

INVESTIGATION

MCN VICTORY AS CAMERA PARTNERSHIP BACKS DOWN

Essex Safety Camera Partnership tries to bend the law to get a speeding conviction, but is forced to back down after we call in solicitors

BY STEVE FARRELL

ASPEED camera partnership which tried to bend the law to get a rider convicted has been forced to back down after MCN stepped in.

Essex Safety Camera Partnership sent MCN reader Steve Rouse a Notice of Intended Prosecution (NIP) a full 54 days after his bike was photographed allegedly speeding. But the Road Traffic Offenders Act states NIPs are only valid if served within 14 days.

When Rouse pointed out the NIP was late, the partnership wrote to him again, claiming: "We are bound to send an NIP within 14 days of the alleged offence when the keeper's details are readily available to police via the Police National Computer. In this instance we were obliged to request details manually from the DVLA. In such cases we are not bound by the 14-day law."

The Road Traffic Offenders Act does set out circumstances in which camera partnerships are not bound by the 14-day law, but having to get a keeper's details from the DVLA isn't one of them.

One exception the Act does make

is where the keeper's details could not "with reasonable diligence have been ascertained in time."

Essex Safety Camera Partnership claimed this was what allowed them exemption from the rule in this case, even though the letter to Rouse made no mention of the actual clause.

A spokeswoman said: "We follow the same process every time and we would use that as a defence in court if it came to a court case – that we had used due diligence by going through that process. If this gentleman wants to take this case to court, he's more than welcome to, and that would be the defence that we'd use."

Andrew Dalton, partner at bike solicitors White Dalton (www.whitedalton.co.uk) said the clause did not apply. He said: "Reasonable diligence means checking with the DVLA for the keeper's details. There's no duty on the rider to register with the Police National Computer – you can't do it. I can get keeper's details from the DVLA. I do it regularly, and it takes two to three days and costs £2.50. If I can do that, then with reasonable diligence they can too."

'It's disgusting. If it wasn't for MCN, I could have had a big problem'

STEVE ROUSE

We put Dalton on the case, and within hours he got results. He said: "Following two brief conversations with a police officer of Essex Safety Camera Partnership, it was confirmed to me in writing that no further action would be taken against Mr Rouse. The prosecution has been discontinued, but no apology or explanation was offered as to why this wrong-headed prosecution was ever commenced."

"It should never have got this far, but the bull-headed attitude of so-called Safety Camera Partnerships means that unless ordinary bikers are prepared to call in their lawyers, the partnerships just press on."

"The officer could give no

explanation as to why a misleading statement as to the law was given by one of his civilian colleagues."

When we first questioned Essex Safety Camera Partnership's spokeswoman, she said: "I can't answer any other questions in relation to this particular case unless I've got the details of it."

At that time we weren't in a position to give her Rouse's full details. When we went back to her to ask why the case against Rouse had been dropped, we were. But then, in possession of all the details she'd previously said she needed to make further comments, she said: "I am unable to release the details of individual cases."

Rouse, a 47-year-old Honda VFR400 rider from Averley, said: "I've had a letter confirming it's been dropped. They were just trying to have me over. It's disgusting. If it wasn't for MCN, I could have had a big problem with this. How many other people get late NIPs and don't question them?"

All the circumstances in which partnerships can issue NIPs late are in the Road Traffic Offenders Act. Download the document from our website: www.motorcyclenews.com

CLASSICS BY MICK DUCKWORTH



THE Brough bought by National Motorcycle Museum

Brough is home after 72 years

ONE of the rarest and most original Brough Superiors in existence has been bought by the National Motorcycle Museum. The 1934 SS100 V-twin, one of less than 10 made to that year's spec, has had only two owners since being shipped to a Parisian distributor 72 years ago. It survived World War Two unscathed because it was bricked up inside a building.

Always an expensive luxury motorcycle, the Brough Superior, built in Nottingham from 1919 to 1939, gained added prestige from speed records and famous owners including Lawrence of Arabia. This example is worth around £90,000.

The desirable 1934 SS100 is known as the 'Two of Everything' because its 1000cc JAP engine has twin

carburettors, two ignition magnetos and doubled-up oil pumps. The tapered chrome-plated fuel tank and twin high-level fishtail exhausts are typical Brough features. It was claimed to produce 75bhp - 25bhp more than the earlier SS100 and double the output of many rival products. Buyers were guaranteed a top speed in excess of 110mph.

The Birmingham museum's new purchase came with documents showing it to be a 'Show Model' supplied with a headlamp conforming to French regulations in March 1934.

The SS100 is amazingly well preserved for its age, but will be worked on by a professional restorer before going on public display in a few months' time.

Tip of the week

WHETHER spending £900 or £90,000, knowledgeable classic bike buyers are cautious of very clean and shiny restored machines. Even a classic that has won show trophies may have a

cracked frame, weak brakes and an engine full of horrors. Better to buy a scruffier bike with several recent MoT certificates to show it has been in regular use and properly maintained.



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STEVE ROUSE: "They were just trying to have me over"

London Show ticket offers

MAKE this the motorcycle show you just can't miss in 2006 – and we'll even let your pillion in for nothing!

The MCN London Motorcycle Show has teamed up with The Daily Telegraph to let every single pillion who rides on the back of a bike to the event experience the best two-wheeled action for free. Pillions qualify for their 100% discount on the £15 adult ticket price on Tuesday January 31 only.

The London Motorcycle Show runs from January 28 to February 5. New bikes, the Carole Nash Live Action Arena, racing stars, celebrities, classic bikes and the MCN Babe Search are all confirmed attractions.

Come to the show mid-week and not only will you beat the crowds but you'll also be able to take advantage of our fabulous mid-week offer. Simply book mid-week tickets before January 26 2006 and you will be entered into a free prize draw where you could win prizes worth over £1000.

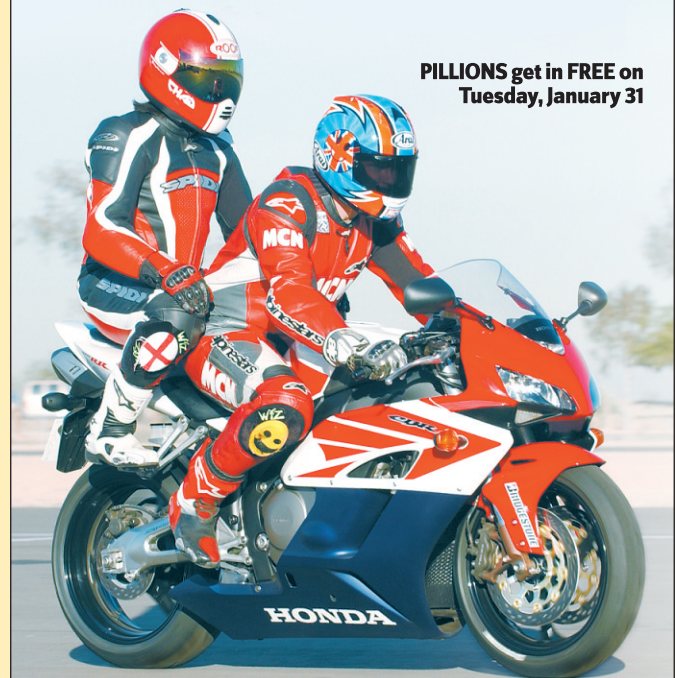
You'll save £4 on each adult entrance fee by booking your tickets in advance. For further information, or to book your tickets, please visit the website at www.londonmotorcycleshow.com.

Prices on the door are £15 for adults, £10 for over-60s, £6 for kids 11-16, while kids 10 and under go free. There are also several money-saving deals for mid-week visitors, including £20 P&O ferry crossings, should you be heading to Europe on your bike in the summer.

Four brand-new BMW models will be making their British debuts – everything from the cheaper twin-cylinder F800S and ST through to the sporty R1200S and the super-tourer K1200GT. And on top of this, there will also be the latest bikes from the other major manufacturers.



The Daily Telegraph



PILLIONS get in FREE on Tuesday, January 31

World Ducati Week cancelled

THIS year's World Ducati Week has been cancelled by the factory because it can't hire the Misano race circuit.

Originally planned to go ahead in May or June, the event was planned to coincide with the World Superbike round at Misano. However, with the race's date now announced as June 26, Ducati has discovered the circuit isn't available either the week before or the week after the race. And since Ducati's long-term controlling shareholder Texas Pacific has just sold its stake to Italian investors Investindustrial, the

firm is also currently nervous about committing to such a major expense until its new owners have established themselves.

Ducati's Ludovica Benedetti said: "What we can say is there probably won't be an event like the usual World Ducati Week, partly due to the change of ownership and also because there are no dates available at Misano."

"We will try to do something anyway, but it will be different and we are still thinking about it. An announcement will be made shortly after the Ducati

factory re-opens after the Christmas break on January 9. Without Misano, it is a problem."

The lack of a World Ducati Week doesn't only affect Ducati fans planning to attend, but also the firm's plans for the long-awaited Desmosedici RR road-going GP bike. Back in summer 2004 Ducati announced it would unveil the bike at World Ducati Week 2006.

Benedetti said: "There will still be an event dedicated to the Desmosedici RR, but we do not know what it will be yet."



DESMOSEDICI RR's unveiling will be rescheduled



DUCATI fans won't get their usual fix in 2006

Blow-up speed humps

INFLATABLE speed humps that flatten for vehicles not speeding in 30mph zones are set to replace the solid ones currently being used.

A three-year trial by the Corporation of London has shown the Dunlop Transcalm speed

humps are safe for all vehicles including bikes and can even save lives because ambulances on emergency calls don't have to slow down over them.

The speed humps feature a rubber-covered cylinder with valves

at each end which restrict the outward flow of air as a vehicle passes over. Under the speed limit and the hump flattens to just 25mm high. Faster than the limit and the valves stay shut, keeping the hump rigid.

Danish bike cops have tested the Transcalm speed humps by riding over them at 70mph and at similar speeds when hitting them at a 45°

angle to test safety.

Dunlop Transcalm project manager Steve Tyler said: "Motorcycle testing has been used throughout the design and testing procedure – they have to be to get the safety type approval. Seeing police riding over them at 70mph in Denmark was quite scary, but it was reassuring there were no problems."



HUMPS deflate if you're within the speed limit