



Not an accident but a breach of Highway Code Rule 239

Photo: Julie Skelton

### Third-party insurance

The bulk of this article deals with claims you'll make against someone else. What about claims that someone might want to make against you? As a member of Cycling UK, you have £10m third-party liability insurance as a benefit of membership. This protects you in the event of a claim against you.

Cyclists, like pedestrians, don't tend to cause much damage to people or their property. But rarely is not never. Maybe you ride into a parked car and break the windscreen? Maybe you and another cyclist accidentally knock each other off on a cycleway, damaging bikes and breaking bones?

It doesn't even have to be entirely your fault. In 2015, cyclist Robert Hazeldean was riding through a green light when he collided with a pedestrian who was crossing while looking at her phone. Both were injured and the judge found them both equally responsible. The pedestrian made a claim for compensation. The cyclist didn't. As he didn't have third-party insurance, he faced a claim of around £100,000, enough to bankrupt him. (The case was eventually settled for £30,000 – see [cyclinguk.org/newsletter/cycle-campaign-news-march-2020](http://cyclinguk.org/newsletter/cycle-campaign-news-march-2020).)

Cycling UK's third-party insurance is provided by Butterworth Spengler insurance brokers. If you think you may have been involved in an incident that may lead to a claim being made against you under Cycling UK's third-party liability policy, please call Butterworth Spengler directly on **0151 494 4400** as soon as possible.

### WHAT TO DO AFTER A COLLISION

If you sustain personal injury or damage to property in a crash that has occurred due to the carelessness of a third party, you'll need to report it to the police, along with the relevant details from the third party. Images or sketches of the location may also be useful.

It is obligatory to report any collision involving injury to the police as soon as possible, and in any event within 24 hours. This also applies to non-injury collisions if the statutory details are not provided at the scene. Those statutory details are: the full name and address of the driver (and the registered keeper, if different); the vehicle registration number and the insurance particulars.

A first name and a mobile number are not enough. If a driver is evasive and doesn't provide all the details, it may be because the car or driver is on the road illegally. Report the incident to the police, along with a description of the driver. If a driver fails to stop, or stops briefly and leaves without providing details, it's a criminal offence.

If the police are called to the scene, their duties will be: to investigate any criminal offence that may have been committed; and to record any facts material to the prosecution of an offender. The information gathered by the police may be incorporated into a report available to the parties' legal representatives once any criminal proceedings have been concluded. However, it is prudent for you or your companions to record as much detail as possible as well – including the collision reference number and the ID of the officer, if the police attend.

Irrespective of whether the police attend the scene of an accident, record the following if you can:

- The name, address and a description of the driver (noting that drivers have been known to swap places with a passenger)
- The registration number, make, model and colour of the other vehicle(s) and their post-collision position
- Whether the vehicles involved were displaying any lights and indicators and whether any warning had been made (horn or lights)
- The identity of any motor insurers of any parties involved in the accident
- Witness names and contact details
- A sketch or some photographs of the collision location, showing road names/numbers, direction of travel, relevant measurements, road furniture, skid marks, glass or other debris, and the position of the vehicles after impact

Some of this duplicates the statutory details above but the more information you have, the better. If you lack the insurance details (because the driver didn't stop or provide them), the Motor Insurers Database will provide insurance particulars for a £10 fee, if given the date of the collision and the vehicle registration number. This would be done by Cycling UK solicitors, if instructed.

While it may be possible to trace elusive drivers, the same can't be said for e-scooter riders, pedestrians or other cyclists. Identifying the other party in this situation is vital. If they flee the scene, any chance of redress is gone. Camera footage may assist in identification, but probably only if there's a possible criminal offence or a serious injury is caused.

As a recap, here's a post-collision to-do list:

- Stay calm and stay safe
- Obtain names and addresses of the driver and witnesses
- Note the precise point of impact and mark/photograph it
- Record the post-impact position of vehicle and bike, including tyre marks or debris on road surface
- Report it to the police within 24 hours and retain the incident number
- Consider medical attention.
- Retain your bike and kit in their damaged state
- Seek advice from the Cycling UK Incident Line