



## Cycling: offences

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This note looks at the road traffic offences that can be committed by cyclists and the penalties available for them.

With cycling increasing in popularity, particularly in urban areas, there has been renewed focus on making cycling safer for both cyclists themselves and for other road users, particularly pedestrians. There are a number of sanctions available to the police for those cyclists who break the law. There remain difficulties with enforcement, particularly regarding children cycling on the pavement, and penalties or prosecutions in individual cases are a matter for the police.

It is an offence to ride a bicycle on a public footpath under section 72 of the *Highway Act 1835*, as amended. This was made a fixed penalty offence in 1999 and since December 2002 Community Support Officers have been able to issue a fixed penalty notices for this offence. It is also an offence to ride a cycle dangerously or carelessly on a public road (including the pavement) and to cycle while under the influence of drink or drugs.

Notes on other cycling-related matters can be found on the [Cycling Topical Page](#) of the Parliament website.

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## 1 Riding on the footpath

The offence of riding a bicycle on a public footpath is contained in section 72 of the [Highway Act 1835](#), as amended:

... If any person shall wilfully ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers; or shall wilfully lead or drive any horse, ass, sheep, mule, swine, or cattle, or carriage of any description, or any truck or sledge, upon any such footpath or causeway; or shall tether any horse, ass, mule, swine, or cattle on any highway, so as to suffer or permit the tethered animal to be thereon; ... every person so offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding [level 2 on the standard scale] over and above the damages occasioned thereby.

Section 85 of the [Local Government Act 1888](#) included a bicycle or tricycle in the word 'carriage'. Cycling on the footpath is also prohibited in London under section 54(7) of the [Metropolitan Police Act 1839](#) and in other areas under section 28 of the [Town Police Clauses Act 1847](#).

In some areas cyclists and pedestrians may share the footpath. A local authority can convert part or all of a footway into a cycle track by using sections 65 and 66 of the [Highway Act 1980](#), as amended. Where this has occurred it is no longer an offence to cycle on it.

The offence of cycling on the footway or pavement has been a fixed penalty offence since 1999. The penalty is a fine of £500 or a fixed penalty notice (FPN) of £30.<sup>1</sup> The government has indicated that it will consult in summer 2012 as to whether this should be increased to £60.<sup>2</sup>

It was made a fixed penalty offence after concerns were expressed that the police in some areas were turning a blind eye to those cycling on the footpath. Certainly prosecutions in the ten years 1984 to 1994 declined significantly.<sup>3</sup> The arguments for including cycling on the footpath in the fixed penalty regime were given in a Home Office consultation paper issued in July 1996:

Cycling on the pavement is an offence which presents particular difficulties for enforcement. Many cyclists, not just children and teenagers, feel anxious and exposed when riding in traffic and therefore use the pavement for safety. This is understandable and must be taken into account in enforcement. But pedestrians also have the right to use the footway without facing the hazard of cyclists approaching them or coming up from behind. This practice can be especially worrying for the elderly, the infirm and the very young, and accidents have resulted.

Against this background, it is considered desirable to have a more flexible- system to respond to the varying nature of the situation. The existing enforcement arrangements are limited, in that the choice is normally between issuing a verbal warning and instigating prosecution in the courts. The provision of a fixed penalty would provide a middle course of action and greater flexibility of enforcement.

It is recognised that the enforcement of cycling offences can be more difficult than for motoring offences because of the absence of special identification for individuals and their cycles. But these difficulties can be taken into account by the police when

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<sup>1</sup> [Fixed Penalty Offences Order 1999 \(SI 1999/1851\)](#)

<sup>2</sup> [HL Deb 28 February 2012, cc340-41WA](#)

<sup>3</sup> [HL Deb 20 June 1996, c44WA](#)

deciding on their response to the problem. The police's discretion on how to enforce the law in this area will be particularly important in establishing the right balance. It is considered that the addition of a fixed penalty should help.<sup>4</sup>

There is a letter from the then Home Office Minister, Paul Boateng, reproduced frequently on cycling sites on the Internet, which states that in relation to enforcement of this offence:

The introduction of 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 when doing so. Chief police officers, who are responsible for enforcement, acknowledge that many cyclists, particularly children and young people, are afraid to cycle on the road, sensitivity and careful use of police discretion is required.<sup>5</sup>

## **2 Riding dangerously or carelessly**

If a cyclist is on a 'road' (that includes a pavement on a public highway) and is riding dangerously or carelessly, they are committing an offence under sections 28 and 29 of the [Road Traffic Act 1988](#), as amended.

The definition of 'dangerous cycling' given in section 28 is if the way one rides "rides falls far below what would be expected of a competent and careful cyclist, and it would be obvious to a competent and careful cyclist that riding in that way would be dangerous". In this context, "dangerous" refers to danger either of injury to any person or of serious damage to property. What would "be obvious to a competent and careful cyclist" in a particular case includes not only the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

The definition of 'careless and inconsiderate cycling' given in section 29 is that "if a person rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road, he is guilty of an offence".

The maximum fine for dangerous cycling is £2,500 and for careless or inconsiderate cycling it is £1,000. It is also an offence under section 31 of the 1988 Act for a person to promote or take part in an unauthorised race or trial of speed of cycles on public highways. It is an offence to cycle through red traffic lights under section 36 of the Act.

## **3 Cycling while under the influence**

It is an offence under section 30 of the 1988 Act to ride a bicycle on a "road or other public place" if one is unfit due to drink or drugs:

A person who, when riding a cycle on a road or other public place, is unfit to ride through drink or drugs (that is to say, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the cycle) is guilty of an offence.

In Scotland a constable may arrest without warrant a person committing an offence under this section.

The maximum punishment for this offence is a £1,000 fine.

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<sup>4</sup> Home Office, *Proposal to include more road traffic offences within the fixed penalty system: consultation paper*, 1 July 1996 [HC DEP 3/3602]

<sup>5</sup> see, e.g., the [Bike Hub website](#) [accessed 2 May 2012]