

MCN INVESTIGATION

'SPEED CAMERAS ARE ALL ILLEGAL'

Lawyer says millions of prosecutions could be scrapped because of loophole

BY STEVE FARRELL

EVERY speed camera in the UK is illegal according to a lawyer who has won high-profile traffic law cases.

Robbie Pict, who has previously succeeded in getting tolls on Scotland's Skye Bridge scrapped, claims a flaw in the way speed cameras are approved means none of them meet the requirements of road traffic law. He said the failing could lead to prosecutions dating back 15 years being wiped, and expose the Home Office to compensation claims amounting to millions of pounds.

Section 23 of the Road Traffic Act 1991 requires that individual types of speed camera, such as Gatso and Truvelo roadside cameras, are subject to a 'statutory instrument', which means members of parliament must be given time to object to them being approved, according to Pict.

He claims the Home Office has fudged it by only subjecting some types of technology, such as laser and radar, to the statutory instrument process.

Pict, 58, from Skye, said: "The Home Office is just issuing its approval, but that doesn't meet with the demands of the Act."

Solicitor David Hingston, a former public prosecutor in Scotland, said Pict's argument was "absolutely accurate" and that it could result in police having to prove the accuracy of speed cameras in every court case.

He said: "That's why the legislation was brought in – so that if it was one of these prescribed devices, you then don't have to go through all the trouble of proving the device is accurate in every single case."

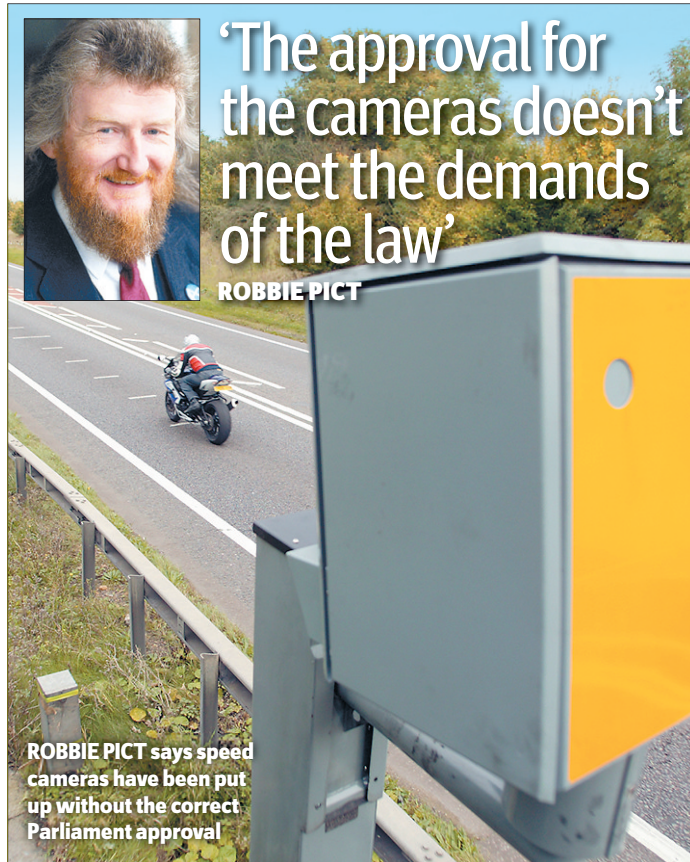
Paul Smith, founder of road safety campaign Safe Speed, said: "This flaw could force camera partnerships to repay literally

millions of fines. The total bill could be hundreds of millions."

A Home Office spokesman acknowledged that the law required a statutory instrument for each speed camera device, and that in practice only different types of technology, such as radar or laser, underwent the process.

But he claimed: "A device, within the law, is a broad range, ie a laser device or a sensor device. The actual product, ie a Gatso, we just have to type approve, which doesn't require a statutory instrument."

It will take a legal battle to discover if Pict's argument against cameras will succeed in recovering fines for riders convicted on camera evidence. He's prepared to fight such a case if a client comes up with the money to take the argument to court. If you're prepared to be that client, email steve.farrell@emap.com or write to the address on page 22.



'The approval for the cameras doesn't meet the demands of the law'

ROBBIE PICT

ROBBIE PICT says speed cameras have been put up without the correct Parliament approval

...IN 60 SECONDS



PIAGGIO'S Liberty S

BIG WHEEL SPORT SCOOT

PIAGGIO has launched a scooter which it says combines sporty style with larger wheels for more stability. 50cc (£1549) and 125cc (£1849) versions of the Liberty S are available. Details: www.uk.piaggio.com

COPS LAY TRAP FOR THIEVES

AVON and Somerset police have begun an undercover operation targeting bike theft. Similar to schemes in London, a bike is left in a public place and monitored. Cops then swoop on thieves lured into their trap.

RIDERS POLICE Lincs MEET

RIDERS at bike nights at Willingham Woods, Lincolnshire, have vowed to stamp out irresponsible riders to prevent constant pressure from the police after a safety awareness blitz two weeks ago.

PIAGGIO BOSS IN BIKE FEAR

PIAGGIO chairman Roberto Colaninno is scared of bikes! Asked if he had ridden one of his company's most coveted products, the new Moto Guzzi Grizo, Colaninno said: "I'm too scared; I'd kill myself in five minutes."



TOYS R Us fears lid thieves

Toy store bans helmets

If you get annoyed with petrol stations that make you take your helmet off, don't go to Toys R Us. The toy store is telling riders they can't even carry crash helmets while in the shop.

Riders are told they must leave or hand their helmets over to staff while they look

around – because the store is afraid we might use our lids to steal toys.

MCN learned of the policy after a user of our discussion forums at www.motorcyclenews.com complained about the Dundee Toys R Us branch. Forum user Yoshi 1200

said: "We'd just got through the door when we were accosted by a young lad telling us he had been told to ask us to leave because we had bike helmets. Apparently there'd been some 'incidents'. I was told that rather than be turfed out I could hand it

over to staff. They said it was for my own safety. Then they said it was for my comfort, as I wouldn't have to carry a heavy helmet about."

Staff at the Dundee branch told MCN it was a nationwide policy, but were unclear about why. A customer services representative said: "It's just our policy."

An official spokesman for

Toys R Us said the policy was an extension of a no-shopping bag policy, intended to tackle theft. He said: "It has always been our policy, since the day we opened 21 years ago, to ask customers to hand in bags, mainly for theft prevention. But I admit the Dundee store's actions may have been a bit overzealous." He said the policy did not extend to handbags.

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