

POLICE, CRIME, SENTENCING AND COURTS BILL 2021 Summary briefing for Commons 2nd Reading, 16th and 17th March 2021

Cycling UK was founded in 1878 and has over 70,000 members. 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.

'Road Justice' concerns

Cycling UK's long-running ['Road Justice' campaign](#) has for many years highlighted the persistent inadequacy of the legal system's response to motoring offences which cause death or serious injury. We are therefore greatly dismayed that the Police, Crime, Sentencing and Courts (PCSC) Bill proposes only limited changes to the framework of road traffic offences and penalties, instead of the comprehensive overhaul which we have long believed is needed. The Ministry of Justice [promised such an overhaul](#) as long ago as 2014. However it then consulted on a much more limited set of proposals in 2016, which now form the basis of the proposals in the PCSC Bill.

Cycling UK would in principle wish to support the proposed increase in the maximum penalty for 'causing death by dangerous driving' from 14 years to life imprisonment. However we fear this would make [little difference on its own](#), without also:

- [Reviewing the definitions of 'dangerous' and 'careless' driving](#) respectively; and
- [Formalising the role of driving bans](#) as a sentencing option for those convicted of driving offences which have clearly caused 'danger' but who are not obviously 'dangerous' people, and who therefore need to be imprisoned for public protection.

Unfortunately, the proposed new offence of 'causing serious injury by careless driving' could prove counterproductive if introduced without the above measures, particularly while also vastly increasing the gap between the maximum sentences for causing death by 'dangerous' and 'careless' driving respectively (the latter is set to remain at 5 years).

The framework of road traffic offences and penalties also needs amendments to:

- Increase the [penalties for hit-and-run offences](#) in cases where the driver knew, or reasonably should have known, that the collision had resulted in serious or potentially fatal injuries – this has been subject of a [parliamentary petition which has attracted over 104,000 signatures](#);
- Strengthen the penalties for [causing death or serious injury by opening a car door unsafely](#) – this all too often results in death or serious injury to cyclists, yet the maximum penalties available do not remotely reflect this; and
- Close the loophole whereby large numbers of [convicted drivers evade driving bans](#) by claiming this would cause 'exceptional hardship'.

Other concerns

Cycling UK is also concerned at the Bill's proposals to:

- [Criminalise many forms of protest](#) – whilst Cycling UK does not directly support '[Critical Mass](#)' and [similar protests](#), we fully support people's rights to participate in them, and recognises their importance in bringing about crucial improvements to cycle safety in recent years;
- [Prohibit 'intentional trespass'](#). This too prompted a [petition, signed by almost 135,000 people](#). Their many concerns included the risk of criminalising wild camping by cyclists and others, with the added risk that those accused (possibly incorrectly) could have their vehicles seized. The definition of a 'vehicle' for this purpose is wide-ranging and could encompass pedal cycles.

Finally, we note that this huge and wide-ranging Bill is being rushed through with minimal time for scrutiny and debate, while the [Environment Bill](#) (which, among other things, includes vital measures to save lives by lowering air pollution thresholds) has been delayed by many months.