

hodgehalsall

CYCLIST ACCIDENTS

Introduction

In 2011 reported road accidents statistics for cyclists recorded 107 fatalities, 3085 serious injuries and 16,023 other accidents involving personal injury. It is actually estimated that up to 90% of accidents involving injured cyclists are not reported and the statistics available provide information only about accidents occurring on the road with many incidents happening elsewhere.

As many as a fifth of the cyclists killed and injured, are children aged under sixteen.

The ROSPA confirm that most cycling accidents happen in built up areas with T-junctions being the most common accident black spots. They also note that roundabouts are particularly dangerous junctions for cyclists. Figures produced by the ROSPA indicate that in respect of cycling accidents :

- 75% occur in urban areas
- 75% happen at, or near, a road junction
- 80% occur in daylight
- 80% of cyclist casualties are male
- 75% of cyclists killed have major head injuries

Can you claim compensation?

If you are injured as a result of a cycling accident which was not your fault (negligence) you are likely to be entitled to compensation for :-

- the injuries suffered;
- damage to your cycle and the cost of repairing or replacing it;
- loss of earnings;
- damage to clothing, helmet and the like;
- private medical costs;
- care needs

What are the most common causes of cyclist accidents?

In many cases cycling accidents are caused by the negligence of car drivers and common incidents include :-

- motorists overtaking a cyclist and misjudging the width or length require to pass
- motorists overtaking a cyclist whose path is obstructed by another object (perhaps even a parked car) leaving insufficient room
- motorists pulling out a parking space into path of cyclist
- motorist opening car door into path of cyclist
- motorist failing to give way at junction and emerging into path of cyclist
- motorist turning across established path of cyclist

- motorist overtaking into path of cyclist travelling in the opposite direction
- motorist reversing from driveway into path of cyclist

Other bicycle accidents may occur as a result of :-

- faulty manufacture and design of cycles causing parts to fail and cyclists to be injured
- badly maintained roads e.g. potholes
- mud and debris on road surface from construction sites and similar

Will failure to wear a cycle helmet reduce damages payable?

This is a debatable issue. Many insurers for motorists responsible for accidents involving cyclists may argue that any compensation payable to injured cyclists particularly those suffering a head injury should be reduced if no cycle helmet has been worn. Reliance may be placed, for example, on Rule 45 of the Highway Code which recommends that a cycle helmet meeting current regulations should be worn. Research results from the Transport Research Laboratory to the effect that “..a good cycle helmet would be expected to prevent fatal head injuries in accident in which a cyclist, travelling at speeds of up to 15 mph, falls from his/her bicycle and impacts against a road surface or kerb ...” may also be quoted.

Other research, however, is less supportive of the protection provided by cycle helmets. Further, the current European standard for cycle helmets cites protection from a fatal head injury only when

the cyclist falls on to a flat surface at a speed of no more than 15 mph. Beyond that speed at point of impact protection may be minimal even when a cycle helmet is being worn and many collisions with motor vehicles will occur at speeds in excess of 15 mph.

It is essential, therefore, that any attempt by motorists insurers to reduce damages for failing to wear a cycle helmet is carefully scrutinized and resisted where appropriate. Careful consideration of the accident circumstances needs to be undertaken in any accident claim where insurers raise the issue of contributory negligence.

Cycle safety

Whether child or adult, the safety rules for cyclists are the same and often ignored. To minimise the risk of injury please bear in mind the following safety messages :-

- wear a safety helmet – they may be effective in low impact accidents;
- wear light coloured clothing so that you will be more visible to motorists;
- be aware of your surroundings and ride defensively;
- always ride on the correct side of the road;
- be careful on wet roads;
- never ride at night without proper lighting;

- obey all traffic laws – stop at stop signs, traffic lights and junctions where you do not have right of way;
- ride predictably;

How can Hodge Halsall help me?

As specialists in personal injury litigation you can rest assured that we have the expertise to handle your claim. We have specialist expertise in pursuing claims for victims of cycling accidents and aim to maximise the compensation paid to you where the accident is somebody else's fault. We have recovered millions of pounds in damages for thousands of clients over many years during which we have provided sympathetic, specialist advice to accident victims.

We will :-

- offer you a free initial interview/advice at home, at hospital, by telephone or at any of our offices
- offer (in most cases) a no win/no fee arrangement
- provide you with a personal and specialised service to maximise your compensation payment