



# Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996

## 1996 CHAPTER xii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Scottish Borders Council (Jim Clark Memorial Rally).  
[18th December 1996]

WHEREAS the Provisional Order set forth in the Schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Confirmation of Order in Schedule**

The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed.

### **2 Short title**

This Act may be cited as the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996.

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## SCHEDULE

### SCOTTISH BORDERS COUNCIL (JIM CLARK MEMORIAL RALLY)

*Provisional Order to authorise the Jim Clark Memorial Rally to take place on certain public roads in the former district of Berwickshire in the Scottish Borders; to confer powers on The Scottish Borders Council in relation thereto; and for other purposes.*

#### WHEREAS—

- (1) The Scottish Borders Council (hereinafter referred to as “the Council”) are by virtue of sections 133 and 146 of the Local Government (Scotland) Act 1973 vested with the functions of roads authority for the area of the Scottish Borders:
- (2) As roads authority and traffic authority the Council are responsible for administering the provisions of the Roads (Scotland) Act 1984 and the Road Traffic Regulation Act 1984:
- (3) By virtue of Part VI of the Road Traffic Regulation Act 1984 public roads in the former district of Berwickshire (hereinafter referred to as “the district”) are subject to speed limits for motor vehicles:
- (4) For more than twenty years a motor car rally (hereinafter called “the rally”) known as the Jim Clark Memorial Rally has taken place annually on private roads and tracks in the district in memory of the late Jim Clark, the Berwickshire farmer who became world motor-racing champion in 1963 and 1965 and was killed in a motor-racing accident at Hockenheim, Germany on 7th April 1968:
- (5) It would generate more public interest in the rally and enhance its reputation and, by encouraging tourism in the district and benefiting the local economy, it would be of public and local advantage, if the rally were to take place on closed public roads in the district:
- (6) For the purposes aforesaid it is expedient to authorise the Council to permit certain public roads in the district to be used for the rally on certain days of the year and for this purpose to empower the Council on certain days and at certain times to close to the public or restrict access to the whole or parts of those public roads in the district and to suspend the operation of certain enactments in respect of those roads:
- (7) It is expedient that other provisions in this Order be enacted:
- (8) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the said Act of 1936, the Secretary of State orders as follows:—

#### *Short title*

- 1 This Order may be cited as the Scottish Borders Council (Jim Clark Memorial Rally) Order 1996.

#### *Interpretation*

- 2 In this Order, except where the context otherwise requires—  
 “apparatus” means—

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- (a) in relation to a public gas supplier, mains, pipes and other apparatus belonging to or maintained by that supplier;
  - (b) in relation to a water and sewerage undertaker, water mains and communication and supply pipes as defined in section 109 of the Water (Scotland) Act 1980 and public sewers as defined in section 59 of the Sewerage (Scotland) Act 1968;
  - (c) in relation to a telecommunications operator, telecommunication apparatus as defined in paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984, including such apparatus belonging to or used by British Telecommunications plc;
  - (d) in relation to Scottish Power plc, an electric line as defined in section 64 of the Electricity Act 1989;
- “authorising agent” means the Royal Scottish Automobile Club;
- “authorised days” has the meaning given by section 3 (Authorised days) of this Order;
- “competition rules” shall mean the rules for the time being in force of the RAC Motor Sports Association Limited relative to motor rallies;
- “Chief Constable” means the Chief Officer of Lothian and Borders Police;
- “contravention” includes failure to comply;
- “the Council” means The Scottish Borders Council;
- “district” means the former local government area existing at 31st March 1996 known as the district of Berwickshire and shown delineated in red on the signed plan;
- “motor vehicle” has the meaning given by sections 185 and 186 of the Road Traffic Act 1988;
- “occupier” has the meaning given by section 151 of the Roads (Scotland) Act 1984;
- “owner” has the meaning given by section 151 of the Roads (Scotland) Act 1984;
- “premises” includes land and any interest in land or building thereon;
- “promoter” means the person primarily responsible for the organisation and arrangement of the rally in the district;
- “public road” means a road in the district which is a public road as defined in section 151 of the Roads (Scotland) Act 1984;
- “Railtrack” means Railtrack PLC, a public limited company registered under the Companies Act 1985 to which there was transferred on 1st April 1994, under a scheme made on 30th March 1994, pursuant to section 85(1) of the Railways Act 1993 and by direction of the Secretary of State pursuant to section 85(4) of that Act, that part of the undertaking of the British Railways Board which consisted of the management of the railway network in Great Britain and related property, rights and liabilities;
- “the rally” means the Jim Clark Memorial Rally, being a competition or trial of average speed consisting of one or more events;
- “rally route”, in respect of any year, means the route of the rally in so far as it—
- (a) is on public roads, and
  - (b) has been approved by the Council in accordance with the provisions of section 4(3) of this Order;

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“signed plan” means the plan marked “Scottish Borders Council (Jim Clark Memorial Rally) Order 1996: Berwickshire District: Boundary at 31st March 1996” of which five copies have been signed by Gavin Douglas QC, Senior Counsel to the Secretary of State for the purposes of the Private Legislation Procedure (Scotland) Act 1936, one of which copies has been deposited with the sheriff clerk of the Duns sheriff court district, one in the office of the Clerk of the Parliaments, House of Lords, one in the Private Bill Office of the House of Commons, one in the Scottish Office, London, and one in the Office of the Secretary of State, Edinburgh;

“statutory undertakers” means a public gas supplier, public water or sewerage undertaker, telecommunications operator or Scottish Power plc;

“telecommunications operator” means the operator of a telecommunications code system; and “operator” and “telecommunications code system” have the respective meanings given by paragraph 1 of Schedule 4 to the Telecommunications Act 1984; and

“traffic sign” has the meaning given by section 64 of the Road Traffic Regulation Act 1984.

#### *Authorised days*

- 3 (1) In this Order the expression “authorised days” means in respect of any calendar year, any three consecutive days approved by the Council in consultation with the Chief Constable and the authorising agent on receipt of at least four months' written notice from the promoter.
- (2) The promoter shall give not less than three months' notice of the authorised days to Railtrack and to any statutory undertakers having apparatus in, under or adjoining the rally route.

#### *Arrangements for rally*

- 4 (1) Subject to the provisions of this Order the Council may authorise the organisation and arrangement of the rally in the district by the promoter on the authorised days.
- (2) The rally shall follow the rally route, and a proposed route for that purpose will be notified to the Council in writing by the promoter at least four months prior to the authorised days and shall be subject to the approval of the Council in consultation with the Chief Constable and the authorising agent.
- (3) The Council may approve the proposed route as the rally route if after such consultation they are satisfied that such provisions have been made with regard to public safety and alternative routes for vehicular and pedestrian traffic as they consider necessary, but if the Council are not so satisfied they may refuse to approve the proposed route as the rally route or approve it subject to such alterations as they think fit.
- (4) Subject to such directives as may be given by—
  - (a) the Chief Constable;
  - (b) the Council; or
  - (c) the authorising agent;
 the rally shall be run in accordance with the competition rules: