

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

TRANSFER OF COMMITTEE FUNCTION - MOTOR SPORT EVENTS

The States are asked to decide: -

Whether, after consideration of the Policy Letter dated 12th October, 2020, of the Committee *for* Home Affairs, they are of the opinion to:

1. amend the Road Traffic (Speed Limits and Trials) Ordinance, 1987 to:
 - a. transfer responsibility for the grant of approval to stage any race or trial of speed on a public highway from the Committee *for* Home Affairs to the Committee *for the* Environment & Infrastructure;
 - b. remove the requirement set out in section 4(1)(a) of an interval of time between competitors' performances; and
 - c. clarify the type and purposes of conditions which may be imposed under section 4(1)(b)(ii) when approval is given.
2. direct the preparation of such legislation as is necessary to give effect to their above decision.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

12th October, 2020

Dear Sir

1. Executive Summary

- 1.1 It is proposed to amend the Road Traffic (Speed Limits and Trials) Ordinance, 1987 to transfer legal responsibility for the granting of permission to stage motor racing events (such as hill climbs or speed trials) on the public highway from the Committee *for* Home Affairs (CfHA) to the Committee *for the* Environment & Infrastructure (CfEI).
- 1.2 Following the transfer of responsibility, the statutory requirement for an interval of time between competitors' performances should be replaced by a power for the CfEI to apply any conditions that it considers necessary or appropriate (including the requirement for the event in question to have the approval of the relevant British governing body for the motorsport in question or an equivalent approved body).

2. Background

- 2.1 Section 4(1) of the Road Traffic (Speed Limits and Trials) Ordinance, 1987 makes it a criminal offence to take part in any race or trial of speed between motor vehicles on the public highway except where the person is taking part in an race or trial of speed:
- (a) in which there is an interval of time between motor vehicles participating in the contest,
 - (b) held with the approval of the CfHA and subject to such conditions as it prescribes.

- 2.2 Persons seeking to organise and participate in motor sport time trials on the public highway, such as Le Val des Terres hill climb or Vâzon sprint meetings, therefore require permission from the CfHA.
- 2.3 This authority is a legacy inherited by CfHA from the former Island Police Committee that had previously been responsible for the administration of a range of highway and traffic matters, much of which has been transferred over the years to the current CftEI and its predecessors. For clarity, the traffic management for most events was transferred in 2017, such as sporting and charity events, festivals and cultural events involving road closures.
- 2.4 The Head of Law Enforcement currently assists the CfHA with the processing of applications for motor sport time trials which are then passed to CftEI staff.
- 2.5 Responsibility for other sections of the speed limit legislation has already been passed to the CftEI, which also coordinates road closures for other events as well as ground works and maintenance for the island's road network.
- 2.6 Motor racing events that take place somewhere other than on closed public highways, such as sand racing on the Island's beaches, are approved by the Royal Court and are not subject to this legislation or the amendments proposed in this policy letter.
- 2.7 Section 4(1)(a) of the Ordinance currently states that there must be an interval of time between competitors' performances. However, for certain events with longer stages this is unnecessary as there are sufficient safeguards in place to prevent two competitors from racing on the same part of the track. As with other similar motor racing events, motorsport clubs have to provide a range of safety measures and the events must be conducted strictly in accordance with their sport's regulations. The time interval rule is not required for all events, but could be imposed by the CftEI by way of a condition, where needed. It is therefore proposed that this requirement for all events set out at section 4(1)(a) is repealed.
- 2.8 Section 4(1)(b)(ii) of the Ordinance allows the Committee to prescribe additional conditions, for safeguarding participants and spectators "or otherwise". It is proposed that this power be clarified to permit the imposition of any conditions which the Committee thinks are necessary or appropriate, including (but not limited to) post-event site clearance.
- 2.9 Furthermore, in order to ensure appropriate safety standards are upheld, it is intended that a standard condition of approval would require the relevant British governing body for the motorsport in question or an equivalent body approved by CftEI to (a) provide technical oversight on course safety, vehicle

scrutiny and safe running procedures for the staging of these events, and (b) give approval before an event could be held in Guernsey.

3. Conclusion

- 3.1 It is important that road closures are well-coordinated and the proposed transfer of authority will assist with an improved, joined-up approach consistent with effective traffic management for events affecting the island's road network.
- 3.2 There are no perceived increase in costs involved in the administration of the Ordinance following the transfer of authority.
- 3.3 The C^fHA and C^ftEI both agree that these are sensible and practical changes.

4. Compliance with Rule 4

- 4.1 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She has advised that there is no reason in law why the Propositions should not be put into effect / other.
- 4.2 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 4.3 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee as prescribed by the Road Traffic (Speed Limits and Trials) Ordinance, 1987.
- 4.4 Also in accordance with Rule 4(5), the Committee consulted with the Committee *for the Environment & Infrastructure* and Guernsey Police.

Yours faithfully

M M Lowe
President

M P Leadbeater
Vice-President

V S Oliver
P R Le Pelley
J C S F Smithies