



Department  
for Transport

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From the Parliamentary  
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09 JAN 2014

Dear Donnachadh

I am writing in response to your email to Susan Kramer on 4<sup>th</sup> December. Susan and I recently met to discuss cycling, and your email triggered a very interesting conversation where we explored your concerns in considerable detail. As Minister with responsibility for cycling I agreed to write to you and address the points you raised.

Susan and I are both clear that cycle safety is a priority. As you may be aware, this Government has committed twice the level of spending on cycling to the previous administration, including funding aimed specifically at addressing safety issues at dangerous junctions in London and across England. In the eight cities in receipt of Cycling Ambition Grants, we are providing funding in excess of £10 per head over the funding period.

I was interested in your suggestion of an annual local authority cycling audit. The Department is currently in the process of producing a Cycling Delivery Plan, due for publication in 2014, and we are considering appropriate methods for monitoring both progress against actions and progress on outcomes on the ground. I will ask my officials to consider incorporating the sensible suggestions you make into our monitoring regime.

I recognise the concerns you raised around planning policies and how these are implemented. My officials already work closely with the Department for Communities and Local Government, and I have asked them to explore how we can work more effectively together to address this issue. I also intend to engage with Ministerial counterparts at DCLG on the matter.

I was less convinced by the arguments for introducing a strict liability law. In English civil law, the principle of civil liability in motor insurance is predicated on the establishment of fault. It is necessary to prove that the defendant's actions caused the accident and were either negligent or intentional. Applying "strict" or "stricter" liability for motor insurance alone would mean an

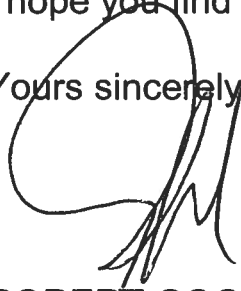
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anomaly in the law of negligence, whereby claims involving personal injury or damage to property would be treated differently in law solely on the basis of how the injury or damage was sustained. To change the principle of fault based liability might also result in unfair results in cases where the motorist is driving entirely responsibly and the accident is caused by the irresponsible or negligent behaviour of the cyclist or pedestrian, or is simply an accident in which neither is to blame.

Thank you for bringing the issue of cycling on the pavement around dangerous junctions such as Vauxhall Cross to my attention. I agree that the police should be using discretion in enforcing this law and would support Paul Boetang's original guidance. You may wish to write to Sir Hugh Orde, President of the Association of Chief Police Officers, to bring this matter to his attention too.

I hope you find this letter helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Goodwill', written over the text 'Yours sincerely'.

**ROBERT GOODWILL**