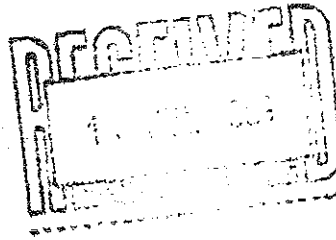


PAUL BOATENG MP



Ben Bradshaw MP  
House of Commons  
London  
SW1A 0AA



4431  
HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT  
Tel: 0171 273 4597  
Fax: 0171 273 4090

9 July 1999

*Dear Ben,*

You wrote to me on 27 June about your concerns over the introduction of a fixed penalty for the offence of cycling on the pavement. We met to discuss this issue on 30 June, and I am hoping to be able to attend a meeting of the All Party Parliamentary Cycling Group on 13 July or soon thereafter, when the issue can be further discussed. In the meantime, I think it would be helpful to set out the precise position on the fixed penalty offence as there has been some mis-reporting of it.

The fixed penalty for cycling on the pavement is one of seven offences which are being added to the fixed penalty system. The others concern overtaking on a pedestrian crossing (three offences), failing to fixed a regulation registration mark (number plate) to a vehicle, driving on the footway and carrying more than one person on a pedal cycle which was constructed to carry one person. These are all existing offences, and in adding them to the list of fixed penalty offences we are not singling out cycling on the pavement for any unique or special attention. The fixed penalty system already applies to a number of cycling offences such as cycling without lights and contravening a traffic sign. The measure is certainly not anti-cycling. As you will know from your contacts with Ministers at DETR, the Government wishes to promote cycling, and those Ministers are also concerned, like us, with irresponsible cycling which cannot be condoned.

The proposals for the new fixed penalty offences were originally put to us by the Association of Chief Police Officers (ACPO) and were subject to public consultation in July 1996. Administrative and other difficulties have badly delayed the introduction of the Fixed Penalty Order, but I am not in any doubt on the merits of introducing it in England and Wales. As you will see from the Order, the two cycling offences will not be added to the fixed penalty system in Scotland as a different view has been taken of the problem there. But the public correspondence the Home Office has received over the last year to January 1999 about cycling on the pavement shows that 137 correspondents were in favour of introducing the fixed penalty, whilst 30 were against it. Similarly, of the 45 letters received from Members of Parliament, 35 were in favour and 10 against it. The prosecutions for cycling on the pavement in England and Wales have risen from 314 in 1995 to 648 in 1997 – the last year for which we currently have figures. Convictions have risen from 282 to 594 over that same period. I believe there is a genuine concern about inconsiderate cycling on the pavement in England Wales and this particularly affects the elderly and disabled.

I know that Alun Michael discussed this informally with some members of the All Party Parliamentary Cycling Group on 19 March last year. I am sure he gave careful consideration

to the Group's concerns, but I know that he wrote to you subsequently on 31 March last year maintaining his view that the fixed penalty for the offence should be introduced. I hope to be able to discuss the issue with the Group myself on 13 July or soon thereafter.

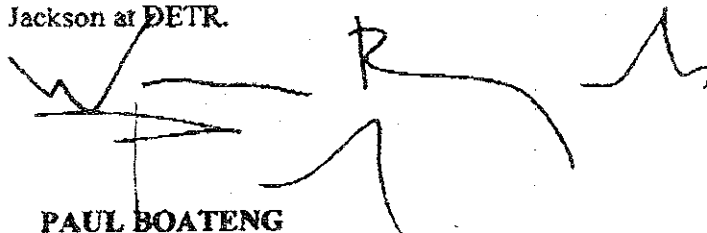
I have stressed that this issue is about inconsiderate cycling. The introduction of the fixed penalty is not aimed at responsible cyclists who sometimes feel obliged to use the pavement out of fear of the traffic, and who show consideration to other pavement users when doing so. This is not a clamp down on responsible cycling, and I know the police service too do not see it in that way. It has also been suggested that young children will be affected. That is not so as the fixed penalty system can only be used for those aged 16 and over. A further misconception has been the idea that the police will be able to impose an "on the spot" fine. Fixed penalties are not "on the spot" fines. The recipient of a fixed penalty notice has 28 days in which to either pay the penalty and thereby discharge his or her liability to conviction or to request a court hearing if they wish to dispute the matter. I should also add that the use of the fixed penalty system for this type of offence is not new. A fixed penalty for cycling in prohibited areas can already be issued in some force areas where the local authority has introduced bylaws, for example in pedestrian precincts.

Chief police officers, who are responsible for enforcement, acknowledge that many cyclists, particularly children and young people, are afraid to cycle in the road. This is one reason why the offence is most commonly enforced by verbal warnings rather than by prosecution. Sensitivity and careful use of police discretion is required. The aim of providing the option to issue a fixed penalty notice (currently £20) is so that the police, in appropriate circumstances, may take simple and effective visible action which is stronger than a verbal warning but falls short of prosecution. The police service has many competing priorities to meet and I have absolutely no reason to believe that the introduction of a fixed penalty for cycling on the pavement will lead to a widespread shift of priorities into enforcing the offence. As I have already indicated, the service does not see the issue in that way but the fixed penalty will allow them to deal more simply and directly with particular local problems as and when they arise.

I recognise that there are still concerns about how the fixed penalty will be used, and I know that ACPO are keen to dispel any concern that the police will use this power indiscriminately and without due regard to the circumstances. Before the offence is introduced we and ACPO intend to offer reassurance on this point by issuing a public statement on it.

I note your particular concerns about other offences which pose a threat to cyclists and I am very willing to discuss and consider those problems with you. But I do not see that issue as affecting the case for having a fixed penalty offence for cycling on the pavement. Nevertheless, I hope this letter is helpful in clarifying the details of what is proposed. I hope it will be possible to meet you and colleagues on 13 July or soon thereafter when I hope I shall be able to reassure you further on the issues.

I am copying this letter to Glenda Jackson at DETR.



PAUL BOATENG