

EXECUTIVE COUNCIL

RESTRICTED

Title of Report: Use of Fairy Cove by the Falkland Islands Motorcycle Association

Paper No: 41/10

Date: 25 February 2010

Report of: Inspector Len S McGill Royal Falkland Islands Police

1.0 Purpose

1.1 To obtain approval for the exclusion of an area of land known as Fairy Cove from the provisions of the Road Traffic Ordinance (Title 63.1).

2.0 Recommendations

His Excellency the Governor be advised to approve an order under Section 2(3) Road Traffic Ordinance (Title 63.1) to exclude the area of land known as Fairy Cove from the provisions of the Road Traffic Ordinance when it is being used by the Falkland Islands Motorcycle Association for motorcycle events organised by that Association, provided notice is given to the Royal Falkland Islands Police of any such event. It should apply to motorcycles used by any persons taking part in an event organised by the Association and to those members and bona fide guests of the Association using such motorcycles.

3.0 Summary of Financial Implications

3.1 There are no financial implications.

4.0 Background

4.1 The Falkland Islands Motorcycle Association obtained permission from the Falkland Islands Company Limited for the use, by its members, of an area of land owned by the Falkland Islands Company Limited known as Fairy Cove, for motorcycle events organised by the Association. This area of land has many advantages as it is close to Stanley and contains varied and challenging terrain, enabling several types of motor cycle sport to be undertaken by Association members. The Falkland Islands Company Limited have provided a signed letter giving the Association permission to use the land with an accompanying plan clearly defining the area of land at Fairy Cove to which it applies. A copy of the letter and plan are attached.

4.2 The area of land known as Fairy Cove falls under the definition of a road as defined by Section 2 Road Traffic Ordinance (Title 63.1) as it is within four miles of the boundary of Stanley. This means that all members driving their motorcycles in this area would have to comply with the provisions of the Road Traffic Ordinance, in that they would have to hold a drivers licence for a motorcycle, their motorcycles would have to be registered, licences and insured. Many members of the Falkland Island Motorcycle Association do not hold a driver's licence enabling them to drive a motorcycle or are under the age of sixteen years, the age at which they may obtain a driver's licence enabling them to drive a motorcycle on a road. Similarly many of the motorcycles owned or used by members are not registered, licensed or insured as they are not used on roads as defined in the Road Traffic Ordinance.

4.3 The Falkland Islands Motorcycle Association approached the Attorney Generals Chambers and the Royal Falkland Islands Police to discuss the implications and to see if the area could be exempted the provisions of the Road Traffic Ordinance. One of the aims of the Association is to promote the use of motorcycles in sport and provides guidance in maintaining them in good order as well as enabling owners and riders to become proficient in their use. It also provides support and focus for many motorcycle users both young and old, providing them with an exciting outlet and activity under controlled conditions.

4.4 The Royal Falkland Islands Police and the Attorney Generals Chambers fully support the use of the area of land known as Fairy Cove by the Falkland Islands Motorcycle Association and its members.

4.5 Section 2(3) Road Traffic Ordinance (Title 63.1) states; "The Governor may by Order provide that any street, thoroughfare, highway, lane, court, alley, passage or open place within Stanley or within a radius of 4 miles of the boundary thereof and specified by that Order shall be excluded from the operation of the subsequent provisions of this Ordinance"

Section 2(4) Road Traffic Ordinance (Title 63.1) further states; "An Order under Subsection (3) may be made so as to apply only in respect of –

- (a) vehicles of a class or type or classes or types specified in the Order; and
- (b) to use of such vehicles by persons under a specified age"

4.6 It is recommended that His Excellency the Governor be advised to approve an order under Section 2(3) Road Traffic Ordinance (Title 63.1) to exclude the area of land known as Fairy Cove from the provisions of the Road Traffic Ordinance when it is being used by the Falkland Islands Motorcycle Association for motorcycle events organised by that Association, provided notice is given to the Royal Falkland Islands Police of any such event. It should apply to motorcycles used by any persons taking part in an event organised by the Association and to those members and bona fide guests of the Association using such motorcycles.

5.0 Financial Implications

5.1 There are no financial implications as a result of the above recommendation.

6.0 Legal Implications

6.1 Legislation at Section 2(3) and 2(4) Road Traffic Ordinance (Title 63.1), exists which makes provision for the making of the order as recommended.

7.0 Human Resources Implications

7.1 There are no human resources implications as a result of the above recommendation.



The Falkland Islands Company Limited

(Incorporated by Royal Charter 1851)

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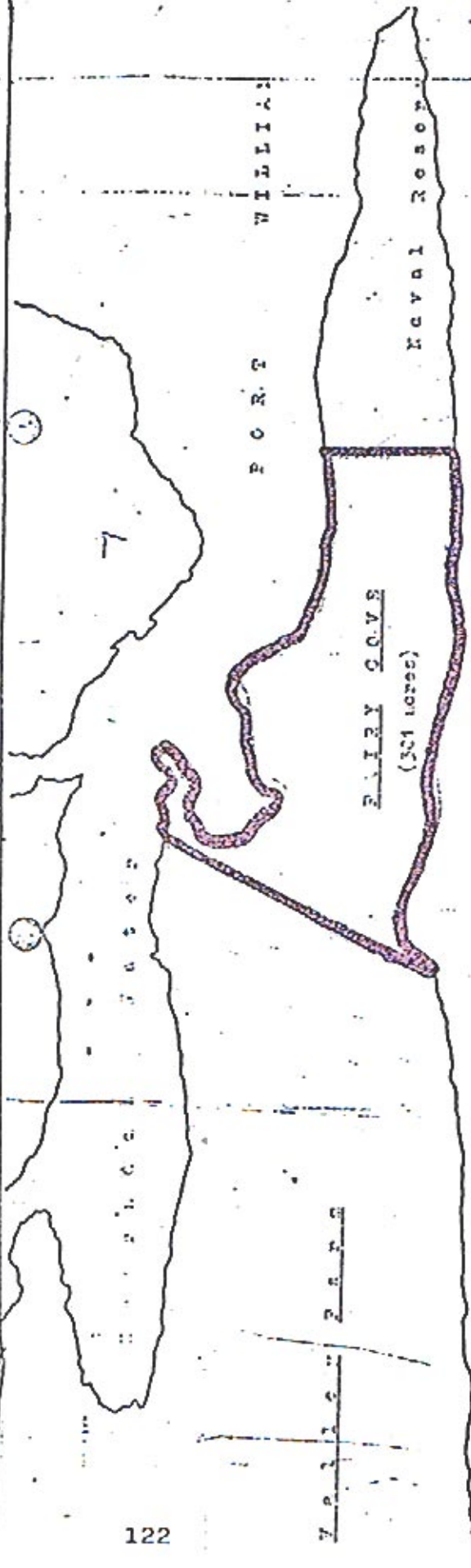
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To Whom it May Concern

We would confirm that we are giving FIMA permission to use the land known as Fairy Cove to hold motorcycle events. The area in question is as per the attached plan

Yours sincerely,

Roger Spink
Director



STANLEY HARBOUR

