



TRAIL RIDERS FELLOWSHIP

Secretary's Newsletter

JUNE * 1 9 8 9

The last Executive Committee Meeting was a great success, thanks to the organising ability of our new Chairman, in fact the biggest problem will be to top it. The next meeting will be held at the A.M.C.A. Headquarters, Darlaston Road, Wallsall on Sunday 24th of September, starting at 1.p.m.

* * * * *

Since the last meeting I have had replies to my letters to 1) the Byways & Bridleways Trust and 2) The Countryside Commission. Unfortunately neither get us much further forward

I have arranged a prize from Polaroid (U.K.) Ltd of a motorised Slide Processing Kit for the Slide of the Year Competition, and I hope that you all will fit your cameras with slide film and enter, we need the pictures for the stand at the Bike Show on 1st to 6th November, and the colours are so much better than standard colour prints.

* * * * *

This is the time to be planning your Autumn and Winter programmes, not only riding, but Clubnights. How many speakers have you arranged? How many Auction nights, club quizzes, first aid demos, tyre changing competitions? None, I hear you cry. I want you, as local group organiser to get ten per cent more people to your club meetings, and then out on your rides. This is an easy target but you have to tell people what you are doing. When did you last contact your local Radio Station, or even put a small ad in your local paper, three lines in bikes for sale, saying -Get the most out of your trail bike, the branch of the Trail Riders Fellowship meet at.....-

Secretary's Newsletter

P A G E

T W O

Are you registered at your local Library?

Most local libraries have a register of clubs and organisations in their area, make sure that you are on it. The Membership Secretary and I can name hundreds, well many, of people who ring them up and say "I had a hell of a job finding you, but locally there was no sign of an active group," don't let it happen in your area!

Dealers can also be a help, after all they want more customers wearing their bikes out, so sell more spares. I hope to have a poster for you to give them, to put in their window, or their noticeboard, in a month or so. Let me know how many you want?

* * * * *

If some of the legal cases we are pursuing are lost the Fellowship could have no money in the bank, we will then appeal to you, the local groups, to support us in keeping green lanes open, please build up your local funds and when we ask for it, see what you can give to the Fighting Fund.

* * * * *

POWYS COUNTY COUNCIL have now confirmed the Traffic Regulation Order on the Monks Trod, but this only applies to four wheeled (or more) vehicles.

* * * * *

I have had no volunteers to attend the BMF meetings about European Legislation, that means that you can still apply or are you going to leave it as another job on the new secretary's list of tasks.

At the A.G.M. we will now need a new Secretary, Membership Secretary and Rights of Way Officer and all the present ones are resigning because of the lack of support they get from the membership - to a greater or lesser degree. If you want to do something really useful put yourself up for election at the next A.G.M. Don't forget, all motions for discussion to be with the Secretary by the 1st of August, 1989, don't say you have't been warned! ENJOY YOUR RIDING BUT PUT SOMETHING BACK INTO THE FELLOWSHIP.

JOHN R. HIGGIN
197 Britten Rd.
Brighton Hill
BASINGSTOKE, Hants.
841350

EXECUTIVE COMMITTEE MEETING

SUNDAY 19th MARCH 1989

A.M.C.A. OFFICE, DARLASTON ROAD,

WALSALL, WEST MIDLANDS

* M I N U T E S *

David Giles, Chairman, opened the meeting at 1.18.

1 Apologies for absence were received from Lord Strathcarron, Tony Rose, Alan Kind, Bill Riley, Jo Johnson and Keith Westley.

2 The minutes of the last meeting were agreed as a true record with the following amendments; that the Chairman wished it to be added to the minutes that he had spoken to the Open University, the references in 5g should read The Countryside Act 1968 and the Highways Act 1980, the discussion about whether Brian Thompson should be requested to stop writing for Trials and Motocross News was in two parts - early in the meeting and then again at the end - when the meeting had further information, Richard Marshall/Don Burt proposed and seconded the agreement to these minutes with the changes agreed.

AGREED.

3 Matters arising from the previous meeting:

1/89/3.a. The Secretary had written to the Byways and Bridleways Trust but no reply had been received to date.

1/89/3.c. Dave Knight had offered to collect the Fellowship's property from Steve Harris, Gwyn Thomas said that he believed that this had been done as he had received the Willincks Press Guide.

1/89/3.c. The Secretary said that he had asked M.O.L.A.R.A. about its plan to enter records of Rights of Way on Computer but they had not yet done this. It was said that there was a danger of missuse of this information.

Tim Stevens said that he was not happy with the re-write of his suggestions for changes in the constitution and wished to send a copy to all group leaders. This was agreed.

Brian Thompson had added his suggestions for the High Court Judgement in which Bill Riley had been so successful.

The question of Welsh farmers receiving grants to make up roads from the E.E.C. (which are then open to public use) had been looked into and the answer had come that the Grants were no longer available.

Sec Newsletter continued;

Dave Knight was not available to report on plans for the BMF Rally. The matter on whether Brian Thompson should be requested to stop writing his column for Trials and Moto Cross News was then discussed and all groups had been requested to give their views by the Secretary's Newsletter. The vote recorded was 4 to stop and 9 to continue. The motion was lost.

LOST

In response to the vacant post of Bulletin Editor, four people had contacted Rosie, and Tony Thew of Southampton had been asked to fill the post until the next AGM. Since Tony lived in Southampton this would enable the planned monthly publication of the Bulletin to continue.

AGREED

David Marchant asked about the Research that Steven Thompson had done on the Yorkshire Dales. Brian Thompson said that he held the research and there was sufficient evidence for 20 Unclassified County Roads to be claimed as Byways.

Brian Thompson said that there was a possibility of two new groups in York and Hull, but he had heard no further news. The person who was proposing the York Group was Dave Maddox.

4a OFFICERS REPORTS.

Chairman's Report: Dave Giles reported that he stayed in constant touch with the BET, MOLARA, BMF and the other TRF Officers. He had had discussions with Brian Thompson over his post-retirement role (no full time post at present) and agreed a job description for the National ROW Officer.

For the moment the MOLARA office had offered to act as our national postbox.

Following a conversation with Derek Wylde, the pre-65 columnist, TMX had carried the suggestion that trials organisers might avoid 'over used' lanes, etc by reference to the TRF.

Expenses incurred in the Riley case so far amounted to £250, but the case would now go to Appeal which could cost thousands.

'Thank you' to the four people who had offered to help with editing the Bulletin, Tony Thew would hold the fort until the AGM. Dave had taken up the criticisms of the TRF with the author of the anonymous letter in the last issue of the Bulletin and resolved them.

Ken Kanham had agreed to produce a National Runs Calendar if Rep's sent the information.

Since the last meeting the Chairman had had very informative meetings with the: NFU, BHS, Carriage Drivers and Lincolnshire Ass. Director for Recreation and Leisure.

The Chairman wished to propose that the next TRF Executive meeting should concentrate almost entirely on 'Looking Ahead'.

ACCEPTED.

- 4b John Higgin gave the Secretary's report and said that although there had only been two months since the last meeting many events had occurred including the Lake District Report, the South Downs Way

T.R.D. council meeting and the Bill Riley case. There had been a meeting of M.O.L.A.R.A. that he had attended and all the above matters had been discussed in detail. A Secretary's Newsletter had been prepared giving the current situation and incorporating the minutes of the last meeting and the Constitution had been redrafted incorporating Tim Stevens points and sent out to groups for discussion. A stand had been booked at the International Bike Show in November, 1st to 6th and volunteers would be required to man it. The report was accepted.

ACCEPTED

- 4c Tim Ley gave the Treasurer's report; members had made donations of £2758 to the Fighting Fund and that the General Fund stood at £7220. However, foreseeable Legal action could wipe out the Fighting Fund if they all came together. Answering the question of whether the subscriptions would be recommended for an increase at the A.G.M. Tim said that he could not say at this stage of the year. The report was accepted.

ACCEPTED

- 4e Brian Thompson in giving his rights of way report announced his retirement from the Coal Board at the end of March. He noted that the Ramblers had attended the Bill Riley case and had advised the Department of the Environment of the implications. Cumbria County Council are now said to doubt the County Road status of Garburn Pass. He noted that the proposed Lake District Bill will take over management powers on Rights of Way from the County Council to the National Parks Committee which would not do us any favours. There had been several Press reports of damage by four wheel drive vehicles in the Yorkshire Dales. The Government Code of Conduct on ploughing is NOT working and there were still 60% of green lanes ploughed up. He is still extremely worried about continued four wheel drive damage, that could get us all banned. Gwyn Thomas asked about the £20,000 campaign by the Ramblers against vehicles. Brian Thompson said that the Ramblers had 62,000 members and government grants to use in the campaign. Tim Stevens asked what Brian Thompson had meant when he said that the Byways final date is October 1989. Brian said that this date referred to the date in the Cumbria Review. Tim Stevens said that we should take up the matter of the Campaign with the Sports Council because support for the Ramblers meant that they were supporting a campaign against other users. Brian Thompson was asked to supply the Secretary with written evidence.

B. THOMPSON

David Marchant asked about Eyam Moor. Brian Thompson said that he did not wish to claim it as a Byway (it already was a County Maintainable Road) as he didn't wish to open it to four wheel drive damage. The report was accepted.

ACCEPTED

- 4f Tony Thew said that he was pleased to meet the Executive and would welcome any contributions from all members. His report was accepted.

ACCEPTED

- 4g Gwyn Thomas gave his report as Press Officer and appealed for members to send him any press cuttings or local information. He had attended the Somerset County Council Rights of Way Committee. The Exec agreed to recommend members to carry their membership cards to identify themselves. No one other than the Police had the right to demand identification. However, voluntary identification of membership of a bona fide body could at times help all concerned. It was all part of promoting a positive image for the TRF. On group runs there should never be any doubt about being on a carriage road. This motion was moved by R. Marshall, sec. C. Baxter.

ACCEPTED

Members were advised that the Police had been checking road tax and number plates at sporting Trials and for their own sake all members should look closely to the legality of bikes taking part in rides. Tim Stevens brought some very helpful examples of rear lights with him to illustrate how some popular components infringed the law; the same could be said for number plates. It was suggested that he write an article for the Bulletin covering the salient points.

T. STEVENS

5. Any other business. With reference to the South Downs Way, Allan Kind had suggested by letter that we should seek Council's opinion on the matter of maladministration and breaking of the Code of Conduct for Councillors, as per Local Government Circular. Brian Thompson proposed that we ask for Council's opinion and a figure upto £1000 be set aside for this. This was agreed.

AGREED

Gwyn Thomas asked for a list of Regional Group Reps and was told that Tim Stevens represented the North, Nicholas Crocker the South West and Richard Marshall the East Midlands. There were regions being formed in the West Midlands and the South East, but the Regional Reps names were not either known or elected.

6. The date of the next meeting was agreed as Sunday 14th May subject to the acomodation being available in the Midlands area. Dave Giles said that he hoped to have a meeting of considerable interest both to Group Reps and Rights of Way Officers.
The meeting closed at 5.36pm.

ATTENDANCE: J.R. Higgin, D. Giles, T. Thew, C. Baxter, R. Marchant, T. Stevens, R. Marshall, G. Bostock, N. Crocker, P. Banks, R. Tallon, G. Thomas, B. Read, B. Wright, D. Burt, T. Ley, B. Thompson, H. Wadsworth. 18.

Byways & Bridleways Trust

BYWAYS & BRIDLEWAYS TRUST rate
The Granary
Charlcutt
Calne
Wiltshire SN11 9HL
(024 974 273)

19th May, 1989.

John Higgins, Esq.,
197 Britten Road,
Brighton Hill,
Basingstoke,
Hants.

Dear John,

I apologise for waiting so long to reply to your letter of 14th March suggesting we held a meeting to discuss the law and problems connected with vehicles using byways. We have given the matter careful thought and suggest that we might organize a seminar on rights of way for representatives of the vehicle user organizations, which should incorporate one session for general discussion on surface damage.

However this proposal is somewhat tempered by learning from Hampshire County Council that they intend to run a national conference in conjunction with the Countryside Commission on October 11th on vehicular use of byways. I think it will be an important conference which should be well attended by vehicle users organizations. Perhaps we should wait until it has taken place to see what problems need particular attention after it. We could then decide if a seminar would be of use to you, and if so what topics we should concentrate on.

I did not want to write to you until Hampshire County Council had finalized their plans, and assure you any continued discussions will not be so long drawn out!

Yours sincerely,

M. L. Braham

M. L. Braham
Trustee



TRAIL RIDERS FELLOWSHIP

197 Britten Road
Brighton Hill
Basingstoke, Hants
RG24 3HW
Tel: (0256) 841350

May 1989

ANNOUNCING

The Second POLAROID/TRAIL RIDERS FELLOWSHIP SLIDE COMPETITION

The subject is MOTORCYCLES IN THE COUNTRYSIDE

Open to all amateur photographers, whether T.R.F. members or not.

The slides must be 35mm colour reversal slides,
• clearly marked with the entrant's name and a title/location

The prize is donated by POLAROID (UK) Ltd, and is a
35mm SLIDE PROCESSING KIT - motorised,
and it is hoped to present it at the International Bike Show to the winner

The closing date is 30th September 1989
(and judging will take place in October)

The Winner will be announced on 31st October 1989
(on Press Day at the International Motor Cycle Show
at the National Exhibition Centre, Birmingham)

All entries to The Honorary Secretary, Trail Riders Fellowship,
197 Britten Road, Brighton Hill, Basingstoke, Hants RG24 3HW

Countryside COMMISSION

South East Regional Office
30/32 Southampton Street, London WC2E 7RA
Telephone: 01-240 2771

Mr John R Higgin,
Trail Riders Fellowship,
197 Britten Road,
Brighton Hill,
Basingstoke,
Hants RG23 4HW.

Our ref.
Your ref.
Date

LR14/15

22 May 1989

Dear Mr Higgin,

BERKSHIRE OR WESSEX RIDGEWAY, RIDGEWAY NATIONAL TRAIL

Thank you for your letter of 17th April received here at the end of the month.

The Commission has received a draft report of the findings of the Ridgeway Survey from the Consultants, Survey Research Associates. At the moment the report is with officers and there have been no opportunities for policy discussions.

We will obviously inform the public and those with special interests in the Ridgeway when and if we have something newsworthy to report.

I have noted the address changes in your organisation and I will pass this information to our Cheltenham headquarters in case they are unaware of the alterations.

Yours sincerely,
Duncan Mackay

Duncan Mackay

R v Secretary of State for the Environment ex parte Riley

Headnote: Reclassification of a RUPP as a bridleway under Part III of Schedule 3 to the Countryside Act 1968 does not preclude such a bridleway being subsequently upgraded to the status of BOAT under Section 53 of the Wildlife and Countryside Act 1981.

Collingbourne Ducis 21 (part) and 19 were part of an old turnpike road in Wiltshire. Vehicular rights had existed over the ways since time immemorial. In 1952, on the preparation by Wiltshire County Council of its first definitive map under the National Parks and Access to the Countryside Act 1949, the ways were both classified as Roads Used as Public Paths (RUPPs). They remained so classified on the first review in 1957. But by 1972 when the Council published a draft revision of the definitive map pursuant to Section 33 of the 1949 Act and Schedule 3 to the 1968 Act, it had become possible for the first time to designate ways as Byways Open to All Traffic (BOATs). Although the Parish Council's view was that both CD 19 and 21 should be reclassified as bridleways, the Council did not wholly accede to that view. CD 19 was shown on the draft map as a bridleway, but CD 21 was given the draft status of BOAT. In the absence of challenge to the reclassification of CD 19, that path became in 1973 finally reclassified as a bridleway. CD 21's draft reclassification as a BOAT was, however, objected to and resulted in a Public Inquiry being held in 1981.

At that Inquiry, there was evidence which proved conclusively that CD 21 enjoyed vehicular rights and, incidentally, that CD 19 also did. The Secretary of State in his 1984 decision letter upholding his Inspector in part, nevertheless decided that CD 21 should be reclassified as a bridleway. He did so not on the basis that vehicular rights had not been shown to exist, but because it had not been shown that *undue* hardship would be caused by extinguishment of the vehicular rights (see paragraph 10(c) of Schedule 3 to the 1968 Act).

In 1985 Mr. Riley applied to the Council to modify the status of CD 21 (part) and CD 19 to BOAT. The section of the 1981 Act under which he did so was Section 53 and in particular sub-section 3(c) (ii) thereof.

S. 53(3) "The events referred to in sub-section (2) [viz. the events which give rise to an obligation on the Council to modify] are as follows:

S.53(3)(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:

S.53(3)(c)(ii) that a highway shown in the map and statement as a highway of a particular description [e.g. a footpath] ought to be there shown as a highway of a different description [e.g. a bridleway]."

Section 54 — "Duty to reclassify roads used as public paths" — did not apply

because CD 19 and 21 had already been reclassified and so section 54 could not bite.

Mr. Riley's main problem, apparently, was that the effect of reclassification of CD 19 and 21 as bridleways was to extinguish vehicular rights thereover (see paragraph 10 (c) in Schedule 3 to the 1968 Act.) But the Secretary of State, in upholding the County Council's refusal to make a modification order on Mr. Riley's application, based himself on an altogether narrower ground. He took the view that because Mr. Riley's evidence in support of his 1985 application to modify had not really added to the weight of the evidence earlier adduced at the 1981 Inquiry, the Council was under no obligation to make the modification orders sought. Although the reasoning was not spelt out, it appeared to come to this: as the public vehicular rights had earlier been established (i.e. at the Inquiry) there was no new evidence which could subsequently be adduced sufficient to trigger the duty laid on the Council to make a modification order in the events stated above. The Secretary of State did not, however, seek to uphold the Council's decision on the basis that, on reclassification of the RUPPs as bridleways, the vehicular rights thereover had been extinguished.

Mr. Riley moved to quash the decision of the Secretary of State. As to CD 21 (part) he argued successfully that the evidence he adduced in support of his application in 1985 to modify tended to show its vehicular status (as indeed it did) and that this evidence, when considered by the Council with the evidence it already had (i.e. by virtue of the 1981 Inquiry) showed conclusively the vehicular rights in question. It did not matter that Mr. Riley's new evidence did not really add to the weight of that earlier considered; the only relevant point was that it should be relevant evidence "discovered" by the Council, i.e. new evidence. The Council, having made that discovery, was bound to go on to consider also the other [1981] "relevant evidence available to them" (Section 53 (3) (c)) and thus to make the necessary order.

In relation to CD 19, Mr. Riley's case was in fact even stronger. The Council there came under a duty independent of Mr. Riley's 1985 application, to make a modification order, having discovered in 1981 that CD 19 had vehicular rights. As soon as the relevant section (53) of the 1981 Act came into force (which as regards CD 19 it did on 28th February 1983), the Council ought in theory to have made a modification order by reason of its 1981 discovery that the road in fact enjoyed vehicular rights. (It was understandable that it did not do so: for the reclassification process i.e. RUPP to bridleway, was not finally completed until 1987).

Mr. Riley accordingly succeeded in the Divisional Court without having had to overcome what those advising him saw as potentially the most difficult obstacle in his way. For a unanimous Court of Appeal in R

v Secretary of State for the Environment ex parte Hood 1975 Q.B. 891 had all assumed (albeit *obiter*) that the effect of reclassification of a RUPP as a bridleway under the 1968 Act was to extinguish whatever vehicular rights the RUPP had previously enjoyed. Although it was (somewhat faintly) argued in *Riley* on behalf of the Secretary of State that the vehicular rights over RUPPs CD 19 and 21 had been "extinguished" on their reclassification to bridleways, it was not suggested that in these circumstances Section 53 of the 1981 Act could thereafter not apply.

This with respect is quite right (i.e. the 1981 Act can and did apply) but not precisely for the reasons advanced on behalf of the Secretary of State. The reason Mr. Riley succeeded, was that CD 19 and 21, despite having been reclassified as bridleways, *still enjoyed their vehicular rights*. Nothing in the 1968 Act provided in terms for those rights to be extinguished (notwithstanding that paragraph 10(c) in Schedule 3 to the 1968 Act uses the language of extinguishment) and the designation of a path as a bridleway under the 1949 Act (unchanged by the 1968 Act) is expressly without prejudice to the possibility of other (i.e. vehicular) rights existing. See Section 32(4)(b) of the 1949 Act. The judge in *Riley* accepted this argument, albeit that he expressly did so *obiter*, saying in terms that his inclination would have been to hold, if it had been necessary, that the Court of Appeal in *Hood* was wrong to assume that reclassification of a RUPP which enjoyed vehicular rights, as a bridleway, extinguished those rights.

The case thus presumably has potentially significant consequences for all RUPPs with vehicular rights which were reclassified as bridleways pursuant to the "special review" introduced by the 1968 Act.

George Laurence
Barrister, specializing in property and
planning law

BYWAYS AND BRIDLEWAYS TRUST

Subscriptions Run from 1 May to 30 April annually. (Below: as from 1 May, 1989.)

Subscribers will receive issues of *Byway and Bridleway*. Extra copies will be supplied by special arrangement. Legal notes and background papers are available. Subscription forms can be obtained from the Subscriptions Secretary, Byways and Bridleways Trust, The Granary, Charlcott, Calne, Wiltshire, SN11 9HL. Telephone: 024 974 273.

Voluntary organizations including cycling clubs, horse-driving clubs, riding clubs, pony clubs, trail rider clubs and amenity societies. 20p per member (minimum £10).

Riding establishments and livery stables £10. Local authorities County Councils £20 District Councils £20, Parish Councils £10.

Individuals £10. Special arrangements available for larger organizations.

THE COUNTIES OF POWYS AND DYFED
(MONKS TROD, ELAN VALLEY)(PROHIBITION OF DRIVING) JOINT ORDER 19

THE COUNTY COUNCILS OF POWYS AND DYFED in exercise of their powers under Sections 1(1) and (2) and 2(1) and (2) of the Road Traffic Regulation Act 1984 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following joint Order:

1. Save as provided in Article 2 of this Order, no person shall cause any vehicle with four or more wheels to proceed in the contiguous lengths of the Byway numbered LC296 in the Community of Rhayader in the County of Powys and the County unclassified road numbered UH7 in the Community of Ystrad Fflur in the County of Dyfed which form that part of the ancient track known as Monks Trod extending from the junction of the said Byway LC296 with the C204 Rhayader to Cwmystwyth road near Pont-ar-Elan for a distance of approximately six and three quarters miles in a south-westerly direction to a point approximately three quarters of a mile west of Claerwen Farm at grid reference 808676.
2. Nothing in Article 1 of this Order shall prevent any person from causing any vehicle with four or more wheels to proceed in the lengths of byway and/or road concerned if the vehicle is being used to gain access to or egress from land adjoining the said lengths of road with the consent of the Welsh Water Authority in connection with the said Authority's activities of water and land maintenance, farming, shooting, fishing and rights of turbary.
3. This Order shall come into operation on the _____ day of _____ One thousand nine hundred and _____ and may be cited as The Counties of Powys and Dyfed (Monks Trod, Elan Valley)(Prohibition of Driving) Joint Order, 19 .

GIVEN under the Common Seal of the County Council of Powys this
day of _____ One thousand nine hundred and _____

THE COMMON SEAL of THE)
COUNTY COUNCIL OF POWYS)
was hereunto affixed in)
the presence of)

County Solicitor

to stop for feeding and watering, to chat with companion or passerby, and to investigate an ancient hill fort or a medieval church. Even in the winter, a day's walk of this distance should be perfectly possible if you are so inclined.

But there are other ways of travelling the Ridgeway. There are circular routes for walkers or riders, both official and unofficial, based on parts of its length and up to 8 miles (12 km) or so long. There are short strolls from a car park to a hill fort or a burial chamber such as Wayland's Smithy. It would be possible to take two cars and park one at each end of a day's stretch. You could tackle, as I have done more than once, Overton Hill to Streatley and Goring to Ivinghoe as two separate long weekend walks, or either could be shortened slightly to fit comfortably into a normal weekend.

Now are you confined to Shanks's pony, for much of the western 'half' of the path is byway or 'road used as public path (RUPP) and parts of the eastern section are bridleway. Horseriders and cyclists are permitted on bridleways (way-marked with blue arrows) and on byways (marked with red arrows). In addition, motorcycles and other motor vehicles are permitted on byways and most RUPPs. RUPPs are an old classification and all RUPPs are being reclassified as either byways or bridleways, but it will take some time to complete this work.

To some people, motorcycles and four-wheel-drive vehicles are sometimes rather too much in evidence on the western section of the Ridgeway, although it must be agreed that the current voluntary ban on summer Sundays and bank holidays does seem to have reduced the traffic or, at the very least, has tended to make the motorcyclists, especially, more sensitive to the likes and dislikes of other users. Finally, both children and adults, launching model gliders, powered craft, or even themselves attached to hang gliders, seem to find parts of the Ridgeway particularly suitable, as every walker discovers at the weekend or bank holiday in clement weather.

However you tackle the Ridgeway, it is there to be enjoyed and there is much to enjoy. From ridgetop to valley, from hill fort to chalk quarry, from trunk road to narrow track, a traveller on the Ridgeway will be accompanied by the rush of the wind, the songs of birds, the quiet rustle of wheat, and by the knowledge that he or she is following a path that has been trodden more or less continuously over much of its length for thousands of years.

NATIONAL
TRAILGUIDE

THE RIDGEWAY



British Motorcyclists Federation

Jack Wiley House
129 Seaforth Avenue
Motspur Park
Surrey KT3 6JU
01-942 7914

FROM: The BMF Management Committee -
a personal message to you

Proposed new laws against Motorcycling
from the Common Market.

Each year the BMF organises a celebration of motorcycling known as the BMF Rally. This is attended by people such as yourself who enjoy their sport and the atmosphere that is generated when 30,000 people gather at an event that caters for motorcyclists at every level.

For one weekend a year BMF officials concentrate on enjoying their motorcycling - a way of life that they work for the rest of the year to protect. When you look around you today you could be forgiven for thinking that the BMF exists solely to provide a great day out for motorcyclists.

But what about tomorrow? When you are back at home, tired but happy, after an enjoyable weekend, BMF workers will already be back fighting for the rights of Motorcyclists and their way of life. Even as you read this our Research Officer Stephen Prower is already riding to Strasbourg to attend the next session of the European Parliament to lobby and brief members there. Stephen is missing this year's Rally to get there in time. This will be the third official visit to Cologne for talks with the German Federation, the Bundesverband der Motorradfahrer.

If EEC proposals as they stand were introduced they would kill off motorcycling as we know it and present great obstacles to anyone wishing to ride a machine of over 400cc. The BMF are fighting these ideas with the same skill, dedication and efficiency used to organise today's Rally.

We fought last year's proposals to introduce compulsory leg protectors. We won.

We will continue to oppose issues that threaten motorcycling with the same determination. We cannot do so alone. In the world of politics money and numbers count. We need more BMF members to add weight to our arguments. If you are not a member join NOW. If you already belong please encourage your friends to join you in membership.

We need you to help us help you. Join with us now. We are not alone in our fight with the EEC. Our sister organisations in France (FFMC) Germany (BVM) Denmark (Danish Motorcycle Council) and Belgium are all working together.



Patron: Lord Strathcarron

TRAIL RIDERS FELLOWSHIP

EXECUTIVE COMMITTEE MEETING

SUNDAY 14th MAY 1989

NATIONAL MOTORCYCLE MUSEUM
BICKENHILL, BIRMINGHAM

* M I N U T E S *

1. The meeting opened at 11.07a.m. and apologies for absence had been received from Don Burt, Alan Kind, Nick Crocker, Tony Thew, Oliver Cooke, Clive Baxter and Keith Westley. Ian Thompson said that the Devon and Cornwall Groups would be splitting into two, Oliver Cooke had resigned and the Cornwall Group would be meeting at Bodman.
2. The minutes of the last meeting had been written but not yet circulated and would be sent out with the next Secretary's Newsletter.
3. a. Dave Giles gave his report as Chairman and said that he was staying in touch with B & B.T., M.O.L.ARA, the B.M.F., Country side Commission and T.R.F. Officers, He had also had meetings with the N.F.U. and Lady Kirk of the Central Rights of Way Committee, the Welsh Trail Riders Association, and met Bill Lawless and Peter Plummer of Trials and MotoCross News. At the Peak Park Planning Board he had discussed a combined Operation. His conclusions were that the Fellowship was accepted and respected and that personal contact was seen as refreshing and helpful. All the membership must continue these initiatives both on the trail and by local group actions. He said that he had enjoyed the John Ebbrell Memorial Ride and wished the Secretary to write to Ken and Angie Canham Secretar to thank them for all the hard work put in to the organising.
- b. David Giles then read the Membership Secretary's report from Tony Rose who said that we had had a 57% renewal of membership to date and 421 new members which was a total of about 50 more than the same time last year thanks to publicity in MotorCycle News, Trials & MotoCross News, BMF's Motorcycle Rider and the Kawasaki magazine Way Ahead. As quite a few members were late renewing the print run for the Bulletin 130 was low and some members did not receive this Bulletin. No more work had been done on the new P.C Database due to the continuing high level of activity and pressure of other work.

- 3.c. Tim Ley then gave his report as Treasurer and said that we should close the year with a surplus in the General Fund. The problem was that the Fighting Fund and all the legal cases pending. We could have the Fund wiped out in the year if the cases were lost. The level that it stands at today is only an indication that it has not been spent over the last last five years. Report Accepted
- d. John Higgin gave the Secretary's report and said that he had attended a B.M.F. meeting about proposed E.E.C. legislation to restrict riders of machines below 400cc until two years after they had passed their test. No reply had been received from the B&BT or the Countryside Commission to letters sent to them about a byway users conference and the Ridgeway respectively. There had also been a MOLARA meeting where it had been made plain to the four wheel drive clubs that they must control damage caused by their members to green lanes more effectively as time was running out. A barrister had been consulted about the proposed T.R.O. on the South Downs Way and several interesting points had been raised. Locally contacts with the BHS and EHPS had been continued and the Berkshire Joint Users R. of W Committee. Space had been booked at the Southampton Motorcycle Funday and a similar event in Liverpool on 8th July. Report Accepted
- e. Gwyn Thomas gave his Press Officers report and said that he had clashed with Peter Plummer who said that he was trespassing on his patch of Northampton and rights of way. Somerset County Council had increased their budget from £80,000 to £180,000 but none of this was to be spent on green lanes which were the province of the Surveyor. He had met Zara Bowles of the B&BT to discuss Section 56, (out of repair) notices for Devon and Somerset. The Report was Accepted.
- f. Brian Thompson said that he had a weeks holiday in Wales and had met many people about Rights of Way. He had been appointed Rights of Way Officer in Northumberland and would therefore have to stand down as the Fellowships Rights of Way Officer, at the Annual General Meeting. He intended to keep involved with the Institute of Rights of Way Officers and help in teaching at Training Courses. He mentioned that he had tons (literally) of evidence at his home as backup for his map marking services. The temporary T.R.O. now on Sarn Helen had been promised to be made permanent. The T.R.F. still held the key for the locked gate on the Claerwen dam track. Monks Trod was to have a T.R.O. on four wheel vehicles but not bikes. He reported that the National Parks Authority and the Cumbria

County Council had agreed to make a T.R.O. on all Byways excepting bikes, in the Lake District. Reports had been received of one third of all lanes in the Lake District have been damaged by four wheel drive vehicles.

The Highway Authority had written to the landowners of Wenchurst Lane, near Rotherham, advising them that the status is that of Private Carriage Road and the farmers had therefore obstructed it. In order to get it opened it may cost up to £500 in court costs for a solution. N.B. A Private Carriage Road means a Road open for private carriages. Geof Wilson said that in the Yorkshire Dales Report there was no mention of damage by Four wheel drive vehicles. Bevis Billingham said that it had been a great comfort to know that there was someone who could deal effectively with a Section 36 prosecution and he hoped that this service would be continued by the Fellowship.

Tim Stevens suggested that there should be a temporary assistant until October when Brian stepped down, but when he was otherwise engaged, moving house to Northumbria etc. Richard Marshal said that he was unavailable as he had enrolled on an Open University Course and would not have time to take on the post.

3.g. Tony Thew had sent in a report and said that the magazine produced from copy sent in on 12th April had been despatched on 10th May and he was unhappy with this situation. David Giles expressed thanks on behalf of all members that Tony had taken on the task, he said that with a monthly Bulletin and the Secretary's Newsletter we should be feeding out information in greater numbers to more people and all should be up to date.

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Richard Tallon said that the County of Avon was twenty years old and comprised what had been North Somerset and South Gloucestershire. The Bristol group had been formed in the early 1970s average membership was 35 and they ride fortnightly, meet monthly. Maps of Greenwood, Tythe Maps, Railway Act Maps, Enclosure Awards had been obtained to help in the first Avon review. At the first meeting with the County Council they proposed to reclassify 39 RUPPs out of 41 as byways, relying on pre 1980 usage and they had asked for help from Brian Thompson, David Giles help, Louise Braham and Christine Willmore. After much talk it was decided that they must co-ordinate research into maps, have more meetings with the County Councillors and Council Officials, Police and other users. They now thought that they were successful in the claims but nothing was certain or final.

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Bill Riley said that he was not a legal expert (when he started)

but his case as excellently summarised by George Laurence in the B & BT journal, No 3.1989. Bevis Billingham asked if the case was lost would it affect bridleways & footpaths classified under the 1980 Act. Bill Riley said that as far as he could see it would not. The purpose of all Rights of Way Legislation is to record rights of wa, not to extinguish them. The test is "do vehicular rights exist". Steve Pighills said that in Shropshire several RUPPs have been downgraded to Bridleways, could we still ride them? Bill, said that if the evidence is good, keep on riding. Gareth Richards said that in the Isle of Wight, despite the advice of the County Solicitor the R. of W Committee had decided to classify all RUPPs as Bridleway. Bill said that the case should be fought at a Public Inquiry. Norman Howard said that in Dorset there were not even RUPPs and they had advised members to ride C.R.Fs. and C.R.Bs, if they had good user evidence.

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Geof Wilson, and Tim Stevens quoted alternately from the North Yorkshire Moors Plan, Brecon Beacons Park Plan, Lake District ditto and the Peak Park Plan which all quoted noise, smell, noise, erosion, noise, intrusion into quiet areas, fumes and noise, in all these reports. They noted that National Parks had no Statutory Powers over Rights of Way except where these had been delegated by the Highway Authority. The H.A. are still responsible for their upkeep. It was suggested that we should offer the National Parks Authority

- 1) Local Contacts to resolve problems
- 2) Training for Rangers in Rights of Way & Motorcycle activities
- 3) Regular surveys of Track conditions.
- 4) Clearing and Repair Parties.
- 5) Education of "cowboys"
- 6) Voluntary restraint (where appropriate)

AND We should ask in return for Recognition and b) opening up of overgrown routes and C) a place for a T.R.F. representative on the appropriate committees. Recognition should include our name in National Park Literature, on notices etc.

Richard Marshall said that he had offered these services to the Peak Park, he also said that they had 22 fulltime Wardens and 200 part time Wardens and any complaints should be referred back. The result of this initiative is that the Peak Park are the leading Park in recognising Trail Riding.

Bevis Billingham asked if we could get members onto National Park Boards. Geof Wilson said that it was unlikely that another National Park would be created but "worthy people" were asked to sit on the National Parks Committees, Bob Wilson said that to some people all bikes were offensive and our chances were not high.

John Higgin spoke briefly about the History of the Ridgeway conflict and mentioned the voluntary ban written about by C V Venner, Ridgeway Officer, and published in Motorcycle Sport, it was suggested that he write to the Countryside Commission about it. SEC Bevis Billingham spoke about the South Downs Way and the Report of Motorvehicles on the South Downs which concluded that it was impossible and impractical to ban vehicles, as did the police Report at the same time. In 1987 the AWDC mass survey had precipitated a proposal for a Traffic Regulation Order on one mile of the South Downs Way and the Police had not agreed with the proposal unless it was self enforcing. The first proposal had been increased to 9 miles and the proposed Order had been drafted and published and lobbied against.. There had been 355 objections to the Order and 3 letter in favour. from the Ramblers Association, The Sussex Downsmen and the South Downs Forum. Bevis Billingham wrote to the Chairman suggesting that the Fellowship would ride Bridleways and Footpaths with known vehicular rights and none declaration of interests, but the Highways Committee had voted for the Regulation by five votes to 2. In discussion with George Laurence, the Barrister many points were raised about the legality of the Order, which were being investigated with a view to legal action that could be taken.

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WALES -Providing for the future by Brian Thompson, he said that North Wales was in the capable hands of Adrian Walls. He warned that County Councils did not make the Law, only Parliament and the Courts could make Law so that if you were sure of the law you should stand your ground. Mid Wales had only 12 policemen and it could take $1\frac{1}{2}$ hours to get to an incident, so they had little time to deal with for example, Motocross bikes on the Claerwen dam track, or on public roads. Permissive tracks are favoured by the Water Authorities as they can control who uses it and when, but they may want money when privatised, They could give us use of tracks that have been closed because of lack of evidence. Strata Florida may be closed and the temporary T.R.O. may be made permanent at the south end of Sarn Helen. He said that Powys had a Rights of Way Budget of £20,000 but a population of only 110,000. New claims were difficult to make because of our lack of members in the area to find evidence, local members tend to ride with farmers permission. There were very few Water Board Wardens. Brian said that there are 800 green lanes in Powys and Dyffedd. Lanes should be used, and the use recorded, but riders should keep a low profile. Permissive use may be the way to keep out cowboys and illegal riders.

Bill Kershaw, Chairman of the Welsh Trail Riders Association then spoke and said that although they were mainly involved in Enduros they were also retaining an interest in Rights of Way. He said that the Cambrian Council was the Central body in Wales interested in Rights of Way representing the ACU, AMCA, TRF, and BMF. They had Adrian Walls representing the North, Vic Madely in the Centre and himself in the south. The WETRA was the nominated body for all official notices. He is also on the Gwent Consultative Council and attended Hereford and Worcestershire County Council meetings. They were providing competitive venues which kept motocross bikes off rights of way. He disagreed with Brian's views on permissive rights and WETRA had made claims for a Byway on the Claerwen track, which should come up in two years time. Adrian Walls said that the Cambrian Council was a collection of clubs that may have only one or two trail riding members each, but he said they were hoping to have contact telephone numbers for English and Welsh members to find out sensitive lanes or to gather evidence of use from visiting groups.

Martin Harding said that he had looked at Gwent lanes and there were 9 obstructions, there are County Roads obstructed in Wentworth and could he meet Bill Kershaw to discuss it. This was Agreed.

Tim Stevens said that there were gates marked with "TRF, Please close the Gate" and could the letter approving this be copied to other County Councils. It was not known at the time who had placed these signs. All RUPPs in mid Wales that were reclassified were in the old county of Radnorshire, but the review of Gwynedd had been abandoned, Montgomeryshire had no desire or incentive to reclassify in the foreseeable future (5 years) Bevis Billingham asked if permissive rights had to be paid for, he was told that none had been so far. Ian Roscow asked if Brian Thompson's American journey could help with permissive roads. Brian said that in America all land ridden was private land and riders must buy a green sticker. There were problems where this scheme did not operate. There was abuse and damage where an authority did not cater for riders. Where they did lanes would be closed when damaged.

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Geoff Wilson spoke in place of Alan Kind about what is in the pipeline from MOLARAs point of view. He said that the finances raised were to cover the running costs only and it was not possible to cover possible finance of legal costs although it (MOLARA) was the best place to raise questions of raising money before the Secretary of each interested organisation. MOLARA is a forum for discussion and cannot have a policy itself.

The minutes of the last meeting were ready and would be sent out with the Secretary's newsletter.

It was agreed that there should be a subcommittee set up to review the constitutional options and on agreed points. They would point out the Options on all points of dispute for the next meeting and the A.G.M to discuss. The subcommittee would be composed of Martin Harding, Gwyn Thomas and Rich Tallon.

John Stowk asked if there was sufficient money in the funds to cover all the potential legal costs. Tim Ley said that there was not sufficient funds if they all failed. Ron Carter said that it was agreed that the Groups would be approached for funds if this was required. Ian Thompson said that as the cases were to the benefit of all Rights of Way Users and that all users should be asked to contribute. It was suggested that the AWDC and the ARC be approached. Adrian Walls suggested that a pledge fund be set up at MOLARA for the Bill Riley Case and that the T.R.D. would start it off. There was a possibility that the Department of the Environment would make an ex gratia payment because the case is of public interest. The Secretary was to do the draft J. Higgin of a letter asking for the pledge of funds to underwrite Bill Riley and the Fellowship would start it off with £5000. Proposed by Brian Thompson, Seconded Brian Reed, voted for 23 for, 0 against. Agreed

The money for the Bevis Billingham case (South Downs Way, TRO) it was suggested that this could be publicity calling for money if the solicitor advised there was a case. To launch an appeal for which the Fellowship would start with a pump priming sum of £2000 and we would ask for each other organisation to also Agreed raise the same amount to fight this case. Proposed BGT, seconded R. Carter. The Bristol Group were to start prosecution to clear obstructions in the Tintern Cross Roads in Gwent. Rich Tallon had written for two years and no action had been taken. This was agreed Nem Cor

There was then a call for delegates to go to the General Council meeting of the BMF to be held at Basingstoke on the 16th September. David Knight, Tim Stevens, Brian Wright and David Giles volunteered with John R. Higgin. It was suggested that the T.R.F. submit a motion about funds for the Bill Riley case to the BMF AGM. The Agenda for the Action in the National Parks was to be notified to the Bulletin.

The next meeting was to be held at the A.M.C.A. Headquarters, Walsall on Sunday 24th September at 1.p.m. subject to availability of the venue. Secretary to arrange.

The meeting closed at 5.30pm.

JOHN R. HIGGIN
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Secretary