

**Minutes of the Virtual AGM of the Council of ACTC
Monday 24th August 2020 at 19:00hrs.**

AGENDA

1. **Introduction.**
2. **Apologies for absence.**

Robin Moore – Launceston & North Cornwall MC

Attendees:

| | |
|-----------------------|----------------------------|
| Dave Haizelden | Chairman & Torbay MC |
| Pete Hart | Vice Chair & Bristol MC |
| James Shallcross | Website Manager |
| Paul Brooks | Treasurer & Windwhistle MC |
| Keith Sanders | Secretary & Torbay MC |
| Myke Pocock | Fellside |
| Simon Woodall | President & VWOC |
| Andrew Knightly-Brown | Rights of Way |
| Stuart Harrold | Ross & Dist MC |
| Carl Talbot | Stroud MC |
| Adrian Tucker-Peake | MG Car Club |
| Pat Toulmin | Restart Editor |
| Jonathan Toulmin | Midland Auto Club |
| Norton Selwood | Publicity & Minehead MC |
| Alan Foster | Morgan Sports Car Club |
| Michael Leete | Dellow Register |
| Lee Peck | MCC |
| Stewart Green | Woolbridge MC |
| John Bartham | North Devon MC |
| Ian Facey | Holsworthy MC |
| Alan Keat | Camel Vale MC |
| Ian Cundy | Camel Vale MC |
| Mal Allen | Bristol Pegasus |
| Chris Barham | Motorcycle Co-ordinator |
| Bill Bennett | Championship Monitor |

3. **Minutes of the Virtual Meeting 17th May 2020**

Agreed to be accurate, acceptance of minutes for September 2019 and May 2020 proposed by Jonathan Toulmin and seconded by Stuart Harrold.

4. **Officers listed at 17th May meeting (agenda items 4 and 5) are now confirmed.**

5. **Financial Update.**

PB confirmed that the updated Accounts for 2019 will be submitted to Company's House in September 2020. A run-through of the 2020 spreadsheet was given and no changes or updates expected due to the Covid-19 circumstances.

Middle England have now left the ACTC and the delay in fees for Bristol MC is likely due to a change in Treasurer so being followed up by Pete Hart.

Engraving of trophies may not happen this year, est of £650 left in the budget for now.

New this year are Paypal charges of £16.63 for online entries.

Predicted profit for 2020 is £1269.

6. **Covid-19 – Latest MSUK Guidance**

KS advised of the current MSUK clarification from Ian Davis is that Passengers from same household or bubble are acceptable, if passenger is from another household or bubble then driver and passenger must wear a face mask/covering.

MSUK as slightly evasive on the subject of T4.1 being excluded due to the need of a passenger for navigation on the public highway. The current ACTC recommendation is therefore that T4.1 could be excluded for single venue events but not for events where the public highway is navigated.

7. **Technical Committee**

The Dellow (and Buckler) proposal activity has completed.

A meeting will be convened in the autumn to further develop the revised wheel & tyre size relaxation proposal previously submitted by Torbay MC.

8. **ACTC Rule Changes**

9.1 Vote on the Proposal from the Dellow Register previously circulated and discussed (see Attachments 1, 2, & 3)

The ACTC Technical Panel propose and recommend the following changes to the ACTC Technical Regulations, to take affect from the 1st of January 2021. Initially for a 3 year period.

A1.2.4 Revised wording

A production car, which includes production saloons and production sports cars, is any car which is or has been on general catalogued sale as a completed road going vehicle and is or was available through normal retail dealer outlets. ~~A production car, or variants or copies thereof, must not at any time have been available as a kit car.~~
(Allows Dellows Mk1,2,3 and Bucklers Mk5 & 6 in to Class 5)

APPROVED (16 for, 0 against)

New Rule A1.7.4

The fitting of any Ford passenger gearbox is acceptable for Dellow Mk1,2,3 and Bucklers Mk5 & 6 (Allows those existing Dellows with side-valve engine and 4 speed gearbox into Class 5)

APPROVED (16 for, 0 against)

The Dellow models 1, 2, & 3 and Bucklers Mk5 & 6 to be added to the list of post war cars accepted in Class 2. (Allows standard Dellows into Class 2)

APPROVED (16 for, 0 against)

9.2 Proposal to reduce the "best counting scores" from 9 to 7

Discussion continued, Holsworthy MC consider that winning the Championship should be something special, Fellside had concerns there may be adverse impacts on entries to events in the North. SW challenged the logic and that others may be deprived wins if the winners continue beyond 7 events. DH emphasized the intention is to make the championship awards within reach of more competitors.

NOT APPROVED (7 for, 9 against)

9.3 ACTC joining ACU as a non-territorial club

Clubs would no longer need to join ACU therefore saving membership fee, Clubs would simply put ACTC as the "club"

APPROVED (15 for and 1 abstain)

SW to arrange with ACU for commencement 1st Jan 2021

Action: Simon Woodall

9.4 Relaxation of Wheel and Tyre Sizes

Original proposal withdrawn by Torbay MC following mixed feedback.

Technical Panel to discuss and develop further for re-submission at next meeting.

Action: Technical Panel

9.5 Proposal from Stroud & District MC presented at May 2020 meeting that original 50's trials specials should be allowed in Class 5b. (**Agenda Attachment 4**)

General feeling at the meeting is favourable for this to be pursued further. SW to work with Stroud on some minor revisions so this can be brought to next meeting for vote.

Action: Simon Woodall & Carl Talbot

9.6 Proposal from Camel Vale MC (Agenda Attachment 5) Alan Keat/Ian Cundy

a. That Clubs may, at ACTC discretion and subject to availability within the ACTC event calendar, run more than one ACTC Championship Event per year.

b. That Single Venue Classic Reliability Trials may be eligible for ACTC Championship.

From the discussion which followed Windwhistle would like their only single venue to be Championship ahead of other clubs having a 2nd Championship event.

Fellside were concerned that more championship events in South will reduce the incentive to travel to events in the North.

SW reminded the group that the definition of Classic Trial is the Format eg multi venue linked with a road route.

There was however some support for a separate ACTC Championship for single venue events which could replace the Regional Championship. A proposal will be developed further by DH/PH/NS/KS.

Action: Dave Haizelden/Pete Hart/Norton Selwood/Keith Sanders

9. Rights of Way Officer report.

Report which was circulated ahead of the meeting is detailed, AB asked for queries to be emailed to him.

Getting tighter generally for getting Section 33's and costs are increasing.

10. **Motorcycle Coordinator's Report.**

CB reported that we have 28 bikes in the 2020 championship and it's good seeing new faces. He recommends continuing free entry for 2021 and this is covered later in item 16.

CB also requested that the Trial period for new classes is carry-over to 2021 and the consensus was for this to be acceptable.

11. **Restart – verbal report**

PT is currently working on the November issue which will include articles on the ACTC at 40, Rights of Way database, some Hardy Trial History and Trials appearing in books. Exmoor Clouds and Mechanics hopefully still running so hope to receive some reports from competitors. There is also a 1987 Lands End Trial report.

PT raised some concerns about material for the January and March 2021 content given the lack of events.

12. **Website – verbal report**

All Classic Trial results back to 1984 have now been scanned and uploaded to the website. There are also other results which pre-date this. DH also now has at least one copy of every Restart magazine. The group thanked DH and JS for all of the work which has been put into creating this valuable archive.

13. **Championship Quality - verbal report**

Proposal to reinstate the issue Championship Stickers to contenders was accepted by the group. These can be handed out to save postage. This may also include QR Code and/or URL which members of public could use to find the ACTC website.

14. **MS-UK Trials Committee Report.**

Nothing to report further than covered in Item 6 Covid-19 MSUK update.

15. **An Update on the Awards Evening** - The Selwood family are to stand down after the next Awards Evening, currently intended to be March 2021.

Alan Selwood is determined to make this happen but subject to the prevailing Government guidance for Covid-19.

16. **Championship**

16.1 **Chairman proposal** - cancellation of 2020 Championships

PH update is that it is not yet known if the Allen Trial will run.

AK updated that Forestry England have cancelled all events (not just Motorsport) until at least April 2021 March 2021 due to high usage by cyclists and walkers. This means the Bodmin Trial will not run and the Camel Trial is doubtful.

This will impact the Northern Trial, Fellside to review.

Vote to cancel 2020 Championship – 14x Yes and 2x abstain.

16.2 **Chairman proposal** - carry-over 2020 memberships to 2021

Vote to carry-over membership subscriptions – 16x Yes

16.3 Draft 2021 Event Calendar

John Bell to make the following amendments to V4;

- Launceston to March 7th. Chairmans to run Feb 21st

Northern may be asking to move to 25th April (date is currently free)

Tarka Trial 2020 to be cancelled, mainly due to inability for "Marshall to assist" any motorcyclists who fall off.

Many events now cancelled but Presidents Trial planning to run on Tamar Trial October 2020 date.

17. Offer from MCC – To utilise Online Entry System for all ACTC Events

There is a suggestion from Dave Middleditch, who developed the MCC "myclubhouse" System for online entries, that this could be extended and used for entering all ACTC Trials. This would simplify the entry for Competitors (as all car details etc are held centrally and means using just a single system) and beneficial for Clubs who don't currently have an online entry system.

LP emphasized that the system has not yet fully matured and would need more testing before this could be offered more widely as a service.

CT said Stroud may be interested, LP to speak with Dave Middleditch and get back to him.

Action: Lee Peck

18. AOB

PT asked if worth having a 2021 Calendar issued for sale, DH replied probably not as dates likely to change etc

MP gave an update on the Marshall Manual – some email comms received, MCC have a video and Book which was produced many years ago, no contact from other Clubs

19. Date, time and place of next meeting

Next Zoom Committee Meeting **19:00hrs Monday 12th April 2021**

Meeting closed.

Informal discussion followed and it was considered beneficial to hold an interim Zoom meeting in early November 2020 to review Covid-19 restrictions and the likelihood of each event going ahead in the first 6 months of 2021.

Meeting invite details will be sent separately.

| 2020 Budget forecast | | | | | |
|-----------------------------|-----------------------------|-----|--------|-------------------|-------------------------------------------------------------------------------------------------|
| | Income | | | | |
| | | Qty | | | |
| Line 1 | Car entries | 84 | £11.00 | £924.00 | Assumption of same entry |
| Line 2 | Bike entries | 28 | £0.00 | £0.00 | Assumption of free entry still |
| Line 3 | Navigators | 21 | £4.00 | £84.00 | Assumption of same entry |
| Line 4 | Calendar sales | 50 | £10.00 | £500.00 | Could do more?? |
| Line 5 | Club subscriptions | | | £1,296.00 | £62 less than in 2019 as Middle England have chosen to leave. |
| Line 6 | | | | | |
| Line 7 | Restart | 47 | £11.00 | £517.00 | 4 copies with postage cost ~ £9.60 |
| Line 8 | | | | | |
| Line 9 | | | | | |
| Line 10 | Total | | | £3,321.00 | |
| Line 11 | | | | | |
| Line 12 | | | | | |
| Line 13 | Expenditure | | | | |
| Line 14 | | | | | |
| Line 15 | Engraving of trophies | | | £650.00 | Estimated, 2019 was 624, no cost if 2020 written off. |
| Line 16 | Printing | | | £712.50 | Calendar & Restart estimate |
| Line 17 | Paypal charges | | | £16.63 | Per transaction is 2.9% + 30p. Worst case scenario is a single entry costs ACTC 62p (£10.38) |
| Line 18 | Calendar printing | 50 | £7.20 | £360.00 | |
| Line 19 | Website | | | £24.00 | |
| Line 20 | Permit/registration | | | £142.00 | |
| Line 21 | Meeting room hire | | | £0.00 | £0 as all online in 2020 |
| Line 22 | LARA subs | | | £100.00 | Reduced for 2020/21 |
| Line 23 | | | | | |
| Line 24 | Total | | | £2,005.13 | |
| Line 25 | | | | | |
| Line 26 | Annual dinner | | | - | Usually covers costs |
| Line 27 | | | | | |
| Line 28 | Predicted P&L | | | £1,315.87 | Increase mainly due to additional registrations. |
| Line 29 | | | | | |
| Line 30 | Bank accounts on 24/08/2020 | | | | |
| Line 31 | Current a/c | | | £510.75 | |
| Line 32 | Deposit a/c | | | £15,496.56 | |
| Line 33 | | | | £16,007.31 | |

ACTC COUNCIL MEETING – 24th AUGUST 2020

RIGHTS OF WAY REPORT

*This report should be read in conjunction with the report dated 31st August 2019.
There was no Rights of Way Report for April/May 2020.*

1 LARA

Meetings

Since the ACTC Council Meeting on 1st September 2019, LARA held Steering Committee meetings on 25th September 2019 and 21st January 2020. I attended both meetings as Chairman, and the January 2020 meeting as the ACTC Delegate; Simon Woodall attended the September 2019 meeting as the ACTC delegate.

The combined Steering Committee meeting and AGM, scheduled for 13th May 2020, was cancelled due to Covid-19 restrictions. The Full Members held a virtual SGM on 20th to 22nd July to deal with critical AGM-related matters only.

The next Steering Committee meeting is currently scheduled for 23rd September 2020 and it is anticipated that this will be held by video conference (Zoom or similar).

Other matters

I resigned the LARA Chairmanship in April 2020 due to unforeseen family circumstances. A new Chairman, Tom Waterer, was elected at the SGM referred to above. You can read more at: <https://laragb.org/blog/>. I will remain as the ACTC Delegate to LARA for the foreseeable future.

There has been little LARA activity since autumn last year, initially due to Brexit-related Government changes and latterly due to Covid-19 restrictions, but LARA is aware that some initiatives are likely to restart in the autumn.

2 ASSISTANCE TO CLUBS

Nothing to report.

3 TRIALS SECTIONS DATABASE

I have been undertaking a major update in parallel with Dave Haizelden's initiative to make all ACTC Championship results available on the ACTC website. This update is still ongoing.

4 BRIEFING DOCUMENT – S.33 AUTHORISATION FOR TRIALS

I have prepared the attached document to summarise the current situation. This updates the LARA short report, dated 28 August 2019, attached to the Rights of Way Report dated 31st August 2019.

I also attach the LARA report referred-to in the attached Briefing Document.

*Andrew Brown
ACTC Rights of Way Officer
12 August 2020*

ACTC BRIEFING DOCUMENT

SECTION 33 AUTHORISATION FOR TRIALS

August 2020

INTRODUCTION

Authorisation under Section 33 (s.33) of the Road Traffic Act 1988 is required for the use of a footpath, bridleway, or restricted byway, by a “*trial of any description between motor vehicles*”.

Although byways open to all traffic (BOATs) are ‘rights of way’ (being shown on the Definitive Maps) they are outside the scope of s.33 (see Notes below).

For a background to the statutory framework governing s.33, refer to the LARA publication “MOTORSPORT EVENTS ON PUBLIC RIGHTS OF WAY”, available from the LARA website at: https://laragb.org/pdf/LARA_20190726_MotorsportEventsOnPROW.pdf

To quote from Section 1 of the LARA publication:

“Parliament has set down a two-track system for managing statutory authorisations. Events on ‘roads’ (including unsealed unclassified roads and byways open to all traffic) are regulated by the Royal Automobile Club Motor Sport Association (now Motorsport UK). Events on rights of way are regulated by the local authority for the area, which in practice is the highway authority or its agent. The two processes are largely independent of each other.”

“The system for road competition regulation by Motorsport UK is generally known as ‘route authorisation’. The system for trials on rights of way is generally known as ‘s.33 authorisation’. Both processes have run efficiently now for more than fifty years, with no changes other than detail updates in the 1969 Regulations.”

HISTORICAL BACKGROUND

For most of the fifty years since the introduction of ‘The Motor Vehicles (Competition and Trials) Regulations 1969’, s.33 authorisation has been viewed by motorsport as one of the elements of route authorisation. In principle: “If s.13 route authorisation is required, then check if s.33 (Rights of Way) authorisation is also required and, if so, deal with the two processes in parallel.”

The Motorsport UK route authorisation process provides checks that the parallel s.33 authorisation process has been followed, where necessary, and the issue of a permit for the event will be dependent on the appropriate s.33 authorisation having been obtained.

What has been less clear-cut, historically, is the situation where an event takes place at a single venue and does not use ‘public roads’ in the sense of vehicular highways. This would apply to all Sporting Trials, most Car Trials, and single-venue Classic Reliability Trials. Indeed, the words “Public roads will not be used to link sections” appears in the Supplementary Regulations for many such events.

THE CURRENT SITUATION

A number of local authorities, most particularly Cumbria CC, Derbyshire CC, Powys CC, and North York Moors NPA, have been sharpening-up their s.33 authorisation processes in recent years. This has caused additional administrative work, and additional costs (significant in some cases), to event organisers but has not changed the fundamental relationship between ‘route authorisation’ and ‘s.33 authorisation’ for events which use public roads.

However, as a result of several eminent lawyers revisiting the wording of all the regulations which govern motorsport in the countryside, it has become apparent that there have been discrepancies in the way that the authorisation processes have been applied since the introduction of the 1969 Regulations.

The current consensus of the legal position can be summed-up, simply, as “Where an event needs s.33 authorisation for traversing over or crossing a footpath, bridleway, or restricted byway, then it also needs Motorsport UK s.13 route authorisation, even if no ‘roads’ are used by the event.”

This represents a fundamental change for most single venue events, such as Sporting Trials, Car Trials, and single-venue Classic Reliability Trials.

WHAT EVENT ORGANISERS SHOULD DO – MULTIPLE VENUE CLASSIC TRIALS

The advice which follows confirms common practice since 1969. Organisers of existing events should continue to follow existing procedures, which may be less onerous than the advice below, where these are acceptable to their Local Authority(s). However, if the Local Authority suddenly introduces new procedures which are more onerous than for previous events, consult the ACTC Rights of Way Officer immediately (email address below).

- Refer to the 1:25,000 or 1:50,000 Ordnance Survey maps for the route to determine if the route traverses or crosses any rights of way (footpath, bridleway, or restricted byway).
- Consult the Local Authorities online map of rights of way, or <https://www.findmystreet.co.uk/>, to determine the correct name and reference for each right of way. To prevent any confusion, use the correct name and reference, in preference to the Section Name, in all correspondence with the Local Authority, e.g. use “Dursley Bridleway 73” not “Crooked Mustard”.
- Contact the relevant Local Authority(s) before making the formal application for s.33 authorisation as procedures vary nationwide and from year-to-year
- Complete and submit the relevant ACU / AMCA / Motorsport UK Permit Application Form.
- Complete and submit FORM E.404.
- Follow the requirements and advice of the ACU / AMCA / Motorsport UK.

WHAT EVENT ORGANISERS SHOULD DO – SINGLE VENUE TRIALS

The advice which follows is applicable only to single venue trials in any of the three trials disciplines (Sporting Trials, Car Trials, Classic Reliability Trials). It may differ from common practice for events in previous years.

- Refer to the 1:25,000 or 1:50,000 Ordnance Survey maps for the venue to determine if there are any rights of way which cross the land to be used for the event.
- **Consider if it is possible to re-route the event to avoid traversing or crossing any rights of way.** Avoiding rights of way completely will make the permit application process much easier and cheaper: you will not need s.33 authorisation from the Local Authority; you will not need s.13 route authorisation from Motorsport UK; there will be no route authorisation fees to pay to Motorsport UK.
- If crossing or traversing along any right of way is unavoidable, consult the Local Authority’s online map of rights of way, or <https://www.findmystreet.co.uk/>, to determine the correct name and reference for each right of way, e.g. “Frocester Footpath 10”. You will need this when you make the application for s.33 authorisation.
- Discuss the event with the ACU / AMCA / Motorsport UK before making an application to the Local Authority for s.33 authorisation.
- Complete and submit the relevant ACU / AMCA / Motorsport UK Permit Application Form.
- Follow the requirements and advice of the ACU / AMCA / Motorsport UK.

NOTES

- When making an application to a Local Authority for s.33 authorisation it is advisable to note, against each right of way to be “traversing or crossed”, whether the way is traversed (and for how far) or just crossed, the time of year and the time of day that it will be used, whether the way is part of an observed section or not, and your proposed marshalling arrangements (if any). This will assist in discussions with the Local Authority about the appropriate conditions, if any, to be applied to the authorisation. (See Section 5 of the LARA publication “Motorsport Events on Public Rights of Way” referred to above.)
- If possible, establish a relationship with the Local Authority to promote the concept of ‘year-on-year’ repeats when rights of way are used on a regular basis. This is what many organisers are doing already, but emphasising the idea is important when there are personnel changes in the Local Authority. These are becoming increasingly common as older, and more experienced, staff are replaced by younger, and less experienced, staff. Do not allow new staff to reinvent-the-wheel.
- If a Local Authority even hints that they are considering making a road closure order as a condition of granting the s.33 authorisation for a trial, consult the ACTC Rights of Way Officer immediately (email address below).
- The s.33 authorisation process does not apply to unsealed unclassified roads and byways open to all traffic and Local Authorities have no powers to apply conditions for their use. This is solely a matter for Motorsport UK as part of the s.13 route authorisation process.

... AND FINALLY

Thousands of trials have been run over the last fifty years, with minimal complaints from the public, but this has not stopped a small handful of Local Authorities imposing new and disproportionately onerous conditions in recent years. LARA - <https://laragb.org/> - of which ACTC is an Associate Member, is working hard to mitigate the adverse effects of these changes.

Andrew Knightly Brown
ACTC Rights of Way Officer
Email: andrew@andrewkb.net



12 August 2020



The Motoring Organisations' Land Access & Recreation Association

Motorsport Events on Public Rights of Way Good Practice in Statutory Authorisation

First published: July 2019

This version: July 2019

LARA Document: 2019.07.26 (supersedes LARA Document 2019.07.19)

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You can find LARA at www.laragb.org and contact us at admin@laragb.org

This paper looks at the statutory framework through which motor sport competitions and trials (other than races or trials of speed) on public rights of way are authorised, and particularly the balance between protecting the public and environment while not imposing unreasonable conditions on event organisers.

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For an explanation of the acronyms and terminology used in this document, <https://laragborg.wordpress.com/glossary/>

1. Background

- 1.1. Every year hundreds of motor sport competitions on 2, 3 or 4 wheels use the public highway: roads (in the sense of vehicular highways); and public rights of way (footpaths, bridleways and restricted byways). These events must by law be properly authorised, and the authorisations can and often do impose conditions on the event organisers. These events pass off with very few recorded complaints.
- 1.2. Parliament has set down a two-track system for managing statutory authorisations. Events on 'roads' (including unsealed unclassified roads and byways open to all traffic) are regulated by the Royal Automobile Club Motor Sport Association (now Motorsport UK). Events on rights of way are regulated by the local authority for the area, which in practice is the highway authority or its agent. The two processes are largely independent of each other.
- 1.3. Road competitions are regulated under s.13 of the Road Traffic Act 1988, and the Regulations authorised under that provision. S.13 dates back to the early 1960s, when public disquiet about night rallies and treasure hunts resulted in a statutory scheme of regulation. The first version in 1965 was flawed, and the system did not start properly until the 1969 Regulations were commenced.
- 1.4. Motor competitions and trials on public rights of way are regulated under s.33 of the Road Traffic Act 1988. This section also dates back to the early 1960s and its introduction seems to have been a consequence of the production through the 1950s of the first 'definitive map and statement of public rights of way' for each area in England and Wales. Tracks that motor trials had used for years were being recorded as public paths for the first time, and on the face of it, the motor use was unlawful (per s.14(1) Road Traffic Act 1930). There were complaints from the public, and parliament decided that regulation was necessary. There are no Regulations prescribing the use of s.33 powers.
- 1.5. The system for road competition regulation by Motorsport UK is generally known as '*route authorisation*'. The system for trials on rights of way is generally known as '*s.33 authorisation*'. Both processes have run efficiently now for more than fifty years, with no changes other than detail updates in the 1969 Regulations.
- 1.6. No event can take place without the written consent of both the owner and occupier of the land, and the local authority's role in this tripartite process is to provide for reasonable and appropriate safety and environmental conditions. S.33 is not intended as a means to achieve a blanket 'no motor sport' policy, nor should conditions be made so onerous or expensive that the burden on event organisers operates as a *de facto* ban.

2. Governance of motor sport events

- 2.1. Motor sport has a strong ethos of self-governance and control of events. Motorcycle sport falls under the national governing body the Auto-Cycle Union (ACU), and there is also the large and national Amateur Motor Cycle Association (AMCA). Car motorsport is primarily under the auspices of the national governing body Motorsport UK, which also manages all s. 13 authorisations under the provisions of the 1969 Regulations.

- 2.2. Each of these organisations publishes an annual Yearbook or Handbook, or Rules, which sets out requirements and advice for risk-assessment, marshalling, warning signs, and safety protocols. These provisions have been evolved over many years, and are appropriate to both public safety and the level of on-the-ground regulation appropriate for each type of event and its location.
- 2.3. The ACU, AMCA and Motorsport UK regulate their events by an internal system of permits. An event organiser applies for a permit setting out the type of event, date, location, number of entrants, etc, and the issue of a permit provides public liability and third party insurance to a high amount, and imposes a requirement that the Yearbook / Handbook rules are adhered to.

3. Types of motor sport events

- 3.1. Motorsport competitions and trials cover a range of disciplines, and the degree of control of the interface between vehicles and the public varies accordingly. The ACU Handbook and Motorsport UK Yearbook each set out a detailed explanation of each type of event and these include (but are not limited to):
- 3.2. *Time Card Enduro* [ACU Handbook 2019, page 164] *Events where riders start separately (or in groups up to 4), the main part of the event is to ride the course, which is predominately off road, within time allowances which are achievable and timed to the nearest Minute. The event includes Special Tests where riders start individually and are timed to fractions of a second. The lap length is a minimum of 10 miles with Special tests up to 15% of the length of the lap. Where this paper elsewhere uses the term 'enduro' it means 'time card enduro'.*
- 3.3. *Rally* [Motorsport UK Yearbook 2019, page 60]. *A Competition that may utilise the Public Highway and where there is an imposed average speed for Competitors, but which does not meet the requirements of a Classic Reliability Trial, Navigational Scatter event, Treasure Hunt or Road Safety Rally. The greatest speed must never form a factor for the classification. All motoring events utilising the Public Highway in England, Scotland or Wales are subject to Motor Vehicles (Competitions and Trials) Regulations.*
- 3.4. *Trial* [ACU Handbook 2019, page 196] *is a test of riding skill and balance over a variety of observed obstacles with riders incurring penalties for footing or for failing to fulfil other conditions. [Motorsport UK Yearbook 2019, page 64] Trial. A number of tests on private ground with the object of bringing the car to an involuntary stop. The Motorsport UK Yearbook also lists and defines various trials sub-disciplines.*

4. The statutory framework for event authorisation

- 4.1. RTA1988 differentiates between motor racing and other events. Non-racing events come under s.13 for 'roads', and s.33 for public rights of way. The statutory provisions are:
- 4.2. RTA1988 s.12: *Motor racing on public ways.*

A person who promotes or takes part in a race or trial of speed between motor vehicles on a public way is guilty of an offence.

In this section "public way" means, in England and Wales, a highway and, in Scotland, a public road.

4.3. **RTA1988 s.12A: Motor race orders: England and Wales: overview**

Sections 12A to 12F allow highway authorities to make orders relating to the holding of a race or trial of speed between motor vehicles on a highway in England and Wales (“motor race orders”).

4.4. **RTA1988 S.13 Regulation of motoring events on public ways.**

(1) A person who promotes or takes part in a competition or trial (other than a race or trial of speed) involving the use of motor vehicles on a public way is guilty of an offence unless the competition or trial—

(a) is authorised, and

(b) is conducted in accordance with any conditions imposed, by or under regulations under this section.

(2) The Secretary of State may by regulations authorise, or provide for authorising, the holding of competitions or trials (other than races or trials of speed) involving the use of motor vehicles on public ways ...

4.5. **RTA1988 S.33 Control of use of footpaths, bridleways and restricted byways for motor vehicle trials.**

(1) A person must not promote or take part in a trial of any description between motor vehicles on a footpath, bridleway or restricted byway unless the holding of the trial has been authorised under this section by the local authority.

(2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath, bridleway or restricted byway for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of footpath, bridleway or restricted byway runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.

4.6. **1969 Regulations. Statutory Instrument 1969 No. 414 ROAD TRAFFIC The Motor Vehicles (Competition and Trials) Regulations 1969.**

These Regulations set out a process and timetable for making applications for events held under s.13, and the granting of authorisations, and do not apply directly to s.33. The Regulations specify ‘certain events’ (Regulation 5 events) which are deemed by their character to be authorised; and list a number of long-standing ‘specified events’ (Schedule 4 events) granting Motorsport UK the power to modify some of the standard conditions for such events.

4.7. The wording of the 1969 Regulations means that where an event needs s.33 authorisation for passing along a footpath, bridleway, or restricted byway, then it also needs Motorsport UK s.13 route authorisation, even if no ‘roads’ are used by the event. Motorsport UK route authorisation is carried out to a process set out by the Regulations. There are no Regulations for the s.33 process. A local authority’s timetable for application for and issue of s.33 authorisation must take account of the statutory route authorisation timetable

5. Appropriate conditions for s.33 authorisation

5.1. Conditions for rallies and enduros

Rallies and enduros are not races but do generally involve higher speeds than trials. Similar conditions apply to all three types of event, but additional warning notices, additional pre-event liaison and publicity, and additional site-specific marshalling requirements, may be appropriate for rallies and enduros.

Rallies and enduros may warrant the use of road closure orders in some circumstances, but road closure orders are rarely appropriate for trials. This is considered as a separate issue below.

5.2. General Issues to consider

- Type of path affected (footpath, or bridleway or restricted byway)
- Character of the location (e.g. any conservation designations)
- Location and general level of public use (e.g. remoteness)
- Time of year and time of day
- Compliance with standing Yearbook event rules

5.3. Specific issues to consider

- Just crossing a path, or running along, and how far?
- Advance notice to other path users
- Proper authorisation and briefing of officials
- Ground surface resilience and post-event reinstatement
- Litter and tidying up, including removing signs and tape
- Basic risk assessment and adequate indemnity insurance
- Road closures. Are they appropriate?

5.4. Road closures for s.33 events

Road Traffic Regulation Act 1984 *S.14: Temporary prohibition or restriction on roads.*

(1) If the traffic authority for a road are satisfied that traffic on the road should be restricted or prohibited— (b) because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to such works; or ...

the authority may by order restrict or prohibit temporarily the use of that road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such extent and subject to such conditions or exceptions as they may consider necessary.

Trials events, with no speed element, seldom require a path or road closure order for public safety. Requiring a closure order simply for a local motorcycle club trial to cross a remote footpath is completely disproportionate, and few clubs can afford the charges levied.

Some local authorities have, for many years, required and made temporary traffic regulation orders (TTRO) for rallies or enduros at some locations, but not others. This is done on a location-specific public safety basis, and for events like rallies, which would anyway require more marshalling than trials, these closures benefit the event organisers. There is a general and accepted view that bridleways and restricted byways are more likely to need a traffic order closure than do footpaths.

Even so, a rally or enduro just crossing, or travelling along a bridleway or restricted byway does not need a closure order where signage and marshalling will suffice. Traffic order closures are expensive to make, and the cost of this is prohibitive for most motor sport clubs.

A local authority exercising its s.33 authorisation function cannot lawfully impose conditions outwith the scope of s.33, which only empowers an authority to deal with footpaths, bridleways and restricted byways. Motorsport UK has the statutory function to deal with roads and BOATs in the context of authorising motor sport events. A local authority requiring the temporary closure of a road or BOAT as a condition of authorisation under s.33 would be acting *ultra vires*.

6. Summary of good practice

- 6.1. The fundamental tenet for a local authority in imposing conditions on a s.33 authorisation is to go for the least administrative and cost burden on the applicant, consistent with the nature of the event, the safety of the public, and protection of the environment.
- 6.2. The rules of ACU, AMCA and Motorsport UK as regards marshalling and signage have been developed over many years. These satisfy the stringent requirements of these organisations' insurers. A s.33 condition requiring adherence to these rules would provide all of the reassurance that a local authority needs in most cases. Additional conditions (such as a road closure for some rally venues) can be added where appropriate.
- 6.3. Many events revisit the same, or similar, course on an annual basis, and little if anything as regards appropriate conditions changes between events. Local authorities should use 'year-on-year' repeat authorisations based on previous paperwork to save time and cost for all parties.
- 6.4. Closure orders should only be required as a condition on authorisation where necessary on a case-by-case, criteria-based assessment, and not on a general policy-driven basis.