



# Deregulation Act 2015

## 2015 CHAPTER 20

### *Alcohol, sport and entertainment*

#### **73 Motor racing on public roads: general**

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 12 (motor racing on public ways), after subsection (1) insert—
  - “(1A) Subsection (1) is subject to—
    - (a) in relation to England and Wales, sections 12A to 12F (which make provision to allow the holding of races or trials of speed between motor vehicles on public ways in England and Wales);
    - (b) in relation to Scotland, sections 12G to 12I (which make provision to allow the holding of races or trials of speed between motor vehicles on public ways in Scotland).”
- (3) After section 12 insert—

#### **“12A Motor race orders: England and Wales: overview**

- (1) Sections 12A to 12F 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 (“motor race orders”).
- (2) A motor race order is made on the application of the person promoting the event, with the permission of a motor sport governing body (see sections 12B to 12D).
- (3) The effect of a motor race order is set out in section 12E.

#### **12B Permission to apply for motor race order**

- (1) A person who wishes to promote a race or trial of speed between motor vehicles on a highway in England and Wales may apply for a permit to a motor sport governing body authorised by regulations made by the appropriate

national authority to issue permits in respect of a race or trial of speed of that kind.

- (2) Before issuing a permit, the motor sport governing body must consult—
  - (a) the highway authority for each area in which the event is to take place or which is otherwise likely to be significantly affected by the event,
  - (b) the local authority for each such area,
  - (c) the police authority for each such area,
  - (d) in the case of an event that is to take place in Greater London, the Greater London Authority,
  - (e) each person who has given the motor sport governing body written notice within the previous 12 months that the person wishes to be consulted about applications under this section, and
  - (f) such other persons as the motor sport governing body thinks appropriate.
- (3) The motor sport governing body must issue the permit if satisfied that—
  - (a) the applicant intends to promote the proposed event,
  - (b) the applicant has the necessary financial and other resources to make appropriate arrangements for the event,
  - (c) the applicant has arranged or will arrange appropriate insurance cover in connection with the event, in accordance with guidance issued by the motor sport governing body, and
  - (d) the application includes all necessary details of the safety and other arrangements proposed for the event.
- (4) A permit must specify—
  - (a) any route to be followed in the course of the event;
  - (b) arrangements for the approval by the motor sport governing body of drivers participating in the event;
  - (c) arrangements for the approval by the motor sport governing body of vehicles to be used in the course of the event;
  - (d) arrangements made or to be made for insurance in connection with the event.
- (5) A permit may set out conditions that the motor sport governing body thinks should be included in any motor race order made in relation to the event.
- (6) The appropriate national authority must by regulations list motor sport governing bodies that are authorised to issue permits for the purposes of this section.
- (7) The regulations may specify the kinds of races or trials of speed between motor vehicles on a highway in respect of which each listed governing body may issue permits.
- (8) The regulations may provide that a listed motor sport governing body ceases to be authorised to issue permits if the rules of the governing body—
  - (a) include provision of a kind specified in the regulations;
  - (b) do not include provision of a kind so specified.
- (9) In this section—

“the appropriate national authority” means—

- (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers;
- “local authority” means —
- (a) a county or district council in England;
  - (b) a parish council in England;
  - (c) a London borough council;
  - (d) the Common Council of the City of London in its capacity as a local authority;
  - (e) the Council of the Isles of Scilly;
  - (f) a county or county borough council in Wales.

### **12C Application for motor race order**

- (1) A motor race order may only be made on an application under this section.
- (2) An application may be made only by a person who—
  - (a) wishes to promote a race or trial of speed between motor vehicles on a highway in England and Wales, and
  - (b) has a permit issued in accordance with section 12B in relation to the event.
- (3) The application must be made to the highway authority for the area in which the event is to take place (and, where the event is to take place in the area of more than one highway authority, separate applications must be made under this section to each authority).
- (4) The application must be made not less than 6 months before the event.
- (5) The application must be accompanied by—
  - (a) the permit issued in accordance with section 12B;
  - (b) details of any orders under section 16A of the Road Traffic Regulation Act 1984 (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) a risk assessment in such form as the highway authority may specify;
  - (d) such fee as the highway authority may specify.

### **12D Determination of applications for motor race orders**

- (1) Before determining whether to make a motor race order, a highway authority must consider—
  - (a) the likely impact of the event on the local community,
  - (b) the potential local economic and other benefits (in respect of tourism or otherwise), and
  - (c) any other local considerations that the authority thinks relevant.
- (2) The highway authority may make the motor race order if satisfied that—
  - (a) adequate arrangements have been made to allow the views of the local community to be taken into account,

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- (b) the person proposing to promote the event has shown that the event is commercially viable, and
  - (c) effective arrangements have been made to involve local residents, the police and other emergency services in the planning and implementation of the event.
- (3) A motor race 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 of the area to be used for the event (showing, in particular, the roads which participants will use, and areas which will be available for occupation by spectators), and
  - (c) include any other information specified by the appropriate national authority by regulations.
- (4) A motor race order may include conditions which must be satisfied before, during or after the event.
- (5) A motor race order may, in particular, include conditions designed to ensure that the arrangements mentioned in subsection (2)(c) continue throughout the planning and implementation of the event.
- (6) In this section, “the appropriate national authority” means—
- (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers.

### **12E Effect of motor race order**

- (1) A motor race order made under section 12D has the effect described in this section.
- (2) Section 12(1) does not apply to the promoter of the event if that person—
- (a) promotes the event in accordance with any conditions imposed on the promoter by the motor race order, and
  - (b) takes reasonable steps to ensure that any other conditions specified in the motor race order are met.
- (3) The provisions listed in the Table do not apply in relation to a participant or an official or (as the case may be) in relation to a vehicle used by a participant or an official provided that—
- (a) the participant has been approved by the motor sport governing body that issued a permit in respect of the event or (as the case may be) the official has been authorised by the promoter,
  - (b) the participant or official complies with any conditions specified in the motor race order that apply to participants or (as the case may be) officials, and
  - (c) the participant or official also complies with any conditions imposed on him or her by the promoter.

<i>Provision</i>	<i>Topic</i>
<b>Road Traffic Regulation Act 1984</b>	

<i>Provision</i>	<i>Topic</i>
Section 18(3)	Contravention of order relating to one-way traffic on trunk roads
Section 20(5)	Contravention of order relating to use on roads of vehicles 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
Regulations under section 99	Removal of vehicles illegally parked etc
Section 104(1)	Immobilisation of vehicles illegally parked
<b>Road Traffic Act 1988</b>	
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
Section 3	Careless, and inconsiderate, driving
Section 3ZB	Causing death by driving: unlicensed, disqualified or uninsured drivers
Section 12(1)	Motor racing on public ways
Section 21(1)	Prohibition of driving or parking on cycle tracks
Section 22	Leaving vehicles in dangerous positions
Section 22A	Causing danger to road-users
Section 36(1)	Drivers to comply with traffic signs
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(1)	Drivers of motor vehicles to have driving licences

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<i>Provision</i>	<i>Topic</i>
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
Sections 164 and 165	Powers of constables to require production of driving licence, obtain information etc
Section 165A	Power to seize vehicles driven without licence or insurance
Section 170	Duty of driver to stop, report accident and give information or documents
<b>Vehicle Excise and Registration Act 1994</b>	
Section 1(1)(b)	Circumstances in which vehicle excise duty is chargeable on unregistered mechanically propelled vehicles
Section 29(1)	Offence of using or keeping an unlicensed vehicle

- (4) The appropriate national authority may by regulations amend this section so as to—
- (a) add or omit an entry in the Table in subsection (3);
  - (b) provide that subsection (3) applies in relation to a provision for the time being included in the Table only for purposes specified in the regulations;
  - (c) provide that subsection (3) applies in relation to a provision for the time being included in the Table only if a condition specified in the regulations is included in the motor race order.
- (5) However, regulations under subsection (4) may not add any provision of sections 3A to 11 of this Act (motor vehicles: drink and drugs) to the Table in subsection (3).
- (6) The promoter of an event in respect of which a motor race order has been made is liable in damages if personal injury or damage to property is caused by anything done—
- (a) by or on behalf of the promoter in connection with the event, or
  - (b) by or on behalf of a participant or an official,
- unless it is proved that the promoter took reasonable steps to prevent the injury or damage occurring.
- (7) For the purposes of the Law Reform (Contributory Negligence) Act 1945, the Fatal Accidents Act 1976 and the Limitation Act 1980 any injury or damage for which a person is liable under subsection (6) is to be treated as due to the fault of that person.
- (8) In this section—
- “the appropriate national authority” means—
- (a) in relation to England, the Secretary of State;

- (b) in relation to Wales, the Welsh Ministers;  
“official” means a person who facilitates the holding of a race or trial of speed.

### **12F Regulations by appropriate national authority: procedure**

- (1) A power to make regulations conferred on the Secretary of State or the Welsh Ministers by section 12B(6), 12D(3)(c) or 12E(4) is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations made by the Secretary of State under section 12E(4) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument containing regulations made by the Secretary of State under section 12B(6) or 12D(3)(c) (other than regulations to which subsection (2) applies) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing regulations made by the Welsh Ministers under section 12E(4) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (5) A statutory instrument containing regulations made by the Welsh Ministers under section 12B(6) or 12D(3)(c) (other than regulations to which subsection (4) applies) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

### **12G Authorisation of races and trials of speed in Scotland**

- (1) The Scottish Ministers may by regulations authorise, or make provision for authorising, the holding of races or trials of speed on public roads in Scotland.
- (2) Regulations under this section may in particular—
  - (a) specify the persons by whom authorisations may be given;
  - (b) limit the circumstances in which, and the places in respect of which, authorisations may be given;
  - (c) provide for authorisations to be subject to conditions imposed by or under the regulations;
  - (d) provide for authorisations to cease to have effect in circumstances specified in the regulations;
  - (e) provide for the procedure to be followed, the particulars to be given, and the amount (or the persons who are to determine the amount) of any fees to be paid, in connection with applications for authorisations.
- (3) Regulations under this section may make different provision for different cases.

### **12H Races and trials of speed in Scotland: further provision**

- (1) Section 12(1) does not apply to the promoter of an event that has been authorised by or under regulations under section 12G if that person—
  - (a) promotes the event in accordance with any conditions imposed on the promoter by or under the regulations, and
  - (b) takes reasonable steps to ensure that any other conditions imposed by or under the regulations are met.
- (2) Section 12(1) does not apply to a participant in an event that has been authorised by or under regulations under section 12G, provided that the participant complies with any conditions imposed on participants by or under the regulations.
- (3) Sections 1, 1A, 2, 2B and 3 do not apply to a participant in an event that has been authorised by or under regulations under section 12G or to any other person of a description specified in regulations made by the Scottish Ministers, provided that the participant or other person complies with any conditions imposed on participants or on persons of that description by or under regulations under section 12G.
- (4) The Scottish Ministers may by regulations make provision for specified provisions of legislation of a kind mentioned in subsection (5)—
  - (a) not to apply in relation to participants in events authorised by or under regulations under section 12G or (as appropriate) in relation to vehicles used by such persons;
  - (b) to apply in relation to such persons or vehicles subject to modifications specified in the regulations;
  - (c) not to apply in relation to persons of a description specified in regulations under this subsection or (as appropriate) in relation to vehicles used by such persons;
  - (d) to apply in relation to such persons or vehicles subject to modifications specified in the regulations.
- (5) The kinds of legislation are—
  - (a) legislation restricting the speed of vehicles or otherwise regulating the use of vehicles on a public road;
  - (b) legislation regulating the construction, maintenance or lighting of vehicles;
  - (c) legislation requiring a policy of insurance or security to be in force in relation to the use of any vehicle;
  - (d) legislation relating to the duty chargeable on, or the licensing and registration of, vehicles;
  - (e) legislation requiring the driver of a vehicle to hold a licence to drive it;
  - (f) legislation relating to the enforcement of any legislation mentioned in paragraphs (a) to (e).
- (6) However, regulations under subsection (4) may not disapply, or otherwise alter the application of, sections 3A to 11 of this Act (motor vehicles: drink and drugs).



- (7) The Scottish Ministers may by regulations amend section 16A of the Road Traffic Regulation Act 1984 so as to enable orders under that section that are made for the purposes of an event authorised by or under regulations under section 12G to suspend statutory provisions in addition to those specified in section 16A(11).
- (8) The promoter of an event that has been authorised by or under regulations under section 12G is liable in damages if personal injury or damage to property is caused by anything done—
- (a) by or on behalf of the promoter in connection with the event,
  - (b) by or on behalf of a participant, or
  - (c) by or on behalf of a person of a description specified in regulations made by the Scottish Ministers,
- unless it is proved that the promoter took reasonable steps to prevent the injury or damage occurring.
- (9) For the purposes of the Law Reform (Contributory Negligence) Act 1945, any injury or damage for which a person is liable under subsection (8) is to be treated as due to the fault of that person.
- (10) In this section, “legislation” means—
- (a) an Act or subordinate legislation (within the meaning of the Interpretation Act 1978);
  - (b) an Act of the Scottish Parliament or an instrument made under an Act of the Scottish Parliament.

### **12I Regulations under section 12G or 12H: procedure**

- (1) Before making regulations under section 12H(3), (4), (7) or (8), the Scottish Ministers must consult such persons as they consider appropriate.
- (2) Regulations under section 12G are subject to the negative procedure.
- (3) Regulations under section 12H(3), (4), (7) or (8) are subject to the affirmative procedure.”