

Introduction / Hierarchy of Road Users

Q. Why are you only updating The Highway Code to improve safety for cyclists, walkers and horse riders? What about other road users?

A. The [Cycling and Walking Investment Strategy Safety Review Call for Evidence](#), published in March 2018, aimed to gather information on how to tackle the safety issues that cyclists and pedestrians face, or perceive, when travelling on our roads, to support the Government's aim of increasing cycling and walking.

The subsequent [Government response](#) to the call for evidence set out a two-year plan of action to address the key themes and issues raised. One of the top priorities identified by major stakeholders was to review the guidance in The Highway Code to improve safety for cyclists, pedestrians and horse riders.

Q. Why is this only an interim review? The Highway Code hasn't been updated in more than 10 years so isn't it about time you update the whole Code?

A. We have not undertaken a full-scale revision of The Highway Code at this time given how the advent of new technologies is revolutionising the way people think about how they travel. The Highway Code is however being updated as required to keep pace with change. A revised version of The Code was laid before Parliament in June this year to incorporate new guidance on high speed roads and smart motorways, and we anticipate this will be followed by a further update in the autumn to provide guidance on automated vehicles before they hit the UK market.

Q. What is the Hierarchy of Road Users?

A. The Hierarchy of Road Users is a well-established concept which ensures that those road users who can do the greatest harm have the greatest responsibility to reduce the danger or threat they may pose to other road users.

Q. What is the order of the Hierarchy of Road Users?

A. The Hierarchy of Road Users places those road users most at risk in the event of a collision at the top of the hierarchy. The road users most likely to be injured in the event of a collision are pedestrians, cyclists, horse riders and motorcyclists, with children, older adults and disabled people being more at risk.

Q. Wont the Hierarchy of Road Users penalise motorists / encourage cyclists/pedestrians to act irresponsibly?

A. No. The objective of the Hierarchy of Road Users is not to give priority to pedestrians, cyclists and horse riders in every situation, but rather to ensure a more

Proposed changes to The Highway Code to improve the safety of cyclists, pedestrians and horse riders - Q&A for Extranet

mutually respectful and considerate culture of safe and effective road use that benefits all users. This doesn't detract from the requirements for everyone to behave responsibly.

Q. Isn't the Hierarchy of Road Users similar to presumed liability?

A. Presumed liability is a legal concept whereby the defendant in a road traffic collision would be presumed liable unless he or she could prove they were not negligent. Switching to a presumed liability system for road traffic collisions would be a highly significant change to the legal system in England and Wales, almost certainly with many unexpected effects and one whose likely costs, benefits and practical effects are unknown.

In contrast the Hierarchy of Road Users does not seek to change the law but rather to ensure a more mutually respectful and considerate culture of safe and effective road use that benefits all users.

Q. What will this mean in practice? Will jail terms/ fines be increased for road users who are at the top of the hierarchy?

A. The Hierarchy of Road Users does not seek to change the law but rather to ensure a more mutually respectful and considerate culture of safe and effective road use that benefits all users.

Although failure to comply with the 'advisory rules' of the Code will not, in itself, cause a person to be prosecuted, The Highway Code may be used in evidence in any court proceedings (under the Traffic Acts) to establish liability. This includes the rules which use advisory wording such as 'should/should not' or 'do/do not'.

Enforcement of the law is a matter for the police who will decide, on the evidence of each individual case, whether an offence has been committed and the appropriate action to take.

Rules for pedestrians

Q. What changes to the Highway Code will improve safety for pedestrians?

A. The Highway Code already advises drivers and riders to give priority to pedestrians who have started to cross the road at a junction. The further proposed change is to introduce responsibility for drivers and riders to give way to pedestrians waiting to cross at a junction, or waiting to cross at a zebra crossing.

Q. Why are the changes needed?

Proposed changes to The Highway Code to improve the safety of cyclists, pedestrians and horse riders - Q&A for Extranet

A. The proposed changes are to embed the new Hierarchy of Road Users concept and to tackle some of the safety issues pedestrians encounter or perceive when walking. We want to ensure that the most vulnerable road users are safe and make certain they are treated with consideration and respect by others.

Q. How will a driver know if a pedestrian is waiting to cross a side road? It may not be obvious?

A. Like much of the guidance in The Highway Code, drivers will need to use their best judgement on whether pedestrians are waiting to cross. While we accept it may not always be obvious whether a pedestrian is waiting to cross, the aim is to encourage drivers to actively think about the safety of other road users and take responsibility for reducing the danger or threat they may pose to others.

Rules about animals

Q. What changes to the Highway Code will improve safety for horse riders?

A. As well as the additional text in the rules about animals' section of The Highway Code on training, there are further amendments throughout to reflect the need to be aware and considerate of horse riders. In particular, Rule 215 on road users requiring extra care has some important new information on maximum speed limits and space when overtaking horse riders.

Q Why are the changes needed?

A. The speed and distance at which motorists pass horse riders has a direct impact on their safety and perception of safety. We want to introduce a requirement to give enough space when overtaking to ensure that horse riders are treated with consideration and respect by others.

Rules for cyclists

Q. What changes to the Highway Code will improve safety for cyclists?

A. The key change proposed to the rules for cyclists is clarifying the priority cyclists have over other vehicles when going straight ahead at a junction. Vehicles should not turn across the path of a cyclist just as they would not turn across another motor vehicle.

Proposed changes to The Highway Code to improve the safety of cyclists, pedestrians and horse riders - Q&A for Extranet

Other areas where we are proposing to clarify and strengthen advice is around the value of cycle training including road positioning, expanding the rules on safe riding and crossing busy roads, and recommended procedures for cycling at roundabouts.

Q. Does the Hierarchy of Road Users prioritise cyclists at the expense of others?

A. No. The changes proposed clarify the hierarchy of road users by setting out advice on cyclist behaviours when riding on a shared use route and respecting pedestrian priority. This includes advising that cyclists give way to pedestrians waiting to cross the road at junctions.

Q. Why aren't you making the wearing of cycle helmets mandatory?

A. We are not seeking to change our policy position on the wearing of cycle helmets through this review of The Highway Code. We will continue to encourage cyclists, especially children, to wear helmets to protect them in the event of a road collision, but we believe wearing helmets should remain a matter of individual choice rather than imposing additional regulations which would be difficult to enforce.

General rules, techniques and advice for all drivers and riders

Q. What changes proposed will apply to all drivers and riders?

A. The Hierarchy of Road Users and new rules on priority will apply to all road users.

Q. How will the changes proposed in the section for all drivers and riders reinforce the new guidance on The Hierarchy of Road Users and priority?

A. The proposed changes will help to clarify that drivers of motorised vehicles should give way to pedestrians, cyclists and horse riders in certain situations, and that those groups have priority over traffic that may be turning across their path.

Using the road

Q. What changes are proposed to the 'Using the road' section of The Highway Code?

A. Changes are proposed to emphasise the message that drivers have a duty of care towards cyclists, pedestrians and horse riders, and that drivers should give way to these road users. It establishes clear priority rules at traffic signal junctions. In

Proposed changes to The Highway Code to improve the safety of cyclists, pedestrians and horse riders - Q&A for Extranet

particular, the rules have been amended to provide advice on interactions between drivers and cyclists at roundabouts, different types of junctions and roundabouts.

Q. Why are passing distances and speeds being proposed?

A. The Highway Code recommends giving cyclists, horse riders and motorcyclists at least as much room as a car when overtaking. In order to strengthen this advice, we are recommending the introduction of safe passing distances and speed limits when overtaking pedestrians, cyclists, horse riders, horse drawn vehicles and motorcyclists.

Road users requiring extra care

Q. What changes are proposed to the 'road users requiring extra care' section of The Highway Code?

A. Proposed changes reiterate the Hierarchy of Road Users and emphasise that those road users who can do the greatest harm have the greatest responsibility to reduce the danger or threat they may pose to other road users. The proposed new guidance in Rule 163 around safe passing distances and speed limits when overtaking horse riders will also be reinforced.

Waiting and parking

Q. What is the 'Dutch Reach'?

A. The 'Dutch Reach' is a technique that advises that road users should open the door of their vehicle with the hand on the opposite side to the door.

Q. Why are we recommending using the 'Dutch Reach'?

Using the 'Dutch Reach' naturally causes the person to twist their body making it easy to look over their shoulder and check for other road users. This will help to reduce the risk to passing cyclists and motorcyclists, and to pedestrians using the pavement, of being hit by the vehicle door.

Enforcement

Q. Are the proposed alterations enforceable or changes to law?

Proposed changes to The Highway Code to improve the safety of cyclists, pedestrians and horse riders - Q&A for Extranet

The Highway Code contains advice to all road users and is made under the Road Traffic Act 1988. The Highway Code is a collection of rules of two types:

- MUST/MUST NOT rules relate to legislation and if you breach these rules you are committing an offence. These rules include reference to the legislation which creates the offence; and
- SHOULD/SHOULD NOT or DO/DO NOT rules are advisory and breach in itself is not an offence but it may be used in court when considering evidence in relation to driving or riding behaviour.

The Rules being amended through this revision are advisory. Although failure to comply with the advisory rules of the Code will not, in itself, cause a person to be prosecuted, The Highway Code may be used in evidence in any court proceedings (under the Traffic Acts) to establish liability.

Motorists

Q. Aren't these changes anti-motorist?

No. The alterations seek to improve the safety of those most at risk on our roads, but not at the expense of motorists. The Government takes road safety very seriously. Reducing the numbers of those needlessly killed and injured on our roads is a key priority for Government. Everyone has an equal right to use the road, and likewise everyone has a shared responsibility to behave in a safe and considerate manner.

The proposed changes to The Code have been developed with relevant stakeholders including motoring organisations. A formal consultation enabled everyone the opportunity to comment and raise any concerns regarding the proposed amendments. The consultation elicited nearly 21,000 replies with the majority of respondents being in favour of all the different rule changes proposed. Of those respondents, over 60% categorised themselves as motorists.

Q. How can you be certain that these changes will make our roads safer?

The alterations proposed aim to initiate a positive shift in road user behaviour by making road users aware of the responsibility they have to use the road safely and reduce the danger they may pose to other road users. The focus on sharing the road and shared values should lead to conscious consideration of the needs of other road

Proposed changes to The Highway Code to improve the safety of cyclists, pedestrians and horse riders - Q&A for Extranet

users and usher in a positive road culture where all road users can get to their destination safely.

Q. Won't giving priority to cyclists and pedestrians at junctions increase conflict on the road and lead to more collisions?

No. The alterations seek to improve the safety of those most at risk on our roads by encouraging those who can cause the most harm to share the road in a responsible and respectful manner. Encouraging drivers to give way to cyclists and pedestrians will lead to more thoughtful road use and consideration of the needs of road users who are more vulnerable than drivers inside vehicles.

Q. Won't it be impossible for motorists to judge the speed of cyclists, especially those using electric bikes?

There are already many situations in The Highway Code that require judgment, such as pulling out from a junction onto a busy road. This is no different.