

# STATES OF JERSEY



## **DRAFT ROAD TRAFFIC (No. 60) (JERSEY) REGULATIONS 201- (P.30/2014): COMMENTS**

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**Presented to the States on 14th July 2014  
by the Environment Scrutiny Panel**

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**STATES GREFFE**

## COMMENTS

### Compulsory wearing of cycle helmets

#### **Background**

Following contact from members of the Jersey public and UK cycling organisations earlier this year the Panel agreed to carry out an urgent review of this subject prior to the forthcoming debate. In view of other commitments, in order to achieve this in the allotted time the Panel appointed TRL Limited (known as the Transport Research Laboratory) to carry out a study of the most relevant and up to date evidence from various jurisdictions where compulsory cycle helmet wearing already applies, and provide a report to the Panel. The Panel's terms of reference for the review, the advisers' full report and various submissions received can be viewed on the Scrutiny website at [www.scrutiny.gov.je](http://www.scrutiny.gov.je)

These comments comprise the Panel's view of the evidence researched and presented by its advisers, together with consideration of other information provided by the Transport and Technical Services Department, States Police and other stakeholders and interested parties.

#### **Areas of investigation**

Three key areas investigated and reported on by the Panel's advisers were:

1. The effectiveness of cycle helmets in the event of a collision.
2. The impact of helmet legislation on injuries.
3. The impact of helmet legislation on cycling activity

#### **Summary of research**

##### **1. The effectiveness of cycle helmets in the event of a collision**

Analysis of studies from different jurisdictions shows that the majority of cycle accidents amongst children and adolescents occur as single-bicycle falls or collisions with other objects, rather than vehicles. This is in contrast to findings for adult riders, where collisions with motor vehicles are more common. Other findings include:

- Head injuries caused when cycling are generally more common for children and youths than adults.
- There is a higher risk of a serious cyclist head injury in collisions with a motor vehicle than in other collision types.
- However, the majority of cyclist collisions resulting in head injury do not involve other vehicles; approximately three-quarters of all head/brain injury sustained by cyclists are the consequence of crashes not involving motorised traffic.
- For young children (0-5 years old) as many as 9 out of 10 head/brain injuries result from single bicycle crashes not involving other

vehicles; children in the age groups 0-5 and 6-11 years old are at a particularly high risk.

- Helmets are more effective for non-vehicle collision accidents such as falls. *“For such accidents and for low speed vehicle collisions a helmet can almost eliminate the probability of a fatal head injury. These types of off-road accidents are the ones children are most commonly involved with and what helmets are really designed for.”*<sup>1</sup>
- Compared with other injuries sustained by children, head injuries are more likely to require hospitalisation or result in death.
- Helmet wearers sustain fewer head injuries than un-helmeted cyclists, have a lower likelihood of experiencing a concussion or intracranial injury, and a lower risk of facial injuries.

Information provided by Child Accident Prevention Jersey suggests that on average since 2004 there have been 131 bicycle related injuries per year amongst children and young people. The figure for 2013 was slightly below average, at 115, with 22 of these resulting in injuries to the head or face. There may have been other accidents involving injury that were not reported to the General Hospital or States Police.

## **2. Impact of helmet legislation on injuries**

- Mandatory cycle helmet legislation increases helmet wearing rates for the population affected.
- Cycle helmet legislation may increase helmet wearing rates even in the absence of enforcement, although wearing rates are likely to improve if the legislation is actively enforced.
- Cycle helmet legislation for all ages may result in greater helmet wearing rates for both young people and adults when compared with legislation applying only to young people.
- There is no evidence of an increase in injuries following the implementation of cycle helmet legislation.
- Cycle helmet legislation is likely to result in a reduction of reported head related trauma, particularly for children.

## **3. The impact of helmet legislation on cycling activity**

- Evidence of the impact of mandatory cycle helmet legislation is mixed. Legislation may not impact on cycling participation at all; however a temporary modest reduction in child cycling participation has been observed in earlier studies in some regions. It is not possible to say whether Jersey would experience this effect.
- Assuming only a temporary modest reduction in child cycle participation, it is reasonable to assume that mandatory cycle helmet legislation would have no long-term effect on public health.

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<sup>1</sup> McNally DS and Rosenberg NM (2013). MADYMO simulation of children in cycle accidents: A novel approach in risk assessment

## Conclusions

1. Legislation requiring the wearing of cycle helmets in Jersey would be expected to reduce injury rates amongst those affected by the legislation (in this case children up to the age of 14), especially in collisions that do not involve motor vehicles.
2. The legislation seems unlikely to have a major impact on cycling activity in Jersey.

## Panel summary

This subject polarises opinion like few others; people are very passionate about different aspects of the debate, for different reasons. The evidence presented to the Panel shows that young children are particularly vulnerable to head injury in cycle accidents. They are more often injured in single cycle accidents than in collisions involving motor vehicles, although accidents involving motor vehicles are likely to result in more serious and fatal injuries. The wearing of cycle helmets has been shown to be very effective at reducing head injuries, which suggests that the wearing of cycle helmets by all children could potentially prevent or reduce the severity of approximately 20 head and facial injuries sustained by children in cycling accidents in Jersey each year. (This figure relates to the number of incidents reported to the Accident and Emergency department; there may be more.)

The most common argument against this is that legislation to enforce the wearing of cycle helmets has been proved in the past to reduce the number of people cycling, which raises concerns about serious long term consequences for public health and fitness.

The Panel's advisers confirm that early studies based primarily on data from Australia in the early 1990s following that country's implementation of compulsory helmet wearing for all may have been misleading; re-analysis since then shows that the impacts on cycling activity were not as dramatic or as long-lived as originally claimed. This is supported by recent correspondence from various Australian ministers, shared with the Panel by Deputy A.K.F. Green of St. Helier.

Helmet design has also improved since the early legislation, with different styles of helmet now available to suit the needs of commuters, leisure riders and sport cyclists. The increasing popularity and high profile of competitive cycling events (where helmets are almost universally worn) may have influenced their acceptability. There is evidence that helmet wearing rates have increased over time and continue to grow.

The Panel is therefore not convinced by arguments against the proposed cycle helmet legislation based on claims that it would have a dramatic impact on levels of cycling activity. Members consider that while some people may still object to wearing helmets, the benefits specifically to child safety outweigh objections to the principle of compulsion. Members believe that the introduction of a law could make it easier to establish helmet wearing as a habit in younger riders which will help to protect them in later life, while also helping to overcome resistance amongst older children who might otherwise challenge advice from parents or schools. The Panel is not aware of any compelling evidence to support claims that enforcing the wearing of cycle helmets

exaggerates the dangers of cycling and therefore puts people off, nor that the wearing of helmets encourages unsafe behaviour, although both of these have been used as arguments against compulsory helmet legislation.

However, an important aspect of the proposition that has yet to be fully thought through concerns how cycle helmet legislation would work in practice, and particularly how (or indeed whether) it would be enforced. In a meeting with the Panel and its advisers Deputy Green (who brought the original proposition on cycle helmets in 2010 – P.4/2010) made it plain that the last thing that he would want to see is the criminalisation of young people as a result of the legislation. He felt that the introduction of a law would ensure that the vast majority of people would comply, which would help to protect children from unnecessary injury. Different attitudes to enforcement were considered; it was suggested that in some states in America (22 are believed to have cycle helmet legislation affecting children) fines were waived if possession of a helmet could be demonstrated within 28 days.

Unfortunately, discussions with the Transport and Technical Services Department revealed that despite their best efforts to find a way around this, if a law were introduced then anyone caught breaking it would inevitably collect some sort of criminal record. The Panel agrees with Deputy Green that criminalising children (or their parents, or other responsible adults) for non-compliance with a law designed simply to protect them from harm would be totally undesirable.

Further consideration is also needed on the practicalities of enforcing the legislation if it is passed. Any idea that fines would be applied to young children is clearly unworkable, but it would also seem unreasonable to penalise parents or other adults for the actions of children of which they may be completely unaware, for example if a child decides (against advice) to take off a helmet after leaving home or school, or neglects to put it back on after stopping somewhere en route. However, the legislation (while theoretically applying to all children below the age of 14) will only directly affect children between the ages of 10-13, as children under 10 are below the age of criminal responsibility; any offences committed by such young children could only be addressed by holding the parents responsible.

The realities of everyday policing raise further questions. A member of the States or Honorary Police might see one or more un-helmeted children of indeterminate age riding by, possibly amongst a group of other cyclists wearing helmets. How would this be pursued, particularly if the child could not be stopped? With no easy means of identifying individual riders without their willing consent (and no requirement for children to carry identification) this seems likely to present problems. It was suggested that prosecution was simply not the right answer. The view of the Connétable of St. Brelade (representing the Comité des Connétables in discussion with the Panel) was that faced with other priorities, the likely cost (both time and financial) of writing reports and following up such minor matters at Parish Hall and potentially beyond made it extremely unlikely that the new law would be policed consistently, if at all. It was also felt that if a law was introduced but not enforced this could lead to criticism of the Honorary Police, and concerns were voiced that this might be detrimental to recruitment.

The States of Jersey Police (in written comments provided to the Panel) also drew attention to the importance of prioritising their resources, as well as pointing out that the absence of registration markings and registered keeper requirements for bicycles would present some enforcement difficulties.

One possible solution suggested by the Connétable of St. Brelade involved the future introduction of spot fines, something which has been suggested for dealing with 'civil' offences such as littering and dog litter. However, while this might simplify the application of penalties and possibly remove the stigma of criminalisation, it would still leave the requirement to stop and identify offenders, and in the likely event that children would not be able to pay a fine on the spot, the need to follow up in writing through the Parish Hall or elsewhere would remain. It was noted that children could be detained, but not interviewed without the presence of their parents. The Panel considers that spot fines may well offer a way forward, but clearly this is something that will need further work, probably over many months before a system can be agreed and introduced, so this cannot yet be considered as a viable solution for cycle helmet legislation.

Members also have some doubts about the most appropriate age range for its application. It is understood that the age limit originally intended may have been lowered from 18 to 14 in order to align it with other legislation at the time, but the Panel considers that a new law applying only to children aged 13 or under would not necessarily bring the greatest benefits in terms of child safety. It has been suggested that 16 is an age when children obtain legal responsibility over many aspects of their lives, and might therefore be a more appropriate option.

The Panel fully supports the wearing of cycle helmets by children as an appropriate safety measure, but has serious doubts over how the proposed legislation could be effectively policed or enforced, and the possible consequences for criminalisation of children and their parents. Taking all this into consideration, the Panel believes that the evident benefits of helmet wearing for the safety of children are paramount. Members consider that a failure to act on this matter could not be justified against the continuing toll of head injuries sustained by child cyclists every year. Members therefore believe that until a fair and equitable solution to the policing and enforcement problems is found, the best way forward would be for the States to approve the new legislation, but on the understanding that it is unlikely to be strictly enforced. There would then be an opportunity for further work to be carried out regarding the possible introduction of spot fines for other offences, which might also become an option for dealing with offenders under the cycle helmet law if experience over time proved that some enforcement activity was necessary in this area.

The Panel is also aware that the Minister for Transport and Technical Services and his officers have been developing a Road Safety Strategy for some time, although this has not yet been published. Members consider that there is merit in delivering any proposals aimed at improving road safety as part of a coherent package, rather than introducing new regulations or laws in a piecemeal fashion. The compulsory wearing of cycle helmets on its own may go some way towards keeping young cyclists safer, but the Panel believes that this is part of a bigger picture. There are many other possible measures that could form part of a wider road safety initiative: extending cycle tracks and cycle priority lanes, Highway Code amendments and cycle awareness education being examples. The Panel considers that more work is needed to improve cycling infrastructure and educate all road users to respect the needs not just of cyclists, but all potentially vulnerable groups. People will only take up cycling as a healthy and sustainable means of transport if they are confident that positive steps are being taken to ensure their (and their children's) safety on roads and cycle tracks throughout the Island.

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**Statement under Standing Order 37A [Presentation of comment relating to a proposition]**

These comments were submitted after the deadline set out in Standing Order 37A because the deadline had been brought forward following the States' decision to sit on Monday 14th July, and it was not possible to finalise the comments before the earlier, noon Thursday, deadline.