



COW

Accident Report

The Accident!

It was 3.30pm in December, getting dark and the roads were wet and slippery. Mark was on his bike on his way home from school. Mark had no lights on his bike and he was not wearing fluorescent clothing or a cycle helmet. He was about ten minutes from home in a 30 mph area when he was hit by a car and knocked off his bike. He was badly hurt and had to be taken to the local hospital.

A witness to the accident thought that the driver was using a mobile phone and was travelling at the same speed as the other traffic. The driver thought that he was travelling at about 35mph and said that he had answered an important text message about work. He explained that he just did not see the cyclist and denied that he was driving dangerously.

Discuss the following questions:

- *What are the main facts of the case?*
- *Who is at fault? Is it more than one person?*
- *Should someone be charged with an offence?*
- *If so, what charge?*

There are some legal issues/facts that you need to consider before you answer the questions:

- a) It is an offence to exceed the speed limit
- b) It is an offence not to have lights on a bike in poor visibility
- c) It is an offence to use a mobile phone while driving
- d) There is no law in this country about wearing a cycle helmet