

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Sections 73 to 75: Motor racing

345. These sections form a group relating to the holding of races and trials of speeds between motor vehicles on public ways.
346. [Section 73](#) amends the Road Traffic Act 1988 (motor racing on public ways) to allow races and trials of speed to be held on public ways in Great Britain. Section 12(1) of the Road Traffic Act 1988 currently provides that it is an offence to promote or take part in a race or trial of speed between motor vehicles on a public way.
347. The section makes separate provision for England and Wales (by inserting new sections 12A to 12F in the Road Traffic Act 1988) and Scotland (by inserting new sections 12G to 12I in the Road Traffic Act 1988).

England and Wales

348. *Subsection (3)* inserts after section 12 of the Road Traffic Act 1988 new sections 12A to 12F, which allow highway authorities to make orders relating to the holding of a race or trial of speed between motor vehicles on a highway in England and Wales. The effect of the new provisions may be summarised as follows:
- a person wishing to promote a race or trial of speed between motor vehicles on a highway may apply to a motor sport governing body for the issue of a permit (new section 12B(1)).
 - the motor sport governing body must consult specified persons before issuing a permit (new section 12B(2)).
 - the motor sport governing body must issue the permit if satisfied that specified criteria apply (new section 12B(3)).
 - the permit must specify the route, arrangements for the approval of the participating drivers, arrangements for the approval of the participating vehicles and arrangements for insurance in connection with the event (new section 12B(4)).
 - permits may set out other conditions that the motor sport governing body thinks should be included (new section 12B(5)).
 - the appropriate national authority (defined in new section 12B(9)) must by regulations list motor sport governing bodies that are authorised to issue permits (new section 12B(6)).
 - these regulations may specify the kinds of races or trials of speed in respect of which each motor sport governing body may issue permits (new section 12B(7)) and may provide that a motor sport governing body ceases to be authorised to issue permits if the rules of the body include (or do not include) specified provisions (new section 12B(8)).

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- if a permit is issued by a motor sport governing body, the promoter of the event may make an application (not less than six months before the event) to the highway authority for the area in which the event is to take place, which must be accompanied by the permit, details of any road closure orders required under section 16A of the Road Traffic Regulation Act 1984 (prohibition or restriction on roads in connection with certain events), a risk assessment and any fee required by the highway authority (new section 12C).
- the highway authority must consider specified criteria when deciding whether or not to make an order and may make an order if satisfied that specified criteria apply; whilst an order must specify or include details of the event and other information specified by the relevant national authority and may include conditions which must be satisfied (new section 12D).
- if the conditions imposed on the promoter have been complied with (and if the promoter has taken reasonable steps to ensure that any other conditions are complied with), section 12(1) of the Road Traffic Act 1988 does not apply to the promoter; and, if participants and officials have been approved or authorised and complied with conditions imposed on them, section 12(1) and specified provisions of other road traffic legislation (listed in a table set out in new section 12E(3)) do not apply to them or vehicles used by them (new sections 12E(1) to (3)).
- the appropriate national authority (defined in new section 12E(8)) may by regulations amend the list of legislation that is disapplied but may not add to the list (so as to disapply) sections 3A to 11 of the Road Traffic Act 1988 (motor vehicles: drink and drugs) (new sections 12E(4) and (5)).
- the promoter is liable in damages for personal injury or damage to property, unless it is proved that the promoter has taken reasonable steps to prevent the occurrence of the injury or damage (new section 12E(6)).
- provision is made for the procedure applicable to regulations made by the appropriate national authority for the purposes of new sections 12A to 12E (new section 12F).

Scotland

349. *Subsection (3)* inserts (after new section 12F of the Road Traffic Act 1988) new sections 12G to 12I which set out a different procedure for authorising races and trials of speed on public roads in Scotland. The effect of the new provisions may be summarised as follows:

- Scottish Ministers may by regulations authorise, or make provision for authorising, the holding of races or trials of speed between motor vehicles on public roads (new section 12G(1)).
- regulations made by Scottish Ministers may specify the persons by whom authorisations may be given, limit the circumstances in which and places in respect of which authorisations may be given, provide for authorisations to be subject to conditions or to cease to have effect in specified circumstances and provide for the procedure to be followed in connection with applications for authorisations (new section 12G(2)).
- if the conditions imposed on the promoter are complied with (and if the promoter has taken reasonable steps to ensure that any other conditions are complied with) section 12(1) does not apply to the promoter; and, if participants have complied with conditions imposed on them, section 12(1) does not apply to the participants, respectively (new sections 12H(1) and (2))

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- if participants (and other persons specified by regulations made by Scottish Ministers) comply with conditions imposed on them, sections 1 to 3 of the Road Traffic Act 1988 (offences which arise from dangerous, careless and inconsiderate driving) do not apply to them (new section 12H(3)).
 - Scottish Ministers may by regulations provide that specified provisions of other legislation, described generically (for example, legislation restricting the speed of vehicles), will not apply to participants or vehicles or will apply subject to modifications but the regulations may not disapply sections 3A to 11 of the Road Traffic Act 1988 (motor vehicles: drink and drugs) (new sections 12H(4) to (6)).
 - Scottish Ministers may by regulations amend section 16A of the Road Traffic Regulation Act 1984 (prohibition or restriction on roads in connection with certain events) so as to enable orders under that section to suspend statutory provisions additional to those specified in section 16A(11) of that Act (new section 12H(7)).
 - the promoter is liable in damages for personal injury or damage to property, unless it is proved that the promoter took reasonable steps to prevent the occurrence of the injury or damage (new section 12H(8)).
 - provision is made for the procedure applicable to regulations made by the Scottish Ministers for the purposes of new sections 12G and 12H (new section 12I).
350. [Section 74](#) inserts a new section which amends section 16A of the Road Traffic Regulation Act 1984 (prohibition or restriction on roads in connection with certain events). Section 16A allows a traffic authority to impose by order restrictions or temporary prohibitions on the use of roads in connection with certain events but does not currently apply to races or trials of speed between motor vehicles on public ways. The amendments:
- facilitate a road closure for the purpose of a race or trial of speed which is permitted by the amendments made by section 73; and
 - extend the list of statutory provisions which may be suspended by orders under section 16A.
351. [Section 75](#) inserts a new section which makes consequential amendments to the Road Traffic Act 1988.
352. This section also provides that (in England and Wales) the Secretary of State and (in Scotland) Scottish Ministers may by regulations repeal any prior local Act which makes provision for authorising races or trials of speed between motor vehicles on (in England and Wales) highways and (in Scotland) public roads, consulting such persons as (in England and Wales) the Secretary of State considers or (in Scotland) the Scottish Ministers consider appropriate. It also makes provision for the procedures applicable to such regulations.
353. [Sections 73 to 75](#) form part of the law of England and Wales and Scotland, with the exception of subsections (6) to (9) of section 75 (which form part of the law of England and Wales only) and subsections (10) to (13) of section 75 (which form part of the law of Scotland only).
354. The new sections come into force on a day to be appointed by the Secretary of State in a commencement order.