

Cyclists' behaviour and the law

THIS BRIEFING COVERS

Cyclists' responsibilities; list of cycling offences; cyclists' behaviour, danger to others; cycling dangerously, carelessly, inconsiderately; pavement cycling, FPNs, jumping red lights, riding without lights; alternatives to prosecution and fines; the role of infrastructure; licensing, training and insurance; critical mass.

HEADLINE MESSAGES

- Cyclists should behave responsibly and within the law. They pose little risk to others, however.
- Cyclists are often faced with the difficult choice of either acting legally or keeping safe. Children, for example, may feel safer cycling on the pavement alongside a busy, hostile road, but are in breach of the law if it hasn't been converted to shared use. It is important that the law and those applying it take this into account. Planners and designers of the road network need to be mindful of this too.
- Whilst Cycling UK encourages cyclists to undertake cycle training and to have insurance cover, making training or licences compulsory for cyclists is unworkable and would deter people from cycling occasionally or giving it a try. It would not solve any problems and the running costs would be prohibitive.

KEY FACTS

- In 2016 (GB), 11,783 cycles were involved in incidents in which a police officer assigned one or more 'contributory factors' (CFs) to at least one of the parties at the scene. They assigned 138 CFs for disobeying an automatic traffic signal to the cycle, i.e. to just over 1% of them - about the same percentage as it was for cars; and 236 CFs for "not displaying lights at night or in poor visibility" to the cycle, i.e. to 2% of them.
- From 2005-14 (GB): 98.5% of pedestrian fatalities and 95.7% of pedestrian serious injuries that happened in collisions on a footway/verge involved a motor vehicle of some kind; no pedestrians were killed by red light jumping cyclists, while around five a year were killed by red light jumping drivers.
- With around 25 million children and adults aged five+ owning a bicycle in Great Britain, a licensing and compulsory training system for cyclists/cycles would be complex and very costly - not much less so than the current system for drivers (almost 38.5 million) and private cars (over 29 million).
- In the Netherlands and Denmark, where 27% and 17% of trips are cycled respectively, there is no requirement for cyclists to be tested, licenced/registered etc.
- A variety of regulatory systems have been introduced in other countries or in cities elsewhere (e.g. Toronto and Switzerland), but subsequently abolished (e.g. in Toronto and Switzerland); either that, or their main aim isn't/wasn't to tackle irresponsible behaviour, but bike theft (e.g. in Japan).



Cycling UK VIEW

- Cyclists, like all road users, should behave responsibly and within the law.
- The enforcement of road traffic rules, and penalties for breaching them, should be proportionate to the potential danger imposed on other people, especially vulnerable road users. This principle also applies to off-road rights of way.
- Road traffic rules should not put cyclists in situations where they feel they must choose between acting legally and protecting their own safety. Those responsible for making and enforcing the rules must take into account the reasons behind cyclists' offending behaviour.
- Cycling UK does not condone unlawful cycling on pavements (footway). However, the police should exercise discretion in the use of fixed penalty notices (FPNs) for pavement cycling and discriminate between those whose behaviour is dangerous and antisocial and those who are acting out of concern for their own safety without presenting any threat to others.
- The police and others charged with applying the law should be able to send offending cyclists on training programmes as an alternative to prosecution or fixed penalty notices (FPNs).
- Highway authorities should tackle any hazardous road conditions or poor design that may explain illegal behaviour by cyclists in certain locations.
- A system of compulsory licensing and cycle training is unworkable and unjustifiable, not least because children have the same legal rights to cycle as adults and expecting them to hold licences is impractical. While the running costs would be high (i.e. similar to schemes that apply to motor vehicles and drivers), the benefits would be negligible, and the bureaucracy involved likely to seriously deter newcomers and occasional cyclists.
- Cycling UK does not actively support Critical Mass, but recognises the motivation of those involved.

BACKGROUND INFORMATION

1. Cyclists' responsibilities

Cycling UK view: Cyclists, like all road users, should behave responsibly and within the law.

All road users, including cyclists, owe a duty of care to one another. Pedestrians in particular have every right to expect highway law and its enforcement to protect their safety.

Cyclists should behave responsibly by:

- being aware of the requirements of motorists and making their intentions clear
- ensuring they are competent to ride in traffic
- obeying traffic signals and signs unless this places them in direct danger
- ensuring that they and their cycles are visible at night
- maintaining their cycle so as not to cause a danger to themselves or others.





2. Cycling offences

While some traffic offences apply only to motor vehicles and drivers (e.g. speeding/using a hands-held mobile phone whilst driving - see section 5), if the legislation applies to *all* vehicles, cyclists have to obey it. The [Highway Code](#) also specifies the following:

Cyclists MUST NOT...	
	<ul style="list-style-type: none"> • <i>Relevant legislation</i>
Ride when under the influence of drink or drugs, including medicine (see Cycling UK's separate briefing on this).	Road Traffic Act (RTA) 1988 sects 24, 26, 28, 29 & 30 as amended by RTA 1991 (sect 7)
Ride in a dangerous, careless or inconsiderate manner	
Carry a passenger unless the cycle has been built or adapted to carry one	
Hold onto a moving vehicle or trailer	
Cycle on a pavement (footway)	Highways Act 1835 sect 72 as amended by section 85(1) of the Local Government Act 1888 ; & Road (Scotland) Act 1984, sect 129
Cross the stop line when the traffic lights are red (i.e. red light jumping)	Road Traffic Act 1988 sect 36 & Traffic Signs Regulations and Directions 2002 (TSRGD) regs 10 & 36(1)
Ride across a <i>cycle-only</i> signal crossing until the green cycle symbol is showing	Traffic Signs Regulations and Directions 2002 (TSRGD) regs 33(2) & 36(1)
Cyclists MUST...	
Keep to their side of a segregated cycle track (the pedestrian side remains a pavement/footway)	Highways Act 1835 sect 72 as amended by section 85(1) of the Local Government Act 1888
Obey all traffic signs and traffic light signals	Road Traffic Act 1988 sect 36 & Traffic Signs Regulations and Directions 2002 (TSRGD) reg 10(1)]
Have white front and red rear lights lit at night (flashing lights are now permitted).	Road Vehicle Lighting Regulations 1989 (RVLR) regs 13, 18 & 24 (amended in 1994 and 2005).
Have their cycle fitted with red rear reflector (and amber pedal reflectors, if manufactured after 1/10/85)	
Ensure their brakes are efficient	Pedal Cycles (Construction & Use) Regulations 1983

For detailed advice from Cycling UK on what's legal – and what's not – on your bike, go to: www.cyclinguk.org/article/whats-legal-and-whats-not-your-bike



3. Cycling and the danger to other road users

Cycling UK view: The enforcement of road traffic rules, and penalties for breaching them, should be proportionate to the potential danger imposed on other people, especially vulnerable road users. This principle also applies to off-road rights of way.

a. Cycling vs driving

The actual danger that cyclists pose to other road users should be put in perspective and needs to be taken into account when it comes to enforcing the law and penalising offenders. Compared to motor vehicles, cyclists and pedestrians put others at negligible risk, yet they are disproportionately represented in reported road casualties and less likely to be culpable:

- From 2007 to 2016 (GB), the vast majority – 98.6% - of pedestrians killed or seriously injured (KSI) in collision with a vehicle were hit by a motor vehicle.¹
- In 2016, out of the 14,668 collisions involving a car and cycle, no car occupant died. Fifty cyclists were killed, however.²
- From 2012 to 2016, about 1.7% of all trip stages by private transport were made by cycle, but cyclists represented over 6.2% of reported road fatalities and about 14.4% of serious injuries.^{3,4}
- When the police attend an incident, they fill in a STATS19 form which gives them the chance to record 'contributory factors' (CF) against any of the vehicles involved. Cycles (and buses/coaches) are less likely to be assigned a 'contributory factor' than other vehicles:⁵

Vehicles in reported incidents in which a contributory factor was assigned, GB 2016												
	Pedal cycle		Motorcycle		Car		Bus or Coach		Van/Light goods		HGV	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Vehicles with NO contributory factor	6076	52	6045	36	57600	42	1705	51	3914	39	2012	44
Total number of vehicles	11783	100	16785	100	137798	100	3375	100	9983	100	4589	100

- Also, a study for the Department for Transport (2009) that looked at two-vehicle collisions between a cycle and another vehicle that led to serious injury found that adult cyclists aged 25+ were less likely to be a fault than the other party. The police allocated blame to the driver in 60% of incidents, while both participants (cyclist and driver) were held to be at fault in about 10% and the cyclist solely at fault for the rest - about a third.⁶

b. Cyclists and pedestrians

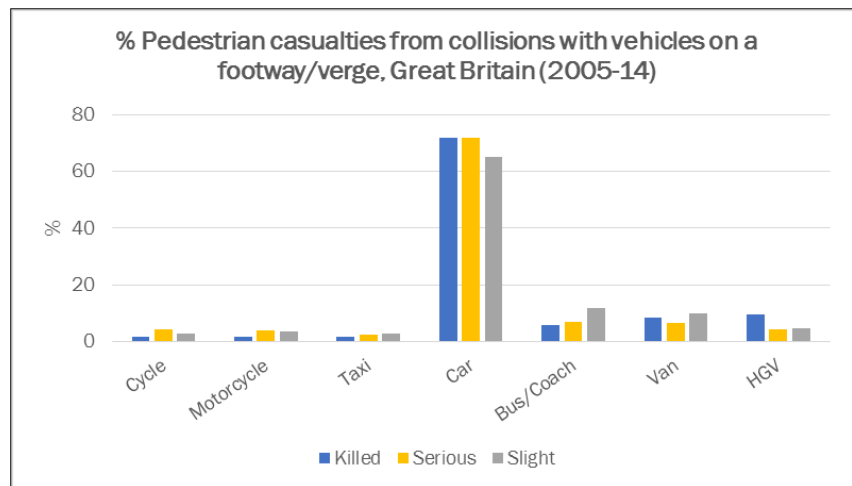
Cyclists are often thought to be a major danger to pedestrians, but even though most cycling happens where there are high levels of pedestrian activity (unlike driving), pedestrians are more likely to be killed in collision with a motor vehicle than in collision with a cycle. This includes collisions on the verge or pavement.⁷ For off-road routes too, research from the Countryside Agency suggests that conflict between non-motorised users is more perceived than real, and often 'talked up' after the event.⁸

Obviously, motor vehicles account for a much greater proportion of Britain's road mileage than cycles. In 2016, for example, motor vehicles drove around 116 billion vehicle miles (BVM) altogether on urban roads (excluding motorways), compared to 2.3 billion for cycles – or fifty times as much. Even allowing for this fifty-fold difference in the total miles travelled, from 2012-16, in *urban areas*:⁹

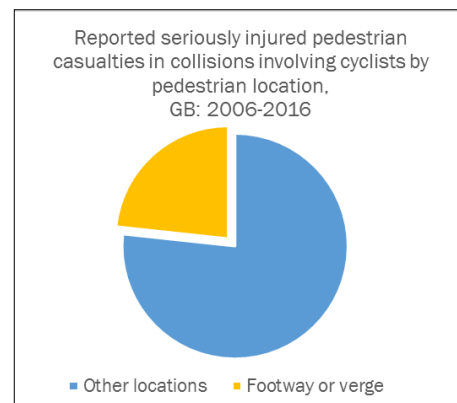
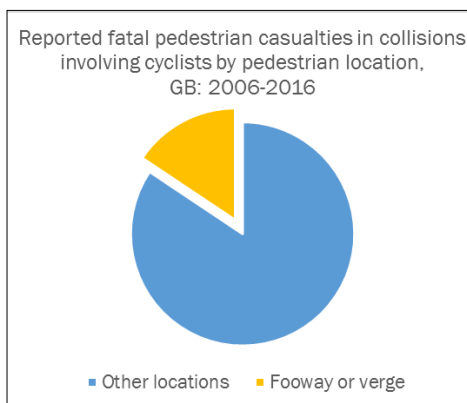
- For every one BVM ridden, cycles were involved in 1.4 pedestrian fatalities, and 38.9 pedestrian serious injuries;
- For every one BVM driven, cars were involved in 1.9 pedestrian fatalities and 38.2 serious injuries;
- For every one BVM driven, motor vehicles (i.e. car, motorbike, bus, van, HGV etc.), were involved in 2.4 pedestrian fatalities and 37.8 serious injuries.

This means that, mile for mile, in urban areas, cycles were less likely than motor vehicles to be involved in a fatal collision with a pedestrian, and not much more likely to be involved in a serious injury collision with them. Again, it is important to note that, unlike motoring, most cycling happens in towns and cities, where the concentration of cyclists and pedestrians is at its most dense. It is still the case, though, that the degree of risk that cyclists pose to pedestrians is minimal and should not be exaggerated.

- **The risk that cyclists pose to pedestrians on the pavement (footway)/verge**
- **Very few pedestrians are hurt by cycles on the pavement/verge:** in Great Britain from 2006 to 2016, cycles were involved in 0.5 pedestrian fatalities on the footway/verge on average a year, and about 18 serious pedestrian injuries. No pedestrians were killed in collision with a cycle on the footway/verge in 2007, 2009, 2011-2013 inclusive, in 2015 or 2016.¹⁰
- **The vast majority of vehicle-related pedestrian injuries that happen on the pavement/verge involve a motor vehicle, not a cycle:** from 2005-14 (GB), 98.5% of pedestrian fatalities and 95.7% of pedestrian serious injuries that happened in collisions on a footway/verge involved a motor vehicle of some kind (see chart right).¹¹

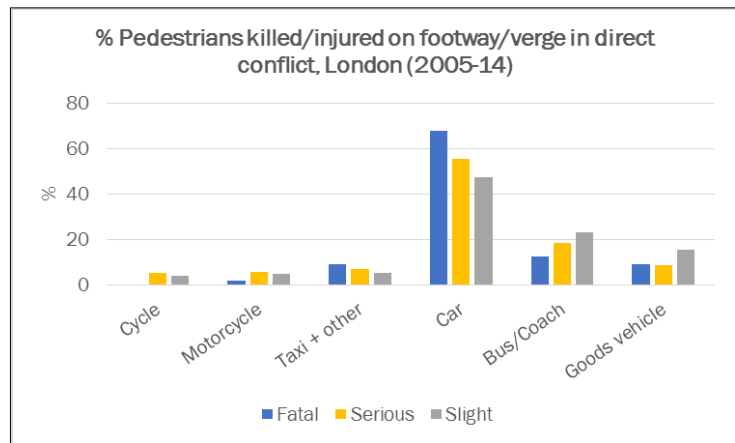


- **In any case, most collisions between cycles and pedestrians do not happen on the pavement/verge, but in the roadway, where it's legal to cycle.** From 2006-2016 (GB), 84% of the total pedestrian fatalities and over three quarters of pedestrian serious injuries that involved a cycle happened on the roadway (27 out of 32; 665 out of 867 respectively). (Note: figures relating to cycle/pedestrian collisions do not indicate fault or, if the location was a footway, whether it was shared-use).¹³



Note: i. Footways/pavements are not footpaths! See note on page 10. ii. Converting footways to shared-use: highway authorities, of course, may convert footways into shared-use facilities. Signs and markings should make this clear (see 'Sharing Space' below).

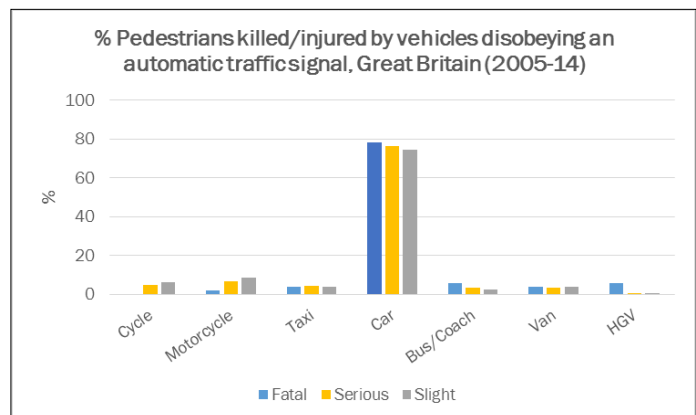
- Despite the significant rise in cycling's modal share into central London - an increase during the weekday morning peak of 203% between 2000 and 2014¹⁴ - no pedestrians were killed in collision with a cyclist on the footway or verge between 2005 and 2014. On average, three pedestrians were seriously injured in collisions with cycles on the footway/verge a year, and 11 slightly. In contrast, six pedestrians were killed in collisions with motor vehicles on average a year on the footway/verge, 51 seriously injured and 258 slightly.¹⁵



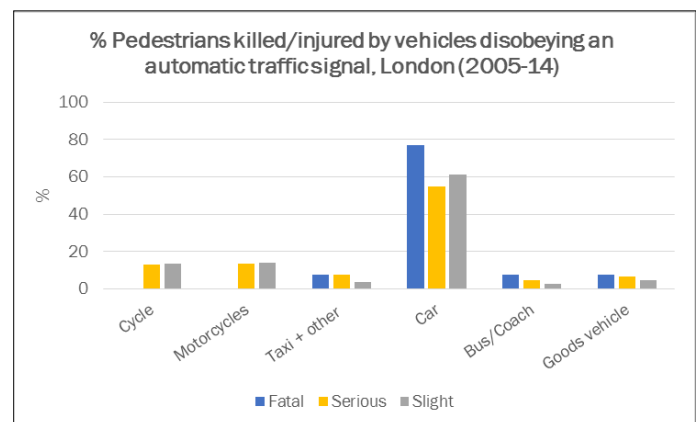
- **The risks of red light jumping to pedestrians**

Over the 10-year period from 2005 to 2014 inclusive:

- No pedestrians in Britain were killed by red light jumping cyclists, while around five a year (52 in total) were killed by red light jumping drivers.
- For pedestrians hit by red light jumping vehicles, just 6% of those slightly injured, and 5% of those seriously injured, involved cyclists. The other 94%-95% involved motor vehicles.¹⁶



- These percentages are rather higher in London, where the concentration of pedestrians, cyclists and traffic lights is particularly heavy. There, 13% of pedestrians injured or seriously injured by red light jumping involved cyclists. However, the other 87% involved red light jumping by drivers or riders of motor vehicles.¹⁷



● For more on cycling and pedestrians, see:
www.cyclinguk.org/campaigning/views-and-briefings/pedestrians



4. Cycling and offending behaviour

Cycling UK view: Road traffic rules should not put cyclists in situations where they feel they must choose between acting legally and protecting their own safety. Those responsible for making and enforcing the rules must take into account the reasons behind the offending behaviour.

To gain widespread respect from cyclists, road traffic rules and their enforcement need to protect, and not undermine, cyclists' safety. Cyclists should never be expected to face situations where they feel they have to choose between acting legally and protecting themselves (e.g. by riding on a footway to avoid a lorry or moving safely into open space at signalised junctions rather than waiting for the following traffic to accelerate into that junction when the lights turn green).

In the interests of all road users, therefore, it is important to consider the reasons behind any offending behaviour and to address them. In the case of cyclists, these may include: age, inexperience or the fear of on-road riding, a lack of cycle training, poor infrastructure, unhelpful traffic regulations etc.

Whilst Cycling UK cannot condone law-breaking, much could be done to amend laws, regulations and design practice that endanger cyclists unnecessarily (e.g. at one-way systems or major junctions). Equally, enforcement and the way it is applied should take into account the reasons behind the offending behaviour. (See also 'Alternatives to prosecution and fines' below).



Again, it is important to remember that cyclists are more likely to be the victim than the perpetrators of traffic offences (see section 3). At the same time, Cycling UK is very much in favour of more traffic policing. For more, see:

- Cycling UK's Road Justice campaign: www.roadjustice.org.uk
- www.cyclinguk.org/campaigning/views-and-briefings/traffic-police-and-other-enforcement-agencies

Research suggests that drivers tend to exaggerate the misbehaviour of cyclists because of a tendency to see them as an 'out group' and a strong psychological tendency to "overgeneralise from the behaviour of *individual* members of an 'out group' to the behaviour of members of the 'out group' as a *whole*." (*Drivers' Perception of Cyclists*, TRL, 2002).

5. Specific cycling offences

a. Riding recklessly, dangerously, carelessly or inconsiderately

- **The offence**

It is an offence to ride recklessly on a road, or in a dangerous, careless or inconsiderate manner (i.e. cycle on a road without due care and attention, or without reasonable consideration for other persons using the road). The applicable legislation is the *Road Traffic Act (RTA) 1988* sections 28, 29 & 30, as amended by RTA 1991. 'Road' includes bridleways.

An amendment to RTA 1991 explains that a person is to be regarded as cycling 'dangerously' if (and only if): "(a) the way he rides falls far below what would be expected of a competent and careful cyclist, and (b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous. 'Dangerous' refers to danger either of injury to any person or of serious damage to property." The maximum penalties are £1,000 for careless cycling, or £2,500 for dangerous cycling.

- **Wanton or furious cycling** is a criminal offence under section 35 of the *Offences Against the Person Act 1861* (as amended by the *Criminal Justice Act 1948*, s1(2)).¹⁸ This tends to be used (but rarely) if the offending behaviour caused bodily harm to someone else (or didn't happen on a 'road', as defined under the Road Traffic Acts (RTAs). The maximum penalty for this is two years' imprisonment.
- **Speeding** offences apply to *motor* vehicles, not to cycles (which do not, after all, have speedometers), so cyclists cannot be prosecuted for breaking speed limits on public roads. **Note:** exceptions can occur - for instance in parks where local bye-laws might impose speed limits on cycles as well as motor vehicles.

On the other hand, cyclists who are going too fast for the conditions etc. could be charged with riding dangerously, carelessly etc. under the RTAs, fined for 'antisocial behaviour', or (at least theoretically) charged with 'wanton or furious riding' if they hurt someone.

- **Drink and drugs:** cycling under the influence of drink or drugs is an offence under the *Road Traffic Act 1988*, s30, but the drink drive limit only applies to drivers. For cyclists, the test is whether or not they are *fit to ride*. Our briefing *Cycling under the influence* explains more: www.cyclinguk.org/campaigning/views-and-briefings/cycling-under-influence

- **Mobile phones/ headphones:** legislation that prohibits talking on a hand-held mobile phone applies only to drivers, not to cyclists. If the use of a mobile phone causes a cyclist to ride dangerously etc, however, they could be charged under the RTAs.

Dutch research suggests that the use of media devices (mobiles / media players) increases the crash risk for cyclists by c40%.¹⁹ However, of the 440 cyclist fatalities between 2010 and 2013 (inclusive), Cycling UK has identified just four cases (one in each year) where media reports suggest that headphone use could have been a factor - one of these cases also involved two drivers racing at speed.²⁰ Obviously, headphone use is likely to compromise most individuals' response to danger - especially if the volume is high and/or sounds from outside, including audible warnings from turning lorries - are completely blocked. However, this is also likely to be true for pedestrians, so singling out cyclists in any moves to address headphone use as a road safety issue is probably unjustified.

Note: in 2017, the Government announced that it intended to review cycle safety in two phases. The first phase will "analyse the case for creating a new offence equivalent to causing death or serious injury by careless or dangerous driving to help protect both cyclists and pedestrians." Phase two will be "a wider consultation on road safety issues relating to cycling." Cycling UK has accepted the case for a review of cycling offences, but believes it should be part of a long-promised wider review of how the justice system deals with the mistakes, carelessness, recklessness and deliberately dangerous behaviour by *all* types of road user. We hope that the wider review will consider measures to support more and safer cycling, and the overlaps between pedestrian and cycle safety.

See: www.gov.uk/government/news/government-launches-urgent-review-into-cycle-safety for the Government's announcement, and www.cyclinguk.org for updates from us.



b. Cycling on the pavement²¹ (footway)

Cycling UK view: Cycling UK does not condone unlawful cycling on pavement. However, the police should exercise discretion in the use of fixed penalty notices for pavement cycling and discriminate between those whose behaviour is dangerous and antisocial and those who are acting out of concern for their own safety without presenting any threat to others.

- **The offence**

S72 of the *Highways Act 1835* made it a criminal offence to “lead or drive” a “carriage of any description” on “any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers”. In 1888, s85(1) of the *Local Government Act* declared that “bicycles, tricycles, velocipedes, and other similar machines are ‘carriages’ within the meaning of the Highway Acts”. The maximum court fine is £500 or the police can issue a £50 fixed penalty notice.

The situation in Scotland is rather different (see Cycling UK’s briefing on the Land Reform Act 2003: www.cyclinguk.org/campaigning/views-and-briefings/scotlands-land-reform-act-2003-and-outdoor-access-code (p2).

- **The risk that cyclists pose to pedestrians on the pavement**

As mentioned (3b), cycles pose far less danger to pedestrians than motors, even on urban pavements.

- **Fixed Penalty Notices (FPNs) for pavement cycling**

When FPNs for footway cycling were first introduced in England and Wales, cycling organisations (including Cycling UK), asked for assurance from the Government that the penalty would be applied fairly and only used when the behaviour put pedestrians at risk. In a written response, the then Home Office Minister, Paul Boateng MP, said that the introduction of the fixed penalty:

“... is not aimed at responsible cyclists who sometimes feel obliged to use the pavement out of fear of the traffic, and who show consideration to other pavement users when doing so. This is not a clamp down on responsible cycling, and I know the police service too do not see it in that way.” (Paul Boateng MP (Home Office) to Ben Bradshaw MP, 9/7/1999).

In 2014, this advice and a reminder that police should use their discretion over fining people for cycling on the pavement was re-circulated to police forces, and endorsed by the then cycling minister, Robert Goodwill MP.²²

Anyone issuing an FPN for anything must carry evidence that they are an authorised enforcement officer, and should not issue the penalty where: the offence is trivial; the offender is vulnerable; it is not in the public interest; the enforcement action is inappropriate or disproportionate for the offence.

The number of FPNs issued to cyclists for riding on the pavement doesn’t necessarily reflect how many are committing the offence. It may simply be that the police force in question has launched a ‘crackdown’, or that the area they cover is heavily trafficked (e.g. Greater Manchester, London etc). A parliamentary answer from 2010, giving the number of fines for pavement cycling in England and Wales from 2003-07, and an answer from the Met Police to an Freedom of Information request in February 2017, demonstrate just how much figures vary between forces overall, and the degree to which they fluctuate year-on-year within the same force.²³



Children and FPNs: contrary to popular belief, it is illegal to cycle on the pavement regardless of age and/or the size of cycle wheel. However, FPNs cannot be issued to children under ten, as they are below the age of criminal responsibility.

It is possible to issue FPNs children who are ten or over, but it is a cumbersome process:

- For juveniles aged 10 - 17, any enforcement officer issuing an FPN must always be in uniform, always approach the young person from in front rather than behind, never touch them, always identify themselves and offer identification, and ideally work in pairs.
- If the young person is aged 10 - 15, the officer can only issue an FPN if they know the young person, or the young person's school has agreed to FPNs being issued. If not (as is likely in most cases), the officer has to obtain details of the young person's parent or guardian, and if it is later decided that an FPN is appropriate, arrange to serve it on the young person with a parent or guardian present (thereby defeating the claimed benefit of on-the-spot enforcement).
- The rules are more relaxed for 16 and 17 year-old juveniles, but only if the officer knows they are older than 15.

For more, see: www.gov.uk/guidance/enforcement-officers-issuing-fixed-penalty-notices.

Alternatives to FPNs: Cycling UK believes that police officers should have the option to send cyclists of any age found riding on the pavement on a cycle training course, if they are not posing a danger to others or riding in an obviously antisocial manner. This would help them feel more confident about riding on the roadway - see also section 6 'Alternatives to prosecution' below.

Note: 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).

Cycling on a *footpath* normally constitutes only a trespass against the landowner. 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. However, local authorities can make it a criminal offence (i.e. illegal) to cycle on a footpath by means of a bye-law or a traffic regulation order (under the *Road Traffic Regulation Act 1984*). Again, please note that the situation in Scotland is rather different: see www.cyclinguk.org/campaigning/views-and-briefings/scotlands-land-reform-act-2003-and-outdoor-access-code (p2).

c. Cycling in other pedestrianised areas

- **Shopping precincts**

Local bye-laws can make cycling in or through a precinct a criminal offence, enforceable by the police or PCSO and punishable by a fine. FPNs could also be issued to cyclists for 'antisocial behaviour' if their riding is deemed to be causing nuisance. Signs should notify people about any such prohibition.

- **Pedestrian zones/shopping streets/vehicle restricted areas (VRAs)**

Pedestrian zones are areas laid out for the benefit of pedestrians. The mechanism for prohibiting or restricting vehicles from these and other areas (such as shopping streets), are 'traffic regulation orders' (TROs). Contravening a TRO is a criminal offence - so, if the order prohibits or restricts cycling, it must be observed.

Cycling is not always prohibited or restricted in these areas, however, and Cycling UK advocates this approach. If absolutely necessary, time restrictions based on when the area is at its busiest with pedestrians might be justified, but we believe that councils should also take account of the times that cyclists will probably want to use the route (e.g. for commuting/school run) - it may well be that peak cyclist flow does not coincide with peak pedestrian flow anyway. See our briefing on pedestrians for more (link on next page).

d. Pushing cycles on pedestrian facilities

Cycling UK takes the view that it is not illegal to push a cycle along a pedestrian facility of any kind. This is largely based on the judgment in the case of *Crank v Brooks [1980] RTR 441*, in which Lord Justice Waller said: "In my judgment a person who is walking across a pedestrian crossing pushing a bicycle, having started on the pavement on one side on her feet and not on the bicycle, and going across pushing the bicycle with both feet on the ground so to speak is clearly a 'foot passenger'. If for example she had been using it as a scooter by having one foot on the pedal and pushing herself along, she would not have been a 'foot passenger'. But the fact that she had the bicycle in her hand and was walking does not create any difference from a case where she is walking without a bicycle in her hand."

- For more on traffic policing see:
www.cyclinguk.org/campaigning/views-and-briefings/traffic-police-and-other-enforcement-agencies
- For more on cycling under the influence see:
www.cyclinguk.org/campaigning/views-and-briefings/cycling-under-influence
- For more on cycling and pedestrians, see:
www.cyclinguk.org/campaigning/views-and-briefings/pedestrians
- For more on public footpaths, see:
www.cyclinguk.org/campaigning/views-and-briefings/public-footpaths-england-wales

e. Jumping red lights

- **The offence**

It is an offence to cross the stop line when the traffic lights are red under the *Road Traffic Act 1988 s36 & Traffic Signs Regulations and Directions 2002 (TSRGD) regs 10 & 36(1)*.

- **Cycle-only crossings:** the Highway Code says that cyclists "MUST NOT cross until the green cycle symbol is showing."
- **Toucan crossings:** (i.e. light-controlled crossings shared by cyclists and pedestrians) - cyclists are permitted to ride across and the lights are there to advise people when it is or is not safe to cross.

- **Prevalence of disobeying traffic signals**

- In 2016 (GB), 11,783 cycles were involved in incidents in which a police officer assigned one or more 'contributory factors' (CFs) to at least one of the parties at the scene. Officers assigned 138 CFs for disobeying an automatic traffic signal to the cycle, i.e. to just over 1% of them - about the same percentage as it was for cars.²⁴
- In 2012, disobeying a traffic signal did not appear in the top ten most commonly occurring contributory factors allocated to a pedal cycle in fatal incidents involving at least one cyclist.²⁵
- A TRL study for DfT found that disobeying a traffic signal did not feature in the top ten contributory factors attributed to cyclists in fatal, serious or slight collisions from 2005-2007 in Great Britain. ²⁶ Disobeying 'Give Way' or 'Stop' signs or markings contributed to 5% fatal, 4% serious and 3% slight collisions - this factor was bottom of the top ten list.

- **Why do some cyclists jump red lights?**

Cyclists sometimes feel safer moving into open space at signalised junctions rather than waiting for the following traffic to accelerate into that junction when the lights turn green. The manoeuvre, though, can lead to serious and fatal injury.

See section 3b above for the risk that red light jumping by cyclists poses to pedestrians.



f. Riding without lights

• The offence

Under the *Road Vehicle Lighting Regulations 1989 (RVLR) regs 13, 18 & 24*, it is an offence to ride between sunset and sunrise without an approved white front and red back light. The lights must be lit, clean and working properly. Lights are not required if the cycle is stationary or being pushed.

• Prevalence of riding without lights

- In 2016 (GB), 11,783 cycles were involved in incidents in which a police officer assigned one or more 'contributory factors' (CFs) to at least one of the parties at the scene. Officers assigned 236 CFs for "not displaying lights at night or in poor visibility" to the cycle, i.e. to 2% of them.²⁷
- The TRL report mentioned above found this factor was cited by the police in 5% of fatal collisions; 4% serious and 3% fatal (2005-07). The study also found that collisions at night were more likely to result in a fatality and that the cycle was commonly hit from behind. Rural roads, which are unlit and generally have higher speed limits, presented a particular hazard.

6. Alternatives to prosecution or fines

Cycling UK view: The police and others charged with applying the law should be able to send offending cyclists on training programmes as an alternative to prosecution or FPNs.

Under the National Driver Offending Retraining Scheme (NDORS), police forces have the discretion to offer an offending driver a training course (e.g. on speed awareness) as an alternative to prosecution. Cycling UK believes that there is, if anything, a much stronger justification for applying this approach to cyclists. Riding a cycle is far less complex and less likely to cause harm than driving a motor vehicle, there are no age restrictions and no compulsory tests. In many instances of offending behaviour among cyclists, therefore, high quality training may well be the most proportionate and effective response.

Indeed, cycle training for both adults and children has improved significantly since the introduction of the national standard, often branded as 'Bikeability', or 'cycle proficiency for the 21st century' (www.bikeability.org.uk). A good deal of cyclists' offending - particularly pavement cycling among teenagers - happens because some cyclists have not been taught how (or why) to ride on the roads safely, confidently and responsibly, and are not aware of the law. See our briefing on cycle training for more: www.cyclinguk.org/campaigning/views-and-briefings/cycle-training

Some police forces (e.g. the Metropolitan Police in London and Hampshire) are prepared to cancel FPNs for riding without lights if the cyclist subsequently shows that they have fitted a set.²⁸

7. Cyclists' behaviour and infrastructure

Cycling UK view: Highway authorities should tackle any hazardous road conditions or poor design that may explain illegal behaviour by cyclists in certain locations.

If, for example, footway cycling is proving to be a nuisance somewhere, it makes sense for the highway authority to find out why cyclists are not using the legal route. Reducing speeds or putting in a cycle link may be enough to eliminate the problem. At signalised junctions, cycle-only 'early starts' and/or making sure that the lights are phased to give cyclists enough time to clear the junction safely may help design out red light jumping.

- For more on cycle-friendly design and planning, see:

www.cyclinguk.org/campaigning/views-and-briefings/cycle-friendly-design-and-planning-overview



8. Cyclist licensing/compulsory training & insurance

Cycling UK view: A system of compulsory licensing and cycle training is unworkable and unjustifiable, not least because children have the same legal rights to cycle as adults and expecting them to hold licences is impractical. While the running costs would be high (i.e. similar to schemes that apply to motor vehicles and drivers), the benefits would be negligible, and the bureaucracy involved likely to seriously deter newcomers and occasional cyclists.

There are sometimes calls to regulate cyclists by introducing a testing and licensing system. However, Cycling UK believes this would have little, if any, positive effect on road safety. As a case in point, the strict licensing system for drivers does not prevent widespread speeding etc., while irresponsible cyclists are not particularly likely to obey regulation systems in the first place. This means the bureaucracy of regulation would probably have more impact on the majority of law-abiding cyclists who do not need to be regulated, than on the few who indulge in reckless and potentially harmful behaviour, and do not typify cyclists in general.

Also, in countries famed for their high levels of cycle use, cyclists are not expected to be tested, licenced/registered etc., as far as we know. Prime examples of this are the Netherlands and Denmark, where 27% and 17% of trips are cycled, respectively.

A variety of regulatory systems have been introduced in other countries or in cities elsewhere (e.g. Toronto and Switzerland), but subsequently abolished (e.g. in Toronto and Switzerland); either that, or their main aim was or is to tackle bike theft through registration (e.g. in Japan), rather than irresponsible riding behaviour.

Cycle training: as mentioned, riding a bicycle isn't nearly as complex as driving a car, and doesn't involve the same degree of operational risk. Therefore, Cycling UK does not believe that cycle training should be a compulsory prerequisite to cycling in any circumstances. We do advocate it, however, as noted above in section 6, and believe it could help to address the behaviour of offending cyclists.

a. The main disbenefits: licensing systems, with or without a compulsory test, would be ...

- **Costly and disproportionate:** the number of people who own a cycle in Great Britain runs into millions, and is not much less than the number of licensed cars. This would impose a significant extra burden on the taxpayer, and one that would not prove cost-effective in terms of road safety because cyclists do little harm (see section 3 above). In 2016 (approx.):²⁹

No. of licensed private cars	29.5 million
No. of people with full car driving licences	38.5 million
No. of people aged 5+ who own a bicycle	25 million

- **Impractical to administer and enforce,** especially given the numbers of children who cycle or own a bicycle. In fact, they are much more likely to be bicycle owners than adults: in 2014/16, 82% of 5 - 10 year-olds, and 70% 11-16 year-olds, owned a bicycle (other age bands range from 22%-50%).³⁰ Regulating child cyclists, in fact, caused such serious problems that it was one of the reasons for Toronto's decision to revoke its bicycle licensing bylaw.³¹ Also, as bicycles change hands more readily than motor vehicles, keeping the system up to date would be very difficult. Moreover, the police are already under-resourced, and enforcing a licensing system for cyclists, child and adult alike, would stretch them yet further. Even when supplied with a drivers' licence plate number and full details, many police forces already find it challenging enough to pursue each and every report of bad driving.

- **A barrier to the uptake of cycling:** cycling is so healthy and environmentally-friendly that it makes no sense to put anything in the way of people who are interested in taking it up. Newcomers or occasional cyclists may well be put off if they have to apply for a licence, register their machines and undergo compulsory training before they can set off on the road.
- **Complex to introduce:** as the *Vehicle Excise and Registration Act 1994* provides for the registration of mechanically propelled vehicles, but not for cycles or cyclists, new legislation would be needed if the Government decided to regulate cyclists/cycling/cycles in a similar way. Introducing new law is always a convoluted and lengthy process and, if the changes did make it through, the Government would then have to pay for extensive upgrades to the relevant computer systems – and they've said in the past that they are reluctant to do that (see section 8b below).

b. The Government's view

So far, the Government has resisted introducing regulation for cyclists, usually for the same reasons as Cycling UK. Below are answers to Parliamentary Questions:

- **Formal testing/licensing**

In a written answer, (Dec 2015), Lord Ahmad of Wimbledon (then Parliamentary Under-Secretary of State, DfT) said:

"We consider that the costs of a formal testing and licensing system for cyclists would significantly outweigh the benefits cycling has to the country's economy, health and environment. [...] It is likely that a licensing system will discourage many existing and potential cyclists, leading to a dramatic fall in the numbers of people cycling."

*"Around 80% of adult cyclists also hold driving licenses, meaning that the majority of cyclists on the road have already been tested on operating safely in different road and traffic conditions. Furthermore, the safety case for a testing/licensing system is not as strong as that for drivers since, by contrast with motorised vehicles, bicycles involved in collisions on the highway are highly unlikely to cause serious injury to other road users."*³²

- **Registration of cyclists/cycles**

In a written answer (Oct 2006), Lord Davies of Oldham (Deputy Chief Whip (House of Lords)) said:

*"The Vehicle Excise and Registration Act 1994 provides for the registration of mechanically propelled vehicles so it would not be possible to register bicycles or cyclists under that Act. To enable the Government to administer the registration of cyclists, changes in legislation would have to be considered along with extensive changes to computer systems."*³³

- **Insurance**

In a written answer (June 2016), Lord Ahmad said:

*"We have no plans to make insurance compulsory for cyclists. We encourage all cyclists to take out some form of insurance. In fact, many cyclists do through membership of cycling organisations, such as Cycling UK."*³⁴

In a written answer about cycle delivery services (November 2016). Lord Ahmad said:

*"Current legislation requires the use of motor vehicles to be covered by third party liability insurance. Compulsory insurance only applies to motor vehicles because the average speed and construction of motor vehicles means that they are much more likely than a pedal cycle to cause serious property damage or personal injury to a third party. / We have no plans to make insurance compulsory for cyclists. However, all cyclists are encouraged to take out liability insurance and a range of products are available on the market."*³⁵

All Cycling UK members are automatically covered up to £10 million third party insurance, and we offer a discounted rate to members of affiliated groups.

For more, see: www.cyclinguk.org/insurance/third-party-insurance

9. Critical Mass (CM)

Cycling UK view: Cycling UK does not actively support Critical Mass, but recognises the motivation of those involved.

Critical Mass (CM) has been described as an 'organised coincidence' of hundreds, often thousands of cyclists riding together regularly in urban areas. No one is in charge and routes are not organised beforehand. CM is a regular event in several cities, including London, where interested parties meet on the South Bank under Waterloo Bridge at 5.45pm on the last Friday of every month.

The law: CM is not unlawful and the police do not have to be notified. However, the authorities have on occasion tried to control or ban it without success. For example, at the start of the September CM in London in 2005, the police issued participants with a leaflet that stated:

"... Police can impose conditions on processions, demonstrations and other assemblies, and participants render themselves liable to arrest if they fail to comply with those conditions. These cycle protests are not lawful because no organiser has provided police with the necessary notification. Your participation in this event could render you liable to prosecution. Police policy in facilitating these events is currently under review ..."

Following a legal challenge, the High Court decided in favour of CM, but the police won an appeal against the decision. In October 2008, an appeal by Des Kay and Friends of the Earth against the Commissioner of Metropolitan Police was heard by five Law Lords and succeeded. CM was deemed to be a commonly or customarily held procession without organisers and consequently not subject to certain police restrictions or the need to notify them of each ride.

For more on CM, see www.cyclistsdefencefund.org.uk/on-legality-londons-critical-mass

¹ DfT. *Reported Road Casualties Great Britain: 2016*. Sept 2017. Table RAS40004.

www.gov.uk/government/collections/road-accidents-and-safety-statistics

² DfT. *Reported Road Casualties Great Britain: 2016*. Sept 2017. Table RAS40004. (Link above).

³ DfT. *National Travel Survey: 2016*. Table 0304. July 2017

www.gov.uk/government/collections/national-travel-survey-statistics Note: until 2014, the NTS covered all of Great Britain, but thereafter England only. However, trip rates for GB as a whole and England are similar, so we quote them as a proxy.

⁴ DfT. *Reported Road Casualties Great Britain: 2016*. Sept 2017. Table RAS30001. DfT defines 'serious' injuries as: "... an injury for which a person is detained in hospital as an "in-patient", or any of the following injuries whether or not they are detained in hospital: fractures, concussion, internal injuries, crushings, burns (excluding friction burns), severe cuts, severe general shock requiring medical treatment and injuries causing death 30 or more days after the accident."

⁵ DfT, *Reported Road Casualties Great Britain: 2016*. Sept 2017. Table RAS50005.

www.gov.uk/government/collections/road-accidents-and-safety-statistics. Note: Contributory factors (CFs) are usually assigned by a police officer at the scene – they are not the result of a forensic investigation. As it is by no means always easy for an officer to pinpoint what contributed to the incident, CFs should be treated with some caution.

⁶ TRL. *Collisions involving cyclists on Britain's roads: establishing the causes* (PPR445). P34. October 2009. www.trl.co.uk (free report). Tables 7-4. For fatalities, blame was allocated more often to the cyclist – but in these cases, the cyclist was not there to tell the side of their story, of course.

⁷ *Under-reporting:* It is clear that DfT's statistics on injuries due to pedestrian/cyclist collisions do not provide the full picture. Although DfT's definition of 'serious injuries' is supposed to include hospital admissions, there is a significant mismatch between the police-recorded number of serious pedestrian injuries due to cycle collisions (as reported in DfT's statistics) and the number of hospital admissions recorded in Hospital Episode Statistics (HES). There are several reasons why a hospital admission might not be recorded by the police. Many of these incidents occur in places other than on public roads (e.g. in parks or open spaces, or on the rights of way network), hence they are outside the scope of police reporting. In other cases the parties involved may conclude that the injury is too slight to call the police or go to a police station; or the police themselves may decide (sometimes wrongly) that the incident is not important enough to spend time on the paperwork. Given the uncertainties around under-reporting levels, Cycling UK bases its calculations on the risk that cyclists pose to pedestrians on the best figures available, i.e. DfT's *Reported Road Casualties GB*, whilst acknowledging that under-reporting does exist.



- ⁸ Countryside Agency. *How people interact on off-road routes*. Research Note CRN 32. March 2001. <http://publications.naturalengland.org.uk/publication/50065>
- ⁹ - Casualties: DfT. *Reported Road Casualties Great Britain: 2016*. Sept. 2017. Table RAS 40004 <https://www.gov.uk/government/collections/road-accidents-and-safety-statistics>
- Road traffic: DfT. *Road Traffic Estimates Great Britain 2016*. Tables TRA0402 (pedal cycle traffic) & TRA0104 (motor traffic). <https://www.gov.uk/government/collections/road-traffic-statistics>
- ¹⁰ Data supplied on request to Cycling UK by DfT, 09/11/2017.
- ¹¹ Answer (clarified) to Freedom of Information request made to DfT by Cycling UK (then CTC) on 3/2/2016. https://www.whatdotheyknow.com/request/pedestrian_ksi_1_from_red_light_2?nocache=incoming-762565#incoming-762565
- ¹² Casualty figures from the DfT's *Reported Road Casualties Great Britain: 2016*. Sept 2017). Table RAS 40004.
- ¹³ Data supplied on request to Cycling UK by DfT, 09/11/2017
- ¹⁴ TfL. *Travel in London. Report 8*. 2015. <http://content.tfl.gov.uk/travel-in-london-report-8.pdf>
- ¹⁵ Answer to Freedom of Information request to TfL made by Cycling UK (then CTC) on 7/12/2015. https://www.whatdotheyknow.com/request/pedestrian_ksi_1_from_red_light?nocache=incoming-759237#incoming-759237
- ¹⁶ Answer to Freedom of Information request made to DfT by Cycling UK (then CTC) on 7/12/2015. https://www.whatdotheyknow.com/request/pedestrian_ksi_1_from_red_light_2?nocache=incoming-762565#incoming-762565
- ¹⁷ Answer to Freedom of Information request to TfL made by Cycling UK (then CTC) on 7/12/2015. https://www.whatdotheyknow.com/request/pedestrian_ksi_1_from_red_light?nocache=incoming-759237#incoming-759237
- ¹⁸ The offence is, in actual fact, furious driving, but it applies to cycling (cycles are vehicles in law). The Act, s35 says: "Whosoever, having the charge of any carriage or vehicle, shall by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years ..."
- <http://www.legislation.gov.uk/ukpga/Vict/24-25/100#1DAZ3VPD>
- ¹⁹ SWOV. *Use of media devices by cyclists and pedestrians*. August 2013. http://www.swov.nl/rapport/Factsheets/UK/FS_Use_of_media_devices_cyclists.pdf
- ²⁰ Of these four cyclists: one was hit by one of two drivers racing at 80mph, more than twice the local speed limit (<http://road.cc/content/news/73167-bradford-drivers-whose-80mph-race-led-cyclists-death-each-jailed-four-years>); one was killed on a bridleway crossing of a railway line (<http://road.cc/content/news/88874-cyclist-hit-train-was-warned-walkers-inquest-hears>) one collided with a lorry (<http://news.bbc.co.uk/1/hi/england/hampshire/8589032.stm>); and one apparently road into the path of an overtaking car (<http://road.cc/content/news/85387-accidental-death-verdict-case-cyclist-who-turned-path-vehicle-overtaking-him>)
- ²¹ Strictly speaking, the 'pavement' is 'paved'. Many footways are not actually paved, so are not actually 'pavements'.
- ²² <https://www.cyclinguk.org/news/goodwill-reiterates-footway-cycling-guidance>
- ²³ Parliamentary Written Answer. 26/1/2010. www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100126/text/100126w0003.htm#1001265500021 / Metropolitan Police. *Cycle Traffic Offence Reports – 2012 to 2016*. 17/2/2017. https://www.met.police.uk/globalassets/foi-media/disclosure_2017/february_2017/information-rights-unit--fixed-penalty-notice-issued-for-pedal-cycle-offences-from-2012--2016
- ²⁴ DfT. *Reported Road Casualties Great Britain: 2016*. Sep. 2017. Table RAS 50005. <https://www.gov.uk/government/collections/road-accidents-and-safety-statistics>
- ²⁵ Written answer to a Parliamentary Question, 25/11/2013, c98W. www.theyworkforyou.com/wrans/?id=2013-11-25b.176267.h#g176267.r0
- ²⁶ TRL. *Collisions involving cyclists on Britain's roads: establishing the causes* (PPR445). P34. October 2009. www.trl.co.uk (free report). See note 6 (Table 7-4, P35 of the report).
- ²⁷ DfT. *Reported Road Casualties Great Britain: 2016*. Sep. 2017. Table RAS 50005. <https://www.gov.uk/government/collections/road-accidents-and-safety-statistics>
- ²⁸ Bikebiz press release 7/1/2014. 'MET reveals Operation Safeway Stats.' <http://www.bikebiz.com/news/read/met-reveals-operation-safeway-stats/015846>
- ²⁹ Sources: licensed cars – DfT. *Vehicle licensing statistics 2016*, Table VEH0103 <https://www.gov.uk/government/collections/vehicles-statistics>; driving licence holders – DVLA. *Government Driving Licence Data*. Table DRL0101. <https://data.gov.uk/dataset/driving-licence-data>; people aged 5+ who own a bicycle – DfT. *National Travel Survey 2016*. Table NTS0608. July 2017. <https://www.gov.uk/government/collections/national-travel-survey-statistics>. Population statistics by age – England and Wales www.ons.gov.uk / National Records of Scotland www.nrscotland.gov.uk.
- ³⁰ DfT. *National Travel Survey 2016*. Table NTS0608. July 2017 (link above).
- ³¹ City of Toronto. *Cycling and the Law*. <https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=0be4970aa08c1410vgnVCM10000071d60f89RCRD>
- ³² <https://www.theyworkforyou.com/wrans/?id=2015-11-24.HL3851.h>
- ³³ <https://www.theyworkforyou.com/wrans/?id=2006-10-09d.1.742>
- ³⁴ <https://www.theyworkforyou.com/wrans/?id=2016-06-06.HL475.h>.
- ³⁵ <https://www.theyworkforyou.com/wrans/?id=2016-10-19.HL2481.h>