

Changes to The Highway Code: improving safety for cyclists, pedestrians and horse riders

Your details

Q1. Your (used for contact details only):

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Q2. Are you responding:

on behalf of an organisation?

Organisation details

Q3. What is the name of your organisation?

Cycling UK

Hierarchy of road users

Q5. Do you agree with the introduction of new Rule H1?

Yes

Hierarchy of users wording

Q7. Is the proposed wording easy to understand?

No

Disagree with hierarchy of users wording

Q8. Why not?

For two related reasons:

- 1) We believe it would be more readily understood, and accepted, if it was described as a 'Hierarchy of Responsibility' rather than a 'Hierarchy of Road Users'.
- 2) We believe the emphasis should be more on the principle of the hierarchy (i.e. that those whose vehicles have the greatest potential to endanger and intimidate other road users have the greatest responsibility to avoid doing so) rather than the order of different road user groups in the hierarchy. The latter is difficult to convey, particularly given that a road users' vulnerability is influenced not just by their mode of transport but also by whether (for instance) they are a child, or disabled.

Our proposed solution involves amending the explanatory text which precedes rule H1. We suggest this should be as follows:

"The 'Hierarchy of Responsibility' expresses the idea that, although all road users need to take responsibility for their own and other road users' safety, those travelling in ways that are most likely to endanger others have the greatest responsibility to avoid doing so. For instance, drivers of motor vehicles (especially lorries, buses and coaches) have primary responsibility for the safety of motor cyclists, pedal cyclists, horse riders and pedestrians, especially where the latter are children, older adults or disabled people."

We believe this would diffuse some of the debates around the wording of rule H1 itself.

Clarification of right of way and stronger priorities for pedestrians

Q9. Do you agree with the introduction of new Rule H2?

Yes

Stronger priorities for pedestrians wording

Q11. Is the proposed wording easy to understand?

No

Disagrees with stronger priorities for pedestrians wording

Q12. Why not?

The wording of H2 involves a lot of apparent duplication, and the reasons for the differences between the paragraphs of this rule are not readily apparent.

We propose reordering and rewording the opening 4 paragraphs, reducing them to just 3 paragraphs, as follows:

"At a junction you should give way to pedestrians crossing or waiting to cross a road into which or from which you are turning.

"You should give way to pedestrians waiting to cross a zebra crossing, and to pedestrians and cyclists waiting to cross on a parallel crossing.

"Motor vehicle drivers, motorcyclists and cyclists **MUST** give way to pedestrians on a zebra crossing, and to pedestrians and cyclists using a parallel crossing. Horse riders and carriage drivers should do likewise.

"Pedestrians have priority when on a zebra crossing..." etc.

We also propose deleting the words "This includes people using wheelchairs and mobility scooters". Instead, there should be definitions of the terms "Pavement" and "Pedestrians" in the introductory text (preceding rules H1 to H3). For more, see our response to Q15 (which relates to the proposed rule on "Pavements and footways")

Cyclists priorities and right of way**Q13. Do you agree with the introduction of new Rule H3?**

Yes

Cyclists priorities and right of way wording**Q15. Is the proposed wording easy to understand?**

No

Cyclists priorities and right of way**Q16. Why not?**

This rule is over-long and repetitive (a symptom of having been drafted by committee!). We suggest the following would be shorter and simpler:

"Do not cut across the paths cyclists going straight ahead when you are turning into or out of a junction, or when changing direction or lane, just as you would not turn across the path of another motor vehicle, particularly if this would cause them to stop or swerve. This applies whether cyclists are using a cycle lane, a cycle track, or riding ahead on the road. Give way to them, stopping and waiting for a safe gap in the flow of cyclists if necessary. This includes when cyclists are:

- * approaching, passing or moving off from a junction;
- * moving past or waiting alongside stationary or slow-moving traffic;
- * travelling around a roundabout"

Rules for pedestrians

Q17. Do you agree with the proposed change to give way to pedestrians waiting at a:

	Yes	No	Don't know?
junction?		X	
zebra crossing?		X	

Q18. Is the proposed wording easy to understand?

No

Disagrees with rules for pedestrians wording

Q19. Why not?

The reference (in bold text) "Pavements and footways" suggests that these two words mean different things. We suggest instead that the introduction (before rules H1 to H3) should include the following:

"In these rules:

The word 'Pavement' means any path alongside a road. In law this is known as a 'footway'.

The word 'Pedestrian' includes people using wheelchairs and mobility scooters."

These introductory definitions would then apply throughout the Highway Code. They would allow the words "This includes people using wheelchairs and mobility scooters" to be deleted from rule H2.

Rules for pedestrians

Q20. Do you have any further comments about other changes to the rules for pedestrians?

* Replace the last 2 paragraphs of rule 13 with one paragraph, as follows:

"Some routes shared with cyclists will not be separated by such a feature. This allows cyclists and equestrians to share the same space with pedestrians. Cyclists should respect your safety (see rule 62) but you should also take care not to obstruct or endanger them unnecessarily."

* Replace the 4th and 5th sentences of rule 19, as follows:

"Remember that, although drivers and riders should give way to pedestrians waiting to cross, by law they are not required to stop until a pedestrian has moved onto the crossing (see rule H2)."

Rules about animals

Q21. Do you agree to the proposed change to Rule 52?

Yes

Rules for animals wording

Q23. Is the proposed wording easy to understand?

Yes

Rules for cyclists

Q25. Do you agree with the proposed change to rule 63?

Yes

Rule 63 for cyclists wording: shared spaces

Q27. Is the proposed wording easy to understand?

Yes

Rules for cyclists

Q29. Do you agree with the proposed change to Rule 72 to ride:

	Yes	No	Don't know?
in the centre of your lane on quiet roads?	X		
in the centre of your lane in slower moving traffic?	X		
in the centre of your lane when approaching junctions?	X		
at least 0.5 metres away from the kerb on busy roads?	X		

Q30. Is the proposed wording easy to understand?

Yes

Rules for cyclists

Q32. Do you agree with the proposed change to Rule 73 at junctions with:

	Yes	No	Don't know?
special cyclist facilities?	X		
no separate cyclist facilities?	X		

Q33. Is the proposed wording easy to understand?

Yes

Rules for cyclists

Q35. Do you agree with the proposed change to Rule 76?

Yes

Rule 76 for cyclists wording: going straight ahead

Q37. Is the proposed wording easy to understand?

Yes

Rules for cyclists

Q39. Do you have any further comments about other changes to the rules for cyclists?

RULE 59, paragraph 3

The opening words of this paragraph should be amended to say "Consider wearing a cycle helmet..." Also, in the following sentence, change "It will reduce" to "It may reduce..." (or "it can reduce...").

We urge these changes for the following reasons:

* There is unclear and contradictory evidence on the safety benefits of cycle helmets, a point partially recognised in the proposed wording "in certain circumstances". We welcome the addition of these words.

* By contrast though, there is compelling evidence of the negative effects of telling people they 'should' wear cycle helmets, even where this amounts to moral pressure (e.g. via a non-compulsory rule in the Highway Code) rather than actual statutory laws. There is overwhelming evidence that the health benefits of cycling far outweigh the risks involved - see summary on pp8-9 of Cycling UK's briefing on cycling and health (www.cyclinguk.org/sites/default/files/document/2017/09/health_1c_rv_brif.pdf). From this, it can be shown beyond any reasonable doubt that it would only take a tiny reduction in cycle use before the resulting loss of cycling's health benefits would outweigh any possible safety benefits to the remaining (helmet-wearing) cyclists. See https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1368064 (n.b. the paper focuses primarily on helmet laws but also covers the impact of non-compulsory helmet campaigns), or a summary of this important paper's argument in Appendix A of Cycling UK's briefing 'Cycle Helmets: an overview of the evidence' (www.cyclinguk.org/sites/default/files/document/2020/01/helmets-evidence_cuk_brif_0.pdf).

* Even if the above point was not the case, the Government should still take account of the prejudicial legal impact of a Highway Code rule saying that cyclists "should" wear a helmet. This wording has made it routine for insurers representing drivers involved in collisions where a cyclist has suffered a head injury to counter the cyclist's claims for injury damages by mounting a 'contributory negligence' counter-claim - see www.cyclistsdefencefund.org.uk/cycle-helmets-and-contributory-negligence/recent-cases. In the most serious cases (i.e. those involving death or permanent disablement), this can cause a traumatised cyclist, or their family (who may have suffered bereavement or become life-long carers) to have to spend years of their lives, and tens of thousands of pounds in legal costs, countering these unjust 'contributory negligence' claims. Changing the wording to "Consider wearing a helmet" could avert the huge, and wholly unjust, financial cost and emotional trauma which is so often borne by the victims of cycling injuries.

* Finally, the word "may" (or "can") rather than "will" (before "reduce your risk of sustaining a head injury in certain circumstances") reflects the uncertainty over the protective effect of helmets, and the possible reasons why they may also increase the risk of injury (including neck injury) in certain circumstances. The word "may" would reflect the fact that there are no circumstances in which it could be confidently claimed that helmets "will" reduce a cyclists' risk of head injury, and that there are some circumstances in which the opposite might be true. The proposed amendment to the preceding paragraph of this rule (concerning the potential benefits of light-coloured or fluorescent clothing) uses the word "can". It would be misleading to imply that the evidence for the benefits of helmets is any more certain than that for light or fluorescent clothing. For more on the complexity of the evidence relating to helmets, see www.cyclinguk.org/sites/default/files/document/2020/01/helmets-evidence_cuk_brif_0.pdf.

RULE 66, 2nd bullet-point

Cycling UK initially intended to support the wording of this proposed rule. However the responses from many of our members, supporters and affiliated clubs has highlighted several ways in which it could be misinterpreted.

We therefore propose an amendment to this rule (see below), and also to the corresponding rule for drivers (rule 213 - see response to question X).

Our rationale for these proposed amendments is as follows:

* The current Highway Code recognises that cyclists should "never ride more than 2 abreast". This implicitly accepts that cyclists may ride two abreast (though many drivers and even police officers believe they are not allowed to do so). However it then undermines this by telling cyclists to "ride in single file on narrow or busy roads and when riding round bends". This is contrary to good safety advice, as widely practiced by cycling clubs. It is in fact usually safer for cycling groups to ride two abreast on narrow roads, and is almost invariably safer when riding round bends, for all the same reasons that single cyclists are generally advised to adopt the 'primary position' in these and other situations (see proposed new rule 72). We therefore believe the new rule needs to be unequivocal in stating that cyclists may cycle two abreast, while also making it clear that they should show consideration for other road users.

* It is also safer in many circumstances for an experienced / adult cyclist who is accompanying a child or children, or a less experienced adult cyclist, to cycle alongside them, rather than in front or behind them.

* Cycling two abreast is also part of the enjoyment of cycling. It is important that the Highway Code does not prejudice this, while recognising that cyclists riding in both small and larger groups should show consideration for other road users. (N.B. This 'consideration' does not just apply to drivers wishing to overtake. It also includes, for instance, the need to switch to single file when passing a horse, either when

Q39. Do you have any further comments about other changes to the rules for cyclists? overtaking it or when passing it in the opposite direction, in order to avoid 'spooking' it).

Our proposed rewording for this bullet-point is therefore as follows:

"[You should] be considerate of the needs of other road users when riding in small or large groups. You can ride two abreast and it is often safer to do so, particularly in larger groups or when accompanying children or less experienced riders. Switch to single file if you consider it safer to allow drivers to overtake."

We also propose a corresponding amendment to rule 213 - see our response to question X.

Rules for drivers and motorcyclists

Q40. Do you have any comments about the proposed change to Rule 97?

We support this rule.

General rules, techniques and advice for all drivers and riders

Q41. Is the proposed wording in Rule:

	Yes	No	Don't know?
123 easy to understand?	X		
124 easy to understand?	X		

If no, why not?

Although we are content with Rule 124, we note that it will need to be updated in due course to reflect the Welsh Government's plans to make 20mph the 'default' speed limit for built-up streets in Wales by 2023.

General rules, techniques and advice for all drivers and riders

Q42. Do you agree with the proposed changes to Rule 140 on giving way to cyclists using a cycle:

	Yes	No	Don't know?
lane?	X		
track?	X		

Q43. Is the proposed wording easy to understand?

Yes

General rules, techniques and advice for all drivers and riders

Q45. Do you have any further comments about the changes to the general rules, techniques and advice for all drivers and riders?

We have no further comments and support the proposed changes to these rules.

Using the road

Q46. Do you agree that cyclists may pass slower moving traffic on their right or left as detailed in Rule 163?

Yes

Using the road

Q48. Do you agree with the proposed speed limits detailed at Rule 163 for overtaking:

	Yes	No	Don't know?
motorcyclists?	X		
cyclists?	X		
horse riders?	X		
horse drawn vehicles?	X		

Q49. Do you agree with the proposed passing distances detailed at Rule 163 for overtaking:

	Yes	No	Don't know?
motorcyclists?	X		
cyclists?	X		
horse riders?	X		
horse drawn vehicles?	X		

Q50. Is the proposed wording easy to understand?

No

Disagrees with Rule 163 for using the road wording: overtaking

Q51. Why not?

The wording (which we support) will become clearer if accompanied by one or more illustrations. This is one of several places where illustrations are necessary.

Using the road

Q52. Do you agree with the proposed changes to Rule 186 that:

	Yes	No	Don't know?
you do not overtake cyclists within their lane?	X		
you allow cyclists to move across your path?	X		
cyclists may stay in the left lane when continuing across or around the roundabout?	X		
horse riders may stay in the left lane when continuing across or around the roundabout?	X		
horse drawn vehicles may stay in the left lane when continuing across or around the roundabout?	X		

Q53. Is the proposed wording easy to understand?

No

Disagrees with Rule 186 using the road wording: signals and position

Q54. Why not?

We suggest a minor amendment to the 2nd sentence, to say that cyclists "may" (rather than "will") be travelling more slowly than motorised traffic.

Using the road

Q55. Do you agree with the proposed change to Rule 195 to give way to pedestrians and cyclists waiting to cross at a parallel crossing?

Yes

Using the road Rule 195 wording: zebra and parallel crossings

Q57. Is the proposed wording easy to understand?

No

Disagrees with Rule 195 using the road wording: zebra and parallel crossings

Q58. Why not?

We suggest rewording the first paragraph on parallel crossings to say:
 "Parallel crossings are similar to zebra crossings, but include a cycle crossing alongside the black and white stripes which mark the pedestrian crossing".

In the first bullet-point relating to parallel crossings, we suggest adding a few words, as follows:
 "** look out for pedestrians or cyclists approaching the crossing or waiting to cross and slow down or stop."

Using the road**Q59. Do you have any further comments about the changes to the rules on using the road?**

In rule 170, 3rd bullet-point, we suggest adding the words "when queueing" before "at junctions".
 Otherwise, the wording of this rule seems to imply that if a cyclist, motorcyclist or horse-rider has stopped and is waiting to turn, motor vehicles should stop behind them in all circumstances, even when they are in a different lane which is moving freely.

Road users requiring extra care**Q60. Do you agree with the proposed changes to Rule 213?**

Yes

Rule 213 road users requiring extra care: cycling on narrow roads**Q62. Is the proposed wording easy to understand?**

Yes

Road users requiring extra care**Q64. Do you have any further comments about other changes proposed in the chapter on road users requiring extra care?**

RULE 123, first paragraph

Whilst we agree with the proposed changes to rule 213 and feel they are easy to understand, we nonetheless wish to propose the following alternative version for paragraph 1 of this rule, to make drivers aware of why it is often advisable for cyclists to ride 2-abreast (as well as to adopt the 'primary position', and to avoid car doors), and why drivers should respect their decisions to do so - see also our proposed changes to rule 66:

"Cyclists are advised to ride at least a door's width or 0.5m from parked cars, for their own safety. On narrow sections of road, at junctions and in slower-moving traffic, cyclists are also advised to ride in the centre of the lane (rather than towards the side of the road), while groups are advised to cycle two abreast in these and other situations. Allow them to do so for their own safety, as this helps them ensure they can see, be seen, and avoid being overtaken where this could be dangerous."

RULE 215

Whilst we support the principle of this rule, we are unclear why feral ponies are being singled out. Surely it is equally important for road users to watch out for other animals, e.g. deer? Would it not be better to say "and other animals" rather than "and feral ponies"?

Waiting and parking

Q65. Do you agree with the proposed change to Rule 239?

Yes

Rule 239 waiting and parking: Dutch reach

Q67. Is the proposed wording easy to understand?

Yes

Waiting and parking

Q69. Do you have any further comments about the other change proposed to Rule 239 on waiting and parking?

No comment.

Annexes

Q70. Do you have any comments about the changes proposed to:

annex 1? We recommend retaining the wording "It is recommended that you" (rather than "you should") fit a bell to your cycle. Although bells are a polite way to warn pedestrians of your approach (and are therefore recommended for anyone who regularly cycles in spaces shared with pedestrians, e.g. in parks), they are not the best way for road cyclists to avoid collisions with pedestrians who have dangerously walked out onto the road without noticing a cyclist approaching. In this instance, the cyclist is better advised to use their voice to shout a warning, while using their hands to brake. It would be legally prejudicial to suggest that a cyclist had been at fault for a collision with a pedestrian (or indeed with any other road user) on the grounds that they did not have a bell fitted to their bike.

annex 6? We support the proposed changes.

Other comments on The Highway Code

Q71. Do you have any further comments regarding the proposed amendments to The Highway Code which focus on safety improvements for cyclists, pedestrians and horse riders?

We have no further comments at this time. However we note that the Highway Code is likely to need further amendments in the not-too-distant future, to reflect:

- * the use of e-scooters (this is currently only legal in authorised trials, but their use could soon be legalised more generally);
- * trials of autonomous vehicles;
- * the planned adoption of 20mph as the 'default' speed limit in Wales.

Final comments

Q72. Any other comments?

We strongly welcome the consultation, which reflects many things that Cycling UK and other walking and cycling groups have long called for.

There are a number of points where illustrations will help clarify the wording of the proposed rules.

It will also be important to mount a high-profile public awareness campaign, to promote road user awareness and understanding of the proposed rules as and when they are adopted.

Cycling UK stands ready to play its part in raising awareness of the proposed new rules among the cycling community. These include the need to respect the safety and priority of pedestrians (especially pedestrians who are children, older adults or disabled people) - particularly at junctions and crossing points. We will also play our part in raising awareness of the need for cyclists (like everyone else) to remember that not all disabilities are visible.