

CASE NOTES:

Court clarifies duties on cycle race organisers



INTRODUCTION

This article, co-authored by Martin Porter KC of 2 Temple Gardens and Laura Murphy, Partner at Leigh Day & Co, examines the recent High Court judgment in *Hetherington v (1) Raymond Fell (2) Ferryhill Wheelers Cycling Club* [2025] EWHC 1487 (KB). The case represents a significant development in the law concerning liability and duty of care in the context of amateur sporting events, particularly time trial cycling races. With potentially far-reaching consequences for local cycling clubs across the country, this article outlines the key findings of the judgment and explores their wider implications for organisers, participants, and the governing structures of grassroots cycling events.



Martin Porter KC

There has been a long history of time trials taking place on dual carriageways in the UK. Although sometimes a point of contention, dual carriageways with their central reservations and clear sight lines can be a safer option for cyclists compared to narrower roads. The majority of time trials in England, Scotland and Wales are run by clubs affiliated to Cycling Time Trials (CTT), the national governing body.

In a recent judgment, *Hetherington v (1) Raymond Fell (2) Ferryhill Wheelers Cycling Club* [2025] EWHC 1487 (KB), Mr Justice Ritchie confirmed that time trialling is an activity for the benefit of the cycling members of society.

The judgment relates to a road traffic collision on 23rd May 2019. The Claimant was riding his bicycle in a time trial on a dual carriageway (A689), cycling eastwards on the 10 mile course. The time trial had been organised by his local cycling club, the second Defendant, Ferryhill Wheelers. The first Defendant was the driver of a Mercedes who, driving westbound and intending to turn right, drove along a dedicated deceleration lane for right turning traffic, and then at approximately 20mph over the "give way" lines and across the two eastbound lanes into collision with the Claimant.

The Claimant was seriously injured in the collision and sustained life-changing injuries, including a severe traumatic brain injury.

Criminal charges were brought against the driver for driving without due care and attention but he was acquitted by the magistrates.

In the civil proceedings, the Claimant brought court proceedings against the driver for his negligent driving. In response, the driver's representatives brought proceedings

against Ferryhill Wheelers Cycling club alleging negligent risk assessment and failure to put out adequate signs and/or a sufficient number of marshals. The cycling club denied liability and argued they had carried out sufficient risk assessment and had placed appropriate signs and marshals on the day of the time trial.

Shortly before a trial at the High Court, the driver's insurers admitted liability in full for the collision. But they continued to argue for a contribution from the cycling club and that is what this judgment relates to.

In his judgment, Mr Justice Ritchie made the following important findings:

- Mr Fell failed to see hazard warnings signs informing him of the cycling event and failed to see marshals with high viz jackets at two roundabouts which he passed shortly before the collision. He did not adjust his driving on his approach to the slip lane despite signs warning of cycling, horses and pedestrians.



- The sign at the junction was clearly visible to driver's turning right and it showed a bicycle. The wording at the bottom was partly obscured by grass but a

reasonable driver would have realised that the sign related to a cycling event being held at that time;



- Mr Fell continued to maintain that he never saw the cyclist despite him being in clear sunshine for 40 – 60 metres before impact.

Cycling club's duties

- The **cycling club had a duty to take reasonable care** through risk assessment and implementation of reasonable warning measures to the riders to avoid acts or omissions that would foreseeably injure riders e.g. if an on the day risk assessment identified a huge pothole or large patch of black ice, there would then be a duty to tell riders not to ride on that part of the lane or put out signs before the specific hazard.
- However, when considering the scope of that duty, the standard of care to be applied was that of a reasonably competent and reasonably informed volunteer.

He remarked:

"All those involved gave their time for free, for the love of the sport and to help each other enjoy the sport".

- He repeated the commonly held misperception of cycling as dangerous and commented:

"Bicycle riding on public roads is inherently dangerous but people love it. Riding bicycles is encouraged in cities and in the country. **Sport is good for health**".

He said, "If a standard of care in relation to risk assessment which is **too high** is imposed on time trial clubs, people may be put off contributing for free or at all. Insurance premiums will rise. Volunteers are not looking to be sued, they are looking to help others. I find that **this club and CTT itself was carrying out an activity for the benefit of the cycling members of society**".

- This is believed to be the first judgment where successful reliance was placed on the Social Action, Responsibility and Heroism Act 2015, in which the Court must have regard to whether the alleged negligence or breach of statutory duty occurred when the person was acting for the benefit of society or any of its members.
- He found that the limit of the scope of the cycling club's duty of care on risk assessment for this junction was to use **reasonable efforts to bring the existence of the time trial to the notice of drivers** on that road in so far as reasonably possible.
- This was most effectively carried out by putting signs at each end of the course and on roundabouts. He commented: "It is not the responsibility of the Club to force or persuade 3rd party drivers to fulfil their responsibilities. Drunk drivers, drugged drivers, stressed drivers, distracted drivers, all drive on our roads. In my judgment it is not reasonable to expect the Club to mark every side road or junction as "high" risk and assign a marshal to each just because of such errant behaviour".
- Equally sun and shade did not amount to sufficiently significant risk at the junction. He remarked: "The weather... affects every driver. Driving can be challenging... that applies to every road in the country".

Conclusion

The claim against the cycling club was dismissed. Mr Justice Ritchie concluded that the club and CTT did owe a duty of care to ensure, as far as they reasonably could, that the time trial was brought to the attention of road users by signs and marshals, and they had discharged that duty by carrying out risk assessments properly and sufficiently.

He remarked: "this was a voluntary organisation carrying out tasks for free for the benefit of members of society and the standard of care placed upon them in law is not so high that it would discourage such beneficial voluntary activities".

This provides helpful and sensible guidance for those who give their free time to help organise time trial or other racing events for the benefit of the cycling community in a safe manner. It should provide reassurance to national governing bodies, individual clubs and organising members and to those who insure such events.

Article drafted by Laura Murphy, Partner at Leigh Day solicitors instructed for the Claimant and Martin Porter KC, barrister for the cycling club, Ferryhill Wheelers.