

February 3rd-16th, 1982

Helmets at the centre of a controversy page 4.



**WIN
A TRIP
ABROAD**
— PAGE 39



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Annual subscription rate: £22.00 (inland), £23.00 (overseas), £34.00 (airmail).

Cheques or postal orders should be made payable to Motorcycle Mechanics and sent to Competition House, Farndon Road, Market Harborough, Leics.

U.S. subscription agent: Buzz Walneck, Walneck's Vintage Motorcycles, 7923 Janes Avenue, Woodbridge, Illinois 60545.

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Readers are welcome to submit articles and photos for consideration.

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CRUISING

THE long-awaited test case to decide if a rider can legally wear the controversial Simpson "Star Wars" helmet on the road is set to take place in a London magistrates' court later this month.

Roly Pickering from London faces the charge of riding a bike while "not wearing a safety helmet of a specified description contrary to section 3(1) of the Motorcycle (Wearing of Helmets) Regulations 1973".

Roly, a 26-year-old messenger, was stopped by the police on Tuesday, August 4, 1981.

An officer from the Alperton Accident Prevention Unit from the London Borough of Brent told him that he would be reported for wearing a helmet which was not BSI approved. Roly intends to fight the charge.

Although a decision in a magistrates' court is not binding on other courts, the police will be less keen to try to prosecute someone else on the same grounds if the court case goes against them.

Shortly after Roly Pickering's court case, Lamba Autos, a dealer in Cheam, Surrey, and Road and Race Products of Fulham, importers of the Simpson helmet, are due to appear in court jointly charged with selling non-BSI approved Simpson helmets.

Several bikers have recently been stopped and warned by the police for wearing the Simpson helmet.

One rider, Paul Rayment of Gillingham, Kent, had his helmet confiscated by the police and was told, wrongly, that it was an endorsable offence to wear a helmet which was not of the right type.

Paul was stopped on December 28, 1981. He said: "I was riding towards Gillingham when I heard a police siren. An unmarked red Cortina then screeched to a halt behind me.

"Two police officers got out, and asked me to turn off my engine and remove my helmet. They asked me where I had bought the helmet and then said that the Simpson was not to British Standard so it wasn't legal. They said they had the right to confiscate the helmet and took it from me and gave me a receipt."

Paul contacted *Motorcycle Mechanics* and we advised him to ring Scotland Yard, who some months earlier told us that the American Snell Memorial Foundation's approval of the Simpson helmet was equivalent to British Standards.

After telephoning the Yard twice, they got in touch with Paul's local police station. The next day, after a bit of haggling, Paul was rewarded for his persistence and given his helmet back. He was told that he couldn't be reported for something that was legal.

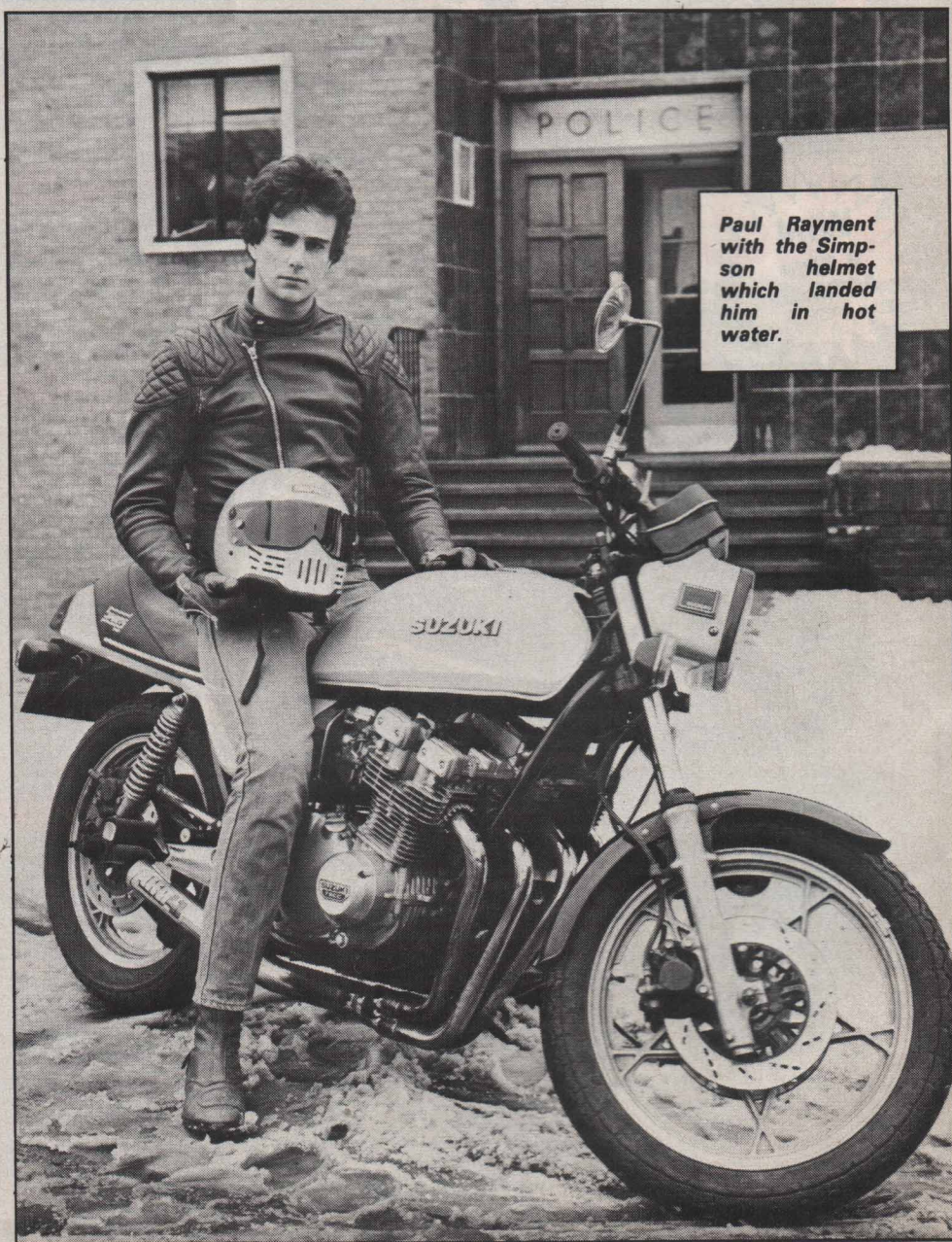
"It's been a lot of hassle," said the 19-year-old. "If I hadn't 'phoned Mechanics, or the police, I might have finished up paying a fine and losing my helmet."

The police have the power to confiscate a helmet but only when it is in evidence in a case, and since Paul was not alleged to have committed any other crime the police must have been on dodgy ground seizing the lid.

The court case involving Roly Pickering should help clarify the law on the use of non-BSI helmets.

STAR

Helmets at the heart



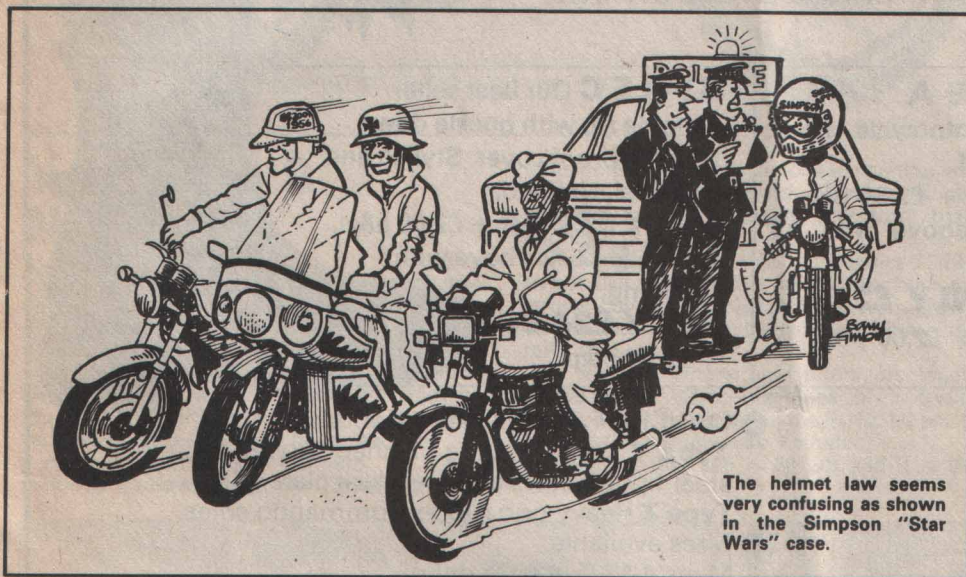
AROUND

WARS

of a controversy

Special report
by Malcolm Gough

What the law says



The helmet law seems very confusing as shown in the Simpson "Star Wars" case.

JOHN ROSS represents the BMF on its legal and technical committee and has had correspondence with Northamptonshire Police



Hello, who's this? It's Premier's son Mark Thatcher in one of the controversial helmets.

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over the Simpson "Star Wars" helmet.

He says: "As I interpret the law as it stands, there should be no legal problems for riders who wear the Simpson helmet." (He is prepared to be called as a witness by Roly Pickering's counsel).

"As for selling this and other non-BSI approved helmets, the position in law is in some doubt and it is a matter for the courts to clarify."

He said that for Paul Rayment to have his Simpson helmet seized by the police and then be left stranded at the roadside was "scandalous interference".

"I think the rider concerned showed remarkable moderation over the whole affair. No way would I have accepted that situation without making a serious complaint afterwards."

He recalled a court case of several years ago when a magistrate dismissed a charge against a rider for wearing an ex-army tin helmet because, the magistrate was reported to have said: "if it will stop shrapnel the helmet surely affords the rider an acceptable degree of protection".

Riders have since been prosecuted for wearing these helmets; rightly so in John Ross's view. The law does allow Sikhs to wear a turban in place of a helmet.

IT WOULD seem to be illegal for dealers to sell non-BSI approved helmets for road use by motorcyclists.

Dealers believe they can legally sell the Simpson "Star Wars" helmet by making it clear to customers that they can only sell them the helmets for car racing, rallying or off-road use.

The second court case involving Lamba Autos and Road and Race Products will decide whether that is legal.

On using helmets, however, the relevant law is the Motor Cycles (Protective Helmets) Regulations 1980 which says: "... every person driving or riding (otherwise in a sidecar) on a motor bicycle when on a road shall wear protective headgear... which is either —

(i) a helmet bearing a marking applied by its manufacturer indicating compliance with the specification contained in one of the British Standards...

(ii) a helmet of a type manufactured for use by persons on motorcycles which by virtue of its shape, material and construction could reasonably be expected to afford to persons on motor bicycles a degree of protection from injury in the event of an accident similar to or greater than that provided by a helmet of a type described in Regulation 5... (Reg. 5 gives date of manufacture and the relevant BS numbers. The oldest standard is BS2001:1956 and a helmet approved to that standard is still legal!)

The big question is: do certain helmets like the Simpson helmet give comparable or better protection than a BSI approved helmet? Only the courts can decide.

While the ACU have outlawed the £140 American Simpson "Star Wars" helmet in motorcycle racing, the RAC Motor Sports Association recognise only two specifications for competitions use (rallying, for instance) and they are Snell (to which the Simpson is approved) and BS2495:1977, but no other British Standards like BS5361:1976. To quote the RAC's guidance notes on crash helmets: "The methods of testing and approval of these organisations (Snell and BSI) differ slightly but the standards are very high."

If the Simpson is good enough for the RAC for competition use, it is ironic that the police are trying to prevent its use on the road by motorcyclists.