

Draft Regulations laid before the Scottish Parliament under section 12I(3) of the Road Traffic Act 1988 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

ROAD TRAFFIC

The Motor Sport on Public Roads (Scotland) Regulations 2019

Made - - - - 2019

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 12G and 12H(4), (7) and (8) of the Road Traffic Act 1988 (“the 1988 Act”)(1), section 75(10) and (11) of the Deregulation Act 2015 (“the 2015 Act”)(2) and all other powers enabling them to do so(3).

In accordance with section 12I(1) of the 1988 Act(4) and section 75(12) of the 2015 Act, the Scottish Ministers have consulted such persons as they consider appropriate.

In accordance with section 12I(3) of the 1988 Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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(5),

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

(1) [1988 c.52](#). Sections 12G and 12H of the Road Traffic Act 1988 were inserted by section 73(3) of the Deregulation Act [2015 \(c.20\)](#) (“the 2015 Act”).

(2) [2015 c.20](#).

(3) The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act [2010 \(asp 10\)](#). These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.

(4) Section 12I was inserted by section 73(3) of the 2015 Act.

(5) [1988 c.52](#).

“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⁽⁶⁾ (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
- (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.

⁽⁶⁾ 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.

(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⁽⁷⁾,
- (b) “the 1996 Act” means the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996⁽⁸⁾.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

(7) 1990 c. xi.
(8) 1996 c. xii.

SCHEDULE 1

Regulation 3(6)

MOTOR SPORT GOVERNING BODIES AUTHORISED TO ISSUE
MOTOR SPORT PERMITS AND CORRESPONDING EVENTS

<i>Column 1</i>	<i>Column 2</i>
Body	Event
The Royal Automobile Club Motor Sports Association Limited ⁽⁹⁾	Events involving motor vehicles other than motor cycles
The Scottish Auto-Cycle Union Limited ⁽¹⁰⁾	Events involving motor cycles

SCHEDULE 2

Regulation 6(3)

TABLE OF STATUTORY PROVISIONS DISAPPLIED BY A MOTOR SPORT ORDER

Provision	Subject matter
<i>Road Traffic Regulation Act 1984</i> ⁽¹¹⁾	
Section 18(3)	Contravention of order relating to one-way traffic on trunk roads
Section 20(5)	Contravention of order relating to use of vehicles on roads of certain classes
Section 81(1), an order under section 84(1), section 86(1), an order under section 88(1) and section 89(1)	Speed limits and temporary speed limits
Regulations under section 99	Removal of vehicles illegally parked, etc.
Section 104(1)	Immobilisation of vehicles illegally parked
<i>Roads (Scotland) Act 1984</i> ⁽¹²⁾	
Section 129(5)	Using a vehicle in a foot-way, footpath or cycle track
Section 129(6)	Parking a motor vehicle on a cycle track
<i>Road Traffic Act 1988</i> ⁽¹³⁾	
Section 21(1)	Prohibition of driving or parking on cycle tracks
Section 22	Leaving vehicles in dangerous positions
Section 36(1)	Drivers to comply with traffic signs

⁽⁹⁾ The Royal Automobile Club Motor Sports Association Limited is an incorporated company (registered number: 01344829) and its registered office is Motorsport UK House Riverside Park, Colnbrook, Slough, SL3 0HG.

⁽¹⁰⁾ The Scottish Auto-Cycle Union Limited is an incorporated company (registered number: SC121963) and its registered office is 28 West Main Street, Uphall, Broxburn, West Lothian, EH52 5DW.

⁽¹¹⁾ 1984 c.27.

⁽¹²⁾ 1984 c.54.

⁽¹³⁾ 1988 c.52.

Provision	Subject matter
The Highway Code, as it has effect under section 38	
Section 40A	Using vehicle in dangerous condition, etc.
Regulations under section 41	Regulation of construction, weight, equipment and use of vehicles
Section 41A	Breach of requirement as to brakes, steering-gear or tyres
Section 41C	Breach of requirement as to speed assessment equipment detection devices
Section 42	Breach of other construction and use requirements
Section 47(1)	Obligatory test certificates
Section 87	Drivers of motor vehicles to have driving licences
Section 103(1)(b)	Driving while disqualified
Section 143(1) and (2)	Users of motor vehicles to be insured or secured against third-party risks

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the procedure for authorising races and trials of speed between motor vehicles on public roads in Scotland. They allow a roads authority (which for trunk roads is the Scottish Ministers and for other roads is the relevant local authority) to make orders known as motor sport orders authorising the holding of a race or trial of speed between motor vehicles on public roads in Scotland.

Before applying to a roads authority for a motor sport order, the promoter of the planned event must first seek a permit to do so from an authorised body under regulation 3. The authorised bodies and the events for which they may issue permits are set out in schedule 1 of the Regulations. Authorised bodies must consult the persons specified in regulation 3(2) before issuing a permit and must be satisfied as to the matters specified in regulation 3(3) such as the suitability of the proposed route, public safety arrangements, and insurance cover. The permit must specify the details mentioned in regulation 3(4) such as the route approved by the authorised body as well as the public safety and insurance arrangements to be put in place for the event.

Having obtained a permit under regulation 3, the promoter of the planned event must apply under regulation 4 to the relevant roads authority for a motor sport order. The application must be made at least 6 months before the event and, among other things specified in regulation 4(4), must be accompanied by details of any legislative instruments (such as temporary traffic regulation orders)

that will be needed in connection with the event and details of alternative routes for traffic which will be affected by the event.

Under regulation 5 the roads authority must consider the likely impact of the event on the local community, the potential local benefits, and any other matters that the roads authority considers relevant before deciding whether to make the motor sport order. The roads authority may only grant the order if satisfied that, among other things, adequate public safety arrangements and adequate traffic management arrangements have been or will be made for the event.

The effect of a motor sport order is set out in regulation 6. As well as authorising the event, a motor sport order has the effect of disapplying various provisions of road traffic legislation to officials, participants, and their vehicles, so that the event authorised by the order can be lawfully held on public roads in Scotland. Section 1 (causing death by dangerous driving), section 1A (causing serious injury by dangerous driving), section 2 (dangerous driving), section 2B (causing death by careless, or inconsiderate, driving) and section 3 (careless, and inconsiderate, driving) of the Road Traffic Act 1988 (“the 1988 Act”) do not apply to a participant in an event authorised by or under these Regulations by virtue of section 12H(3) of that Act. Regulation 6(2) disapplies those provisions to event officials as well. A number of other provisions, as listed in schedule 2, are disapplied by regulation 6(3), subject to the conditions in regulation 6(4). Section 12H(8) of the 1988 Act makes provision regarding the liability of the promoter of the event for personal injury or damage to property caused by the promoter or participants. Regulation 6(2) also brings event officials within the scope of that provision.

Regulation 7 amends section 16A of the Road Traffic Regulation Act 1984 so that a temporary traffic regulation order prohibiting or restricting traffic on a road in connection with certain events can be made in connection with a race or trial of speed between motor vehicles authorised under these Regulations.

Regulation 8 repeals the [Strathclyde Regional Council Order Confirmation Act 1990 \(c.xi\)](#) and the [Scottish Borders Council \(Jim Clark Memorial Rally\) Order Confirmation Act 1996 \(c.xii\)](#), which provided for authorisation of the Mull Rally and the Jim Clark Memorial Rally respectively, but makes saving and transitional provision in relation to those rallies for 2019.