

Explanatory Memorandum to the Road Traffic Act 1988 (Motor Racing) (Wales) Regulations 2018

This Explanatory Memorandum has been prepared by the Department for the Economy, Skills and Natural Resources and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Road Traffic Act 1988 (Motor Racing) (Wales) Regulations 2018

Ken Skates, Cabinet Secretary for Economy and Transport
12 January 2018

1. Description

The Road Traffic Act 1988 (Motor Racing) (Wales) Regulations 2018”) will list motor sport governing bodies that are authorised to issue permits and therefore enable a person wishing to promote a race or trial of speed between motor vehicles on a highway to apply for a permit for the purpose of motor racing on public highways in Wales.

Similar regulations have already been made in England.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None.

3. Legislative background

Sections 12A to 12I of the Road Traffic Act 1988 were inserted by the Deregulation Act 2015.

It is an offence, under section 12 of the Road Traffic Act 1988, to promote or take part in a race or trial of speed between motor vehicles on a public way, however, section 12E of the Road Traffic Act 1988 provides that, subject to certain conditions, a person promoting, participating in, or acting as an official in relation to, such a race or trial of speed on a public way in England and Wales, will not be guilty of an offence under section 12 of the RTA, where a motor race order has been granted in respect of the event by a highway authority. A person may not, however, apply for a motor race order under section 12C of the Road Traffic Act 1988 until that person has been granted a permit issued in accordance with section 12B of the Road Traffic Act 1988.

The motor sport governing body must be authorised to issue permits, by regulations made by the appropriate national authority. The duty on the Welsh Ministers to make the relevant regulations is contained in section 12B(6) of the Road Traffic Act 1980. The appropriate national authority in relation to Wales is the Welsh Ministers.

The regulations specify those motor sport governing bodies which are authorised to issue permits under section 12B of the Road Traffic Act 1988 (“the RTA”) for the purpose of motor racing on public highways in Wales.

4. Purpose & intended effect of the legislation

The purpose is to bring into force regulations that specify those motor sport governing bodies which are authorised to issue permits under section 12B of

the Road Traffic Act 1988 (“the RTA”) for the purpose of motor racing on public highways in Wales.

Once issued with a permit, permit holders will be able to apply to the relevant highway authority for the necessary motor race order under section 12C of the RTA. This would authorise motor racing on the lengths of highway in question. The highway authority will determine whether or not to make a motor race order in accordance with section 12D of the RTA, by considering the likely impact of the event on the local community, the potential local economic and other benefits, and any other considerations that the highway authority thinks is relevant.

The Regulations in Wales specify The Motor Sports Association (“MSA”) and The Auto Cycle Union (“ACU”) as bodies authorised to issue permits under section 12B of the RTA for the purpose of motor racing on public highways in Wales.

The new regulations will pave the way for on road motor racing and trials of speed for the first time and name the MSA and the ACU as the bodies that will have the authority to issue permits. The effect of a motor race order is that persons participating in the event will not commit an offence under section 12 of the Road Traffic Act 1988, and also that certain provisions of road traffic legislation will not apply to participants or officials involved in the race.

This allows the hosting of motor races on closed public roads, noting that motor sports are extremely popular and events can be a positive boost to the local economy and tourist industry where they are held.

5. Consultation

The consultation exercise was held from 18 July 2017 to 29 August 2017 and was undertaken under Consultation reference WG32542. Letters were sent out to all local authorities and the consultation material was available in both Welsh and English. The consultation document can be accessed via the following link.

<https://consultations.gov.wales/consultations/motor-racing-regulations>

There were 76 responses received from a variety of individuals and organisations from across Wales. Responses were received from the following:

Public bodies:

Local Authorities & National Park Authorities	5
Others	4

Private sector:

Business	4
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Professional Bodies:

Motor Racing Organisations	24
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Individuals:	39
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A good range of comments and issues were raised and an overwhelming majority of respondents were supportive of the preferred approach outlined in the consultation document.

6. Regulatory Impact Assessment (RIA)

A RIA is not considered necessary for the following reasons:

- The new Regulations only cover subordinate legislation and do not amend existing legislation.
- The effects of the new Regulations are not wide ranging. Whilst each proposal to use the Regulations will be subject to individual approval which will consider the merits and the effects if any on third parties, initial indications are that only major events such as the Wales Rally GB will seek to use the new Regulations.

The Order has no impact on the statutory duties of Equality of Opportunity, Welsh Language and Sustainable Development set out in sections 77 -79 of the Government of Wales Act 2006 or on any statutory partners (Partnership Council, Local Government Scheme and Voluntary Sector Scheme) set out in sections 72-75 of the Government of Wales Act 2006.