



December 2020

Network

A networking tool for Activists and other interested parties

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EDITORIAL

Well, where to start? After my rant in the November edition on (notso)Smart motorways ['notso' being my personal opinion], their danger and the casualty figures Highways England have decided to introduce another 130 miles of what I consider to be these death traps! Obviously the fatal and near fatal accidents fail to be taken into consideration! I'm lost for words Or maybe not. Watch this space.

Articles further on from our own Steve Mallett who first brought this to our attention and the RAC who refer to them as 'death traps' are included further on. So much for the Transport Secretary's £700m safety plan announced in March when he expressed 'great concern' over the deaths caused on these stretches of road.

Remind me to look up what 'greatly concerned' actually means someone.

I was particularly interested to learn from Steve Wykes of a case in Scotland where a rider who collided with a vehicle driving in front of them won their case in court. Motorcycle Law Scotland kindly allowed me to reproduce their report of this case and it makes very interesting reading. Especially considering I was always led to believe the blame lie with the vehicle hitting another from behind.

Finally, as this is the last Network of the current year, I just want to echo the Political Team's sentiments in that, hopefully, 2021 will be a better year than this has been.

Some of my friends and people who make up your National Committee have been ill with this terrible virus. Some (you know who you are) looked forward to retiring at AGC this year and, in the light of the present predicament we find ourselves in, decided to stick with it. Member's usual efforts of Rallies, Shows, MAG Awareness days etc., have been unable to take place due to current restrictions etc., and, as a consequence, MAG, like many other organisations/charities have and are suffering financially. Some members, I know, have lost loved ones. Some are MHS and other key workers to whom we owe more thanks than some realise. All in All, its been a bum year. However, I do believe we'll come out of this terrible time stronger.

Enjoy your festive season and I'll catch you in January. Be safe, AineG.

[Acknowledgments:- George Legg, Selina Lavender, Colin Brown, Lembit Opik, Motorcycle Law Scotland, Steve Wykes, Steve Mallett, Julie Sperling, plus anyone else I've forgotten]

For the January edition copy to me please by 25th December. This edition will be later than normal. Subject heading:- Network to aine@mag-uk.org.

Political Report – Lembit and Colin

What a year! 2020 has been really tough for many people and industries. Motorcyclists have been hit with the double problem of dealing with Covid-19 like everyone else – and on top of that there has been a continuing effort to remove our access to road space on the excuse of 'social distancing' and 'active travel.' MAG's

Political Unit, Colin Brown and Lembit Öpik, look back at a month – and a year – of turmoil and report ‘we’re still standing.’

Government brings forward ban on petrol engines

The Department for Transport has announced its intention to bring the end of the sale of new petrol and diesel cars and vans forward to 2030. Some hybrids can continue to be sold until 2035.

Colin sought and obtained official confirmation that motorcycles are not within the scope of this announcement. The announcement is however likely to have impacts that extend to motorcycling.

MAG is patiently engaging with those making policy decisions. The overall goal of our interventions is to ensure that motorcycling is allowed to continue in whatever format you choose regardless of wider policy decisions. Our position is that there is no evidence that points to an absolute need to ban any motorcycle. Our goal is thus to ensure that as individuals we may choose any motorcycle to suit our personal needs and circumstances - without prejudice or restriction.

Road restrictions latest

The segregation of road space in the name of improving social distancing and promoting active travel continues. This whole scheme remains immensely controversial. Conflicting claims are made on both sides - there are undeniable differences of opinion despite claims to the contrary.

Blatant road grab or enlightened strategy: deliberate short circuit of democracy or necessary emergency action. Whatever your view it is clear that there is a need to end shouting matches and start reasoned debate and negotiation. MAG will be involved in that debate and will ensure that the voice of motorcyclists is not overlooked.

Breaking news: London authority meeting scheduled for December 2020

MAG has just received confirmation that, thanks to the efforts of pro-biking London politician Keith Prince AM, we are scheduled to meet with the Mayor's team on 9th December 2020. The primary subject is motorcycle safety in the capital. Some serious misinformation has been spread in the Capital about motorbikes and accidents. This is our chance to force them to face the facts, and recognise the persistent discrimination against bikers in favour of cyclists – despite the much higher number of biker deaths – is not acceptable. MAG has specific points to make about the removal of road space, and the economic importance of motorcycles and scooters to London. We'll let you know how we get on.

Pavement parking consultation: now we wait

As previously reported, an extensive public consultation has taken place in relation to the rules around pavement parking. There are three options, one of which is the prospect of a blanket ban on ALL pavement parking, unless the local authority goes to the trouble of issuing an exemption. WE expect the Government to issue its verdict on the subject in early 2021. Be aware this is one of those pieces of legislation that could affect you if you EVER park your vehicle on the pavement. We'll keep you updated on developments.

Transport Plans for Wales

Despite early intervention by MAG the authors of the “Llwybr Newydd: a new Wales transport strategy” remain steadfast in their refusal to acknowledge an entire transport mode. Colin met with one of the authors back in September and all seemed to be moving in the right direction, but something has gone awry. They acknowledge in their supporting information that in spite of the Active Travel (Wales) Act of 2013 there has been a slight decline in active travel by bicycle over the last 5 years. Meanwhile they also state road traffic has increased with the greatest percentage increase between 2017 and 2018 being for motorcycles. Reality does not seem to be something they are embracing.

MAG Central will be responding to the consultation directly in writing, and calling for further meaningful dialogue, but please do take the opportunity to respond to the consultation.

The consultation can be found here: <https://gov.wales/llwybr-newydd>

Closing date for responses 25 January 2021.

Educating Oxfordshire

As a region that takes pride in its academic history it would be easy to make snide comments about Oxfordshire here but we will stick to the facts.

Following the furore over their claims about motorcyclists being a danger to themselves, we won promises of meaningful engagement on their transport strategy. Colin reminded them of this fact and secured a one to one meeting with the draft strategy authors in October. They are releasing a consultation on the top level “vision” first. This does not cover specifics at transport mode level but feel free to comment. The real detail will come in a further consultation next year.

The consultation can be found here: <https://www.oxfordshireopenthought.org/>

You have until Sunday 3 January to have your say

Oxfordshire Zero Emissions Zone

More urgently for riders not just in Oxfordshire, but nationally is another consultation on the Oxford Zero Emission Zone. Despite assurances to the contrary during the first round of consultations the size of this zero emissions zone is already expanding. The original claim was for a tiny zero emission zone within a wider clean air zone. It now appears the council are pushing towards a plan to charge any non-electric vehicle in the entire zone.

We are yet to analyse this fully, but please take a look and start making your opinions known.

The consultation can be found here:
<https://consultations.oxfordshire.gov.uk/consult/ti/formalzezpilot/consultationHome>

You have till 17 January 2021 to respond. MAG Central will be making a full and detailed response.

A better 2021?

December will be just as busy a month for riders’ rights as all the others, and we will not be missing any tricks.

Thanks to all who have helped us campaign in the interests of riders’ rights.

We're hoping for a more normal 2021.

We hope that, whatever Christmas and New Year has in store for you, 2021 starts better than 2020 played out for riders – and the country. The Political Unit will always be here for you, defending your rights and making sure that the massive progress we've made in recent years give us a loud and authoritative voice at the table in the year to come.

A message from the Chair

MAG is its members and I send heartfelt thanks to all of you; you have all in some way done your bit to help MAG weather the storm of 2020. We'll continue to need your support in 2021.

Could you volunteer?

MAG as an organisation runs on volunteers, and we can only run local and national meetings and events because of those who give their time freely and get involved. We are always looking for more volunteers to fight for riders' rights, be it writing a letter, running an event, or - in today's world - spreading the message through social media. MAG is alive and well, and the threats to riding - be it a moped, motorcycle, scooter, sidecar outfit or trike - have not gone away. Riders need a voice to represent them locally and nationally. If you can step up to help us do that in any way, then please do by continuing your membership, supporting events and, if possible, donating your time. If there isn't a MAG community in your local area, or your region doesn't have a Rep, then now could be the time for you to take that on. If you are interested, or have a skill you can offer, please get in touch either at central-office@mag-uk.org or chair@mag-uk.org MAG is its members!

Members only competition

You'll see that we are running a "Win a pair of tyres" competition. All you need to do to be in with a chance of winning the tyres is ensure that your membership is up to date when the draw takes place on Christmas Eve. Our thanks go to Cumbria MAG for donating the prize. If you would like to donate a prize for future giveaways, then please get in touch with Central Office at central-office@mag-uk.org Perhaps you can donate event tickets, biking related items, discount vouchers? Whether you are an individual, a group or a business, we'd lovely to hear from you if you have something to offer to enhance our membership benefits.

Thank you on behalf of the organisation for your continued support, and I look forward to seeing you out and about in 2021.

May you find joy in your Christmas and all the best for a bright New Year!

Selina, MAG National Chair

MAG PRESS RELEASES

England's national lockdown sees further revision to the COVID-19 Riding Guidelines.

05/11

The Coalition of Motorcycling Organisations (COMO) has reacted once more to changes to the Covid-19 restrictions. The national lockdown for England commencing from 5th November rules out group and recreational riding.

The core detail of the guidelines remains unchanged, but the group riding guidelines are suspended in England until the new restrictions relating to Covid-19 are lifted. Welsh restrictions are set to ease next week, but Northern Ireland and much of Scotland have travel restrictions affecting motorcyclists as well as drivers.

The Guidelines joint authors, Richard Gladman of IAM RoadSmart and Roger Bibbings of the Vintage Motorcycle Club, have chosen to leave the majority of the guidelines unchanged whilst emphasising that motorcycling is only permitted for essential travel purposes in England and therefore all group riding in England is prohibited. As the other administrations alter their restrictions it is important that recreational or group rides are conducted in accordance with local restrictions.

Richard Gladman, Head of Driving & Riding Standards & Product Development for IAM RoadSmart, said "The spirit of the restrictions is clear. The members of the Coalition are all agreed that now is not the time to be seeking loopholes or ways to bend the rules. We are all passionate about riding, but we all have a responsibility to help reduce the spread of this virus."

The revised guidelines are available at <http://bit.ly/covidridesafe>

Issued on behalf of the Coalition of Motorcycling Organisations by the Motorcycle Action Group

Press and other enquiries c/o MAG at 01926 844 064 or central-office@mag-uk.org

ENDS

Recreational motorcycling in England permitted under new measures.
This version: 2020-11-11

The Coalition of Motorcycling Organisations (COMO) has examined legislation and guidance for the new lockdown in England. If you are not required to self-isolate, the rules do permit riding alone or with one other individual. You are still subject to the social distancing rules and other measures.

Many riders have been asking whether riding alone is allowed under the new lockdown rules. Government has clearly stated that riding as essential travel is allowed. We looked into rules on riding for leisure and mental well-being which are not so clear.

We have studied both the legislation and the guidance and have concluded that the rules do permit riding for pleasure, alone or with a mate.

You can ride for recreation on public roads so long as you are:

- on your own
- with one person from another household, or
- with the people you live with (your household) or your support bubble

Bikers congregating in groups is not allowed under the legislation and will draw unwanted attention, as will any reckless riding. Please use good judgement and avoid any action that will adversely affect the reputation of motorcycling.

We will publish a revised version of the Covid-safe motorcycling guidelines once we understand the situation after the current lockdown period expires.

Notes for editors

The Coalition of Motorcycling Organisations membership consists of representatives from the Motorcycle Action Group (MAG), the Vintage Motorcycle Club (VMCC), the Trail Riders Fellowship (TRF), the British Motorcyclists Federation (BMF), IAM RoadSmart, the Auto Cycle Union (ACU), the Triumph Owners' Motorcycle Club (TOMCC) and Biker Down UK.

New casualty analysis for vulnerable road users gives fresh perspective. 12/11.

The Motorcycle Action Group (MAG) has published new analysis of vulnerable road user (VRU) casualties. The report opens the way for a fresh perspective on VRU road safety.

Motorcyclists, pedal cyclists, horse riders or handlers and pedestrians are defined as vulnerable road users. This is because they are not protected by a vehicle body. They can also be harder for other drivers to see on the road.

MAG starts from the premise that motorcyclists - like all other road users - do not set out to cause injury, nor to be injured. Collisions happen when errors are made. Reducing errors and opportunity for errors will reduce casualties. The work carried out by MAG looks at trends in the statistics over the five years 2015 – 2019.

Colin Brown, the report author, said: "MAG is keen to look at whether the safety of VRUs is improving or getting worse. This analysis looks at regional and local authority levels and we found that national figures hide wide differences across the country. We will go on to look at road safety approaches and campaigns on the ground. By finding any differences at local level, we hope to identify what works and what doesn't."

The British Horse Society (BHS) gave valuable support to establish data for horse riders.

Alan Hiscox, Director of Safety for the BHS, said "The whole 'official' reporting system for equestrians does not give a realistic picture of what happens on the roads, and injuries and fatalities to horses are very rarely reported by the police. Therefore, it is so important that equestrians report any incident - but especially incidents that have resulted in injury to the

horse - to the British Horse Society, so we can present a 'real life' picture."

Analysis

Some of the key revelations of the analysis show that:

- Motorcyclist KSI numbers are reducing in all GB regions
- KSIs for motorcyclists, cyclists and pedestrians significantly reduced in Lancashire
- Pedestrians fare worst in Lincolnshire
- The KSI rate per billion vehicle miles flipped in London in 2019. The cycle KSI rate became slightly higher than that for motorcycles.

The full report can be found at <https://bit.ly/VRUtrends> .

Perspective

Colin Brown states: "Commentary on motorcycling tends to be negative. I have shown in this analysis that there is cause to challenge that attitude. We all want to see more work done to improve the safety of riders; however, motorcycling policy and safety needs fresh perspective. MAG is working to promote the many benefits of motorcycling, but the critics habitually position safety as a blocker. In reality, motorcycling is getting safer. Therefore, long standing prejudices are not legitimate and must be challenged."

Alan Hiscox commented "I know horse riders don't compare to other VRUs in casualty numbers, but I am convinced that we have more near misses per mile ridden. We are creating a stronger voice by supporting each other and bringing attention to all VRU's."

Rachel Lee, Policy & Research Manager for Living Streets, said: "Increases in pedestrian KSIs have occurred across rural counties and metropolitan areas. The positive trends in absolute KSIs for London boroughs (including City of London) are in contrast to the significant reduction evident in the City of Glasgow and City of Edinburgh. Scotland as a whole shows an overall reduction in KSIs for all vulnerable road users, perhaps attributable to having a clearer vision for road safety through the Scottish Government's adoption of Vision Zero."

Nick Chamberlin, Policy Manager for British Cycling, commented: "We welcome this new analysis from MAG and thank them for throwing more light on this subject. Groups representing vulnerable road users must work together to highlight the dangers faced by our members. We must also seek to understand where progress is being made and encourage the Government to accelerate investment in our local road network, so that it is safe for everyone."

Contact MAG at 01926 844 064 or central-office@mag-uk.org

MAG receives confirmation that motorcycles are 'not in scope' for 2030 end of sale of petrol and diesel vehicles. 18/11.

The Government has announced that the UK will end the sale of petrol and diesel cars and

vans by 2030. The Motorcycle Action Group (MAG) has received confirmation from the Department for Transport (DfT) that the sale of petrol motorcycles is not in scope of today's announcement.

The Government today (18th November 2020) formally announced a Ten Point Plan for a Green Industrial Revolution. Included in the plan is the announcement that the sale of new petrol and diesel cars and vans in the UK will end by 2030. This is ten years earlier than planned.

The position on motorcycles is not mentioned in the announcement. MAG therefore contacted the DfT for clarification. We received confirmation that motorcycles are not in scope of today's announcement regarding the ending of sale of petrol and diesel cars and vans.

The Department contact went on to say that there are no timeframes for ending the sale of petrol/diesel motorcycles. Further, should the department wish to make such an announcement, they will consult first with the Motorcycle Action Group and its members.

Contact MAG at 01926 844 064 or central-office@mag-uk.org

Sunak's Levelling Up Fund is a massive opportunity for motorcycling

26/11/2020 in News by Colin Brown



The Chancellor's new £4 billion Levelling Up Fund is a great opportunity for motorcycling. Motorcyclists can win investment for secure parking facilities and bus lane access, so the Motorcycle Action Group (MAG) advises members to contact their councillors and MPs.

Yesterday, Rishi Sunak unveiled a new £4 billion 'Levelling Up Fund' for England. It is money for schemes from bus lanes, to railway station upgrades. The Fund will finance a broad range of local projects.

Sunak said the initiative is about funding the infrastructure of everyday life. Projects must have real impact, be delivered quickly, and have local support.

Motorcyclists are part of the community. We don't ask for much, but our needs are often overlooked. MAG therefore suggests that members speak to their local MP and councillors to ask for installation of motorcycle-friendly infrastructure. You can propose that new bus

lanes allow motorcycle access; or ask for regeneration projects to include secure motorcycle parking.

MAG Chair, Selina Lavender, said:

“We are used to ‘no money’ being the response to all our requests. But this Levelling Up Fund is a great chance to get past that issue. We should seize it. If you have never contacted your councillor or MP before, now is the time to start. Let’s see motorcycling level up and see some investment.”

Meanwhile, MAG is developing designs for dual use secure parking rails. We want to create innovative secure parking products for members to promote. Please contact us if you are a manufacturer or individual with expertise in this area.

Find your local councillor’s details [here](#), and your local MP’s details [here](#).

Let us know how you get on.

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Smart motorways

<https://www.driving.co.uk/news/government-announce-seven-new-smart-motorways/>

Nine more smart motorways without hard shoulders have been granted permission to go ahead despite warnings that they are 'death traps'.

The new stretches of motorway, which cover a total distance of 138 miles, will see a 32-mile section on the M3, 17 miles on the M6, 23 miles of the M1 and another ten-mile segment on the M3.

The lanes will also have the more dangerous spacing of around 1.04 and 1.39 miles between emergency safety refuges.

The move comes just months after Transport Secretary Grant Shapps announced an 18-point safety plan to keep the roads running across the UK despite figures in showing a total of 44 had died on smart motorways in the last five years.

Steve M.

[And, following on from Steve's words above, more on this subject from the RAC]

Over 130 miles of new smart motorways given the green light

RAC: 10th Nov 2020



A further 138 miles of 'death trap' smart motorways will be built with emergency refuge areas spaced further apart than previously suggested.

Despite plans to reduce the distance between safety areas to $\frac{3}{4}$ of a mile where feasible, nine smart motorway projects will go ahead with refuge areas between 1.04 and 1.39 miles apart.

Transport Secretary Grant Shapps announced an initial £700m safety plan [in March this year](#) after he grew 'greatly concerned' that 44 people had died on smart motorways over the last five years.

The new smart motorway projects have already started on:

- 32 miles of the M13
- 17 miles of the M6
- 23 miles of the M1

Another 10-mile section of the M3 will go ahead without extra lay-bys, even though work has not yet begun.

Meera Naran, who has campaigned for safer smart motorways described the decision as “absolutely unacceptable”.

The senior lecturer at De Montfort University lost her eight-year-old son Dev when an HGV collided with his grandfather’s car, which was stopped on the hard shoulder being used as a live lane, on the M6 near Castle Bromwich, Solihull.

Reports show that there was a two-and-a-half-mile gap between emergency refuge areas at the scene of the accident.

A network of sensors and cameras are designed to close the hard shoulder from traffic in order to protect stationary road users.

Ms Naran said she will contact Shapps and Highways England to make it clear that 18 point plan should apply to existing as well as future smart motorways.

Current Highways England Research stats show that 26 vehicles stop in flowing traffic on smart motorways every day.

The Transport Secretary announced plans to abolish the “confusing” dynamic hard shoulder smart motorways eight months ago.

Despite his plan, the part-time lanes are still in use over 67 miles of the road network, including 15 miles on the M1 and 11 miles on the M62. They will be converted to all-lane running by 2025.

Sarah Champion, Labour MP for Rotherham, said: “The government needs to grasp that there is nothing ‘smart’ about creating death traps.”

Statistics for 2015-18 show that fatality rates on smart motorways without a permanent hard shoulder were lower than on conventional motorways in three out of four years. The opposite was true for serious injuries, with a higher rate recorded on smart motorways in three out of the four years.

The Department for Transport highlighted that the transport secretary tasked Highways England with delivering an action plan to make the schemes less confusing and emergency refuge areas more visible.

“We will ensure Highways England delivers this to the agreed timescales.”

The government company said a new design standard, with spaces no more than one mile apart, would apply to all upgrades yet to be designed.

PACTS calls for ‘fresh look at road danger’



Road Safety GB: 17 November 2020

The Government is being urged to adopt a new style of casualty analysis which highlights the road users that most put others' lives at risk, and those who rarely kill others.

The report, published by the Parliamentary Advisory Council for Transport Safety (PACTS), says DfT data 'can tie even the most seasoned road safety professional in knots' – and can be open to 'misunderstanding', which in turn can lead to 'poor policy decisions':

<https://www.pacts.org.uk/2020/11/pacts-report-what-kills-most-on-the-roads/>

The report – titled 'What kills most on the roads' – uses simple graphics and charts to highlight the overall risks involved with different modes of transport, including the risks posed to others.

The analysis shows pedestrians and cyclists 'rarely kill other road users' while motor vehicles do, 'in large numbers'. It also shows that road users are much more likely to be killed in a car, or by a car, than any other mode.

For every 100 pedestrians killed:

- 65 deaths involved a car
- 11 involved a lorry
- Seven involved a van
- Six involved a bus

Meanwhile, for every 100 cyclists killed:

- 48 deaths involved a car
- 12 involved a lorry
- Seven involved a van
- 14 involved no other vehicle

PACTS is calling for the DfT to include this form of analysis in future publications – particularly in light of current investment in healthy, sustainable and active modes of travel.

David Davies, PACTS executive director, said: "This new style of report shows road danger as well as vulnerability. It highlights the overall risks involved with different modes of transport, including the risks posed to others.

“We hope the DfT will include this form of analysis in its future publications, leading to a better understanding not only by experts but also by politicians and media of the sources of road danger and how forward-thinking policies on active travel can be achieved in parallel with ambitious road safety objectives.”

Barry Sheerman MP, chair of PACTS, said: “To bring about change we need good research, delivered with passion in language that connects with people, politicians and pundits.

“We must not be afraid to talk in plain terms about the dangers on the road and who is affected most.

“Today, we face multiple challenges the greatest of which is sustainability – for our communities, our economy and our planet environment.

“We must show that road safety and danger reduction are critical to these other agendas and can be integrated with them.”

Registrations of motorcycles and mopeds in largest European markets slightly rose again

ACEM: 05 Nov 2020



Between January and September 2020, motorcycle registrations in the five largest European markets (i.e. France, Germany, Italy, Spain, and the UK, i.e. about 80% of the EU + UK motorcycle market) reached 708,503 units. This volume of registrations represents a decrease of 3.3% in comparison to the first nine months of 2019.

The current registration trends in the motorcycle segment, however, show an improvement in comparison to the first six months of the year, when the motorcycle registrations in the main European markets had fallen on average by 17%. This was due to the paralysis of commercial activity, caused by the outbreak of the COVID-19 virus (see the previous press releases at: <https://www.acem.eu/hit-by-an-unprecedented-decline-in-vehicle-registrations-due-to-covid-19-outbreak-europe-s-motorcycle-industry-calls-for-support-from-the-ec> and:

<https://www.acem.eu/acem-press-release-registrations-of-motorcycles-and-mopeds-in-largest-european-markets-still-lag-behind-2019-figures>

The moped segment looks in better shape, with registrations in the largest European markets (i.e. Belgium, France, Germany, Italy, the Netherlands, and Spain) reaching a total of 205,688 units during the first nine months of 2020. This represents an increase of 6.4% in comparison to the same period of 2019.

Quote

Commenting on the current situation of the sector, Antonio Perlot, ACEM Secretary General, said: “The registration figures for the first 9 months of the year show that the sector is slowly starting to recover from the very difficult months of March and April 2020 that had put the sector under unprecedented financial stress. The situation remains delicate, and the uncertainty created by the COVID-19 outbreak is not over yet”.

“That said, there are reasons to be optimistic. The recent decision by the EU institutions to extend the cut-off deadline for selling Euro 4 models until 31 of December 2021, will certainly help the motorcycle industry to better cope with this crisis”.

“Also, the COVID-19 crisis creates opportunities for policy-makers to rethink about local transport policy. The crisis has clearly shown that overreliance on public transport can create vulnerabilities in cities' transport systems. A preferable better approach would be to find a balance between different transport modes. Better integration of two-wheelers in the transport mix, for example, can reduce the present risks of operating public transport networks at full capacity”.

Note

The new "COVID-19 measure" (article 44a, EU Regulation 168/2013) will complement the current rules on End of Series (art. 44, EU Regulation 168/2013), which grant the possibility to register a limited amount of Euro 4 vehicles (up to 10% of past 2 years sales, per OEM type) until 31/12/2022. The agreement between the European Parliament and the Council is pending of final adoption and publication in the EU official journal.

Documents available to download at:

https://www.acem.eu/images/ACEM_statistics_-_January_-_September_2020_v2.pdf

https://www.acem.eu/images/ACEM_statistics_-_FAQ.pdf

https://www.acem.eu/images/ACEM_statistics_-_Glossary.pdf



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Promotion by the MAG Foundation in support of MAG's work on motorcycle theft.

[I've always understood that if a driver bumps into the car in front, the driver of the rear vehicle is 100% at fault so I was particularly interested to receive this from Motorcycle Law Scotland – thanks guys, AG]

LESLIE O'DONNELL V LISA SMITH AND ROYAL AND SUN ALLIANCE

SOURCE – MOTORCYCLE LAW SCOTLAND

MOTORCYCLIST HITS VEHICLE IN FRONT – NO PRESUMPTION OF NEGLIGENCE.



THE COLLISION CIRCUMSTANCES

On 29th May 2016, Leslie O'Donnell and two friends, all from Northern Ireland, were travelling on their motorcycles from Omagh via Larne/Stranraer up to Oban when Leslie was involved in a serious RTC on the A82 just south of Tarbet. All the motorcyclists are very experienced. One is a serving Police Officer and headed up 'BikeSafe' courses in N.Ireland. Between the three, they have over 90 years riding experience.

Heading North and riding at between 55-60mph, they caught up with a Peugeot travelling at around 50mph. Leslie took up a position 50-60m behind the car. He considered overtaking as the road ahead was clear. However, the Peugeot driver became apprehensive when she saw the three motorcyclists in her mirror and she braked suddenly. Critically, she braked so hard that she performed an emergency stop.

Following behind, Leslie had to brake hard but running out of tarmac he looked for an exit route. He tried as best he could to go to his left but he hit the rear of the stationary car in front of him. He managed to crawl from the road onto the nearside verge. Seriously injured and in severe pain he was taken by emergency ambulance to the Royal Alexandra Hospital in Paisley.

Leslie was admitted into the high dependency ward where he was treated for fracture injuries to his right wrist and right knee. He remained in hospital for some time before returning home to N. Ireland.



THE INSURER'S PANEL SOLICITOR

Following the incident, Leslie contacted his insurance company, MCE and was referred to their panel Solicitor to handle his Personal Injury claim. Liability was disputed by the driver's insurer, Royal and Sun Alliance. Their position was simple; Leslie had clearly run into the back of their insured's vehicle, so he had to accept the lion's share of responsibility. Settlement was proposed on an 80/20 split in favour of the driver. Leslie was told by his solicitor that he would have to accept such responsibility for the collision and any award of damages would be reduced by 80%.

ENGAGING MOTORCYCLE LAW SCOTLAND

Furious with the advice from the appointed panel solicitor, Leslie told them to close his file. The driver stopped dead for no reason so how on earth could he be to blame? Leslie sought help from motorcycle experts White Dalton but as the incident had occurred in Scotland, White Dalton immediately referred Leslie to Motorcycle Law Scotland. Brenda Mitchell, Senior Partner at MLS and an advanced motorcyclist herself took on Leslie's case. She agreed to fly over to Northern Ireland and meet with Leslie and his fellow motorcyclists to get a better understanding of what had actually happened on 29th May 2016.

GETTING TO KNOW CLIENT AND WITNESSES

Meeting and talking with clients and witnesses face to face is something that the Lawyers at Motorcycle Law Scotland do. Lawyers stand a better chance of winning a case if they do the ground work. Leslie had never met his panel solicitor and was not offered a meeting. Form filling and paper processing doesn't work. Specialist motorcycling lawyers do things differently. It is this attention to detail at an early stage which makes the difference. Having reviewed all the evidence, MLS advised Leslie he had a good case and the only way ahead was to raise an action against the driver. She would need to explain why she came to a dead stop before Leslie collided with her.

THE TRIAL

The case proceeded to trial on the 20th and 21st November 2018. Leslie O'Donnell and his two witnesses gave evidence that prior to the collision Leslie was 50-60 m behind the car, an appropriate distance. The driver gave evidence that she performed an emergency stop. She had been apprehensive about the presence of the motorcyclists and braked too sharply.

THE RESULT

Having heard the evidence, the Sheriff found in favour of the Pursuer, Leslie O'Donnell. Sheriff McGowan stated in his Judgement that "there is no rule that the collision by one vehicle running into the back of another automatically gave rise to an inference of negligence on the part of the following driver." It is always necessary to look at the whole circumstances of a collision.^[1]

He further considered that Leslie O'Donnell was riding his motorcycle at around 55mph and was 50-60m behind the vehicle in front. As such, he complied with the Highway Code in relation to stopping distances and the so called "two second rule". A vehicle travelling at 55 mph will cover 50m in just under two seconds. In relation to speed and distance behind the defender's car, the motorcyclist could not be faulted.

The accident was caused by the driver's negligence and the defenders did not make out a case of part-fault.

[Leslie O'Donnell v Lisa Smith and Royal and Sun Alliance Insurance PLC](#)

LESSONS

- The appointed panel solicitor failed to fully investigate the claim and appreciate the motorcyclist's position.
- The panel solicitor was too keen to accept the insurer's argument based on previously reported case law.
- The panel solicitor didn't meet the individuals involved and thus would never have been able to successfully argue the case.
- If the driver's position was always that she performed an emergency stop for no reason other than feeling apprehensive, this case should never have gone to trial and the insurers should have settled on full value basis at the start.
- Every case is fact sensitive. The driver stopped quickly. The motorcyclist had no time to react. He was faced with an emergency situation and was unable to bring his motorcycle to a

halt. It cannot be inferred that because the motorcyclist is unable to stop that he must have been riding too close.

This is an example of why any motorcyclist involved in any collision should seek the help of expert motorcycling lawyers. Do not, under any circumstances, accept the appointment of a panel solicitor.

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FEMA

More And More German Car Drivers Switch To Light Motorcycles



Thanks to a change in German legislation, car drivers can now easily leave their car and start riding a 125 cc motorcycle.

When FEMA published [a poll](#), asking European motorcyclists if they thought car licence holders should be allowed to ride an A1 motorcycle, a large majority of motorcyclists said car drivers should have easier access to light motorcycles.

In response to our poll, motorcyclists said car licence holders should be allowed to ride an A1 motorcycle, as long as they take some motorcycle lessons to master riding a two-wheeled vehicle. In some European countries, car licence holders (B licence) are already allowed to ride an A1 motorcycle, a motorcycle of 125cc, but there is no coherent European policy on this matter.

Since the FEMA poll, legislation in Germany has changed. Drivers who have had their B licence for at least five years, who are at least 25 years old and who have completed theoretical and practical training of at least 13.5 hours can ride a 125 cc motorcycle (a final driving test is not necessary). This specific A1 licence does not allow the holder to ride a light motorcycle abroad.

The Kraftfahrt-Bundesamt – the German federal motor transport authority – tells us that in the first six months of this year around 27,000 B license holders (21,994 men and 4,899 women) took the opportunity to get an A1 licence under the new rules. Let's take a look at the ages of those that did:

- up to 30 years 12%
- 31 to 44 years 40%
- 45 to 60 years 46%
- 61 years and older 2%



Olaf Biethan (BVDM chairman) considers it urgently necessary to take into account the needs and advantages of motorized two-wheelers in future traffic planning. German motorcyclists' organization [BVDM](#), a member of FEMA, welcomed the opportunity for car drivers to ride a 125 cc. Olaf Biethan, chairman of BVDM: "The 125 cc bikes are vehicles that are typically used for everyday riding. Anyone who leaves their car behind and

instead rides a 125 cc or a comparable scooter relieves our roads. Less traffic jams, fewer pollutant emissions, et cetera. It also protects the environment sustainably. Far fewer raw materials and energy are required and wasted to build and operate a light two-wheeler than a car, which is used by just one person on most daily journeys.”

Olaf continues: “A light motorcycle or scooter can also be an inexpensive way to get started with electric mobility. Significantly cheaper than an e-car and without emissions in the city. The range is also not a problem in daily traffic. And under the current circumstances: when walking or cycling is out of the question due to the distance, the risk of infection with the coronavirus is lowest when using a motorized two-wheeler. Less than in the car and especially in public transport. You are always in a well-ventilated room and wearing a helmet also significantly reduces the spread of possible viruses.”

Motorcycle registration figures show that the 125 cc option is definitely accepted in Germany. In May 2020, 111 percent more light scooters were registered in Germany than in the same month of the previous year. In the case of light motorcycles, it was 60 percent more. The total registrations of motorcycles in Germany from January to May 2020, due to Corona, were 10 percent lower. Light motorcycles (+ 22%) and light scooters (+ 44%), on the other hand, increased significantly despite Corona (*source: IVM*).

Sceptics will say that allowing car drivers on A1 motorcycles will lead to more accidents. Matthias Haasper from the Institut für Zweiradsicherheit (IfZ), the German Institute for Motorcycle Safety tells us how it really is:

“It is not yet possible to make a statement about the number of accidents at this time. It is well known that the possibility of riding light motorcycles for motorists (‘A1 with B’) has only been possible since the beginning of 2020. In addition, riding school operations were temporarily suspended across Germany until the end of May due to the pandemic.”

“The official figures of the Federal Statistical Office with a particular focus on light motorcycles are not yet available, so this question cannot be answered at the moment. The interpretation of the accident figures with a view to ‘A1 with B’ is also difficult because the users are in different age groups. For this reason, an age class-dependent special evaluation must take place in the long term. But even then, it is often difficult to attribute a potential change in the numbers to a single cause. Such an analysis will be possible and useful in the spring of next year at the earliest.”

“What we can say so far, however, is a general decline in the number of casualties among users of powered two-wheelers, especially this year from January to July. This also includes the group of light motorcyclists.”

Success In The US-EU Trade War: No Extra Tax On American Motorcycle Parts



The United States government put extra taxes on European products like whisky and French cheese and it is now Europe’s turn to impose extra charges on American products. However, American motorcycle parts are taken off the list and will not be taxed.

In April 2019 [we wrote](#) about the trade war between the USA and the European Union. Accusations from both sides about illegal support of the national airplane industry (the USA had given benefits to their airplane industry (Boeing), with an estimated damage to the EU airplane industry (Airbus) of \$12 billion) led to procedures and claims with the World Trade Organization ([WTO](#)) and verdicts against both parties.

As we reported in 2019, this would also affect owners of an American motorcycle. Right after the first publications of the preliminary list of products that were to be taxed with an extra 25% import duty we reacted to the then responsible European commissioner for trade Cecilia Malmström and asked to leave motorcycle parts out of the package, because motorcycles and motorcycle owners had nothing to do with this conflict and we didn't see why motorcycle owners should suffer from this. Also the European motorcycle industry association ACEM lobbied against this, together with Harley-Davidson. This lobby was successful and American motorcycle parts were removed from the list.



FEMA General Secretary Dolf Willigers (photo: Wim Taal)

On 26 October 2020 the WTO gave the EU green light to impose tariffs on American products for 4 billion dollars per year. On 9 November the European Commission published a [press release](#), announcing that a list with products that would be taxed with an extra 25% import tariff will be published in the European Journal soon. However, thanks to the lobby of ACEM et al and our own efforts, the American motorcycle parts will not be imposed with an extra import tax..

Dolf Willigers, FEMA General Secretary, commented: "We are very happy and relieved that American motorcycle parts are taken off the list. For us this is a pleasant surprise and it shows that a good lobby works and that it pays to give your opinion to the European Commission".

FEMA Wants To Keep Home Recycling Of Motorcycles Alive

November 18, 2020



Europe has rules in place for the collection and destruction of cars that have come to the end of their life. Motorcycles are exempt from these rules. That may change, if it's up to the European Commission.



Wim Taal. FEMA's communications officer: "Inclusion of motorcycles in the scope of the directive could also mean a serious threat to historical motorcycles. These bikes are especially dependent upon on available and affordable original spare parts to keep them in working order. And who wants to see oldtimers disappear into state approved demolishing facilities?"

These rules are part of the End-of-life Vehicles Directive, aimed at the prevention of waste from vehicles that have come to the end of their life. The directive also tells Member States to set up systems for the collection and de-registration of all end-of life vehicles. The directive also pushes producers to manufacture new vehicles without hazardous substances (in particular lead, mercury, cadmium and hexavalent chromium), thus promoting the reuse, recyclability and recovery of waste vehicles. The directive tells Member States to have all vehicles that have reached the end of their life 'transferred to authorised treatment facilities' to be demolished in an environmentally friendly way.

If motorcycles were to be included in the scope of the directive, that could mean the end of so-called home recycling. Recycling of motorcycles and motorcycle parts is an inherent part of motorcycle use. Home recycling, where you end the bike's registration and take it apart for reuse of its parts, is a significant part of the motorcycle culture. Home recycling helps to keep bikes on the road with used spare parts, instead of using new parts that have to be produced from raw materials. As we did in the 1990s, FEMA still believes that the private reuse of motorcycle parts is one of the best ways to prevent waste and to prevent the unnecessary use of raw materials. This way, motorcyclists play their part in the circular economy as well as being environmentally friendly.

Luckily motorcycles and other powered two-wheelers are not included in the scope of the current directive, a position that was lobbied for by FEMA when the directive was written and adopted in the late 1990s.

The European Commission now plans to revise the End-of-life Vehicles Directive and asked for feedback (there will be a public consultation in the second quarter of 2021 and the Commission's adoption of a revised directive is planned for the second quarter of 2022). As part of the revision of the directive, the European Commission wants to explore the need to have powered two-wheelers include in the scope.

FEMA responded to the European Commission's request for feedback with the following statement and explains why in our view motorcycles and other powered two-wheelers should not be included in a new directive.

The Federation of European Motorcyclists' Associations (FEMA) thanks the European Commission for the opportunity to give its vision on the revision of the End-of-life Vehicles Directive (2000/53/EC).

In FEMA's view, the current Directive succeeded in preventing waste from vehicles, the reuse of parts from vehicles and improvement of the environmental performance of all economic operators involved in the life cycle of vehicles. We can also understand the need to extend the scope of the directive to other kinds of vehicles than cars.

However, extension of the working of the Directive to powered two-wheelers (PTWs) is less obvious because of the different nature of both use and build of PTWs. PTWs do not have a body like cars; they can have body parts attached to the frame, but this cannot be compared with the body of cars. Most PTWs spend the largest part of their life indoors and as a rule are used for far less kilometres than cars. Because of this, and because parts can easily be removed, PTWs seldomly reach the end of their life like other vehicles do.

Virtually all PTW parts can be reused, through a large network of specialised second-hand part suppliers throughout the European Union, or by users themselves who swap and change parts with other owners. Parts that are not reused are recycled through local recycling schemes or sent on by second-hand part shops. There is no evidence of PTWs being dumped beside the road or otherwise disposed of in an inappropriate manner. Inclusion of PTWs could even be contrary to the aim the directive, by causing a problem where none exists now. In particular, the certificate of destruction may prohibit users from dismantling their vehicles for the purpose of reusing components. Furthermore, the administrative requirement on specialised second-hand parts businesses, which are generally small and medium-sized enterprises (SMEs), could mean job losses.

An exception could be made for electric powered vehicles (EVs). The demolition of EVs is specialistic work that should not be done by unqualified people. To ensure that the demolition of PTWs with a combustion engine can still be done in-house by the owners themselves or by SMEs, and to ensure that demolition of electric PTWs is done by qualified specialists, FEMA suggests not to include PTWs in the End-of-life Vehicles Directive but to draw a separate Directive for powered two-wheelers and perhaps other L-category vehicles.

If the European Commission does propose to include motorcycles and other powered two-wheelers in an End-of-life Vehicles Directive, FEMA would ask the Commission to ensure that the possibility of controlled in-house demolition remains possible (as part of a circular economy), either by including it in the Directive, or by allowing Member States to make their own rules and regulations for in-house demolition.

If the European Commission does propose to include motorcycles and other powered two-wheelers in an End-of-life Vehicles Directive, FEMA would ask the Commission to ensure that historic PTWs or PTWs of value to collectors or intended for museums, kept in a proper and environmentally sound manner, either ready for use or stripped into parts, do not fall within the scope of this Directive.

Written by [Wim Taal](#). This article is subject to [FEMA's copyright](#)

Give your opinion on the current European driving licence

FEMA News: November 4, 2020



Do you want to give your opinion on the current European driving licence? This is your chance! The European Commission started a public consultation to help evaluate the Third Driving License Directive: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0126>

After the first Driving License Directive in 1980, the second in 1991 we saw the third Driving Licence Directive being adopted in 2006 (it became applicable in 2013). After a number of years European laws must be evaluated, and the European Commission already started this in 2017. Now it is time for the next step and the good news is: we can all have our say. As usual, the European Commission started a public consultation on 28 October which will last until 20 January 2021 and she invites all stakeholders to participate. To go to the survey, go to: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/11930-Driving-licence-rules-evaluation/public-consultation>

Before you can start you must make an account, just a log-in name and a password, nothing more. The survey is not only about the A licence, but is about all licences, with some questions that are specific about the A licence. Of course, for FEMA the survey is already completed by us, but you can participate as a private person or as a representative of an organization. According to the European Commission, the results of the evaluation will be taken into consideration to determine if changes and/or improvements are necessary to the Driving Licence Directive.

‘The present test requirements for the motorcycle licence have little to do with road safety’

As FEMA we have strong views about training and testing. In our view, the present test requirements for the motorcycle licence have little to do with road safety. They are for a large part focussed on low-speed technical skills. It's good to have those skills, but they don't make you a safe rider. For that you need what is called higher skills. You need the ability to predict and recognize possible dangerous situations and act properly. You need to be aware of the unexpected and react in the right way. These are the skills that make you survive on the road and that save lives, not walking backwards into a virtual parking space next to your motorcycle.

We also have our doubts about the staged entry to a full motorcycle licence. Although it seems logical that it is better to start with a light motorcycle, there isn't any scientific evidence yet that this is indeed the case. Most accidents, even fatal ones, do not happen at high speeds for which you need a larger and faster motorcycle. Another aspect of the staged entry is the time consuming and costly way it takes to get a full A licence. The official way to that is three times training and/or testing, which not only makes it just expensive and time consuming, but in many occasions provides a too large threshold for potential riders. In some countries, holes in the national legislation makes it possible to avoid one or more tests

or training obligations and riders make good use of these unintended possibilities. So, what is the gain then?

Together with FIM Europe we have drafted a position paper about the initial rider training with some recommendations. These are:

- Initial rider training must teach the skills, knowledge and attitude needed to survive on the road, not just the skills needed to pass a licence test.
- Initial rider training should arrive from the EU/FEMA/FIM/ACEM Initial Rider Training Program and be described in detail in an agreed, national curriculum for category A.
- The licence test is a quality assurance of the candidate's competence, meaning the minimum skills, knowledge and attitude needed to safely operate a motorcycle on public roads, and it is of great importance that the licence test is designed to do exactly that.
- Risk awareness and risk management should be part of the licence tests.
- The licence test should not expose candidates to peculiar exercises with little relevance to real-life safe riding, the consequence being that perfectly competent candidates may fail the test, while questionable candidates, who have "learned the tricks", may pass.
- All training, testing and demand for test vehicles should be gender neutral.
- A stepped access with one practical and one theoretical test after a cost-effective training coached by trained instructors might encourage riders to start riding on smaller and less powerful bikes.
- Instructors and examiners should ideally be practising riders and should have participated in an officially recognised instructors /examiner's training programme derived from the agreed, national curriculum for category A.

Written by [Dolf Willigers](#). Top photograph courtesy of [KNMV](#). This article is subject to [FEMA's copyright](#)

[When we're allowed to tour again – be careful of roadside toilets in the Netherlands!!! AG]

Police catch speeders from customized toilet

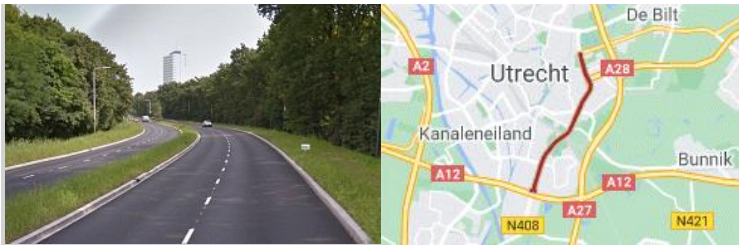
The unit Midden-Nederland of the Dutch National Police have come up with a new way to hide flash equipment: in a mobile toilet.

After a road has been built or reconstructed by the road authority, it is not finished.

Roads need regular maintenance, such as mowing the roadsides or pruning bushes and trees, as well as freshening up or adjusting road markings and repairing crash barriers.

This must of course be done in a way that is as safe as possible for road workers.

On the Waterlinieweg, a provincial road in Utrecht, it has become apparent in recent years that this safety is being compromised.



Also this time, the police traffic specialist for the city of Utrecht was approached by the province to see if the police could help.

The traffic specialist asked the Traffic Enforcement Team to monitor the speed during the maintenance, but only if work was actually taking place. We have done this several times, for example by the use of laser (cam) and the use of the radar. In this case, both the radar and the laser operator were placed in a customized “Dixi” (a mobile toilet). In this way we were completely absorbed in the work and were not noticed. A form of smarter enforcement. During the work, the normal maximum speed of 70 km/h was reduced to 50 km/h. In one week, 143 fines were issued for exceeding the speed limit.

This commitment was greatly appreciated by the road workers, they were able to complete the work quickly and safely.



skoften.net

A speed camera is hidden in this mobile toilet ©
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<https://etsc.eu/uk-to-close-loophole-and-prevent-all-handheld-phone-use-while-driving/>

ETSC: Insurers warn over risks of hands-off automated driving on UK roads
<https://etsc.eu/insurers-warn-over-risks-of-hands-off-automated-driving-on-uk-roads/>

ETSC: Euro NCAP launches ratings for advanced driver assistance systems

<https://etsc.eu/euro-ncap-launches-ratings-for-advanced-driver-assistance-systems/>

Statistical data set: Motorcycle riding test data by test centre (Last updated 29 October 2020)

<https://www.gov.uk/government/statistical-data-sets/motorcycle-riding-test-data-by-test-centre>

RAC-F: More not less driver training needed for semi-automated cars

<https://www.racfoundation.org/media-centre/more-not-less-driver-training-needed-for-semi-automated-cars>

TRL: Speed: an essential part of the safe system approach

<https://trl.co.uk/news/speed--an-essential-part-of-the-safe-system-approach>

RAC: Over 130 miles of new smart motorways given the green light

<https://www.rac.co.uk/drive/news/motoring-news/over-130-miles-of-new-smart-motorways-given-the-green-light/>

ACEM: The EU adopts new rules on end-of-series to help the motorcycle sector to cope with the COVID-19 outbreak

<https://www.acem.eu/the-eu-adopts-new-rules-on-end-of-series-to-help-the-motorcycle-sector-to-cope-with-the-covid-19-outbreak>

PACTS: PACTS Report - What kills most on the roads?

<https://www.pacts.org.uk/2020/11/pacts-report-what-kills-most-on-the-roads/>

Official Statistics: Attitudes towards electric vehicles in Northern Ireland 2019/2020

<https://www.gov.uk/government/statistics/attitudes-towards-electric-vehicles-in-northern-ireland-20192020>

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