

Cycle lanes can be “mandatory” or “advisory”. Mandatory cycle lanes may not be used by vehicles other than cycles, and have a solid white line. Advisory cycle lanes may be used by vehicles when not used by cycles, and have a dashed white line. Unfortunately, a [loophole in the law introduced in 2016](#) has made enforcing mandatory cycle lanes very problematic.

c) Cycleways and cycle paths

A [cycleway](#) is a “road, route or path for cyclists”. Organisations such as [Transport for London](#) call their cycle routes “cycleways”, but this is not a term used in UK laws about highways.

Cycle path is another commonly-used term to talk about traffic-free cycle routes – for example, [Sustrans](#) call the National Cycle Network “a UK-wide network of signed paths and routes”. Again, “cycle path” – and cycle route – are not terms used in UK laws about highways or cycling.

9. Bridleways

[Bridleways](#) are rights of way for people walking/wheeling, for horse riders [and for cyclists, under s30 of the Countryside Act 1968](#). Cyclists must give way to pedestrians and horse riders when using a bridleway. Motor vehicles are not allowed to use bridleways.

The Countryside Act 1968 gives “pedal bicycles” the right to use bridleways, not “cycles”. We believe that the [Equality Act \(2010\)](#) requirement to provide reasonable adjustments to Disabled people should mean that cycles of all types used by Disabled people should be permitted to use bridleways, but we are not aware of any legal cases where this has been tested. Many [traffic-free cycle routes are designated as bridleways](#).

10. Restricted byways and Byways Open to All Traffic (BOATs)

Byways are very small roads. They may or may not have a hard surface.

d) Byways Open to All Traffic (BOATs)

[BOATs](#) can be used by people walking/wheeling, cycling, riding horses and driving horses or motor vehicles. They are usually so small or so rutted that very few motor vehicles will use them – often, only 4x4s and off-road motorbikes will be able to drive along them.

e) Restricted Byways

[Restricted byways](#) can be used by people walking/wheeling, cycling, and riding or driving horses, but not by anyone driving motor vehicles. This means they are very similar to bridleways, except that on a restricted byway, the law does not state that cyclists have to give way to horse riders.

11. Motorways

A [motorway](#) is a road for motor vehicles only. The Highways Act 1980 calls them “[special roads](#)”.

People walking/wheeling and cycling, riding or driving animals and even using low-powered motorcycles are not permitted to use motorways.

12. Permissive or concessionary paths

Landowners can open [permissive paths](#). These are often managed as footpaths, but can be managed as bridleways, which may permit cycling as well as walking/wheeling and horse riding.

Sometimes landowners can be [paid to open permissive paths](#) by the government or other organisations.

Landowners are allowed to close permissive paths a certain number of days per year, and can completely remove the route if they want to do so.

13. Changes to rights of way

[Local authorities can create, close or alter rights of way.](#) Within different categories of rights of way, cycle tracks may allow people walking/wheeling to use the route. Bridleways may be restricted so that people cycling are not allowed to use the route. Members of the public can support or object to changes through the [Definitive Map Modification Order](#) process.

If a local authority wants to change restrictions or permissions on a route, they need to consider the equality impact of doing so under the [Public Sector Equality Duty](#) of the Equality Act 2010.

14. Shared spaces

“Shared use” pedestrian and cycle routes which motor vehicles are not permitted to use or can use only for access or loading are often found in both urban and rural areas in the UK.

They may be within largely pedestrian areas of town or city centres, may run alongside roads, or be well away from routes for motor vehicles. These routes may be created using [Traffic Regulation Orders \(TROs\)](#), which can be used for many purposes including restricting the types of vehicles which can use a [highway](#). Shared spaces can also be [cycle tracks](#), [bridleways](#) or [restricted byways](#). The best way to find out how a route is designated is likely to be asking the local authority, possibly using a [Freedom of Information request \(FOI\)](#).

15. Traffic

Most people in the UK use “traffic” to mean lots of cars and other motor vehicles on a busy road, usually moving slowly or even stopped due to high numbers of vehicles or an obstruction ahead.

We often call routes “traffic-free” when they are open for people walking/wheeling, cycling and riding horses, but not for motor vehicles.

In the [Highways Act 1980](#), “traffic” means everyone who uses a road or path – including people walking/wheeling and cycling as well as using micro-mobility, horse riding and horse driving and using motor vehicles: Pedestrians count as traffic!