

My decision to contest this charge is not taken lightly. As an unpaid citizen who feels innocent and has given this a lot of thought, I feel bound to challenge a system which dismisses my powers of judgement, and denies grounds of appeal based on reason. These matters might be outside the scope of a magistrates' court, but I offer this statement in the hope you will find in it sufficient merit to grant my appeal and dismiss the charge, or refer it for judicial review.

President of the Law Society, Simon Davis, states: *Judicial Review is a vital part of the checks and balances necessary to protect people from powerful institutions. It underpins the rule of law.* Chair of the Bar Council, Amanda Pinto QC, states: *Judicial review is a hugely important tool in a democratic society by which decisions of public authorities, including government, are subject to scrutiny.*

There is something sinister about deterring reasoned argument with the threat of reprisals in the form of punitive costs. To deter free speech by threatening stiffer penalties for exercising it is a threat to the right of free speech itself. Plea options and appeals disallowed on all but technical grounds reek of autocracy. On the wall in the Court waiting room, a notice headed HM Courts and Tribunals Service states, Justice matters. It certainly does.

That eminent scourge of totalitarianism and Reith lecturer, former Supreme Court Judge Lord Sumption, challenges laws restricting freedom of thought and action. If a 75 year-old chooses to see her grandchildren and risk possible infection, rather than shut herself away, the choice as to which is the lesser evil should be hers. His remarks apply equally to traffic policy in all its mean-spirited manifestations. One-size-fits-all rules that deny freedom are not only inhumane but, I will show, if it please the Court, unjust, inefficient and destructive.

I argue for freedom of the individual to make informed judgements based on context, and that in matters of common law and justice, no offence was committed. In other alleged crimes, innocence is assumed until guilt is proven. Here guilt is assumed, but no damage was caused, and no crime in the true sense committed. By imposing flawed parameters, regardless of circumstance, policy is at fault, and judicial review is vital.

Not only does statutory regulation outlaw the exercise of discretion by the accused, it appears to forbid magistrates from exercising it too. In a democracy, it is alarming to see the letter of the law outdo the spirit. Life is about grey areas, but statutory traffic law is black and white. It's undemocratic. There is no human dimension to it, no discretionary area. If the Court permits, I will show that most traffic policy is misguided, oppressive, and responsible for untold injustice and harm. Accidents are blamed on driver error, but the system sets the stage for accidents to happen – points I propose to amplify later.

Only two people in history have won both a Nobel prize and an Oscar. One is Bernard Shaw. In *Man and Superman*, Shaw writes, "The reasonable man adapts himself to the world: the unreasonable one persists in trying to adapt the world to himself. Therefore all progress depends on the unreasonable man." This man sees a traffic control system which costs lives, costs the earth, and acts to our detriment.

If you cross a green light at a legal 30 and injure or kill a child who runs into the road, you're innocent. If you do 70 in optimum conditions on a dual lane overtaking stretch and cause no damage, you face reprisals that could involve a fine, points, a ban, even imprisonment.

First I will list what could be construed as technical points, then tackle the flawed system.

1. The indictment says it's a single-track road but as the photos show, I was overtaking on a dual lane stretch. If that is defined as a single carriageway, the definition is wrong. Or can a single carriageway contain an infinite number of lanes?

2. In his reply to my letter of 20 Feb, Philip Hoare, Safety Camera Unit Manager, states, "The A361 Week Wood Layby, Rose Ash, is simply a highway separated *only by a white line*." No. As the photo shows, the up/downhill stretches are separated by *double* white lines. These act as barriers. No-one crosses them. If you can dismiss the charge over this technicality, I will rest my case ... Are we capable of driving safely in a straight line at 60+? Of course we are. Traffic was light, and as the Officer notes, "The weather at the time was bright sunshine."



3. I drive a low emissions hybrid (37g/km). I have asthma and COPD, and overtook to avoid inhaling fumes from the only car in front of a dual lane stretch that as far as the eye could see was empty of other traffic. Exhaust pollution is at its worst in vehicle cabins. It's becoming ever clearer that poor air quality causes more illness and death than any other factor. See the recent [study](#) from the Max Planck Institute which found that poor air quality is a greater threat to life than war, malaria, HIV or smoking.

4. The Police report states “the defendant committed the offence with the necessary criminal intent”. How can they know my mind? Alleging criminal intent over an innocent bid to escape exhaust fumes seems to me to exhibit a criminal degree of presumption!

5. In accordance with basic safety principles, I was watching the road, not the speedometer or the layby where the Police van was concealed. More on this in a minute.

6. On the approach to the location of my so-called offence is a road sign saying “Overtaking lane one mile ahead”.







If a sign on a 60mph trunk road announces an overtaking lane ahead, it implies you may overtake. Otherwise, if vehicles on the inside lane are doing 60, the overtaking lane becomes a non-overtaking lane, which contradicts the sign. Why go to the trouble and expense of building overtaking lanes, then deny our powers of judgement by penalising the impulse they produce? Having failed to build a dual carriageway, the authority might as well have left it as a single. Incidentally, lorries trundling along at 40 on single lane stretches often increase their speed to around 60 on the dual lane stretches. For most of your journey you will be driving within or below the limit, so it would be fairer to base assessments on average speeds rather than spurts. A second empty lane stretching into the distance is an invitation to overtake, especially a vehicle that is polluting more than you are. Can you be forgiven for accelerating momentarily to pass someone safely when given a chance with an overtaking lane, as is the case here? Does a brief spurt of acceleration to avoid toxic fumes for a long uphill stretch really amount to a crime? Does it warrant a penalty?

7. Is the hidden camera placed where a single lane opens into a dual lane, a form of entrapment? Officer Mark Stott states that his Police van was visible in the layby. But it's not visible up ahead in the distance to a driver watching the road on a simple quest to get from A-B with minimal fuss. Stott was lying in wait with a gun equipped with a telescopic lens, on a mission to capture the unwary. Is that innocent? In whose favour are the cards stacked, and to what end? Where was the criminal intent?

8. Bizarrely, there are no 60mph limits posted on the A361, except for a barely legible one at the start of the first 3-lane stretch west of Tiverton. Why? The absence of signs is relevant, because if we are required to ignore prevailing conditions and our own judgement, reminders of the coercive control which subjugates us are arguably critical. In fog or rain, we adjust our speed accordingly,

below the limit. Why may we use discretion in one context and not the other? Why this fixation on numbers at the expense of context? Hampering natural behaviour is akin to criminalising humanity. Good road husbandry can be compared to good parenting. The early child cannot knowingly disobey a parent or wilfully misbehave, writes Joseph Chilton Pearce in *The Magical Child*. He can only obey the inborn intent that moves him. A good parent provides a safe framework within which the child can explore freely and flourish. Good traffic policy should have similar aims. But too often it's about entrapment.

9. As far as I know, and as the nomenclature suggests, the justification for 'safety' cameras is safety. Is there any evidence that my manoeuvre was unsafe? The system penalises safe acts but promotes unsafe ones. More on this below, but briefly: at T-junctions, stationary drivers wanting to turn right from a minor road have to avoid vehicles approaching at speed from opposite directions. They face indefinite delay or, in mounting despair, risk an ever-decreasing gap. If the law is an ass, nowhere is it more asinine, and lethal, than in the traffic arena. In the absence of a bridge or flyover, junctions could and should be all-way give-ways.

10. It's simplistic to claim that speed kills. It's inappropriate speed, or speed in the wrong hands, that can kill. My speed here caused no harm and was not dangerous. At Lowestoft Magistrates' Court, over a collision with a car adhering rigidly to the limit, Judge David Cooper said, "People who stick rigidly to the speed limit are a bit of a nuisance." If, as I suspect, a majority agree, why is nothing done to introduce some flexibility, and who is in charge of the unbending regime that brought me here today?

11. With regard to traffic light outages, but it can apply equally to speed limits, the UK Roads Board (ICE 2009) states in Highway Risk and Liability (extract follows) that there is "a presumption that road-users are intelligent, able, and expected to be responsible for their own safety. They have a duty to take roads as they find them" [and it is] "not necessary to take independence of judgement out of the hands of the road-user".

## 2.6 Risk and liability

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2.6.1 A major concern expressed by some highway authorities when considering more innovative designs, or designs that are at variance with established practice, is whether they would incur a liability in the event of damage or injury.

2.6.2 This can lead to an over-cautious approach, where designers strictly comply with guidance regardless of its suitability, and to the detriment of innovation. This is not conducive to creating distinctive places that help to support thriving communities.

2.6.3 In fact, imaginative and context-specific design that does not rely on conventional standards can achieve high levels of safety. The design of Poundbury in Dorset, for example, did not comply fully with standards and guidance then extant, yet it has few reported accidents. This issue was explored in some detail in the publication *Highway Risk and Liability Claims*.<sup>14</sup>

2.6.4 Most claims against highway authorities relate to alleged deficiencies in maintenance. The duty of the highway authority to maintain the highway is set out in section 41 of the Highways Act 1980,<sup>15</sup> and case law has clarified the law in this area.

Manual for Streets

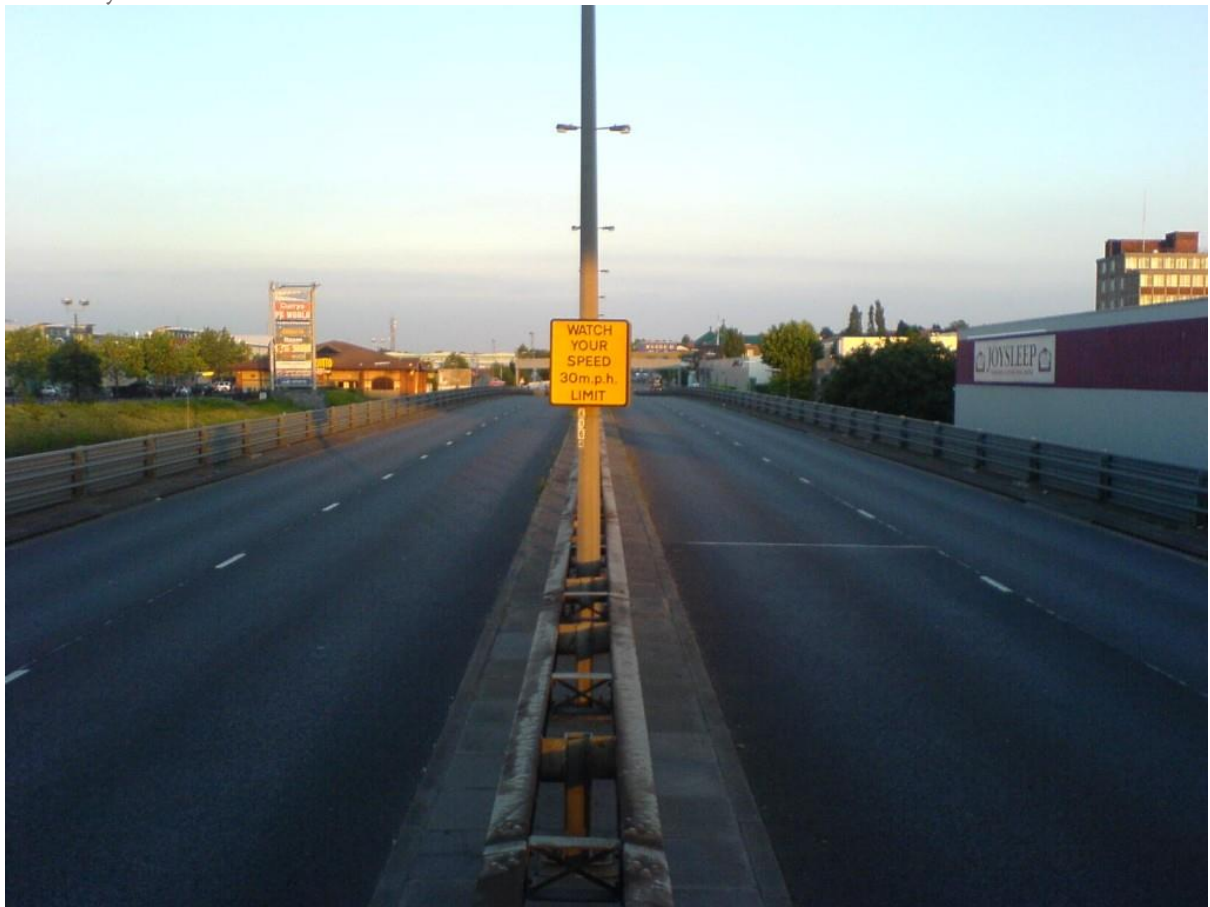
12. There was political disagreement over the Link Road. I understand that the Conservatives controlled the area east of Tiverton, and approved a dual carriageway to the M5. But the LibDems refused funding for a coastbound dual carriageway, with results that were at best inconvenient, at worst disastrous. Of the 30 fatalities since 2000, I suspect that none occurred where speed traps are set. Most accidents occur at junctions, where main road priority imposes unequal rights, produces conflicting speeds, and puts minor road traffic at a lethal disadvantage. But dual-lane overtaking stretches were built, where truck drivers put their foot down. On the long, single lane sections, they slow down, forming queues behind them. In practice most drivers overtake on the dual lane stretches, heeding the double white lines segregating it from the opposing single lane downhill stretch. Most of those vehicles are doing 70+ in safety. I'll come back to this, but a study from the Best Highways Safety Practices Institute in the US found, and I quote: "the safest drivers – those involved in the fewest accidents – are those who drive faster than average, yet they are the primary target of speed enforcement."

13. Brake dust is as bad as diesel for producing tiny particles that penetrate heart, lungs and bloodstream. It may be even worse as it produces them in greater quantities. The stop-start drive cycle produced by traffic lights, and sudden braking at speed cameras increases the volume of brake dust in the air. Allowing drivers to use their own judgement would smooth flow and vastly reduce these pollutants that are killing us softly. Independent article [here](#).

Those are my technical points, though strictly speaking, they may not all be technical.

The following photos embody the inconsistency represented by speed enforcement. 30mph on a grade-separated dual carriageway, and no limit on a narrow country lane. Presumably you're expected to

exercise commonsense on the country lane, and drive well below the posted limit. Why doesn't it work both ways?







Drivers are plagued by draconian regulation. Traffic policy seems to have low status among politicians, so MPs abdicate responsibility to second-rate minds or regulation-crazy officers. Policy is characterised by excessive state control and disenfranchisement of the citizen. Legislation is imposed unthinkingly, and reform is opposed by narrow interests.

Even former PM Tony Blair is clueless in traffic matters. He once said, “Speed kills”. No. Speed is like fire. In the right hands and used appropriately, speed is harmless. In [Road Accident Statistics](#), the DfT states that speed is a factor in only 5% of “accidents”.

Average speeds are far lower than occasional spurts to get out of trouble. My spurt occurred where it was harmless. It’s also where enforcement officers extort the most money for the least effort. I’m sorry, but it does often seem we are victims of an extortion racket. Presumably the revenue raised goes on funding more of the same, so we’re all losers ... unless their nefarious activities yield a profit. Do they?

On 16.7.20 the [Daily Mail](#) reported: **Speed cameras ARE being used to fleece drivers: locations are used for making money rather than preventing accidents**, says a report by no less a body than Her Majesty’s Inspectorate of Police and Fire Services. It shows speeding fines grew by 41% between 2011 and 2018. Motorists have long suspected they are cash cows – 2.3million speeding fines were handed out in 2018, raking in around £230million.

The report called for greater transparency over the use of cameras and their revenues. It said: ‘Apparent unwillingness to support education over enforcement had led to suspicion among officers, including some at chief officer level, that the focus of activity was to increase revenue for the safety partnership.



'They gave examples of camera sites they believed had no history of collisions or other identified vulnerabilities. Elsewhere, we were told the reason enforcement took place at certain locations was that they were 'good hunting grounds', rather than because they had a history of collisions.' Some forces set up speedwatch schemes to change driver behaviour without prosecution. While police forces do not receive money from traffic fines, they can claim administration costs.

The Police can be seen as the last refuge of intelligent discretion. They recognise grey areas and the role of prevailing conditions. When I was researching a documentary on the subject, a motorway traffic officer in Cambridge told me that unless a driver is driving erratically, they tolerate speeds of up to 85, because that is the percentile at which most capable drivers drive.

The Association of Chief Police Officers [states](#), "Successful speed limits are self-enforcing. To achieve compliance there should be no expectation on the police to provide additional enforcement beyond their routine activity.

So the 85th percentile speed (the speed that 85% of drivers are doing) should correspond with the posted limit. Research for the DfT shows that driving speed is influenced by the road's design – principally width and forward visibility. If plenty of people are breaking a limit, that tells you either the limit is wrong, or the design of the road is wrong."

The solution is to change the nature of the road so that the 85th percentile speed is closer to the legal limit, or increase the limit if the design of the road is deemed OK. If the human inclination is to do a certain speed, and they are doing it safely, then by definition, enforcing a lower limit is nonsensical. Devising a system that allows human genius to flourish is infinitely safer and more civilised than twisting it into unnatural patterns of behaviour.

There are calls to raise the limit on motorways and dual carriageways to 80, which is nearer the percentile at which most motorists drive. Too often, those intent on enforcement drown out subtle minds. Speed limits along motorway roadworks are being raised from 50 to 60 – it's taken a year-long study for the Highways Agency to prove the obvious – that we're capable of driving in a straight line at 60+ without risk. If you refuse my appeal, and impose points and a fine, will these be cancelled when the traffic authorities wise up?

Instead of treating underlying causes, the authorities focus on occasional spikes. They ignore the bulk of time we're below the limit, and the thousand good acts we perform. An example of state-sponsored neglect and my small way of countering it: approaching the T-junction from St Brannock's Park Rd in Ilfracombe the other day, I saw an elderly woman trying to cross the main road with her dog. She was looking forlornly left and right. The rules told me to ignore her. Instead, I entered the main road and stopped, making traffic slow down. She didn't see I'd stopped, so I gave a toot and waved her across. As she reached safety she thanked me profusely. I waved and turned. Traffic from both sides, having lost no ground, continued on its way.

Speed limits are widely seen as targets. Drivers get frustrated if you're below the limit. But you could be aware of something they are not. The A399 between Ilfracombe and Watermouth has a 60 limit but it's a narrow road between hedgerows, wide enough for only two vehicles, with no provision for walkers. What if you're doing a legal 60 round a bend, and you hit a walker or cyclist? You'd destroy a life and relive that trauma until your dying day. Aware drivers approach bends at lower speeds, conscious there might be a walker or cyclist on the bend. So we risk vexing drivers behind us, who will

feel their rage is justified if it turns out there is no-one on the bend. The annual casualty toll of 20,000+ souls, many of them children, are grim testament to the fact that learning to drive by numbers – 20, 30, 40, 50, 60 – does not ensure safety – far from it. The unspeakable accident stats conceal untold grief for the countless injured and bereaved friends and family.

Limits are blunt instruments. We should teach drivers in graphic detail the effect of inappropriate speed before releasing them on to our roads possibly to kill within the law.

As a keynote speaker at a national conference about 20mph, I asked who would want to be hit by a bus doing 20. No-one, of course. 6-year-old Ben Alston was. To the distress of his family, and at great expense to the NHS, he was airlifted from Ilfracombe to Bristol. Miraculously he survived. Many do not. Such expense and suffering would be spared if the bus driver had learnt to drive by context, not numbers, and thereby kept a watchful eye out for children.

The pressure group *Brake!* would say that driving by context is a licence to drive without due care and attention. No. It's a blueprint for driving with *true* care and attention.

I'm acutely aware of safe, appropriate speed, so did not opt for a speed awareness course. I imagine it teaches driving by numbers, and obedience to the letter of the law, to keep us on the 'right' side of the law, free to continue intimidating and neglecting vulnerable road-users.

Ill-conceived regulation impedes the proper functioning of our mental faculties. In a free society, we should be free to use commonsense. The system exhibits no positive psychology. All stick and no carrot. Instant penalties for misdemeanours, no compensating credits for good conduct!

The Forum Internum – our innermost mind – is sacrosanct. Freedom of thought is a human right. It's under increasing attack from technology, regulation and state control. Regulators presume to know better than you or I how to act in any given circumstance. But we are present at the time and the place, and they are not. Since my speed caused no harm and was appropriate for the situation, how is this charge justified?

The definition of insanity is repeating mistakes and expecting a different outcome. Enforcing unnatural speed limits does nothing to improve road safety, at which the strategic roads regulator (Office of Rail and Road) says Highways England is failing (see [here](#)).

You'd think public officials would explore all means for improving safety and air quality (the common good). Indeed the 2004 Traffic Management Act requires them to. But they don't.

No fewer than 23,000 human beings, many of them children, are killed or hurt on our roads every year. I submit that most of them died on the altar of malign policy, but invariably, human error is blamed, never the system. The main cause of this under-reported, unquestioned carnage? The dysfunctional rule of priority, which traffic law in its ignorance supports.

Some of this statement might seem off the point, but it's all relevant, because traffic policy and enforcement in their entirety are interconnected, and scandalously overdue for reform.

Jump a cashpoint queue and you'd cause a riot. But on the road, we accept such delinquent behaviour without question. The main road driver is sanctioned by the law to ignore others, regardless who was

there first. So the toddler in a buggy waiting at the roadside is forced by the law of the land to inhale the toxic fumes from vehicles licensed to neglect him, fumes destined to damage health and development, not just his or hers, but everyone's.

The system is nothing less than an abuse – of our health, time, quality of life and the planet. When so much is wrong with the system itself, it's a further abuse to squander resources on regulation and enforcement that do nothing to correct the abuses, but instead, prolong them.

Against common law principles of equal rights and responsibilities, the rules grant superior rights to one set of road-users over others, based on engineering concepts rather than social values.

The biggest indictment of our negligent traffic system? It puts the onus on the child to beware the driver. It could – and in any civilised society should – be the other way round. As it is, toddlers must learn age-inappropriate road safety drill to help them survive on roads made dangerous by the rule of priority. How is a toddler supposed to tell the difference between a grey pavement and a grey road surface? The put-upon parent has to scold the baffled child. It verges on state-sponsored child abuse.

In Brecht's *Leben des Galilei*, the astronomer, physicist and father of modern science, Galileo, is accused of heresy for claiming the Earth is round, and not the centre of the Universe. He is threatened with torture and death unless he recants. He is a man of flesh and appetites, and does recant. "Unhappy the world that is without heroes," laments his disappointed assistant, Andreas. Galileo replies, "Unhappy the world that is in need of heroes." In similar vein, I despise lollipop men and women. More accurately, I despise the system which makes them necessary.

If the law supported an equitable power balance, with vulnerable road-users at the top, and if the mighty were automatically liable in the event of a collision, and if the driving test taught a culture of equality and civility, there would be no need for lollipop men and women, nor for most of the high-cost traffic regulation by which we are forced to live and die. Except at multi-lane intersections at peak times, there would be no need for traffic lights,

All this is relevant to the matter in hand – exceeding a speed limit – because traffic policy is of a piece.

My solution to our man-made road safety problems does not repeat the same enforcement methods. It makes roads intrinsically safe by replacing priority with equality, with vulnerable road-users "more equal than others". It harnesses our social nature, and re-engineers the public realm to express equality. It entails root-and-branch reform of the driving test, the Highway Code, the law and the rules of the road. See [Equality Streets](#).

Wouldn't it make sense to design a test that taught correct principles at the outset, above all the consequences of inappropriate speed, and the value of driving by context rather than numbers? In a busy urban setting, especially if children are around, let us proceed at walking pace. As a reasonable trade-off, on the open road, let us, within reason, choose our own speed.

Before getting a driving licence, we should be required to pass cycling proficiency and obtain a rider's licence. Expensive signs or adverts telling people to *Think Bike!* are a waste of space. When people experience something first-hand, they identify, they understand, they *know*.



Similarly, signs outside schools saying “Parking here could endanger a child’s life” would be redundant if drivers were responsible for road safety, and automatically liable. So, to support reform of the rules of the road, legal reform is also needed.

There are numerous ironies in the fire. Those who drive faster than average are involved in the fewest accidents. Self-driving is called “autonomous”, but it denies autonomy. Human error is routinely blamed for accidents, but the anti-social rules of the road set the stage for “accidents” in the first place.

Instead of making roads intrinsically safe – with a level playing field on which all road-users can interact sociably – fortunes are squandered on systems of control that reinforce the flawed system.

Like painting by numbers, driving by numbers is infantile. My million acts of courtesy count for nothing because I am judged to have committed an act that harmed no-one, but contravened an arbitrary regulation that springs from a failure to grasp basic psychology. Would Police resources be better spent targeting vehicles with dirty exhausts, and occupants who litter our hedgerows?

Acts of kindness and consideration, if not illegal, are discouraged by the rules of road. The other day in Barnstaple, I watched a car trying to get out of Rolles Quay. There was a stream of cars doing 10mph along Rolle St. No-one stopped to let him out. As I walked across a junction, a woman driver honked and swore at me. Such acts of delinquency are routine on our roads, because Highway Law is anti-social, and Highway Code is not Highway Law.

Most crime is committed by a tiny minority. Motorists who fall foul of regulation are rarely real criminals. Captain, now Sir Tom Moore, the NHS fundraising hero, admitted to breaking the speed limit hundreds of times. In doing so, he probably only hurt the odd fly.

Traffic authorities have their priorities wrong. They seek to turn us into automatons, in thrall to a system which is endemically dysfunctional. Speed limits and the central rule of the road – priority – engineer a mindset that responds not to social decency or the needs of the moment. Regulation should focus on appropriate behaviour. There is no law against doing 30 or 20 on a busy street, or ignoring pedestrians waiting to cross, in rain or shine. But choose an appropriate speed on the open road with no vulnerable users present, and you’re hounded and criminalised.

Imagine a road network with equality instead of priority as the central rule of the road. “Get out of my way!” yells priority. “After you,” says Equality. At last there would be peace on our roads, and the vast edifice of traffic control could be dismantled, saving the economy billions.

To what extent are traffic managers influenced by salesmen from companies that manufacture control systems? Ironically, those systems are introduced for reasons of safety, it is claimed, but the system itself has a fatal flaw at its heart, which retrospective control fails to address.

Contrary to popular belief, traffic lights do not ensure safety – far from it. A safety audit from the country’s biggest local authority – Westminster – showed that no fewer than 44% of personal injury “accidents” occur at traffic lights. How many of the remainder are due to the rule of priority? Compiled in the context of priority, the stats don’t tell us. So Barnstaple, and countless other junctions across the land, continue to maximise congestion, journey time and emissions.

I proposed a lights-off trial at the notoriously and needlessly-congested Pilton junction in Barnstaple. It's a staggered double junction, like the one in Portishead where I instigated a lights-off trial in 2009. That trial went permanent after journey time fell by over half with no loss of safety, despite a return from back-street rat-runs and more drivers using the now free-flowing main route. With lights off, reported schoolchildren, drivers waved them across, which never happened when the lights were "working", because drivers ignore pedestrians in fear of missing their limited green time. A commuter reported a drop in journey time through town from 20 to 5 minutes. "I timed it," she says in my video documenting the trial.

Yet Devon Highways councillor, Stuart Hughes, refused my offer of a similar transformative trial. He refused to think outside the box marked "priority and traffic lights". Those twin scourges of safety, civility and efficiency promote aggression, intolerance, neglect and stress. As soon as you remove traffic lights, people rediscover their humanity and make common cause.

There is a disconnect between Highway Code and Highway Law. The Code tells you, when turning right, to get to the right-hand side of your lane to let drivers behind you go straight on. How often do you see drivers failing in this basic courtesy, and instead, blocking traffic? Every day, legions of unaware drivers are let loose, inadequately schooled in protocols which relieve congestion and stress and reduce "accidents".

I put accidents in inverted commas because most accidents are not accidents. They are events contrived by the misguided rules of the road.

The Code tells you to use the inside lane except when overtaking, but this is routinely ignored by most drivers, who use the middle lane as the default lane, reducing capacity by a third, and causing bunching in the outside lane, provoking tailbacks, or worse, accidents. Do they ever get the blame? No. Police have the power to stop them, but perhaps because the practice is so widespread, they leave them to continue in their solipsistic ways, and instead, target aware drivers who cross an arbitrary line but are doing no harm. Is this good management of public resources, of our time and well-being?

It's nonsensical to exclude motorway driving from the driving test. At least it should be taught and experienced virtually, using technology that has been around for years.

When Alastair Darling was transport Minister, he proposed adding a fourth lane to the motorway network to ease congestion. As I said, clueless. All he had to do was make it Highway Law to use the inside lane except when overtaking, liberating at least a third of road capacity. Worth noting that the Autobahn, with no speed limits, ensures lane courtesy.

Highway Code can be as dysfunctional as Highway Law. It tells right-turners to wait in a junction – a space of limited dimensions – for traffic coming from the opposite direction, not yet even in the junction, to continue uninterrupted. So the right-turner is instructed by the rules of the road to block the junction. How much more sense would it make to give way to others who were there first, enabling low-speed, sociable merging in turn? It's what happens when lights break down: peaceful anarchy breaks out (anarchy in the true sense, meaning self-government). It turns an over-regulated public realm into sociable space where congestion and danger melt away.

Twice I've witnessed power cuts across London, in Nov 2006 and Feb 2007. With lights out, and no artificial obstructions to free flow, people filtered gently, and traffic dispersed freely. I lived in King's

Cross at the time. Never was it more agreeable to cycle in London. Even cab drivers smiled and waved you on. Shaftesbury Avenue, Cambridge Circus, Piccadilly Circus, normally clogged with belching traffic and fuming drivers, were a breeze. I emailed Vice Chair of TfL, Dave Wetzel, who knew my views about traffic control. He said he'd check with his officers. Later he replied saying the reason for the absence of congestion was that officers had instructed the Police to erect cordons to prevent traffic from entering the affected area. I emailed a contact at the Met, Chief Inspector Bob Marshall. He replied saying *no such action had been taken*.

So TfL, a public body that costs the Treasury £5bn a year, brazenly distorts the truth. Livingstone inflicted 1800 new sets of lights on London, even at tiny crossings such as Eastcastle St/Berwick St, conjuring congestion where there was none before. Average cost per set of lights? £150,000 with 10% annual maintenance. For 7 years during construction of the St Pancras Tunnel link, Midland Rd was closed. And for 7 years, outside Camden Town Hall, the lights at Midland Rd continued to stop traffic on Euston Rd. Euston Rd carries 97% of the traffic yet was given only 50% green time. No wonder I developed COPD when living in KX. In a piece for the Telegraph, I accused TfL of negligence and hypocrisy. All this is relevant because it forms part of my critique of traffic policy in general.

Traffic lights maximise emissions by making traffic stop when, given freedom to filter, it could go, at low speeds and low revs. Yellow box junctions – another mercenary tool in the state's armoury against the citizen – trap people between lights, as at King's Cross Rd/Caledonian Rd. You finally get to the front of a traffic queue and cross the light to turn right only to land in a yellow box junction and find your way blocked by a queue of traffic blocking back from the next traffic light 20 yards ahead. Even the progress of buses, despite all the bus lanes which restrict road capacity, is continually interrupted by innumerable sets of those weapons of mass distraction, danger and delay – traffic lights!

For my 2008 Newsnight report, I took a bus from Caledonian Rd to Midland Rd, a distance of 300 yards. It took 20 minutes. Most of the delay was due to traffic lights which block flow, and maximise emissions through the stop-start drive cycle. Partly owing to the chemical anomaly that most exhaust gases are invisible, traffic authorities have been getting away with damaging our health for decades. Will the current case review of 9 year-old Ella Kissi-Debrah finally prove that illegal levels of pollutants contribute to premature death? Even if it does, irreparable damage continues to be done, and no individual will be named or face the music.

To its shame, the Code also tells children to beware drivers when it could and should be the other way round. An abiding image which represents the myriad abuses in traffic policy is a mother marooned on a traffic island in the middle of Euston Road, with traffic three lanes thick on both sides, buses, lorries and taxis belching fumes at the ideal level for the toddler to inhale, no-one noticing or letting her escape the horror. She was forced to wait for minutes on end before lights halted the traffic. This abuse is promoted by the law of the land and the rules of the road. It's beyond urgent to reform the diabolical system, of which the vexatious crime of "speeding" is an integral part.

From the DfT website: it may be difficult for a police officer to identify certain factors that have contributed to the cause of an accident. For details of the contributory factor system, see [report](#). There is a list of 78 contributory factors (see [here](#).) These fall into nine categories: Road environment, vehicle defects, Injudicious action, Driver/rider error or reaction, Impairment or distraction, Behaviour or inexperience, Vision affected by external factors, Pedestrian only factors (casualty or uninjured) and Special codes.



The system of priority – which makes us act against our social nature, puts us at odds with each other and our surroundings, and represents the fatal flaw at the heart of the system – isn't even mentioned in this list. The DfT is barking up the wrong tree, rendering the entire edifice of control and enforcement, grotesque. We could add to the list of factors the fear instilled in the driver for putting a wheel wrong or responding to his or her inner lights (instead of a system of fairy lights and numbers). Is there anything less conducive to peace of mind and relevant alertness than a bug on your shoulder micro-managing your every move, ready to pounce on you for exercising commonsense?

May I illustrate the defects in the current system with two scenarios, already alluded to above: picture a trunk road such as the A358. Priority licenses the main road driver to barrel along at 50 or 60, and to ignore drivers on minor roads. Now picture the minor road driver. At peak times, traffic on the main road can form unbroken streams. S/he faces an indefinite wait, or in mounting frustration, risks an ever-decreasing gap. It could result in a multiple pile-up. Given my recipe – equality of opportunity and filter-in-turn – main road traffic would slow to absorb minor road traffic, as a river does its tributaries. All the main road driver has to do is take his or her foot of the accelerator. They will soon pick up speed. It's priority and speed limits which fuel the danger and injustice. If, in the absence of a bridge or flyover, junctions were all-way give-ways, speeds would drop naturally. This would enable efficient, low-speed filtering, safer and fairer for all – without the need for the jackboot of enforcement, expensive signage or speed cameras. Traffic engineers like us to think we need their interventions to keep us safe. Nothing could be further from the truth. It's the misguided engineering of public space, and the anti-social rule of priority, which makes roads intrinsically dangerous.

Ironically, (P.50 #151) the Highway Code says that slow-moving traffic should “allow access into and from side roads, as blocking these will add to congestion”. Why isn't this applied universally? Making right-turners wait for oncoming traffic – not yet in the junction, and driving at speed – to clear, is a recipe for danger and delay. Yet it's supported by the law of the land.

Scenario 2. You're approaching a green light at a legal 30 when a child appears in your path, but an unsighted ten-ton truck is on your tail intent on beating the light. This dilemma, and the consequences – repeated across the land and across the decades in some shape or form – hardly bears thinking about. But it has a hand in the unspeakable road death and injury toll.

Another example of egregious failure to provide a decent framework and make life tolerable is parking control. There has been an abject failure to facilitate payment on departure, leading to ferocious penalties for returning minutes late, ruining not only one's day but High Street commerce. In extreme cases, for overstaying in a parking bay and failing to pay the fine, with its galloping increases, on time, vindictive authorities have hounded people to suicide.

Wardens park on double yellows and issue tickets to cars causing no obstruction on singles. How do the powers live with themselves? With ease presumably, as the regime continues unchecked. May I describe two instances of vile practice which I witnessed at first hand: Argyle St clamp; woman visiting Chapel. There are far worse cases than these, but they provide an insight into the legal but amoral nature of traffic control.

For over a decade, through opinion pieces for various national newspapers, a Newsnight report and a blog, I've been calling for traffic system reform. I've briefed four shadow roads ministers – Chris

Grayling, Owen Paterson, Robert Goodwill and Jesse Norman. The current transport minister, Grant Shapps, based his [Paper](#) on our [IEA report](#) (though he missed vital points). Judging by a new roundabout in Cambridge, where I saw the light about traffic lights in 2000, and through its Hierarchy of Road-Users, the DfT at last seems to be adopting my progressive approach, which it has repeatedly dismissed in the past.

Among the people I invited for interview on Newsnight was neuroscientist, Baroness Prof Susan Greenfield. She agreed that no-one has a problem with laws that make sense, but when you see something that makes no sense – over this bit I show a car marooned at a red light with no other car in sight – you feel frustrated, disenfranchised.

At the risk of repetition, but this is vital: roads should not and need not be dangerous. But they are dangerous. Why? Because the central rule of the road – priority – makes them dangerous. “Get out of my way!” yells priority, as it denies infinite filtering opportunities and expressions of empathy. The routine acceptance of “accidents” – *aka* manslaughter – as inevitable is shocking. Deputy Chief Medical Officer Jenny Harries said recently that “pupils are more likely to be hit by a bus than catch coronavirus”.

Outgoing Highways England chief executive Jim O’Sullivan told *Transport Network* that in 2019, 209 people died on the SRN (strategic road network). Life-changing injuries number 10x the deaths – affecting the often unwitting perpetrator as well as the victim, family and friends. *But they don’t get a mention.* We are inured to the unacceptable. “Mr O’Sullivan told *Transport Network* that the organization was ‘pretty pleased’ with the reduction in fatalities and that safety improvements were his proudest achievement during his tenure.” This complacency is doubly shocking because most mistitled accidents are avoidable!

In teaching priority, public policy and the driving test *keep* roads dangerous. The way to make roads safe is to shift the balance of power in favour of the vulnerable. Equality – a social model – is an infinitely superior basis for road-user relationships than priority. When vulnerable road-users enjoy equality with drivers, even when they are seen “more equal than others”, only then, finally, will children be able to go in safety.

In the domestic sphere, coercive control is against the law. Yet in the public sphere, it’s rampant. Acts on the road which cause no harm, such as my harmless spurt of acceleration, are deemed illegal, even criminal, yet acts which cause untold harm, are legal and promoted by the law. From [Traffic Management](#) by Kenneth Todd:

Current traffic regulations not only forbid acts which cause no danger or obstruction; they command acts which do. The system runs counter to legal, engineering and safety principles, to the aims of the Traffic Management Act and the recommendations of the *Road Safety Good Practices Guide*.

When traffic on major roads was granted priority, side-street drivers and pedestrians found they could not cross the large volumes of vehicles these roads were carrying. The major-road concept encourages drivers to forge ahead without looking left or right, relying on minor-road drivers and pedestrians to keep out of the way. This was contrary to the original intention, viz. that those on the more important roads were responsible for driving with special caution at all junctions. It is also contrary to the *Guide* (4.12) which states that reduced vehicle speed is the most important urban safety factor, particularly for pedestrians and cyclists.

The *Guide* (4.134) also states that conflicts should be minimised, and road-users should have to deal with only one at a time. Instead, the minor-road driver has to cope with two vehicle conflicts when crossing a major road, one from the right and one from the left, and – when turning right – with a third from oncoming vehicles. The more conflicts drivers face, the longer the delay and greater the dangers of distracted attention and entering an inadequate gap.

The root of the problem lies in the irreconcilable contradictions between statutory priority rules and common law. Under common law, all road users had an equal obligation to avoid danger and obstruction. By contrast, priority rules undermine the responsibility of the major-road drivers and place it on the drivers and pedestrians wanting to cross. We need no scientific research to know that safety is jeopardised when two road-users are on a collision course and one of them thinks he can rely on the other to avoid the accident.

Because of priority, roads are intrinsically unsafe. Because we are taught to observe priority, we act without empathy. The fallout from thousands of cruel acts costing the NHS £36bn a year become routine and accepted without question. (Misguided traffic control represents immense cost to the public purse, as explained [here](#).)

On one journey you could lose your licence even though, objectively, you did nothing wrong. You could fall foul of speed cameras, bus lanes, red lights, box junctions or parking controls. The road network is an obstacle course. Anonymous traffic managers make life difficult and dangerous when they should be making it simple and safe. In the absence of a bridge or flyover, let junctions be all-way give-ways. This will enable efficient, low-speed filtering, safer and fairer for all.

Regulation demands our attention out of all proportion to its value. More often than not it is irrelevant to the needs of the moment. It interferes with our peace of mind, which is vital for peace on our roads. It promotes a warlike, paranoid state of mind, inimical to good road-user relationships.

The unforgiving system is forever on our backs, forcing us to act against our better nature, in subjugation to rules that hamper instead of harness the good in human nature. Our parents and grandparents fought a war against fascism. Our sons are fighting the tyrannical Taliban. But the traffic control dictatorship goes unchallenged.

Alec Dennis, 61, pleaded guilty to driving at 52 in a 30mph limit on his way to hospital in north Devon, to take his son who had stomach pains. Dennis was worried about leaving his disabled wife, but feared his son had appendicitis (it turned out to be kidney stones). He didn't call an ambulance because of delays in the past. Dennis got 6 points, an £85 fine and a £15 victim surcharge. The time of day the speed camera caught him committing his "crime"? 4.20a.m. Story [here](#).

Is there any other "crime" where no harm is done? Where is the line between what is legitimate, legal or lawful? Does morality get a look-in?

Like jaywalking, speeding is a fabricated crime which defies commonsense and usurps our judgement. It amounts to a breach of our human right to think for ourselves. A penalty or fine should be in the service of safety. My speed was safe and appropriate for the context and conditions, so arguably the penalty is groundless.



The term “safety camera” is ill-founded because cameras distract us from the primary safety task of watching the road. They warp our sense of judgement. As reported in Metro, “road deaths soared in areas with most speed cameras. Fatalities rose 200% in a year in the City of London, while in Gwent, they almost doubled.”

A 2 or 3-person crew is deployed in a Police van to spend a day catching people for a harmless contravention. Yet the peace-loving son of my partner, on a night out with his fiancée in Barnstaple, is mugged, leaving him with a fractured cheekbone and skull. We sought CCTV footage in a bid to find the culprit and deter him from perpetrating violence against others, but there is no CCTV in Barnstaple's central area. Public money goes on "safety" cameras which have negative effects, yet denied at locations where the public are exposed to danger, allowing violent criminals to roam free.

Instead of stimulating autonomous thought, regulation turns us into robots. But, like the self-driving car that killed a pedestrian, an automaton is incapable of dealing with the unexpected. [Elaine Herzberg](#) was crossing the road outside a crosswalk, so the self-driving vehicle didn't stop. No self-driving car can match our highly-evolved ability to make subtle judgements in the blink of an eye in all circumstances.

If there is no sound justification for my penalty, and if policy is about raising revenue, and if such practice is legal, is it morally right? Does statutory law trump reason, justice and morality? The complaint that parking controls and speed enforcement are designed to raise revenue is often dismissed as trivial, but doesn't it go to civil liberties and the use or abuse of public funds? Is it a trivial matter when unjust laws bring into disrepute and undermine the very concept of justice?

My case can be seen as a microcosm of wider system abuses. You will have heard about 38 deaths on hard shoulders of so-called smart motorways that cost [over £1.5 billion](#). Incredibly, a hard shoulder was opened on a bend! Were corporate manslaughter charges brought? Ha! No doubt the anonymous “experts” are still on six-figure public sector salaries.

As mentioned, the US Best Highways Safety Practices Institute found that “the safest drivers are those who drive faster than average, yet they are the primary targets of speed enforcement.” “[Article [here](#).] Red-light cameras at intersections have brought an increase in accidents. Speed enforcement is a primary revenue source. It all began in the 1970s, when local police received federal grants to purchase radar guns and other speed-regulating equipment. They began enforcing limits that were artificially low. It became an industry. This generation of law enforcement has to cover the costs of what went before and collect greater fines. For every officer, there are one or two retired at full pay so the scope of fine collection continues to increase. Speeding has become a criminal enterprise masquerading as a state safety campaign.”

What are we to make of a system which flouts justice and freedom of thought, and supports restrictive practice with a system of enforcement that insures itself against challenge by denying grounds of reason on which to question it?

Most traffic regulation seems devised to catch the hypothetical deviant who acts outside the law anyway. It's likely that deviants themselves, whose tolerance threshold for vexatious regulation is lower than average, would behave in a proper manner if they were less trammelled by it.

Misguided regulation makes life on the road a misery when it could be a pleasure. Roads policy that is

thoughtful instead of vindictive would achieve compliance without resentment.

Most of our problems on the road could be solved by a system that promotes sociable interaction. Priority fosters intolerance and aggression. Equality fosters empathy. It teaches appropriate speed and the avoidance of conflict.

With the high gears in modern cars – mine has six gears – emissions even at high speeds are low because revs are low. So there is no environmental case. Observing an unrealistic speed limit can mean a lower gear, higher revs and higher emissions.

There is an environmental case against the manufactured crime of speeding. This statement runs to 17 pages. I printed out three pages. The legal pack I received in the post from the “Safety Partnership” runs to 42 pages. How many of those packs were printed? The Police van with its 3-person crew – how much CO<sub>2</sub>, NO<sub>2</sub> and brake dust did it produce in its journey to and from base? How much does it produce in a week? How much does the entire fleet produce year in, year out? Is it a hybrid or is it a diesel?

Statutory law requires you to condemn me for an act that caused danger to no-one, but if you think there is merit in my arguments, I hope you can dismiss the case, to send a message to the authorities who lord it over us with impunity.

Rather than impose points and a fine, do you think it would serve justice better if you awarded me compensation for the time and stress this has cost me, and for raising an overdue challenge to the traffic control dictatorship?

I ask the Court to return a not guilty verdict or give me leave to explore a judicial review into the whole area of oppressive, unaccountable traffic control.

Martin Cassini  
Ilfracombe  
December 2020