
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 138

The Motor Sport on Public Roads (Scotland) Regulations 2019

Citation and commencement

1. These Regulations may be cited as the Motor Sport on Public Roads (Scotland) Regulations 2019 and come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

“1988 Act” means the Road Traffic Act 1988⁽¹⁾,

“authorised body” means a body authorised under regulation 3(6) to issue permits in respect of a race or trial of speed,

“authorised route” means the route of a race or trial of speed authorised by a motor sport order, and

“motor sport order” means an order made under regulation 5 authorising a race or trial of speed.

Permission to apply for a motor sport order

3.—(1) A person who wishes to promote a race or trial of speed between motor vehicles on a public road in Scotland may apply to an authorised body for a permit.

(2) Before issuing a permit, the authorised body must consult—

(a) any roads authority for a road on which the event is to be held,

(b) any local authority for—

(i) an area in which the event is to take place,

(ii) an area which is otherwise likely to be significantly affected by the event,

where that local authority does not require to be consulted in their capacity as a roads authority under sub-paragraph (a),

(c) the chief constable of the Police Service of Scotland, and

(d) such other persons as the authorised body considers appropriate.

(3) The authorised body must issue a permit if satisfied that—

(a) the applicant intends to promote the event,

(b) the applicant has the necessary financial and other resources to make appropriate arrangements for the event,

(c) the proposed route is suitable for the event,

(d) appropriate public safety arrangements for the event have been or will be put in place, and

(e) the applicant has arranged or will arrange appropriate insurance cover in connection with the event.

(4) A permit must specify—

- (a) the route, as approved by the authorised body, that is to be followed by participants in the event,
- (b) arrangements for the approval by the authorised body of drivers participating in the event,
- (c) arrangements for the approval by the authorised body of vehicles to be used in the course of the event,
- (d) the public safety arrangements that the applicant intends to put in place for the event, and
- (e) arrangements made or to be made by the applicant for insurance in connection with the event.

(5) A permit may set out conditions as to safety or any other matter that the authorised body considers should be included in any motor sport order made under regulation 5 in relation to the event.

(6) The bodies that are authorised to issue permits for the purposes of this regulation are listed in column 1 of the table in schedule 1 and the kind of event in respect of which each body may issue a permit is listed in the corresponding entry in column 2.

Application for a motor sport order

4.—(1) A person who—

- (a) wishes to promote a race or trial of speed between motor vehicles on a public road in Scotland, and
- (b) has a permit issued in their favour under regulation 3 in relation to that event,

may apply for a motor sport order authorising the event.

(2) An application under paragraph (1) may be made to the roads authority for the roads on which the event is to take place (and, where there is more than one such authority, separate applications must be made to each authority).

(3) The application must be made not less than 6 months before the event.

(4) The application must be accompanied by—

- (a) the permit issued under regulation 3,
- (b) details of any orders under section 16A of the Road Traffic Regulation Act 1984⁽²⁾ (prohibition or restriction on roads in connection with certain events), and of any other orders, regulations or other legislative instruments, that will be needed in connection with the event,
- (c) details of proposed alternative routes for traffic which will be affected by the event,
- (d) a risk assessment in such form, if any, as the roads authority may specify, and
- (e) such fee, if any, as the roads authority may specify.

Determination of applications for motor sport orders

5.—(1) A motor sport order may only be made in response to an application under regulation 4.

(2) Before determining whether to make a motor sport order, a roads authority must consider—

- (a) the likely impact of the event on the local community,
- (b) the potential local economic and other benefits, and

(2) 1984 c.27. Section 16A was inserted by section 1(1) of the Road Traffic Regulation (Special Events) Act 1994 (c.11) and was relevantly amended by section 74(3) of the 2015 Act.

- (c) any other matters that the roads authority considers relevant.
- (3) The roads authority may make the motor sport order if satisfied that—
 - (a) adequate arrangements have been made to allow the views of the local community to be taken into account,
 - (b) adequate arrangements have been made to involve local residents, the police and other emergency services in the planning and implementation of the event,
 - (c) adequate public safety arrangements have been or will be made for the event, and
 - (d) adequate traffic management arrangements have been or will be made for the event.
- (4) A motor sport order must—
 - (a) specify the event to which it relates, including the date or (in the case of an event that is to take place on more than one day) the dates on which it is to take place,
 - (b) include a map showing—
 - (i) the roads on which traffic will be prohibited or restricted for the event,
 - (ii) the authorised route that is to be followed by participants in the event, and
 - (iii) the areas which will be available for occupation by spectators, and
 - (c) specify alternative routes for vehicular and pedestrian traffic likely to be affected by the event.
- (5) A motor sport order may—
 - (a) include such other conditions as the roads authority considers appropriate, and
 - (b) include conditions which must be satisfied before, during or after the event.
- (6) Where more than one application has been made in accordance with regulation 4(2), a motor sport order may not be made unless it is made by all of the authorities acting jointly.

Effect of motor sport order

- 6.—(1) This regulation makes provision in relation to the effect of a motor sport order.
- (2) An event official is specified for the purposes of section 12H(3) and (8) of the 1988 Act in relation to an event authorised by a motor sport order.
- (3) The provisions listed in schedule 2 do not apply during the course of an event authorised by a motor sport order in relation to—
 - (a) a participant,
 - (b) an event official,
 - (c) a motor vehicle being used by a participant or event official,provided that participant or, as the case may be, event official complies with the conditions imposed by paragraph (4).
- (4) For the purposes of paragraph (3), and section 12H(2) and (3) of the 1988 Act, the conditions imposed on participants and event officials are that—
 - (a) the participant or event official is on the authorised route when the roads forming that route are closed to vehicles being driven by members of the general public,
 - (b) the participant or event official complies with any conditions applicable to participants or, as the case may be, event officials that are specified in the motor sport order authorising the event,
 - (c) the participant or event official complies with any conditions imposed on participants or, as the case may be, event officials by the promoter,

- (d) in the case of a participant, the participant has been approved to participate in the event by the authorised body,
 - (e) in the case of an event official, the event official has been authorised to officiate at the event by the promoter.
- (5) In this regulation—
- (a) “promoter” means the person primarily responsible for the organisation and arrangement of the event which has been authorised by a motor sport order,
 - (b) “event official” means a person who facilitates the holding of such an event, or assists in connection with its conduct.

Amendment of section 16A of the Road Traffic Regulation Act 1984

7. In section 16A(12) of the Road Traffic Regulation Act 1984 (prohibition or restriction on roads in connection with certain events), after “has been made” insert “, or that has been authorised by or under regulations under section 12G of that Act.”.

Repeals, saving and transitional provision

- 8.—(1) The 1990 Act and the 1996 Act are repealed.
- (2) Despite their repeal by paragraph (1), and subject to paragraph (4), the 1990 Act and the 1996 Act continue to have effect on and after the date on which these Regulations come into force in relation to any race or trial of speed—
- (a) authorised under either of those Acts before that date, and
 - (b) authorised to take place before 31 December 2019.
- (3) Paragraph (2) does not apply to—
- (a) paragraph 10(1) of the schedule of the 1990 Act,
 - (b) paragraph 10(1) of the schedule of the 1996 Act.
- (4) Paragraph 10(2) of the schedule of the 1990 Act and paragraph 10(2) of the schedule of the 1996 Act are to be read as if “this section” were replaced with “section 12H(8) of the Road Traffic Act 1988”.
- (5) For the purposes of section 12H(8) of the 1988 Act, an event to which paragraph (2) applies is to be treated as if it were an event authorised by or under these Regulations.
- (6) In this regulation—
- (a) “the 1990 Act” means the Strathclyde Regional Council Order Confirmation Act 1990⁽³⁾,
 - (b) “the 1996 Act” means the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996⁽⁴⁾.

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(3) 1990 c. xi.
(4) 1996 c. xii.