STATUTORY INSTRUMENTS

1986 No. 1887 (N.I. 17)

The Road Races (Northern Ireland) Order 1986 [F1]

- - - - - - *5th November1986*

F1 functions transf. by SR 1999/481

Title and commencement

1. This Order may be cited as the Road Races (Northern Ireland) Order 1986 and shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of the Environment;

"hill climbing competition" means any test or trial of speed to ascertain the time taken by competing motor cars in the ascent of a length of road not exceeding 5 kilometres, where—

(a) the average gradient of that length of road measured between its starting and finishing points is at least 5 per cent., and

(b) the minimum gradient of a part of that length of road is at least 10 per cent.;

"marshal" means a person authorised in writing by the promoters to assist in connection with the proper conduct of a motor race;

"motor car" includes motor cycle;

"motor race" means any motor race which, by virtue of an order made under this Order, is held on roads with motor cars and includes—

(a) any practice or trial authorised by the relevant order as preliminary to any race, and

(b) subject to Article 3(9), any hill-climbing competition;

"promoter" means any person promoting or intending to promote a motor race;

"road" has the meaning assigned to it by Article 2(2) of the Roads (Northern Ireland) Order**[**[F2] 1993**]** and includes a trunk road, but not a special road;

"specified road" means a road specified in an order made under Article 3(1).

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General provisions with respect to motor races

Orders authorising motor races

3.—(1) Subject to the following provisions of this Article, the Department may, upon the application of any promoter, by order declare that any road specified in the order may be used for or in connection with motor races during the whole or any part of any days so specified.

[[F3](1A) An order under this Article may, in addition, specify the whole or part of not more than two other days for the purposes of paragraph (1E) ("contingency days").

(1B) A contingency day must be one of the two days falling immediately before or immediately after a day specified under paragraph (1).

(1C) An order may not specify the whole or part of a Sunday as a contingency day unless the Department is satisfied that the terms of the order are such as to minimise as far as reasonably practicable any disruption to the activities of the local community on that day

(1D) An order authorising the use of the roads specified in the Schedule to the Road Races (North West 200) Order (Northern Ireland) 2013 may not specify as a contingency day—

(a) the whole of a Sunday; or

(b) any part of a Sunday beginning before 1.30 pm or ending after 6 pm.

(1E) Where an order—

(a) has been made under this Article, and

(b) contains provision under paragraph (1A),

the Department may, on an application made by the promoter in accordance with paragraph (1F), direct that the order shall have effect as if so much of a contingency day as is specified under paragraph (1A) were substituted for so much of a day specified in the order under paragraph (1); and where such a direction is given the order shall have effect in accordance with the direction.

(1F) An application or direction under paragraph (1E) must be in writing and may be made or given by any form of electronic communication; and an application for a direction under that paragraph in relation to a contingency day must be made not later than 24 hours before whichever is the earlier of—

(a) the beginning of the contingency day; or

(b) the beginning of the day specified in the order under paragraph (1) for which the contingency day is to be substituted.

(1G) If two contingency days are specified in an order under this Article, a direction under paragraph (1E) may be given in relation to those days either at the same time or at different times.**]**

(2) Subject to paragraph (9), the Department shall not make an order under this Article in any year, unless it receives an application for such an order and grants that application not later than 31st March in that year.

(3) Subject to paragraph (9), the Department shall not make more than 10 orders under this Article (including orders made under this Article as modified by the Schedule) in any calendar year.

(4) Notwithstanding anything in paragraphs (1) to (3) a road shall not be used for or in connection with motor races on more than three days in any calendar year.

(5) Before making an order under this Article the Department shall consult the Chief Constable.

(6) An order under this Article may contain such provisions as the Department considers appropriate for securing the proper conduct of the motor race and for purposes incidental thereto.

(7) Without prejudice to the generality of paragraph (6), an order under this Article—

(a) shall include provisions—

(i) requiring the promoter to secure such insurances and indemnities against such risks, liabilities, injuries or damage as may be specified in the order,

(ii) suspending the right of way over any specified road,

(iii) prohibiting, restricting or regulating traffic on any specified road; and

(b) may include provisions prohibiting, restricting or regulating traffic on any road other than a specified road, if it appears to the Department that such prohibition, restriction or regulation will facilitate the control of traffic and spectators at any motor race.

(8) The Department shall secure that such public notice of the provisions of an order made under this Article is given as the Department considers appropriate to bring the effect of the order to the attention of the public.

[F4(8A) The Department shall also secure that such public notice is given of the effect of any direction under paragraph (1E) as the Department considers appropriate for bringing the effect of the direction to the attention of the public.**]**

(9) Paragraphs (2) and (3) do not apply to an order made under this Article in respect of a motor race—

(a) which is a hill-climbing competition; or

(b) in which the only motor cars taking part are four-wheeled motor cars, the unladen weight of each of which does not exceed 153 kilograms.

(10) For the purpose of paragraph (9)(b), the unladen weight of a motor car shall be taken to be the weight of the motor car—

(a) including any body or seating and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the motor car when racing, but

(b) excluding the weight of fuel used for the purpose of the supply of power for the propulsion of the motor car and loose tools and loose equipment.

F3 Art. 3(1A)-(1G) inserted (18.1.2014) by Road Races (Amendment) Act (Northern Ireland) 2014 (c. 1), **s. 1(2)**(4)(a)

F4 Art. 3(8A) inserted (18.1.2014) by Road Races (Amendment) Act (Northern Ireland) 2014 (c. 1), **s. 1(3)**(4)(a)

Control of traffic

4.—(1) The Chief Constable may give such directions as he thinks fit respecting the control, during the continuance of any race and at such time before and after the race as he may direct, of vehicular and other traffic of every description proceeding to and from the race.

(2) Directions given under paragraph (1) shall have effect notwithstanding anything in any enactment.

(3) Paragraph (8) of Article 3 (public notice) shall apply in relation to such directions in the same manner as it applies in relation to orders made under that Article.

Suspension of enactments relating to road traffic, etc.

5. No provision of any enactment (other than this Order)—

(a) prohibiting, restricting or regulating traffic;

(b) restricting the speed of vehicles;

(c) regulating the manner of driving vehicles;

(d) regulating the construction, use, maintenance or lighting of vehicles;

(e) requiring a policy of insurance or security to be in force in relation to the use of any vehicle;

(f) relating to the duty chargeable on, and the licensing and registration of, vehicles;

(g) requiring the driver of a vehicle to hold a licence authorising him to drive the vehicle;

(h) imposing any penalty for the infringement of any provision referred to in paragraphs (a) to (g);

shall apply to any vehicle, or to the driver thereof, while actually engaged (whether as a competitor or as a marshal) in a motor race authorised by an order made under this Order, except insofar as such provision may be incorporated in the order.

Enforcement

6.—(1) Any person who—

(a) intentionally obstructs or interferes with the conduct of any motor race authorised under this Order;

(b) intentionally obstructs any constable acting in the course of his duty as such, any marshal or any other person exercising any functions conferred on him by an order made under Article 3, or any person concerned in the management of any such motor race in connection with securing the safety of the public or of any person competing therein;

(c) without lawful authority enters or is found or remains on any specified road;

(d) is the keeper of any animal, or is the person having charge or control of any vehicle, found without lawful authority on any specified road;

(e) otherwise contravenes any provision of an order made under Article 3;

shall be guilty of an offence and liable on summary conviction to a fine of level 3 on the standard scale.

(2) In paragraph (1)(d) "keeper" has the meaning assigned to it by Article 2(2) of the Animals (Northern Ireland) Order 1976.

(3) A constable or marshal may, with such assistance as may be reasonably necessary, remove—

(a) any person obstructing or interfering with the conduct of any motor race authorised by an order made under Article 3, or found without lawful authority on a specified road; or

(b) any animal or vehicle found on a specified road.

(4) A constable shall not be liable in respect of anything done by him under sub-paragraph (b) of paragraph (3) in good faith and without negligence, and no action shall lie at the suit of the owner of the animal or vehicle against the Police Authority for Northern Ireland in respect of anything so done by a constable.

(5) In paragraph (4) references to a constable shall include references to—

(a) a marshal acting on the authority of a constable, and

(b) any other person so acting.

Expenses

7.—(1) Subject to paragraph (2), any expenses incurred by the Department under this Order shall be defrayed by the promoters.