

# DEREGULATION ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Sections 73 to 75: Motor racing*

##### **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))
- 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)).

*These notes refer to the Deregulation Act 2015 (c.20)  
which received Royal Assent on 26 March 2015*

- 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.