

# Talking point

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**MCN**  
**LAW**

Your tricky legal questions answered

## '200bhp play-offs don't work'

In his column John McGuinness quoted his wife's words that the BSB Showdown "makes the riders go mad". This from the woman who is a constant at race meetings, whose husband is one of the most respected racers we have and a TT legend. She's watched it all and felt it all more than we can imagine. We need to listen. The Showdown is flawed, always has been. Riders who have everything to lose in a soup of riders with everything to prove, it was bound to boil over. I'm surprised it took this long. Play-offs work with a ball, not 200+ bhp bikes. Let's just have a proper racing season.  
**Dave Clark, email**



**STAR LETTER**

Write something that spikes our interest, and you could get selected for the Star Letter slot. Each week one lucky reader will receive an MCN T-shirt in a variety of different designs

## Hicky's not a dirty rider

I'm writing to express my indignation at the decision made by race direction at Oulton Park following the crash between Peter Hickman and Jason O'Halloran. Several viewings of this, from several angles, have failed to convince me that Hicky did anything wrong.  
**Sue Cave, email**

## Time to cut that lard

In a recent MCN 250 I was amused to see that the two cruisers in question weigh in at less than almost all the latest big adventure bikes. It's wonderful to see how much power is available on many of the latest bikes, but imagine if we'd seen a similar revolution in reducing some of that lard, or even staying as trim as some of the bikes from the 80s and 90s. You notice the weight of a bike all the time, from lugging it around the garage to missing that first apex and going for an emergency stop.  
**P Lancaster, email**



Colin dug his TDM 850 out of the garage after spotting one in MCN

## Inspired to get out there

Your supplement *Top 40 Hottest Used Bikes* hit the spot. I was inspired to get my 1992 TDM 850 (one of the bikes featured) out of the garage and enjoy a run to 'Whisky Country'. Here's a shot of it on the Moray border (above).  
**Colin Hawkins, email**

## Get your priorities right

I've just read the letter from Dominic Tee about the 'priorite

droite' rule. A friend who lives in France once explained it to me and it actually does make sense. Many French towns and villages have buildings right on the roadside with no pavement. This means that pulling out of a side road safely is simply impossible because vehicles pulling out (from the right) can't give way to those on the main road because they can't see them coming. The French could deal with this by painting 'give way' markings all over pretty rural villages. But they prefer to apply a blanket 'priorite a droite' rule along the whole road that requires those on the main road to slow down and be ready to stop if they see the bonnet of a car or tractor poking out from behind a building. Sensible and simple system if you ask me.  
**Dave Sibert, email**

## Bikers are the best!

I just wanted to give a HUGE shout out to a fellow biker who helped me when I had a puncture, at the side of a very busy road, at rush hour, in

the middle of Reading (September 20). Whilst every car drove past by looking over with interest, no one stopped to help. The Police stopped for two minutes to make sure I was OK and then left. A fellow rider stopped (on a Sinnis Terrain I think) and not only helped me plug the rear tyre but also made me follow him to a nearby garage to ensure my tyre was at the correct pressure. After a friendly fist bump he was on his way and I just wanted to say a huge thank you. I had a long trip home to Mid-Wales and this would have been a major headache, but thanks to him I was finally able to find a garage the following day and get a set of Michelin Road 6s fitted. Motorcyclists are ace!  
**Andrew Horton, email**

## Sensible move on old ABS

I read the Workshop War Story about the ABS bodge on an R1200 with interest (MCN, September 21). While BMW may well have pioneered ABS, the system used on 2005-07 R1200s was unfit for purpose as the pump/servo unit is a major and very expensive Achilles Heel. Removal is actually an easy process and much cheaper than a new pump (if you can get one). I used the Motorworks kit and had it done by a very experienced competent home mechanic can do themselves. My brakes are now as good as before but at least I know that they work, unlike when the pump fails... now that was scary.  
**Bob Broadhead, Rotherham**

## Q 'Who pays for messed up op?'

I had an accident just over a year ago and suffered a couple of fractures. The other driver's insurer admitted fault early on and has been paying for treatment. The problem is that the hospital messed up an operation and it looks like my recovery is now going to take longer as a result. The other side's solicitors are saying they are not paying for the impact of the hospital's mistake and argue that any ongoing loss is not for them to compensate. What is my next move?  
**Michael D, Chiswick**

A It is not uncommon to have cases where a person has an accident during the course of a claim for a previous accident. It is a quite straightforward situation where the second incident is alleged medical negligence.

For medical negligence to count as an intervening act, preventing the person responsible for the

## 'You will need to seek expert medical evidence'

first accident from paying for the consequences of a second event, then it must be grossly negligent treatment, not merely negligent treatment. An example would be operating on the wrong limb, as that is obviously grossly negligent. So the answer in your case will depend on expert medical evidence as to whether or not the treatment was grossly negligent. If it was not then the driver's insurer will be responsible for the ongoing issues and losses.

## Andrew Campbell

Solicitor and author of the MCN Law column for the last ten years

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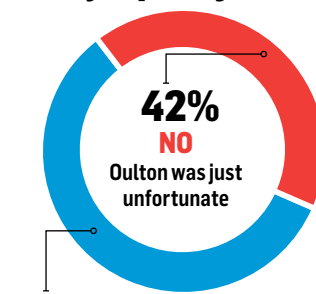


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## READER POLL

Does the Showdown create too much jeopardy?



42% NO  
Oulton was just unfortunate

58% YES  
It adds too much pressure to the title race