

TECHNICAL/LEGAL/HEALTH  
YOUR QUESTIONS  
OUR ANSWERS

# Q&A

If you hit a pothole and damage yourself or your bike, you (or CTC, via the Incident Line) can try to claim compensation from the relevant Highway Authority



## LEGAL

### POTHOLE PAYOUT DELAY

**Q** I have recently submitted a claim to Dumfries and Galloway Council for £50 to replace a headlamp that was jolted from its mount when I hit a pothole. The council's reply states that my claim has now been passed to their insurance handlers who will contact me in due course. Is this just delaying tactics, or do I simply have to accept that their insurers will contact me 'in due course'?

**ANDY ARMSTRONG**

**A**s far as the law on potholes is concerned, the council is not strictly liable for damage to your bicycle and you do not have an

automatic right to compensation. The Highways Act 1980 imposes a duty upon the highway authority responsible for the road to maintain and repair it. Assuming that the council is the relevant highway authority for the road in question, it is only if the council can be shown to be in breach of its statutory duty to maintain the highway that it would be obliged to compensate you for any harm or expense caused to you by the pothole.

The Highways Act requires the relevant highway authority to maintain and repair the highway. The courts have subsequently considered the nature and extent of this duty on many occasions. They have made it clear that a highway authority cannot

be expected to maintain the roads in a perfect state of repair at all times, and that the law must not impose unreasonably high standards upon them.

The key issue is whether the defect amounted to a danger to road users. A degree of imperfection is tolerated. The courts have not specified the size or depth, but potholes which are less than an inch deep would not normally be considered a danger.

You must identify the precise defect in the road that caused your accident. (Take photos and measurements!) The recent case of *Barker v Lancashire County Council* made it clear that it is not enough to point out that a stretch of the highway is generally in poor repair. You must pinpoint the defect and it must be established that that defect was a danger to road users.

Even then, it is still possible for the council to escape responsibility for the claim. Section 58(1) of the Highways Act 1980 provides the council with a statutory defence if it can show that it had 'taken such care as in all the circumstances was reasonably required to ensure that the part of the highway to which the claim relates was not dangerous for traffic'. If the council can produce evidence to show that it was inspecting the road at regular intervals and that there were no defects present at this location on the last inspection, then it can potentially

## MEET THE EXPERTS



**CHRIS JUDEN**  
CTC Technical Officer  
and qualified engineer



**DR MATT BROOKS**  
Cycling GP



**PAUL KITSON**  
Partner from Slater & Gordon  
(UK) LLP

CONTACT  
THE  
EXPERTS

Send health and legal questions to the Editor (details on p78). We regret that Cycle magazine cannot answer unpublished health and legal queries. Technical and general enquiries, however, are a CTC membership service. Contact the CTC Information Office, tel: **0844 736 8450**, [cycling@ctc.org.uk](mailto:cycling@ctc.org.uk) (general enquiries) or Chris Juden, [technical@ctc.org.uk](mailto:technical@ctc.org.uk) (technical enquiries). You can also write to: CTC, Parklands, Railton Road, Guildford, GU2 9JX. And don't forget that CTC operates a free-to-members advice line for personal injury claims, tel: 0844 736 8452.

## TECHNICAL

### REFLECTORS ON CLIPLESS

**Q** How does the law on pedal reflectors apply to SPDs and other clipless pedals? I can't see how reflectors might fit.  
**ANDREW GARSIDE**

**A** If you can't fit reflectors, then you'll be riding illegally in the dark. That's it, end of story. The police however, usually have more important things to do than check such insignificant details – until there's an accident!

If you would rather NOT give a get-out-of-jail-free card to any driver who fails to look in your direction, it is possible to fit functional reflectors to some models of clipless pedal. The original SPD system is your best option. Choose double-sided MTB type pedals, by Shimano, VP, etc, and you will be able to clip a plastic tread and reflector unit (SM-PD22) into one of the bindings. This reduces it to a one-sided SPD pedal, but with a tread surface on the other side good enough for occasional rides in normal shoes. In theory you can unclip it in daylight for two-sided SPD availability, but repeated attach/detachment soon chews up the plastic.

For frequent use in the dark and/or normal shoes, choose a multi-purpose pedal. The premium T780 has reflectors built-in, the entry-level M324 accepts standard bolt-on reflectors, and a specially shaped set (SM-PD61) should be available for M530. It is

on the continent, but not here.

It's the same story with SM-PD40: a functionally sound reflector set for Shimano pedals with pop-up SPD bindings. The new Shimano Click'R pedals (PD-T700 and T400) have pop-up bindings with a lighter spring tension, smaller twist-out angle and reflectors already built into the platform. Click'R pedals are touted for SPD beginners, but would seem a good permanent option for all but the heavier rider-in-a-hurry.

You might think a tread/reflector accessory (like SM-PD22) would be available for Time MTB pedals, but it isn't. And all users of road clipless pedals – including SPD-R – can forget about riding legally in the dark. In the rare event of reflectors being available, they either fail to conform with the regulations or simply fail – when you step on the 'wrong' side!

**CHRIS JUDEN**



Shimano's T780 multi-purpose pedals have reflectors built in



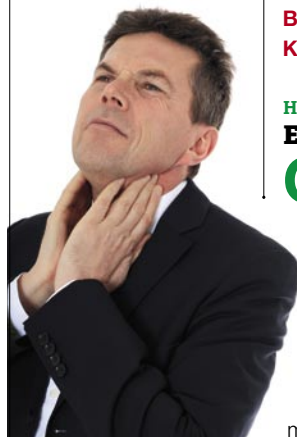
defend the claim.

Challenging such a defence can be difficult. Consider if there is any way of showing that the defect was actually present at the time of the last inspection (for example, by asking local residents how long the pothole had existed). Alternatively, you should consider if the inspections were carried out to a satisfactory standard.

Whilst your claim is against the council, it is its insurers who would meet the claim if the council is legally liable to compensate you. Once they have investigated the claim, they should respond to confirm if they accept responsibility for the accident. If they deny liability, they should give reasons and they should provide all relevant documentation.

If the insurers or the council do not accept your case or fail to respond in a timely manner,

(Below) A sore throat is one of the symptoms of the Epstein Barr Virus



you would have to issue court proceedings against the council – usually in a Small Claims Court.

Finally, don't forget that you can use CTC's FillThatHole app to collect evidence that may be useful not just for your claim but for those of any subsequent cyclists. See fillthathole.org.uk.

**BHAVIKA JOSHI, FOR PAUL KITSON**

## HEALTH EPSTEIN BARR VIRUS

**Q** Do you have any experience and understanding of the virus Epstein Barr? What advice would you give a regular cyclist on how to handle it?  
**ADRIAN RAYNOR**

**A** Epstein Barr Virus (EBV) is a common virus that is a member of the herpes virus family. ➔

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Spread through saliva, it is thought that as many as 95% of people in the United Kingdom will have been infected by the age of 40. Following exposure, there is an incubation period lasting several weeks before EBV causes an infection. Most people are infected by EBV in childhood and experience very few symptoms. However, if the initial infection is delayed until adolescence, EBV can cause glandular fever with tiredness, fever, sore throat, swollen lymph nodes and an enlarged spleen. Glandular fever can last for several weeks.

Blood tests can detect antibodies against EBV to determine whether an infection is current, recent, or past. Many people who have had a mild form of EBV may not know they have been infected.

Treatment is largely supportive. Rest, treating the symptoms, and, in cases of glandular fever, avoiding contact sports to reduce risk of rupture of the spleen, are the basis of management. There are no anti-viral medications or vaccines available to speed healing or prevent infection.

For adult cyclists, the likelihood is you may have already had EBV. In mild or asymptomatic EBV infections, there may be little or no impact on fitness and performance, just as with any non-specific viral illness. However, in more severe cases, including glandular fever with significant fatigue, it may be necessary to have a significantly reduced training schedule or time off the bike. This is important as the body needs opportunity to recover.

**DR MATT BROOKS**

#### TECHNICAL SADDLE CLAMP BOLTS

**Q** I've had two saddle clamp bolts break in the past four weeks. One was the rear bolt on a two-bolt system, and I was able to continue with care. The other had a single clamp bolt and failed catastrophically, the saddle (and me!) flying off completely. I've still got half of the broken bolt (see photo, right). This is not good for confidence!

**ED STUART**

**A** It's a regrettably common occurrence for heavy riders. Single bolt designs are most vulnerable. The bolt is often only a medium strength grade (e.g. '8.8') and electro-plated, which process tends



Fit the right long cage rear mech and you can use a bigger cassette to get lower gears with a double

to reduce the resistance of steel to fatigue. Your photo nicely illustrates that. The smooth surface is the zone of gradual, progressive crack growth, culminating in a few more obvious crack fronts, further apart, at the edge of the final catastrophic tearing fracture.

Considering your experience, it would be prudent to replace the pretty shiny bolts in your seatposts with plain black high-tensile (12.9 grade) bolts – that will go rusty but nevertheless remain strong – of identical thread, length and head size, bought from an industrial fastener supplier. There is sure to be one on a trading estate somewhere near you.

When failures such as this are brought to the attention of those importing the product (it is rarely possible to discover the actual manufacturer), one is invariably told that it's never happened to that product before. And since products change cosmetically all of the time, that might even be true! But we know this happens and continues to happen, with seatposts of all but the finest quality.

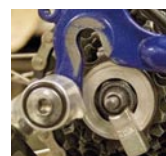
People very rarely get seriously injured this way, fortunately. Until someone does, and is able to prove that it wasn't the bike hitting the road that broke the saddle off, and that they didn't clamp the saddle beyond the limiting measurements on its rails (both tricky), we shall have to go on living with this risk – or upgrade the bolts.

**CHRIS JUDEN**



This single saddle bolt sheared off without warning

The NBT2 enables you to remove a Shimano locking without a big spanner and a chain whip



#### TECHNICAL DOUBLE TO TRIPLE?

**Q** I have a Cannondale Synapse Q105, 10 speed. Up front it's a double 50-34, with 11-28 at the back. My other road bike is a triple, 30-42-52 up front and 13-28 at the back. Hills are easy on that. Not so on the Synapse. How easy is it to convert the double into a triple?  
**MARTIN BAKER**

**A** It's expensive and not easy to convert double to triple, as you need not only the crankset but also triple-type STI controls, plus front and rear mechs. That's virtually a whole new transmission, apart from chain and cassette.

Get just the new-in-2013 105 long cage mech (RD-5701-GS), however, and you can increase the rear sprocket to 32, which will give a very slightly (0.8%) lower gear with a 34 ring than the 30 by 28 on your triple bike. Of course, you'll also need the new cassette (an 11-32 out of the MTB stable) and a longer chain, but it's still simpler and cheaper; STIs are the big cost, plus all the faff with cables and re-taping handlebars.

Hear this from a long-time exponent of triples: doubles work better! So if you can get all the gears you want that way (and now we have ten at the back, you possibly can), stick at two rings.

**CHRIS JUDEN**

#### TECHNICAL HYPERCRACKERS

**Q** I tour remote areas and need to be able to remove Shimano and Campagnolo cassettes to replace broken spokes in the field. Can you tell me where to buy 'hypercrackers' or equivalent locking-removal tools.  
**JOHN CRINION**

**A** I've seen several such tools come and go. The original Pamir Tools 'Hypercracker' is worth looking for at cycle jumbles, but the only one that seems to be current is the NBT2 (NextBestThing-2) made in Netherlands by M-Gineering and sold in UK by Spa Cycles (and perhaps some other places Google didn't find). It's for Shimano lockrings only, but Campag haven't deliberately made an item of touring equipment for years, so that should not be a problem.

**CHRIS JUDEN**