

Wednesday, 09 March 2016
For immediate release

Near miss driver acquitted of all charges in private prosecution

Camera and expert evidence of speeding and close overtaking rejected by jury

Today (Wednesday, 09 March) in Isleworth Crown Court, former qualified driving instructor Aslan Kayardi was acquitted by jury for a private prosecution of dangerous driving brought by Martin Porter QC, with financial backing from CTC's Cyclists' Defence Fund (CDF).

Martin Porter QC, who is a CTC Ambassador, was cycling home from work on 12 February 2015 on the A315 Staines Road, Feltham, Middlesex. Porter was cycling at a speed of 19 mph, when car driver Aslan Kayardi over took him on a single carriageway while heading towards approaching traffic from the opposite direction.

An expert analysed the data provided by Porter's Garmin bike computer and footage from his handlebar video camera. He calculated that Kayardi was travelling at a speed between 51 and 57mph, leaving only a distance between 60 and 80cm when he passed Porter's shoulders.

Kayardi's proximity and speed forced Porter to swerve towards the kerb, in circumstances which could have led him to fall off. Following this near miss, Porter reported the incident to the Metropolitan Police which, despite the available evidence, decided to take no further action.

Supported by CDF, Porter therefore brought a case for private prosecution of dangerous driving against Kayardi.

Martin Porter QC, said:

"Whilst I, of course, respect the verdict of the jury, I believe it is only right that Mr Kayardi was required to justify his driving before a Court of Law.

"I wish to thank my legal team, Mr Ellis Sareen and Ms Emily Albou, for their hard work and consummate skill.

"I also thank the Cyclists' Defence Fund for their financial backing without which a prosecution of this nature is not realistically practicable. My hope is that lessons can be learned from this prosecution with benefit to all those interested in reducing road danger.



Roger Geffen, Policy Director at CTC and Trustee of the Cyclists' Defence Fund said:

“CDF is very disappointed to learn the result of this case, in which the jury rejected even the camera and expert evidence of speeding.

“Despite the public being hugely supportive of more cycling, this verdict highlights the huge challenge we face in raising driver awareness of the need to respect the safety of cyclists and other vulnerable road users.

“Drivers need to appreciate that a cyclist isn't simply an anonymous being, but somebody's child, sibling, parent or grandparent.

“With the Government now committed to a review of driving offences and penalties, following pressure from CTC's Road Justice campaign, CDF will continue to fight cases which can either highlight or better still correct failings of road traffic law and its enforcement.”

Supporters of cycle safety can donate to CDF's ongoing work at:

www.cyclistsdefencefund.org.uk/donate-cdf

For more information contact the national CTC Press Office on 01483 238 315, out of hours 07786 320 713 or email publicity@ctc.org.uk.

Notes to editors:

CTC, the national cycling charity, inspires and helps people to cycle and keep cycling, whatever kind of cycling they do or would like to do. Over a century's experience tells us that cycling is more than useful transport; it makes you feel good, gives you a sense of freedom and creates a better environment for everyone.

www.ctc.org.uk

1. Martin Porter QC, also known as Cycling Silk can be found blogging at: www.thecyclingsilk.blogspot.co.uk and tweeting at: @MartinPorter6