

GROUPS

BRISTOL

Richard Tallon, Tel: 0249 715426
2nd Monday, Tennis Court Inn, Deanery Road (A420),
Kingswood. 4th Friday; Social Night - Tel. for location.

CAMBRIDGE

Howard Biddle, Tel: 0223 232879
1st Thursday, Golden Ball, Boxworth

CHESHIRE

J. Johnson, Tel: 061 427 6963
2 & 4 Monday, The Robin Hood, Buxton Road, High Lane,
Hazel Grove, Stockport

CORNWALL

Roger Fogg, Tel: 0726 671198
3rd Thursday, Ring Secretary for details.

CUMBRIA

Roger Harris, Tel: 0539 725198
2nd Wednesday, Albert Hotel, Bowness on Windermere

DERBYSHIRE & SOUTH YORKSHIRE

David Bonsall, Tel: 0742 748688
2 & 4 Tues. Enfield Arms, Broughton Lane, Attercliffe, Shef. Id.

DEVON

Richard Arscott, Tel: 0803 612950
2nd Tuesday, The Welcome Stranger, Bickington, Nr.
Newton Abbott

DORSET

Pete Boyce, Tel: 0305 783210
1st Tuesday, The Royal Oak, Bere Regis

EAST MIDLANDS

Graham Chinnery, Tel: 0332 863433
2nd Wednesday, Three Horseshoes, Hemmington, Nr. M1
Junct. 24

EAST SCOTLAND

Les Mollison, Tel: 0382 738530
2nd Wednesday, Glencarse Hotel, A85, Perth to Dundee Rd

EAST YORKS.

Dave Barratt, Tel: 0977 672402
2nd Wednesday; Kellingley Social Centre, Knottingley.

ESSEX

Neil Gamble, Tel: 0245 461643
4th Tuesday, The White Horse, Old London Road, Widford,
Chelmsford

GLOUCESTER

Ron Carter, Tel: 045 382 2707
1st Tuesday, Painswick Institute, Painswick, Glos.

HERTFORDSHIRE

Alan Vincent, Tel: 0923 775263
1st Wednesday, Coach & Horses, Newgate Street, Nr Cuffly

ISLE OF WIGHT

Mick Holbrook, Tel: 0983 866361
Last Thursday, Liberal Club, Longford Rd, Shanklin, I.O.W

KENT

Nick Moon, Tel: 0322 862855
2nd Tuesday, Pied Bull, Farningham, Nr. Brands Hatch

LANCASHIRE

Keith Westley, Tel: 0704 893215
1st Tuesday, Hindshead Pub on A49, Charnock Richard

LINCOLNSHIRE

Alan Wilkinson, Tel: 0529 60793
4th Thursday, The Mall, Woodhall, Spar

LODDON VALE

Don Lewis, Tel: 0252 616359
2nd Thursday, The Lamb, Theale, Berkshire
NORFOLK & SUFFOLK - To be Advised
NORTH MIDLANDS
Ray Morse, Tel: 0785 661543
1st Tuesday, Leek Area - Contact group rep (above)

NORTHUMBERLAND

Dave Vaughan, Tel: 091 529 3202
3rd Tuesday, Ryton Rugby Club, Ryton

NORTH WALES

John Mills, Tel: 0477 34425
1st Wednesday, Hope & Anchor, Ewloe Place, Buckley,
Chwydd

SHROPSHIRE

Steve Rodenhurst, Tel: 0952 244161
2nd & last Wednesday, The Bell, Crosshouses, Shrewsbury

SOMERSET

Peter Banks, Tel: 0749 86396
Last Thursday, The Canall Inn, Wrantage

SOUTHERN

Euan Harrison, Tel: 0962 733781
3rd Wednesday, The Priory Inn, Bishops Waltham,
Hampshire

SOUTH LONDON & SURREY

Brian Wright, Tel: 081 669 4214
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SOUTH WALES

G. Jones, Tel: 0239 810255 - Meets to be arranged
SOUTH WALES (WTRA),
Bill Kershaw, Tel: 0633 895241

SUSSEX

Bevis Billingham, Tel: 0243 585128 Last Thursday, Ashing
on Soc. Club, Rr. of Red Lion, A24, 9 miles N. of Worthing

TEESIDE & NORTH YORKS

Leo Crone, Tel: 0325 380117
1st & 3rd Wednesday, Blacksmiths Arms, Swainby.

THAMES VALLEY

Bob Williams, Tel: 0344 24958
3rd Monday, District Arms, Woodthorpe Road, Ashford,
Middlesex

WEST ANGLIA

David Knight, Tel: 0933 313816
1 & 3 Thursday, Scott Bader Clubhouse, Opp. Parish
Church, Woolaston, Wellingborough

WEST MIDLANDS

Dennis Hayter, Tel: 0527 23550
1 & 3 Thursday, Duke of Marlborough, Studley, Warks.

WEST YORKSHIRE

Gordon Carr Tel: 0535 644568
1 & 3 Thursday, Bankfoot Cricket Club, Wickets Close,
(off Cleckheaton Rd.), Odsal, Bradford

WILTSHIRE

Bill Riley, Tel: 02216 3811
1st Tuesday, The Toll House, Holt, Trowbridge

WYVERN

Gwyn James, Tel: 0902 763824
Every Thursday, Hill & Cakemore Ex-Servicemen's Club,
Victoria Road, Blackheath



TRAIL

APRIL 1992

No. 165

The Bulletin of the TRF, the National Club for all who wish to ride Legal Motorcycles on Legal Carriageways.

EDITOR: Mike "Nettlebed" Pedley.



Steve Thoma - West Yorkshire TRF, on our kind of Country. Pic. Mick Swidrack

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Try to make it interesting! . . . All contributions to the Editor
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.....Tel: 0200 445657

EDITOR

The observant will have noticed that we are now incorporating a "disclaimer" to the effect that the magazine content does not necessarily reflect the "official" views of the TRF. This was suggested at the last Executive Committee meeting and we are happy to oblige.

Surprisingly, this seems to form the bulk of criticism of the Bulletin and the Editorial Team, ie. we sometimes publish a letter, article or comment which occasionally does not meet with someone's approval.

I trust you all did, however, approve of our 28 page bumper issue last month! We had accumulated a number of articles, some of which had been held for some time, so we decided to clear the decks as it were.

In spite of this, we are hardly 'awash' with suitable articles which can be put together to make up the magazine each month and we would certainly welcome more Group News and submissions from TRF 'officials' which would save us having to 'invent' copy each month.

As Editor, I strive to make the Bulletin interesting and readable and 'controversy' is of course always more exciting than 'harmony', but the former inevitably upsets someone. Speaking personally, I would not like the Bulletin to sink to the level of a Church 'Parish' magazine, where we simply print inoffensive write-ups of Group runs etc.- you know "first we rode along Banks Lane then we did Uplands Lane, then we ate our sandwiches etc. etc.".

In my opinion, trail riding is exciting, demanding, interesting and controversial, and our Bulletin should be also, so get your fingers out, get your pens out, give us a good copy and we'll give you a good magazine!

NETTLEBED

LETTERS

IoW abroad

Recently (14th -17th March) six intrepid Isle of Wight members took the Bull by the horns, and, set off up the motorway the 200+ miles up to Sheffield. Peter Mogg (XT350), Rob Richards (XT350), Roy Groves (XT350), Alan Penny (KT250), Mick Holbrook (XR250), and, Mark Gregory (XR200) started Saturday at 11am, to do local lanes as a warm up finishing at Totley Moss.

Sunday dawned wet and foggy, we arrived ready at 10am, at the Norfolk Arms at Ringinglow. We were met by Paul Stacey (XL185 special), and Neil Gebbie (XR250), who, throughout the day led expertly, to provide a fantastic days riding, accompanied by breathtaking scenery.

Cracking lanes like Stange Edge, Wellington's Monument, with High Peak and Ladybower brought smiles to everyone's faces as the day drew on. Impromptu photo stops, with resident tumble artist Alan providing the entertainment, (somersaults a speciality) added to the laughs, snowball fights above Hope Valley between Neil and myself proved costly (to me), as someone cheated by hiding great chunks on his handlebars for surprise attacks.

A temporary breakdown taught us all a lesson in repairing that niggly fault, (carry spare electrical wire and connectors) expertly carried out by Neil. The day finished at Redmires through to Ringinglow, and home for tea and tiffin.

Monday saw our group with Mick as navigator trace their own steps out to Royce Clough, and, Hayfield for "Namet" (snap, lunch!) only an unfortunate breakdown ended a great days riding. "Ere these lanes break bikes, I've got to come again!"

So with the best fun a chap can have with his boots on, with a friendly Aw-Do! for the passing public, and, responsible code of conduct riding, a trouble free few days were enjoyed by all, sensible use with quiet machines and regard for other users does wonders. Remember give them no 'amo'.

Special thanks must go to the Derbyshire and South Yorkshire members, Neil and Paul for their time and trouble, thanks lads, and, to Philip Hudson for providing maps and support "See you again!"

M. Gregory . Isle of Wight TRF

XT600 Update

The problem with the head bolts lifting continued in spite of first aluminium insert, steel helicoil and then an oversized steel helicoil, the last one lasted 4 months before lifting the insert. After much thought and various bodesges I decided a new cylinder was the best option. When the new (£160) cylinder arrived 4 new head bolts arrived with it. The new bolts are a full 20mm longer than the standard bolts I'd had so much trouble with. From this one could declare that Yamaha had used head bolts which only used half of the available thread in the barrel, WHY??? So I paid £160 for four new head bolts.

The problem is now cured but I seem to be having problems with the carburation with a high speed hic-up at about 70mph. Even so I still would not swop the lump. It has given me great enjoyment and I am confident it will continue to do so.

DR200 Update:-

Nearing the end of the run Teeside TRF had organised in March the bike lost all spark. The problem is under investigation at the moment. That apart it's been trouble free.

Leo Crone. County Durham

Lake District Advice

Could any TRF member in the Lake District advise me of any green lanes in the area that might interest me.

I will be staying near Lake Windermere for the first two weeks in June. Mainly I intend to tour the Lakes and do some walking, but if there are any lanes that I could coax my XT660 Yamaha up without too much difficulty, I would be pleased to know.

Mr Stephen Gurney, 31 Palmer Avenue, Bushey, Herts, WD2 3NB



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GROUP NEWS

TEESIDE TRF 1992 Runs List

JUNE 14th Richmond Town Square 9.30am

Leo Crone and Jane Lockwood sharing the same bike and occasionally the same seat will lead an easy days green laning featuring easy green lanes, a civilised lunch break and an early finish.

AUGUST 23rd Bank Foot near Ingleby Greenhow 10am

Leo and Jane once more lead a two up trail ride, so easy trails and a pleasant lunch break can be expected, that's a nice way of saying nothing too hard or fast.

NOVEMBER 22nd Stokesley 9.30am Leo leads

Teeside group have been involved in some horse trials recently with another one in April. While not particularly exciting it is good P.R.

There is the threat of a road closure on Black Hambleton Drove Road due to "damage caused by 4 W.D. vehicles" (the council's words not mine), so please keep an eye open for notices in papers or on the lane itself and write in to object.

A word of warning to any of the membership riding on the legal fringe, that grey area we all occasionally visit. An accident between a mountain biker and moto-cross bike on the old green lane between Commondale/Castleton cross roads and Scaling Damn has meant a police car parked on the east end of the lane checking all motorcycles for all the usual things tax, test, legal tyres, lights etc.

SOMERSET GROUP NEW VENUE

There is no longer any need to go round the Globe if you wish to meet the Somerset Group; all you have to do is step into the Canal at Wrantage. Due to change of landlord

the room at the Globe Inn, Somerton, is no longer available (they turned it into a dining room). There was also the realisation that members living west of Taunton had a rather long journey to get to clubnight. It is hoped more will find it convenient to get to the Canal Inn at Wrantage, it's on the A378 to Langport, 4 miles east of the M5 Taunton junction (J25), map ref. ST308224. First meeting will be on 30th April at 8.00pm.



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The Somerset Group is also putting in an appearance with a stand at the Abbey Hill Steam Rally, to be held at the Yeovil Showground Barwick Park, on 2 - 4th May. Together with the possibility of attracting some new members with knowledge of old lanes, we look forward to enjoying the informal entertainment while others get steamed up. See you there?

Peter R Banks

DEAR ESSEX MEMBER,

Just a short letter to introduce myself as the new representative for the Essex TRF and to let you know about the following changes.

The new Rights of Way Officer is Gary Bransgrove, who's telephone number is 0702 230229.

The pub for the meetings on the 4th Tuesday of the month is now the Green Man at Takeley, which is on the A120.

We would like to see as many people as possible at these meetings, so please come along and bring any friends that you think may be interested, the more the merrier. We are always interested in new ideas, new runs and more people going on them.

For those who have renewed their membership, thank you very much. If you have not, please could you send off your membership forms as soon as possible.

If you would like any other information or details about the TRF, please do not hesitate to contact me on the below telephone number.

Mark Kinnard, TRF Essex Group, 4 Albury Hall Cottages, Albury Hall Park, Albury, Nr Ware, Herts, SG11 2HX, Tel. 0279 771023.

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RoW NEWS

Two major things to report this month; I will not try to guess which will be of more significance for us. The first was the Derby Workshop, attended by fifty people keen to know more about the rights of way. That is a fairly big roomful, with TRF chaps from Northumberland & Durham down to Sussex, and Powys across to Cambridge, and a sprinkle of horseriders, all wheel drivers and council officials giving us the benefit of their disparate experiences. We learnt about the BHS Arrow scheme to get bridleways and byways open, the LARA scheme to make notification of changes in the network simpler and more reliable, and the TRF bursary scheme to help fill in the gaps in our knowledge. We heard about the absolute duties of highway authorities, their persistent neglect of these duties, and some of the excuses that are wheeled out. And we were amazed by the many sources of evidence that can be found to support what we do, and even more amazed by the trouble some RoW workers go to in claiming our rights. We were knee deep in old maps and even deeper in enthusiasm from all who were there. I hope everyone enjoyed themselves, it certainly looked that way to me. No doubt they will write in and say so if I am wrong - look out Mick!

One suggestion to come out of the discussions was the need for more workshops of an even more basic nature, and not just for us. Most counties have rights of way staff who are not as clued up as they would like to be, and just as we all find it difficult to find the answers to awkward questions, so do they. So when we have found the answers we should share them. In other words, perhaps we should set up a few more weekend or one-day workshops in various parts of the country, and also invite all the local Councils, the County Surveyors Association, the Institute of Public RoW Officers, the Byways and Bridleways Trust, and so on, in plenty of time to get the word out to their members, and staff. Less immediate benefit for the TRF perhaps, although of course our members would be encouraged to be there, but wouldn't it be useful to know someone in every RoW section up and down the land, and to know that they knew how important our rights are for all users, not just those on foot. If we do this it will need a lot less effort from local TRF groups, to set up the event. Derby was made *much* easier for me because I had strong local support, especially from Dave Giles and Richard Marshall. Elsewhere I would need similar stalwarts to do the local dashing about and tying up of loose ends, so if you feel up to it, do get in touch.

Second on the agenda was a meeting of a very different sort. Dave Giles, Richard Marshall and I went down to Cheltenham to see the Countryside Commission. Dave had said to them that if only their workers knew more about us, they would surely be less inclined to ignore our needs when making plans for new National so called Trails, and so their Access Chief Jeremy Worth had called in two of his regional officers to talk with us. So there we were, in our best suits and miles from home, keen to put a good case for Trail Riding to two officers who were new to the idea. As you can imagine we were a bit nervous, not sure of the reaction we would get for daring to ride motorcycles in the countryside, so it was a really sympathetic idea of Jerry's to wear a pullover with a

gaping hole in it. How nice to be able to put us at our ease so readily . . .

I am not so sure about the rest of the deal, though. His cronies just did not turn up. So we had the privilege of a long chat with the one officer of the Commission who already knew something about our aspirations. To be fair, he did put on a show of embarrassment that he had been let down in this way, and he went to some trouble to trawl the building for someone else to make up the numbers, coming up with Roy Hickey who sits on the Haselhurst Committee and hears about us through Bill Kershaw. So it was perhaps not a case of preaching to the converted, not quite. But certainly preaching again to those who had heard it all before.

We told them about our bursary scheme, spending a quarter of our income on new RoW work, and they told us about their Parish Paths Partnership aimed to bring local initiatives to bear on local paths. Paths, note, with its implications for us. We told them how we try to prevent conflict by making all rights known, and they told us about the good work in hand to ensure that routes were all way-marked with their definitive status. Definitive, note, with its implications for us. We reminded them of the work we do to keep open the most useful bits of the network for ALL to use, and they reminded us of their unwritten policy that they had no remit for motorised recreation.

We did come away with three suggestions from them which might help our cause:

We would approach the Sports Council to help get the problems of Unclassified Roads properly sorted out.

We could set up some Regional Training Initiatives to help spread the word with other users and workers.

We could produce a booklet setting out exactly what Byways were about, what would and would not happen when a Byway was put on the map. This should not just accompany any Byway claim we made, but go at the same time to local user groups, the NFU and CLA officers, and the press to try to calm everyone's fears about 'open to all traffic', making race tracks, and scrambling on footpaths.

All good ideas, all already under active consideration by us. It really was a very valuable use of three TRF officers precious days off work to be told that we should be doing more ourselves. Especially by officers of a body paid for by us, whose duty extends to ALL who wish to visit the countryside for recreation. Excuse me if I seem more than usually cynical.

TIM STEVENS

BREAKING FOR SPARES

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SHARING

I have approved of the exchange of views in recent issues of Trail, I think its healthy that we can debate these issues in public and try to put our own house in order. We have never claimed to be saints but we also recognise that in the long run we can only conduct Trail-riding within the framework of the law; so either we regulate ourselves or others will do it for us. Besides, putting what you think on paper,- in the public domain,- raises the standards, fellow members or even the public at large, can evaluate your arguments and judge their worth.

That you get the standards that you demand: on the trail in bike preparation and riding discipline or in the Group in sharing out the jobs was the very clear message from reports given at the last Exec meeting. Devoted to 'around the Groups' it was fascinating to hear how common some of the problems were and how at least one other group in the room had found a solution.

A case in point concerned leading Group runs; some Groups had a deliberate policy of 'growing' new run leaders whilst others still sadly shook their heads and muttered . . ."It's always the same old few". "What about some tips then?" said another. "Yeah, that's a good idea," said several in unison. And everyone seemed to be looking at me. "Okay then" I said. "I'll start the ball rolling". I did once do something on these lines when I was secretary to the British club, the principles should have remained much the same. However, because some parts need up-dating the Editor and I have agreed that we will serialise it in two parts.

..Snippets.....

We have received a call from the BHS. Would ALL trail riders at ANY horse event ensure they are road legal and covered by at least 3rd party insurance. This is essential at horse trials, gymkanas or any event where there are members of the public EVEN IF IT'S ON PRIVATE LAND.

Please comply, you can see why it makes sense.

Last year the chairman visited the CLA and NFU headquarters and we now have a 'hot-line' and exchange newsletters. At the end of March Dave with Richard Marshall and Tim Stevens visited the countryside Commission HQ in Cheltenham. From this have come proposals to :

Involve us in a study on recreational impact on the countryside; Attempt to find a mechanism to persuade Authorities to put UCR's on the definitive maps as highways; Support for dropping 'open to all traffic' from the byway definition; Consideration of our suggestion to have motorised-users represented in the National Parks (they want all routes 'defined' by 1995); An opportunity to provide information to allay the Public's fears about RUPP reclassification; and an opportunity to assist in the training for liaison officers with the new CC 'Parish Path Partnership' initiative.

The last weekend in March saw 50 people from BHS, AWDC and highway authorities at our Derby RoW seminar. It was excellent and Tim and Mary Stevens deserve our particular thanks. "He's doing a first class job!" says Brian Thompson who was there,

now that's praise!

Another TRF beginners RoW weekend will be considered in the Autumn if there is sufficient demand. The present British Rail Engineering centre in Derby give excellent facilities and accomodation, but we will move North or South given sufficient demand. Ring or write to us NOW, we need 6 months notice!

The Ridgeway Enquiry is likely to be in September-October. Any delay is likely to be because of a change of minister.

Every group should have seen and discussed these simple C.C. pamphlets:

CCP370 Parish Paths Partnership

CCP348 At work in the countryside

CCP282 Ten Critical Years - an agenda for the 1990's

All free from *Countryside Commission Publications, Printworks Lane, Levenshulme, Manchester, M19 3JP Tel. 061 224 6257.*

Please believe us : if your group is not a member of the Byways and Bridleways Trust you really should be. 10 copies of their excellent newsheet a year for £12.50. Subscriptions start in May so write now to the *BBT, The Granary, Tucks Farm, Charlcutt, Nr. Calne, Wilts.*

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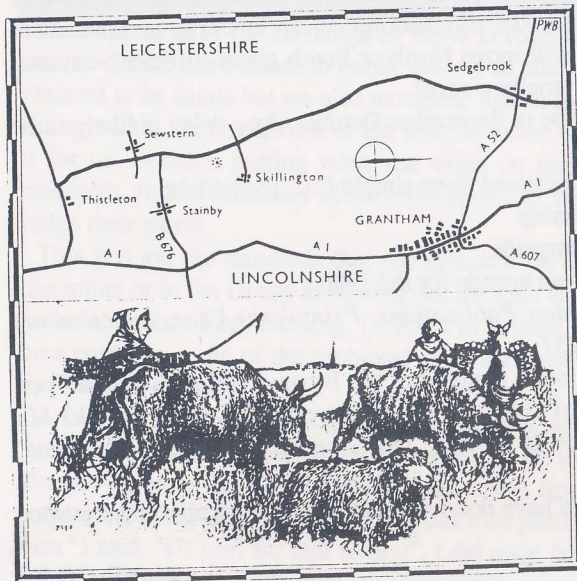
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SEWSTERN LANE...



Sewstern Lane, in the Midlands, survived as such a drove road. It runs right along the Leicestershire and Lincolnshire border, more or less parallel with Ermine Street - that Roman road two and a half miles or so to the east which is now part of our Great North Road or A1.

As a road, this quiet, little-trodden stretch of flowers and deep grass is perhaps four thousand years old. Never much of a road for wheels, it was last busy a hundred or a hundred and fifty years ago, dented with hoof marks of lowing cattle trailing southward from Yorkshire and Scotland to the London slaughter-houses. Away to the north-west of Grantham, and south of Sewstern, the Lane loses its character and changes to a modern by-road.

Taken from "The Shell Book of Roads" text by Geoff Simpson Ebury Press. Mid 1960's.

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INFORMATION FROM THE BMF ON EUROPEAN COMMUNITY TYPE-APPROVAL REGULATION FOR MOTORCYCLES AND THREE-WHEELERS

What is Type-Approval

EC Type-Approval is the set of regulations to which vehicles and their component parts for sale in the Community will be designed and manufactured. This means that for a given model of motorcycle, there will be no national variants except lights which will dip differently for Britain. Otherwise, a Honda CBR 600 will be the same whether it is sold in Italy, Germany, the Netherlands or Britain. This should mean a reduction in costs for manufacturers. It also means that Type Approved parts should be of good quality and fit. The intention of the European Commission is that these regulations will replace all national type-approval and construction and use regulations.

When a vehicle is being assessed for Type-Approval, it will be considered from the point of view of its individual component parts, technical entities comprising collections of these components such as complete braking system or a power plant which will include the intake and exhaust system and the whole vehicle complete with its characteristics.

Shortcoming Of The Regulation

The main concern of motorcyclists is whether the Regulation will be operated in the same way as the German national type-approval regulations. In this every vehicle has a book which lists the parts and accessories including tyres which may be fitted. If the owner wants to fit something non-standard, the vehicle must be inspected by a test-house and a new document raised. Failure to comply can mean heavy penalties.

Although Article 14 refers to vehicles in use, we have been assured that the European Commission does not intend it to apply to vehicles once they have left the show room. However the ambiguity should be removed.

The Regulation makes little provision for one-off specials builders and small volume manufacturers. It merely gives discretionary exemptions from some of the Special Regulations. The bulk of the Type-Approval procedure would still have to be undertaken. It fails to introduce a mechanism by which all interested parties should be consulted when a member state is considering banning a vehicle on safety grounds.

No account is taken of on-road competition vehicles, personal imports or parts manufactured for vehicles designed and constructed before the advent of Type-Approval. Neither does it take account of sidecars implying that the fitting of a sidecar to a motorcycle will change its vehicle classification requiring another T/A assessment.

TO BE CONTINUED.

interviewed the riders and were told of the riders' claim to be riding the highway legally. This was followed up with a letter to the then Chief Prosecuting Solicitor of Co Durham (before the Crown Prosecution Service) who met two of the riders (Basil Mellon and Alan Kind), examined photocopies of the Inclosure Award and other evidence, and immediately dropped proceedings.

4. The attitude of Durham County Council.

The Rights of Way Officer of Durham County Council has made it clear to David Vaughan, Leo Crone and Alan Kind that if any attempt is made to claim these inclosure roads as BOATs, they would immediately seek to impose a traffic regulation order prohibiting motor vehicles. This leaves "common law rights" as the only practical avenue open to users wishing to travel the highways.

Durham's attitude to the reclassification of the RUPP section of Barnard Castle Lane is similarly unco-operative.

5. The prosecution over using Middleton Lane.

In the first half of 1991 a group of 8 or 9 trail riders, led by Northumbria TRF's David Vaughan, rode east-west along the length of Middleton Lane and the B6278 they encountered gamekeepers who questioned their right to be there and called the police. The gamekeepers were told, plainly and politely, the nature of the evidence on the history of the highway.

It is important to note that the group had left the course of the highway near to the junction because the true course is very boggy - just about impassable. However, they do admit to "cutting the corner" and being further from the true course than a forced diversion would demand. *That might well have been fatal to their defence.*

The local policeman arrived at high speed and with flashing blue light as the group rode on towards Stanhope. The group waited at the side of the road without being pulled over and all removed their helmets. David Vaughan explained to the police officer the background to the road and, most importantly, told him where the evidence could be seen.

The police officer examined documents. The group heard no more until October when they all received summonses in connection with riding on Middleton Lane. One rider was also summoned for not having a current MoT certificate.

The Northumbria TRF's "acting, honorary, unpaid solicitor", Basil Mellon, commenced the defence of the summonses, but was obliged by circumstances beyond his control to hand over responsibility in November. That is when I was first asked by the TRF to assist with the case due to the short timescales.

I asked a partner in a local firm which I knew to be competent to take the case. Mr Richard Park immediately gained the necessary adjournment and, together, we set about examining the evidence and developing the defence. The TRF had agreed to cover the legal fees involved and my time and expenses were to be put down as part of my LARA work.

6. The Defence.

Luckily for us, the summonses were defective. The summonses stated the offence, under section 34 (1) (a) of the Road Traffic Act 1988:

Driving on land not forming part of a road between Pawlaw Pike and Allotment House.

Reference to the sketch map will show that the place referred to is not where the gamekeepers and/or police saw the riders and is not where the riders deviated from the road.

David Vaughan is sure that the riders certainly were on the course of Middleton Lane between Pawlaw Pike and Allotment House. It seems to me that the riders should have been charged under s34 (1) (b): *driving without lawful authority on any road being a footpath or bridleway* if the police were to have any reasonable chance of success.

Mr Park and I met early in December 1991 to discuss these matters. I then went back to the archives in Durham to re-examine the Inclosure Award and to have some copies properly authenticated. Remember that evidential requirements for court appearances are more stringent than those for public inquiries.

Mr Park initiated contacts with the Crown Prosecution Service, alerting them to our proposed defence. This is necessary both to try and avoid a court hearing and to claim costs if successful. The CPS chief, Mr McFaul, asked to meet Mr Park and myself at the archives in early January. He was unable to make the appointment and asked Mr Park to examine the documents carefully and report back (note the trust between solicitors on different sides of the case). I took Mr Park through the Act, Award and Map, referring both to originals and working copies. Mr Park verified the accuracy of my page references and transcripts from the handwritten texts.

Mr McFaul also admitted that the summonses seemed flawed and that they could not be corrected since they were over 6 months old. He did, however, go back to the police and gamekeepers, to see if they could give evidence to say the riders were off the track of the road as and where stated in the summonses. Mr Park reported back to Mr McFaul and the summonses were immediately withdrawn.

7. Seeking Costs.

Mr Park was cautious about the chances of winning costs against the CPS/Police due to the huge discretion given to the magistrates. Although it was not, strictly, necessary, both David Vaughan and I attended the court in Bishop Auckland on Friday 24th January (a special sitting) at which Mr McFaul formally withdrew the summonses and objected to Mr Park's request for an order for costs to be made.

Mr Park gave the magistrates the background to the case and stressed that David Vaughan had told the police officer where to find the necessary evidence to support the TRF's use. Mr McFaul did not accept this, but without witnesses could not refute it either. David was not called to give evidence. Mr Park also told the magistrates of the earlier Bollihope Lane case.

Mr McFaul tried to argue against this and even resorted to hinting that motorcycle use was prejudicial to "wildlife", etc, but it was quite clear this was something of an act of

desperation. Mr Park said afterwards that he did not bother objecting to these comments as he thought they damaged Mr McFaul, not the TRF.

The basis of awarding costs is two-fold.

- a. Against the police where there has been an unnecessary or improper act or omission.
- b. Out of public funds where criminal charges have been brought, then dropped, causing costs to the person charged.

The Clerk to the Justices gave an excellent exposition of this to the magistrates. They retired for about 45 minutes and came back to award costs from public funds. Mr Park thinks that is because they were very reluctant to publicly attach blame to the police officer. In fact, this is the better option for us as we are likely to get a more generous settlement.

The magistrates then considered the no MoT offence, awarded a fine of £20, but decided not to award costs against the rider. Mr McFaul had asked for costs of £20.

8. Measure of Costs.

It is likely that costs will cover all Mr Park's fees and disbursements. We may well get a reasonable amount to cover my time and travel, plus the defendants' essential costs such as photocopying evidence and, maybe, loss of earnings. The total is likely to exceed £100. My costs will be submitted via David Vaughan as it is he who, technically, instructed Mr Park in this matter.

9. The future use of this highway.

Mr McFaul observed that the landowner "is taking legal advice" on the matter, so I guess that, one way or another, we face a fight.

10. Lessons to be learned.

There are a number of interesting points in this case:

10.1 Where a police officer interviews "offenders" on the scene, there is less likelihood of his listening to the evidence in a meaningful way than if the drivers are merely reported, to be interviewed later by the police. Mr McFaul suggested to me, and I agree, that anyone in this situation in the future should take the number and situation of the policeman and write in immediately, setting out the evidence clearly. The road users might also carry a synopsis of the evidence with them.

10.2 Act promptly and openly if summonses arrive. There is less chance of gaining costs where the prosecuting authorities are not given the full defence as early as possible.

10.3 Actions such as deviation from the course of the highway make the riders look less responsible and the case less defensible.

10.4 If riders/drivers have several machine/personal offences between them the magistrates would probably be minded not to grant costs on the question of use of the highway. Would the TRF group described in the January TRF magazine have won costs in a case such as this? I very much doubt it.

10.5 Always be scrupulously polite when stopped by a policeman and remove your helmets to show the absence of the "hooligan factor".

10.6 Remember that the evidence you rely on to ride such highways may be harder to prove in court than you might imagine. It is better to avoid a court hearing than seek one to "score points".

In conclusion, I suggest this group of riders was lucky in that their deviation from the course of the road was, due to the defective summons, not enough to have them convicted. Also, the one, relatively minor, technical offence of no MoT was not enough to prejudice the magistrates against the defendants in their use of discretion when considering costs. The TRF purports to be careful and law abiding. This must extend to all aspects of their activity or it may, one day, backfire to our general detriment.

Alan Kind. January 1992

Wolsingham Common Inclosure Award 1767

Pages 85/86.

AND we do hereby Order Award Direct and Appoint that all the said several common public highways above mentioned ascertained and set out and called by the several names of (including Middleton Lane) . . . as the same herein before severally mentioned and described and every one of them shall and may from time to time and at all times hereafter be used by all and all manner of persons passing and repassing either on foot or with horses wains carts carriages or cattle and for all other purposes whatsoever at their free will and pleasure and shall be made and forever remain of the breadth of sixty feet

Middleton Lane

And we do hereby set out and appoint another public highway sixty feet in breadth through and over another part of the the said South Moor or Common as the same has already been staked and set out beginning at the said plot of ground hereinafter set out for the said sand quarry from there leading westward along BEdge to the end of a lane hereinafter set out and called Lime Lane from there further westward to the end of a lane hereinafter set out and called Hartop Lane and so to a lane hereinafter set out and called Sunnyside Lane from there further westward to the place where two lanes hereinafter set out and called Pikestone Lane and Black Moss Lane meet and thence past the hope to a lane hereinafter set out and called Bollyhope Lane thence further westward to a lane hereinafter set out and called Ape Shield Lane and from there further westward to a lane hereinafter set out and called Harophead Lane so to a lane hereinafter set out and called Ape Shield Rigg Lane and so from thence further westward to the Five Pikes and so the the north of Pawlaw Pike which said last described highway . . .shall hereinafter refer to and call by the Name of Middleton Lane.

PLEASE NOTE That the views expressed in this magazine are not necessarily the official views of the TRF.