

4. Road Races Bill 2015 – First Reading approved

Mr Corkish to move:

That the Road Races Bill 2015 be read a first time.

The President: We turn to Item 4, Hon. Members, the Road Races Bill 2015 for First Reading.
The Hon. Member, Mr Corkish.

Mr Corkish: Thank you, Madam President.

I beg to move the Road Races Bill 2015 be read for the first time.

This comprehensive Bill seeks to replace the Road Races Act 1982 with a new and updated Act.

The Bill seeks to modernise 30-year-old legislation by creating clarity around roles and responsibilities, reducing unhelpful administration and paperwork, responding to the 26th milestone inquest and allowing for the future development of events.

Through its application, the Bill introduces a risk-centred approach to racing events on closed public highways. Road racing with significant risks will be permitted through the new Road Races legislation. Low-risk racing events for entertainment will be permitted through the Highways Act. In this respect, the Bill both introduces a new Road Races Act and amends section 38 of the Highways Act 1986.

The Bill provides for racing with powered machines, including car rallies, such as Rally Isle of Man and the Manx Rally; motorbike circuit races, such as the TT, Manx Grand Prix and Festival of Motorsport; street sprints, such as the Ramsey Sprint; hill climbs; and kart races, such as those held in Peel. Low-risk events will be permitted under section 38 of Highways Act 1986. This includes cycle races, running races, and soap box derbies. The Bill removes the current legislative overlap that exists in the two Acts.

The Bill introduces the concept of a racing authorisation. This is similar to the road racing order that can be issued under the existing legislation. The Bill facilitates the Department placing standard and routine matters in a racing order that, after approval by Tynwald, are applicable to all road racing events. This will allow the racing authorisation to focus on event-specific details. In the medium term this will reduce the amount of paperwork being prepared by the Department.

The Bill will allow racing on a Sunday but set out restrictions for racing on the whole of the mountain or Billown courses. In doing this, the Department has tried to balance the interests of people who wish to undertake activities on a Sunday with the opportunities and enjoyment that racing on a Sunday may present. To be clear, the Bill allows for the potential to race on a Sunday; it does not require the Department to allow it.

The Bill allows the Department to prohibit land, but a landowner and occupier can prevent it being prohibited by request to the Department. The implementation of the failsafe logic will protect the rights of landowners whilst significantly reducing the amount of administration and paperwork required by the Department and the organiser. The Department is of the opinion that the current system adds little value and distracts attention away from safety. In the event of a landowner and occupier not wanting their land prohibited, the Bill provides for the erection of signage making clear that the land is not a safe location during racing but the location is not prohibited.

The Bill will allow the organiser to manage the whole event, including marshalling of spectators and the management of road closures. This holistic approach to event management addresses some of the weaknesses identified by the 26th milestone inquest. It also addresses concerns raised by reports into tragic events in Scotland where rally spectators were killed. It is clear that there needs to be one person in overall charge of organising a safe event. This legislation puts that responsibility, and the requisite powers, into the capable hands of the Clerk of the Course. The Bill complements the rules and regulations of racing organisations such as the Motor Sports Association (MSA) and the

Auto Cycle Union (ACU). It does not seek to prescribe in law how events should be organised; that is a matter for the organiser.

I turn now to the powers that the Bill prescribes to marshals. Historically, marshals have been given the powers of a constable through a warrant card issued by the Chief Constable. This is an unsatisfactory process. The appointment of marshals by the Chief Constable implies that the Chief Constable is accountable for the competence, management and actions of the marshals appointed. In practice, this is not the case, but it does unacceptably blur the lines of responsibility. The second but related issue is the public perception of the Police potentially investigating the actions of a marshal that the Chief Constable appointed.

The Bill provides for the organiser to appoint marshals. It also makes clear that the organiser is responsible for ensuring that marshals are trained and competent to undertake the duties assigned to them.

Appointed marshals will have the legal powers required to manage the event. This was not the case in Scotland. The powers prescribed in this Bill generally replicate some of the powers that warranted marshals currently have, but it limits these powers to the marshalling of the event only.

In addition to an increased maximum fine of £5,000, the Bill provides for a custodial sentence not exceeding six months for a person committing an offence without reasonable excuse. It is unfortunate that this type of provision is now required, but Hon. Members may be aware of events last year. A minority of new visitors to our racing do not behave appropriately, and where this puts people's lives in danger it is right that the courts be given the power to send offenders to prison.

The Bill creates new summary offences in relation to obstructing a racing official or interfering with signage.

Clauses 14 to 16 make provision for the disapplication of various enactments in order to facilitate racing. The making of these provisions generally replicates existing powers, but they will reduce significantly the amount of paperwork and orders that the Department has to make to facilitate a road racing event.

The Isle of Man has a celebrated history of road racing and it is an important part of our unique and cultural identity. All in all, the Bill makes a material improvement to our road racing law, and in doing so promotes the public interest by protecting the future of road racing on the Isle of Man.

Madam President, I beg to move the Road Races Bill 2015 be read for the first time.

The President: Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.
I beg to second and reserve my remarks.

The President: Hon. Member, Mr Turner.

Mr Turner: Thank you, Madam President.

I will be brief at this stage, the First Reading. This is one of the Bills that I was previously working on when I was at the Department, and the Bill that is before us now is a vastly different animal than what came as the first draft, which was totally unworkable and was just not fit for purpose at all. No consultation had been carried out with either the ACU or the MSA, who will be the main operators of this. But I am pleased to say the Department ... we had a number of meetings with some very experienced people in the motorsport world here – some of them were international-grade stewards – and this is the result of some of those discussions.

There are still issues that I would like to highlight as we go through the passage of this Bill. I am disappointed the Department ... They assured me that when I got leave to introduce a Private Member's Bill dealing with those with serious criminal convictions being marshals and holding warrants ... They have not included it in the Bill, and that is very disappointing. In particular, I know the Police themselves were in favour, because a convicted sex offender convicted of offences

involving pornography of children actually had the Chief Constable's decision overturned. I do not think the ability in here to refuse people those positions goes far enough. The reason was that they said it might affect the appointment of marshals, which I think is an appalling attitude, because if we are talking about people with serious criminal convictions then the public need to be protected. So there are some issues with that.

The issue of security I would like to query, which I will do at a later stage, and so that the Member at future readings can have information, I will let him know some of the concerns I have – which will be of no surprise, the Department already knows them, but it will help him to be prepared for the Second Reading.

I think on principle the Isle of Man needs to compete with the United Kingdom. They are going to start allowing more of these events in the UK – they are going to draw our competitors who are talking part in these events, they are going to draw tourists – and it is important that the Isle of Man has the right legislation to enable these events to come here and be successful.

So the Bill is required and I will be supporting various parts of it, but, depending on the Second Reading, I may possibly have some suggested amendments.

Thank you, Madam President.

The President: The Hon. Member, Mr Cretney.

Mr Cretney: Yes, just a few points at this stage.

If I can, for clarification, could I ask the mover: in terms of the appointment of marshals and the issuing of the photographic identification by way of card, is that going to be done on an annual basis, or is it going to be done on a per event basis? For example, other things that are issued by the Auto Cycle Union are issued on an annual basis, and I think that would be preferable than a per event basis. I am not exactly sure what is the case there.

I remain a little bit concerned about marshals' powers and functions inasmuch as they may be required to detain people, and whereas some marshals may embrace that, other marshals will be a little bit cautious about the responsibilities which are being placed on them in that regard, and so I remain a little bit concerned about that.

I would endorse what the Hon. Member, Mr Turner, has said about the Isle of Man being competitive and I certainly regard this as a step in the right direction. Motorsport events over weekends are bound to be better in terms of attracting people to come to the Isle of Man as well as competitors, so I certainly very much welcome that.

I think those are the only points I wish to raise at this stage. Thank you.

The President: The mover to reply.

Mr Corkish: Thank you, Madam President.

I thank both Mr Turner and Mr Cretney for their observations and comments. We will be able to discuss this in more depth at a later date.

I thank Mr Turner for his understanding through his involvement in the motorsport world, certainly, and his part played when a Member of the DOI.

With regard to marshals, I believe that if the Department or the Police receive certain information and believe that a withdrawal of a licence should be ... then they can revoke the licence, but I can confirm that.

I know that Mr Turner has been in consultation with the Department too and has ironed out a lot of the queries he may have.

Mr Cretney, the appointment of marshals as an annual event – I did mention in my speaking notes that the powers of a marshal were for the event only, but I will confirm as to whether that is a rolling licence or not.

With reference to marshals getting involved man to man, they do ... it would only be in certain times that that would happen, that if life was in danger they would physically remove somebody. If, for instance, somebody was sitting in the road in protest perhaps, and a motorbike was due to come, and if the motorbike were to swerve it would hit a hedge and injure or kill people, then the marshal would be ... it would be necessary for him to actually remove ... In most cases, he or she would call for police backup to solve that problem.

Madam President, I thank the Members for their observations and comments and beg to move that the Road Races Bill 2015 be read for the first time.

The President: The motion is that the Bill be read a first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it. Bill read a first time.

That concludes consideration of our Order Paper, Hon. Members. The Council will now adjourn until Tuesday next.

The Council adjourned at 1.14 p.m.