



working for cycling

## THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law



# Cyclists' behaviour and the law

## THIS BRIEFING COVERS

- Headline messages; CTC view
- Key facts and arguments (offence list; cyclists' responsibility; behaviour, danger to others; cycling dangerously, carelessly, inconsiderately; pavement cycling, fixed penalty notices, jumping red lights, riding without lights; the role of infrastructure; cyclist licensing and training); critical mass
- Footnotes and references

## HEADLINE MESSAGES

- Cyclists should behave responsibly and within the law.
- However, cyclists pose little risk to others and they should not have to choose between acting illegally and keeping safe. The law and those applying it should take this into account, as should the planning and design of the road network.
- Whilst we encourage cyclists to undertake cycle training and to have insurance cover, making training or licences compulsory for cyclists is unworkable and would deter people from cycling occasionally or giving cycling a try. It would not solve any problems and the running costs would be prohibitive.

## CTC VIEW

- Cyclists, like all road users, should behave responsibly and within the law.
- The enforcement of road traffic rules, and penalties for breaching them, should be proportionate to the potential danger imposed on other people, especially vulnerable road users. This principle also applies to off-road rights of way.
- Road traffic rules should not put cyclists in situations where they feel they must choose between acting legally and protecting their own safety. Those responsible for making and enforcing the rules must take into account the reasons behind cyclists' offending behaviour.
- CTC does not condone unlawful cycling on pavement (footway). However, the police should exercise discretion in the use of fixed penalty notices for pavement cycling and discriminate between those whose behaviour is dangerous and antisocial and those who are acting out of concern for their own safety without presenting any threat to others.
- The police and others charged with applying the law should be able to send offending cyclists to on training programmes as an alternative to prosecution or fixed penalty notices.
- Highway authorities should tackle any hazardous road conditions or poor design that may explain illegal behaviour by cyclists in certain locations.
- A system of compulsory licensing and cycle training is unworkable and unjustifiable, not least because children have the same legal rights to cycle as adults and expecting them to hold licences is impractical. While the running costs would be high (i.e. similar to schemes that apply to motor vehicles and drivers), the benefits would be negligible, and the bureaucracy involved likely to seriously deter newcomers or occasional cyclists.
- CTC does not actively support Critical Mass, but recognises the motivation of those involved.





working for cycling

# THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law



## KEY FACTS AND ARGUMENTS

### 1) Cycling offences

While some traffic offences apply only to motor vehicles and drivers (e.g. speeding/using a hand-held mobile phone whilst driving – see section (5)), if the legislation applies to *all* vehicles, cyclists have to obey it. The [Highway Code](#) also specifies the following:

Cyclists MUST NOT...	
	<ul style="list-style-type: none"> <li>• <i>Relevant legislation</i></li> </ul>
Ride when under the influence of drink or drugs, including medicine (see CTC's separate briefing on this).	<a href="#">Road Traffic Act (RTA) 1988</a> sects 24, 26, 28, 29 & 30 as amended by <a href="#">RTA 1991</a> (sect 7)
Ride in a dangerous, careless or inconsiderate manner	
Carry a passenger unless the cycle has been built or adapted to carry one	
Hold onto a moving vehicle or trailer	
Cycle on a pavement (footway)	<a href="#">Highways Act 1835</a> sect 72 as amended by section 85(1) of the <a href="#">Local Government Act 1888</a> ; & Road (Scotland) Act 1984, sect 129
Cross the stop line when the traffic lights are red (i.e. red light jumping)	<a href="#">Road Traffic Act 1988</a> sect 36 & <a href="#">Traffic Signs Regulations and Directions 2002</a> (TSRGD) regs 10 & 36(1)
Ride across a <i>cycle-only</i> signal crossing until the green cycle symbol is showing	<a href="#">Traffic Signs Regulations and Directions 2002</a> (TSRGD) regs 33(2) & 36(1)
Cyclists MUST...	
Keep to their side of a segregated cycle track (the pedestrian side remains a pavement/footway)	<a href="#">Highways Act 1835</a> sect 72 as amended by section 85(1) of the <a href="#">Local Government Act 1888</a>
Obey all traffic signs and traffic light signals	<a href="#">Road Traffic Act 1988</a> sect 36 & <a href="#">Traffic Signs Regulations and Directions 2002</a> (TSRGD) reg 10(1)]
Have white front and red rear lights lit at night (flashing lights are now permitted).	<a href="#">Road Vehicle Lighting Regulations 1989</a> (RVLR) regs 13, 18 & 24 (amended in <a href="#">1994</a> and <a href="#">2005</a> ).
Have their cycle fitted with red rear reflector (and amber pedal reflectors, if manufactured after 1/10/85)	
Ensure their brakes are efficient	Pedal Cycles (Construction & Use) Regulations 1983



working for cycling

## THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law

### 2) Cyclists' responsibilities

**CTC view:** Cyclists, like all road users, should behave responsibly and within the law.

All road users, including cyclists, owe a duty of care to one another. Pedestrians in particular have every right to expect highway law and its enforcement to protect their safety.

Cyclists should behave responsibly by:

- being aware of the requirements of motorists and making their intentions clear
- ensuring they are competent to ride in traffic
- obeying traffic signals and signs unless this places them in direct danger
- ensuring that they and their cycles are visible at night
- maintaining their cycle so as not to cause a danger to themselves or others.

### 3) Cycling and the danger to other road users

**CTC view:** The enforcement of road traffic rules, and penalties for breaching them, should be proportionate to the potential danger imposed on other people, especially vulnerable road users. This principle also applies to off-road rights of way.

#### • Cycling vs driving

The actual danger that cyclists pose to other road users should be put in perspective and this should be taken into account when it comes to enforcing the law and penalising offenders. Compared to motor vehicles, cyclists and pedestrians put others at negligible risk, yet they are disproportionately represented in reported road casualties:

- In 2010, 99% of killed or seriously injured (KSI) pedestrians in urban areas – i.e. where pedestrians are most likely to be – were the result of a collision with a motor vehicle.<sup>1</sup>
- Out of the 11,716 car/pedal cycles collisions in Britain in 2010, no car occupants died.<sup>2</sup>
- In 2010, cyclists and pedestrians accounted for about 28% of all road fatalities (405 pedestrians and 111 cyclists out of the 1,850 road fatalities altogether).<sup>3</sup>
- About 2% of all trips are made by cycle as the 'main mode'<sup>4</sup>, but cyclists accounted for about 6% of fatalities and 12% of serious injuries in 2010.<sup>5</sup>





working for cycling

# THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law

Data and research suggests that cyclists' culpability in road traffic collisions and their propensity to cause conflict on off-road routes is far less pronounced than is often imagined:

- A study for the Department for Transport<sup>6</sup> looked at 2-vehicle collisions between a cycle and another vehicle in the years 2005-2007 that led to serious injury. It found that adult cyclists aged 25+ were less likely to be a fault than the other party. The police allocated blame to the driver in 60% of incidents, while both participants (cyclist and driver) were held to be at fault in about 10% and the cyclist solely at fault for the rest - about a third.
- Research from the Countryside Agency<sup>7</sup> suggests that conflict between non-motorised users on off-road routes is more perceived than real, and often 'talked up' after the event.

## • Cyclists and pedestrians

Cyclists are, in turn, often seen as a major danger to pedestrians, but in fact they do them little harm when compared with motor vehicles – and this is true even for pavement cycling. This is all the more surprising given that, unlike driving, most cycle mileage occurs in areas of high pedestrian activity.

- From 2001 to 2010 (inclusive), out of the total numbers of pedestrians killed by car or cycle *in any location*, cycles were involved in only 0.6% of fatalities and 1% of serious injuries<sup>8</sup> (single vehicle collisions).

Pedestrians killed by cars or cycles 2001-2010 (all locations)	
Pedestrians killed by CYCLE	22
Pedestrians seriously injured by CYCLE	510
Pedestrians killed by CAR	3722
Pedestrians seriously injured by CAR	50179

- In 2010 in particular, cycles accounted for about 1.9% of all urban, non-motorway vehicular traffic, but were involved in 1.1% of pedestrian fatalities and 1.5% of serious pedestrian casualties.<sup>9</sup>

2010: urban, non-motorway areas/locations	By all motor vehicles (inc. cars)	By cycles
Billion vehicle km	188	3.7
Pedestrians killed	267	3
Pedestrians seriously injured	4381	65
Percentage of pedestrian fatalities	98.9%	1.1%
Percentage of seriously injured pedestrians	98.5%	1.5%
Pedestrians killed per bn vehicle km	1.42	0.81
Pedestrians seriously injured per bn vehicle km	23	17

This means that in 2010:

- The vast majority of KSI (killed or seriously injured) pedestrians in urban areas – i.e. areas where pedestrians are most likely to be – were the result of a collision with a motor vehicle.
- Mile for mile, motor vehicles were 1.35 times more likely than a cycle to seriously injure a pedestrian and about 1.75 times more likely to kill them.

In London, between 2011-5:

- There were 104 times as many pedestrians injured – and 119 times as many seriously injured – in collisions with motor vehicles than cyclists.
- There were 534 pedestrians killed in collisions with motor vehicles, and just 1 involving a cyclist (and no reason to believe that the cyclist in the latter case was breaking the law).<sup>10</sup>

Pedestrians injured, London (all locations), in collision with cycles: 2001-05				
	Fatal	Serious	Slight	Total
...in collision with a cycle	1	58	272	331
...in collision with a motor vehicle	534	6913	27344	34791

- The Mayor of London Boris Johnson said that in the 12 months to 31 August 2010, the total number of reported casualties in which a pedestrian was injured by a pedal cyclist represented less than 0.3% of the total number of pedestrian casualties within Greater London.<sup>11</sup>

## 4) Cycling and offending behaviour

**CTC view:** Road traffic rules should not put cyclists in situations where they feel they must choose between acting legally and protecting their own safety. Those responsible for making and enforcing the rules must take into account the reasons behind the offending behaviour.

To gain widespread respect from cyclists, road traffic rules and their enforcement need to protect (and not undermine) cyclists' safety. Cyclists should not be placed in situations where they feel they must choose between acting legally and protecting their own safety (e.g. riding on a footway to avoid a lorry; moving safely into open space at signalised junctions rather than waiting for the following traffic to accelerate into that junction when the lights turn green).

In the interests of all road users, therefore, it is important to consider the reasons behind any offending behaviour and to address them. In the case of cyclists, these can include the fear of on-road riding, a lack of cycle training, parental or other instruction, poor infrastructure, unhelpful traffic regulations etc.

Whilst CTC cannot condone law-breaking, much could be done to amend laws and regulations that endanger cyclists unnecessarily (e.g. one-way systems or major junctions that fail to address cyclists' needs). Equally, enforcement and the way it is applied should take into account the reasons behind the offending behaviour. (See also 'Alternatives to prosecution and fines' below).





working for cycling

## THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law

### 5) Specific Offences:

Again, it is important to remember that cyclists are more likely to be the victim than the perpetrators of road traffic offences (see section (3) above). At the same time, CTC is very much in favour of more traffic policing (please see our briefing on 'Traffic police and other enforcement agencies').

#### a) Riding recklessly, dangerously, carelessly or inconsiderately

- **The offence**

It is an offence to ride recklessly on a road, or in a dangerous, careless or inconsiderate manner (i.e. cycle on a road without due care and attention, or without reasonable consideration for other persons using the road). The applicable legislation is the *Road Traffic Act (RTA) 1988* sections 28, 29 & 30, as amended by RTA 1991. 'Road' includes bridleways.

An amendment under the *Road Traffic Act 1991* explains that a person is to be regarded as riding a cycle '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. 'Dangerous' refers to danger either of injury to any person or of serious damage to property."

The maximum penalties for careless and dangerous cycling are £1,000 and £2,500 respectively.

**Note:**

'**Wanton**' or '**furious**' cycling is a criminal offence under section 35 of the *Offences Against the Person Act 1861* (as amended by the *Criminal Justice Act 1948*, section 1(2)).<sup>12</sup> This is used (rarely) when the offending behaviour did not take place on a road or bridleway and resulted in bodily harm to someone else. The maximum penalty for this is 2 years' imprisonment.

**Speeding:** speeding offences apply to *motor* vehicles, not to cycles (which do not, after all, have speedometers), so cyclists cannot be prosecuted for breaking speed limits. However, cyclists who are going too fast for the conditions etc might be charged with riding dangerously, carelessly etc. under the RTAs, or they could be issued with a fine for 'antisocial behaviour'.

**Mobile phones:** legislation that prohibits talking on a hand-held mobile phone applies only to drivers, not cyclists. Again, if the use of a mobile phone causes a cyclist to ride dangerously etc, they could be charged under the RTAs.

**Drink and drugs:** cycling under the influence of drink or drugs is an offence under the *Road Traffic Act 1988*, section 30, but the drink drive limit only applies to drivers. For cyclists the test is whether or not they are *fit to ride*. See CTC's briefing on ['Cycling under the influence of drink or drugs'](#).





working for cycling

# THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law

## b) Cycling on the pavement<sup>13</sup> (footway)

**CTC view:** CTC does not condone unlawful cycling on pavement. However, the police should exercise discretion in the use of fixed penalty notices for pavement cycling and discriminate between those whose behaviour is dangerous and antisocial and those who are acting out of concern for their own safety without presenting any threat to others.

### • The offence

*Section 72 of the Highways Act 1835* made it a criminal offence to 'lead or drive' a 'carriage of any description' on 'any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers'. In 1888, *Section 85(1) of the Local Government Act* declared that "bicycles, tricycles, velocipedes, and other similar machines' are 'carriages' within the meaning of the Highway Acts". The maximum fine is £500 or the police can issue a fixed penalty notice (FPN) costing £30.

According to a parliamentary answer in 2010,<sup>14</sup> the total fines for the offences in England and Wales from 2003-07 were:

Year	2003	2004	2005	2006	2007
No. of fines	2,196	2,197	1,942	1,583	1,644

### • The risk that cyclists pose to pedestrians on the pavement

- In Great Britain, almost all of the 43 pedestrians killed and the majority of the 367 seriously injured on a footway or verge in 2010 were the result of being hit by motor vehicles.<sup>15</sup>
- An answer to a parliamentary question in 2006<sup>16</sup> revealed that in the years 2000 to 2004, none of the 8 pedestrian fatalities that resulted from a collision with a cyclist in Great Britain happened on the pavement.
- According to an earlier parliamentary answer in 2005<sup>17</sup>, 72 pedestrians on the footway or verge were injured in collision with cycles in 2003, while motor vehicles injured 3453 (these figures include slight injuries; those for the preceding 3 years are of a similar magnitude).

### • London<sup>18</sup>

Since 2000, cycling on London's major roads increased by over 100%<sup>19</sup>, yet on footways from 1998 to 2007:

- No pedestrian was killed in collision with a cyclist
- 54 pedestrians were killed in collision with other vehicles
- Cycles were involved in only 2% of all pedestrian injuries

Vehicle involved in the collision	Millions of trips per day by mode (2007)	injuries per year to pedestrians on footways (10 year average)	% of all pedestrian injuries on footways
Cycle	0.5	10	2%
Motorcycle	0.2	27	6%
Car	9.6	250	55%
Other – taxis etc	0.2	170	37%



working for cycling

# THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law

- From 2001 to 2005, 17 pedestrians were killed by motor vehicles on pavements or verges, none by cycle:

Pedestrians injured on footpaths/verges in London, in collision with cycles and pedestrians: 2001-05				
	Fatal	Serious	Slight	Total
...in collision with a cycle	0	12	40	52
...in collision with a motor vehicle	17	387	1793	2197

- **Fixed Penalty Notices (FPNs) for pavement cycling**

When FPNs for footway cycling were introduced in England and Wales, a group of cycling organisations including CTC, asked for assurance from the Government that the penalty would be applied fairly and only be used when the behaviour put pedestrians at risk. In a written response, the then Home Office Minister, Paul Boateng MP, said:

*“The introduction of the fixed penalty is not aimed at responsible cyclists who sometimes feel obliged to use the pavement out of fear of the traffic, and who show consideration to other pavement users when doing so. This is not a clamp down on responsible cycling, and I know the police service too do not see it in that way.”* (Paul Boateng MP, Home Office to Ben Bradshaw MP, 9/7/1999).

**Children and FPNs:** It is our understanding that FPNs can only be issued to children over the age of 16 and, in any case, children under 10 are below the age of criminal responsibility. However, it is still illegal to cycle on the pavement, regardless of age and/or the size of cycle wheel.

**Alternatives to FPNs:** CTC believes that police officers should have the option to send cyclists of any age found riding on the pavement on a cycle training course, if they are not posing a danger to others or riding in an obviously antisocial manner. This would help them feel more confident about riding on the roadway - see also (6) ‘Alternatives to prosecution’ below.

**Note:**

**Footways are not footpaths!** ‘Footways’ (pavements) are *not* the same as ‘footpaths’ and their legal status differs. A footway runs alongside the carriageway, whereas a footpath is located away from it. Cycling on a *footpath* normally constitutes only a trespass against the landowner. This is a civil and not a criminal matter, i.e. neither the police nor a PCSO can take enforcement action. Instead, an aggrieved landowner can either ask a cyclist who is riding on a footpath over their land to leave, or they can go to court to seek an injunction and/or damages against them. A bye-law or a traffic regulation order, which local authorities can make under the *Road Traffic Regulation Act 1984*, however, can make it a criminal offence (i.e. illegal) to cycle on a *footpath*. (See CTC’s briefing on [‘Public Footpaths’](#)).

**Shopping precincts:** local bye-laws can make cycling in or through a shopping precinct a criminal offence, enforceable by the police or PCSO and punishable by a fine. The prohibition should be marked by a sign. FPNs could also be issued to cyclists for ‘antisocial behaviour’ if their riding is considered to be causing nuisance.





working for cycling

## THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law

**Pedestrian zones/vehicle restricted areas (VRAs):** pedestrian zones are areas laid out to improve amenity for pedestrians, to which the entry of vehicles is prohibited or restricted through a traffic regulation order (TRO). TROs may also be used to restrict cycle access to other areas, e.g. shopping streets. Contravening a TRO<sup>20</sup> is a criminal offence – so if it prohibits or restricts cycling, then it must be observed.

Cycling is not always prohibited or restricted in these areas, however, and CTC advocates cycle access to VRAs. A traffic advisory leaflet from the Department for Transport<sup>21</sup> supports such schemes. (CTC is preparing a separate briefing on VRAs).

**Pushing cycles on pedestrian facilities:** CTC takes the view that it is not illegal to push a cycle along a pedestrian facility of any kind. This is largely based on the judgment in the case of *Crank v Brooks [1980] RTR 441*, in which Lord Justice Waller said: "In my judgment a person who is walking across a pedestrian crossing pushing a bicycle, having started on the pavement on one side on her feet and not on the bicycle, and going across pushing the bicycle with both feet on the ground so to speak is clearly a 'foot passenger'. If for example she had been using it as a scooter by having one foot on the pedal and pushing herself along, she would not have been a 'foot passenger'. But the fact that she had the bicycle in her hand and was walking does not create any difference from a case where she is walking without a bicycle in her hand." (See also CTC briefing 'Public Footpaths')

### c) Jumping red lights

- **The offence**

It is an offence to cross the stop line when the traffic lights are red under the *Road Traffic Act 1988* sect 36 & *Traffic Signs Regulations and Directions 2002* (TSRGD) regs 10 & 36(1).

**Cycle-only crossings:** the Highway Code says that cyclists "**MUST NOT** cross until the green cycle symbol is showing." **Toucan crossings:** (i.e. light-controlled crossings shared by cyclists and pedestrians) - cyclists are permitted to ride across and the lights are there to advise people when it is or is not safe to cross.

- **Why do some cyclists jump red lights?**

Cyclists sometimes feel safer moving into open space at signalised junctions rather than waiting for the following traffic to accelerate into that junction when the lights turn green. The manoeuvre has, however, led to serious and fatal injury (see below).





working for cycling

# THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law



## • The risks of red light jumping...

### ...to cyclists

- A TRL study for DfT<sup>22</sup> found that disobeying a traffic signal did not feature in the top ten contributory factors attributed to cyclists in fatal, serious or slight collisions from 2005-1007 in Great Britain. Disobeying 'Give Way' or 'Stop' signs or markings contributed to 5% fatal, 4% serious and 3% slight collisions – this factor was bottom of the top 10 list.
- In London (2001-05), 3 cyclists – and 7 motor vehicle occupants - were killed *when a motorist jumped a red light*. Note: Red light jumping in London is prevalent amongst motorists: according to the Mayor in 2006,<sup>23</sup> over 130 drivers were caught jumping red lights every day. In 2005, 47,932 fines were issued for contravening red lights, 4,432 of these by police and 43,500 resulting from red light cameras.
- In London (2001-05, the most recent data we have), 2 cyclists were killed by red light jumping, while 7 motorcyclists were killed in the same way.

### ...to pedestrians

In London<sup>24</sup>:

- No pedestrian was killed in collision with a cyclist going through a red light between 1998-2007 and cyclists were involved in only a small percentage of injuries to them.
- Between 2001-05, 7 pedestrians were killed by motorists jumping red lights.

London 1998-2007			
Vehicle committing offence	Millions of trips per day by mode (2007)	Pedestrian injuries per year from red light jumping (10 year average)	% of all pedestrian injuries as a result of red light jumping
Cycle	0.5	5	4%
Motorcycle	0.2	14	13%
Car	9.6	78	71%
Other – taxis etc	0.2	13	12%

To summarise, there were more cyclists (not to mention pedestrians and others) killed as a result of red light jumping by drivers, than by their own red light jumping.

## d) Riding without lights

### • The offence

It is an offence to ride at night without a white front and red back light under the *Road Vehicle Lighting Regulations 1989 (RVLR) regs 13, 18 & 24*. Lights are not required if the cycle is stationary or being pushed. [www.ctc.org.uk/DesktopDefault.aspx?TabID=4071](http://www.ctc.org.uk/DesktopDefault.aspx?TabID=4071) has more detail.

### • The risks of riding without lights

'Not displaying lights at night or in poor visibility' was considered by the police to be a contributory factor in 5% of fatal collisions; 4% serious and 3% fatal, according to a report on the causes of cycle collisions from 2005-07 for the DfT.<sup>25</sup> The study also found that collisions at night were more likely to result in a fatality and that the cycle was commonly hit from behind. Rural roads, which are unlit and generally have higher speed limits, presented a particular difficulty.



working for cycling

## THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law



### 6) Alternatives to prosecution or fines

**CTC view:** The police and others charged with applying the law should be able to send offending cyclists on training programmes as an alternative to prosecution or fixed penalty notices.

Some police forces are piloting schemes under which offending drivers are offered the option of a driver training course (or in some cases a speed awareness course) as an alternative to prosecution. CTC believes that there is, if anything, a much stronger justification for applying this approach to cyclists, particularly as they have rights to use roads as children and teenagers without necessarily completing a test. Bristol police have begun to pilot a scheme like this.<sup>26</sup>

The provision of high quality cycle training for both adults and children has improved significantly since the introduction of the national standard for cycle training and 'Bikeability' – or 'cycle proficiency for the 21<sup>st</sup> century' ([www.bikeability.org.uk](http://www.bikeability.org.uk)). A good deal of cyclists' offending – particularly pavement cycling among teenagers – is attributable to lack of training needed to be able to ride safely, confidently and responsibly within the law and on the road.

### 7) Cyclists' behaviour and infrastructure

**CTC view:** Highway authorities should tackle any hazardous road conditions or poor design that may explain illegal behaviour by cyclists in certain locations.

If, for example, there are nuisance levels of footway cycling at a certain location, the highway authority should investigate why cyclists are not using the legal route. Reducing speeds or putting in a cycle link may be enough to eliminate the problem. At signalised junctions, the introduction of advanced stop lines, cycle-only phases and/or making sure that the lights are phased to give cyclists enough time to clear the junction safely may design out red light jumping.

### 8) Cyclist licensing/compulsory training

**CTC view:** A system of compulsory licensing and cycle training is unworkable and unjustifiable, not least because children have the same legal rights to cycle as adults and expecting them to hold licences is impractical. While the running costs would be high (i.e. similar to schemes that apply to motor vehicles and drivers), the benefits would be negligible, and the bureaucracy involved likely to seriously deter newcomers or occasional cyclists.

There are sometimes calls to regulate cyclists by introducing a licensing system. However, as a means of modifying the behaviour of the minority of cyclists who behave irresponsibly, licensing cyclists and cycles and introducing compulsory training would have little, if any constructive effect. After all, drivers are required to hold licences, but this does not prevent widespread speeding etc. Moreover, the indications are that the Government is of the same opinion.

In a written answer in October 2006, Lord Davies of Oldham (Deputy Chief Whip (House of Lords)) said:

*“The Vehicle Excise and Registration Act 1994 provides for the registration of mechanically propelled vehicles so it would not be possible to register bicycles or cyclists under that Act. To enable the Government to administer the registration of cyclists, changes in legislation would have to be considered along with extensive changes to computer systems.*

*“There are more than 20 million bicycles in Great Britain—many of which change owners frequently—and one in three adults owns a bicycle. To register them would entail the establishment of a system parallel to that presently existing for motor vehicles.*

*“The cost of such a system would, in the Department for Transport's view, outweigh any possible benefits and so we do not propose to take this idea forward.”<sup>27</sup>*

As mentioned above, addressing why the offending behaviour happens would have more impact.

### The main disbenefits - licensing and compulsory training systems would be:

- **Costly to administer:** the number of people who own a cycle in Great Britain is not much less than the number of licensed cars, or the number of licensed car drivers. In 2009:

No. of licensed private cars	27 million <sup>28</sup>
No. of full car driving license holders (08/09)	34 million <sup>29</sup>
No. of people aged 5+ who own a bicycle	23 million <sup>30</sup>

- **Disproportionate:** cycling is an established right on general purpose roads and, unlike motor traffic, cyclists inflict negligible damage on other road users (see above), the road infrastructure or on society as a whole.
- **Impractical to administer,** especially given the numbers of children who cycle or own a bicycle. In fact they are much more likely to own a bicycle than adults. In 2009, 87% of those aged 5 to 10 and 74% of those aged 11 to 16 owned a bicycle.<sup>31</sup> Bicycles also change hands more readily than motor vehicles.
- **A barrier to the uptake of cycling:** cycling is a healthy, environmentally friendly activity that needs to be encouraged. Newcomers or occasional cyclists may well be put off by the requirement to apply for a licence, register their machines and undergo compulsory training before they could set off on the road.





working for cycling

## THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law



### 9) Critical Mass (CM)

**CTC view:** CTC does not actively support Critical Mass, but recognises the motivation of those involved.

Critical Mass (CM) is described as an 'organised coincidence' of hundreds, often thousands of cyclists cycling together regularly in urban areas. No one is in charge and routes are not organised beforehand. CM is a regular event in several cities, including London, where interested parties meet on the South Bank under Waterloo Bridge at 5.45pm on the last Friday of every month.

The law: CM is not unlawful and the police do not have to be notified. However, the authorities have on occasion tried to control or ban it without success. For example, at the start of the September CM in London in 2005, the police issued participants with a leaflet that stated:

*"...Police can impose conditions on processions, demonstrations and other assemblies, and participants render themselves liable to arrest if they fail to comply with those conditions. These cycle protests are not lawful because no organiser has provided police with the necessary notification. Your participation in this event could render you liable to prosecution. Police policy in facilitating these events is currently under review..."*

Following a legal challenge, the High Court decided in favour of CM, but the police won an appeal against the decision. In October 2008, an appeal by Des Kay and Friends of the Earth against the Commissioner of Metropolitan Police was heard by five Law Lords and succeeded. CM was deemed to be a commonly or customarily held procession without organisers and consequently not subject to certain police restrictions or the need to notify them of each ride.

For more on CM, see <http://www.cyclistsdefencefund.org.uk/on-legality-londons-critical-mass>

### FOOTNOTES AND REFERENCES

<sup>1</sup> DfT *Reported Road Casualties Great Britain: 2010*. Sep 2011. <http://assets.dft.gov.uk/statistics/tables/ras40004.xls>

<sup>2</sup> *Ibid*

<sup>3</sup> DfT. *Reported Road Casualties Great Britain: 2010*. Sep 2011. <http://assets.dft.gov.uk/statistics/tables/ras30060.xls>

<sup>4</sup> DfT. *National Travel Survey: 2010*. 'How People Travel' 2011. <http://assets.dft.gov.uk/statistics/releases/national-travel-survey-2010/nts2010-03.pdf>

<sup>5</sup> DfT. *Reported Road Casualties Great Britain: 2010*. 2011. <http://assets.dft.gov.uk/statistics/tables/ras30001.xls>. DfT defines 'serious' injuries as: "...an injury for which a person is detained in hospital as an "in-patient", or any of the following injuries whether or not they are detained in hospital: fractures, concussion, internal injuries, crushings, burns (excluding friction burns), severe cuts, severe general shock requiring medical treatment and injuries causing death 30 or more days after the accident."

<sup>6</sup> TRL. *Collisions involving cyclists on Britain's roads: establishing the causes* (PPR445). P34. October 2009. [www.trl.co.uk](http://www.trl.co.uk) (free report). Tables 7-4. For fatalities, blame was allocated more often to the cyclist – but in these cases, the cyclist was not there to tell the side of their story, of course.

<sup>7</sup> Countryside Agency. *How people interact on off-road routes*. Research Note CRN 32. March 2001. <http://naturallengland.etraderstores.com/naturallenglandshop/Product.aspx?ProductID=d591df7c-b3d1-4070-8004-17df41db83f4>

<sup>8</sup> DfT. *Road Casualties Great Britain Annual Reports 2001- 2010*. Table 23 (2001-2004); Tables 23c (2005-2009); Table RAS40004 (2010). All at: [www.dft.gov.uk/statistics/series/road-accidents-and-safety/](http://www.dft.gov.uk/statistics/series/road-accidents-and-safety/)



working for cycling

## THE UK'S NATIONAL CYCLISTS' ORGANISATION

CTC Campaigns Briefing: Cyclists' behaviour and the law

- <sup>9</sup> Casualty figures from DfT, *Reported Road Casualties Great Britain: 2010*. <http://assets.dft.gov.uk/statistics/tables/ras40004.xls>; road traffic figures from DfT, *Road Traffic and Speeds Table TRA0204* <http://assets.dft.gov.uk/statistics/tables/tra0204.xls>
- <sup>10</sup> These figures come from Freedom of Information Request to TfL Road Safety Division, DfT, August 2008.
- <sup>11</sup> See Mayor's answer to formal, London Assembly question, <http://mqt.london.gov.uk/mqt/public/question.do?id=34203>
- <sup>12</sup> The offence is, in actual fact, furious *driving*, but it applies to cycling (cycles are vehicles in law). The Act, s35 says: "Whosoever, having the charge of any carriage or vehicle, shall by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years..." [www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1861/cukpga\\_18610100\\_en\\_2#IDAZ3VPD](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1861/cukpga_18610100_en_2#IDAZ3VPD)
- <sup>13</sup> Strictly speaking, the 'pavement' is 'paved'. Many footways are not actually paved, so are not actually 'pavements'.
- <sup>14</sup> Parliamentary Written Answer. 26/1/2010. [www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80506w0002.htm](http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80506w0002.htm)
- <sup>15</sup> DfT. *Reported Road Casualties Great Britain: 2010*. 2011. RAS30026. <http://assets.dft.gov.uk/statistics/tables/ras30026.xls>
- <sup>16</sup> Parliamentary answer 16/1/2006. [www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060116/text/60116w12.htm](http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060116/text/60116w12.htm)
- <sup>17</sup> Parliamentary Question 16/3/2005. [www.publications.parliament.uk/pa/cm200405/cmhansrd/vo050316/text/50316w01.htm](http://www.publications.parliament.uk/pa/cm200405/cmhansrd/vo050316/text/50316w01.htm)
- <sup>18</sup> See note 10
- <sup>19</sup> TfL. *Cycling Revolution London*. May 2010. [www.tfl.gov.uk/assets/downloads/Cycling/cycling-revolution-london.pdf](http://www.tfl.gov.uk/assets/downloads/Cycling/cycling-revolution-london.pdf)
- <sup>20</sup> For more on TROs see [www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart6/secparkingfactsheets/trafregorders.pdf](http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart6/secparkingfactsheets/trafregorders.pdf)
- <sup>21</sup> Department for Transport. *Cycling in Pedestrian Areas* - TAL 9/93. 1993. [http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/adobepdf/165240/244921/244924/TAL\\_9-93/](http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/adobepdf/165240/244921/244924/TAL_9-93/)
- <sup>22</sup> See note 6 (Table 7-4, P35 of the report).
- <sup>23</sup> Question to the Mayor (Ken Livingstone) , 18/10/2006, from Jenny Jones (Green) <http://mqt.london.gov.uk/mqt/public/question.do?id=15763>
- <sup>24</sup> See note 10
- <sup>25</sup> See note 6 (Table 7-4, P35 of the report).
- <sup>26</sup> As reported in the *Bristol Evening Post*, 29/07/2010. [www.thisisbristol.co.uk/news/Police-lessons-Bristol-cyclists-red-lights/article-2469489-detail/article.html](http://www.thisisbristol.co.uk/news/Police-lessons-Bristol-cyclists-red-lights/article-2469489-detail/article.html)
- <sup>27</sup> Hansard. House of Lords' debate, 9 October 2006, c1W. [www.theyworkforyou.com/wrans/?id=2006-10-09d.1.742&s=registration+for+cyclists#g1.744](http://www.theyworkforyou.com/wrans/?id=2006-10-09d.1.742&s=registration+for+cyclists#g1.744) (Question asked by Lord Howarth of Newport).
- <sup>28</sup> DfT. *Transport Statistics Great Britain: 2010 edition*. Nov 2010. Table 9.1 [www.dft.gov.uk/pgr/statistics/datatablespublications/tsqb/](http://www.dft.gov.uk/pgr/statistics/datatablespublications/tsqb/)
- <sup>29</sup> DfT. *National Travel Survey*. 2010. Table NTS9901. [www.dft.gov.uk/pgr/statistics/datatablespublications/nts/driving-licence/nts9901.xls](http://www.dft.gov.uk/pgr/statistics/datatablespublications/nts/driving-licence/nts9901.xls)
- <sup>30</sup> DfT. *National Travel Survey* 2010. Table NTS0608. [www.dft.gov.uk/pgr/statistics/datatablespublications/nts/age-cycling/nts0608.xls](http://www.dft.gov.uk/pgr/statistics/datatablespublications/nts/age-cycling/nts0608.xls) According to this, 42% of the population aged 5+ said they owned a cycle and another 1% said they had use of a bicycle. 42% of the population of Great Britain aged 5+ is just over 23 million people – see Office of National Statistics, [www.statistics.gov.uk/statbase/Product.asp?vlnk=15106](http://www.statistics.gov.uk/statbase/Product.asp?vlnk=15106) .
- <sup>31</sup> *Ibid.*