



Response of the Road Haulage Association to The Department for Transport

Cycling and Walking Investment Strategy safety review: proposals for new cycling offences - Consultation

05 November 2018

Summary

1. The Department for Transport is seeking views on whether there should be new offences for cyclists of causing death or serious injury when cycling, and what the associated penalties might be.
2. The consultation also seeks views on the scope and penalties of existing offences, which for cycling currently apply only to the road (which includes the pavement) but not in other public places.
3. The consultation closes on 05 November 2018

Background about the RHA

4. The RHA is the leading trade association representing road haulage and distribution companies, which operate HGVs as profit centres. Our 7,000 members, operating near to 250,000 HGVs, range from single-truck firms to those with thousands of vehicles. These companies provide essential services on which the people and businesses of the UK depend.
5. We proactively encourage a spirit of entrepreneurship, compliance, profitability, safety and social responsibility. We do so through a range of advice, representation and services, including training.
6. We would like to thank the Department for Transport for the consultation and the opportunity to comment on the issues raised.
7. Our responses focus on the impact on commercial road haulage operators and their customers.

RHA Answers

Question 1 Our consultation proposes that there should be an offence of causing death by dangerous cycling. Do you agree with this proposal?

Yes the RHA are in agreement with this proposal.

Question 2 Do you think that there should be an offence of causing death by careless or inconsiderate cycling?

Yes

Question 3 The consultation also proposes that there should be an offence of causing serious injury by dangerous cycling. Do you agree with this proposal?

Yes

Question 4 The Ministry of Justice consulted on bringing forward a new offence of causing serious injury by careless driving. This consultation proposes that there should be an offence of causing serious injury by careless or inconsiderate cycling. Do you agree with this proposal?

Yes

Question 5 If there were a new offence of dangerous or careless cycling, do you think the sentences should match the sentences for dangerous or careless driving (current driving sentences shown in brackets)?

- a. causing death by dangerous cycling (currently 14 years for driving)
- b. causing death by careless cycling (currently 5 years for driving)
- c. causing serious injury by dangerous cycling (currently 5 years for driving)

Yes in all cases, but it should also be noted that this should be the same for ALL road users, for instance a Horse Rider or Pedestrian causing either of the above also.

Question 6 The report from the independent expert concluded that there is a gap in the law regarding dangerous or careless cycling. Do you feel that existing laws adequately cover circumstances where a person's cycling causes harm or injury others?

Yes

Question 7 Do you have any comments on any laws not covered in this consultation which could apply when trying to prosecute for this cycling behaviour?

All laws should be for ALL ROAD USERS irrespective of Driver or Cyclist, Or Horse Rider.

Question 8 Do you have any other comments that you wish to make in relation to how existing laws apply in Scotland?

No

Question 9 This consultation proposes that new offences should apply to public places as well as roads. Do you agree with this proposal?

Yes

Question 10 The current offences of dangerous or careless cycling apply to a road. This consultation proposes that it should also extend to a public place. Do you agree with this proposal?

Yes

Question 11 Are there any other comments that you wish to make about where the laws should apply?

N/A

Question 12 Drivers may be banned from driving for committing a current cycling offence. Minimum driving disqualification periods currently apply under the Road Traffic Offenders Act 1988. For drivers this is currently 2 years for causing death or serious injury, 1 year for causing death by careless driving. Do you think this should also apply to any of the new offences proposed in this consultation?

Yes

Question 13 If not please explain why? If so, do you have any views on how long the minimum disqualification period should be?

Question 14 There is currently an offence of dangerous cycling (with a fine of up to £2,500) and for careless cycling (with a fine of up to £1,000). This consultation proposes that the penalties for these offences should remain unchanged. Do you agree with the proposal?

Yes

Question 15 If not, please explain why. Are there any other comments you wish to make on the level of penalty?

Question 16 This consultation proposes that there should not be a new offence of causing death by careless cycling when under the influence of drink or drugs. Do you agree with the proposal?

Yes

Question 17 The current fine for riding a cycle when unfit to ride through drink or drugs is £1,000. Do you think we should consider increasing the fine?

No

Question 18 Do you think we should consider making it an offence to attempt to cycle (as well as actually cycling) when unfit to do so through drink or drugs?

No

Question 19 Are there any further comments you wish to make?



The Road Haulage Association

The RHA believe there is a need for compulsory cycle training and cycle registration scheme to ensure all cyclists are trained to a safe level and understand the rules of the road

We are also beginning to see a proliferation of Electric cargo bikes, these can reach high speeds and riders have no level of training and the bikes are not registered or in some cases insured. We believe that rider training and registration of all electric cargo or people transport bikes needs to be reviewed.

C.T. Snape

Deputy Policy Director

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