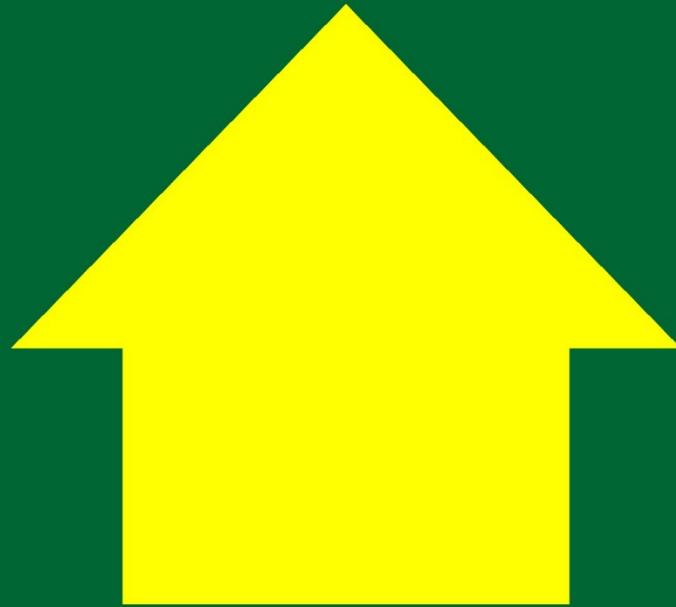


# The issues

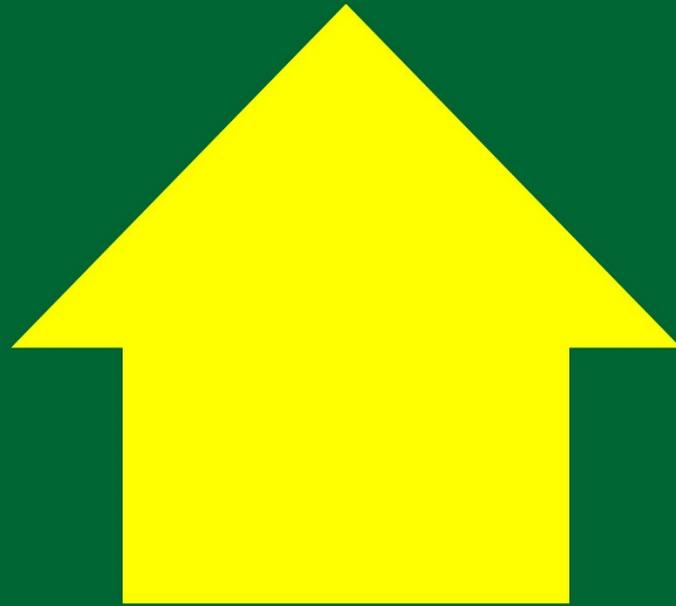
- **Were there stile-free footpaths before the definitive map?**
- **Is it really a trespass to ride or cycle on a footpath?**
- **Is single status on the definitive map feasible, and how much money could we save?**

# **Discussion point 1**

**Were there stile free paths before the definitive map?**



What are the rights of  
the public?



**A highway as shown on the map, and that the public had thereover a right of way on foot, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than that right**

## Some of the symbols you may see



**Footpath** – open to walkers only, waymarked with a yellow arrow



**Bridleway** – open to walkers, horse-riders and cyclists, waymarked with a blue arrow



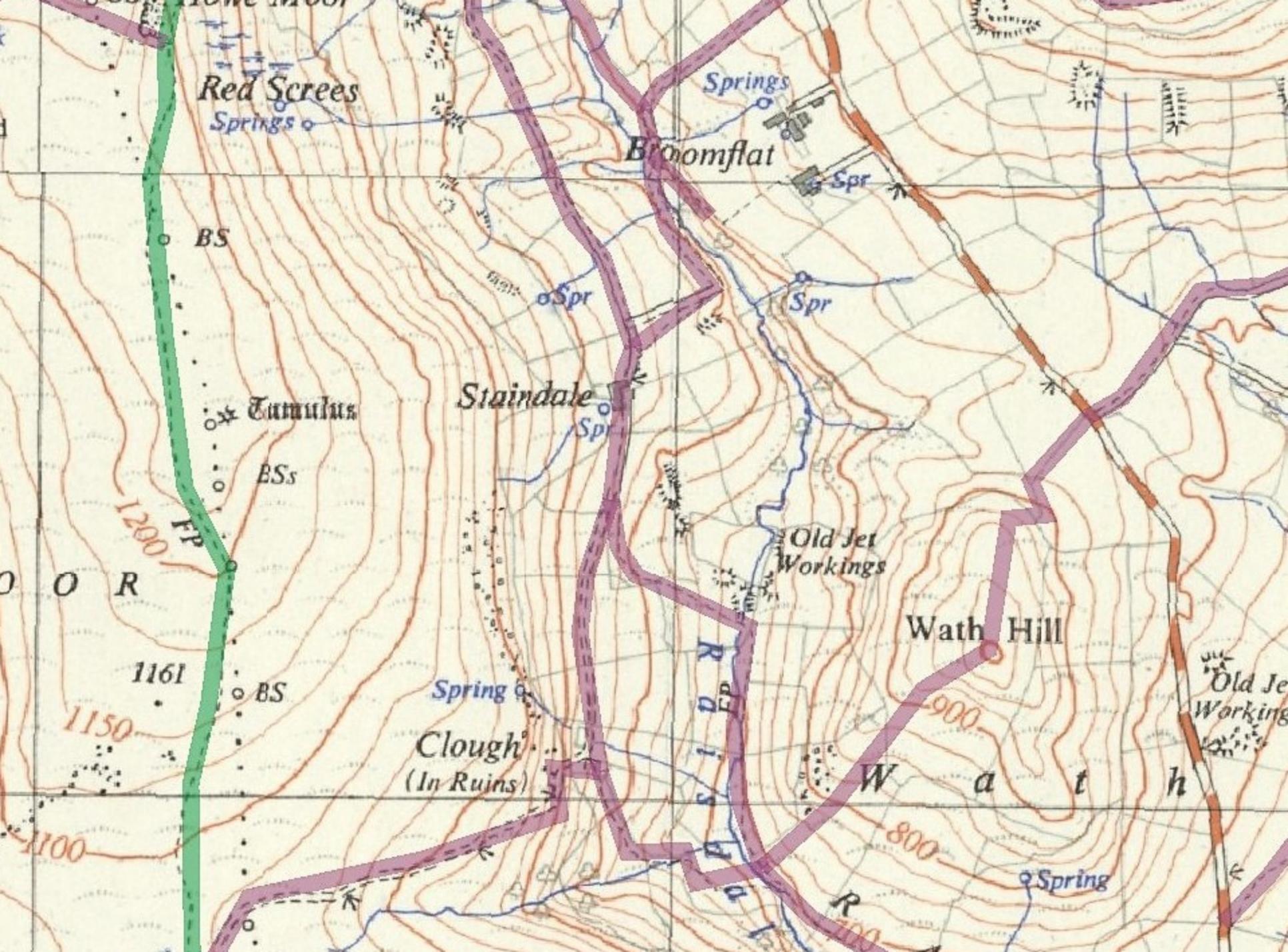
**Restricted byway** – open to walkers, cyclists, horse-riders and horse-drawn vehicles, waymarked with a plum coloured arrow.

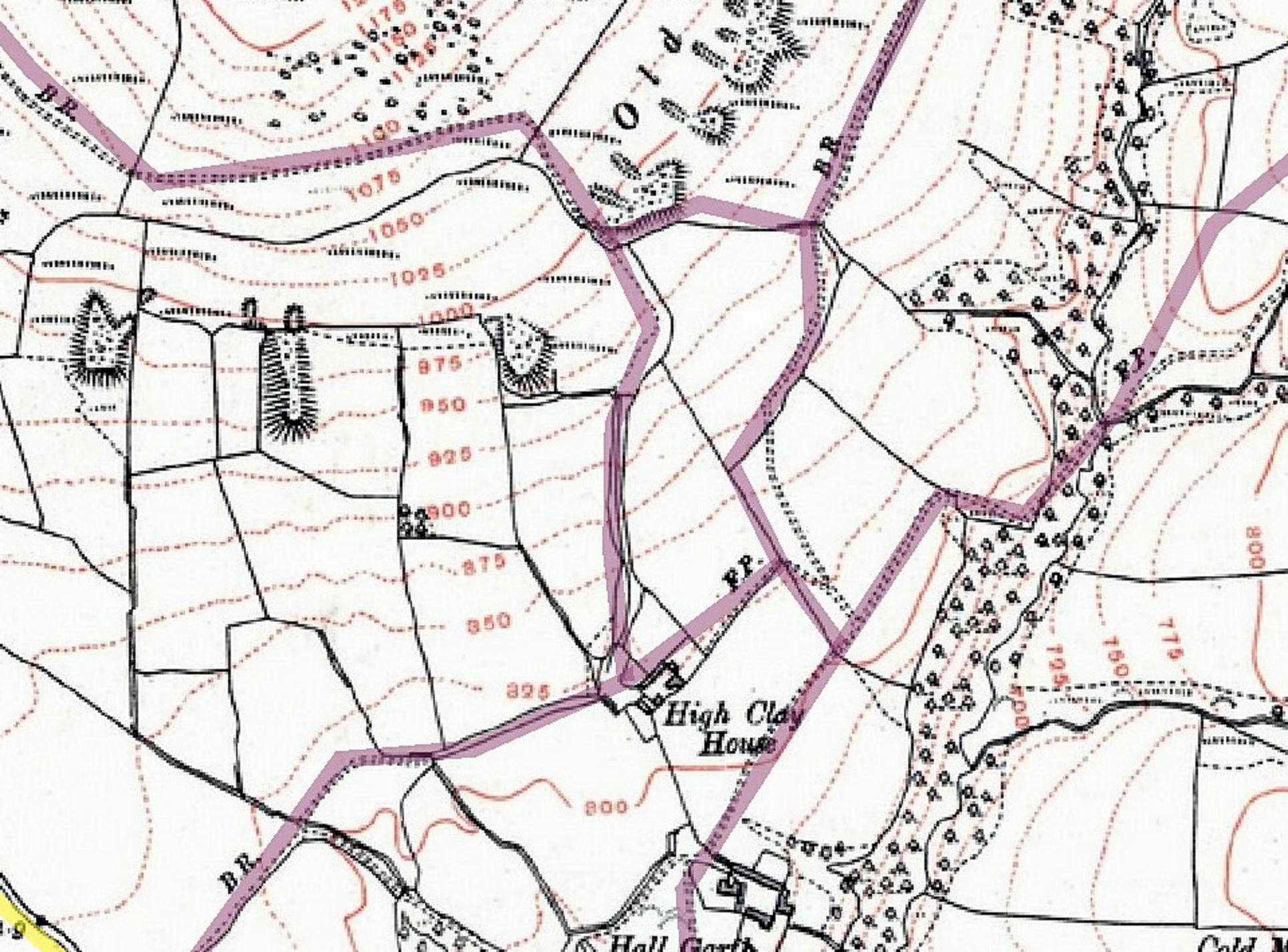


**Byway Open to All Traffic (BOAT)** – open to walkers, cyclists, horse-riders, horse-drawn vehicles and motor vehicles, waymarked with a red arrow.



**National Trail Acorn** – identifies 15 long distance routes in England and Wales. All are open for walking and some trails are also suitable for cyclists, horse-riders and people with limited mobility.





Old RR

High Clay House

Hall Garth

1075  
1050  
1025  
1000  
875  
850  
825  
800  
875  
850  
825  
800

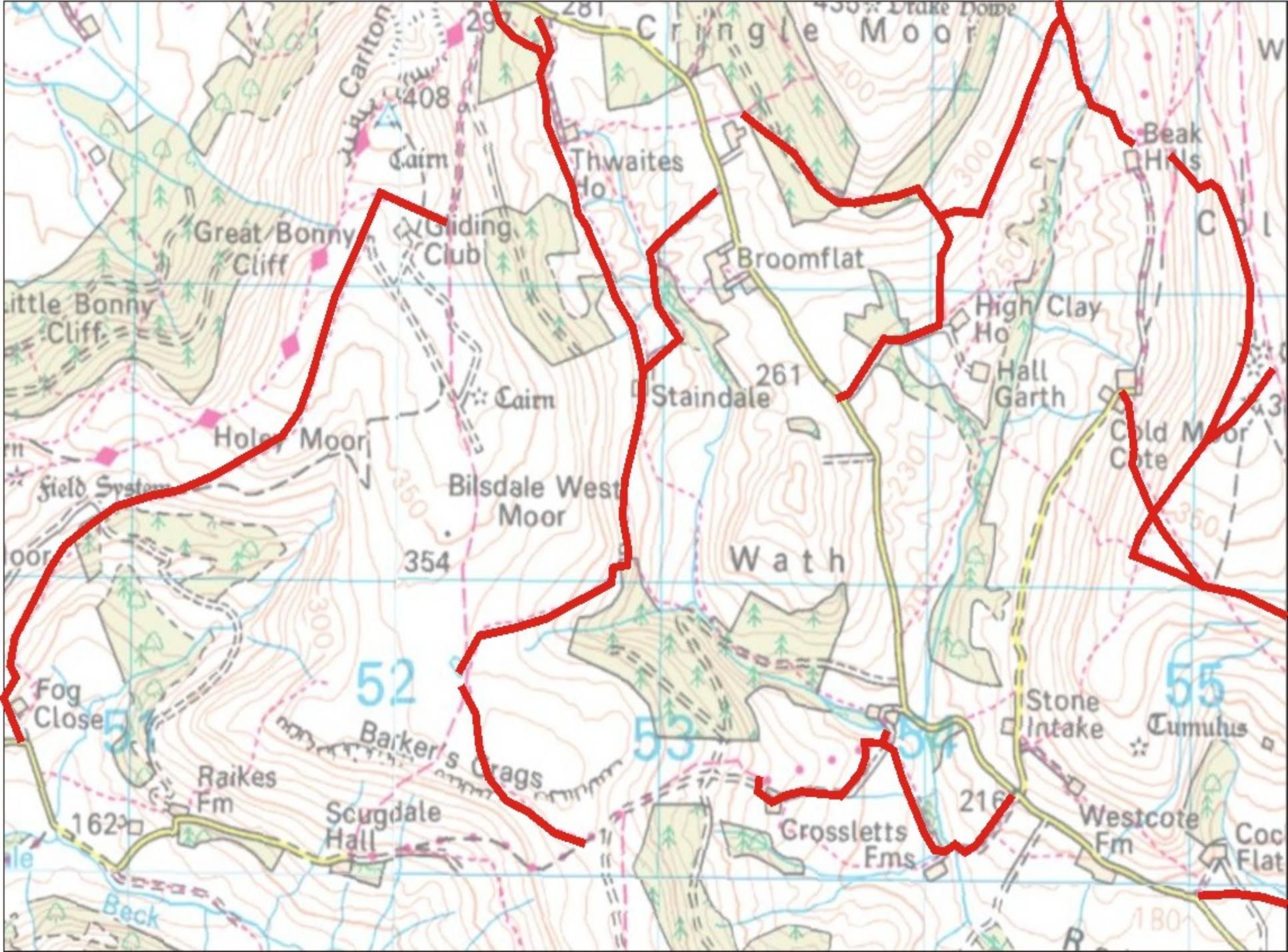
715  
750  
790

RR

RR

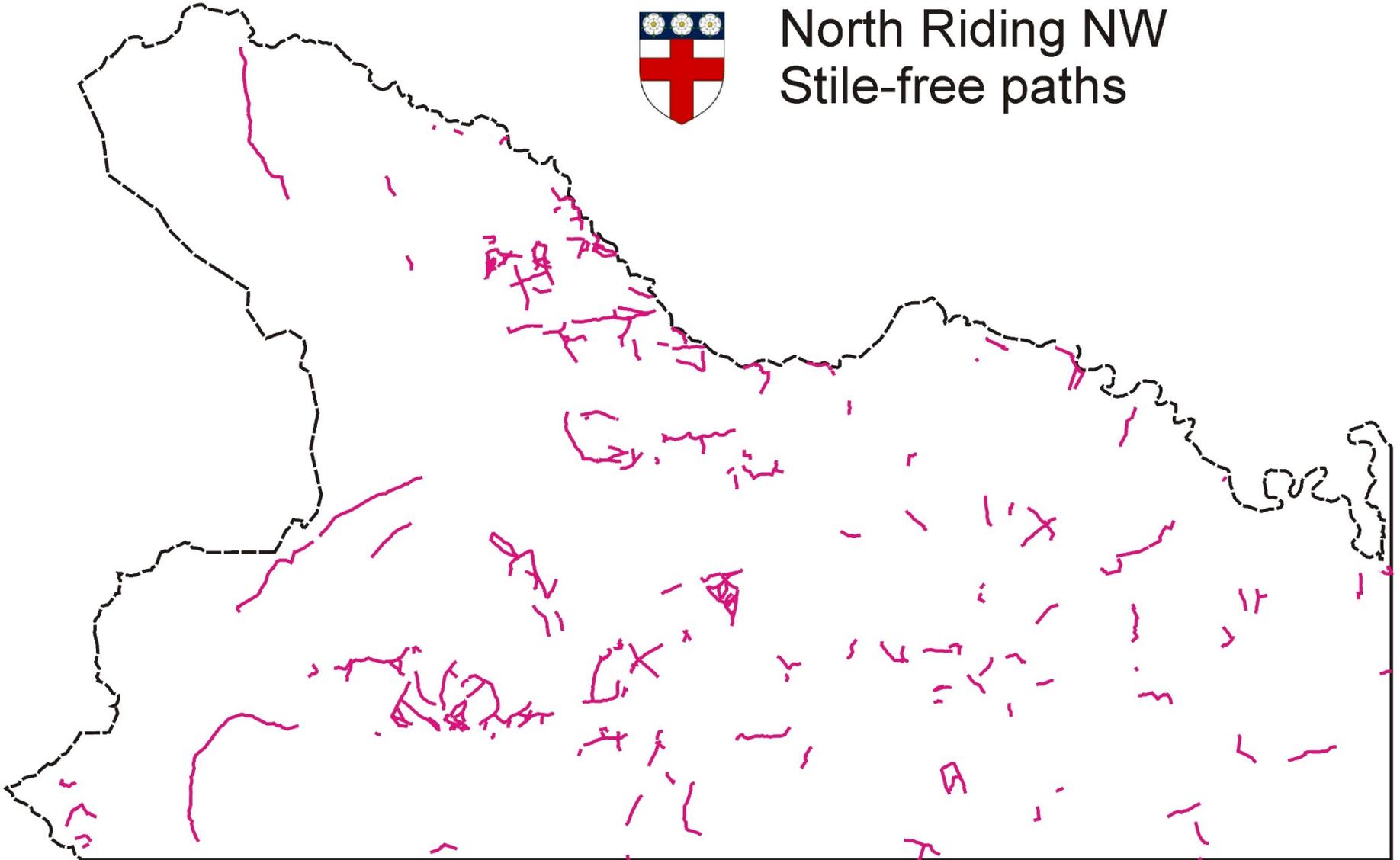
F.P.

F.P.





# North Riding NW Stile-free paths



**“Our old highways came into existence before 1835. They were created in the days when people went on foot or on horseback or in carts. They went to the fields to work, or to the village, or to the church. They grew up time out of mind.”**

**Lord Denning, MR - 1975**

# **Discussion point 1**

**Were there stile free paths before the definitive map?**

# **Discussion point 2**

**Is it really a trespass to ride or cycle on a footpath?**

**‘If a man use the land over which there is a right of way for any purpose lawful or unlawful other than that of passing and repassing he is a trespasser.’**

**Compton, J - 1855**

**‘Highways are, no doubt, dedicated prima facie for the purpose of passage; but things are done upon them by everybody which are recognised as being rightly done, and as constituting a reasonable and usual mode of using a highway as such. If a person on a highway does not transgress such reasonable and usual mode of using it, I do not think that he will be a trespasser’**

**Lord Esher, MR - 1893**

**‘I conclude therefore the law to be that the public highway is a public place which the public may enjoy for any reasonable purpose, provided the activity in question does not amount to a public or private nuisance and does not obstruct the highway by unreasonably impeding the primary right of the public to pass and repass; within these qualifications there is a public right of peaceful assembly on the highway’**

**Lord Irvine, LC - 1999**

# **Discussion point 2**

**Is it really a trespass to ride or cycle on a footpath?**

# **Discussion point 3**

**Is single status on the definitive map feasible, and how much could we save?**

# Suggestion 1

**Footpaths, bridleways and restricted byways to be replaced on the definitive map by “public paths” defined as any highways not having rights for mechanically propelled vehicles. Showing a public path to be conclusive of a highway of some description.**

# Benefits

- **Does not alter legal status of highway but merely their depiction on the definitive map**
- **Same as existing situation on 80% of paths**
- **Brings cycle tracks into the definitive map framework**
- **Speeds up the completion of the definitive map**
- **Saves administrative costs amounting to tens of millions of pounds**

# Suggestion 2

**Without prejudice to the rights of owners to retain lawful stiles, gates or other structures, the public to have a legal right of access to all highways recorded as public paths, subject to such access not being with mechanically propelled vehicles nor constituting a public or private nuisance.**

# Benefits

- **Provides a statutory confirmation of what is already the common law position**
- **Gives clarification for the avoidance of doubt**
- **Analogous to Land Reform Act, Scotland**
- **Underpins simplification of the definitive map**
- **Provides the basis for a statutory code to define “reasonable use”**

# **Discussion point 3**

**Is single status on the definitive map feasible, and how much could we save?**