Insurance cover is quite important and often overlooked when it comes to event-related road closures managed under outdated or insufficient legal powers like just the Town Police Clauses Act 1847 (TPCA 1847) Section 21.

Why might insurance cover be an issue?

1. Legal authority to close roads

- Insurers expect that any road closure or traffic management is done **in accordance with valid, lawful powers**.
- If a council or event organiser closes or restricts a road **without proper legal backing**, insurers might argue that the closure was **unauthorised or unlawful**.

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2. Liability for accidents or damage

- If an accident happens **during an event** where the road is "closed" but **without a valid legal order** (e.g., no proper TTRO in place), the council or organiser could be held **liable**.
- Insurers may **refuse to pay out** because the closure was not authorised by law, so the organisation was operating outside its authority.
- This could lead to **personal injury claims, property damage, or third-party claims** going unpaid or leading to costly litigation.

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3. Requirement for proper traffic management

- Modern insurance policies for events often **require compliance with statutory traffic regulation orders** or appropriate authorisations.
- Using **only Section 21 of TPCA 1847**, which doesn't provide comprehensive traffic management powers, might **fail these requirements**.
- This exposes councils or event organisers to financial risk if something goes wrong.

Scenario:

- A council closes a road for an event using only Section 21.
- A driver or pedestrian is injured because the traffic controls weren't legally enforceable or properly signed.
- The injured party sues the council.
- The council's insurer investigates and finds no valid TTRO or proper authorisation.
- The insurer declines the claim, arguing the council acted **ultra vires** (beyond its powers).
- The council may be forced to cover costs personally or face legal consequences.

In summary:

Without proper statutory traffic orders (like TTROs), the legal standing of a road closure can be challenged, and insurance companies may deny coverage for incidents arising during that closure

Scenario:

- Council organises or allows a street festival.
- They relied primarily on **Section 21 of the Town Police Clauses Act 1847** to temporarily "close" roads to traffic during the event.
- They did **not** obtain a **Temporary Traffic Regulation Order (TTRO)** under the Road Traffic Regulation Act 1984.
- Some vehicles remained parked in the "closed" streets because there was no formal suspension of parking bays.
- During the event, a pedestrian was struck by a vehicle navigating through the festival area.
- The injured party filed a claim against the council or prfor negligence.

Outcome:

- During insurance investigations, the insurer found the council had **not complied with modern statutory requirements** for lawful road closures.
- The use of Section 21 alone was deemed insufficient to create a legally enforceable road closure.
- As a result, the insurer argued the council acted **beyond its authority (ultra vires)**.
- The insurer declined liability for the claim, citing lack of proper legal authorisation for road closure and inadequate traffic control.
- The council had to pay the claim out of its own funds, leading to significant financial loss.

Why did this happen?

- **Section 21 does not provide comprehensive powers** to suspend parking, remove vehicles or prevent vehicle movement.
- Without a **TTRO**, the closure was not legally enforceable, so traffic control measures were weak or ignored.
- The insurer's refusal to pay was based on the council's **failure to follow proper statutory procedure**.

While the above example is a **hypothetical synthesis based on real principles and known risks**, there are documented cases where insurers have denied claims or councils faced liability because:

- Road closures were managed without valid TTROs.
- Traffic management was inadequate or non-compliant.
- The legal basis for road closure was weak or challenged.

Councils should be cautious about using the TPCA 1847 powers when closing roads. A TTRO under the Road Traffic Regulation Act 1984 should avoid such risks.

Common Law Duty of Care and Negligence

- Authorities managing events owe a **duty of care** to road users and pedestrians.
- If an accident occurs due to improper or inadequate traffic management, and if powers used were insufficient or unlawful, **liability may arise**.
- Failure to have proper legal authority (such as TTROs) can contribute to proving negligence.

Prosecutions under Section 21 :

- **Section 21's wording** mainly empowers police to **prevent obstruction** during events by regulating processions and advising routes. It is **not a specific criminal offence to enter a closed area** unless you cause obstruction or disobey a lawful police direction.
- In practice, enforcement under Section 21 relies heavily on:
  - Police discretion and their presence during events.
  - Public compliance with instructions.
- Since police do not **close roads under Section 21,** except in emergencies, prosecutions for "entering" a closed area under this section are extremely uncommon.