

# STATES OF JERSEY



## REVIEW OF BICYCLE LAWS (P.27/2010): COMMENTS

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Presented to the States on 9th April 2010  
by the Minister for Transport and Technical Services

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STATES GREFFE

## COMMENTS

### 1. INTRODUCTION

1.1 Deputy Rondel has asked that I –

- (a) review and update the Road Traffic (Jersey) Law 1956, as amended, and any other relevant legislation in relation to the riding of pedal cycles on the Island's roads or cycle tracks;
- (b) review the need for pedal cycle registration and report back to the States within 6 months, with a proposition, if appropriate, to introduce such registration.

### 2. BACKGROUND

2.1 Priorities 7 and 11 in the Strategic Plan are "*Protect the public and keep our community safe*" and "*Enhance and improve health care provision and promote a healthy lifestyle*".

2.2 Transport and Technical Services (TTS) has responsibility in the Strategic Plan to –

- Develop a sustainable internal transport infrastructure.
- Persuade people out of cars by providing practical alternatives such as improved bus services, cycle tracks and footpaths.
- Implement a Sustainable Transport Policy "*including targets, policies and timescales that reflect best practice globally*".

2.3 Health and well-being of our population is a crucial aspect of the Strategic Plan and promoting a healthy lifestyle is key to this.

2.4 A Key Resource Principle is there will be no additional spend unless matched by savings or income.

2.5 As Minister for Transport and Technical Services, I have responsibility for a number of aspects of legislation associated with cycling –

- Road Traffic (Jersey) Law 1956;
- Cycle Tracks (Jersey) Order 2000;
- Pedal Cycles (Jersey) Order 1998;
- Road Traffic (Lighting) (Jersey) Order 1998;
- Policing of Parks (Jersey) Regulations 2005.

2.6 The Minister for Home Affairs and the Connétables, through the States and Honorary Police, are generally responsible for ensuring that people adhere to the laws in force, in Jersey.

- 2.7 One of my responsibilities under the Road Traffic (Jersey) Law 1956 is to prepare and issue a highway code “*comprising such directions as appear to the Minister to be proper for the guidance of persons using roads*”. The Highway Code was updated in 2008.

### **3. MATTERS FOR CONSIDERATION**

#### **3.1 Do the current laws need updating?**

I believe all legislation in respect of bicycles is fairly up to date and fit for purpose. The recent decision of the States to make cycle helmets compulsory for children will require new legislation. On the whole, however, it is my understanding that the relevant sections of the Highway Code, supported by our current legislation, provide sufficient rules and guidance for cyclists to circulate on our roads and cycle tracks, in safety and with consideration for other road users.

In March this year, I agreed to establish a Cycling Strategy Group to consider all matters to do with cycling. Members already invited to join the Group include the Connétable of St. Lawrence and Deputies Fox and Le Claire. If he wishes, Deputy Rondel would be welcome to join the Group. The Strategy Group can review the Highway Code and supporting legislation and recommend any changes that would improve matters. So part (a) of the Proposition is already in hand.

In the interim, however, there may be merit in mounting a publicity campaign in conjunction with the Road Safety Panel to highlight the importance that cyclists and all road users comply with the Highway Code.

#### **3.2 Is there a need for bicycle registration in Jersey?**

Jersey had bicycle registration in the past. Until 1973, an owner had to pay, every year, a “*contribution of two shillings*” to the parish in which they resided, for each bicycle “*he desires to put into circulation on the public roads*”. Interestingly, registration applied to “*any type of cycle, bicycle, tricycle or other means of transport propelled by human power*”. So while not strictly legal to use on a road, skateboards, rollerblades, scooters and the like would have been subject to registration.

Cycles operated by government departments were exempt from contributing but had to display the number plate issued. Visitors were also exempt from contributing for a period of up to one month.

It seems bicycle registration was merely a money raising exercise albeit the sum charged does not appear to have been increased since at least the 1920s.

A few jurisdictions such as those referred to in the Proposition have cycle registration, however, it seems this is more to do with preventing and detecting cycle theft rather than reporting errant cyclists to the authorities. I understand that there are fewer than 300 reported thefts per year in Jersey. The vast majority of jurisdictions do not register bicycles.

A self-funding, voluntary registration scheme could be promoted but this would not have any legal standing and is unlikely to be supported, particularly by any cyclists who are aware they currently flout the Highway Code or road traffic laws.

Introducing a cycle registration scheme would only be worthwhile if the advantages of introducing a scheme clearly outweighed the disadvantages and maintaining the status quo.

### 3.3 **Advantages of a cycle registration scheme**

The advantages that may arise from a cycle registration scheme include –

- it may deter cycle theft;
- it will assist in returning lost or stolen cycles to the registered owner;
- it may help identify cycles committing traffic offences (but not the cyclist);
- it may make certain cyclists ride more responsibly;
- a reflective registration plate may improve visibility of cycles at night;
- it may create additional work for cycle shops (fitting registration plates, maintaining bicycles);
- third party insurance cover for cyclists could be made mandatory at the same time (this could also increase business for insurers);
- if adopted as an income generator (tax), it could provide some additional funds for the States or parishes.

### 3.4 **Disadvantages of a cycle registration scheme**

Disadvantages arising from a registration scheme include –

- legislation and further “red tape” will be needed;
- resources will be required to introduce the legislation;
- resources and systems will be required to implement, maintain and enforce the scheme;
- it will discourage people from taking up or continuing cycling (jeopardising success of the Sustainable Transport Policy and a healthier lifestyle);
- it will be considered by many as a further intrusion on people’s freedom;
- any scheme will be bureaucratic involving form filling, establishing a register, producing records, requiring notification of change of ownership, etc.;
- the scheme is likely to create “criminals” of people who forget to inform the authorities of change of address, change of owner, change of frame, etc.;
- cycle shops may have reduced sales and reduced maintenance work;

- bicycles could be subject to an increase in vandalism, particularly if the registration plates become collectable;
- whether introduced as a tax or a fee based system (any fee should only recover the costs of operating a system and not generate any surplus), it will be an additional financial burden on households in these difficult times;
- generally the costs of cycling will increase, decreasing the numbers of cyclists further;
- the detrimental effect of discouraging people from participating in an activity that improves a person's fitness will increase the future burden on society of tackling consequential health problems;
- the detrimental effect of discouraging people from participating in an activity that may serve to reduce vehicle use will undermine the objective of reducing traffic congestion and the adverse environmental implications of car use.

### 3.5 **Are errant cyclists a significant problem?**

Jersey in Figures 2008 states that overall 73% of people thought that the Police were doing either a good or very good job at promoting and enforcing road safety.

Similarly, in the 2009 JASS survey only 32% of people thought "enforcing road traffic laws" should be a high or very high priority for the police (speed limits, speeding motorists and drink/driving were listed separately, all ranking higher).

The JASS survey also showed that only 20% of people were worried or very worried about their vehicle being stolen.

While we can all recall seeing cyclists riding on footways, in pedestrian areas, through red lights, against one-way signs and without lights after dark, it is most unlikely we see this every day. However, most days we will see a motorist using a mobile phone when driving, a van driver smoking in his company vehicle, someone exceeding the speed limit, a noisy motorcycle, a car passenger not wearing a seat belt and other offences. These offences are committed in vehicles that have registration plates but seldom will people report these offenders to the authorities because they may see these offences as trivial or annoying and they just leave it to the police.

If the vast majority of Islanders consider the police are doing a good job enforcing road safety, think enforcing road traffic laws is not a high priority, are not worried about their vehicle being stolen and don't generally report moving traffic offences committed by motorists in registered vehicles, errant cyclists cannot be considered a significant problem and / or a priority for legislation and enhanced enforcement of existing legislation.

### 3.6 **What would be the requirements of a cycle registration scheme?**

If a cycle registration scheme was to be introduced, the Proposition expects me to produce “a registration system fit for 2010 which is not cumbersome and expensive to administer but workable”.

A registration scheme might operate in a similar manner to the driving licence system. There would be no initial database to consider; it would develop as people registered. However, instead of producing a secure credit card style licence, a secure registration plate would have to be produced (that could be fitted to every bicycle), otherwise some people would just produce their own without registering the cycle. There will be at least as many bicycles in the Island as there are driving licence holders.

As with the driving licence system –

- an application form will have to be submitted;
- documents showing evidence of ownership, insurance cover, roadworthiness of the cycle and the like may be required;
- the relevant fee paid and receipted;
- details input into the system;
- registration document produced and posted to registered address;
- registration plate or security strip issued and fitted;
- transfer of ownership, change of name / address, loss of registration document and other significant events need to be recorded after first registration to keep the database up to date.

The parishes administer most aspects of the driving licence system. They also administer licensing of dogs and firearms so it would seem sensible for the parishes to administer any cycle registration scheme. However, this would be additional work and it is likely that the parishes would require further resources to undertake this work. Extra resources would certainly be required at the outset to cater for the immediate influx of Islanders registering cycles. We would need to determine whether a cycle is registered once or whether this happens annually or at whichever frequency. (If insurance is a requirement, annually would be necessary or something similar to the windscreen insurance disc would be needed to confirm a cycle was insured).

Alternatively, it may be feasible that the cycle shops in the Island could administer the system, feeding into a central database. If a suitable, secure registration plate and means of attaching the plate to cycles can be found, it is more likely that cycle shops could readily fit the system than personnel at a parish hall. Similarly, the cycle should be fit for road use to be registered; cycle shop staff will more readily detect cycles that are not fit for use on the road.

Whether it is a States department, the parishes or cycle shops that administer the registration system, the States and Honorary police would need to have access to the database as it is them who would have to respond to calls from

the public, detect stolen cycles or return lost or abandoned cycles to the registered owners.

Initial discussions with cycle shops have identified that providing a universal registration plate and fitting system is impractical due to the variety of styles of cycles and materials used. For example, drilling or clamping a carbon fibre frame or stem would be unacceptable and there will be practical difficulties in finding a place to affix a plate system on many modern cycles, particularly a plate that is of a reasonable size to read. Fitting to the handlebars may just be possible but will be a hazard for some cyclists and a hindrance for others, for example mountain bikes, BMX bikes and racing bikes. These difficulties alone may suggest that a registration scheme for cycles to identify inconsiderate cyclists is not a practical proposition. Perhaps it should be cyclists that register and they are required to wear a high visibility belt that clearly displays the cyclist's registration number.

As in some other jurisdictions, a registration number could be etched or securely taped to a cycle or the cycle could be chipped in much the same way as pets. None of these methods would make the cycle readily identifiable when in front of or passing other road users.

There are likely to be an average of around two cycles per household, so up to 80,000 bicycles will need to be registered. A further 2,000 – 3,000 new cycles will have to be registered each year.

### 3.7 **What will be the cost to the cyclist?**

While setting up the system to establish the database may cost around £30,000 and the annual maintenance support may be a further £3,000 - £5,000, the initial cost to the cyclist is likely to be between £20 and £50 depending on the registration "plate" system adopted.

If annual renewal is expected, assuming the fee for registering a dog covers the costs of administration, the annual fee for registering a bicycle would also be of the order of £5. It is perhaps worth noting that a Proposition to introduce an annual tax on motor vehicles was withdrawn during the last Budget debate, due to the opposition voiced by Members. It would seem perverse and discriminatory to introduce an annual fee / tax for a non-motorised vehicle.

If insurance is expected to be a requirement, this will increase the cost for those who do not have insurance cover through their household contents insurance.

## 4. **CONCLUSION**

4.1 The Cycling Strategy Group I am establishing will review the legislation covering cyclists and cycling.

4.2 A limited number of jurisdictions have introduced cycle registration. Invariably, this seems to have been to address a serious problem with cycle theft or to make sure cyclists are insured.

- 4.3 The disadvantages of introducing a registration scheme appear to outweigh any advantages. In particular, a cycle registration scheme will jeopardise the success of the Sustainable Transport Policy by discouraging people from continuing to cycle or take up cycling, a healthy, zero emission pursuit that has the potential to help reduce congestion and contribute towards a more sustainable pattern of travel and transport in Jersey.
- 4.4 Discouraging people from participating in an activity that improves a person's fitness will increase the future burden on society of tackling consequential health problems.
- 4.5 Cycle registration will create further bureaucracy and increase the financial burden on households. If the government is to achieve its strategic objectives related to health and travel and transport it ought to be incentivising activities such as cycling, by making it cheaper and easier, not more expensive and more difficult.
- 4.6 There does not appear to be a significant problem with errant cyclists in both absolute terms and relative to other minor traffic offences which may pose a greater risk.
- 4.7 Investing in expanding all road users' knowledge of the Highway Code is likely to produce greater benefits.
- 4.8 The Proposition is not supported.

## **5. RESOURCE IMPLICATIONS**

- 5.1 It is likely that increased resources or a shift of focus from other priority work would be required to ensure the development, and effective and consistent enforcement of any new legislation resulting from the Proposition.
- 5.2 Some costs have been outlined in Section 3 above. It is assumed, however, that the direct costs of setting up the scheme and any ongoing running costs will be met by the users. The detrimental effect on the health of Islanders who give up cycling or decide not to take up cycling is likely to result in a significant cost to society in the order of tens of millions of pounds per year.