

ROAD RACES (AMENDMENT) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial memorandum has been prepared by the Department for Regional Development in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. Motor racing on roads in Northern Ireland is facilitated by the Road Races (Northern Ireland) Order 1986. It enables the Department for Regional Development to make road closing orders which suspend both normal use of the roads comprising the route of the race and certain aspects of road traffic law.
4. One of the premier motor cycle road races held in Northern Ireland, the North West 200, was cancelled this year due to torrential rain which prevented the running of those races, other than two laps of the first race. This was the second occasion in three years that the races, due to bad weather, had to be cancelled. In addition, the Dundrod 150 motor cycle race in August this year and the 2008 Ulster Grand Prix were cancelled in similar circumstances.
5. It was not possible to re-schedule the races because the existing legislation does not permit that flexibility. Consequently alternative dates or times from those quoted in the road closing order made to facilitate the event could not be used.
6. The major road racing events, such as the Ulster Grand Prix Week and the North West 200 Festival, provide major financial investment, attracting thousands of spectators from home and abroad. An Economic Assessment of the 2010 North West 200 commissioned by the event organisers, The Coleraine & District Motor Club and prepared by "Tourism & Transport Consult International" of Bangor concluded that it attracted some 90,000 visitors during "Race Week"; that the net additional value in terms of the impact based on expenditure was £4.45m and that for every £1 of public monies spent there was a return of £30.21.
7. As a result of the considerable negative reaction caused by the cancellation it was thought desirable to consider introduction of more flexible arrangements.

CONSULTATION

8. The Department consulted on the Bill's proposals between 10 July 2013 and 7 October 2013. 871 responses were received and 92% of respondents indicated that they were fully in support of the Bill.
9. Although there is presently no bar to Sunday racing, a small number of respondents (6%) living in the areas of Portrush, Portstewart and Coleraine that were in support of the Bill expressed opposition to the potential for Sunday racing.
10. Some 26% of respondents, taking into account the inaccuracy of weather forecasting, expressed the view that the 48 hour notice period required by the Bill should be reduced to 24 hours.
11. Following advice from the Office of the Legislative Counsel the Bill was amended to reduce the notice to be given by race promoters from 48 hours to 24 hours.

OPTIONS CONSIDERED

12. The Department considered that there were two options.
13. Option 1 - do nothing. From a sporting perspective doing nothing could further damage the international status enjoyed by both the Ulster Grand Prix and the North West 200. The present sponsors of the North West 200 have indicated that if more flexible arrangements cannot be put in place they may consider withdrawing their sponsorship. From an economic perspective any dilution of the importance of either of these flagship events is likely to have a negative impact on economic investment in the Province.
14. Option 2 - make the Road Races (NI) Order more flexible. If that Order can be made more flexible it would enable contingency arrangements to be put in place with the agreement of the Department. This type of flexibility already exists in the Isle of Man which has its own separate road racing legislation – the Road Races Act 1982. It allows races to be rescheduled where they have had to be postponed due to inclement weather. The arrangement works well in practice.

OVERVIEW

15. The Bill consists of one Clause.

COMMENTARY ON CLAUSES

The Bill contains only one clause. Subsection (2) of Clause 1 would amend Article 3 of the Road Races (NI) Order to provide that not more than two contingency days may be specified in a road closing order and that a contingency day must be one of the two days falling immediately before or immediately after a day specified in a road closing order.

Subsection (2) also provides that race promoters may apply in writing to the Department to put a contingency arrangement into effect. Such applications must be submitted not later than 24 hours before the event and may be submitted electronically.

Applications would be approved by a direction from the Department which may also be issued electronically.

Subsection (3) of clause 1 inserts a new paragraph (8A) into Article 3 of the 1986 Order requiring the Department to secure that such public notice as it considers necessary is given to ensure that the effect of any direction made is brought to the attention of the public.

During the Consideration Stage debate the clause to the Bill was amended. The effect of the amendment is to ensure that the Department is satisfied that disruption to the local community will be minimised, so far as is reasonably practicable, where a Sunday is to be used as a contingency day.

During Further Consideration Stage the Bill was further amended to apply restrictions to the hours of racing that might be used at the North West 200, should it be proposed to use Sunday as a contingency day for that race meeting.

FINANCIAL EFFECTS OF THE BILL

16. There are no significant financial implications arising from the proposals and a regulatory impact assessment is not required.

HUMAN RIGHTS ISSUES

17. The Department has considered the proposed legislative provisions in relation to Human Rights issues with the Human Rights Unit and has concluded that the proposals have no human rights impact.

EQUALITY IMPACT ASSESSMENT

18. The Department has considered the proposed legislative provisions against the Section 75 criteria of the Northern Ireland Act 1998 and, in conjunction with the Equality Unit, and has screened out the requirement for an Equality Impact Assessment in relation to these policy and legislative proposals.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

19. The Department has considered the proposed legislative provisions against the criteria for regulatory impact and concluded that this is not required for these legislative proposals.

LEGISLATIVE COMPETENCE

20. The Minister for Regional Development had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Road Races (Amendment) Bill would be within the legislative competence of the Northern Ireland Assembly.”