



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-02495

Keyword: Road Policing

Subject: Offences Applicable to Cyclists

Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

Question 1

I would like to request a full breakdown of offences that are applicable to cyclists on the road in Northern Ireland.

Also, a breakdown of the punishments and/or penalties that occur as a result of the above.

Answer

Please see the document attached.

Question 2

A breakdown of how many of the offences above have occurred and the relevant punishments and/or penalties issued as a result, in the last 3 years.

Answer

15 non endorseable £30.00 fines issued for dangerous cycling
229 non endorseable £30.00 fines issued for no lights on a pedal cycle.

As the fines are collected by the Northern Ireland Court service we do not hold the information on fines paid.

1 prosecution for dangerous cycling / cycling when unfit through drink or drugs / no lights on pedal cycle.

1 prosecution for cycling when unfit through drink or drugs / no lights on pedal cycle.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Where a cyclist rides upon a pavement, there is an offence of failure to comply with the Rule of the Road, Art 3 of The Road Traffic Regulation (NI) Order 1997:

Rule of the road

3. - (1) A person driving or riding a vehicle or animal on a road shall, except where it is unreasonable in the circumstances to do so and except where otherwise provided by paragraph (2) or indicated by a traffic sign or the Highway Code, drive or ride the vehicle or animal on the left or near side of the carriageway, having regard to the direction in which he is proceeding.

(2) A person driving or riding a vehicle on a road and overtaking a vehicle on that road shall, except where the Highway Code indicates that he may overtake on the left or near side, overtake on the right or off side of that other vehicle.

(3) A person who contravenes paragraph (1) or (2) is guilty of an offence.

Unfortunately this offence is not capable of being dealt with as a Fixed Penalty so it becomes bureaucratic and perhaps not proportional to deal with cyclists who transgress, by resorting to a court prosecution.

Offences under the Road Traffic (NI) Order 1995 are:

Dangerous cycling

42.—(1) A person who rides a cycle dangerously on a road or other public place is guilty of an offence.

(2) For the purposes of paragraph (1), 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 paragraph (2) "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that paragraph 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.

Careless, and inconsiderate, cycling

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

Dangerous Cycling may be dealt with by issue of a £30 FPN, but the police need to evidence the "dangerous" nature of the cycling when often the more appropriate offence will be the careless cycling offence.

The Highway Code Rule 64 deals with this issue:

<http://www.roadsafetyni.gov.uk/rulesforcyclists.pdf>

Lights on pedal cycles

Between sunset and sunrise your cycle must have white front and red rear lights lit. It must also be fitted with a red rear reflector (and amber pedal reflectors, manufactured after 24.1.96). White front reflectors and spoke reflectors will also help you to be seen. Flashing lights are permitted but it is recommended that cyclists who are riding in areas with street lighting use a steady front lamp.

Link below refers with subsequently amendments to the legislation on the 2nd link.

<http://www.legislation.gov.uk/nisr/2000/169/contents/made>

<http://www.legislation.gov.uk/nisr/2007/239/contents/made>