

The law - Motorbikes and quads in Hodgemoor

a) Nuisance

Section 59 of the Police Reform Act 2002, makes it an offence for a motor vehicle to be used on a road or public place in a manner which causes harassment, alarm or distress. This includes the noise which is caused by off-road machines that are fitted with exhaust systems that do not conform to road standards. A noisy exhaust is a common factor for complaint.

Those people who ride horses or walk on common land can also be distressed or alarmed by the presence of a loud machine in a usually quiet setting. In such cases the police have the power to warn the user of the bike to remove it and if it persists have the machine seized and destroyed.

b) Noise

Noise caused by nuisance motorcycles can be a particular concern for residents. Local authorities and police have powers under the **Environmental Protection Act** to take action. Following service of a legal notice, further offences would result in the motorbike being seized and a prosecution of the rider, even when the bike has been ridden on private land with the owner's permission. This can result in a fine of up to £5,000 and the motorbike being crushed.

c) Trespass

- 1. It is illegal to drive or ride a mechanically propelled vehicle without lawful authority** on common land, moorland or land not forming part of a road, or on any road which is a footpath, bridleway or restricted byway (Section 34, Road Traffic Act 1988).
- 2. Use of a mechanically propelled vehicle** in Hodgemoor Woods is not authorised by Forestry England and is therefore both trespass and a criminal offence. Forestry Commission Byelaws 1982, paragraph 6 states "...no person shall bring or cause to be brought on to the lands of Commissioners any vehicle other than a perambulator or wheelchair...". These byelaws are enforceable in law by them and by the police. They are in addition to any other laws that would apply, such as trespass or the Highways Act. The link to the full byelaws is https://www.legislation.gov.uk/uksi/1982/648/pdfs/uksi_19820648_en.pdf.

Anyone caught riding an off-road bike, quad bike or off-road vehicle illegally, could face the following:

- i... Officers have the power to seize vehicles from uninsured drivers, and drivers that don't have a driving licence under Section 165A of the Road Traffic Act 1988

ii... You can be reported to appear in court for driving without insurance or a driving licence, as well as for careless or dangerous driving, driving without due care or attention or for driving on common land

iii... In addition, officers can issue Section 59 Notices if you are caught driving on land without the land owner's permission. If you receive two notices in 12 months then your vehicle will be seized, and you will have to pay to have it returned. If you don't pay, then it will be crushed

3. Aggressive, dangerous, threatening, racism and homophobic behaviour

In these cases, Thames Valley Police wants to hear from you within minutes. Call 999.

REPORTING AN INCIDENT

Are off-road motorbikes causing a nuisance in your area or trespassing? Do you have any information about the use of these vehicles, where they're being ridden and by whom? Call the police on 101. If you want to provide information anonymously, contact the independent crime-fighting charity Crimestoppers on 0800 555 111.

Provide information and photos to your volunteer Forest Ranger, Marcus Bicknell, marcus@hodgemoor.org.uk. Information that can help includes:

1. Photographs of the off-road vehicle, the people and their road vehicle(s).
2. The name and address of the owner of the off-road motorbike
3. Where the bike is stored
4. When and where the bike is being used (e.g. days, times and routes)
5. Any other useful information such as a description of those who use the bike and its make/model/colour.

Thank you for your help

MB 13 May 2020