



# Cycle Tracks Act 1984

## 1984 CHAPTER 38

### 3 Conversion of footpaths into cycle tracks.

- (1) A local highway authority may in the case of any footpath for which they are the highway authority by order made by them and either—
- submitted to and confirmed by the Secretary of State, or
  - confirmed by them as an unopposed order,

designate the footpath or any part of it as a cycle track, with the effect that, on such date as the order takes effect in accordance with the following provisions of this section, the footpath or part of the footpath to which the order relates shall become a highway which for the purposes of the 1980 Act is a highway maintainable at the public expense and over which the public have a right of way on pedal cycles (other than pedal cycles which are motor vehicles) and a right of way on foot.

- (2) A local highway authority shall not make an order under this section designating as a cycle track any footpath or part of a footpath which crosses any agricultural land unless every person having a legal interest in that land has consented in writing to the making of the order.

In this subsection “agricultural land” has the meaning given by [F<sup>1</sup>section 1(4) of the Agricultural Holdings Act 1986]; and “legal interest” does not include an interest under a letting of land having effect as a letting for an interest less than a tenancy from year to year.

- (3) An order made under this section by a local highway authority—
- may be confirmed by the Secretary of State either in the form in which it was made or subject to such modifications as he thinks fit;
  - may be confirmed by the authority as an unopposed order only in the form in which it was made.
- (4) The Secretary of State may by regulations make provision with respect to the procedure to be followed in connection with the making, submission and confirmation of orders under this section; and the Secretary of State shall by regulations under this subsection make such provision as he considers appropriate with respect to—

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- (a) the publication of notice of the making of an order under this section and of its effect;
  - (b) the making and consideration of objections to any such order; and
  - (c) the publication of notice of the confirmation of any such order by the Secretary of State or by a local highway authority, and of the effect of the order as confirmed.
- (5) Without prejudice to the generality of subsection (4) above, regulations under that subsection may in particular make provision—
- (a) for enabling the Secretary of State to cause a local inquiry to be held in connection with any order under this section submitted to him for confirmation;
  - (b) for the decision as to whether any such order should be confirmed, and, if so, as to the modifications (if any) subject to which it should be confirmed, to be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State;
  - (c) for any decision made by any such person in pursuance of paragraph (b) above to be treated, for the purposes of any provision of the regulations or this section, as a decision of the Secretary of State;
- and subsections (2) to (5) of section 250 of the <sup>M1</sup>Local Government Act 1972 (giving of evidence at, and defraying of costs of, local inquiries) shall apply in relation to any local inquiry held in pursuance of paragraph (a) above as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.
- (6) If a person aggrieved by an order under this section desires to question its validity on the ground that it is not within the powers of this section or on the ground that any requirement of regulations made under subsection (4) above has not been complied with in relation to the order, he may, within six weeks from the date on which any such notice as is mentioned in subsection (4)(c) above is first published, make an application for the purpose to the High Court.
- (7) On any such application, the High Court—
- (a) may by interim order suspend the operation of the order, either wholly or to such extent as it thinks fit, until the final determination of the proceedings; and
  - (b) if satisfied that the order is not within the powers of this section or that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid, may quash the order, either wholly or to such extent as it thinks fit.
- (8) Subject to subsection (7) above, an order under this section shall not, either before or after it has been confirmed, be questioned in any legal proceedings whatever, and shall take effect on the date on which any such notice as is mentioned in subsection (4)(c) above is first published, or on such later date, if any, as may be specified in the order.
- (9) A local highway authority may (subject to and in accordance with the provisions of subsections (3) to (8) above) by order made by them and either—
- (a) submitted to and confirmed by the Secretary of State, or
  - (b) confirmed by them as an unopposed order,
- revoke an order made by them under this section with the effect that, on such date as the order takes effect in accordance with those provisions, the way designated by the original order as a cycle track shall revert to being a footpath or a part of a footpath (as the case may be) and, as such, it shall only be maintainable at the public expense for

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the purposes of the 1980 Act if, prior to the original order taking effect, it constituted a highway so maintainable or, on the order under this subsection taking effect, it forms part of a highway so maintainable.

- (10) A local highway authority shall have power to carry out any works necessary for giving effect to an order under this section; and in so far as the carrying out of any such works, or any change in the use of land resulting from any such order, constitutes development within the meaning of the [<sup>F2</sup>Town and Country Planning Act 1990], permission for that development shall be deemed to be granted under Part III of that Act.
- (11) The power to make regulations under subsection (4) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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#### Textual Amendments

- F1** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 100, **Sch. 14 para. 62**
- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 66**
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#### Modifications etc. (not altering text)

- C1** [S. 3](#): powers transferred (1.7.1999) by virtue of [S.I. 1999/672](#), art. 2, **Sch. 1**
- C2** [S. 3\(10\)](#) restricted (30.10.1994) by [S.I. 1994/2716](#), **regs. 1(2)**, 70
- C3** [S. 3\(10\)](#) restricted (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), **regs. 1(2)**, **85** (with [reg. 125](#))
- C4** [S. 3\(10\)](#) restricted (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), **regs. 1(2)**, **88**
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#### Marginal Citations

- M1** [1972 c. 70](#).

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