Can I ride my motorcycle during the coronavirus lockdown?

Following changes to the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 as amended on the 13th May 2020 it is clear that riding a motorcycle in England is lawful.

The law in Scotland, Northern Ireland and Wales is different so do not use this advice, or produce the documents referred to in the footnotes, or indeed this post to a constable in either Scotland, the Principality of Wales, or the Province of Northern Ireland. You will be disabused of the notion that the writ of Parliament extends to devolved matters.

The original English drafting was rushed emergency legislation, which changes in response to the pandemic, and this explanation of the law is accurate as at 20th May 2020.

As a preliminary point riding a motorcycle is exercise, and at the bottom of this post you will find links to the Trail Riders Fellowship which sets out the health benefits particularly to trail riders, and a link to a Japanese University Study showing the health benefits of road motorcycling.

It is therefore right to observe that motorcycling is exercising the same as angling or playing golf is exercise, and for those of you who get out onto the trails, rather more vigorous.

The government guidance which does not create law, but is highly persuasive states “people can now spend time outdoors subject to; not meeting up with more than one person from outside your household”; it goes onto reinforce the social distancing rules, and these are not guidance, these are rules, and can be enforced by the police. The Government guidance goes onto add “people may exercise as many times each day as they wish. For example this will include angling or tennis, you can only exercise with up to one person from your household”. It also states, “people may drive to outside open spaces irrespective of distance, so long as they respect social distancing guidance while they are there because this does not involve contact with people outside of your household”. On a motorcycle, unless you are carrying a pillion, you are not going to get within 2 meters of anyone.

However, government guidance is not law, but the Coronavirus Regulations are. Regulation 6(ba) states a reasonable excuse to leave or be outside of a place where you are living includes “to visit a public open space with the purposes of open air recreation to promote physical or mental health or emotional

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wellbeing, either alone, with one or more members of your household, or with one member of another household.” The link to the legislation is set out below.

Because the police are receiving very mixed messages, and they are quite busy, we are hearing fairly frequent reports of police officers getting the law wrong. They are law enforcers, not lawyers, and it is perhaps unfair to expect police officers to be absolutely abreast of minor changes in regulations, contained within barely debated statutory instruments, but the police are there to uphold the law, not what they think the law is.

It might be wise that if you do go out for a ride you go with an open air public space in mind, get off your motorbike and have a little walk around. Whilst there is no legal compulsion to do this, the feedback we are getting from England’s motorcyclists is that some police officers are unsure of the rules, but are aware of the general principle that you can travel to an outdoor space to take exercise, and going for a walk is undoubtedly exercise. Although, perversely, you are probably at greater risk from Covid 19 getting off the bike and having a walk around than you are riding on the open road with your visor down – the motorcycle helmet does have its uses!

However, if a police officer resents being challenged, and some do (And as I note, they are busy people doing a difficult job) tell them if your plan is to go to an area, get off your bike and take in the view because you can “visit an open public space”. The road is an open public space, but an officious officer might take the view that your journey must involve a visit rather than travelling on the open road. As such, it may be wise to have a place in mind even if it just to admire the view, go there, then ride back.

I would add that by this rationale it would make most cycling illegal and therefore very unlikely to get traction in Court. However, it is wise to pick your fights with the law. If you challenge a fine, even if you are right, you will not get much of your lawyer’s fees back. So let the officer retreat by having a destination to which you intend to travel, socially distanced and not with a load of mates.

If you are going out for a ride you might want to keep this page downloaded on your phone. If you are challenged by the police you might want to refer them to Regulation 6ba, as well as the current government guidance, and if the police officer is particularly interested, or very bored, you can refer them to the studies which show the health benefits of motorcycling. However, if you are out in an open space for recreation, and you are socially distancing, you are not committing an offence in English Law. That sounds remarkably close to riding a motorcycle.

**THIS IS NOT THE POSITION IN SCOTLAND, WALES OR NORTHERN IRELAND**

Finally, if the police are confused, then the public are even more confused. At times, we are not a much-loved group of road users. Whilst not legal advice, it is good for our reputation and being accepted by the public that we ride, in particular during this lockdown period, with care. You as a rider may well be rusty after a seven-week layoff, as will car drivers.
You absolutely must, upon pain of criminal sanction, avoid clustering with other people, and a group of motorcyclists clustering amongst each other would certainly find their way onto Facebook and other social media. To my knowledge MPs have already been written to with photographs of groups of motorcyclists stood around admiring each other’s bikes. So, the simple rule is this. If you go for a ride do not meet up with lots of other mates and bikers to chat about it.

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