



Horseytalk.net BRIDLEWAYS WATCH

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Local Authorities Take Note.

Tameside Metropolitan Borough Council fined for not maintaining bridleway

Jacksons Law Firm's specialist equine team has just successfully represented a horse rider at a trial in Tameside County Court in her claim for personal injuries against a local authority.

The rider complained that her accident was caused by the local authority's failure to maintain a bridleway.

The rider was hacking her horse along a bridleway, her horse lost his footing, stumbled and fell over onto his face. The rider was thrown over the horse's right shoulder and broke her right arm. The rider blamed the condition of the bridleway for her horse losing its footing.

The bridleway was in a general poor state of repair. In addition rocks had fallen onto it and vegetation had not been cut back for some time. In places the bridleway was very difficult to navigate. Numerous complaints had been sent to the local authority before and after the incident, and the bridleway association had extensively lobbied the local authority to undertake repairs to the bridleway.

Photographs were obtained to highlight the poor state of the bridleway. The local authority ran an argument that they were only responsible for maintaining the bridleway in its current state as opposed to improving it and that their budgetary constraints prevented them from undertaking any works to the bridleway.

Judgment was given in favour of the rider on the basis that a bridleway was part of the highway and, therefore, subject to the inspection and maintenance obligations contained in section 41 of the Highways Act 1980, and on the basis that the bridleway association's evidence established that, despite inspections carried out in 2005 and February 2007, the bridleway had been in broadly the same condition for a number of years.

The Judge noted that the local authority was unable to provide any detail as to these inspections, other than to point to documents which recorded the bridleway as having "passed" inspections.

The bridleway association provided clear and compelling evidence that the state of the bridleway had been the same for a long time; undermining the adequacy of the inspection regime.

At trial it was common ground that the local authority's duty extended to putting highways into repair, although not to improving them. The Judge found that the position was as illustrated in the photographs obtained at the time of the accident. The Judge rightly considered that the position illustrated in the photographs meant that the highway was out of repair. Accordingly, he found that the local authority failed to discharge its burden of establishing its section 58 defence. The rider was awarded damages over £12,000.00 and the local authority was also ordered to pay the rider's legal expenses.

Local council's are still likely to be reluctant to meet their obligations over bridleways, but this case will make them start to sit up and take some note.

