



Cycling Safety in  
Edinburgh and Midlothian

**Allan McDougall**  
SOLICITORS

# Introduction

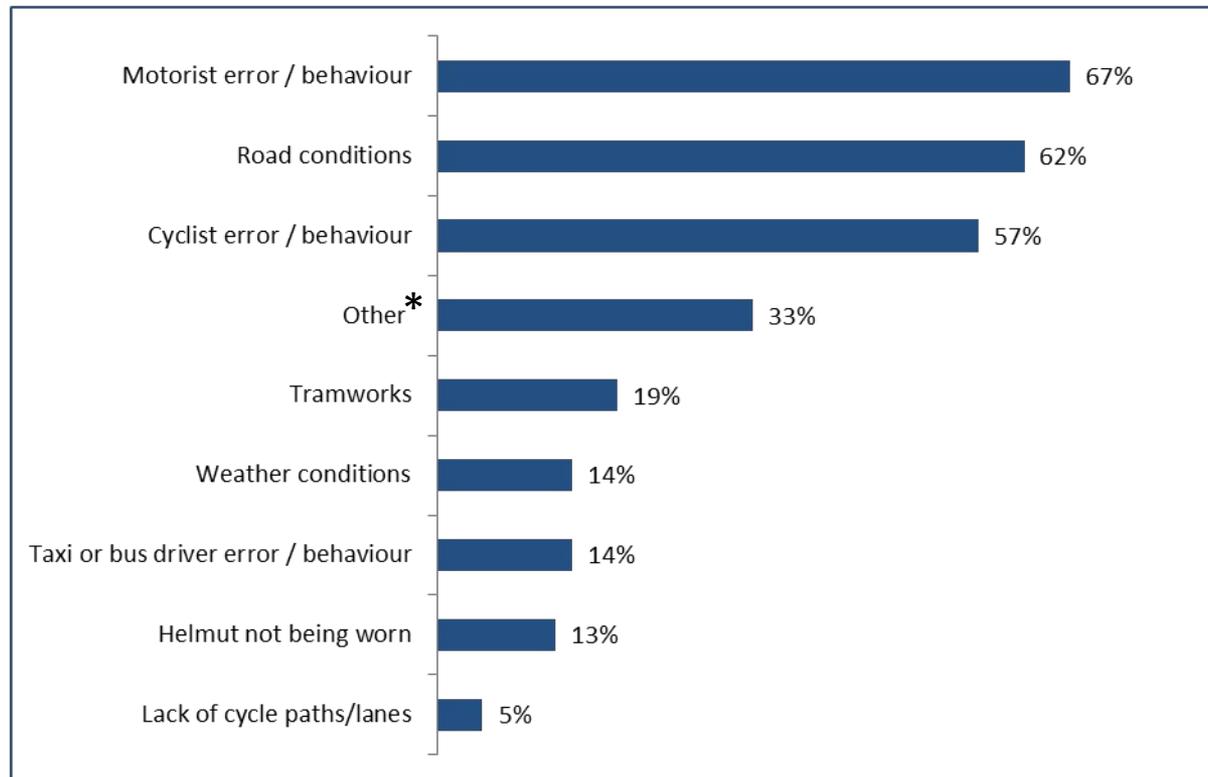
During May 2013 a team of personal injury lawyers from Allan McDougall Solicitors undertook research on cycling safety in Edinburgh and Midlothian.

We interviewed 21 specialist bicycle retail companies that deal with cyclists every day. Interviews were conducted face-to-face in their stores and by telephone.

We wanted to understand their informed views on the main causes of cycling accidents in the region, what preventative measures could be taken, and what might prohibit an injured cyclist from making a claim for compensation.

# Main Causes of Cycling Accidents

*What are the three main causes of cycling accidents in Edinburgh and Midlothian?*



*% of respondents*

\* Other included cyclists' lack of knowledge of the Highway Code, no requirement for a licence or tests to cycle, poor cyclist training, and poor or lack of road markings.

## Our View

Bicycle retailers are clear that motorist and cyclist errors and behaviour, in addition to poor road conditions, are the main causes of cycling accidents. This is a more balanced view than we often read in the media.

However, motorist error is still seen as the main culprit. We are of course aware that cyclists are among the most vulnerable of road users. If Scotland were to introduce a system of strict liability (the presumption that if a cyclist is injured by a motor vehicle, the motorist is to blame) for vehicle/cyclist accidents, that would be a huge step forward.

# Key Preventative Measures

*What could be done to prevent cycling accidents in Edinburgh and Midlothian?*

An integrated safety awareness campaign to educate and train both cyclists and motorists in good safety practice *(50% of respondents)*

Better city planning and infrastructure, with integrated and allocated cycle lanes *(35%)*

Improved road conditions *(15%)*

Tighter regulation of the wearing of safety equipment e.g. compulsory wearing of helmets and reflective clothing on public roads *(10%)*

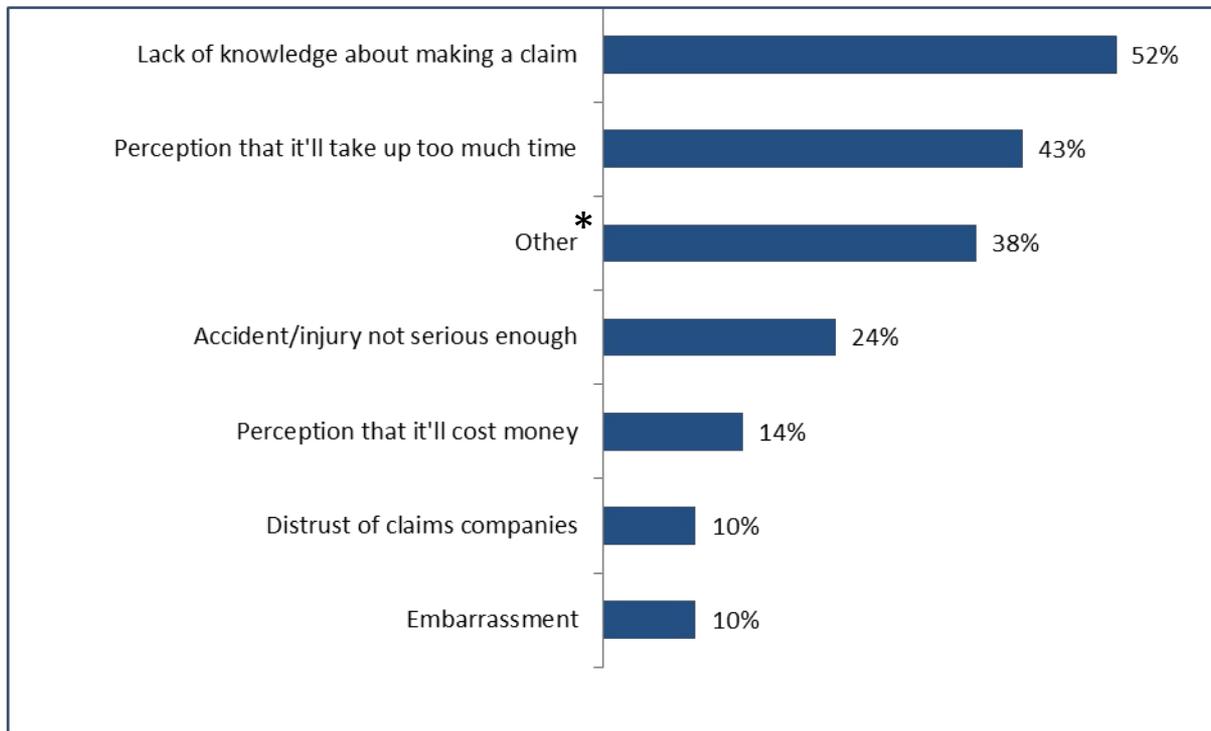
## Our View

We agree with the need for a more integrated approach to this issue. Too many campaigns are focused on just one aspect of the problem.

An integrated approach involving both cyclists and motorists (not forgetting pedestrians, and drivers of other vehicles too) would assist in building mutual understanding and respect among all parties. After all, many individuals are both cyclists and motorists! And sometimes they are pedestrians too.

# Accident Compensation Claims

*What are the three main reasons that cyclists may not make a claim for compensation when they have had an accident?*



*% of respondents*

\* Other included perception of hassle involved, feeling that it would be hard to prove and fear of being blamed.

## Our View

Clearly lawyers need to provide more information about the claims process. While the duration can be lengthy, it does not need to take up much time. We encourage anyone injured, whether slightly or seriously, in a cycling accident to make a compensation claim. In taking this step, they are in fact acting in the interests of other cyclists. We have first hand experience of seeing that it sometimes takes someone to pursue a claim for the powers that be to take remedial action, e.g. to sort a dangerous junction or repair the road.

# Allan McDougall Solicitors



Approachable expert lawyers handling cycling accident claims

Highly regarded, experienced and trusted team of specialists

Helping clients across Scotland

Offices in Edinburgh and Midlothian

Almost 1,000 claims per year in all personal injury categories

Recovered some £10 million in damages in 2012

Established [www.cyclecompensation.com](http://www.cyclecompensation.com) to help cyclists make a claim

Proud sponsors of the Edinburgh Festival of Cycling 2013

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Accident on your bike?

[www.cyclecompensation.com](http://www.cyclecompensation.com)

Designed to help cyclists make a claim

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# Some Recent Cases

## **Driver failed to see cyclist**

Our client was cycling to work on a bright morning when the car driver behind completely failed to see him, although he was wearing high viz clothing. Thrown over the handlebars, he fractured his wrist. The accident really put him off cycling, he was anxious about getting back on his bike, and he was off work for 2 months. The driver's insurers admitted liability but made an insufficient offer of £3,200 to settle. We raised a court action, and the case ultimately settled for £10,500.

## **Accident on designated cycle path**

Our client was a professional man with a young family. He was cycling home from work along a designated cycle path, wearing a high viz jacket and back pack. A car suddenly emerged from a side road which crossed with the path and they collided. He was knocked off his bike and dragged along the ground under the front of the car. He suffered leg injuries and developed a deep venous thrombosis. After initially denying liability, the driver's insurance company made an offer to settle for £4,200. After further negotiations, this was increased to £5,300.

## **Paralysis of all four limbs after bike accident**

Our client, a retired man, was cycling on a rural road and thrown from his bike when it went into a large depression in the road. From what seemed a fairly innocuous incident, he sustained an extremely severe spinal cord injury resulting in paralysis of all four limbs. Court proceedings were raised. The local authority denied liability, but after meetings between us and them, the council ultimately settled for £750,000.

# Contact Us



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If you would like to discuss the findings of our survey or if you, or someone you know, has had an accident while cycling and would like some expert advice on making a claim for compensation, please get in touch.

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