Cycling and the Law
Legal advice for cyclists
We like to shout about cycling

This booklet is just a taste of our work to promote cycling. 

Join 25,000 other cyclists and sign up to our weekly newsletter to learn more.

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Introduction

Cycling is a simple pleasure – a bike can be acquired for next to nothing and you don’t require a licence or any specialist equipment – but whatever type of cyclist you are, it pays to know your rights and responsibilities in law.

This abridged version of Cycling and the Law considers some of the problems commonly faced by cyclists from a legal perspective, and offers advice on how to stay safe and compliant whilst still enjoying the many benefits that cycling brings.

You can find the full version of Cycling and the Law at www.eta.co.uk.

If you have a question that isn’t covered here, email news@eta.co.uk and we’ll do our best to find the answer.

For free legal advice about cycling, you can contact our dedicated helpline on 0845 389 1050.
About the ETA

The Environmental Transport Association was established in 1990 as an ethical provider of insurance products for the environmentally concerned consumer.

Concern for the environment is still at the heart of everything we do. It’s the reason why we endeavour to protect and encourage Britain’s cyclists by offering straightforward, comprehensive cycle insurance at a fair price.

For every policy we sell, we make a donation to the ETA Trust – our charity campaigning for a safer and more sustainable transport future.

We have initiated many pro-cycling and environmental campaigns throughout the years, and were recently voted Britain’s most ethical insurance provider for the second year in a row by the Good Shopping Guide.
What equipment is needed to be fitted to a bike to make it legal to ride on British roads?

Essentially the only items of equipment that must be fitted to legally ride a bike on British roads are brakes and lights. Your bike should be in good condition and adequately maintained. It is not compulsory to wear a cycle helmet in Britain.

The Pedal Cycles (and Use) Regulations 1983 only stipulate that every pedal cycle (it’s slightly different for electrically assisted bikes) should have two braking systems (one of which can be a back pedal-operated rear brake or fixed wheel). The Road Vehicle Lighting Regulations 1989 stipulate that bikes ridden at night must be fitted with white front and red rear lights, flashing or steady, as well as a red rear reflector.

All bicycles made after October 1st 1985 must also be fitted with amber pedal reflectors (on each pedal) when being ridden on a public road between sunset
There is no British law to compel cyclists, of any age, to wear helmets when cycling and sunrise, although fitting such reflectors is almost impossible with many ‘clipless’ pedal styles.

It’s important to comply with these regulations as any slight illegality with respect to your lights or reflectors may be regarded as contributory negligence should you be involved in a road traffic collision at night.

Bikes have to be fitted with bells while in the bike shop, but there is no legal requirement to fit or use them once on the road.
Are there any laws about locking bikes to municipal (i.e. public or council) lamp posts, railings, signposts, etc.?

This is a difficult question to answer as there is no general law that gives a cyclist the right to lock their bike to railings, signposts or any other municipal or council-owned signage or street furniture.

Obviously, specifically designed bike racks and parking stands supplied by local authorities can be used, and many ‘expert cycling sites’ claim that, if there are no suitable parking stands available, you can use secure, immovable street furniture such as railings or lamp posts to lock your bike, provided it isn’t causing an obstruction to passers-by.

Whether you can in fact legally do this is dictated by local by-laws. By-laws are laws made by a local authority and only apply within a specific geographical area. They are usually only created when there is no general legislation that deals with particular matters of concern to local people – like too many bikes cluttering up public railings for example. You can check with the appropriate local authority which should have a numbered list of their by-laws.
Always check for signage saying you can’t lock your bike against railings or street furniture.

Always check for signage saying you can’t lock your bike against railings or street furniture. If it says any bike locked there will be removed, that’s usually what happens. The only right you have on the highway is to pass and re-pass. There are offences of obstruction, public order damage etc. that you could lay yourself open to.

So, while it may be legal to secure your bike to street furniture if the by-law says so, if there is no by-law you are at risk from laws protecting property rights. Chaining your bike to the property (railing etc.) of another could
It is only illegal to drive a motor vehicle while using a mobile phone.

give rise to claims for compensation if you cause ‘damage to public property’. The courts have interpreted the term ‘damage’ liberally and such damage need not be visible, tangible or permanent. So check the position with your local authority by getting information about the relevant by-laws, but if designated parking stands are available, then use them rather than risking your bike on a lamppost, road sign or railing. These alternatives will probably be less secure than a proper bike stand in any event.
Can I cycle while using my mobile phone?

A bicycle is a vehicle, but according to the Road Vehicles (and Use) Regulations 1986, amended 2003, it is only illegal to drive a motor vehicle while using a mobile phone. There is nothing about bicycles in the phrasing so, in effect, cyclists are exempt from this extremely sensible law.

That doesn’t mean cycling while phoning or texting is not dangerous and you could be pulled over for a related ‘not-paying-due-care-and-attention’ offence.

Is it compulsory to wear a helmet?

There is no British law to compel cyclists, of any age, to wear helmets when cycling, even though the Highway Code suggests that cyclists should wear a cycle helmet which ‘conforms to current regulations, is the correct size and securely fastened.’
How does the law regard helmet cam evidence?

There is no reason why helmet cam footage cannot be admitted as evidence in the same way that CCTV is used. It is likely that a witness statement would have to accompany the helmet cam footage and it would have to be downloaded to a CD with a certificate (countersigned by a solicitor) stating that it had not been altered in any way from its original digital format.

Is it the law to have a bell on a bicycle?

No – it’s desirable, but not a legal requirement.

Bikes at the point of sale have to be fitted with bells, but there is no law saying they must be fitted to bicycles no longer on shop display.

Any other ‘audible warning device’, such as a whistle or the human voice would do.
The Highway Code does not stipulate that bells must be used, but rather suggests that cyclists: ‘be considerate of other road users, particularly blind and partially sighted pedestrians, letting them know you are there when necessary, for example by ringing your bell.’

Any other ‘audible warning device’, such as a whistle or the human voice would do. A polite ‘excuse me’ can often come across as a lot less aggressive than the insistent tinkling of a bell or the blare of a horn.

**What’s the legal position on bike lights?**

Bikes ridden at night require front and rear lights, flashing or steady. At night a bicycle must also be fitted with a red rear reflector (amber pedal reflectors, if manufactured after 1st October 1985). According to the Road Vehicle Lighting Regulations 1989 (in 2009), all bicycle pedals must be fitted with reflectors (on each pedal) although fitting such reflectors is almost impossible with many ‘clipless’ pedals.

The RVLR regulations are seldom enforced, but if you are involved in a night-time collision, any slight illegality with respect to your lights or reflectors may be regarded as contributory negligence on your part.
Cycle lanes, paths and roads

If there is a cycle track along a main road, am I obliged to use it as a cyclist? In the event of a collision, can motor insurers seek to reduce payments for compensation if they argue the cyclist had the option to use a cycle lane?

Under the Highway Act (section 72), it is illegal to ride on the pavements, however, both this legislation and the Highway Code (rule 63), state that where there is a designated cycle lane, cyclists should ‘keep within the lane when practicable’. Use of cycle lanes is not compulsory and will depend on your experience and skills but they can make your journey safer.’

In the unreported case R. v Cadden (2006 Ct) the Court initially held that Mr Cadden contributed to the negligence by not using the designated cycle lane. However, the appeal court overturned this decision and held the verdict that it is not a legal requirement for cyclists to use cycle lanes but as above, it is dependent upon experience and skills. The prominent decision of the Courts is not a concrete precedent and was judged upon
whether the claimant was aware of his responsibilities to others and whether he was impeding traffic by not using the cycle lane at the time. Essentially, it comes down to the reasonableness of a cyclist’s behaviour in the circumstances.

**Is it legal for a cyclist to ride across a zebra crossing?**

It is not illegal (some local by-laws may apply) to ride a pedal cycle across a zebra crossing, but rule 79 of the Highway Code says cyclists should dismount and wheel their cycles across a pelican, puffin or zebra crossing.

You ought to comply with this rule as, should you injure a pedestrian when cycling across, they could sue you for compensation. The fact that you did not follow the rules
for cyclists in the Highway Code would make it far more likely that the injured party would win their case against you. It should also be noted that sections 28 & 29 of the Highways Act create the offences of dangerous, careless and inconsiderate cycling, which could apply if you failed to take care when using the crossing if you chose to cycle across.

Equally, in law, if you did cycle across a zebra crossing then you are not a ‘pedestrian’, so a motorist who fails to give way to you won’t be committing an offence if they cut in front of you – case law precedent if you are interested is Crank v Brooks (1980 RTR).

However, rule 80 of the Highway Code does permit cyclists to ride across at toucan crossings which allow cyclists and pedestrians to share the crossing space and cross in designated lanes when the appropriate light signals indicate it is safe to do so.

**What’s the law on cycling and alcohol?**

In law, a bicycle is defined as a carriage for use on the highway, but cyclists are not in charge of ‘mechanically propelled’ vehicles so, in law, do not have to adhere to exactly the same rules as motorists, including ‘drink drive’ rules.
While it’s probably true that the proverbial swift half will not lead to a massive impairment in your ability to ride, Section 30 of the Road Traffic Act 1988 says: ‘It is an offence for a person to ride a cycle on a road or other public place when unfit to ride through drink or drugs.’ That is to say, under the influence of a drink or a drug to such an extent as to be incapable of having proper control of the cycle. If you ride drunk you risk endangering yourself and possibly others and can be fined up to £2,500.

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What are a cyclist’s rights in a road rage incident?

They are the same as any other road user’s rights in this situation. If a criminal offence has been committed it should be reported to the police immediately for them to investigate the matter for a potential prosecution.

If a vehicle has been used as a ‘weapon’ then the Criminal Injuries Compensation Scheme will apply and can be used as an alternative to any civil claim, but a civil claim would be the better option to pursue in terms of damages payable if successful.

Can a cyclist be sued for causing a collision?

Yes. If the cyclist was indeed responsible for the crash, should an injured party decide to take things to court, a cyclist can find themselves in the position of ‘defendant’ rather than ‘claimant’ in any civil action for personal injury compensation. Of course the relative damage a cyclist could do to anyone or anything apart from another
cyclist or a pedestrian is minimal. In cases where cyclists have been sued for damages the claimant is most often an injured pedestrian or another cyclist.

That’s why it is desirable to have adequate insurance which includes third party public liability cover. Without it, if you find yourself on the losing side of a compensation claim, that money (which could amount to several thousands of pounds) will have to come out of your own pocket.
What should I do if I am hit by a car?

⚠️ **Be safe.** Get yourself out of the road and to a footpath, kerbside or somewhere safe if you can. If you are unable to move, ensure you are visible and try to attract help from passers-by.

✚ **Call the police and ambulance.** Always contact the police and call an ambulance if you are injured. The police can help with exchange of details and their reports could prove crucial. Get the details of the attending police officer and an incident reference number.

🔄 **Exchange details.** You must exchange personal and insurance details after a collision. You may not have insurance cover, but all motor vehicles on a public road should do. Get names and addresses, vehicle registration number as well as make, model and colour.

🚲 **Get witnesses.** Get details of any independent witnesses as well as the driver of the vehicle that hit you. If you can’t do this yourself, ask a passer-by for help. If the vehicle that hit you didn’t stop, still get witness statements as you can claim via the Motor Insurer’s Bureau, who will pay out if the accident was a ‘hit and run’ or the driver cannot be traced.
Get photographic evidence. Take photos (time and date stamped) on your phone of the vehicles and the scene (from junctions, road markings or signs) precisely as the crash occurred. Do not let the driver of the vehicle that hit you move it before you take photos. Ask the police if there is CCTV footage showing your collision. If you have a helmet cam, video from that can also be used as evidence.

Put everything down on paper. When you can, write a full account of the incident and draw a sketch plan. It is always worth asking for a copy of the police reports too.

Get checked out by your GP. No matter how minor your injuries may seem, always visit your GP and get checked over at the earliest possible opportunity.

Keep all receipts. Keep receipts/bills/estimates for the cost of repair/replacement to your bike, clothing, helmet and accessories and the damaged bits of your bike. Keep records of costs you have incurred for treatment, travel to medical appointments or lost earnings.

Call a solicitor. If the collision was not your fault, you may be entitled to compensation. If you have cycle insurance with the ETA, you have access to a free legal helpline.
Can I make a claim if I have been injured by an uninsured driver?

Claims can still be made via the Motor Insurer’s Bureau (MIB), which is a body set up by all the insurers in Great Britain to compensate victims of uninsured drivers.

The process follows much the same procedure as would a normal personal injury claim. If the collision happened after 15th April 2011 and you suffered a significant personal injury (such as being admitted to hospital for 4+ consecutive days), then property damages will be paid in addition to compensation for personal injury.

Can I make a claim if I have been injured by a vehicle that didn’t stop?

Yes. Claims made via the Motor Insurer’s Bureau also cover untraced drivers. The MIB will make an award for compensation to the victim of a negligent untraced driver in respect of personal injuries.

You may also claim property damages for a collision that occurred on or after 14th February 2003 provided the incident is reported to the police within five days of the collision if the vehicle remains untraceable.
It is helpful to contact MIB as quickly as possible, but personal injury claims against either uninsured or untraced drivers can be considered by the MIB within three years of the date of the collision.

**Personal injury claims against either uninsured or untraced drivers can be considered by the MIB**
Can I claim for damage to my bike and other equipment and accessories that were damaged as a result of a crash?

You can not only claim for your injuries, but the cost of bike repair or replacement and the cost of accessories and clothing damaged in the crash. Incidentally, you can also claim for lost income caused by time off work and the cost of any treatment required as well as help provided by family and friends while you are recovering.

Can a cyclist be counter-sued if they make a claim for compensation against a driver?

Yes. There can be a counter-claim by the driver who is the defendant in an action you take for any damage to his vehicle caused by you as a cyclist in the collision. This can include repair costs and replacement vehicle hire costs.

Cycling and the Law was produced with help from Shoosmiths Access Legal. For the full version visit www.eta.co.uk.
You can not only claim for your injuries, but the cost of bike repair or replacement and the cost of accessories and clothing damaged in the crash.

At the ETA our literature is printed on 100% recycled paper from post-consumer waste, is fully recyclable and biodegradable, totally chlorine free, elemental chlorine free, NAPM approved, long life archival usage approved, Nordic Swan environmental awarded and is produced in a mill that holds ISO 14001 certification.
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Single-trip breakdown cover for travelling in Europe with English speaking helplines available 24/7

Every policy we sell helps support the work of the ETA Trust – our charity campaigning for a safer and more sustainable transport future
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