



## **DRAFT LETTER TO DEPARTMENT OF TRANSPORT**

Dear Sir

The Off Road Promoters Association is an organisation that sanctions off road sporting events, which has studied the Road Traffic Act of 1988. There seems to be some confusion regarding what is and is not a public place for the purposes of the act.

In our opinion regarding a public place, it is an area that the public have right of access to. In the sporting context this could be either by ticket or unpaid available entry. This would mean all car parks, racing paddocks or designated spectator areas.

Areas properly fenced off to the public and well signposted as prohibited areas would not be qualified as public areas.

To be more precise we will use differing motocross meetings as examples:

1. A closed to club non paying gate meeting (example 1 attached shows such a meeting). The paddock would be a public place as would the areas, double or triple roped, or chestnut fenced.

However, if the club does restrict all non organising persons to the outside of the trackside roping or fencing, thus denying any member of the public access to the track, and makes all internal areas prohibited, then the track and internal areas are not public areas, or governed under the terms of the act.

2. An open paying gate meeting (see example 2). In this case the public usually cross the track by designated gates and crossings, thus having access to the track, even though they should not cross during the racing they often do. In this case the whole site would be deemed a public place, and require exemption certification.

However, if the only method of reaching the internal parts of the track were by enclosed bridges, then, providing the areas served by the bridges were correctly fenced and the prohibited areas signposted, then again the only areas of the site covered by the act would be the paddock, car parking and spectator areas.

The same would apply to grass track events, which always restrict spectators to the outside of the track.

Trials and Enduros should never be granted exemption, because no areas of the circuits could be restricted to the public, because areas in either type of event are not fenced off.

The clubs in most instances do not need exemption certificates, and we think that it would be a good idea if there was a timetable, possibly two years, for all events in the motocross world to either restrict the public to the outside of the track, or build closed bridges to properly fenced areas inside the track; thus keeping the public completely away from the racing sections of the site. This would be a great aid to safety.

The above examples are all motorcycle events. However, in the car racing world which our association also governs, the car grass tracks are the same as bikes and the public are restricted to the outside of the circuit, the likewise with bangers.

*Continued.....*

We think the act as used in the manner laid out above is a great asset, as it gives organisers legislation that enables them to control idiots in the car parks and makes competitors more aware of their behaviour in the paddocks.

We are not fully in agreement with exemption certificates, because we believe that provided the above guidelines are followed, they are unnecessary and can let a club believe it can be lax in its control of meetings.

We also think the notification of events is a good idea.

Based on our above interpretation of the act, we would be prepared to defend our association members in the courts as necessary, providing they adhere to our safety rules.

Yours faithfully

TONY FORD