



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

[^{F1}Motor racing on public ways]

[^{F1}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;

Status: Point in time view as at 10/03/2017. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 12H is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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.]

Textual Amendments

F1 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3)**, 115(7); S.I. 2017/273, art. 2(a)

Status:

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