



Ice: yes, there's a law for that too...

For our Scottish readers, your law is different so this is really aimed at English and Welsh riders. Because I practice the law in England and Wales it is dangerous for me to get involved in Scottish law.

Following a landmark House of Lords decision (*Goodes v East Sussex* [2000] for law geeks) Parliament amended the Highways Act to place a duty upon Councils to control and manage ice and snow on the roads.

The law is that all public roads in England and Wales are maintained by a Highway Authority. The Highway Authority must maintain the roads so that they are safe. The usual Highway Authority is the Council, albeit for trunk roads and motorways it is the Department of Transport. The Council must, 'ensure, so far as is reasonably practicable, that safe passage along the highway is not endangered by snow or ice'.

The form of words is very important as it means that if you fall off in icy conditions the Council has to prove it made reasonable efforts to keep the roads free from ice. If, like me, when the temperature drops below freezing the bike stays in, then the same rules apply to car drivers. So, if you slide on ice you must prove there was ice on the road and it caused you to slide which is not a particularly difficult thing to prove, especially on a motorcycle. And if you can prove ice was there by eyewitnesses, phone camera shots or police reports you have proved your case because Judges know ice is slippery. The

'The Council must, "ensure safe passage is not endangered by snow or ice"'

Council then has to prove it took reasonable steps to keep the roads safe, which in reality means producing their ice plan, their meteorological reports and most importantly the guy who drove the gritter truck, who can say where he drove it. A Judge then decides if the system is reasonable and that it has been carried out. While it is no defence in law for the Council to say, 'we didn't have enough money,' Judges are sympathetic to Councils who run the argument that reasonableness means if they spend excessive money on ice treatment they can't spend it on social workers for abused children, or all the other necessary things Councils do with restricted budgets. Judges do not expect Councils to have fleets of trucks to be deployed to cover every road in a county on permanent standby, especially as a gritter truck costs over £100,000. So if you have an icy slide on a minor country road, in my view most Judges would find a failure to grit such a lane reasonable. While we have won these cases, they are an uphill struggle. If you are not injured and you are fully comprehensively insured, I would leave your repairs to your own insurers.

Andrew Dalton, Senior Partner at White Dalton Motorcycle Solicitors, has 20 years of legal experience (as well as a nice Triumph Tiger Explorer)



Northern Spain

Fast-track a pilgrimage to Santiago de Compostela on Euro-grade tarmac through deep gorges, mountain passes and along wave-battered coast roads...

It's difficult to find a better combination of 'everything good' in a relatively small area: historical cities, beautiful mountains and coastlines, gastronomy, good weather, happy people and fantastic roads. Ride the AS-262 from Cangas de Onís to Covadonga Sanctuary in the northern foothills of the Picos de Europa to see what I mean.

North Spain is divided into four different regions. From west to east, they are Galicia, Asturias, Cantabria and Euskadi (Vasc Country). Although Galicia is the part of Spain where it rains most, in summer the weather is fantastic. The driest month is July, but go in June to avoid the worst of the tourist traffic.

Santiago de Compostela's old town is a UNESCO world heritage site, but don't let that put you off, the place is buzzing with young life. If you have a decent budget stay in the beautiful five-star Parador hotel. It is worth the £160 you'll have to spend per night. Pilgrims walk to the Cathedral of Santiago de Compostela where tradition says the remains of St James are buried. You can't ride the route taken by walkers, but there are sections of road that accompany

the path. The best way to enjoy the pilgrimage on a bike is to ride the last mountain pass before you arrive in Galicia: the N-VI around the Puerto do Cebreiro, from Ponferrada to Lugo. The A6 motorway goes the same way and keeps this old national road – full of curves – blissfully free of traffic.

Galicia's Costa da Morte is named 'Death Coast' because of its well-deserved reputation for wrecking ships. Don't miss visiting the lighthouse of Finisterre. This was the end of the known world for the Romans and there is a fantastic view of the ocean. The road to the lighthouse passes close to the sea and sometimes you might have to wait for the waves to crash onto the road and retreat before nipping past.

The small fishing village of San Andrés de Teixido is a beautiful old place with a charming little church. The small, twisty road between this village and Cariño gives you a phenomenal view of the ocean while crossing through deep, dense forests. Try the local tapas in the Garampin Bar-Restaurant. A plate will cost you between two and five euros.

Use maps to navigate. These always give me a sense of freedom and adventure that I never get when I follow a prescribed route on a sat-nav. I strongly recommend Michelin regional maps: Galicia 571, and Asturias y Cantabria 572. The Michelin maps have coloured topography so it almost feels like you're seeing the land from a bird's eye when you look at them.

Asturias is full of the best rides in Northern Spain. Don't miss the AS-14 from Grandas de Salime to Tineo. The first section tracks a mountain pass, while the second drops down to follow the side of a river, with sweeping curves following the natural bends of the waterway. There's great local food to be had south of Tineo at Casa Enrique on the AS-15, where it overlooks a bend in the river called Embalse de Pilotuerto. Enrique's has a great selection of local cheese and they grow their own vegetables for the salads. If exploring is your thing head for the Somiedo area, and if you find yourself far east, eat at the Casa de la Fabada in Cangas de Onís.

After you've finished the Fabada, a rich local stew, ride the N-626 from Cangas de

Gorgeous gorges, historic towns, pilgrimages and eating twice in Potes. Northern Spain is worth the effort

Onís south to Riaño through the Picos de Europa. At first you climb a twisty road through steep gorges that helped defend Asturias from the Moorish in the 8th Century. Once you reach the mountain pass of Puerto del Pontón at 1280 metres, you can see Castile and León stretching out before you. Another great road in the Picos de Europa is the N-621/CA-185 to the Hermida Gorges. This is the mountain equivalent of a cul-de-sac. No bad thing as you can stop for food in the village of Potes twice. **Bike**

GETTING THERE

Jump on a Brittany Ferry from Portsmouth to Santander. A return trip booked two months in advance costs around £200 on an 'économie' ticket. The sailing takes about 24 hours, but it'll deposit you only an hour's ride from the Picos de Europa.

Martin guides a Northern Green Spain Tour 13-26 June, 2015, and 11-24 June, 2016. The 13-day tours take you east along the coast from Santiago de Compostela, and then back through the mountains of northern Spain, staying almost exclusively at the luxury Paradores hotels. Riding your own bike will cost £3100. See imtbike.com for more information.