
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

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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.