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# TRAIL

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

JULY 2003 No. 299



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*The views expressed in 'Trail' are those of its correspondents and not necessarily of the editor or the T.R.F.*

## EDITOR

Trail riders are a determined bunch, sometimes stubborn beyond belief, riding in the most atrocious conditions - just because they said 'I'll see you on Saturday' to a few other mad trail riders. Now take that determination several stages further, remove a leg, add a BIG dose of courage and a little help from his friends (it is a fellowship) - that's the story of Bob Chapman's return to the trail (page 12).

After reading that story and you're all fired up, carry on reading 'Public Rights of Way - The Basics' part I and by the time you've read all four parts you're hopefully still fired up enough to fight for our rights to use these ancient roads and eventually to pass on these rights to future generations.

Don't forget TRAIL is the great debating chamber of the TRF and thrives on the exchange of ideas and opinions. If you've something to say, send it in, it is always appreciated.

*Fred Ellison*

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### COVER PHOTO

Paul Barton on a Dominator  
 complete with tank bag, tent &  
 luggage crossing the ford  
 at Little Langdale in the Lakes

**All Contributions to the Editor ..... Please keep it short and sweet!**  
**COPY DEADLINE: FIRST POST, 1ST TUESDAY OF MONTH**



# FROM THE CHAIRMAN...

My piece of last month listing where I stand on a number of aspects of trail riding was bound to raise a few eyebrows. I laid bets with myself as to which point would stir the greatest comment, and I didn't lose. I said:

*That some of us feel the need to dress like gladiators in body armour and full-face helmet to protect ourselves when trail-riding on routes that by their very status are used by other classes of user in some way justifies the claims of detractors that it's not an appropriate activity in a public place (on a public highway).*

Of the comments received opposing my view there was one thread of defence throughout them all. "Body armour and full face helmets are for my own personal safety" they said in so many words. It's a defence that, on the face of it, seems hard to counter ... but I plan too, for I don't believe that it's a firm defence in these circumstances.

If you ride with the idea that you need to protect yourself exceptionally against the risk that heads your way whilst on the trail, then consider how others using the route feel. What protection do they have? The trails we lawfully use are multi-user routes. Walkers and horse-riders, children and the aged, the able and the infirm use them too. And we welcome them ... so long as they don't object when they come across a motorcycle or 4x4 sharing the route with them. Indeed one of the presumptions of a byway is that it is predominantly used for the purpose for which a footpath and bridleway is used. In other words, it has more of the characteristic of a footpath and bridleway than it has of a road that is dominantly used by vehicles.

My question is, under what circumstances do you think that body armour and full-face helmet may protect you where other users may not also get caught up in your accident? Isn't it reasonable for other users to wonder what misfortune may a trail rider be anticipating by wearing such serious protection and think that they may be caught up in the same injury making misfortune? On roads carrying the bulk of Britain's vehicular traffic the chance of a motorcycle being caught up in someone else's accident is still greater than being the victim of an accident of one's own making. But that's not the case on the trail. Whatever personal protective gear we wear is largely to protect ourselves from ourselves, not from others (landowners intent on GBH excepted!). If we give the impression that we are vulnerable when we are riding, isn't it fair for other users to think that they too may be vulnerable from the same source?

Because trail-routes are multi-user facilities (with a bias to pedestrians and horse

*"If you ride with the idea that you need to protect yourself exceptionally against the risk that heads your way whilst on the trail, then consider how the other users of the route feel. What protection do they have?"*

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riders) I contend that body armour and full-face helmets give out the wrong message. It's a message that leads others to question whether trail riders are acceptable "traffic" on multi-user routes. Some of you have said to me that you think you may get hurt so you need to protect yourselves. But our concerns shouldn't stop there. In getting hurt on a trail there is a chance that others may get caught up in our hurt as well. That's a risk that needs to be minimised, insofar as any accident likelihood can be. One way of doing that is to dress-down to the situation and ride accordingly ... on the tarmac stretches between trails as well.

For some years, until quite recently, I was responsible for a large section of Britain's motorcycle sport. I'm not a killjoy. I love adventure sport ... in the right place under the right circumstances. On the race track, the moto-cross circuit and the speedway oval there is an anticipation that an accident will happen in competition and that out of control bikes may stray into spectator areas. Consequently, reasonable precautions are put in place, both to protect the rider against the reasonably high risk of incident, and to separate bystanders from competitors and their machines. On the public trail such separation isn't possible and the chance of an incident happening can be minimised only by considerate riding; in which case body armour and full face helmets aren't necessary ... are they. Other users need to feel comfortable with the mix of traffic and the people they are sharing the road with. If they don't you can be sure they'll object to us being there, and maybe reasonably so. It's not insignificant that the one discipline of motorcycle sport that employs only open-face helmets and no body

protection is trials, at which lookers-on are hardly separated from the motorcycles.

Do members who cite concerns for personal safety as the reason for employing maximum personal protection devices whilst on a motorcycle wear full face helmet and five point fixing harnesses in your cars. I think not. The defence doesn't stack up. Other users need to feel comfortable in the company of trail riders. That many don't, when we look like gladiators (or knights dressed for a joust!) and can't make eye contact, is problem for us.

Riding public roads in a manner that doesn't place our own bodies, or those of other users, at so much risk may also be good for the surface of the trails. But that's a consideration for another time maybe.

Geoff Wilson 01.07.2003

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## NOTICE BOARD

### HELP NEEDED

British Off Road Motorsport Show, Trentham Gardens, Nr Stoke, Staffs.  
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I have negotiated with the organisers a 30 x 30 feet display area and a family pass for every bike displayed. All club stands will be entered in the club display competition. Prizes up for grabs.

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## RoW CO-ORDINATOR'S REPORT

### JUNE EXECUTIVE

First, allow me to apologise for my absence. I have house guests for the month that we are unlikely to see again for the next five years. Against this there is the TRF Executive who I fear I shall see several more times this year – unless I can find another good excuse.

Since my last report there have been a number of issues that have come and gone and a few that are rumbling on.

I attended the launch of a CoAg sponsored BOAT condition survey in Bristol. An extremely brief meeting lasting three hours – or three and a half hours if you include lunch. The purpose of the meeting was to inform the users, local authorities and GLEAM, who had three top flight members present, of the proposed methodology for the forthcoming survey of the condition BOATs. There will be twenty areas of study. A random point will be selected and the nearest 20km of BOAT surveyed. The BOATs in these 'clusters' will driven in a 4x4 carrying specialist equipment and notes made on each end and every 100m segment in between. The data collected will include a photograph at each point. I will admit to smiling to myself at several point during the afternoon. Whilst all present were focused on co-operation and the potential for improving our knowledge of the condition of BOATs the three GLEAM representatives just kept trotting out the same negative mantra as if they were programmed automatons.

The TRF have met with Mr Alun Michaels on the topic of s.34A and how that might be fairly introduced. We are supposed to be providing feedback post that meeting but I will admit to being out of new ideas (or is that just plain burnt out?).

Various Agencies are keen to bury the A303 west of Amesbury where it passes Stonehenge. This will involve the closing of several BOATs and a number of other RoW with slumbering carriageway rights. I have been dealing with the Highways Agency on this one and at first I thought that this would be reasonably straight forward. Wrong. The individuals we have to deal with are more interested in image and presentation than public access. I have to say that if they are not totally clueless then they are malevolent towards those wishing to use the countryside for recreation. I think that English Heritage have given the instructions to preclude any recreational user that does not walk. The reason for closure of the main BOAT that passes through the extended area for re-landscaping is given as 'incompatibility with the number of visitors to the stones'. The fact that a new road is to be built to carry the twelve road-trains per hour that will bring these visitors to the stones is not seen as a detriment to the landscape. The draft Side Road Orders have been issued for consultation. Needless to say they show the same errors as the original papers, despite it being pointed out at meeting after meeting that a Parish name is wrong and that a definitive status is wrong and that .... you get the picture.

There has been a fair traffic in Welsh RoW problems. The Monks Trod has been



at the top of the list for many members. I need to do a little explaining for those who may be keen to level an accusation that the TRF is not doing enough. It is recognised that the newly (and fiercely) independent Welsh are not enamoured with interference from the English in their affairs. Thus the TRF has adopted a low key approach to the RoW problems in Wales whereby all the usual help is available but channelled through local users, be they TRF or other motorcycle groups. My thanks to Ian Weston (Worcestershire Group) who has put a lot of effort into the Welsh RoW issue.

Powys seems to be of the view that the law of the land does not apply in that county. They sought to stop up a group of lanes at Lowes under s.116 – which requires that the routes are 'not necessary' – despite huge opposition. Quite beyond comprehension the OMA pressed ahead to Magistrates Court. Said Magistrates Court did not seem to know how to deal with the matter (no doubt previous applications were just a rubber stamping exercise). Once the case came before the Magistrates they dealt with it in short fashion and we won. This created an awful lot of unnecessary work for the voluntary sector. Thanks to all from the various motor interest groups that attended the various farces (sorry – hearings) and a special thanks to Tim Stevens and Charlie Morris. If you're not receiving recognition for the part you played it is because you may have forgotten to report your progress – but thanks, all the same.

West Sussex seems hell bent on TROs in recent months. One Tex Pemberton (County Member) seems to be driving the move with ample prompting from the

GLEAM supporting Parish Councils. At some stage the TRF is going to get hold of an unreasonable Order and drag it into the courts. This may be the moment. There has been a motorcycle/walker incident in West Sussex and this was on a lane with a TRO. The message is clear. TROs do not address the problems. They do not prevent illegal use (and may actually increase such use); they do not repair the surface; they do not cut back undergrowth. And, whilst in situ, TROs do not encourage user groups like the TRF, GLASS, AWDC, etc., to get stuck into some lane clearance.

I attended a CCPR Seminar entitled Recreational Access to Conservation Areas – the Best of Both Worlds. There is a separate report on this item. What is important to note is that English Nature have again made clear, from the highest level, that the SSSI designation is not

grounds for traffic management. Unfortunately the zealots at ground level do not wish to run with that message.

What is happening with regard to BOAT claims? No, that is not a section header – that is a genuine question. I know that Dorset are getting stuck in to this aspect of trail riding, as are Derbyshire, Somerset, etc., but I am receiving no feedback whatsoever. I am also informed that some groups have actually made the decision not to make any BOAT claims. I find this incomprehensible. It was the desire of Government to shift the responsibility from Highway Authorities to the users and that inaction will mean the closure of lanes at some future date. That future date is currently set at 2026 but there is nothing to say that this will not be brought forward. The fact that claims are being made has rung alarm bells with MPs. It is a tool forced on us by Parliament so let us use it. I hope that Sally's Byway Bonus is being applied for on the way?

You should be aware that I will not be standing for office next year. I want a year out to recharge my batteries and to complete several jobs I've started. I have two half written guides to the Public Inquiry procedure and I have started on a training DVD/CD that should provide a resource that can be accessed at group level without the need for setting up definite dates in definite venues that might not suit all those who would otherwise engage.

I have tried to create a cohesive network of TRF RoW Officers who can work together on training and practical projects but seem to have failed. I put this down to the diverse culture that has developed throughout the Fellowship whereby no two groups operate in the same way. This is, in my view, very regrettable because, as far as I'm concerned it is like trying to deal with forty different clubs. That is a 'structure' issue which, as the RoW guy, I can legitimately ignore – typed he with big grin on face!

To summarise we have been passing through a difficult period post CRoW and we have survived with a number of significant successes to our credit. This is, I think, all the more to be pleased with as we entered this Post CRoW era poorly prepared and lacking a full list of Principle Officers. We now have a large and enthusiastic band of workers so let us continue the improvements to our riding.

Dave Tilbury

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# RoW News

## KENT RoW

Good news this month, the temporary TRO on the Pilgrims Way at Boxley has now expired and the byway is open again. Maidstone B.C. is still pursuing their proposal for a permanent TRO.

Maidstone B.C. is monitoring this lane and the adjacent chalk slopes, any misbehaviour is likely to be used against us at the forth-coming public enquiry. Stick to our code of conduct and we should have no problem.

The leader of Kent C.C. has received "numerous" complaints of off road motorcyclists being a nuisance in the countryside. He had a mind to put a blanket TRO on all byways, a few well worded letters and some sound advice from the PROW manager seems to have calmed things down a bit. However K.C.C. are monitoring the lane usage over the next twelve months.

Part of the problem is local kids not having any off road play areas, and are therefore using the RoW system and land adjacent for their fun. We have informed K.C.C. what the problem is, and they have said that they might provide an area.

If you want legal practice areas in Kent then contact your local council and ask what they are doing about it.

So far there have been two Police operations to clamp down on illegal riders, but no sign of any off road areas for the kids.

### Is your local byway TROD?

I have been trying to get a TRO removed from byway AE36 Soakham Farm, Kings Wood.

For the past eighteen months I have exchanged letters with various people as to why this byway is closed to vehicular traffic.

The byway is closed for user safety issues, no one can tell me what the issues might be. Other byways have been closed to prevent flytipping and illegal access to land adjacent to the byway concerned.

Kent PROW manager Mike Overbeke has agreed that this lane and others need to be reviewed because the reasons for them being TROD no longer seems justified.

He needs the support of cabinet members to get any TRO removed, to get this support it is up to us to identify any

lanes that are TROD, write to our county councillors and demand to know why they have been closed, and what is being done to rectify the problems. It is not good enough to just close the road and forget about it.

*Richard Colquhoun*

## SOMERSET RoW ISSUES

I'm pleased to report nine byway claims have been submitted since the beginning of the year, and a steady stream of claims are being prepared. Thanks to all who have put in the time with research and figuring out what we need to do. We have up to 300 RuPPs to claim in the county, so if anyone else can help with this work, we need you! Please come along to our Rights of Way meetings, on the fourth Thursday every month, 8pm, The Bell, Curry Rivel.

The Exmoor group arranged a meeting with two representatives from Exmoor National Park Authority in April. I went along to see what their views are, and came away generally happy. The Park Authority has no problem with responsible trail riders riding legally. They do get complaints about people riding illegally, and are being forced to clamp down on this where damage is being done to Sites of Special Scientific Interest (SSSIs). It's a familiar story, the actions of a few idiots bring all trail riders under criticism, in the public's eye at least. It is good to know that the Park Authority is switched-on enough to recognise WE are not the problem, and we can even help them out in some ways.

*Ian Barnard*



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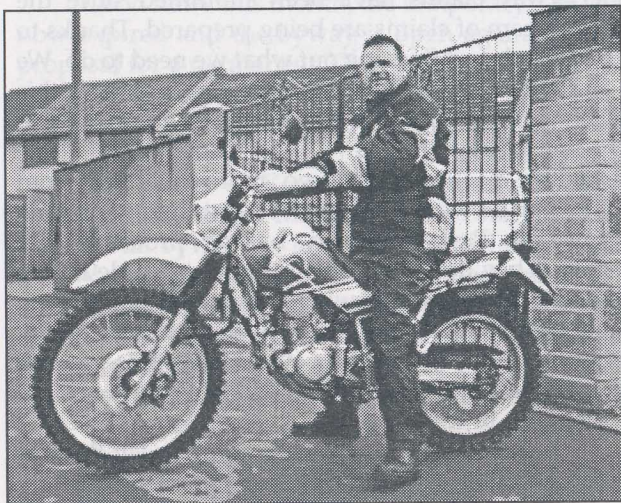
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# BOBONELEG ON THE TRAIL AGAIN



March 20th 2003 was a great day for me, as on that Thursday I went Trail riding for the first time in over two years. Most of you had an enforced lay off during that period due to foot & mouth but mine was due to a road traffic accident I had in February 2001. The result of the accident was that my left-leg was amputated (below knee) and seven operations in two different hospitals over a period of 21 months.

During my stay in hospital in Slough I had visits from many members of the TRF, mostly from the Bristol group but also from South Wales, Herts and Loddon Vale. John Pritchard honoured me with his presence and Colin Patient twice brought me bags of goodies from the nearby Mars factory and I'd never even met the guy before, how's that for fellowship! But top man was Martin Harding who came all the way from Devizes to Slough after work because he had promised to give my wife a lift back to Bristol.

I never had any thoughts of giving up motorcycling but it did cross my mind that trail riding might be a bit of a challenge. I sold my faithful old DR350 (Doris) in May 2001 to a chap who was off to ride around Africa, I was sad to see her go but there was no point in just leaving her in the garage. With the proceeds I bought a Gilera SP180 scooter and was back on the road by June 2001, I then fitted forward-controls to my Sportster and used my heel to shift the gear lever.

Back to work in September 2001 and life carried on, I wanted to go trail riding again but there was no point in buying a bike yet as I was on the waiting list for another operation and didn't know when it would be. I finally got a date; April 2002. That didn't happen as they didn't have a bed for me but the op' did go ahead in May. Unfortunately the wound got infected and I ended up having another op in November. I was p\*\*\*\*d off by now as I had been on crutches for eight months and couldn't wait to get walking again and then back onto a bike.

Meanwhile back in August I was sat at home watching the goggle-box looking

forward to another episode of 'Trisha' (not) when the latest issue of TRAIL came through the letter box. I went straight to the classifieds and there it was the bike I had been waiting for, a low mileage late model Serow. I had been giving some thought as to which bike to get and the Serow seemed ideal. Low seat height, electric start and light weight seemed the right way to start riding again. Being home on a workday gave me the advantage, as I was the first to phone and after speaking to the guy I decided to buy it.

Now I had a slight problem, as the bike was in Yorkshire, how was I going to get it back to Bristol? I asked my mate Tim if he would pick up a bike for me, he replied 'yes, no problem', then he asked where we had to get it from. After the initial shock he just said that it would be a nice day out. We got the bike, Tim gave it a test ride and we did indeed have a nice day out.

It's still possible to give a bike a service on one leg, it just takes a lot longer to do everything but time was not an issue at this point and I was really happy being able to get in the garage and work on a bike again. I'll admit there was a lot of cursing when I took the rear b/pads out only to recognise them straight away as being identical to those in a DR350. I had given all my spares to the guy who bought my bike! I popped off to Fowlers with a list in my hand and was really chuffed when they had all that I wanted in stock and at reasonable prices. I had heard a lot of horror stories about the prices and availability of spares for imported bikes so I wasn't too sure what to expect.

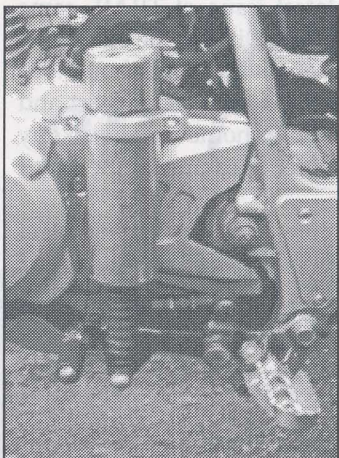
Back in May 2002 I had gone to the BMF show at Peterborough (my eleventh year in a row) and had come across the NABD (National Association of Bikers with a Disability) stand and took home some info about a company called 'Kliktronic'. They manufacture an electronic gear-change system and it looked just the thing I was looking for. The position of the gear lever on the Serow is very tucked-in and close to the casing so I couldn't use my heel and if I did I could foresee my foot getting jammed in a rut.

I emailed Kliktronic several times asking them if they had fitted one to any bikes that rode on trails and how waterproof was it etc, etc. They were very good and gave me all the help I needed. I was now a NABD member and decided to apply for a grant to get a Kliktronic for the Serow, they said that if I were prepared to fit it myself and make a donation towards the cost then they would supply one immediately.

I was really excited when it came and shot off into the garage to start fitting it straight away. The switch went straight onto the handlebars and then I started looking for somewhere to put the ECU box. Under the seat was the most obvious place but there wasn't a lot of room as it was already hiding the rectifier and the starter-motor relay. I managed to squeeze it in alongside but was worried about the heat from the rectifier affecting the ECU. Next I had a look at the actuator but was struggling to find a good place to mount it.

What I needed was someone with a good eye for these sorts of problems and I knew just the man. Dave Hopkins is a top man for any problem with a bike, he prefers Harleys but will turn his hand to anything plus he's got all the equipment for making





up brackets etc. I rode the bike over to his house using my heel to change gear, it was a bit hit or miss but I made it anyway. I showed him what needed doing and left it with him with instructions to call me when he was going to start so that I could help him. A week later he phoned to say that it was done and he was going to ride it over.

Dave brought it over and off I went up the lane at the back of my house. It was ace, I rode up and down the lane and was really chuffed. Dave had made up a bracket to hang the rectifier inside the right-hand side panel, freeing up enough space under the seat for the ECU to live and another bracket bolted directly to the left-hand casing held the actuator in place. All I had to do now was take it apart, give the

brackets a couple of coats of hammerite to stop them rusting and fabricate some sort of guard around the actuator to stop it getting knocked when the inevitable spill happened when trail riding.

John Hitchings, another TRF member, fabricated a guard in stainless, he had previously offered his services when I was at a club night on crutches. It is a neat job and should save the actuator when I fall off.

Now I was ready to go I wanted my first ride to be on a weekday as there would be fewer people about so I rang a member who was usually about in the week. Unfortunately he was busy but I couldn't wait any longer, as the weather was perfect so I decided to go by myself.

I set off for some easy lanes north of Bristol and promptly rode straight past the first lane! After turning around I rode up the lane and couldn't believe what I saw. Coming towards me was a police patrol car, he stopped to let me pass and we had a brief chat but I was amazed seeing it. I carried on at a steady pace absolutely thrilled that I was actually trail riding again, nothing would spoil my day now not even when I saw the ruts and mud in a RuPP near Pucklechurch. I stopped and looked at which rut might be best and opted for the centre one, pushed the green button on the handlebar switch to select second gear and off I went. The Serow chugged through without a problem and I set off for the next lane.

I did sixteen lanes in that afternoon around Bristol and Bath and stopped to chat to a couple of walkers and some 'travellers' on the byway at Whidcombe Brake. I have since celebrated by buying a new pair of boots, new helmet and gloves and wore these when I went out for five hours around the lanes in the Chew Valley. Since then I have led three runs (all local) and have enjoyed every minute. Last week I bought a bike trailer so now I am planning trips to Wales and other areas. Maybe I'll see you on the lanes.

Cheers, Bob Chapman

## PUBLIC RIGHTS OF WAY THE BASICS - GENERAL - IN FOUR PARTS

*Public Rights: your rights; where they are recorded; adding to the record; asserting your rights.*

### Introduction

There was no intention to insult the reader by using the word 'basic' in the title because, let us be clear, there are many professional Public Rights of Way workers who are sadly lacking in the basic knowledge and skills needed to effectively and legitimately perform their duties. This lack of knowledge negatively impacts directly upon your recreation.

Let us also be clear that the basics of Rights of Way law provide barristers with a worthwhile income. As such one of this breed fought a case on the meaning of the word 'is' - but more of that later. Basic knowledge, as far as Rights of Way is concerned, encompasses history dating from the Norman invasion; highway law dating back to around 1555; current statutes; case law and much more. To this we also need the ability to research and understand topographical features depicted on a map, and so the word basic takes on a new meaning for the Rights of Way enthusiast. But make no mistake, your countryside access will be increased by getting a grasp on the fundamentals of access law.

Rights of Way are dealt with by the local highway authority, with whom you will need to communicate. Implicit in all this is the need to be politically aware, as those charged with protecting our rights are employed by politicians, who will in all probability be more in tune with those that are denying your rights.

I have used extracts from some of the more interesting Judgements not only to assist us through the various areas of law but to provide the user with a measure of confidence when putting into practice that which is to be learned from this paper. I also include some extracts from writing on the subject that provides an insight into the situation that pertained in times past.

A potted history, in very general terms, as a background to that which follows, will assist in understanding how we arrived at the current situation with regard to statutory linear access, or, in other words, footpaths, bridleways and byways. Those classifications came from Roman law and we retain them to this day, Iter, Actus, Via.

*There are, says Lord Coke, at this day three kinds of way; 1. A footway, called in Latin iter. 2. A pack and primeway, which is both a horse and foot way, called in Latin actus. 3. A Cartway, called in Latin via or aditus, which contains the other two; and also a cartway, which is called a via regia, if it be common to all men; and communis strata, if it belong only to some town or private person.*

*Extract from a law book - 1801*



It was following the Norman invasion and the introduction of the modern Norman farming methods that initially brought about the obstruction of the routes in common use. This obstruction took the form of hedges which were planted to contain stock. In the passing of time more and more land was inclosed in this way, by might rather than right. Moving forward some five hundred years and the influential were promoting private Acts in Parliament for the Inclosure of the common land. In the early eighteen hundreds there was an overarching Act that set out the criteria for the Inclosure of common land.

This is an introductory aspect that I believe requires a little further explanation. The law that permitted the legitimate Inclosure of common land was promoted by the large landowners (you needed to be one to become a Member of Parliament and as an MP you made the law). In taking away commoners rights and dividing up the land amongst those with an interest, it can be seen that the higher up the social scale you were, the greater your entitlement. Those at the bottom of the social scale lost just about everything. There was a great deal of unrest, much writing of pamphlets (see appendix 1) and many cast into jail for their views on what was, in the eyes of many, a gross injustice. The sop to those who lost rights on the common were the highways and their verges.

*Sect. 9. No person shall lay in any highway any stone, timber, straw, dung or other*

*matter; and no person making or cleansing such ditches or watercourses shall permit soil, &c.; dug thereout, to remain in such highway, so as to obstruct or prejudice the same, for the space of five days, on forfeiture of 10s. for every offence.*

*Sect. 10. If any stone, hay, straw, or other matter for the making of manure, or any other pretence not tolerated by the act, shall be laid in any highway within the distance of 15 feet from the centre thereof, and shall not, within five days after notice given by the surveyor, or person aggrieved, be removed, the owner or possessor of the lands adjacent, or any other person, may clear the highways thereof, and take and dispose of the same to his own use.*

#### *Highways Act 1773*

In the period we are considering the term Highway was considered to be an all-purpose route and not, as it was to become post 1835, any way which could also be a footpath or bridleway. So, at

the time the common was Inclosed and ordinary inhabitants would have had an uphill task to get a highway over land being subject to an Award. The 'new' landowner would not want the public passing over 'his' land. The Parish, who were responsible for the upkeep of highways would want to minimise their burden. The Parish Rate payers (the better off in the community) would not relish the thought of increased taxes to cover the cost of repair.

I have expanded upon this point for no other reason than to give you, the beneficiary of those routes granted under such duress, a greater confidence when asserting your right to pass and repass, or when seeking to add a historic route to the public record. Remember also that our forefathers contributed directly toward the up-keep of the road via statute labour, but more on that later.

The battle between those who believed they had a right to pass across a strip of land and those who considered that land private continues to this day, but we are now assisted by two documents - the Definitive Map and the Definitive Statement. These came about following the second World War, when the Government of the day realised that the Dig for Victory campaign (a scheme to increase food production) had removed many routes traditionally used by the public and that there was a need to record the paths used by walkers and equestrians.

We enjoy our rural access, away from the sealed roads, today via custom and statute. The statutes, in effect, protect our customary rights of passage but because of the late arrival of the National Parks and Access to the Countryside Act (1949) many of those rights are not recorded for all to see.

#### *What Are Your Rights?*

I have already stated that there are three different rights of way, the footpath, bridleway and byway, and in doing so I have introduced a generalisation before we start. It might be more accurate to state that there are three classes of public right. There are ways where we can walk, ways where we can ride and ways where we can drive. Unfortunately the reality is not that simple.

- **Footpath:** A way for walkers.
- **Bridleway:** A way for the ridden or led horse. Since 1968 cyclists have been allowed to use bridleways, subject to them giving way to walkers and riders (a bicycle is a vehicle and has been since an Act of Parliament in 1888).
- **Road Used as a Public Path (RuPP):** This is now an obsolete term and all RuPPs should have been reclassified to either footpath, bridleway or BOAT depending on historic evidence. A RuPP is conclusively of bridleway status but will, in all probability, carry vehicular rights. It is proposed in the Countryside and Rights of Way Bill, currently before Parliament, that this term will be replaced by the term Restricted Byway. The proposal is that this would carry rights for horse-drawn vehicles but not mechanically propelled vehicles.

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- **Byway Open to All Traffic (BOAT):** A way that is used as a footpath or bridleway, but where vehicular rights exist.
- **Unclassified Road (white road):** These are roads that are publicly maintainable and which must be shown, by law, on a list of streets held by the highway authority. Again, like the RuPP, there can be controversy over the certainty of rights.

The symbols to look for on your Ordnance Survey map are as follows:

-----	Footpath
— — — — —	Bridleway
- - - - -	Road Used as a Public Path
+ - + - + - + - + - +	Byway Open to All Traffic

There are, of course, other terms such as green lane, accommodation road, cart track, &c. These are not statutory terms and any route so described may or may not have public rights over them. There are a number of other terms used for ways that do signify public rights:

King's Highway, Common Highway, pack and prime way, ancient highway, *ratione tenurae* road (maintained by virtue of ownership), public and private roads so described in old documents, unclassified roads. The difficult concept for many is that of these ways, which are currently recorded as footpath or bridleway, some may still carry higher rights and this is a topic that will be covered in the following section that deals with the recording of public rights.

It must be remembered, throughout our considerations of this topic, that the 1949 act, and all that followed, was concerned with recording ways for walkers and riders. This notion was uppermost in the minds of some authorities when drawing up the early Definitive Maps which might account for a considerable 'under-recording' of the public's rights.

There is also the vexed question of the RuPP. Can you cycle on a RuPP, or drive a carriage along one? As already stated, a bicycle is a vehicle and, with the exception of the exemption granted by Parliament in 1968 to use a bridleway, is legally confined to a carriageway. There was no dispensation granted in the 1968 Act for cycles to use RuPPs and so I would suggest that the cyclist needs to demonstrate that vehicular rights exist over a RuPP prior to using. Should the proposals in the Countryside and Rights of Way Bill, with regard to restricted Byways, be implemented then this uncertainty will be removed for cyclists and carriage drivers.

Can I drive cattle or lead a string of horses on a bridleway? Here is another legal minefield. The various Acts define a bridleway as a way over which a horse may be led or ridden - note horse, singular. Many rights of way 'experts' will tell you that a bridleway can be used for the driving of cattle but in this they often rely on the regularly misquoted case of *Ballard v Dyson*. In this the right under examination was a private one, an easement, not a public right.

*"In the National Parks and Access to the Countryside Act 1949, bridleways are for the first time statutorily defined, in Part IV, s.27(6), such that each and any bridleway*

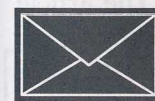
*might, on individual facts, have a public driftway right attached. This was put into the Act to make sense in recording existing public rights. For example, if an inclosure award sets out 'one other public bridle and drift road fifteen feet wide, starting at...' It is in the spirit of the 1949 legislation to properly record such a right in the definitive map. So, whilst some public bridleways might have driftway rights attached, what may be said of public cart roads? The answer is that all public cart roads include the right to drive stock."*

Alan Kind, LLB, LLM - 27th March 1998

The Country road and the Unclassified road (UCR) are terms used in the past by the highway authorities and the Government to describe a road (or other way) that is repairable by the local authority. In the early 20s the major roads were given a classification. The A roads being the main roads, with the lesser routes being B roads. There were, according to the individual authorities, several other classifications, but some of the minor roads were left unclassified.

These unsealed, unclassified, roads that often provide vital links in the bridleway and byway network.

Dave Tilbury



## letters

### A REPLY TO THE CHAIRMAN'S STATEMENT

I agree wholeheartedly, noise and speed are a big issue in the countryside. I am sure that every TRF member would be supportive on those two points. However, our new chairman seems to be seriously out of touch on some points. Why insult possibly the majority of the membership with remarks about what safety kit they choose to wear? Even a slow speed get off can cause serious injury. Would detractors of our hobby consider walking in the Brecon Beacons without suitable equipment, I doubt it.

If you want to race your mates then join an enduro club, fair enough. But if a particular lane is difficult to ride should we stop using it because it is a challenge? If we lost all the challenging lanes we would not have much left. The payment of my road tax does entitle me to ride any road that is open for vehicular use, although I am happy to observe any voluntary restraint or TRO.

Special license to ride byways. **Never**, I already pay more than enough tax. A special license to ride routes that do not have vehicular rights might be a bit more reasonable.

Richard Colquhoun (Kent Group Rep)



## FMF "Q" PIPE

In June '03 TRAIL Giles Greenaway complains about the FMF "Q" pipe not being quiet. He is absolutely correct it is not as quiet as the advertising would have you believe! However, it is extremely well made and I have made mine quieter by removing the end section and inserting a plumbing reducer from Jewsons for just £2.87! Just file off the nut points and secure with a set screw in the tail pipe with no apparent power loss but much better for the trail.

Ken Cox

## RAMBLERS ASSOCIATION

Since retiring from full time work, joining the TRF and taking up responsibility for the role of Secretary to the Denbighshire County Committee of the Ramblers' Association (RA), I have become increasingly concerned regarding the unhelpful tensions generated between the membership of the RA and trail riders. In an attempt to address the issues in a more intelligent fashion than many within the RA seemed to wish I wrote letters to The Rambler, the official organ of the RA, and also forwarded a copy of a short article I had written entitled 'Rambling on a Motor Cycle', with the intention

of opening up the debate. The article was published in the TRAIL magazine but no such luck with The Rambler although it did appear in the next edition of the North Wales Rambler. The result was one unfortunate letter which merely served to prove the writer to be congenitally incapable of understanding any of the points being made in the article. I interpreted the lack of response to the issues I raised in the article as an indication of the entrenched desire on the part of the majority of the RA membership to see the demise of trail riding rather than work at dealing with the issues co-operatively.

Without going into too much detail of intervening events it has become increasingly clear that the RA is intent on, effectively, seeking to bring an end

to trail riding in England and Wales. To this end they have established an official campaign group, working to the General Council, with the intention of ensuring that any attempt to add to the trail riding network prior to the CRoW Act 'cut off' date of 2025 is thwarted. Not content with that, they are campaigning for legislation to be introduced so that:

- (i) Only sealed BOATs should remain available to mechanically propelled vehicles (MPV's). A sealed BOAT would be defined as a BOAT that has been sealed or re-sealed wholly or partly at public expense within the last twenty years with the intention that MPV's should use it.
- (ii) All unsealed BOATs currently shown on Definitive Maps should be reclassified as restricted byways.
- (iii) The duty to maintain restricted byways at public expense should be the minimum consistent with allowing walkers, horse-riders, cyclists and horse drawn carriages to use the way for quiet enjoyment.

In the meantime, before Parliament does as the RA wish, all Areas and Groups of the RA are required to lobby the authorities to impose TRO's across the entire green lane network unless the path is a sealed highway.

It is clear that the two key issues which the RA have underpinning their campaigns are noise and safety. There is no doubt that on these two issues we are vulnerable and certainly here in North Wales there are celebrated areas of the countryside that are problematic. The Berwyns for example.

It seems therefore that the mantra as described by our newly appointed interim Chairman, Geoff Wilson, should be adopted by all of us who seek to enjoy, uncontroversially, the delights of our wonderful countryside whilst astride a motorcycle. I'm not sure about the body armour bit though Geoff, perhaps you've never 'slipped off' on a rocky descent and landed on your knee but I have and it hurts.

R. J. Wardale

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**APRILIA PEGASO** 650cc, 1 owner, 10,000 miles, v.g.c. For details ring 01789 266037.

**DOMINATOR** 1996 (P), 13000 miles, Wiseco o/s high comp piston, gas flowed head, many extras, exceptional bike, superb condition, £2000. Phone: 01773 769228 for details.

**LARGE IMPS FUEL TANK** 16 litres for XR250/400. Good condition. £75.00. Tel: 01787 281904 (Suffolk).

**SUZUKI DR 250** Elec start. 1985 bike. Good c&s & tyres (road legal). Tax & MOT Dec. New pads. £1500. Tel: 01824 750659 (N. Wales).

**TTR 250R** 2002 The new blue model. 5500Km, v.g.c., £2900 ono. **TTR250 wheels** with M12s. £250 ono. **TTR Rack** £40 ono. Tel: Dave 01527 456095 or 07960 422523.

**HONDA XR250R** 1996 new generation model. 12 mths Tax and MOT. Exc. condition. £2100 ono. Tel: 01803 812940.

**1993 SUZUKI RMX REAR WHEEL** with Michelin MX type, sprocket & disc good condition, £50. **THOR BOOTS** Black, size 9, good condition, £20. Tel: 01254 829326 (Blackburn).

**FOR SALE TRIUMPH TRIDENT 900 '93** 'L' reg, 39000 miles. New Tyres, Tax & MOT, March '04. £1950. Tel: 01282 619645 (Nelson, Lancs).

to trail riding in England and Wales. To this end they have established an official campaign group, working to the General Council, with the intention of ensuring that any attempt to add to the trail riding network prior to the CRoW Act 'cut off' date of 2025 is thwarted. Not content with that, they are campaigning for legislation to be introduced so that:

- (i) Only sealed BOATs should remain available to mechanically propelled vehicles (MPV's). A sealed BOAT would be defined as a BOAT that has been sealed or re-sealed wholly or partly at public expense within the last twenty years with the intention that MPV's should use it.
- (ii) All unsealed BOATs currently shown on Definitive Maps should be reclassified as restricted byways.
- (iii) The duty to maintain restricted byways at public expense should be the minimum consistent with allowing walkers, horse-riders, cyclists and horse drawn carriages to use the way for quiet enjoyment.

In the meantime, before Parliament does as the RA wish, all Areas and Groups of the RA are required to lobby the authorities to impose TRO's across the entire green lane network unless the path is a sealed highway.

It is clear that the two key issues which the RA have underpinning their

campaigns are noise and safety. There is no doubt that on these two issues we are vulnerable and certainly here in North Wales there are celebrated areas of the countryside that are problematic. The Berwyns for example.

It seems therefore that the mantra as described by our newly appointed interim Chairman, Geoff Wilson, should be adopted by all of us who seek to enjoy, uncontroversially, the delights of our wonderful countryside whilst astride a motorcycle. I'm not sure about the body armour bit though Geoff, perhaps you've never 'slipped off' on a rocky descent and landed on your knee but I have and it hurts.

R. J. Wardale

### KIR Trail Sport

Off-road Tyres and Accessories by Mail Order

#### Bridgestone Enduro/Trail Tyres

ED03	(Road Legal front Enduro tyre)	3.00 - 21	£33.50
ED04	(Excellent for 125/200cc bikes)	4.10 - 18	£38.50
ED04	(Enduro tyre 250 and above)	120/90-18	£45.95
ED660	(Latest Rear Enduro Tyre)	120/90-18	£45.95
ED661	(Matching Front Enduro Tyre)	90/90 - 21	£34.95
ED12	(USA spec Enduro tyre)	120/90-18	£45.95
ED16	(All terrain rear tyre 100/100-18)	4.60-18	£37.50

#### Barum/Mitras Trials, Mx, Trail & Enduro Tyres

C20	(Good All-round Trail tyre)	130/80-17	£42.00
C16	(Hard-wearing Rear MX Tyre)	120/90-18	£34.50
C16	(Good All-round Front tyre)	3.00 - 21	£28.50
TR1	(Trials Pattern Rear Tyre)	4.00 - 18	£32.00
C11/C02	(The Legendary Stoneking)	120/90-18	£36.50

#### IRC Road Legal Grippy Trail Tyres

TR8	(Standard Fitment on XR400)	3.00 - 21	£33.50
TR8	(As above Actual Width 4.75")	4.00 - 18	£39.95

#### Trail & Enduro Bike 'O' Ring Chain/Sprocket Kits

All kits supplied with Quality RK Japanese 520 'O' ring chain Hard wearing Steel Front and REAR sprockets.

RMX250, DR350, KDX200, XR250, KLX250, Serrow	£64.50
XR400, XT600, KLR600, KMX125/200	£65.50

All prices include VAT Chain and Sprocket Kits Delivery Only £3.95

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**HUSQVARNA UK DISTRIBUTORS**

#### NEW HUSQVARNA - FROM STOCK

TE250 4 Stroke Elec Start Trail/Enduro

TE450 4 Stroke Elec Start Trail/Enduro

TE610E 4 Stroke Elec Start Trail Bike

WR125 2 Stroke Enduro

WR250 2 Stroke Enduro

#### USED TRAIL BIKES

HONDA XR250 Trail/Enduro £1795

HONDA XR200 E/Start £1995

KAWASKI KDX200 Choice of 5 from £1595

SUZUKI DR200 Djebel E/Start from £1595

SUZUKI DR250 E/Start £1895

YAMAHA TTR250 End & Raid E/Start from £1995

**HUSKY SPORT, THE GREEN,  
NR WINCHESTER, HAMPSHIRE, SO24 0QA**

**TEL: 01962 771122 FAX 01962 771188**

**WEB: www.huskysport.co.uk**



## CLASSIFIED

**BRENDAN CHASE B&B** Lake Windermere from £15.00 each x 4 sharing. Bike lock-up, parking, all rooms c/h, CTV, H & C, pub and grub handy, CCTV surveillance. Tel: 01539 445638.

**KTM 200 EGS** Autolube 2002 '02. £3650. Absolutely as new. Tel: 01782 833222 (Work), 01782 776338 (Home).

**400 POUNDS OF 1967 EX-WD BSA B40** waiting to be trail driven. Trails gearbox & tyres, approx. 5000 miles from new, taxed (exempt) & tested. Tel: 01477 534425 (Cheshire).

**YAMAHA XT350** 1994 'L' reg. T&T, data tag. £995. Ideal, quiet green laner. Tel: 01943 466184 (W. Yorks).

**1988 'F' REG SUZUKI DR125SJ** 16000 miles, mostly road. Lots of money spent,

new chain, MT18 front tyre, MotoX rear tyre. Seat recovered, new RM125 plastics, new cam chain, handguards, DRZ handlebars, Micron exhaust, etc. Set up for off-road use but complete with all orig road gear. Reg serviced. Good example of this dual purpose bike. £875 ono. Tel: 01492 540660 or 07880 547027.

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## GROUPS

**AXE VALE** Malcolm Preece, Tel: 01275 844757  
2nd Mon, 8pm, The Star, Star (A38), Nr. Shipham, Somerset  
**BLACK COUNTRY** Martin Bond, Tel: 07971 551352 or  
Nick Hammond, Tel: 01902 700749  
1 & 3 Tues, 9pm, The Mitre, Church Road, Bradmore,  
Wolverhampton

**BRISTOL** Bob Chapman, Tel: 0117 960 9660  
4th Mon, 8pm, Keynsham Rugby Club, Bristol Road,  
Keynsham

**CAMBRIDGE** John Brooker, Tel: 01767 692805  
1st Thurs, Golden Ball, Boxworth

**CORNWALL** Sally Madgwick, Tel: 01208 74411  
3rd Thurs, 8pm, The Ship Inn, Wadebridge, 8pm

**CUMBRIA** Anthony Hayhurst, Tel: 01539 721115  
2nd Tues, Derby Arms Hotel, Witherslack, Nr. Kendal

**DERBYSHIRE & SOUTH YORKSHIRE**  
Kevin Marsh, Tel: 01246 811949  
2 & 4 Tuesdays, The Angel Hotel, Sprinkhill, Eckington, Nr.  
Chesterfield, Derbyshire

**DEVON** Rob Williams, Tel: 01626 364564  
2nd Tues, 8pm, The Welcome Stranger, Bickington, Nr.  
Newton Abbott

**DORSET** Martin Diamond, Tel: 01202 571325  
1st Tues, 8pm, Greyhound Inn, Winterbourne, Kingston, Nr.  
Bere Regis

**EAST MIDLANDS** Graham Chinnery, Tel: 01332 863433  
2nd Wed, The Chequers Inn, Main St, Breaston, South  
Derbyshire, J25 on M1

**EAST YORKSHIRE** Peter Hall, Tel: 01405 862616  
1st Tues, The Plough, Snaith

**ESSEX** Dave Anderson, Tel: 01277 657783  
2nd Wed, The Swan Public House, Great Eastern,  
Nr. Dunmow

**EXMOOR** Ian Sadler, Tel: 01884 821547  
2nd Wed, 8pm, The Hartnoll Hotel, Bolham, A396 1 mile  
north of Tiverton

**GLOUCESTER** Wayne Little, Tel: 01452 611735  
1st Wed, The Wagonworks Club, Tuffley Ave., Gloucester

**HERTFORDSHIRE** Dave West, Tel: 07768 402424  
2nd Thurs, 8pm, The Old Guinea, Ridge, Near Potters Bar

**HIGH PEAK & POTTERIES**  
Graham Till, Tel: 01782 776338 or 01782 833222 (work)  
1st Tues, 8.30pm, Black Horse at Endon (A53, about 3 miles  
west of Leek, Staffordshire)

**ISLE OF WIGHT** Andy Hawkins, Tel: 01983 617232  
1st Wed, 8pm, The Eight Bells Inn, Carisbrooke, Newport,  
IOW

**KENT** Richard Colquhoun, Tel: 01634 575090  
2nd Wed, 8pm, Pied Bull, Farningham, Off A20, Nr Brands  
Hatch

**LANCASHIRE** Keith Westley, Tel: 01704 893215  
1st Tues, Hindshead Pub on A49, Charnock Richard

**LINCOLNSHIRE** Paul Vernon, Tel: 01522 889079  
4th Thurs, 8pm, Manvers Arms, Monks Road, Lincoln

**LODDON VALE** David Cook, Tel: 0118 901 4481  
2nd Thurs, Inn in the Park, Woodley Centre, E. Reading

**NORTHUMBERLAND** Chris Moody  
Tel: 0191 387 3507 6-10pm or 07860 302001 (mobile)  
1st Tues, 8pm, The Swan, Heddon on Wall.

**NORTH WALES** Richard Hughes, Tel: 01244 533855  
1st Wed, 8pm, Cross Keys, Buckley, OS 117 290 637

**NORWICH** John Jenkins, Tel: 07721 880463  
2nd Wed, 7.30pm, White Horse, Trowse, Norwich.

**OXFORDSHIRE** Kevin Lindsey, Tel: 01993 823865  
3rd Thurs, The Red Lion, Cassington.

**PEAK DISTRICT** Neil Walker, Tel: 01788 811919  
1st Thurs, 8pm, Travellers Rest, Ashbourne Road, Derby.

**RIBBLE VALLEY**  
Mark Wolstenholme, Tel: 01282 432088  
2nd Tues, Pendle Hotel, Chatburn, Clitheroe (off A59).

**SHROPSHIRE** Rob Latham, Tel: 01952 592324  
2nd & last Wed, White Horse, Shrewsbury.

**SOMERSET** Greg Hughes, Tel: 07887 821472  
2nd Thurs, 8pm, The Bell Hotel, Curry Rivel, Nr. Taunton.

**SOUTHERN** Jacqui Tilotson, Tel: 02380 611110  
3rd Thurs, Southampton & District MCC, Woodside Ave.,  
Eastleigh, (opposite Halfords).

**SOUTH LONDON & SURREY**  
Steve Sharp, 0208 773 4204  
9pm 1st Wed, Carshalton United Ex Service Club,  
West Street, Carshalton, Surrey.

**SOUTH NORTHANTS**  
Trevor Gardiner, Tel: 01788 815927  
2nd Mon, 9pm, The Live & Let Live Pub, Harpole,  
Nr. Northampton.

**SOUTH WALES** Stuart Dodwell, Tel: 01446 710851  
1st Thurs, Welsh Institute of Sport, Cardiff, 8pm.

**SUFFOLK** Richard May, Tel: 01787 374073  
Last Wed, Manger Pub, A134 Sudbury Rd, Bury-St-Ed.

**SWINDON** Phil Male, Tel: 01793 731777  
1st Wed, 8.30pm, The Carrier's Arms at South Marston,  
Swindon.

**SUSSEX** Nick Harris, Tel: 01798 344594  
Last Thurs, Ashington Social Club, Rear of Red Lion, A24,  
9 miles North of Worthing.

**TEESSIDE & NORTH YORKS**  
Roger Preston, Tel: 01429 837093  
3rd Tues, The Ranch House, Thoraldby Farm, Nr Stokesley,  
map ref 93...493074

**THAMES VALLEY** Gary Hillier, Tel: 01932 851291  
3rd Mon, District Arms, Woodthorpe Rd, Ashford, Middlesex.

**WEST ANGLIA** David Knight, Tel: 01933 313816  
1st & 3rd Thurs, Scott Bader Social Club, opp. Parish Church,  
Wollaston, Wellingborough.

**WEST MIDLANDS** Simon Mills, Tel: 01926 332982  
1st & 3rd Thurs, Wilmcote Mens Club, Stratford on Avon.

**WEST YORKSHIRE** Gordon Carr, Tel: 01729 830569  
1st & 3rd Thurs, Bankfoot Cricket Club, Wickets Close, (off  
Cleckheaton Rd), Odsal, Bradford.

**WILTSHIRE** Vic Price, Tel: 01380 724651  
1st Tues, The Bell On The Common, Broughton Gifford.

**WORCESTERSHIRE**  
Steve Hobby, Tel: 01562 820121 Mob: 07970 929029  
1st and 3rd Tuesday, White Hart, Fernhill Heath, Worcs.