

Cycling under the influence of drink or drugs

- The Law

1. Riding whilst under the influence of drink or drugs is an offence:

The Road Traffic Act 1988¹ section 30 says:

Cycling when under influence of drink or drugs

(1) A person who, when riding a cycle on a road or other public place, is unfit to ride through drink or drugs (that is to say, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the cycle) is guilty of an offence.

(2) In Scotland a constable may arrest without warrant a person committing an offence under this section.

(3) In this section "road" includes a bridleway.

The drink/drive limit as defined by the Road Traffic Act 1988 section 11, only applies to drivers. For cyclists, the test is whether or not they are *fit to ride* so both the legal limit and the breath tests that the police use for drivers do not apply. Drug/drive limits, introduced in 2015, only apply to drivers too.

2. A cyclist, whether they are drunk or not, may also be deemed guilty of an offence for cycling 'dangerously' or 'carelessly':

a) The Road Traffic Act 1988 section 28, as amended by the Road Traffic Act 1991 says:

Dangerous cycling

(1) A person who rides a cycle on a road dangerously is guilty of an offence.

(2) For the purposes of subsection (1) above a person is to be regarded as riding 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.

(3) In subsection (2) above "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

b) Section 29 of the same Act says:

Careless, and inconsiderate, cycling

If a person rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road, he is guilty of an offence."

In this section "road" includes a bridleway.

3. Also, the Licencing Act 1872² (not Scotland) says that every person

"... who is drunk while in charge on any highway or other public place of any carriage, horse, cattle, or steam engine [...] may be apprehended, and shall be liable to a penalty..." (A pedal cycle comes under the 'carriage' category in law³).

This Act, however, is rarely enforced as another clause makes it an offence to be drunk in every public place – including pubs!

- **Alcohol impairment and cycling casualties**

- In each year (2010 – 2014), some 35%-50% of the cyclists killed on Britain's roads were tested for their blood alcohol level. As a result, around 7% to 28% were found to have some alcohol in their blood (i.e. their reading was above 9mg/100ml). In England and Wales, between 4% and 19% were over the prevailing drink-drive limit (80mg/100mg). On average, this latter figure was lower than that for tested car drivers (23%), pedestrians (40%) and passengers (23%). Motorcycle riders though, were lowest at 9%.⁴ (Note: as the number of cyclists tested is so small, the figures for them are less robust than they are for other groups, and fluctuate markedly from year to year).
- Overall in 2015 (GB), in road incidents involving a cyclist in which the police assigned a 'contributory factor' to a vehicle, impairment by alcohol was assigned to the cyclist in around 1.7% (220) of cases; for incidents involving cars, alcohol impairment was assigned to around 2.7% of the vehicles involved (3,995).⁵
- In 2015 (GB), the police assigned impairment by drugs (illicit or medicinal) as a contributory factor to 39 cyclists (0.3%); for incidents involving cars, drug impairment was assigned to 718 of the vehicles involved (0.5%).⁶
- At 15%, being 'impaired by alcohol' appears third in the top ten 'contributory factors' assigned to car drivers in collisions that killed a cyclist from 2005-07 (top was 'failed to look properly' - 38%).⁷ In comparison, being 'impaired by alcohol' does not appear amongst the top ten contributory factors assigned to cyclists in fatal, serious or slight 2-vehicle collisions.⁸
- Alcohol impairment on the cyclist's part appears to be a more significant contributory factor in 'non-collision' injuries: 15% fatal; 9% serious (2005-07); 13% slight (top is 'loss of control': 67% fatal; 44% serious; 40% slight).⁹ Cyclists killed in the evening appear more likely to be over the drink-drive limit (24% killed 6pm - 6am, compared with 4%, 6am - 6pm).
- Intoxicated cyclists appear to be: 10 times more at risk of injury than sober cyclists; more at risk of hurting themselves in a fall than in a collision; and less likely to wear helmets.¹⁰
- Various studies have found that inebriated cyclists are much more likely than sober cyclists to be severely injured or killed; and that there are significant links between alcohol use by cyclists and head injury.¹¹



¹ <http://www.legislation.gov.uk/ukpga/1988/52/contents>

² <http://www.legislation.gov.uk/ukpga/Vict/35-36/94>

³ As a result of the case of Taylor v. Goodwin (1879) 4 QBD 228

⁴ DfT. *Reported Road Casualties Great Britain 2015*. Sept. 2016. Table RAS51009.

<https://www.gov.uk/government/collections/road-accidents-and-safety-statistics>

⁵ DfT. *Reported Road Casualties in Great Britain: 2015*. Sept. 2016. Table RAS 50005. (Link above).

⁶ DfT. *Reported Road Casualties in Great Britain: 2015*. Sept. 2016. Table RAS 50005. (Link above).

⁷ Knowles J et al. *Collisions involving pedal cyclists on Britain's roads: establishing the causes*. TRL. October 2009. Table 7-6.

www.trl.co.uk. NB.: these figures come from STATS 19 forms, which the police fill in at the scene or shortly afterwards. As such, they are based on subjective views and may not represent the true cause(s).

⁸ *Ibid.* Table 7-4. The report says that between 2002-06, the majority of cyclists with a known blood alcohol content (BAC) had not been drinking (78%).

⁹ *Ibid.* Table 7-9.

¹⁰ *Ibid.* P40

¹¹ www.cyclehelmets.org/1262.html#34

