

MINUTES



DATE: 26/10/2016

SUBJECT: Transport SIG

LOCATION: BL Claims Solicitors

ATTENDEES: 20

1. Cycle Helmets & Traumatic Brain Injury

Dr Oliver Cockerall, Consultant Neurologist gave an excellent talk on the medico-legal issues surrounding brain injury and the use of cycle helmets. He began by going through the different types of brain damage that can be caused by cycling accidents. The second part of his talk focussed on the question posed by most Claimant solicitors being 'does the cycle rider suffer less traumatic brain injury if he/she is wearing a helmet?' Biomechanic studies, or epidemiology are the two approaches that can be taken when answering this question. Dr Cockerall discussed the most recent study of Olivier J; Creighton P, 2016, 'Bicycle injuries and helmet use: a systematic review and meta-analysis.', *Int J Epidemiol*, <http://dx.doi.org/10.1093/ije/dyw153> whereby results were summarized from studies assessing bicycle helmet effectiveness to mitigate head, serious head, face, neck and fatal head injury in a crash or fall. It was found that there was a 50% deduction in all head injury and a 75% reduction in serious head injury. There are critics of such work, but Dr Cockerall summarised that there is absolutely no doubt that cycle helmets reduce traumatic brain injury by 50-70%

Grant Evatt provided the APIL update. In particular he discussed the 'can the spam' campaign, working with HRMC to reduce the time it takes to obtain employment records and proposed fixed fees in clinical negligence cases, gender diversity within APIL and the APIL accreditation scheme.

2. TRL : Real World Performance of Cycle Helmet

Stephen Jowitt from TRL then gave an interesting talk on cycle helmet standards, the recent TRL testing and injury metrics used to analyse the effectiveness of cycle helmets on the market. He explained the Head Injury Criteria (HIC) is measured by a universal metric formula. He then went through computer modelling and the analysis of cyclist kinematics in car impacts and considered the different vehicle fronts, collision speeds, body heights and impact constellations. He finished with a brief look at e-bikes which can reach speeds of up to 30mph and the types of helmet that should be worn. This is a developing area and needs careful consideration going forward.

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3. Cycle Helmets & Contributory Negligence: A Hard Headed Approach to Freedom of Choice?

Will Beetson of 42 Bedford Row completed the picture with a presentation on the case law surrounding the use of cycle helmets and contributory negligence. There is no obligation on cyclists to wear a cycle helmet, however the Highway Code says you *should*. He then went through some helpful cases including *Smith v Finch* [2009] *Reynolds v Strutt and Parker LLP* *Sinclair v Joyner* [2015] & *Phethean-Hubble v Coles* [2012]. He concluded by demonstrating that the apportionment of blame must not be made on a prescriptive 'causation' basis.