

2019 AGM Ruled Out of Order Motions

The motions below were received for consideration for the Cycling UK 2019 AGM. The reasons for ruling the motions out of order is recorded below.

Motion passed at the Cycling UK 2016 AGM:

This AGM proposes that any amended or rejected motions should be published (redacted if confidential personal information is involved) on the website with subsequent communications.

No.	Motion	Reason	Proposer	Seconded	Board response
1.	<p>My proposed motion is:- "To encourage more responsible use of the roads and a reduction in the number of road traffic accidents Cycling UK will lobby vociferously for a change in the law placing the presumption of guilt, and thus the burden of proof, in all road traffic accidents on the larger vehicle".</p>	<p>Many accidents affecting cyclists in recent have resulted in negative reactions towards cyclists. The case involving the death of a pedestrian in which a reckless cyclist was held by the courts to be responsible resulted in a disproportionate reaction against cyclists in the unbalanced UK media. A simple solution to this would ensure that road users exercise appropriate care towards all other road users and pedestrians. That is to adopt the law that has been successfully implemented in the Netherlands by placing the presumption of guilt, and thus the burden of proof, in all traffic accidents on the more powerful party i.e. the largest vehicle or mode of transport. Thus an accident between a cyclist and a pedestrian would</p>	Peter Goodair	Nick Dunaway	<p>The proposer of this motion accepted the arguments below and agreed to withdraw the motion.</p> <p>The motion calls on Cycling UK to campaign for 'presumed liability' rules in criminal law. Cycling UK already supports the principle of 'presumed liability' rules in civil law: i.e. that an injured pedestrian or cyclist should be able to claim compensation from the driver's insurance unless the injured party is demonstrably at fault. However, calling for this in criminal law (i.e. that drivers who hit pedestrians or cyclists should be presumed to have committed a crime unless the victim was demonstrably at fault) would be a reversal of the 'innocent unless proven guilty' principle and would be very unlikely to attract support, even from many of our own members. To campaign "vociferously" for this risks doing serious reputational damage.</p>

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		<p>require the cyclist to prove that he or she was not to blame for the accident and so on and so forth up the entire transport “food chain”.</p>			<p>Conversely, there is a real opportunity at present to campaign for ‘presumed liability’ rules in civil law. The Government has agreed to consider the case for such rules as one of the outcomes of its recent review of cycling and walking safety. Cycling UK had pushed for this in our response to that review (see p150). Hence we now have an opportunity to put forward the case for such rules calmly and rationally, rather than “vociferously”.</p> <p>We have also pressed the case for presumed liability rules in our response to a recent Law Commission consultation on Autonomous Vehicles (aka ‘driverless cars’), given the added complications for injured victims from having to work out whether to pursue an injury claim against the driver or the manufacturer of the vehicle or its operating system (bearing in mind that the latter is likely to be a large corporation who will be very reluctant to admit flaws in its system).</p>
2.	<p>Cycling UK is seeking changes to the Highway Code and further action should be taken to discuss and provide information and presentations to the Department for Transport, showing why the Highway Code’s advice should be updated, without delay, to provide better advice and legal protection for cyclists.</p>	<p>Improvements to the Code are needed in a number of areas: close passing, dooring, allowing people to wear normal clothing without additional safety aids and still be entitled to full compensation in the event of an accident. Cycling UK already knows these changes are needed and working towards seeking improvements. The motion seeks to cover these areas and present information from research recently published and from research not yet published to show why changes are needed. The supporting evidence</p>	Colin F Clarke	Adam Peters	<p>This motion was ruled out of order on the ground that it merely seeks to mandate Cycling UK to do things that we are already doing, under an AGM motion passed in 2013.</p>

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		could then be presented by the author of the research, who could address questions from the DfT as well as Cycling UK campaigners providing evidence. This would strengthen the case for changes to the Highway Code.			
3.	This AGM proposes that a full set of membership figures that includes and distinguishes between every class of individual/group membership shall be published in the annual report and on the Cycling UK website. These figures shall cover the previous three years of Cycling UK membership.	There is concern at the lack of progress of Cycling UK in attracting new members and retaining existing ones. We hope that the information required by this motion will contribute to allaying these fears. The proposers will not accept that this information if published will adversely affect Cycling UK.	Peter Kanssen	Barry Raynor	<p>This motion was ruled out of order because Cycling UK, in line with the voluntary sector, publishes the number of members it has each year in our annual report. Our long standing policy in relation to membership is to publish the total number of members supporting the charity, together with the corresponding increase or decrease in relation to previous years. We have determined that, in line with many other charities and membership organisations, this provides the right level of information for those who support or are otherwise interested in the work of the charity. In the last year we have seen an increase in our membership of around 1,000 members (or just over 1%) compared to the previous financial year.</p> <p>Our new 5 year strategy, whilst committing to increasing membership and supporters to 100,000 by 2023, places an emphasis on maximising the support of existing members. To this end we are investing in more staff and IT specifically to support members to increase their experience to enjoy cycling, improve conditions and attract new members.</p>