



ROAD RACES BILL 2015

EXPLANATORY NOTES

*These Notes have been produced for the assistance of Members
with the approval of the Member in charge of the Bill,
John Houghton MHK*

INTRODUCTION

This Bill is promoted by the Department of Infrastructure on behalf of the Council of Ministers. If enacted, it will supersede the Road Races Act 1982 ("the 1982 Act").

The Department, through this Bill seeks to:

- Modernize 30 year old legislation
- Create clarity around roles and responsibilities
- Reduce administration
- Respond to 26th Milestone Inquest
- Allow for future development of racing events
- Increase safety

These notes do not form part of the Bill and have not been endorsed by the House of Keys. The notes have to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill.

PART 1

Part 1 of the Bill comprises Clauses 1 to 4. These deal respectively with the short title, the commencement and application of the resulting Act ("the new Act"), and the interpretation of terms used in the new Act.

Clause 3 makes it clear that the new Act will apply only to racing involving mechanically propelled vehicles with a maximum net engine power that exceeds 2 kW. The Department believes it appropriate to clearly distinguish between racing that is essentially an entertainment and low risk and high risk road racing, usually involving motorcars or motorcycles. 2 kW was chosen to exclude low powered vehicles, which are little more than children's toys and battery powered push bikes. For example a 0.8 kW child's electric go cart capable of traveling at up to 25 mph would not be subject to the new Act, if somebody wanted to race them, but a 50 cc petrol power go-cart would.

The new Act eliminates the overlap with the provisions on the closure of roads for the purposes of entertainments in the Highways Act 1986. The Highway Act 1986 will be used for racing entertainment i.e. push bikes, wheelbarrow races, soap box derbies etc. The new

Act, if approved as drafted, will be used for high risk racing events such as rallies and the TT races. The inconsistent historical practice of the roads being closed for the Ramsey Sprint on a Sunday under the Highways Act and under the 1982 Act on a Tuesday will end.

PART 2

Part 2 of the Bill sets out the substantive provisions on road racing.

Clause 5 introduces the concept of "a racing authorisation". This is in many respects similar to a road racing order under the existing 1982 Act and will need to be published in advance of the racing in such manner as the Department believes appropriate.

Clause 5 will allow racing on a Sunday, but it will not allow it to take place on the whole of the TT or Billown Circuits before 1 pm.

The concept of a racing authorisation is, in the long term, to reduce the amount of none event specific information that currently needs to be repeated in every road racing order. In time, the Department will be able to lay a racing order before Tynwald containing the common and routine matters of a racing authorisation. These will then apply to all events, allowing the racing authorisation to focus on matter specific to the race in question. This should reduce administration, paperwork and the chance of errors in racing authorisations.

Clause 6 makes provision for a racing authorisation to include supplemental provision dealing with such matters as the erection of stands on Government land, prohibiting traffic in other areas for the purposes of the race and prohibiting access to areas affected. This clause facilitates the organiser in managing the event as a whole not just a race. It will allow organisers to manage spectators which might include matters such as safe access and egress to and from the event. It will also allow them to properly manage road closures and diversion routes in line with the requirements of the Department.

If a land owner and occupier object to their land being made a prohibited area through the racing authorisation, it will **not** be prohibited. There is then, however, the power to erect signs on the land to make it clear that the organisers do not believe that this is a safe place to be during racing.

Clause 7- The Department has a general power to vary, suspend or revoke an authorisation at any time. Clause 7 has been designed to give the organiser some comfort that this will not be done just before or during the races without there being a very serious concern.

Clause 8 and 9- These clauses provide for the appointment of marshals by the organiser and give the marshals the powers they need to marshal the event as a whole. This is in keeping with the duty of the organiser to organise, plan and implement a safe event. The event is not only the race but also the management of spectators and those who might be impacted by the event.

The powers given to marshals under the Bill are limited to activities in connection with the race. Unlike the corresponding provision of the 1982 Act, under the new provisions marshals are not deemed to be constables.

The approach clarifies who is responsible for the oversight, liability and for the actions of marshals. The current position is unsatisfactory because the Chief Constable has to appoint the marshals but plays no part in their management, supervision, training or competence.

Marshals' power of removal of persons, animals and vehicles is similar to the 1982 Act and are enhanced slightly to allow them to take action to stop activities that might endanger the race, for example a garden bonfire blowing thick smoke across a course or race stage. Marshals currently have the powers of detention, the Bill retains these powers. An example of its potential use is; a passive objector repeatedly walked on to the course to disrupt proceedings without the power of restraint they could repeat this action until the police arrived.

Clause 11- A marshal enforcing a racing authorisation has the same privileges and immunities, and is subject to the same liabilities, as a constable. This does not affect the liability of the organiser.

Clause 12- The new Act will give a police constable in uniform the same powers as a marshal.

Clause 13 creates new summary offences in relation to non-compliance with a racing authorisation, obstructing a race official and interfering with race signage.

Clauses 14- This clause will allow for racing machines to be driven back to the pits without meeting some of the normal requirements of the road. This provision will eliminate the need for multiple legislative orders to be made prior to a racing event. The requirements for the whole event will all be authorised through the racing authorisation or racing order.

Clause 15- This clause allows the Department, in connection with the racing, to release some vehicles from the normal requirements of the road; for example, police cars brought to the Island to support the local constabulary will not have to pay Manx road tax for the short period that they are on the Island.

Clause 16- This means that provisions can be placed in the racing authorisation or the racing order i.e. they will have effect whichever legislative document they are written in.

PART 3

Part 3 of the Bill contains the closing provisions.

Clause 17 provides for the Tynwald control of regulations and orders under the new Act.

Clause 18 makes consequential amendments to other Acts as a result of the enactment of the new Act to ensure that cross-references are correct. Clause 19 repeals the 1982 Act and two Acts that amended it. Finally, clause 20 provides for the expiry of both clauses 18 and 19 once the amendments and repeals made by them have all taken effect.

The new Act is not expected to increase public expenditure or reduce the income of any public body.

In the opinion of the Member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.