

**ELIZABETH II**



**1990 CHAPTER xi**

An Act to confirm a Provisional Order under the Private  
Legislation Procedure (Scotland) Act 1936, relating to  
Strathclyde Regional Council. [28th March 1990]

**W**HEREAS the Provisional Order set forth in the Schedule  
hereunto annexed has been made by the Secretary of State  
under the provisions of the Private Legislation Procedure  
(Scotland) Act 1936, and it is requisite that the said Order should be  
confirmed by Parliament: 1936 c. 52.

Be it therefore enacted by the Queen's most Excellent Majesty, by  
and with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows:—

1. The Provisional Order contained in the Schedule hereunto  
annexed is hereby confirmed. Confirmation  
of Order in  
Schedule.
2. This Act may be cited as the Strathclyde Regional Council Order  
Confirmation Act 1990. Short title.

## SCHEDULE

### STRATHCLYDE REGIONAL COUNCIL

*Provisional Order to authorise a motor rally on certain public roads on the Island of Mull; to confer powers on the Strathclyde Regional Council in relation thereto; and for other purposes.*

#### WHEREAS—

1973 c. 65. (1) The Strathclyde Regional Council (hereinafter referred to as “the Council”) are by virtue of sections 133 and 146 of the Local Government (Scotland) Act 1973 vested with the functions of roads and police authority for the area of Strathclyde Region (hereinafter referred to as “the Region”):

1984 c. 54.  
1984 c. 27. (2) As roads-authority the Council are responsible for administering the provisions of the Roads (Scotland) Act 1984 and the Road Traffic Regulation Act 1984:

(3) In pursuance of section 1 of the Roads (Scotland) Act 1984 the Council have entered certain roads on the Island of Mull (hereinafter referred to as “the island”) in the list of public roads for the Region:

(4) By virtue of Part VI of the Road Traffic Regulation Act 1984 public roads on the island are subject to speed limits for motor vehicles:

(5) For the purpose of advancing the economy of the island and to encourage tourism it is expedient to authorise the Council to permit a motor rally to take place on public roads on the island at certain times of the year:

(6) For the purposes of this Order it is expedient to empower the Council on certain days and at certain times to close to the public or to restrict access to the whole or parts of public roads on the island and to suspend the operation of the Road Traffic Regulation Act 1984 in respect of roads so closed:

(7) It is expedient that other provisions in this Order be enacted:

1936 c. 52. (8) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the said Act of 1936, the Secretary of State orders as follows:—

Short title. 1. This Order may be cited as the Strathclyde Regional Council Order 1990.

Interpretation. 2. In this Order, except where the context otherwise requires—  
“apparatus” means—

1980 c. 45.  
1968 c. 47. (a) in relation to the Council, water mains and communication and supply pipes as defined in section 109 of the Water (Scotland) Act 1980 and public sewers as defined in section 59 of the Sewerage (Scotland) Act 1968;

1984 c. 12. (b) in relation to a telecommunications operator, telecommunication apparatus as defined in paragraph 1 (1) of Schedule 2 to the Telecommunications Act 1984, including such apparatus belonging to or used by British Telecommunications plc;



(c) in relation to the North of Scotland Hydro Electric Board, an electric line as defined in section 45 of the Electricity (Scotland) Act 1979;

1979 c. 11.

“authorising agent” means the Royal Scottish Automobile Club;

“authorised days” has the meaning given by section 3 (Authorised days) of this Order;

“competition rules” shall mean the rules for the time being in force of the RAC Motor Sports Association Limited relative to motor rallies;

“Chief Constable” means the Chief Officer of Strathclyde Police;

“contravention” includes failure to comply;

“the Council” means the Strathclyde Regional Council;

“the island” means the Island of Mull;

“motor rally” means a competition or trial (other than a race or trial of speed) involving the use of motor vehicles on a public road and “motor rallying” shall be construed accordingly;

“motor vehicle” has the meaning given by section 190 of the Road Traffic Act 1972;

1972 c. 20.

“occupier” has the meaning given by section 151 of the Roads (Scotland) Act 1984;

1984 c. 54.

“owner” has the meaning given by section 151 of the Roads (Scotland) Act 1984;

“premises” includes land and any interest in land or building thereon;

“promoter” means the person primarily responsible for the organisation and arrangement of the motor rally on the island;

“public road” means a road on the island which is a public road as defined in section 151 of the Roads (Scotland) Act 1984;

“rally route” means those public roads or parts of any public road which, for any year, have been approved by the Council as the rally route in accordance with the provisions of section 4(3) of this Order;

“statutory undertakers” means any public water undertaker or sewerage undertaker, a telecommunications operator and the North of Scotland Hydro Electric Board;

“telecommunications operator” means the operator of a telecommunications code system; and “operator” and “telecommunications code system” have the respective meanings given by paragraph 1 of Schedule 4 to the Telecommunications Act 1984;

1984 c. 12.

“traffic sign” has the meaning given by section 64 of the Road Traffic Regulation Act 1984.

1984 c. 27.

3.—(1) In this Order the expression “authorised days” means in any year, any three consecutive days in the month of October approved by the Council in consultation with the Chief Constable and the authorising agent on receipt of at least four months’ written notice from the promoter.

Authorised days.

(2) The promoter shall give not less than three months’ notice of the authorised days to any statutory undertakers having apparatus in, under or adjoining the rally route, but the accidental omission to give such notice to any of the statutory undertakers shall not invalidate the Council’s approval under subsection (1) above.

4.—(1) Subject to the provisions of this Order the Council may arrange for the provision by the promoter of a motor rally on the island on the authorised days.

Power to permit motor rally.

(2) The motor rally shall follow the rally route, and a proposed route for that purpose will be notified to the Council in writing by the promoter at least four months prior to the authorised days and shall be subject to the approval of the Council in consultation with the Chief Constable and the authorising agent.

(3) The Council may approve the proposed route as the rally route if after such consultation they are satisfied that such provisions have been made with regard to public safety and alternative routes for vehicular and pedestrian traffic as they consider requisite or necessary, but if the Council are not so satisfied they may refuse to approve the proposed route as the rally route or approve it subject to such alterations as they think fit.

(4) Subject to such directives as may be given by—

- (a) the Chief Constable;
- (b) the Council; or
- (c) the authorising agent;

the motor rally shall be run in accordance with the competition rules:

Provided that in case of conflict between any directives given under this subsection a directive given by the Chief Constable shall prevail over any conflicting directive given by the authorising agent or the Council and a directive given by the authorising agent shall prevail over any conflicting directive given by the Council.

Power to carry  
out works.

5.—(1) The Council may carry out on public roads such works as they may consider to be necessary or convenient or such works as they may be requested to do by the promoter for the purposes of, or in connection with, the provisions of this Order.

(2) The cost of any works carried out by the Council under subsection (1) above may be recovered by the Council from the promoter.

(3) The Council shall not undertake any works under subsection (1) above which would render the road unsuitable for use as a public road.

(4) The Council may give such assistance (other than financial assistance) to the promoter as may be required to enable the promoter to carry out the purposes of this Order.

Power to  
close public  
roads.

6.—(1) Subject to the provisions of subsections (2) to (6) below the Council may, for the purposes of this Order, on the authorised days close to the public or restrict access to the whole or part of any public road or roads comprised in the rally route and may exclude therefrom all or any persons, vehicles, goods and things (including persons seeking to go to or from any premises abutting any such road and whether or not in exercise or purported exercise of any public or private right of way over any part of the public roads) except with the consent of the Council in consultation with the promoter.

(2) The Council shall not close any part of the public roads comprised in the rally route for a continuous period of more than five hours on each of the authorised days and shall not close any part of such a road for a second period on the same day unless that part has been open to the public for at least two hours since the last closure.

(3) The Council shall ensure that the owner or occupier of premises affected by the road closure or any restriction of access to a road under the powers contained in this section shall have reasonable access to and egress from the



said premises, in so far as it is safe to grant such access or egress, during the period of closure or restriction.

(4) Notice of the closing of public roads under this section and any revised traffic arrangements and alternative routes shall be indicated by traffic signs.

(5) The Council shall—

(a) not less than one month before the closing of a public road under this section cause to be published in a local newspaper circulating on the island notice thereof stating the public roads or parts of public roads to be closed and the periods during which such public roads shall be closed to vehicular and pedestrian traffic respectively;

(b) not later than the date on which such notice is published under paragraph (a) above serve a copy thereof on the Chief Constable and on each of the statutory undertakers;

(c) display copies of such notice in the public road or part of a public road to be closed in places where they can conveniently be read by the public for a period of not less than 14 days immediately preceding the closing.

(6) Either—

(a) a copy of any such newspaper containing any such notice; or

(b) a photostatic or other reproduction certified by the proper officer of the Council to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

(7) If any person without the consent of the Council knowingly and without reasonable excuse enters or remains upon any public road which is closed to him or drives or causes or permits to be driven, a vehicle upon any public road or part of a public road which is closed to that vehicle under this section, or fails to comply with any condition subject to which the Council have given their consent under this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(8) In proceedings for an offence under subsection (7) above, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(9) Notwithstanding the closure of any public road or part of a public road by the Council under this section, in the case of emergency any emergency service of the Council, the police, the Argyll and Clyde Health Board or the statutory undertakers may require the promoter to stop the rally and may enter upon such public road or part of a public road with any necessary vehicles, plant and equipment for the purpose of exercising any of their functions in relation to the emergency.

(10) Nothing in this section shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

(11) The Council may recover from the promoter all or any of the costs incurred by them in carrying out any of the powers contained in this section.

(12) Neither section 14 of the Road Traffic Regulation Act 1984 nor section 62 of the Roads (Scotland) Act 1984 shall apply in respect of any road, or part of a road, at any time when it is closed under this section.

1984 c. 27.  
1984 c. 54.

7.—(1) Where a vehicle is on any public road or part of a public road which is closed in pursuance of section 6 (Power to close public roads) of this Order, otherwise than for the purposes of subsection (9) of that section, the Council may remove or arrange for the removal of the vehicle to a place other than the rally route.

Removal of vehicles.



(2) Any person removing a vehicle under subsection (1) above may do so by towing or driving the vehicle or in such other manner as he may reasonably think necessary and may take such measures in relation to the vehicle as he may reasonably think necessary to enable him to remove it as aforesaid.

(3) While the vehicle is in the custody of the Council in pursuance of this section it shall be the duty of the Council to take such steps as are reasonably necessary for the safe custody of the vehicle and for complying with a request for its return made by or on behalf of its owner.

(4) The owner of any vehicle requiring to be removed by the Council in pursuance of this section shall be liable to pay the Council's costs incurred in carrying out such a removal.

(5) In this section "vehicle" means any vehicle whether or not it is in a fit state for use on public roads and includes any chassis or body with or without wheels appearing to have formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle.

Road traffic enactments not to apply to closed roads.

8.—(1) Subject to subsection (2) below and to the provisions of section 9 (Road traffic regulations) of this Order, while the rally route is closed to vehicular traffic under section 6 (Power to close public roads) of this Order, no enactment relating to road traffic whether passed before or after this Order shall (unless the context otherwise requires) apply to any motor vehicle which is on the rally route with the consent of the Council or to any public road forming part of the rally route.

S.I. 1976/2019 (S.166).

(2) The Motor Vehicles (Competitions and Trials) (Scotland) Regulations 1976 shall apply to the motor rally authorised by this Order so far as those regulations are not inconsistent with the provisions of this Order and the authorisation thereby of a motor rally on the rally route at a speed greater than the speed limit imposed under any enactment in respect of any public road which forms part of the rally route.

Road traffic regulations. 1984 c. 27.

9. In its application to the island, section 14 of the Road Traffic Regulation Act 1984 (which empowers a roads authority to make an order or give a notice temporarily prohibiting or restricting traffic on roads) shall have effect—

- (i) on the authorised days in relation to any road not comprised in the rally route; and
- (ii) at all other times throughout the island;

as if after the words "of serious damage to the road" where those words occur in subsections (1) and (3) respectively there were added the words "or in order to facilitate the operation of the Strathclyde Regional Council Order 1990":

Provided that no order made or notice given under the said section 14, as applied for the purposes of this Order, shall prevent any statutory undertaker obtaining access to any apparatus with any necessary plant and machinery.

Compensation.

10.—(1) Without prejudice to any right to compensation enjoyed apart from this section, a person who sustains injury or damage by reason of the exercise of the powers of this Order shall be entitled to recover full compensation from the promoter to the extent that that person has not himself been in default.

(2) The promoter will maintain an insurance policy to provide such cover as will fulfil the obligations of the promoter under this section in an amount to be determined by, and to the satisfaction of, the RAC Motor Sports Association Limited.

Application of Public Utilities Street Works Act 1950. 1950 c. 39.

11. The provisions contained in Part II of, and Schedule 4 to, the Public Utilities Street Works Act 1950, shall apply in relation to any works executed under section 5 of this Order.

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# Strathclyde Regional Council Order Confirmation Act 1990

## CHAPTER xi

### ARRANGEMENT OF SECTIONS

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#### SCHEDULE

##### STRATHCLYDE REGIONAL COUNCIL

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