

A submission from Cycling UK to the
FUTURE OF TRANSPORT REGULATORY REVIEW

INTRODUCTION

1. Cycling UK was founded in 1878 and has 72,000 members and supporters. Historically known as 'CTC' or the 'Cyclists' Touring Club', Cycling UK's central charitable mission is to make cycling a safe, accessible, enjoyable and 'normal' activity for people of all ages and abilities. Our interests cover cycling both as a form of day-to-day transport and as a leisure activity, which can deliver health, economic, environmental, safety and quality of life benefits, both for individuals and society. Cycling UK is a member of the Walking and Cycling Alliance (along with the Bicycle Association, British Cycling, Living Streets, Ramblers and Sustrans) as well as the Healthy Air Campaign.
2. Cycling UK has been pleased to provide oral as well as written evidence to a number of Transport Committee inquiries in recent years, notably its inquiry on Active Travel in 2019, whose recommendations we strongly supported. Our written submission to that inquiry¹ provided an overview of the economic, environmental, health and quality-of-life arguments for investing in cycling, hence we do not repeat them here.
3. This submission sets out our provisional view that, if sensibly regulated, micromobility vehicles could be potentially beneficial in reducing the adverse environmental and economic impacts of excessive car-dependence. However these benefits are uncertain and could be offset by other environmental, health and safety disbenefits.
4. We are pleased to note that the Government seeks to ensure that future transport (presumably including micromobility) "*develops in line with our Principles*", as set out in the Future of Mobility: Urban Strategy. Principle 3 is that "*Walking, cycling and active travel must remain the best options for short urban journeys.*" We also note the statement on page 20 of the Call for Evidence that "*We want to avoid a situation in which people move away from more active choices such as walking and cycling.*"
5. We therefore suggest the Government needs to be clear about its purpose in contemplating possible legislation for 'micromobility vehicles'. Such vehicles would need to be sufficiently fast and space-efficient to be able to attract people to switch from car use to micromobility, for certain trips. However they would also need to avoid being too fast, too powerful or too heavy such that they detract from efforts to encourage more walking or cycling, or (worse still), such that they endanger their riders, pedestrians (including people with disabilities) in shared pedestrian areas, or cyclists using cycle lanes or cycle tracks.
6. The balance must necessarily involve regulating the speed, power, weight and braking ability of this proposed category of vehicles, such that:
 - They are not more attractive than cycling; and
 - They can be allowed to be used in spaces where both walking and cycling are also permitted (e.g. on cycle tracks, in parks and open spaces, on byways and bridleways etc), without requirements for these vehicles or their users to have to be licenced or insured. If a vehicle does not meet these requirements, it should either be regulated as a motor vehicle, or not at all.

¹ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/active-travel/written/91593.pdf>

7. As regards current consideration of the possible legalising of e-scooters, our provisional view – subject to the outcome of the forthcoming trials – is that they should be legalised on the basis of the ‘precautionary principle’, i.e. limiting the maximum power output and speed at lower levels than those which apply to electrically assisted pedal cycles (EAPCs, or ‘e-bikes’). It would be easier to relax these restrictions at a later date if the potential adverse impacts of e-scooters turn out to be relatively unproblematic, than to attempt to do the reverse. Tightening the limits on the maximum power and/or speed of e-scooters would be difficult to do, as this would involve banning the use of certain types of e-scooter after members of the public had spent good money on buying them. Hence any legislative framework to legalise the use of e-scooters should err on the side of caution.
8. However, given that the consultation proposals for hired e-scooter trials proposed that the vehicles would be limited to a maximum speed of 12.5mph, a maximum power output of 350W and a maximum unladen weight of 35Kg, we are extremely dismayed at the decision to proceed with trials that will allow speeds of up to 15.5mph, power up to 500W and weights up to 55kg. If this proves dangerous, or detrimental to cycling and walking (contrary to Principle 3 of the Future of Mobility: Urban Strategy), we fear it is likely to prove very difficult to put this genie back into the bottle.
9. We therefore consider that the monitoring of the e-scooter trials is of the utmost importance, to assess whether e-scooters are compatible with Principle 3, and that any regulatory framework for e-scooters (and potentially for other micromobility vehicles) does not undermine that Principle.

PART 2: MICROMOBILITY

Question 2.1: Do you think micromobility vehicles (such as those shown in Figure B) should be permitted on the road? Please explain why.

10. We support allowing the use of micromobility vehicles on the roads, subject to certain key provisos. Firstly (and obviously), they should be safe for use on the roads. Secondly, they should be safe for use in environments that are shared with pedestrians, without requiring the vehicles or their riders to be licensed or insured. Any vehicle that does not meet this second criterion should be regulated as a motor vehicle, rather than being admitted to a new legal category of micromobility vehicles.

Question 2.2. If you can, please provide evidence to demonstrate the potential:

- (a) Benefits of micromobility vehicle use**
- (b) Risks of micromobility vehicle use**

11. Micromobility vehicles have pros and cons that have to be weighed up carefully. They could be a clean and space-efficient way to reduce congestion, road danger, pollution and greenhouse gas emissions caused by excessive car use. However they could potentially pose safety risks, both to their riders (and passengers?) and to others, notably pedestrians (particularly more vulnerable pedestrians e.g. people with disabilities). The risks to their own users are particularly acute for vehicles with sensitive steering (due to their narrow handlebars) and/or small wheels (which is likely to make them more vulnerable to road surface defects).

12. There are also risks that they could attract more people from walking, cycling and public transport, rather than from car use. This would not only undermine their potential environmental benefits, but could seriously erode the health benefits of encouraging walking and cycling, given that e-scooter use does not entail physical activity.
13. At this stage, it is impossible to know whether micromobility vehicles would attract travel predominantly from trips that are currently made by car, or from current walking, cycling and public transport, as this will depend on how they are regulated. The faster and more powerful they are, and the greater the freedom they have to use spaces that can currently be used by pedal cycles but not motor vehicles, the more likely they are to reduce car use. On the other hand, these characteristics are also the ones which would make them most likely to undermine cycling, while endangering pedestrians, particularly more vulnerable pedestrians (e.g. people with disabilities), thereby undermining walking too.
14. The question is of most immediate relevance in the case of e-scooters, given the Government's plans to permit trials of these vehicles, with a view to legalising them. It is possible that e-scooters could attract travel predominantly from trips that are currently made by car. E-scooter hire firms point to a study from Santa Monica, California (where around 50% of e-scooter trips replaced trips that would otherwise have been made by car, taxi or minicab) and from Portland, Oregon (where the corresponding figures were 34% for trips made by city residents, and 48% of rides made by visitors²). However data from Paris suggests mode shift from cars, taxis or minicabs has been only 8-10% - an OECD report provides a full table of available evidence.³ This level of mode shift is likely to depend on the background levels of car, taxi and minicab use in the relevant area.
15. In terms of their environmental impacts, there is also the risk that micromobility vehicles could be seen as throw-away vehicles, particularly where they are made available through hire schemes (whether publicly funded or purely commercial, including tourist applications). If their vehicle life-spans are short, they could have a net disbenefit in terms of life-cycle CO₂ emissions, as well as adding to the depletion of the materials needed to make the vehicles and particularly their batteries.
16. A study by North Carolina State University⁴ attempted a whole lifecycle assessment of the net carbon impacts of hired e-scooters. Taking account of the costs of manufacturing and transporting the scooters (both from the place where they are manufactured to the location where they are used, and transport within the city to keep them sheltered, or to redistribute them to where they are needed), it found that whether e-scooters delivered a net saving in carbon emissions was very sensitive to how long they lasted. Some data suggests that hired e-scooters typically have very short life-spans, which would likely be associated with a net disbenefit in terms of CO₂ emissions. However, the manufacturers have responded to criticisms of e-scooters being 'throw-away vehicles' by developing more robust e-scooters. This would be more likely to give a net CO₂ benefit. Still, the key point is that the evidence is not clear-cut one way or the other.

² www.portlandoregon.gov/transportation/article/709719

³ www.itf-oecd.org/sites/default/files/docs/safe-micromobility_1.pdf, see Table 3

⁴ <https://iopscience.iop.org/article/10.1088/1748-9326/ab2da8>

17. The safety trade-off is also unclear. The OECD report mentioned earlier found that a shift from car use to e-scooters and other 'Type A' micromobility vehicles (i.e. those which are speed-limited to a maximum of 25 kmh / 15.5 mph) was likely to achieve a net road safety benefit, because the increases in injuries and fatalities suffered by e-scooter users would be outweighed by the reduction in overall danger to other road users (including pedestrians and cyclists, as well as e-scooter users themselves) from motor vehicles.
18. However it is not clear that this beneficial effect could not be achieved more effectively by promoting a shift to cycling instead. The injury risks to e-scooter users themselves were similar to those faced by cycle users, though two studies found higher risks of hospitalisation for e-scooter riders, and the fatality risk was also slightly higher. The proportions of e-scooter injuries due to road surface maintenance defects (rather than collisions with other motor vehicles) was markedly higher for e-scooter users, which also suggests that e-scooter injuries are less likely to be reduced by installing high-quality protected cycle lanes.
19. The most significant potential down-side of e-scooters is likely to be the risk that they attract a shift of journeys from cycling and walking (either on their own or in combination with public transport), thereby reducing the health benefits of 'active travel'. The physical activity benefits of cycling provide the main economic justification for investment in high-quality cycle facilities. It would therefore be ironic if the justification for that investment was then undermined if e-scooter use displaced cycling in cycle facilities, thereby undermining the economic case that had justified the provision of those cycle facilities in the first place.
20. Conversely, the strongest argument in favour of e-scooters is likely to be one that takes time to be realised. To the extent that e-scooters persuade people to switch trips from car-use that would otherwise not have switched to walking or cycling, would not only achieve environmental and economic benefits that would be additional, but would also help strengthen the economic and political justification for investment in high-quality protected cycle lanes. Those cycle lanes would need to have a higher capacity than if they merely needed to accommodate cycling alone. However, this additional (or accelerated) reallocation of road-space could therefore strengthen the potential benefits of cycling (as well as e-scooting itself) in terms of reducing physical inactivity, as well as allowing the two modes to co-exist as complementary solutions for tackling congestion, pollution and greenhouse gas emissions.

Question 2.3 If micromobility vehicles were permitted on roads, would you expect them to be used often, sometimes or never, instead of (a) private vehicles, (b) taxis or private hire vehicles, (c) public transport (d) delivery vehicles, (e) cycling, (f) walking, or (g) other (please specify).

21. It is impossible to answer this question at this stage, as this will depend on how micromobility vehicles are regulated.
22. The option we favour is that micromobility vehicles should be relatively slow, low-powered and light vehicles. Specifically, we advise that their motors should be limited to a maximum speed of 12.5mph without pedalling or 15.5mph if it only operates as assistance to pedalling, that the motor's maximum continuous power output should be 250W and the vehicle has a maximum unladen weight of 60kg, albeit with higher weights and more powerful motors being permitted on vehicles whose braking systems were authorised through a type-approval process (this could permit them to be freight-carrying or passenger-carrying vehicles). For more, see our answer to question 2.6.

23. If defined in this way, the use of micromobility vehicles could be regulated on a similar basis to conventional or electrically-assisted pedal cycles, i.e. possibly with a minimum age-limit, but without requirements for compulsory licensing of the vehicles or their riders, compulsory insurance etc, and with permission to use them in some public places that are shared with pedestrians (e.g. pedestrianised streets, parks and open spaces, byways and bridleways, but not footways).
24. Under this scenario, micromobility vehicles could be expected to attract people to use them in place of short car trips, though they may also reduce some walking and cycling trips. They might be expected particularly to be used in town and city centres, as a means of making connections between public transport and the non-home end of a journey (e.g. where the start or the end of the journey is a shop, a workplace etc).
25. An alternative option is that micromobility vehicles could be regulated to be faster and more powerful vehicles, such as “Speed pedelecs”, albeit with more stringent requirements in relation to user or vehicle licensing, insurance and/or helmet use. However, for there to be any point in creating a new regulatory category for such vehicles (i.e. for treating them as anything other than motor vehicles, and thus allowing them to be used anywhere other than on roads, on byways or on private land with the landowner’s permission), there would need to be an extensive network of very high-quality cycle routes. At present, the UK does not have even the beginnings of such a network. We therefore do not believe this option should be contemplated at this point.

Question 2.4

(a): In your opinion, which of the following micromobility vehicles should be permitted, if any, on roads, lower speed roads, and/or cycle lanes and cycle tracks?

26. As explained in response to question 2.3, whether micromobility vehicles should be permitted to be used will depend on the regulatory definition of the vehicles themselves, particularly in terms of their maximum speed, power and weight.

(b) and (c): Please explain your choices for using micromobility vehicles (or not) on (b) roads and or only lower-speed roads, (c) cycle lanes and cycle tracks, providing evidence where possible.

27. Under our preferred regulatory framework for micromobility vehicles (see our answer to question 2.6), we would expect all of the vehicle types listed in question 2.4 to be included. They could then potentially be used on all roads where pedal cycles are permitted (i.e. excepting motorways). Whilst this would require an improvement in road surface maintenance standards, that is necessary and would be beneficial in any event. Similarly, such vehicles could be used on both cycle lanes and tracks, though this would result in pressures not only to improve the quality and maintenance of their surfaces, but also their widths and their safety at junctions and crossing points. This too is necessary and beneficial in any event. Micromobility vehicles should not, of course, be used on footways.

(d) What impact do you think the use of micromobility vehicles on cycle lanes and cycle tracks would have on micromobility vehicles users or other road users?

28. This will depend on whether design standards, surfaces and (crucially) the widths of cycle lanes and cycle tracks improves sufficiently to accommodate the growth in micromobility vehicle use. If micromobility vehicles are to be permitted to use cycle

lanes and cycle tracks, this will increase the need for the forthcoming second Cycling and Walking Investment Strategy to have substantially greater funding than has been allocated so far.

Question 2.5: Mobility scooters and pedestrian operated street cleaning vehicles are already permitted on the footway. Should any other micromobility vehicles be permitted to use the pavement or pedestrian areas? If so, which types of devices should be permitted and in what circumstances?

29. We agree that no additional vehicles should be allowed to use footways. As for other pedestrian areas (e.g. pedestrian priority streets, parks and open spaces, byways and bridleways), we believe micromobility vehicles should be allowed to use these provided that:

- (a) they are regulated in the way we propose in paragraph 22 (i.e. they are light, low-speed and low-powered vehicles, or they have braking systems if they are heavier and more powerful freight-carrying vehicles); and
- (b) these vehicles, along with pedal cycles, are normally prohibited where the pedestrian density regularly exceeds 200 people per hour per metre of width;
- (c) exemptions are made to the restrictions made in (b) above for people using micromobility vehicles as mobility aids.

Question 2.6: (a) What do you think the minimum standards for micromobility vehicles should be? (b) Should different standards be set for different types of micromobility vehicles?

30. For most micromobility vehicles, we believe there should be regulatory limits for:

- A maximum speed: this should be 20kmh / 12.5mph;
- A maximum acceleration: we suggest this should be 0.22m/s^2 , to avoid causing danger to inexperienced riders or to other road users (e.g. cyclists in cycle lanes, or pedestrians crossing the path of a micromobility vehicle as it is about to accelerate);
- A maximum continuous power output: this should be 250W;
- A maximum weight: this should be 35kg;
- A maximum braking requirement: we suggest this should be the ability to decelerate from its maximum speed to stationary within 6 metres on level ground when carrying a passenger of 85kg, and to decelerate to stationary within 3 metres if the passenger suddenly dismounts. However the issue of braking limits should be given further consideration;
- A minimum wheel size: this should be 200mm;
- A maximum length and width: we suggest these should be 2800mm and 1200mm respectively;
- Either a set of indicators or the ability for the rider to indicate using hand signals.
- Where a handlebar is used for steering, we suggest this should have a minimum width of 750mm, to ensure the steering is stable and not too 'twitchy'.

Exceptions could be made for vehicles with higher maximum power and weight, subject to a type approval process, particularly to ensure the safety of their braking systems.

Question 2.7: Are there other vehicle design issues for micromobility that you think we should be considering?

31. As noted in answer to question 2.6, we believe there is a need to set a maximum acceleration rate, in addition to the criterion listed in question 2.6, to ensure that micromobility vehicles are safe both for their riders and for pedestrians who may be crossing in front of them as they start to accelerate.
32. Although we do not take a view on whether handlebars should be required (we have insufficient knowledge of the safety or otherwise of micromobility vehicles without handlebars), we do believe that where handlebars are used for steering, a minimum width should be defined. We suggest this should be 750mm.

Question 2.8: What should be requirements be for micromobility users with regard to: (a) vehicle approval; (b) vehicle registration and taxation; (c) periodic vehicle testing; (d) user driving licence; (e) insurance; (f) helmet use; (g) minimum age; and (h) speed limits.

33. We believe that the user requirements in relation to all of the above should be as for electrically-assisted pedal cycles (EAPC), except for speed limits, which should be lower. The maximum speed for a vehicle that does not require physical activity should be lower than the maximum speed at which an EAPC's motor is required to cut out, i.e. 15.5mph. Otherwise micromobility vehicles (which do not require physical activity) are likely to become preferable to EAPCs or pedal cycles (which do require physical activity), thereby undermining Principle 3 of the nine Principles set out in the 'Future of Mobility: Urban Strategy', namely that "Walking, cycling and active travel must remain the best options for short journeys."

PART 3: BUSES, TAXIS AND PRIVATE HIRE VEHICLES

Question 3.12(a): What areas of the bus, taxi and private hire vehicle (PHV) framework should we consider in future states of the Future of Transport Regulatory Review?

34. The Government should consider the regulation of pedicabs, alongside any review of regulations governing taxis and private hire vehicles.
35. Cycling UK has long argued the case for a proportionate regulatory framework for pedicabs, as well as their operators and riders, with the aim of enabling safe and responsible pedicab operators to flourish, while ensuring they are not undermined both reputationally and financially, by irresponsible operators.
36. In London, pedicabs operate as Stage Carriages under section 4 of the Metropolitan Public Carriage Act 1869,⁵ following a High Court decision in the case of R (oao Oddy) v Bugbugs Ltd.⁶ carriages. This does not provide for adequate regulation to prevent unsafe and irresponsible operator and rider practices, and has therefore caused serious reputation damage to the industry, including those seeking to operate responsibly.
37. Conversely, in the rest of Great Britain, pedicabs are required to operate as taxis. In practice, this makes it impossible for pedicabs to operate on a ply-for-hire basis in England and Wales outside London – even where the local authority is supportive – because the insurance and other requirements for taxis are so onerous, and are entirely disproportionate for addressing the potential risks. The situation is slightly different though in Scotland, where local authorities have been able to licence pedicab operations using street trading licences.

⁵ www.legislation.gov.uk/ukpga/Vict/32-33/115/contents

⁶ www.licensingresource.co.uk/sites/all/files/taxi/bugbugs.pdf

38. A Pedicabs (London) Bill has been tabled before Parliament. With certain amendments, it has the potential to create a sensible regulatory framework for pedicabs in Greater London. However Cycling UK would far prefer it if a solution was found that also addressed the whole of Great Britain, and potentially Northern Ireland too.

39. A sensible regulatory framework would require national governments (or perhaps Transport for London, in the case of London) to establish regulations governing:

- The safety of pedicabs, including their braking systems and safety belts;
- The safe management of pedicab fleets and riders, recruitment and employment practices, and financial good repute of pedicab operators;
- The training, geographical knowledge and lawful behaviour of pedicab riders, including an obligation on pedicab operators to maintain a register of riders.

It would also require them to issue statutory guidance to highway authorities concerning the provision of pedicab stands, as well as on defining any locations where pedicabs may not ply for hire.

40. In making these regulations and issuing this guidance, the regulating authority should have regard to factors such as (a) the benefits of supporting safe and responsibly-run pedicab operations, both as a zero-emissions transport service and as a contribution to local tourist economies; (b) the safety of pedicab riders, passengers and other road users; and (c) the need to minimise disruption to the life of the community.

PART 4: MOBILITY AS A SERVICE

Question 4.1: In your opinion, in the development of Mobility as a Service platforms, what should be the role of local authorities, central government or other transport authorities?

41. National Government should be responsible for:

- Making regulations to ensure safe and responsible operations of transport operators whose services can be promoted on MaaS platforms, and the safety of the vehicles they use;
- Making regulations and issuing guidance aimed at enabling highway authorities to manage the numbers of operators or vehicles in their area using MaaS platforms, and to manage public space in their areas (i.e. prevent littering or obstructions of highways and public spaces, e.g. by defining where vehicles may or may not stand, be parked or be left following use);
- Making regulations to ensure interoperable payment and ticketing systems, and issuing guidance aimed at enabling transport authorities to determine service standards of transport operations using MaaS platforms in their areas, so that they can (a) integrate payment fares and charges with local transport services, (b) ensure good service standards, particularly in areas of deprivation or poor public transport provision.

42. Local highway authorities should be responsible for managing the use of the public highway and other public spaces, by defining where vehicles using MaaS platforms may or may not ply for hire, be parked or left by users.

43. Local transport authorities (who are often, but not always the same bodies as local highway authorities) should be responsible for ensuring the integration of MaaS-using transport services with public transport provision in their area (including pricing, payment and ticketing systems) and managing service standards, e.g. by ensuring suitable service standards in areas of deprivation and/or transport poverty.

Question 4.2: (a) Can you provide evidence for further measures that are required for the standardisation and interoperability of data, for example the routing, ticketing and timetabling data, to deliver Mobility as a Service? (b) who should lead these further measures (e.g. central government, local government, industry or other)? Please explain why.

44. At present, public cycle-hire schemes run in many towns and cities around the UK. However there is no common system of payment. Therefore regular users have to have different payment systems for each cycle-hire scheme, and it is impossible to link these services as add-ons to rail or other public transport fares. Hence neither local authorities or public transport operators have the ability to promote the integration of cycle-hire schemes either with one another or with public transport services, via a common payment platform.

45. Addressing these issues should be led by national government, in order to create an interoperable system of payment and ticketing. It should then set regulations and guidance to highway and transport authorities, with highway authorities being enabled and mandated to manage public space (notably the public highways) in their areas, while transport authorities (who are often but not always the same bodies) are enabled and mandated to integrate cycle-hire schemes (and other transport services) with wider public transport provision in their area, and to ensure good service standards, particularly in areas of deprivation and/or transport poverty.

Question 4.9(b): Can you provide evidence of measures that could be incorporated into MaaS platforms to encourage active travel and/or sustainable travel choices?

46. As per our response to question 4.2, we believe regulations need to ensure the interoperability of payment schemes for public cycle-hire services, both with each other (i.e. between cycle-hire operators) and with public transport services, so that payment can be made for public transport fares and for cycle-hire, as part of a single payment for a door-to-door journey.

PART 5: WIDER ISSUES

Question 5d.1: Are there any specific, urgent areas of the regulatory framework that you feel we are not addressing through the eight workstreams already announced for the Future of Transport Regulatory Review? Please provide evidence.

47. We are concerned that DfT seems not to have given consideration to what road traffic offences can be committed on micromobility vehicles, either in general or in the specific case of e-scooters. We fear this is going to cause serious problems during the forthcoming trials of e-scooters, given that local police forces will be hard-pressed to enforce against the illegal use of privately owned e-scooters in areas where hired e-scooters have been legalised.

48. More broadly though, Cycling UK has long been concerned that the framework of 'core' road traffic offences (i.e. 'careless' and 'dangerous' driving, and their equivalents involving causing death or causing serious injury) is not fit for purpose.⁷ In response to campaigning by Cycling UK and its allies,⁸ the Government promised a comprehensive review of road traffic offences in 2014,⁹ however this has still not materialised.¹⁰

⁷ www.cyclinguk.org/article/why-should-government-review-road-traffic-offences-full

⁸ www.cyclinguk.org/minister-backs-talks-to-improve-traffic-justice

⁹ www.cyclinguk.org/news/government-announces-full-review-of-driving-offences-and-penalties

¹⁰ www.cyclinguk.org/blog/duncandollimore/government-will-nothing

49. During the Transport Committee's 2015-16 inquiry on Road Traffic Enforcement,¹¹ it considered this issue, even though it felt (incorrectly we suspect) that this was strictly speaking a matter for the Justice Committee. The committee's inquiry report reflected Cycling UK's concerns on this point, noting that:

"There has been a decrease in the number of convictions for "causing death by dangerous driving" (falling steadily from 241 offences in 2004 to 123 offences in 2014)¹⁹ and a corresponding increase in the number of convictions for "causing death by careless or inconsiderate driving"²⁰ As a result the overall number of convictions for these "causing death" offences has remained steady, from 303 offences in 2004 to 311 offences in 2014, with little variation in the intervening years.²¹ The offence of "causing death by careless or inconsiderate driving" was introduced in 2006, and since 2009 there has been a decrease in the number of convictions for "causing death by dangerous driving", falling from 225 in 2009 to 123 in 2014. In the same period, the number of convictions for "causing death by careless or inconsiderate driving" has increased from 81 to 163. As shown in Table 1, there is no overall trend in the number of convictions for "causing death" offences. There are concerns that, as the overall number of "causing death" convictions has not reduced, offences that would have once been "causing death by dangerous driving" have effectively been downgraded to "causing death by careless or inconsiderate driving". This falls within the jurisdiction of the Justice Select Committee, and we would encourage that Committee to look into this matter."

Similar concerns were voiced by MPs from across the political spectrum during a Westminster Hall debate on 'Road Justice' in November 2018.¹²

50. There is a specific anomaly in the legal framework that we wish to highlight. The most serious of the 'core' road traffic offences that can apply to the users of 'normal' pedal cycles is 'dangerous cycling', which has a maximum penalty of £2,500. There is no cycling equivalent to the offences of 'causing death by dangerous driving', or 'causing serious injury by dangerous driving', which have maximum penalties of 14 years and 5 years custody respectively, though there is the option of prosecuting for 'wanton and furious riding', which has a maximum custodial penalty of 2 years.

51. Concerns about this discrepancy caused DfT to promise a review of the framework of cycling offences in 2018,¹³ with a view to achieving greater consistency between cycling and motoring offences. In response, Cycling UK said it was not opposed to tougher maximum penalties for cycling or the principle of greater consistency. However we argued that this consistency should not be achieved simply by 'copying and pasting' the legal framework of motoring offences and penalties to create new cycling offences and penalties. Instead, we argued that the appallingly flawed framework of 'careless' and 'dangerous' offences therefore needed to be overhauled, rather than simply extending it to cover a very small number of serious cycling offences. The Government has since acknowledged that *"this is a complex area."*¹⁴

¹¹ <https://publications.parliament.uk/pa/cm201516/cmselect/cmtrans/518/518.pdf>

¹² www.cyclinguk.org/news/mps-criticise-inconsistent-laws-road-justice-debate

¹³ www.gov.uk/government/consultations/new-cycling-offences-causing-death-or-serious-injury-when-cycling

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817695/road-safety-statement-2019.pdf – see para 2.59

52. In our response to the cycling offences review,¹⁵ Cycling UK noted a similarly absurd discrepancy between the offences and penalties that can be applied to the users of regular pedal cycles and e-bikes respectively. Because e-bikes are classed as motor vehicles (albeit of a kind that is exempt from the normal requirements in relation to driver and vehicle licencing, insurance, and prohibitions against off-road driving), their riders can be prosecuted and convicted not just for ‘dangerous cycling’ but also for ‘causing death by dangerous driving’, with a maximum sentence of 14 years custody.
53. Therefore, in the short term (i.e. for the purpose of the trials currently being proposed), the Government needs to clarify that (presumably) the motoring offences framework will also apply to e-scooter riders, as it does for e-bike users. However, looking ahead, it needs to consider seriously how to reform the framework of ‘careless’ and ‘dangerous’ offences not only for cycling and motoring, but also for e-scooters and other micromobility vehicles, if these are to be legalised.

Roger Geffen
Policy Director

July 2020

¹⁵ www.cyclinguk.org/sites/default/files/document/2018/11/1811_rg_dft_cycling-offences-full_confinal.pdf