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Mr Daniel Johnson MSP
The Scottish Parliament
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Dear Daniel,

Thank you for your email of 11 September on behalf of your constituents about presumed liability as a measure to protect cyclists on the road.

As you note in your letter, this issue was discussed in Parliament in 2013 and in the same year, as part of the Cycling Action Plan for Scotland, research was carried out in 2013 to determine how such liability laws worked elsewhere and if there was a case for changing the law in Scotland. This research found that there was a lack of evidence to demonstrate a clear association between presumed liability and higher levels of safety for those walking and cycling. And on the law, it remains the position of the Scottish Government that, strict liability goes against the general principle of Scots law and raises serious issues with respect to fairness in law.

You may be interested to know however that the Department for Transport is in the process of commissioning new research to better understand the disadvantages and advantages of adopting a strict liability system. Transport Scotland officials have recently been invited to engage in that work and the outcomes will inform policy thinking on this issue going forward.

I hope that this information is useful. Thank you again for your email.

MICHAEL MATHESON

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