



Proposal to Authorise Motor Sport Events on Public Roads

Consultation Document

27 February 2014

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# Executive Summary

**What the consultation is about**

This document seeks views on a proposal to permit motor sports events, including stage rallies, hill climbs and trials of speed, on public roads in certain circumstances.

At present it is a criminal offence to promote or take part in a race or trial of speed between motor vehicles on a highway[[1]](#footnote-1) or, in Scotland, on a public road.

The proposal is to give local authorities the powers to suspend speed limits and associated traffic regulations, in certain conditions.

The proposal would bring benefits to the motor racing industry and to local communities.

Subject to the agreement of the Scottish and Welsh governments on matters within their legislative competence, the proposal would have effect throughout Great Britain.

# How to Respond

The consultation period will run for a period from Thursday 27 February 2014 until Thursday 10 April 2014. We consider that the consultation is of interest specifically to local transport authorities and motoring organisations. The proposals will also be of interest to law enforcement authorities such as the police as well as to the general public.

Please ensure that your response reaches us by 10 April 2014. Local authorities, the MSA, ACU and event promoters are asked to respond by 14 March to Question 9 on the number of motor sport events they anticipate will be held each year. If you would like further copies of this consultation document, it can be found at <https://gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads>

**You are invited to respond to the questions set out on page 23 of this motor sport consultation document to the following email address -** **msc@culture.gsi.gov.uk**

Written responses should be sent to:

Motor Sport Consultation
Sport Policy Team
Department for Culture, Media & Sport
4th Floor
100 Parliament Street
London
SW1A 2BQ

If you require alternative formats (Braille, audio CD, etc) please contact enquiries@culture.gsi.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

A list of those consulted is attached at Annex B. If you have any suggestions of others who may wish to be involved in this process please contact us.

4th Floor, 100 Parliament Street

London SW1A 2BQ

www.gov.uk/dcms

**Freedom of Information**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# The Proposal

1. The Government is seeking views on a proposal to give local authorities powers to close roads and to suspend national speed limits and associated road traffic management restrictions for the purpose of motor and motorcycle sports.
2. The Department for Culture, Media and Sport (DCMS) is leading the consultation in close partnership with the Department for Transport (DfT). DCMS leads on the relationship with the sport, DfT leads on road regulation. Other departments also share an interest, including the Department for Business Innovation and Skills, the Department for Communities and Local Government, the Home Office and the Scotland and Wales Offices. The proposal also relates to matters within the legislative competence of the Scottish and Welsh governments.

**Background**

1. The Motor Sport Industry makes an important contribution to the UK economy, with an estimated annual turnover of £9bn in 2012. It employs 41,000 people in 4,300 companies near Oxford alone. 87% of motor sport companies export their products or services and in 2013 eight of the eleven Formula 1 teams were based in the UK
2. The Motor Sports Association (MSA) and the Auto Cycle Union (ACU) are national governing bodies for motor sports and motorcycle sport respectively. They have asked Government to look at the scope for allowing motor racing and/or trials of speed on public roads to aid the development of the sport, put the UK on an equal footing with other European countries and strengthen the UK’s position as a world leader in the motor sport industry, promoting our manufacturing and high tech engineering skills.

1. The UK hosts around 5,000 motor sport events each year organised by MSA member clubs, as well as 4,000 motor cycle events organised by ACU member clubs. The vast majority take place at purpose built venues or in remote rural off-road locations. In addition, Parliament introduces legislation on an event by event basis to allow “on road” motor racing, hill climbs and speed trials, including the Jim Clark Rally and the Tour of Mull.
2. The motor sports industry have provided evidence to show that there could be a demand to hold up to 20 on-road motor sports events around Britain each year, generating up to £40m of income for the host communities during the initial 5 year period. [[2]](#footnote-2) The events could include stage rallies, hill-climbs, races and speed trials (sprints). The term “motor sport event” is being used in this consultation to cover any of these.

**Racing and Trials of Speed on a highway or public road**

1. The Road Traffic Act 1988 prohibits racing and trials of speed by motor vehicles on roads in England, Wales and Scotland. It is a criminal offence to promote or take part in a race or trial of speed between motor vehicles on a highway or public road.[[3]](#footnote-3). A person who promotes or takes part in a race or trial of speed between motor vehicles on a public highway is guilty of a criminal offence punishable by a fine of up to £2,500, obligatory disqualification from driving and the imposition of between 3 to 11 penalty points.
2. Other motor vehicle competitions such as treasure hunts are permitted on public roads[[4]](#footnote-4), subject to an authorisation procedure. Racing is permitted off the public highway, subject to a similar, authorisation system.[[5]](#footnote-5) Following devolution, the Welsh Government and the Scottish Executive are responsible for the function of authorising both on-road and off-road motor sport events in their countries.
3. Northern Ireland already has separate legislation for on-road and off-road motor events, which is the responsibility of the Department for Regional Development.

**Private Bill Procedure**

1. Races or Trials of Speed on public roads can be permitted by Parliament through the Private Bill procedure for specific events.  A Private Bill is promoted by an individual or organisation outside of the Houses of Parliament, typically a local authority, to obtain powers or benefits which are either in excess of, or in conflict with, the general law. These powers will only apply for the purposes of the particular Private Bill.
2. The Private Bill process can take up to 18 months and needs the approval of both Houses of Parliament. It has therefore been used infrequently. This is currently the only option available for any on-road events. The legislation has also tended to be time limited.
3. An example of a rally that is held under such legislation is the Jim Clark Rally in Scotland (authorised by the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996)[[6]](#footnote-6) which has been held annually in Scotland since 1997.
4. This consultation is considering two requirements to allow motor sport events on public roads:
5. Road Closures:
6. Suspension of Speed Limits, and applicable road traffic regulations.

**Road Closure**

1. Local Authorities already have the power to authorise a road closure for sporting and leisure events on the highway under the Road Traffic Regulation Act 1984. But they are not allowed to close public roads for motor races or trials of speed. The proposal is therefore to remove this restriction and allow local authorities to close public roads for any sanctioned motor sport event, including races and trials of speed if they wish. Following devolution, the Welsh Government and the Scottish Executive are now responsible for this function within their jurisdictions.
2. Roads closed using the Road Traffic Regulation Act 1984 can only be closed by the Traffic Authority once a year. The Traffic Authority needs to obtain approval from the Secretary of State for further road closures using the same legislation on the same road in the same calendar year. Consideration may also be given to introducing some flexibility around which days a road may be closed in a year, as has been done recently in Northern Ireland.

**Suspending the offences of dangerous driving, etc.**

1. Participants in authorised off-road events are outside the scope of the offences relating to causing death by dangerous driving, dangerous driving and careless and inconsiderate driving which would otherwise interfere with legitimate sporting events. Measures are currently also being taken to exempt them from new offence in s2B of the Road Traffic Act 1988 of causing death by careless or inconsiderate driving. These provisions cover all of Great Britain.
2. Competitive driving at speed is a central purpose of some motor sport events and the Departments do not wish to make participation in such events an offence so we want to exempt participants in authorised on-road motor sport events as well.

**Suspending the National Speed Limits**

1. The Motor Vehicles (Competition and Trials) Regulations 1969 govern the organisation of motorsport events in England, Wales and Scotland. Under the current regulations, it is not possible (outside Northern Ireland and the Isle of Man) to suspend the speed limits on roads while motor sport events take place. The proposal is therefore to introduce measures which allow the local authority to suspend the speed limit, and applicable traffic regulations, for an event, as long as the event has been approved by the authorising body (see para 23 below).
2. It is envisaged that the following list of legislative requirements in relation to drivers and their vehicles would be dis-applied in relation to authorised events:
* prohibiting, restricting or regulating traffic;
* restricting the speed of vehicles;
* regulating the manner of driving vehicles;
* regulating the construction, use, maintenance or lighting of vehicles;
* requiring a policy of insurance or security to be in force in relation to the use of any vehicle;
* relating to the duty chargeable on, and the licensing and registration of, vehicles;
* requiring the driver of a vehicle to hold a licence authorising him or her to drive the vehicle;
1. The measures would be available to any local authority which wanted to support a motor sport event in their area, subject to the necessary local consultations and consideration of other relevant local issues, including the impact on the local community, as well as the potential local benefits in terms of tourism and the benefit to the local economy.
2. It is envisaged that there would be a requirement to ensure that the views of the local community are fully taken into account in the decision making process and that the event organisers are required to present a business case to show that any authorised event is viable.
3. There would also be a requirement that the motor sport event promoter would involve residents, the police and emergency services at the planning stages and ensure they were fully consulted on the event planning and logistics.

**Authorising Body**

1. It is proposed that the MSA, as recognised by the world governing body for motor sport, the Fédération Internationale de l’Automobile (FIA) and named in the Regulations (The Motor Vehicles Competitions and Trials Regulations 1969 as amended), or the ACU, as recognised by the world governing body for motorcycle sport, the Fédération Internationale de Motocyclisme (FIM), would be responsible for authorising motor sport events on the public highway through issuing an event permit. [[7]](#footnote-7).
2. The Motor Sports Association and the Auto Cycle Union already have considerable experience of authorising events, including taking into account the needs of residents and communities when planning events. They issue skill-related competition licences for various types and classes of motor sport events and there are ranges of safety requirements that competitors must comply with in order to take part in events. They would be required to licence the participating drivers and vehicles, as well as approve the route.
3. A motor sport event could only take place if the relevant local authority or authorities approved the necessary road closures and suspension of other traffic regulations and the event had received an event permit from the MSA or ACU, which would include the provision of full event liability insurance. In addition, all drivers taking part in a motor sport event would need to be licensed by the MSA or ACU.
4. The MSA and ACU would be required to publish guidance on an annual basis, setting out the safety requirements for “on-road” motor sport events.

**Event Safety**

1. While the MSA and ACU have extensive experience of event safety, one option to strengthen the level of assurance around motor sport events on public roads would be to extend the regulatory functions of the Sports Ground Safety Authority (SGSA). The SGSA already works closely with local authorities and sports to ensure public safety issues are properly considered in sports stadia. The SGSA would therefore be well placed to provide advice to motor sports on a cost recovery basis in relation to:
* Safety certificates
* Safety Management policies/documentation
* Publications/training
* Advice for development of new tracks
* Crowd capacity calculations

 **Changing the Legislation**

1. Allowing motor sport events on the highway would require primary legislation to amend the current ban in section 12 of the Road Traffic Act 1988, together with section 13 of the Road Traffic Act 1988 which provides for the authorisation of events, as well as the exemption from the offences in sections 1-3 of the Road Traffic Act 1988 and the ban on closing roads for motor races or trials of speed in section 16A (4)(a) of the Road Traffic Regulation Act 1984. In addition, powers would need to be taken to suspend certain elements of the road traffic legislation that applies to public roads, which are still in force on a closed road, for the duration of the motor sport event.

**Impact of the Proposal**

*Policy rationale and intended effects*

29. The rationale for this policy intervention is the presence of unnecessary administrative burdens in the approvals process for staging motor sport events on public roads.

30. The policy option considered – to give local authorities the power to close public roads for motor sport events authorised by the MSA or the ACU – is likely to lead to desirable policy outcomes by generating social and economic benefits in local areas where events are held.

31. An initial assessment of impact is set out below. This assessment has been submitted to the Regulatory Policy Committee (RPC) for independent scrutiny.

*Key benefits*

32. The proposal is **deregulatory** in nature, since it removes current regulatory requirements to give Local Authorities the flexibility to stage road racing events in their area, subject to approval from MSA or ACU. Organising bodies would have to present a business case showing that the proposed event is viable. At a national level, therefore, the business impact of the policy proposal is estimated to be cost neutral or a net benefit to businesses. There are also some wider impacts that are important to consider.

33. Simulating the impact of 20 additional ‘closed road’ events held in England, Scotland and Wales Sheffield Hallam University’s Sport Industry Research Centre (SIRC) estimates that these would take five years to develop from pilots to fully developed events with an international profile. Over the first five years, SIRC estimates a cumulative economic benefit of up to £40.9m from **spending by visitors** not usually resident in the local economy.

34. A proportion of these benefits to the local economy are likely to represent displacement within the UK as a whole as visitors to the event come from other parts of the UK. At a national level additional spending would likely be limited to visitors from abroad, which will constitute a relatively small share of visitors for most new events. By applying some conservative assumptions around proportion of overseas visitors to the Sheffield Hallam study an estimated minimum figure for benefits to the national economy would be around **£5.74m** over five years. Per event, this is an **average of £287k benefit per closed road event**.

*Policy risks and mitigating steps*

35. Forgone income and disruption for **local businesses** due to short-term temporary road closures is one key risk resulting from additional ‘closed road’ events. However, this potential cost will be mitigated by spending from visitors and staff attending the event, and evidence from Sheffield Hallam suggests the net effect will be positive. Organisers will also be required to consult on motor sport events well in advance, allowing local businesses to plan accordingly to maintain business continuity. From a national perspective, the additionality of these costs is doubtful, as spending would likely shift to other near-term time periods and/or other businesses in the local area.

36. **Delays** in road traffic due to temporary road closures are another potential cost. However, the costs will be minimal in most cases. Compared to other road closures (e.g. due to road works), closures due to motor sport events will typically last for one day or less, meaning minimal amounts of disruption. Traffic varies across the road network and motor sport events are likely to be organised in areas where traffic flows are relatively sparse. It is also in the interests of the local authority to mitigate traffic delays with clear advance information, and the choice of time.

37. Motor sport events involve high performance vehicles travelling at speed, and create the possibility of **accidents and casualties**. There is a very low incidence of accidents in motor sport events, and the risk of fatality is almost entirely borne by competitors. Data from the MSA show that casualties are less than one person in 1,000 races. DfT estimates of lost economic output, human costs, and medical public services are £1.8m per fatality. This risk can be mitigated by careful planning of events, and rigorous health and safety standards being imposed by the MSA or ACU as a condition of authorisation for the Local Authority running the event.

*Wider impacts*

38. There are opportunities for long term interest to be generated in a particular local area and create both **repeat and additional visits** by word of mouth marketing. The **domestic motor racing industry**, estimated to have a turnover of more than £9bn, might also benefit from increased international profile. There is also the opportunity for **increased social capital** through volunteering at the event, and an enhanced sense of community and pride in those areas staging events. These benefits can lead to indirect benefits to local businesses.

*Conclusion*

39. The analysis shows that the proposal is deregulatory as it creates easier conditions for the staging of motor sport events by public and private sector organisations. The deregulation is permissive, rather than forced, which implies that local authorities are only likely to undertake events where the economic and wider benefits outweigh the costs. The major impact is expected to be a boost to the local economy as events create interest in an area and bring increased visitor numbers and spending. While there is the risk of some costs, these impacts are slight and can be mitigated by advance warning and planning by businesses and residents.

40. There is a strong argument, therefore, that the preferred policy option is at least cost neutral and more likely to be of net benefit. Stakeholders are encouraged to provide additional evidence on the likely impact of the policy through the consultation process, and specific questions on impact are set out below. An impact assessment will be produced at final policy stage.

# Consultation Questions

You are invited to consider the following questions when responding to the consultation:

**Overall Proposal**

1. Do you agree with the proposal to give local authorities the powers to allow motor sport events on public roads, subject to the local consultation? If you disagree please give reasons.

**Road Closures**

1. Do you agree that local authorities should be able to close roads for motor sport events? If you disagree please give reasons.

**Suspension of Speed limit**

1. Do you agree that local authorities should have the power under certain circumstances to suspend the speed limit and applicable road traffic regulations? If there are any traffic regulations you would prefer not to see suspended, please give reasons.

**Event Safety**

1. Do you agree that the Motor Sports Association and the Auto Cycle Union should be the “Authorising Authority” for any motor sport events on public roads?
2. Do you agree that the Sports Ground Safety Authority could provide valuable expertise and guidance to ensure motor sport events on roads can be delivered safely?

**Local Traffic Authorities**

1. Would you consider working with an authorising body to host an on road event in your local authority?
2. Do you anticipate any potentially negative implications from motor sport events being run by authorising bodies in your local area?
3. Do you envisage the need for further powers in order to hold a safe and efficient event?

**Impact of the proposals** (responses to these questions should be submitted by the 14th March, without prejudice to a fuller response to the consultation sent later in the consultation period)

9. Under the proposals, how many motor sport events do you anticipate will be held each year?

10. Are there any policy impacts that have not been identified in the consultation document?

11. Are you aware of any further evidence on the monetary impact of the policy proposal?

**What will happen next?**

A summary of responses, including the next steps, will be published on the Departments website www.dcms.gov.uk. Paper copies will be available if required.

# Annex A – Consultation Principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available on the Better Regulation Executive website at <https://update.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator

Department for Culture, Media and Sport
100 Parliament Street
London SW1A

Email consultation@dcms.gsi.gov.uk

**Consultation Principles**

* departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
* departments will need to give more thought to how they engage with and consult with those who are affected;
* consultation should be ‘digital by default’, but other forms should be used where these are needed to reach the groups affected by a policy; and
* the principles of the Compact between government and the voluntary and community sector will continue to be respected.

# Annex B – Organisations being consulted

AA

ADEPT

Amateur Motor Cycle Association Limited

Association of Chief Police Officers

Association of Land Rover Clubs Limited

Auto Cycle Union

Brake

British Cycling

British Horse Society

British Motor Cycle Federation

British Schoolboy Motorcycle Association

Byways and Bridleways Trust

Campaign to Protect Rural England

International Organisation of Professional Drivers Limited

Local Authorities in England, Scotland and Wales

Local Government Association

Motorsport Industry Association

Motor Sports Association

National Autograss Sport Association

National Traction Engine Trust

NORA 92 Limited

Northern Ireland Executive

Police Federation

Ramblers Association

Road Safety GB

RAC

RoadPeace

Sport and Recreational Alliance

Scottish Auto Cycle Union Limited

Scottish Government

Sports Grounds Safety Authority

Tourism Alliance

Visit Britain

Visit England

Visit Scotland

Visit Wales

Welsh Government

Youth Motorcycle Sport Association Limited

1. Section 12 of the Road Traffic Act 1988 [↑](#footnote-ref-1)
2. “The Benefits of “Closed Road” Motorsport Events to Host Communities”, Sport Industry Research Centre report 2010, Sheffield Hallam University [↑](#footnote-ref-2)
3. Section 12 of the Road Traffic Act 1988 [↑](#footnote-ref-3)
4. Motor Vehicles (Competitions and Trials) Regulations 1969 (as amended) [↑](#footnote-ref-4)
5. Motor Vehicles (Off Road Events) Regulations 1995 [↑](#footnote-ref-5)
6. <http://www.legislation.gov.uk/ukla/1996/12/pdfs/ukla_19960012_en.pdf> [↑](#footnote-ref-6)
7. The Motor Vehicles (Competitions and Trials) Regulations 1969 [↑](#footnote-ref-7)