



## Home Office

Alan Campbell MP  
PARLIAMENTARY UNDER SECRETARY OF STATE  
2 Marsham Street, London SW1P 4DF  
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Mike Batty  
Head of Community Protection  
Development and Neighbourhood Services  
PO Box 232  
16 Church Road  
Stockton-on-Sea  
TX18 1XD

- 5 JAN 2009

Reference: M23942/8

*Dear Mr. Batty,*

Thank you for your letter of 8 December 2008 to Vernon Coaker in which you suggest that the Police Reform Act 2002 should be amended to allow the police to deal more effectively with cyclists who ride on the pavement and cycle through pedestrianised areas. You also enquired about the BCU fund for 2009/10

The Police Reform Act 2002 deals at section 59 with the anti-social use of motor vehicles. It empowers the police to seize a vehicle they reasonably believe is being driven in a way that both contravenes section 3 or 34 of the Road Traffic Act 1988 (RTA) and is causing or is likely to cause alarm, distress or annoyance. (Section 3 makes it an offence to drive a vehicle carelessly or inconsiderately on-road, section 34 makes it an offence to drive a vehicle off-road without authority. Once a vehicle is seized, the police must serve a notice on its owner as soon as they can. This requires the owner to pay prescribed charges for removal and storage to retrieve the vehicle.

The police seizure power relates only to vehicles that can be driven contrary to section 3 or 34 of the 1988 Act. There is therefore no power to seize pedal cycles from cyclists who are causing alarm, distress or annoyance. Having carefully considered your suggestion, I am not convinced that the problems highlighted by you are causing sufficient concern to the public nationally as to warrant a change to the legislation.

In 1999 we made it easier to deal with the offence of cycling in the pavement by introducing the possibility of a fixed penalty instead of prosecution. More recently we have made it possible for Community Support Officers (and persons accredited under the Police Reform Act, as well as police officers, to issue fixed penalty notices for this offence.

Under the Road Traffic Regulation Act 1984, local authorities can make Traffic Regulation Orders (TROs) to create a pedestrian area. The pedestrianised area must be signed appropriately to prohibit cyclists. Such a prohibition can be enforced by the police under criminal law and offending cyclists can be prosecuted for the offence of contravening a traffic sign.

The enforcement of cycling offences is an operational matter for the police. As you know local problems can be identified by local crime and disorder reduction partnerships and addressed in their strategies. As with other offending, we would encourage members of the public to inform the police of specific problems and of particularly dangerous behaviour to help them target their responses effectively

Finally, the provisional police funding settlement for 2009/10 was confirmed on 29 November. Authorities now have until 7 January 2009 in which to make any representations. The bulk of the £9.2 billion police funding settlement is unchanged from that announced last year. The BCU fund was designated as potentially variable. Last year's statement made it clear that we would be consulting on the future of the Fund for 2009/10 and 2010/11. The continuation of the BCU Fund in 09/10 was not guaranteed, so to retain control of the BCU Fund for one more year, albeit at a reduced rate, is a benefit for the police.

At the same time Ministers are increasing provision for hand held computers to assist local policing, by £30m. Ministers have also made additional resources available to tackle guns, gangs and knives (£6.8m in 2008/09 with a promise of additional resources in 2009/10 if needed to tackle significant concerns).



 **ALAN CAMPBELL**