



House of Lords Library

Cyclists and the law

In Focus

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Currently, cyclists who ride dangerously or carelessly can be prosecuted for various offences, including those contained in the Road Traffic Act 1988 (as amended). In 2024, the government said it was introducing a new offence of causing death by dangerous cycling. This briefing summarises the existing laws and proposals for creating new offences ahead of a forthcoming debate in the House of Lords.

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On 6 June 2024, the House of Lords is due to debate the following motion:

“Lord Hogan-Howe (Crossbench) to ask His Majesty’s Government what steps they are taking to ensure that pedal cyclists abide by the criminal law and are held accountable where they breach that law.”

1. Cycling offences

Currently, cyclists may be prosecuted for criminal offences under the Road Traffic Act 1988 (as amended). The 1988 act includes the following offences targeted at cyclists:

- dangerous cycling^[1]
- careless or inconsiderate cycling^[2]
- cycling when under the influence of drink or drugs^[3]

The definition in the 1988 act of what constitutes dangerous cycling is based on the expectations of a “competent and careful cyclist”.^[4] Under the provisions in the act, cycling is dangerous if someone is riding in a way which “falls far below what would be expected” of a competent and careful cyclist and that would be obviously dangerous to a competent and careful cyclist. Careless or inconsiderate cycling is defined in the 1988 act as riding “without due care and attention, or without reasonable consideration for other persons using the road”.^[5]

It is also an offence for someone to fail to give their name or address, or to give a false address, if they are alleged to have committed the offences of dangerous cycling or careless or inconsiderate cycling.^[6]

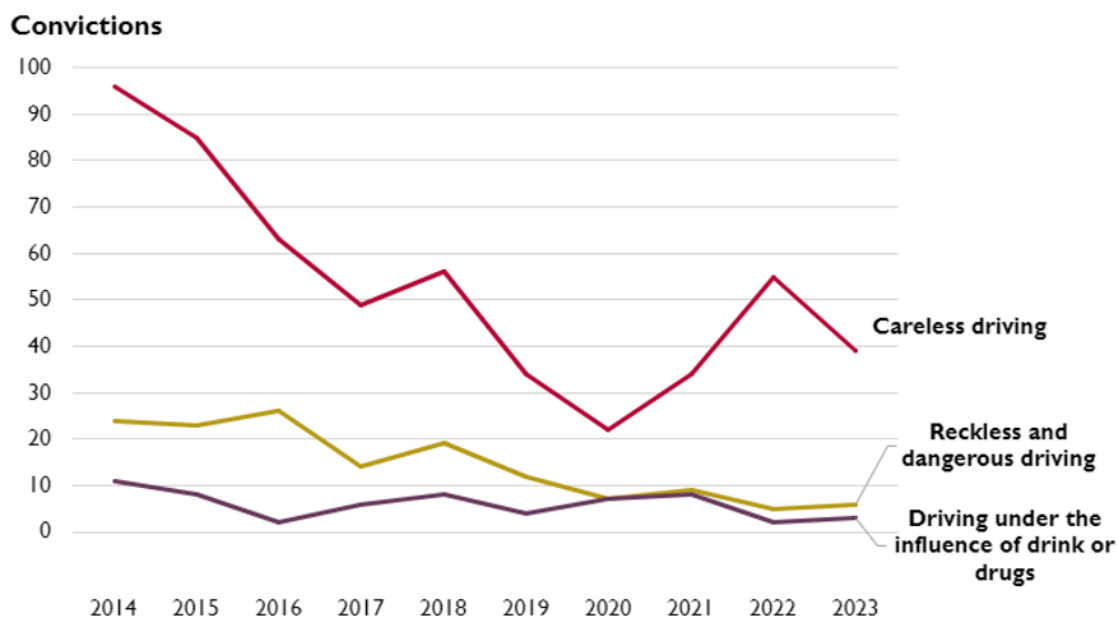
Of these offences, dangerous cycling carries the highest penalty.^[7] It is a level 4 offence, meaning it can result in a maximum fine of £2,500.^[8] The other three offences are level 3 offences resulting in a maximum fine of £1,000.

These and other offences are listed in the highway code.^[9] For example, highway code rule 64 states that cyclists must not cycle on the pavement. This is an offence under section 72 of the Highway Act 1835.^[10] As discussed below, cyclists have also been convicted for causing bodily harm by “wanton and furious driving” of a vehicle under section 35 of the Offences against the Person Act 1861.^[11]

2. Convictions for cycling offences

As demonstrated by figure 1 below, the largest number of convictions each year for cycling offences under the 1988 act is for careless or inconsiderate cycling. In 2023, 39 people were convicted for this offence.^[12] In the same year, six people were convicted for dangerous cycling and three people were convicted for cycling under the influence of drink or drugs. Figures for convictions over the last ten years are provided below:

Figure 1. Convictions for dangerous cycling, careless or inconsiderate cycling and cycling when under the influence of drink or drugs, 2014–23



(Ministry of Justice, ‘[Criminal justice system statistics quarterly: December 2023](#)’ 16 May 2024; and ‘[Outcomes by offence data tool](#)’ 16 May 2024.)

The number of convictions for each of these offences has fallen since the Covid-19 pandemic. The Ministry of Justice states that figures for 2020 and 2021 were affected directly by the pandemic and any subsequent trends are likely to reflect the “recovery of court processes”.^[13]

3. Road traffic collisions: Serious injuries and fatalities

The Department for Transport (DfT) has reported there were nine pedestrian fatalities in reported road traffic collisions involving pedal cycles in Great Britain between 2018 and 2022.^[14] These figures are based on casualties reported to the police. Over the same period there were 657 serious injuries, although the DfT notes this may be under-reported because some non-fatal casualties are not reported to the police. The same statistical release includes figures for the number of pedestrian casualties in road collisions involving other vehicles. Of these, pedal cycles were responsible for the lowest proportion of all fatalities (0.5%). In February 2024, the Telegraph argued these statistics did not accurately reflect the number of pedestrian casualties involving cyclists because they only covered road collisions and not collisions in public places such as parks.^[15]

4. Policing cyclists: Licensing and registration

Lord Hogan Howe, a former commissioner for the London Metropolitan Police, has argued that many cyclists who ride dangerously or carelessly are not being held to account for breaking the law. During the second day of the debate on the 2023 King's Speech, he referred to his own experience in London of seeing cyclists ignoring road safety rules, describing such occurrences as commonplace.^[16] He also argued the government should explore further options for regulating cyclists including requiring them to display a registration plate, although he acknowledged this might be difficult to implement.^[17]

The government has said it does not plan to introduce a system of registration and licensing for cyclists.^[18] In 2018, the DfT held a consultation as part of the safety review of its cycling and walking investment strategy.^[19] In its response to the consultation, the DfT noted some respondents had raised the issue of the registration and licensing of cyclists.^[20] It concluded the case for introducing a licensing system was not as strong as for drivers because collisions on highways involving bicycles were less likely to cause serious injury to other road users than motor vehicles. It also argued that licensing would deter people from cycling, undermining the benefits to the environment and public health of the DfT's cycling and walking investment strategy. Finally, the DfT said the cost and complexity of introducing a licensing system would outweigh the benefits.

5. Establishing new offences

In 2018, the DfT published the findings of an independent review into cycle safety.^[21] The review's recommendations included that there was:

“[...] a persuasive case for legislative change to tackle the issue of dangerous and careless cycling that causes serious injury or death; in order to bring cycling into line with driving offences.^[22]”

There had been no further action since that review until May 2024, when the government backed an amendment tabled by Sir Iain Duncan Smith (Conservative MP for Chingford and Woodford Green), to the Criminal Justice Bill currently before Parliament which would introduce new offences around dangerous and careless cycling.^[23] New clause 57 would create new offences of causing death or serious injury by dangerous driving and causing death by careless or inconsiderate cycling.^[24] These offences would carry sentences including 14 years in prison for causing death by dangerous cycling.

That amendment was debated at report stage of the bill in the House of Commons on 15 May 2024.^[25] Speaking to the measures, Sir Iain said the purpose of these new offences would be to ensure “cyclists are held accountable for their actions” as well as “enhance road safety and provide justice for victims and their families”.^[26] He raised the case of Matthew Briggs, who had campaigned for a change in the law following the death of his

wife as a result of a collision with a cyclist in 2016. The cyclist was eventually convicted of causing bodily harm under section 35 of the Offences against the Person Act 1861 on the grounds that the bicycle had no front brake.^[27] The offence carries a maximum prison sentence of two years.^[28] Sir Iain criticised the process of securing this conviction, saying it was “so convoluted and difficult that even the presiding judge has said, since she has retired, that it made a mockery of the law”.^[29]

Responding to new clause 57, Parliamentary Under Secretary of State at the Ministry of Justice and the Home Office Laura Farris said the government would support it, arguing creating these new offences would reduce the risk of death or serious injury caused by “dangerous, careless or inconsiderate cycling”.^[30] She also indicated the government would review this amendment when the bill reaches the House of Lords, although she did not say what form these amendments would take. She told the Commons:

“It is not in dispute that whether a vehicle is a car, an electric scooter or a bicycle, if it is operated in a certain way, it is effectively a dangerous weapon on the road. We are supportive of my right hon. friend’s amendment, and we will be bringing it back in the Lords; we will be changing it in the Lords, as he knows, but we are accepting it.^[31]”

The shadow justice minister, Alex Cunningham, said that Labour supported the principle of changing the law in this area but was unsure about how these new offences would work in practice.^[32] He said the Labour Party would look to introduce its own legislation after the next general election if it formed the next government.

The new clause was passed without a division and added to the bill. The government subsequently confirmed in a press release that it would “bring forward an updated amendment to the bill as it enters the House of Lords where it will be further debated”.^[33] However, it has not yet said what these specific amendments would be.

Matthew Briggs has welcomed Sir Iain’s proposals, arguing these new offences would act as a deterrent and improve road safety.^[34] However, the cycling charity Cycling UK has criticised the decision by the government to establish these specific offences without conducting a wider review of road traffic laws, describing it as a “kneejerk plan”.^[35] The charity argued:

“[...] the government wants to legislate on one piece of the puzzle without having thought through how this will work more broadly—including how it plans to deal with e-scooters and other forms of micro-mobility, or what other road traffic offences need to be changed.^[36]”

Cycling UK has also argued that the existing definition of what constitutes careless or dangerous cycling should be considered as part of a wider review of road traffic laws.^[37]