R v Howard

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Aylesbury Magistrates Court, 8th July 2008

The facts: In an English criminal case in Aylesbury Magistrates Court on 8th July 2008, a cyclist, Jason Howard had collided with a teenage girl who hit her head on the pavement and died a few days later. The court heard that Mr Howard could have swerved to avoid the collision and had shouted to the girl “Move because I’m not stopping”. There was conflicting evidence about whether the cyclist had mounted the kerb at any point during the incident.

The decision: Mr Howard was fined £2,200 pounds for dangerous cycling (under the Road Traffic Act 1988, section 28, as substituted by the Road Traffic Act 1991, section 7). The Crown Prosecution Service defended their decision to charge the cyclist with dangerous cycling rather than manslaughter. An inquest had previously returned a verdict of accidental death.

Comments: The offence of dangerous cycling is under the Road Traffic Act 1988, section 28, as substituted by the Road Traffic Act 1991, section 7, as follows:

‘7. Cycling offences
For section 28 of the Road Traffic Act 1988 there shall be substituted—

‘28 Dangerous cycling
(1) A person who rides a cycle on a road dangerously is guilty of an offence.

(2) For the purposes of subsection (1) above 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 subsection (2) above ‘dangerous’ refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection 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.’