EXPLANATORY MEMORANDUM TO

THE DEREGULATION ACT 2015 (BIRMINGHAM CITY COUNCIL ACT 1985) (REPEAL) REGULATIONS 2017

2017 No. 401

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations repeal the Birmingham City Council Act 1985, a local Act of Parliament which allows motor racing to take place, subject to certain conditions, on particular streets in Birmingham. The repeal of the Birmingham Act 1985 follows shortly after the commencement of section 73 of the Deregulation Act 2015, which, in relation to England and Wales, makes provision for highway authorities to issue motor race orders, allowing motor racing events to take place on public ways.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 Section 12A to 12I were inserted into the Road Traffic Act 1988 ("RTA") by the Deregulation Act 2015 ("the DA") and have been commenced before these Regulations come into force. It is an offence, under section12 of the RTA, to promote or take part in a race or trial of speed between motor vehicles on a public way. New section 12E of the RTA 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 highway 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.

4.2 In connection with the amendments to the RTA described in paragraph 4.1, section 75(6) of the DA contains a power for the Secretary of State to repeal any local Act of Parliament, passed before the DA, which makes provision for authorising races or trials of speed between motor vehicles on highways in England and Wales. These Regulations repeal, under this power, the Birmingham City Council Act 1985, a local Act of Parliament passed in 1985, which authorises motor racing on particular highways in Birmingham.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is England.

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State for Transport Andrew Jones MP has made the following statement regarding Human Rights:

"In my view the provisions of the Deregulation Act 2015 (Birmingham City Council Act 1985) (Repeal) Regulations 2017 are compatible with the Convention rights."

7. Policy background

What is being done and why

7.1 Previously, motor-racing events could only lawfully take place on public ways where provision for the event was made in a local Act of Parliament.

7.2 Very few such Acts of Parliament have ever been passed, and therefore very few motor sport events have taken place on British Roads. It is likely that the need for an Act of Parliament for each new event, acted as a deterrent to those who might otherwise have sought to organise such motor sport events.

7.3 The Government therefore sought, with the amendment to the RTA by the DA, to provide a more efficient and accessible process for enabling motor sport events to take place on closed roads, with the policy aim of promoting British motor sport.

7.4 Under this new process, those wishing to promote a motor racing event in England and Wales, must apply for a permit from a motor sport governing body, before making an application to a highway authority for a motor race order.

7.5 It is intended that, in the future, only motor racing events authorised under this new two stage process will take place on highways in England and Wales. To this end, the Secretary of State repeals the Birmingham Act 1985, a local Act of Parliament which authorises racing on particular roads in Birmingham.

7.6 No race authorised under the Birmingham Act 1985 has taken place since 1990. Should a promoter wish to hold a motor race on these streets in Birmingham in the future, they will be able to make an application to a local highway authority for a motor race order, after obtaining permission to do so from a motor sport governing body.

Consolidation

7.7 This instrument does not amend another instrument, and therefore consolidation is not possible

8. Consultation outcome

8.1 In 2014 the Department for Culture, Media and Sport carried out a public consultation into the proposals to allow motor racing on the highway. The consultation lasted for six weeks and 6077 responses were received. Public support for the proposals was overwhelming and in its response to the consultation the Government stated that it would proceed with all the proposals set out in the consultation except one, which was concerned with the involvement of the Sports Ground Safety Authority. The

Government's response to the consultation was published on 11 July 2014 and may be seen at https://www.gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads

9. Guidance

9.1 The Government has not produced guidance in relation to the repeal of the Birmingham City Council Act 1985.

10. Impact

10.1 There will be no impact from the repeal of the Birmingham City Council Act 1985. No race authorised under the Birmingham City Council Act 1985 has taken place since 1990. Should a promoter wish to hold a motor race on these streets in Birmingham in the future, they will be able to apply for a motor race order in relation to the event from the relevant highway authority.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 These Regulations do not make regulatory provisions which relate to business activity, and there are no specific plans to monitor or review the repeal of the Birmingham City Council Act 1985.

13. Contact

13.1 Charlotte Bradford at the Department for Transport, Telephone: 020 7944 2117 or email: charlotte.bradford@dft.gsi.gov.uk can answer any queries regarding the instrument.