

Bedfellows and Bikers - Executive Summary

21st September, 2017

On occasion, we at Motorcycle Minds like to indulge in political debates especially if it refers to motorcycling matters. We think it is important to look where we are now and how we got here, taking into consideration some of the political players that influence motorcycling and politics, especially in the context of the Brexit debate.

Prior to the vote on the EU Withdrawal Bill, the U.K.'s Brexit Secretary David Davis, put forward the government's position in parliament. Sitting next to him during the debates at the dispatch box was the MP for High Wycombe, Steve Baker, Junior Minister in the Department for Exiting the EU. Mr Baker is also a motorcyclist, and in this capacity, had previously aired his views on European Union legislation. On the 15th July 2012 "The Washington Post" published an article entitled – "Britain's continental drift away from the European Union" on its website.

The article stated that, "Proposed new pan-European rules would forbid motorcycle owners from doctoring bikes themselves, outraging tens of thousands of British bikers and becoming the latest symbol here of continental authority run amok." However, as Chairman of Associate Parliamentary Motorcycle Group he had been regularly briefed on the proposed regulation and was therefore fully aware that there was nothing within the proposal that would forbid motorcycle owners from "doctoring" their bikes.

During that period (2011,2012 and 2013), the vitriolic call to arms by the Motorcycle Action Group (MAG UK) to fight the EU proposal, followed the same logic as the MP Steve Baker, in fact MAG UK has proudly associated itself with him as Mr Baker has with MAG UK.

On 25th September 2011, both Steve Baker and MAG UK stated that there were 40,000 riders protesting against this EU proposal. We now know that the figure was simply guess work, but MAG UK and Steve Baker managed to convince the wider public and fellow Members of Parliament that it (MAG UK) was able to get 40,000 riders out on the roads on the 25th September 2011. A more realistic estimation would have a figure of less than 12,000 protesters, or 0.8% of registered motorcycles in the U.K.

The reason for the protest against this EU proposal was because MAG UK and Steve Baker had convinced motorcyclists that the EU Commission's proposal intended to introduce bans on modifications for motorcycles, mandatory High Visibility (Hi Viz) jackets and other restrictions for motorcyclists, which as we now know, never happened.

If bikers were to compare motorcycles and their lifestyle prior to the introduction of these regulations in 2016, they would find very little change. They can continue to modify their bikes and scooters. Indeed the regulations leave member states to determine Single Vehicle Approval for custom bikes. What motorcyclists cannot do is to tamper with mopeds and smaller (and to a lesser extent medium) motorcycles. These are measures to make it difficult to tune their mopeds and restricted 125s to higher (illegal) performance and speeds.

The obvious disregard by Steve Baker and MAG UK of the work of experienced technicians, civil servants, NGOs, Manufacturers and their representative bodies as well as members of the European Parliament – in particular the Committee for Consumer Protection (IMCO) which had the competency of dealing with the proposal of the "Approval and market surveillance of two – or three-wheel vehicles and quadricycles", has consequences. What these consequences will be if the U.K. exits the single market remain to be seen.

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Motorcycle Minds – www.motorcycleminds.org

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On occasion, we at Motorcycle Minds like to indulge in political debates especially if it refers to motorcycling matters. At the moment in the UK there is nothing more political than Brexit and what exiting the European Union might mean for the UK.

We can try to understand how motorcycling will be effected with the United Kingdom leaving Europe while attempting to remain on the fence dividing the leave and remain camps.

We could simply discuss what we ride, where we ride, what we wear to ride, even who teaches people to ride and how this will affect motorcycling post Brexit in the UK. Instead we think it is important to look where we are now and how we got here, taking into consideration some of the political players that influence motorcycling and politics, especially in the context of the Brexit debate.

A Major Player

On September 12th (2017) the U.K. parliament voted on the EU Withdrawal Bill by 326 votes to 290 in favour. Prior to the vote, the U.K.'s Brexit Secretary David Davis, put forward the government's position in parliament. Sitting next to him during the debates at the dispatch box was the MP for High Wycombe, Steve Baker, Junior Minister in the Department for Exiting the EU.

Known for his Eurosceptic views, he was appointed to this position by Theresa May after her failure to secure a parliamentary majority in the June election. Mr Baker played a prominent role in the Leave campaign and was chair of a group of 50 Conservative MPs, called Conservative for Britain that fought for Brexit in the run-up to the June 2016 referendum. He later ran the European Research Group - a Brexiteer organisation for backbench Conservatives.

Washington Post

Steve Baker is also a motorcyclist, and in this capacity, had previously aired his views on European Union legislation, in fact we – as Right To Ride EU (www.righttoride.eu) had written about Steve Baker and his comments to the Washington Post regarding the EU Type Approval proposals on 2 and 3 wheeled vehicles, which were effectively not true. In July 2012 we wrote: On the 15th July the same year "The Washington Post" published an article entitled – "Britain's continental drift away from the European Union" on its website.

The article stated that, "Proposed new pan-European rules would forbid motorcycle owners from doctoring bikes themselves, outraging tens of thousands of British bikers and becoming the latest symbol here of continental authority run amok."

The focus of the article was on UK MP Steve Baker who was described as, "a dashing English engineer" who is "fed up with the long hand of the European Union in British life."

The article explained that Europe, "had gone too far by interfering with his pride and joy: the retrofitted KTM 950 motorcycle he rides on the country lanes of Buckinghamshire." and that the proposed pan-European rules were, "outraging tens of thousands of British bikers and becoming the latest symbol here of continental authority run amok."

According to "The Washington Post", "Baker is also the wrong biker to mess with."

The thrust of the article was based on the then proposed EU motorcycle regulations, but as the title of the article suggested, it really concerned the debate about the UK leaving the European Union.

MP Steve Baker should have known what the European Commission's proposal actually meant for motorcyclists in the UK. As Chairman of Associate Parliamentary Motorcycle Group he had been regularly briefed on the regulation and was therefore fully aware that there was nothing within the proposal that would forbid motorcycle owners from "doctoring" their bikes. He was also aware that the "proposal" has gone through many changes and amendments.

The proposal indicated that any measures would only apply to mopeds and bikes up to 125cc to prevent young riders from tampering with certain parts of the power train such as the exhaust or air filter. To a lesser extent they applied to some medium motorcycles, but with the potential to modify if required.

It is unclear, in spite of having the information available why Mr Baker persisted in misinforming not only his constituents in the UK, but a world famous newspaper – The Washington Post, the same newspaper responsible for bringing to light the Watergate scandal.

See here: <http://www.righttoride.eu/2012/07/17/washington-post/>

What is apparent from his website www.stevebaker.info is Steve Baker's anti EU stance and his position on the then proposed regulation that emulated the briefings of the Motorcycle Action Group (MAG UK).

During that period (2011,2012 and 2013), the vitriolic call to arms by this organisation to fight the EU, followed the same logic as the MP Steve Baker, in fact MAG UK has proudly associated itself with him as he has with MAG UK.

EU Hands off Biking Protest

What is fundamental is that on 25th September 2011, both Baker and MAG UK stated that there were 40,000 riders protesting against this EU proposal with regards so called bans on modifications, mandatory High Visibility (Hi Viz) jackets and other restrictions for motorcyclists - which as we now know - never happened and was never going to happen. i.e. no ban on modifications, no EU compulsory wearing of Hi Viz and so forth.

<http://www.mag-uk.org/en/campaignsdetail/a6883>

This demonstration was highlighted in a letter that Steve Baker sent to MPs, suggesting the demo was a catalyst to call for a referendum. More recently this figure has been resurrected to provide impetus to the Brexit debate. In a radio interview in January this year (2017) Lembit Opik as Campaigns Manager for MAG UK, reiterated the story about the EU Hands Off Biking campaign including the same inaccuracies about the Type Approval proposals and the mythical 40,000 protesting bikers (1) .

Thus we believe that it is important to go back and examine facts and figures to see whether there was any truth both with regards the number of motorcyclists protesting – but also the underlying reason for the protests in the first place.

Commencing with the figure of 40,000 bikers, the estimation of riders demonstrating against the EU proposals on 25th September 2011, we went back through archives, including documents, videos and photographs and came to the conclusion that the figure of 40,000 –was a deliberate misrepresentation of what really transpired.

By looking at the various videos of the protest rides – it is possible to get an idea of the outcome, by averaging out the rides. So for example if we accept that in East Anglia - there were c.400 riders (which was the baseline for the organisers' total) and then go through the videos and photos, a more realistic count shows that in Yorkshire, there were far more – in fact there were c.670 riders. But in Belfast there were 60 (we know that because we were there and took photos). In Portrush (Northern Ireland) there were 5; on the M1 Northampton there were c.307; From Washington A1 North there were c.400; On the M1 junction there were c.140; Leaving a Shell Service area (not clear where) there were c.120; Again on the M1 the Druids MCC had 47, on the M40 junction 6 there were c.110 on the slip road to the motorway; Steve Baker however stated there were approximately 600 leaving from that starting point in High Wycombe – see video here: <https://www.youtube.com/watch?v=00ZONzl1-ml>

What is difficult to ascertain is the exact number, because nobody, as far as we are aware, actually did a count of the protesters. The tally appears to have been based on wishful thinking. Thus excluding the last two tallies which refer to M40, Junction 6 (110 or 600), the average of the remaining nine demonstrations becomes 238.

At the time the organisers had identified over 100 starting points. This was highly unlikely. For example, we know that in Northern Ireland there were 4 points indicated on the EU Hands Off Biking map, but only two were actual starting points. We are also aware that many of the points identified would have been pick up points along the route.

However, what transpired was that the organisers of the protest demos decided on an estimation of c.400 multiplied by 100 starting points and that is how MAG UK and Steve Baker managed to convince the wider public and fellow Members of Parliament that it (MAG UK) was able to get 40,000 riders out on the roads on the 25th September 2011.

A realistic estimation would have the starting points at no more than 50. On that basis we calculate a figure of less than 12,000. If we compare that figure (12,000) to the motorcycling population of the U.K. which is c.1.5 million, it represents 0.8% of registered motorcycles in the U.K.

Just to be clear, we did ask MAG UK to provide us with evidence that the figure of 40,000 was correct, but so far they have not replied to that request.

0.8% is not significant and certainly miniscule compared to a population of 69 million. In any event, whatever figure is the "truth", motorcycles should never have been used by a member of parliament as a catalyst for a country to exit the European Union, nor should motorcycles have been used to deliberately mislead the public about European Commission proposals, because the accusations of Steve Baker at the time, were completely unfounded.

Lies, Damn Lies and Statistics

Steve Baker, has become a very powerful and influential person. Mr Baker had in October 2011, prepared a letter to gather support for a referendum on Brexit, the BBC reporter Mark D'Arcy wrote on December 29th 2016:

"Here's an extract from a briefing circulated by Steve Baker - who led their whipping operation and was hailed by the Guido Fawkes website as "Rebel Commander":

"Do people care enough about the issue?"

"In every constituency, voters are signing the People's Pledge, promising to support candidates who give them an In/Out referendum. More than twice as many people want a referendum on leaving the EU as wanted one on the voting system. More people attended the People's Pledge Congress on Saturday than have been protesting at St Paul's, notwithstanding the relative coverage.

"On 25 September, at least 40,000 motorcyclists took part in Motorcycle Action Group's nationwide protest, 'EU Hands Off Biking. The only question that matters today is whether our position in the EU is a proper subject for a referendum. One way or another, all three parties have previously said that it is."

<http://www.bbc.com/news/uk-politics-parliaments-38402140>

The then General Secretary of the Motorcycle Action Group (MAG) Nich Brown, spoke at the People's Pledge Congress on October 22nd 2011, he, representing MAG, also called for a referendum on the U.K.'s membership of the European Union.

<http://www.mag-uk.org/en/newsdetail/a6915>

EU "Type Approval" Proposal – the facts

If the motorcycling community were to compare motorcycles prior to the introduction of these so called type approval regulations in 2016, they would find very little change.

ABS brakes are now mandatory for those bikes over 125cc – but can and some do have an off switch. In other words, riders have an option according to the manufacturer's choice. Before this, the motorcycle industry was artificially hiking up the price of ABS, so it was a very expensive option, now it is there if required.

More importantly bikers can keep their long forks (custom bikes), they can modify their bikes and scooters to their hearts content. In fact the regulations actually consider the importance of positive modifications, leaving member states to determine Single Vehicle Approval.

What motorcyclists cannot do is to tamper with those measures which apply to mopeds and smaller motorcycles (to a lesser extent medium motorcycles). These are measures to make it difficult for owners to tune their mopeds and restricted 125s to higher (and hence illegal) performance and speeds. Hard wiring for headlights (meaning headlights permanently on) was made compulsory in the new regulations – but the manufacturers had started to introduce voluntary hard wiring for motorcycles in 2003, so nothing changed.
(2)

We know that in the Brexit debate, there have been many questionable assertions made regarding the European Union and the U.K.'s relationship with it, using statistics and figures as the basis for the argument
(3).

Why is this important?

It is, because it has become apparent that the misuse of statistics is becoming more common place amongst those that have a political or personal agenda. Sir Winston Churchill once commented that statistics are for a politician like a lamppost for a drunkard – more for support than illumination.

But that is not the same as deliberately inventing figures. What is difficult to accept is that people such as Steve Baker have been instrumental in presenting a fictitious world of greedy European bureaucrats who want to destroy our way of life, using motorcycling to support their argument.

We are of the view that Mr Baker and the representatives of MAG UK are effectively inept in their understanding of technical regulations and the workings of the European Union, in particular in relation to proposals put forward by the Commission to improve the safety and quality of vehicles, specifically in this case, motorcycles.

Now what?

U.K. rider organisations at present represent their members in Europe, through the Federation of European Motorcyclist Associations (FEMA). Would they then be in a parallel universe of withdrawing from this European organisation and how would that effect motorcyclists in the U.K.?

The answer is that very little will change, because the U.K. government has always tended to “gold plate” any regulation or directive that came from the European Union with regards vehicles, so less restrictions to motorcycles and motorcyclists would be unlikely. Paradoxically, if the U.K. wishes to continue exporting vehicles or indeed any automotive product to Europe, it will still have to comply with European standards.

What perhaps should be clarified is that in terms of regulations, the European Union and the United Nations Economic Commission for Europe (UNECE) have and are harmonizing between UN Regulations and EU Directives and global positions with regards motor vehicles.

Accordingly the U.K. would still remain subject to the UNECE (4). Although vehicle regulations are set by European Union law, in many cases they refer to Regulations developed by the United Nations Economic Commission for Europe (UNECE) Working Party W29, under the ‘1958 Agreement’.

The obvious disregard by Steve Baker and MAG UK of the work of experienced technicians, civil servants, NGOs (Non-Government Organizations), Manufacturers and their representative bodies as well as members of the European Parliament – in particular the Committee for Consumer Protection (IMCO) which had the competency of dealing with the proposal of the “Approval and market surveillance of two – or three-wheel vehicles and quadricycles”, has consequences. What these consequences will be if the U.K. exits the single market remains to be seen.

As we have commented so many times before – be careful what you wish for.

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- (1) Opik commented that MAG had been demonstrating against the legislation from the EU and not the EU per se, but what was apparent was the inference of an Authoritarian body that was anti-libertarian. Amongst Opik’s statements about the Type Approval Regulations as drafted in 2011, included the introduction of the 100 brake horse power (bhp) restrictions, which is simply not true – in fact it was the opposite. The end result was the abolition of the 100 bhp limit by the EU, which goes back to previous “battles” in Europe on this particular issue, in that there was a derogation allowing Member states to introduce the 100 bhp (which was only ever introduced into national law by France). <http://www.brexitpodcast.com/lorbit-opik/>
- (2) For a comprehensive review of articles relating to the procedures of the European Union’s proposal and subsequent legislation on the *Approval and market surveillance of two – or three-wheel vehicles and quadricycles*, see here: <http://www.righttoride.eu/eu-regulating-biking-regulation-adoption/regulation-documents/>

- (3) As an example, the Foreign Secretary Boris Johnson, wrote in an article for the Daily Telegraph on 16 September (2017) *that "once we have settled our accounts, we will take back control of roughly £350m per week. It would be a fine thing, as many of us have pointed out, if a lot of that money went on the NHS"*. Sir David Norgrove, Chair of the U.K. Statistics Authority rebuked this figure as a clear misuse of critical statistics.
- (4) More about EU regulations and the UNECE <https://www.smmmt.co.uk/wp-content/uploads/sites/2/SMMT-Brexit-issue-paper-TYPE-APPROVAL.pdf>