



## BRIEFING PAPER

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# Roads and motor vehicles: FAQs for 2020

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### Contents:

1. Introduction
2. General
3. Roads
4. Road traffic/driving offences
5. Traffic regulation
6. Vehicles
7. Driving and licences





# Contents

<b>Contents</b>	<b>3</b>
<b>Summary</b>	<b>5</b>
<b>1. Introduction</b>	<b>6</b>
<b>2. General</b>	<b>7</b>
2.1 Who is responsible for policy related to roads and vehicles?	7
2.2 What impact will Brexit have on road transport and driving?	8
<b>3. Roads</b>	<b>11</b>
3.1 Who is responsible for the motorway network?	11
3.2 What are smart motorways and are they safe?	11
3.3 How can you get a local road scheme off the ground?	12
3.4 What funding is available to tackle potholes?	13
3.5 Do local authorities have to provide street lighting?	14
3.6 Is the local authority liable for accidents or damage on the highway?	15
3.7 Can you get compensation for loss of business from road works?	16
3.8 Can councils force utilities to reinstate the road properly?	16
3.9 Is there a legal minimum width for a road?	16
3.10 Who is responsible for an unadopted road?	17
<b>4. Road traffic/driving offences</b>	<b>19</b>
4.1 Is the Government going to cut the drink drive limit?	19
4.2 Will there be harsher sentences for drivers who cause death?	19
4.3 Is it safe to drive while using a hands-free mobile phone?	20
4.4 Can I take a speed awareness course rather than get points on my licence?	21
4.5 Do I need insurance for a vehicle I do not drive?	21
4.6 Why can UK drivers be fined for minor traffic offences committed in EU countries but not vice versa?	22
<b>5. Traffic regulation</b>	<b>24</b>
5.1 Who is responsible for road signs?	24
5.2 Who sets speed limits and how can one be changed?	25
5.3 How are speed cameras funded and where does the money go?	26
5.4 Where can speed cameras be put and must they be visible?	26
5.5 How can local authorities implement road charges, including Clean Air Zones and emission charges?	27
5.6 Can local authorities ban lorries from residential streets?	28
5.7 What can be done to tackle traffic congestion around schools?	29
5.8 Are the police and/or the council allowed to charge for parades?	29
<b>6. Vehicles</b>	<b>31</b>
6.1 Will petrol and diesel cars be banned?	31
6.2 Is there funding available for electric vehicles and chargepoints?	31
6.3 What is being done to tackle engine idling?	32
6.4 What is being done about noisy vehicle exhausts?	33
6.5 What is being done about dazzling car headlights?	34
6.6 What is being done to protect other road users from silent vehicles?	34
<b>7. Driving and licences</b>	<b>36</b>
7.1 What is being done to stop satnavs directing HGVs down inappropriate routes?	36
7.2 What can you do if you have an issue with a driving licence?	37
7.3 What should you be aware of if driving with a medical condition?	37
7.4 Are doctors legally obliged to inform DVLA if they think a patient might be unfit to drive?	38

#### 4 Roads and motor vehicles: FAQs for 2020

7.5	Is the Government going to introduce graduated licensing for young drivers?	38
7.6	Are older drivers going to have to take a re-test?	39

## Summary

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about roads and vehicles. There is no intended link between articles other than that the topics are often the subject of requests by Members, usually on behalf of their constituents.

It covers the following issues:

- General questions about who is responsible for **policy** across the UK, including the impact of **devolution** and **Brexit**;
- **Roads** – including **smart motorways**, funding, lighting and maintenance;
- **Traffic offences** – including **drink driving**, using a **mobile phone**, **sentences** for serious offences, speed awareness courses, and insurance;
- **Traffic regulation** – including **road signs**, **speed cameras**, emissions **charging**, lorry bans, congestion and charging for road closures;
- **Vehicles** – including banning petrol and diesel cars, **electric vehicles**, idling engines and **noisy exhausts** and bright car lights; and
- **Driving and licences** – including **HGVs** using the wrong **satnav**, driving with a **medical** condition, dealing with a **licensing** problem, **young** and **older** drivers.

Further details on these issues and more can be found in a suite of Commons Library briefing papers, available on [our website](#).

# 1. Introduction

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about roads, traffic regulation, vehicles and driving. There is no intended link between articles other than that the topics are often asked by constituents of Members.

*Please note that nothing in this paper should be considered as constituting legal advice. It is not intended to address the specific circumstances of any particular individual. A suitably qualified professional should be consulted if specific advice or information is required.*

**Transport policy** largely emanates from the [Department for Transport \(DfT\)](#) and its agencies, non-departmental public bodies and other offshoots. Some aspects of policy come under the overall control of other departments – e.g. road traffic offences and sentencing.

In **Parliament** transport policy is largely scrutinised by the [Transport Select Committee](#), though those policies covered by other departments may well attract attention from other committees. For example, in the 2017 Parliament [air quality](#) was an issue of concern for the Environment Food and Rural Affairs, Environmental Audit Committee, Health, and Transport Committees. Separately, the [Public Accounts Committee](#) looks at issues across Government departments, largely based on reports by the National Audit Office (NAO), including road-related matters.

The House of Lords has its own committees that consider transport issues and there are [All Party Parliamentary Groups \(APPGs\)](#), which are informal cross-party groups that have no official status within Parliament. They are run by and for Parliamentarians from both Houses and often involve individuals and organisations from outside Parliament in their administration and activities (e.g. [APPG for Highways](#)).

Regarding **statistics and data**, [Transport Statistics Great Britain \(TSGB\)](#) is the DfT's main statistical compendium analysing trends in British transport. The authorities in Wales, Scotland and Northern Ireland publish their own data. [Road and traffic statistics](#) for Great Britain are produced primarily by the DfT and in Northern Ireland by the [Department for Infrastructure](#).

A range of international transport statistics are available online, the primary providers being the OECD, the World Bank and the World Health Organisation.

## 2. General

### 2.1 Who is responsible for policy related to roads and vehicles?

This is a wide-ranging policy area and covers matters as diverse as the motorway network, local road maintenance, vehicle standards, driving behaviour and traffic offences. Policy making in some but not all of these areas is devolved in Scotland and Wales.

Overall **motoring policy** is set by the Department for Transport (DfT) and delivered by several bodies such as the [Driver and Vehicle Licensing Agency \(DVLA\)](#), the [Driver and Vehicle Standards Agency \(DVSA\)](#), and the [Vehicle Certification Agency \(VCA\)](#).

Many of our domestic licensing and vehicle standards derive from international rules, set by either the European Union or the United Nations Economic Commission for Europe (UNECE) (see [section 2.2](#), below).

Policy on **traffic offences and their enforcement** is a shared competency between the DfT, the Home Office and the Ministry of Justice (see [section 4](#), below).

In **England** the Strategic Road Network (essentially the **motorways** and major A roads) is managed by [Highways England](#) (see [section 3.1](#), below). The DfT sets a [Roads Investment Strategy \(RIS\)](#) every five years. This determines Highways England's programme of improvements and the budget available to deliver it. Highways England's performance against its RIS objectives and more generally is monitored by the [Office of Rail and Road \(ORR\)](#).

The remainder of the network is managed by around 150 local authorities – usually but not always county and unitary councils, and including key route networks in London, the West Midlands and elsewhere that are managed by regional transport bodies like [Transport for London](#) and [Transport for West Midlands](#). The [Ministry of Housing, Communities and Local Government \(MHCLG\)](#) provides local authorities with the bulk of their funding for local road maintenance, while DfT provides discrete pots of capital funding.

In **Scotland**, [Schedule 5, Part II, Head E](#) of the *Scotland Act 1998*, as amended, prescribes those areas reserved to the UK Parliament; everything else is devolved. The 1998 Act was substantially amended in 2012 and 2016. In general, matters relating to road traffic and road transport are reserved where there is a need to ensure consistency of treatment and approach between Scotland and the rest of the UK. The Scottish Parliament has competence to legislate on road safety, local road pricing (including congestion charging); the [drink drive limit](#); [speed limits](#); road signs and manage pedestrian crossings.

Transport Scotland was established as an executive agency of the then Scottish Executive in January 2005. It is the national transport agency for Scotland and has a directorate dedicated to managing [Scotland's trunk road network](#). Local roads funding is provided through the Scottish Government.

In **Wales**, the original devolution settlement under the [Government of Wales Act 1998](#) did not equip the National Assembly for Wales with primary law-making powers, and most transport policy remained under Westminster control. In 2014, the [Silk Commission](#) recommended that the National Assembly should move to a reserved powers model like Scotland. This was then enacted by the [Wales Act 2017, Schedule 7A, Part II, Head E](#) prescribes those areas reserved to the UK Parliament. The Assembly may legislate on highways, including bridges and tunnels; street works; traffic management and regulations; speed limits; pedestrian crossings and traffic signs.

The [Welsh trunk road network](#) is operated, maintained and improved by two public sector organisations: North and Mid Wales Trunk Road Agent (Gwynedd Council) and South Wales Trunk Road Agent (Neath Port Talbot CBC).

[DfI Roads](#) is the sole road authority in Northern Ireland, responsible for public roads, footways, bridges, and street lights.

## 2.2 What impact will Brexit have on road transport and driving?

On 23 June 2016 the United Kingdom voted to leave the European Union. The then Prime Minister, Theresa May, triggered Article 50 of the Treaty on European Union on 29 March 2017 to begin the process of exit. [Exit Day](#) is legislated for 31 January 2020, after which [the implementation/transition period](#) will commence. This will end, by default, on 31 December 2020.

The EU's competences in transport are set out in the EU Treaties, which provide the basis for any actions the EU institutions take. The EU has a Common Transport Policy (CTP) contained in Title VI of the [Treaty on the Functioning of the European Union \(TFEU\)](#) (Articles 90 to 100).

The impact of Brexit on road transport and driving could potentially be significant. Two key issues are: driving in the UK on a licence issued in an EU27 country (and vice versa) and road haulage. There is a further issue that is often raised and that is the display of national symbols on driving licences and vehicle number plates. Further information on these matters is set out below.

- **Driving after Brexit**

The UK has ratified the *1968 Vienna Convention on Road Traffic* (which came into force on 28 March 2019 through the enactment of the *Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019 (SI 2019/563)*) and the *1949 Geneva Convention on Road Traffic*. This enables UK drivers to continue driving in EU countries in the event of a no deal Brexit through recognition of driver qualifications.

You can read more about roads and other transport issues in NI, Scotland and Wales from: [Research and Information Service \(RaISe\) for the Northern Ireland Assembly](#); [Scottish Parliament Information Centre \(SPICe\)](#); and [Research Service of the National Assembly of Wales](#).

There is a significant amount of transport law and regulation in the UK that applies as a direct result of our membership of the EU. The **key** legislation is set out in: HMG, [Key EU transport legislation](#), 14 May



However, many EU countries require non-EU license holders to carry an International Driving Permit (IDP) in addition to their national license under certain circumstances (e.g. long-term visits). There are 3 types of IDP:

- 1926 IDP
- 1949 IDP
- 1968 IDP

The type of IDP you need depends on the country you will be driving in. Drivers visiting multiple countries may therefore need more than one IDP. For example, when driving through France (1968 IDP) to Andorra (1949 IDP) or to Liechtenstein (1926 IDP). The DfT has issued [guidance](#) explaining which IDP applies to different EU Member States.

In October 2018 the UK legislated to continue recognising EU driving licences for both visitors and residents as we do currently (via *The Driving Licences (Amendment) (EU Exit) Regulations 2018* ([SI 2018/1251](#))). There are some circumstances in which an EU national who moves to the UK and seeks to drive here might have to retake a driving test. There is an [interactive tool](#) available on Gov.uk to help drivers understand when and how they should exchange their non-UK license for a UK one.

As part of our future relationship, the UK Government and the EU [have agreed](#) to “consider complementary arrangements to address travel by private motorists”.

- **Road haulage**

Currently, there are a lot of [uncertainties](#) for UK haulage companies around Brexit, particularly in terms of employment, drivers’ hours rules, access to markets and border controls. Ministers have long been vocal about the fact that road haulage is [one of the DfT’s two top priorities](#) for Brexit.

There is some industry anxiety about a scenario in which the UK leaves the transition/implementation period and an agreement is not in place. The Government took action in this area with the [Haulage Permits and Trailer Registration Act 2018](#). It would allow the Secretary of State to deal with the consequences of a range of exit scenarios on the UK haulage industry by creating an international road haulage permit scheme; and gave the Secretary of State powers to make a trailer registration scheme.

As part of our future relationship, the UK Government and the EU [have agreed](#) to:

- ... ensure comparable market access for freight and passenger road transport operators, underpinned by appropriate and relevant consumer protection requirements and social standards for international road transport, and obligations deriving from international agreements in the field of road transport to which both the United Kingdom and the Union and/or its Member States are signatories, notably concerning conditions to pursue the occupation of a road transport operator, certain conditions of

IDPs can be obtained in person from [Post Office](#) branches.

According to DfT 90% of the UK population lives within 10 miles of an issuing branch ([UK 15047](#)).

The Government [guidance on carrying out international road haulage after Brexit](#) is available on the Gov.uk website, updated October 2018

employment in international road transport, rules of the road, passenger carriage by road and carriage of dangerous goods by road.

- **National symbols**

The Government does not appear to have published anything about what will happen to the EU symbol on driving licences and vehicle registration plates after Brexit. There was a [debate on these issues in 2017](#) but the Government gave no indication as to what might happen about the removal of these symbols (and e.g. allowing them to be replaced with national or regional symbols like the Scottish Saltire or the County of Durham flag). It seems likely that the symbol will be removed as and when a licence expires or needs to be replaced (e.g. because of change of address).

The then Transport Minister Jesse Norman [said](#) in March 2019 that “[n]umber plates displaying an EU flag can continue to be legally displayed on vehicles before and after the UK leaves the EU. Consequently, owners of vehicles displaying these number plates in the UK will not be fined”.

## 3. Roads

### 3.1 Who is responsible for the motorway network?

The Strategic Road Network (SRN) comprises approximately 4,300 miles of motorways and major 'trunk' A-roads in England. While the SRN represents only around two per cent of the total length of England's road network, the Department for Transport [estimates](#) that it carries roughly one-third of the total motor vehicle traffic.

It is managed by Highways England, a government-owned company. As set out in [section 2.1](#), above, trunk roads in Wales and Scotland are managed by the [Welsh Government](#) and [Traffic Scotland](#) (on behalf of Transport Scotland), respectively.

The SRN expands as new roads and capacity are added and contracts as other roads are 'de-trunked' (i.e. devolved to local highways authorities). On coming into office in 1997 the Labour Government thought that approximately [40 per cent of the trunk road network](#) could be devolved in this way and [by 2006](#) a little over 2,100 miles of the SRN had been de-trunked. A [list of de-trunking orders](#) made between 2004 and 2014 is available.

Further information on the SRN can be found in HC Library briefing paper [Strategic Road Network \(SRN\)](#), [CBP 1448](#), August 2015

### 3.2 What are smart motorways and are they safe?

In 2006 Highways England (HE) piloted a new system of 'Smart Motorways' where technology is used to monitor traffic levels, change the speed limit to smooth traffic flow, activate warning signs, and close lanes—on the M42.

Since then a programme of smart motorways has been rolled out across several other motorways, nine of which are All Lane Running (ALR) motorways.

All Lane Running (ALR) is a version of smart motorways, in which lanes can be individually closed and variable speed limits set. The conversion of a motorway into a smart motorway does not necessarily mean that an ALR configuration is being used, as smart motorways are defined by the ability to alter the variable speed limits of the road, and individually close lanes according to circumstances.

Some safety concerns have been raised, particularly in relation to the loss of the hard shoulder in ALR schemes where it is permanently converted into a running lane. The only safe areas available to a vehicle to stop in an emergency are the [Emergency Refuge Areas \(ERAs\)](#), which are [spaced](#) at up to every 2.5 km (1.6 km for new designs from 2020).

In 2016 the Transport Select Committee concluded that it [did not support the nationwide roll out of All Lane Running \(ALR\)](#) (para 22) on the basis that the attendant safety risks associated with the scheme had not been fully addressed. Fatalities on stretches of ALR motorway in the last year have resulted in concerns being raised by local police forces,

who have increased patrols in some areas, [and the AA](#). The Committee highlighted several safety issues relating to ALR, including non-compliance with Red Xs, Stopped Vehicle Detection (SVD) system coverage, the size and spacing of ERAs and the misuse of ERAs.

The [Government's response](#) to the Committee's report largely rejected their recommendations. However, in the years since there has been a series of widely reported deaths involving motorists and passengers on live lanes of smart motorways (e.g. multiple fatalities on the [M1 in South Yorkshire](#), [eight-year-old Dev Naran on the M6](#)) and [public confidence](#) in the safety of these roads is low.

Although [Highways England maintain](#) that smart motorways, including those with ALR are no more dangerous than other motorways, the Secretary of State for Transport, Grant Shapps, [announced](#) an 'evidence stocktake' review of smart motorway safety in October 2019. The [report](#), published in March 2020, concluded that "in most ways, smart motorways are as safe as, or safer than, conventional motorways, but not in every way." (para 5.5). It found, for example, that ERAs were a safer place of refuge than a conventional motorway's hard shoulder but that the risk of vehicles stopping in live lanes was greater on ALR motorways.

Alongside the evidence review, the Secretary of State announced an 18-point action plan intended to "allow us to retain the benefits of smart motorways while addressing the concerns that have been identified." Actions include speeding up the deployment of SVD technology and reducing the distance between ERAs to three quarters of a mile "where possible", with a maximum of one mile [[HC Deb 12 March 2020 c5WS-8WS](#)].

More information is available in Commons Library briefing paper [CBP 8962](#).

### 3.3 How can you get a local road scheme off the ground?

There are now various bodies – which differ according to where one lives – that would be responsible for developing road schemes and various pots of funding that can be accessed for local transport schemes.

As transport schemes are usually capital projects, the bulk of available funding comes through Local Enterprise Partnerships (LEPs); though local authorities would still be expected to make the case for and contribute funds to any particularly local schemes. Any scheme that one wanted to get off the ground would need a feasibility study and a business case; the likelihood of a local authority or a LEP taking up a particular scheme will probably be founded in their wider strategic and local transport plans, for which they will have done a great deal of survey and assessment work.

More information on LEPs and the large pots of funding available to them can be found in Commons Library briefing paper [CBP 5651](#), March 2019.

In Mayoral Combined Authorities and London, the process would be driven by the Mayor and the transport authority (e.g. Transport for Greater Manchester, Transport for London etc.).

From 2020 there will be a new pot of funding available for what the Government calls the '[Major Road Network](#)' (MRN). The MRN will consist of strategic local routes in England, managed by local authorities. It will receive dedicated funding from the National Roads Fund of £3.5 billion. The MRN is [sometimes referred to](#) as a 'bypass fund' of sorts. In December 2018 the Government published [guidance](#) for local authorities on how to apply for funding.

Local road projects usually do not involve Highways England, except where a scheme intersects or abuts onto the Strategic Road Network (see [section 3.1](#), above).

### 3.4 What funding is available to tackle potholes?

Local highway authorities are expected to fund repairs largely out of their general cash pot, though there are smaller pots of cash available through various DfT schemes.

In 2020/21, English local authorities have a [core spending power](#) of £49.16 billion through which to provide services including road maintenance. According to [MHCLG statistics](#) English local authority net current expenditure on highways and roads maintenance (including structural and routine maintenance and winter service but excluding street lighting) totalled £1.36 billion in 2018/19.

In the June 2013 spending round the Government committed £10 billion to tackle the roads maintenance backlog by 2020/21, £6 billion of which would go to local authorities. The [Highways Maintenance Block grant](#) is divided into three parts. The majority of the grant is allocated to local authorities on a 'needs' basis, taking into account factors such as road length and the number of bridges. Over £2.5 billion went to local authorities between 2015/16 and 2017/18, with a provisional allocation of £2.175 for 2018/19 to 2020/21. From 2016 a new incentive-based element for highways maintenance funding was introduced by the DfT.

From April 2016 an [incentive-based element](#) for highways maintenance funding, worth around £600 million, was introduced. The annual incentive funding pot has risen from £50 million in 2016/17 to £151 million in 2018/19.

Finally, £575 million was made available in the form of a '[challenge fund](#)' through which local authorities bid for funding to help repair and maintain local highway infrastructure such as junctions, bridges, and street lighting. The first successful bids, sharing £275 million, were [announced](#) in March 2015. The latest funding competition was [launched](#) in July 2019 and is worth £98 million for 2019/20 and £100 million for 2020/21.

Background information can be found in the Commons Library briefing paper *Local road maintenance in England*, [CBP-8383](#), February 2019.

Funds aimed specifically at pothole repair have also been made available in recent years.

- In June 2014 the Government [announced](#) plans to help fill more than three million potholes by allocating local councils in England £168 million of funding from a dedicated Pothole Repair Fund. As a condition of receiving the money local authorities would be required to publish quarterly progress updates on how many potholes had been repaired.
- In Budget 2016 the Government published details of a new £250 million Pothole Action Fund to be allocated between 2016 and 2021. Additional funding of £46 million was [announced](#) in December 2017, bring the total to £296 million.
- Severe weather in early 2018 prompted the DfT to [allocate](#) another £100 million to help repair potholes and other storm damage.

In July 2019 the Transport Select Committee published a [report](#) recommending fundamental reform of local road maintenance funding, and the introduction of a long term, front-loaded funding settlement to allow councils to better plan road repairs and get better value for money. The Government [broadly welcomed](#) this proposal and pledged to look into it further.

Following the [Conservative Party's 2019 manifesto](#) promise to launch the country's "biggest ever pothole-filling programme", the March 2020 Budget included a £2.5bn Pothole Fund, which the Chancellor, Rishi Sunak, said would be "enough to fill, by the end of the Parliament, 50 million potholes."

In a bid to identify 'pothole hot-spots,' the Department for Transport has since [launched](#) an audit of potholes in England which will utilise data provided by highway mapping company Gaist and on-road businesses including Deliveroo, Uber, Tesco, and Ocado.

### 3.5 Do local authorities have to provide street lighting?

No. The relevant legislation is section 97 of the [Highways Act 1980](#), as amended, which gives highway authorities the *power* to provide lighting for the highways for which they are responsible, but does not *require* them to do so. It states:

#### **97 Lighting of highways.**

(1) The Minister and every local highway authority may provide lighting for the purposes of any highway or proposed highway for which they are or will be the highway authority, and may for that purpose—

- (a) contract with any persons for the supply of gas, electricity or other means of lighting; and
- (b) construct and maintain such lamps, posts and other works as they consider necessary.

(2) A highway authority may alter or remove any works constructed by them under this section or vested in them under Part III of the Local Government Act 1966 or section 270 below.

(3) A highway authority shall pay compensation to any person who sustains damage by reason of the execution of works under this section.

(4) Section 45 of the Public Health Act 1961 (attachment of street lamps to buildings) and section 81 of that Act (summary recovery of damages for negligence) apply to a highway authority who are not a council of a kind therein mentioned as they apply to such a council.

### 3.6 Is the local authority liable for accidents or damage on the highway?

Briefly, highway authorities have a legal duty to maintain the highway under section 41 of the [Highways Act 1980](#), as amended. The standards of repair that local highway authorities must follow are set out in [Well-managed highway infrastructure: a code of practice](#), published in October 2016 by the UK Roads Liaison Group (UKRLG). It is not a statutory document but is published with the backing of central and local government.

There are two defences available to a highway authority faced with claims under section 41 of the 1980 Act for failure to maintain the highway: a common law defence and a statutory defence as provided for in section 58 of the 1980 Act:

- The **common law** defences available to the highway authority are listed in the Encyclopaedia of Highways Law & Practice and are, briefly: act of God or inevitable accident; act of a third party; contributors negligence; and [volenti non fit injuria](#) (one who knowingly and voluntarily consents to and takes on a risk cannot ask for compensation for the damage or injury resulting from it).
- **Section 58** provides the highway authority with a complete defence if it can prove that it had taken such care as was reasonably required to ensure that the part of the highway to which the action relates was not dangerous to traffic ('traffic' includes pedestrians and animals). Generally speaking, a highway authority is expected to take reasonable care of the highway and should have procedures laid down for inspection and repair. In essence, a judge must be satisfied that a council did all that was reasonably required to avoid there being any danger to pedestrians and motorists if a council is to succeed in using the special defence provided by section 58.

The Institute of Highway Engineers' [Well Managed Highway Liability Risk](#), published in 2017 and updated in 2019, provides a reference source and practical guidance on best practice in the management of highway liability risk exposures for local highway authorities.

Liability for accidents or damages on the highway is a complex matter and anyone affected should seek professional legal advice. For further information see Commons Library briefing paper [CRP](#)

### 3.7 Can you get compensation for loss of business from road works?

The general rule is that there is no compensation if a business is affected by road works. Successive governments have taken the view that businesses should not have the right in law to any particular given level of passing trade, and that traders must take the risk of loss due to temporary disruption of traffic flows along with all the other various risks of running a business.

However, there is specific provision in the sector-specific legislation to provide for compensation in the cases of gas and water utilities.

Further information is provided in the Commons Library briefing paper [Roads: compensation for loss of business from road works](#). CBP 200, November 2010.

### 3.8 Can councils force utilities to reinstate the road properly?

Yes. [Sections 70-73](#) of the *New Roads and Street Works Act 1991* are concerned with the reinstatement of the road once street works have been completed. In summary, the undertaker (e.g. the utility or cable company) is responsible for the reinstatement of the road after street works have been completed. Local highway authorities have powers to inspect and carry out remedial works at the utility company's expense if the reinstatement standard is unsatisfactory.

The guidance to which the undertakers must have regard is DfT, [New Roads and Street Works Act 1991: Specification for the Reinstatement of Openings in Highways](#) (3rd ed. England), April 2010.

In March 2019 the Department for Transport published a [consultation](#) seeking views on plans to extend the reinstatement duties on undertakers, by asking them to guarantee their repairs for five years. The DfT has yet to announce the outcome or bring forward any proposals for implementation.

### 3.9 Is there a legal minimum width for a road?

There are no laws or regulations, as such, for specifying 'legal' road widths. However, there are design documents that provide guidance and advice. The width of a road depends on the volume, type and mix of traffic expected as well as other issues so there is not a straight forward answer.

- The design rules for **Highways England roads** are set out in the *Design Manual for Roads and Bridges*. [Volume 6, Section 1, Part 2](#) sets out the dimensional requirements for the highway cross-sections for all-purpose and motorway trunk roads, both at and away from structures. It also gives requirements for headroom at structures.



- The design rules for **local authority roads** are set out in the *Manual for Streets*. [Chapter 7](#) sets out carriageway widths and [Chapter 5](#) sets out urban design principles including at [Figure 5.3](#) typical widths for different types of road.

The Government's 2012 [Guidance on road classification and the primary route network](#), states:

There are wide disparities in the road networks in different parts of England. It is not helpful to adopt a single standard for selecting different classes of road in every part of the country. Classifications must be set in a way that reflects the road network in their local area.

Any standards must therefore be relative:

- An A road will generally be among the widest, most direct roads in an area, and will be of the greatest significance to through traffic
- A B road will still be of significance to traffic (including through traffic), but less so than an A road
- A Classified Unnumbered road will be of lower significance and be of primarily local importance, but will perform a more important function than an unclassified road
- An Unclassified road will generally have very low significance to traffic, and be of only very local importance.

This may be difficult to understand in the abstract, but when applied to a physical road network it should be reasonably clear how these principles will relate to local traffic movement.

### 3.10 Who is responsible for an unadopted road?

[Section 36](#) of the *Highways Act 1980*, as amended, requires every local highway authority (unitary and county councils) to "cause to be made, and shall keep corrected up to date, a list of the streets within their area which are highways maintainable at the public expense". Residents can use this to determine the highway authority for the road.

The question as to what a local highway authority can do with regards to private or 'unadopted' roads is a very complex one and depends on the legal status of the road in question (i.e. whether it is a road or a highway, whether there is a public right of way or a private right of way etc.) and depending on which of these apply the answer will be different.

The general principle is that local highway authorities have no *duties* regarding private roads, though they do have some *powers*, which they can use at their discretion. The duty to maintain the road lies with the frontagers (i.e. the people who live on the road).

Local authorities can 'adopt' roads under the *Highways Act 1980*, but as this makes them financially liable for their maintenance there is a general reluctance to do so unless the road is made up to an acceptable condition.

## 18 Roads and motor vehicles: FAQs for 2020

Further information on the complex legal framework surrounding unadopted roads can be found in Commons Library briefing paper [\*Private, or 'unadopted' roads in England and Wales\*](#), CBP 402, April 2018.

## 4. Road traffic/driving offences

### 4.1 Is the Government going to cut the drink drive limit?

There is no indication of Government plans to cut the limit in England and Wales.

The [drink drive limit](#) in England, Wales and Northern Ireland (blood alcohol level) has remained at 80 mg/100 ml of blood since it was first introduced in 1967. There have been calls by road safety groups for many years for the Government to reduce the limit, but this has always been rejected.

For example, in 2010 at the behest of the outgoing Labour Government Sir Peter North published an [independent review into drink and drug driving](#), which recommended a reduction in the limit to 50mg/100ml. In December 2010 the Transport Select Committee [published a report](#) calling for the Government to aim for an 'effectively zero' limit of 20mg/100ml in the long term, but acknowledged that there was "little evidence to suggest the public would support such a drastic, immediate, change in the law" and that any change should only happen "after an extensive Government education campaign".

The Government [rejected](#) these arguments in favour of improving enforcement against the "staggering proportion of drink drivers [who] are well over the current limit". Most recently, the Government's 2019 [Road Safety Statement](#) said that it was supporting the Parliamentary Advisory Council for Transport Safety (PACTS) multi-disciplinary review of recent drink driving trends, practice and interventions, to help "understanding of the incidence of drink driving and support the Department's continuing efforts to improve drink driving behaviours". In May 2019 the Transport Minister in the Lords [said](#):

There are no current plans to lower the drink drive limit in England and Wales. The Government believes that rigorous enforcement and serious penalties for drink drivers are a more effective deterrent than changing the drink driving limit.

In 2014 [Scotland reduced their limit](#) to 50 mg/100 ml of blood. A 2019 [report by the National Institute for Health Research](#) found that this had not had any measurable effect in incidents of drink driving in Scotland.

### 4.2 Will there be harsher sentences for drivers who cause death?

There are plans to increase the maximum available sentence for those who have caused death by dangerous driving or careless driving under the influence of drink or drugs to life in prison.

In its September 2020 white paper, [A Smarter Approach to Sentencing](#), the Government announced that it would introduce legislation to:

- Increase the maximum penalty for causing death by dangerous driving from 14 years to life imprisonment

- Increase the maximum penalty for causing death by careless driving while under the influence of alcohol or drugs from 14 years to life imprisonment
- Introduce a new offence of causing serious injury by careless driving.

The new offence is intended to fill the gap between the offences of 'careless driving' – which carries a fine and penalty points but no imprisonment – and of 'causing serious injury by dangerous driving', which carries a maximum sentence of five years.

We expect these changes to be provided for in a [Sentencing Bill](#), expected in this session of Parliament, but not as yet published.

Harsher sentences have been in the offing for a number of years. In December 2016 the Government published a [consultation](#) containing a number of proposals about increasing the maximum sentence for the 'causing death' driving offences from 14 years to life imprisonment. In October 2017 the Government [stated](#) that there was 'considerable support' for increasing the maximum sentence in this way and indicated its intention to bring forward proposals when parliamentary time allowed.

The [Sentencing Guidelines](#) *reflect* the law rather than make it, so the Sentencing Council could not, for example, introduce guidance on how to consider a life sentence for causing death by dangerous driving if that sentence is not legally available.

### 4.3 Is it safe to drive while using a hands-free mobile phone?

Since 1 December 2003 it has been an offence to drive a motor vehicle on a road while using a **hand-held** mobile telephone or similar device. It is currently punishable with 6 penalty points on the licence and a £200 Fixed Penalty. The current offence does not apply to hands-free phones.

There has been a great deal of debate about the safety of using hands-free phones while driving, and in August 2019 the Transport Select Committee [published a report](#) calling for the Government to explore options for extending the ban on driving while using a hand-held mobile phone or other device to hands-free devices.

It made this recommendation based on the evidence it received from road safety experts and academics, which indicated that using any mobile phone or other device while driving – whether hand-held or not – is "a distraction that is detrimental to a driver's ability to drive safely". In a striking comparison, Dr Shaun Helman told the Committee that: "Being at the UK legal limit for alcohol blood level is essentially the same amount of distraction, if not slightly less, than having a hands-free call".

Replying to the Committee the Government [acknowledged](#) the risks of driving while using any kind of mobile phone but cautioned that enforcement for hands-free use would present difficulties and that it

would require further research to determine the nature of the problem and the viability of any new offence and associated enforcement requirements.

#### 4.4 Can I take a speed awareness course rather than get points on my licence?

It depends on the circumstances and the place where the offence occurs. Nobody is required to accept an offer of a course. They can always accept a fixed penalty or contest the allegation in court.

Offering a place on a course in lieu of prosecution is at the discretion of the police. A course cannot be offered where an offender has already taken one in the previous three years. The use of these courses has [grown rapidly](#) since their introduction in 2004.

Several different courses are available through the [National Driver Offender Retraining Schemes \(NDORS\)](#). The most prominent of these is the [National Speed Awareness Course \(NSAC\)](#) and accounts for the vast majority of the courses attended and completed under the NDORS banner.

Police forces can decide which diversionary courses to offer and therefore not all courses are available in all areas. The same offence committed in different force areas can be dealt with in different ways. There are no speed awareness courses available in Scotland, though their introduction has [long been mooted](#) and recently there has been concern about a [lack of available funding](#) to introduce such a scheme. This is a devolved matter for the [Scottish Lord Advocate](#) and Police Scotland.

Concerns have been expressed more generally about the how diversionary courses are funded. Diversionary courses are funded by a course fee paid by the offender. Some of this fee goes towards running the course, and some is held by the police to cover the cost of referring the offender to the course. These costs vary from one police force area to another. In 2016 the Transport Select Committee [recommended](#) that the costs for diversionary courses should be standardised nationwide.

In 2017 the Government [introduced a Bill](#) which, amongst other things, would have provided a specific legal basis for charging for diversionary courses. The Bill fell at the 2017 General Election and the provisions as regards diversionary courses were never revived.

#### 4.5 Do I need insurance for a vehicle I do not drive?

Usually, yes, though there is an exception.

Continuous Insurance Enforcement (CIE) was introduced in 2011 via the *Road Safety Act 2006 (Commencement No. 6) Order 2011* ([SI 2011/19](#)) and the *Motor Vehicles (Insurance Requirements) Regulations 2011* ([SI 2011/20](#)).

[Section 22](#) of the *Road Safety Act 2006* amended the *Road Traffic Act 1988* to create a new offence of keeping a vehicle that is uninsured. This means that any vehicle for use on the public roads must be insured. If prosecuted, the maximum penalty is a level 3 fine – currently £1,000.

CIE requires that if you're the registered keeper of a vehicle, it must be insured at all times. However, there is an **exception** to the requirement if you have made a [Statutory Off Road Notification \(SORN\)](#) for the vehicle; or you have kept your vehicle kept off-road since before SORN came into force on 31 January 1998.

A May 2011 press notice from the DfT, [Motorists warned to get insured ahead of crackdown](#), explained the regime as follows:

The DVLA will work in partnership with the Motor Insurers' Bureau to identify uninsured vehicles. Motorists will receive a letter telling them that their vehicle appears to be uninsured and warning them that they will be fined unless they take action. If the keeper fails to insure the vehicle they will be given a £100 fine. If the vehicle remains uninsured - regardless of whether the fine is paid – further action will be taken. If the vehicle is on public land it could then be clamped, seized and destroyed. Alternatively court action could be taken, with the offender facing a fine of up to £1,000. Seized vehicles would only be released when the keeper provided evidence that the registered keeper is no longer committing an offence of having no insurance and the person proposing to drive the vehicle away is insured to do so.

It also clearly reiterated: "Vehicles with a valid Statutory Off Road Notice (SORN) will not be required to be insured"

## 4.6 Why can UK drivers be fined for minor traffic offences committed in EU countries but not vice versa?

In 2008 the EU proposed a directive intended to improve the cross-border enforcement of eight common road traffic offences among EU member states by requiring them provide each other (on request) access to data relating to vehicles and their registered keepers. It applies to road safety offences such as speeding and mobile phone offences.

The UK is able to opt out of EU legislation in the area of justice and home affairs, and in 2011 the Government decided to exercise this right on the basis that in UK it is the driver rather than the registered keeper of the vehicle who must be prosecuted for road traffic offences. Consequently, as then Transport Minister Sir Mike Penning [explained](#), the law would not greatly help the UK prosecute foreign offenders.

However, the European Court of Justice ruled in 2014 that the legal basis for this Directive was not Justice and Home Affairs but Transport, from which the UK does not have an opt-out. As a result, when the law was re-written and became [EU Directive 2015/413](#) the UK had no choice but to adopt it. The *Road Vehicles (Registration and Licensing) (Amendment) Regulations 2017* ([SI 2017/554](#)) transposed the Directive into UK law in May 2017.

The [explanatory memorandum](#) to the 2017 Regulations repeats the concern that countries with driver liability rather than keeper liability, such as the UK, would not “be able to make full use of the Directive” (para. 7.3). This is the basis of the complaint that the other EU countries have access to UK records but not the other way around. Technically we do, but the data is less useful under UK law, as this [2017 article from the RAC](#) explains.

In the first six months of 2019 the DVLA [received](#) around 370,000 requests for vehicle keeper information from EU countries, of which 240,000 were from France.

In 2019 the EU announced it would be [revising the Directive](#). This was prompted by complaints received from the public about:

- different deadlines for non-residents and residents on the submission of penalty notices by EU countries;
- missing or unclear information on the appeals procedure in the penalty notice;
- missing evidence;
- untranslated prosecution documents; and
- unclear information on how to settle road traffic penalties.

Since implementation [the UK has been trying to encourage the EU](#) to amend the Directive so that it includes the provision of driver details as well as information about the registered owner. It is not currently possible to say whether the UK will continue to be party to the Directive after Brexit. As part of our future relationship, the UK Government and the EU [have agreed](#) to “consider complementary arrangements to address travel by private motorists”, but there is not further detail yet available as to what this might mean insofar as it relates to the mutual prosecution of road traffic offences.

## 5. Traffic regulation

### 5.1 Who is responsible for road signs?

In **Great Britain**, under [section 64](#) of the *Road Traffic Regulation Act 1984* responsibility for erecting and maintaining traffic signs rests with the relevant traffic authority, also known as the highway authority. For roads not part of the Strategic Road Network (see [section 3.1](#), above) this will be the local unitary or county council.

The 1984 Act permits highway authorities to place traffic signs “on or near” roads under their control so long as they are in conformity with the *Traffic Signs Regulations and General Directions 2016* ([SI 2016/362](#)). The Directions set national standards concerning the appearance and meaning of road signs but not where to place them. In practice this means that highway authorities may place any sign contained in the Directions at their own discretion. Permission from the Secretary of State is required before erecting any sign not included in the TSRGD and is only likely to be granted if need can be proven and no alternative exists.

In **Northern Ireland**, the relevant legislation are the *Traffic Signs Regulations (Northern Ireland) 1997* ([NISI 1997/386](#)), made under the *Road Traffic (Northern Ireland) Order 1995* ([NISI 1995/2994](#)) and the *Road Traffic Regulation (Northern Ireland) Order 1997* ([NISI 1997/276](#)). As the NI legislation is more than 20 years old the NI Department for Infrastructure has granted permission for a large number of [additional signs](#).

The Department for Transport, Scottish Government, Welsh Government and NI Department for Infrastructure have issued guidance to highway authorities in the form of the [Traffic Signs Manual](#). While technically non-binding the Manual does set out how governments expect highway authorities to utilise road signs as part of their legal duties.

As the highway is public property private individuals cannot place signs there without permission. People can in principle put up signs and other street furniture on **private land**. However, under [section 69](#) of the 1984 Act highway authorities have the power to require the owner or occupier of private land to remove any sign, usually on grounds of road safety (e.g. if it proves distracting to drivers).



## 5.2 Who sets speed limits and how can one be changed?

In built up areas the national speed limit is 30 mph; on single carriageway roads it is 60 mph; and on dual carriageways, 70 mph. However, highway authorities have the power to vary the speed limits on the roads they control. In urban areas, for example, particularly around schools, there has been a growing trend for local highway authorities to reduce the limit to 20 mph. Similarly, single and dual carriageways often have a lower limit than that indicated above, particularly where they approach heavily populated areas.

[Section 84](#) of the *Road Traffic Regulation Act 1984* gives local authorities the power to determine speed limits on unrestricted local roads in their area, i.e. all roads apart from motorways, A roads and restricted roads (i.e. roads lit by street lights no more than 200 yards apart with a speed limit no higher than 30 mph). However, local highway authorities can reduce the limit on restricted roads to 20 mph.

Local highway authorities must 'have regard to' the guidance issued by the DfT, currently [Setting Local Speed Limits](#) (DfT circular 1/2013). This states that speed limit reviews should be 'evidence-led' and sets out the key factors the DfT would expect local authorities to take into account and the speed limits they would expect to see on various types of roads, including urban and rural.

Local authorities also have a general duty under [section 16](#) of the *Traffic Management Act 2004* to secure "the expeditious movement of traffic on [their] road network" and decisions about speed limits should be consistent with this.

Speed limit orders must comply with the consultation procedure requirements set out in Part II of the *Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996* ([SI 1996/2489](#)), as amended.

Speed limits are enforced by the police and (more usually these days) automated detection devices such as speed cameras. Penalties can range from a Fixed Penalty Notice of £100 and three points on the licence to a £1,000 fine and a disqualification. Drivers may be offered the alternative of a speed awareness course (see [section 4.4](#), above).

Some have called for a **more pro-active approach to speed management** and enforcement, with the use of Intelligent Speed Adaptation (ISA) or 'speed limiters' for vehicles. [ISA](#) is:

...a system that provides, within the vehicle, information on the speed limit for the road currently being travelled on. That information can be used to display the current speed limit inside the vehicle and warn the driver when he or she is speeding (i.e. Advisory ISA); it can be linked to the vehicle engine and perhaps brakes to curtail speed to the speed limit for the road while allowing the driver to override the system (i.e. Voluntary ISA); or it can be linked to engine and brakes without the possibility of an override (i.e. Mandatory or Non-Overridable ISA).

Information on setting, reviewing and enforcing speed limits in England can be found in the relevant Commons Library briefing paper [CBP 468](#), September 2017.

The Department for Transport published a [study on ISA in 2008](#). This concluded that any successful implementation of ISA would ultimately rely upon the attitude of the general public.

A blunter instrument would be a speed limiter – speed limiters physically limit the maximum speed of a vehicle (like mandatory or non-overrideable ISA), such as already exist in HGVs and buses. Successive governments have [generally opposed](#) this type of technology and voted against its introduction at EU Council.

Since 2010 Conservative-led governments have debated whether the speed limits on motorways should be increased to 80 mph, but there has not been a formal consultation and it is [not now Government policy](#).

### 5.3 How are speed cameras funded and where does the money go?

Income from speeding fines caught on camera is paid to the Treasury and goes towards general expenditure. There is no hypothecation (i.e. no link between how much money is raised in an area and the local police or council income).

Initially, fine income generated from cameras went to central government where it was 'netted off' and paid back to local authorities (in partnership with the police) to pay for speed cameras. This changed in 2007 when the Labour Government determined that speed cameras should form part of a wider road safety strategy and as such it broke the link between fine income from cameras and budgetary allocations. After 2007 local authorities were given a road safety capital allocation, out of which they were expected to fund cameras if they wished. After 2010 the government went further and abolished the capital grant, so any spending on cameras must now come out of the general local authority budget.

Consecutive governments have made the same argument for changing the funding basis – that speed cameras should be looked at in the round as a road safety tool – which is why they moved away from directly funding them. There was no discussion of speed cameras in the Government's 2019 [Road Safety Statement](#).

### 5.4 Where can speed cameras be put and must they be visible?

The relevant guidance is DfT Circular 01/2007, [Use of speed and red-light cameras for traffic enforcement: guidance on deployment, visibility and signing](#), dated 31 January 2007. This remains the guidance currently in force. Local traffic authorities are encouraged to follow the speed camera site selection criteria contained in the Annex to the Circular, but they are not obliged to do so.

Since 2011 highway authorities have been required to publish data about the impact of their speed cameras in terms of casualties and speed reduction.

Further information on speed cameras can be found in the relevant Commons Library briefing paper [CBP 350](#), April 2013.

On the subject of visibility the Circular states:

### **Visibility**

Depending upon the enforcement method used, speed camera housings (including tripod-mounted cameras) or the camera operator or the mobile enforcement vehicle should be clearly visible from the driver's viewpoint at the following minimum visibility distances:

- 60 metres where the speed limit is 40 mph or less;
- 100 metres at all other speed limits.

On every occasion before commencing enforcement at a camera site, the enforcement officer should check that the visibility guidance is met.

### **Conspicuity**

Fixed speed camera housings located within an area of street or highway lighting should be coloured yellow either by painting both the front and back of the housing or covering both the front and back of the housing with retroreflective sheeting. In an area not covered by street or highway lighting, the speed camera housing should be treated with yellow retroreflective sheeting. The recommended paint colour is No.363 Bold Yellow of BS381C:1996. The retroreflective sheeting should meet the requirements of BSEN 128991:2001 or suitable microprismatic sheeting conforming to BS8408 or an equivalent Standard of European Economic Area State.

[...]

This camera signing, visibility and conspicuity guidance has no bearing on the enforcement of offences. Noncompliance with this guidance does not provide any mitigation of, or defence for, an alleged offence committed under current UK law. [pages 7-8]

## **5.5 How can local authorities implement road charges, including Clean Air Zones and emission charges?**

The Labour Government legislated twenty years ago to allow local authorities to establish local road charging schemes in their areas: these were aimed at combating congestion and tackling poor air quality. However, use of these powers has been limited to a small scheme in Durham and, more recently, limited emissions-targeted schemes in places like Brighton and Nottingham.

The only congestion scheme in the UK is the one in London; plans to introduce such a scheme in Cambridge, Edinburgh and Manchester collapsed in the mid-2000s, in two cases following substantial defeats in local referenda.

However, poor air quality in many urban areas has led to a resurgence of interest in local road charges, specifically by introducing 'low emission' or 'clean air' zones (CAZs). The Government published its most recent [Clean Air Zone Framework](#) in May 2017 which provides guidance to local authorities on how to set up and administer a CAZ. Cities across the UK have [announced](#) an intention to do so. Plans for

Further information on local road charges can be found in the relevant Commons Library briefing paper [CBP 1171](#), March 2018

CAZs in [Birmingham](#), [Leeds](#), [Oxford](#) and other places are advanced and will be introduced in 2020.

London has had a low emission zone since 2008, which has been gradually strengthened. In 2014 Boris Johnson, then Mayor of London, announced plans to introduce an [Ultra Low Emission Zone \(ULEZ\)](#) from September 2020. The date was brought forward by his successor, Sadiq Kahn, and the ULEZ has been in operation in central London since April 2019. From October 2021 the ULEZ will expand to cover the area between the North and South Circular roads.

Local road charges can be introduced in England, Wales and Scotland. There is no legislative authority for such charges in Northern Ireland.

- In **England** under Part III and Schedule 12 of the [Transport Act 2000](#), or the [Greater London Authority Act 1999](#), both as amended, charges can be introduced by county councils; metropolitan district councils; Transport for London; a London borough council or the Common Council of the City of London; and Passenger Transport Executives (PTEs)/Integrated Transport Authorities (ITAs). Devolution arrangements in England mean that in practice the relevant authority in some areas could be the elected mayor and/or relevant authority (e.g. Transport for Greater Manchester).
- In **Wales** charges can be introduced under the same legislation as in England by county councils and metropolitan district councils.
- In **Scotland** charges can be introduced by councils constituted under [section 2](#) of the *Local Government etc. (Scotland) Act 1994* under Part 3 and Schedule 1 of the [Transport \(Scotland\) Act 2001](#) and for Low Emission Zones [Part 2](#) of the *Transport (Scotland) Act 2019*.

## 5.6 Can local authorities ban lorries from residential streets?

Yes. Highway authorities can place temporary, experimental or permanent restrictions on traffic within their areas by way of a Traffic Regulation Order (TRO). One of the most popular uses for TROs is restricting the movements of HGVs in residential areas. The relevant legislation is contained in the [Road Traffic Regulation Act 1984](#), as amended.

Section 2(4) of the 1984 Act allows TROs to restrict the use of 'heavy commercial vehicles'. The definition of a heavy commercial vehicle is given in section 138(1) of the Act as any goods vehicle which has an operating weight exceeding 7.5 tonnes.

[TROs can be complex and expensive](#) to draw up and implement, so local authorities are usually keen for there to be a sound case for acting and widespread support for any proposed scheme.

## 5.7 What can be done to tackle traffic congestion around schools?

Concerns about safety and unhealthy levels of air pollution have led to [calls](#) for cars to be restricted or banned around schools. At present, the power to implement traffic restrictions such as this lies with the local council in its capacity as highway authority. They can do so by means of a [Traffic Regulation Order \(TRO\)](#), which can be used to apply most types of prohibition, restriction, or regulation of the use of specified roads.

Two options would be to tighten parking restrictions by [prohibiting stopping](#) (which would include picking up or dropping off children) or to prohibit motor vehicle access entirely. In both cases the TRO could limit the restriction so that it only operated at times of day coinciding with the school run.

*The Times* [reported](#) in September 2019 that 40 schools in England had introduced a so-called 'school streets' schemes. Mostly found in London, the schemes involve the council effectively temporarily pedestrianising the streets near selected schools by prohibiting motor vehicle access around opening and closing times (with exemptions for residents and Blue Badge holders). Hackney Council have produced a [School Streets Toolkit](#) providing a case study on how they did it and guidance for other councils.

TROs can be complex and expensive to draw up and implement, so local authorities are usually keen for there to be a sound case for acting and widespread support for any proposed scheme.

## 5.8 Are the police and/or the council allowed to charge for parades?

Unless a parade (of whatever nature, a street party, a Remembrance Day event or something else) is planned for an already pedestrianised route, a road or roads will have to be closed for the event in the interests of safety. This requires the local authority to make an Order to that effect. Many local authorities charge for such an Order to cover the costs of enforcing the event.

There are essentially two basic powers that local authorities can use to close roads for the purposes of parades, street parties etc.: temporary [Traffic Regulation Orders \(TROs\)](#) and section 21 of the [Town Police Clauses Act 1847](#).

There have been a number of notable cases (e.g. around the time of the Royal Wedding in April 2011 and during the Olympics and the Diamond Jubilee in summer 2012) where local authorities switched from using the 1847 Act to the 1984 Act. The changes seem often to have been made because local police forces are unable to provide the support that is required under the 1847 Act to enforce the closure.

This has caused some concern due to the fact that there is a specific power for local authorities to charge for a road closure made via a TRO but not one made under the 1847 Act. Schedule 2 to the *Local*

*Authorities (Transport Charges) Regulations 1998* ([SI 1998/948](#)), as amended, states that a charge for any kind of TRO may be made to the organisers of the event for which the road is closed. There is no prescribed limit on the amount of charge.

## 6. Vehicles

### 6.1 Will petrol and diesel cars be banned?

The Government's 2017 [Air Quality Plan](#) committed to end the sale of all new conventional petrol and diesel cars and vans by 2040. The 2018 [Road to Zero Strategy](#) outlines how Government intends to support the transition to zero emission road transport and reduce emissions from conventional vehicles during the transition. It sets out several new measures, including an "ambition" for at least 50% — and as many as 70% — of new car sales to be ultra-low emission by 2030, alongside up to 40% of new vans. There have been widespread calls for the Government to accelerate the uptake of EVs and to phase out conventional petrol and diesel engine vehicles earlier.

To achieve the aims in the Strategy, the Government is (amongst other things) providing grants to make electric vehicle ownership more affordable and to offset the costs of installing chargepoints in the home, workplace and on-street. Eligibility and guidance for these grants is available on for [vehicle purchases](#) and for [chargepoint infrastructure](#).

In 2019 the Government [legislated](#) to require the UK to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of at least 80% reduction from 1990 levels. This is likely to require the UK to go further and faster on eliminating diesel and petrol vehicles than previously planned. In October 2019 the Secretary of State for Transport, Grant Shapps, [told](#) the Transport Select Committee that there was a strong case for bringing forward the date for the end of petrol and diesel vehicle sales. A consultation seeking views on a 2035 ban – "or earlier if a faster transition appears feasible" – was launched in February 2020.

The [Scottish Government](#) has pledged to "phase out the need" for new petrol and diesel cars and vans by 2032, although it does not have the legal powers to enforce a ban as this competency remains reserved to Westminster.

### 6.2 Is there funding available for electric vehicles and chargepoints?

Yes. Since 2009 UK governments of all parties have sought to provide a framework in which electric vehicles, or 'ultra low emission vehicles' (ULEVs) can grow. The decarbonisation of both private cars and goods and passenger carrying vehicles is seen as critical to helping the UK achieve its climate change obligations and to improving air quality, particularly in cities such as London.

Past and current governments have supported measures to encourage uptake of EVs through a mixture of different policies, targets and grants and incentives. Eligibility and guidance is available for grants for [vehicle purchases](#) (e.g. for private car and motorcycle owners, buses and taxis) and [chargepoint infrastructure](#) (e.g. for private householders, councils and businesses).

Further information is provided in Commons Library briefing paper *Electric vehicles and infrastructure*, [CBP 7480](#), updated January 2020.

## 6.3 What is being done to tackle engine idling?

Engine idling is the act of leaving a vehicle's engine running while it is stationary. With a few exceptions, including being stationary in traffic, engine idling is an offence under Regulation 98 of the *Road Vehicles (Construction and Use) Regulations 1986* ([SI 1986/1078](#)), as amended by [SI 1998/1](#).

These regulations are normally enforceable by the police. However, subsequent legislation in England ([SI 2002/1808](#)), Scotland ([SSI 2003/212](#)), and Wales ([SI 2003/300](#)) allows local authorities to apply to the relevant authority (the Secretary of State or Scottish/Welsh Ministers) for powers to issue penalties for breaches of Regulation 98. In all three jurisdictions a Fixed Penalty Notice (FPN) of £20 can be issued where motorists refuse to switch off their engine having been asked to do so by an authorised person.

Polling conducted by the RAC in October 2019 suggested that 70% of drivers surveyed want to see local authorities tackle the practice, with 55% indicating that they were more concerned about the effect of emissions on health and the environment than they were three years ago.

Air quality campaigners have [criticised](#) councils for not utilising their enforcement powers. However, the [Local Government Association](#) argued in response to the RAC poll that:

Although fines to drivers who leave their engines idling are issued as a last resort, the legislation to enable this is hard to enforce in practice.

Councils have prioritised changing behaviour by educating motorists, which is often more effective than issuing fines. As part of their review of air quality legislation, the Government should look again at whether these powers are working how they intended and whether they could be made simpler to use while still being fair to the motorist.

The Government's 2019 [Clean Air Strategy](#) said that it would "take forward modernisation of the existing anti-idling guidance for local authorities over the coming months" and engage with local authorities on whether further changes to legislation were necessary. In June 2019 the DfT [confirmed](#) its intention to consult on tougher anti-idling rules. At time of publication this had not yet been issued.

In London, where local authorities have greater civil enforcement powers with regards to traffic offences, councils are increasingly using Traffic Management Orders to prohibit engine idling. This brings engine idling into the Penalty Charge Notice (PCN) regime most commonly used for parking offences, which according to [Westminster City Council](#) has a number of benefits, including:

- a higher fine (up to £80);



- improved compliance (FPNs are issued to the driver, who must volunteer the information, while PCNs can be sent to the registered keeper of the vehicle); and
- simpler enforcement (FPN appeals are a criminal matter and go to the Magistrate's Court while there is an independent adjudicator for PCN disputes).

## 6.4 What is being done about noisy vehicle exhausts?

Vehicle exhausts must conform to the *Road Vehicles (Construction & Use) Regulations 1986* (SI 1986/1078), as amended, which apply the rules as set out in the relevant [Consolidated EU Directive \(70/157/EEC\)](#):

- Regulation 54 states that every motor vehicle is required to be fitted with a silencer, which must be maintained in good and efficient working order and must not be altered;
- Regulation 55 sets out the exhaust noise limits for motor vehicles;
- Regulation 57 and Schedule 7A set out the exhaust noise limits for motorcycles; and
- Regulation 61 states that every vehicle shall be constructed and maintained so as not to emit any avoidable smoke or avoidable visible vapour.

The police can prosecute under the Regulations: breaches are an offence under [section 42](#) of the *Road Traffic Act 1988* and carry a maximum fine of £1,000 for a car and £2,500 for a heavy goods vehicle.

Noise levels are also part of the MOT test – this is generally how compliance with the law is monitored. For example, [section 8.1](#) of the *MOT inspection manual: cars and passenger vehicles* (October 2019 ed.) states that:

Exhaust noise from the vehicle must not be unreasonably above the noise level you'd expect from a similar vehicle with a standard silencer in average condition.

In January 2019 the then Minister of State for Transport [said](#) that the Department had commissioned research into enforcement measures and technologies with the potential to combat excessive noise from road vehicles. DfT published [the research report](#) in June 2019 and [announced](#) that it had commissioned a prototype noise camera that would be tested at several locations over the following seven months to “help to catch those who rev car or motorcycles engines beyond legal limits”.

The results of the trial are expected to be published “shortly” [[PQ 86731](#)]. However, Ministers have indicated that “further development” of the technology will be needed [[PQ 63308](#)].

### Noise limits

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New cars are now required to meet Europe-wide noise limits. These have been progressively reduced from 82 decibels (dB (A)) in 1978 to the current limit of 74 dB (A) set in 2016. Off-road vehicles are allowed to be 1dB (A) louder, as are direct-injection diesels.

[Regulation \(EU\) 540/2014](#), introduced from July 2016, will phase in tighter noise limits over 10 years, together with a revised, more representative test procedure. By 2026 the limit for most new passenger cars will be 68 dB(A).

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## 6.5 What is being done about dazzling car headlights?

This is a frequently raised concern, partly because of the daytime running lights (DRL) that many new cars are now fitted with and because of the increased use of light sources such as xenon and halogen that tend to emit a bright blue-ish light.

The legislation on this is complex and highly technical. UK domestic vehicle lighting regulations refer back to global rules (called UNECE Regulations) which are then written into both EU and UK law:

- UNECE [Regulation 1](#) (in three parts) sets out the requirements as to the exact placement, strength and beam of any headlights;
- there is a separate UNECE [Regulation 98](#) that deals with gas-discharge light sources (like very bright xenon).

The *Road Vehicles Lighting Regulations 1989* ([SI 1989/1796](#)), as amended, make provision about the fitting, maintenance and luminosity requirements of lighting equipment for motor vehicles and trailers used on roads.

Under Regulation 27 it is an offence under to “use any lights in a way which would dazzle or cause discomfort to other road users, including pedestrians, cyclists and horse riders”. This is repeated in [Rule 114](#) of the Highway Code.

If dazzling car headlights became a serious problem, the UK Government could put something in its domestic construction and use regulations requiring that headlight deflectors be fitted to all vehicles with xenon/halogen headlights (these are brighter than standard lamps). However, in June 2019 the then Transport Minister [gave no indication](#) that any such proposals would be forthcoming.

## 6.6 What is being done to protect other road users from silent vehicles?

Groups representing the vision-impaired have raised concerns that electric vehicles (EVs), because they are much quieter than internal combustion engines, pose a danger to pedestrians who can neither see nor hear them coming. The [Royal National Institute for the Blind](#) and the charity [Guide Dogs](#) have both campaigned for noise emitters to be fitted to EVs.

[EU Regulation 540/2014](#) requires manufacturers to fit an Acoustic Vehicle Alerting System (AVAS) to all new types of ‘quiet’ electric and

hybrid vehicles from 1 July 2019, and to all new quiet electric and hybrid vehicles registered from July 2021. The AVAS must emit a sound at speeds below 20 kph (12 mph).

The basis for the decision to set the limit at 20 kph (12 mph) was a 2011 [SenseLab study for the UNECE](#), which concluded that:

... tyre noise is dominating compared to the engine sound at speeds above 20-25 km/h. Therefore a warning sound, making electric vehicles equal audible as the internal combustion engine, emitted from an external sound generation system need only be active below that speed range.

Also in 2011 a [Transport Research Laboratory study](#) for the Department for Transport concluded that at "faster steady-speed conditions (20 km/h and above) noise levels for the different vehicle types were, on average, similar as tyre/road noise becomes the dominant noise source". The report also cited studies from Japan, the US, and Belgium indicating that 20km/h was the speed at which noise levels converged (though the [US is planning to](#) mandate sound emitters up to a speed of 30 km/h (18.6 mph) by September 2020). based on a [study](#) by the National Highway Traffic Safety Administration.

The EU Regulation initially allowed manufacturers to include a 'pause switch' so that drivers could temporarily disable the AVAS. Following objections raised by groups such as the [European Blind Union](#) a [2019 amendment](#) prohibited the inclusion of a pause switch, although manufacturers have been given until 2023 to make adjustments.

While the AVAS requirement has entered UK law via the EU, Brexit is unlikely to change the situation as the EU Regulation ultimately derives from the [UNECE World Forum for the Harmonization of Vehicle Regulations](#), which the UK will continue to be party to after Brexit.

## 7. Driving and licences

### 7.1 What is being done to stop satnavs directing HGVs down inappropriate routes?

There are satnavs specifically designed for [large vehicles](#) that incorporate HGV restrictions on local roads and information about narrow roads and low bridges. However, there is no legislation that requires HGV drivers to use them, and problems arise when HGV drivers use inappropriate car satnavs instead.

While there have been calls for laws to [force HGVs to use suitable satnavs](#), the Government's view has long been that greater and better data-sharing between highway authorities, mapping providers and satnav companies is the best way forward, and that there should be cooperative methods for data exchange, helping to provide satnav users with up-to-date information when making their journey.

In December 2011 the Coalition Government [announced](#) measures to tackle the problem of satnavs inappropriately directing vehicles:

- New road signs intended to be placed where there are problems with drivers using satellite navigation, which does not require a formal traffic order to be made [\[820A\]](#); and a formal sign where there is an order [\[818.4\]](#);
- Greater data-sharing between highway authorities and mapping providers, together with satnav companies and central Government, to discuss ways in which data sharing can be improved; and
- Following on from this, introducing cooperative methods for data exchange, helping to provide satnav users with up-to-date information when making their journey.

In October 2016, when the then Transport Minister, Andrew Jones, [told the House](#) that the DfT had brought together satnav manufacturers, mapping companies, local authorities and other industry organisations in a 'Satnav Summit' and that it would "continue to work with these parties to improve the information satnavs provide to road users, and enable better co-operation and information-sharing between local highway authorities and the industry, through joint working". He also highlighted the DfT's £3 million investment in a [national digital road map](#), developed by Ordnance Survey, to enable better integration and sharing of data on roads between local authorities and service providers.

The most [recent statement](#) on this was by then Transport Minister Jesse Norman in February 2019 when he reiterated the Government's reluctance to legislate for mandatory HGV satnavs:

Some existing sat-navs are configured specifically for HGVs. Mandating them would be a major step that would undoubtedly have negative as well as positive consequences. This is primarily and mainly a market function, but protections are in place for local authorities to enforce against abuse of roads by HGVs.

## 7.2 What can you do if you have an issue with a driving licence?

Sometimes people get into a dispute with the [Driver and Vehicle Licensing Agency \(DVLA\)](#) over a correspondence issue. This covers things like applying for a replacement licence and notifying DVLA of a change in circumstances. Individuals sometimes say that they have received a fine or been caused some other sort of trouble (legal or otherwise) that they say is the fault of DVLA for not sending them notification of a requirement; failing to respond to letters, emails or phone calls; or not responding within a relevant timeframe.

The DVLA has always taken a singular view of these issues: the onus is on the individual to ensure that they are compliant with the law. This means that they should always be aware of any relevant timeframes and should chase the DVLA if they are in danger of being in breach of any sort of law due to a process delay.

The DVLA does have service standards which it must meet: if it did not, it would have to explain to the Secretary of State and might find itself facing questions from a Parliamentary select committee inquiry. These standards are set out in the agency's [annual report](#).

## 7.3 What should you be aware of if driving with a medical condition?

Drivers are legally obliged to inform the DVLA of any changes to their health that they think might affect their legal ability to drive. Third parties, such as doctors and family members, can also make representations to the Agency if they feel someone's health is posing a danger to their driving ability.

A '[relevant disability](#)' for the purposes of *Road Traffic Act 1988* is one that is either prescribed in legislation or any other disability likely to "cause the driving of a vehicle ... to be a source of danger to the public".

Standards for prescribed disabilities are contained in Part VI of the *Motor Vehicles (Driving Licences) Regulations 1999* (SI [1999/2864](#)), as amended, which is derived from Annex III of the *Third European Driving Licence Directive* ([2006/126/EC](#)).

The rules as they apply to the range of conditions and illnesses are set out in the DVLA's [Assessing fitness to drive: a guide for medical professionals](#), updated September 2019. The guidelines therein "represent the interpretation and application of the law in relation to fitness to drive following advice from the Secretary of State's Honorary Medical Advisory Panels. The Panels consist of doctors eminent in the respective fields of Cardiology, Neurology, Diabetes, Vision, Alcohol/Substance Abuse and Psychiatry, together with lay members". The Panels meet twice yearly and the standards are reviewed and updated.

Further information on driving with a medical condition can be found in the relevant Commons Library briefing paper [CBP 387](#), January 2017.

Under [section 99](#) of the 1988 Act the Secretary of State may limit the duration of a licence granted to a person suffering from a relevant or prospective disability to between one and three years.

Drivers who have their driving entitlement revoked or refused on medical grounds have the right to appeal to a Magistrate's Court under [section 100](#) of the 1988 Act.

## 7.4 Are doctors legally obliged to inform DVLA if they think a patient might be unfit to drive?

Circumstances may arise in which a person cannot or will not notify the DVLA. It may be necessary for a doctor, optometrist or other healthcare professional to consider notifying the DVLA under such circumstances if there is concern for road safety, which would be for both the individual and the wider public.

The DVLA explains the policy in some detail in the preamble to its [Assessing fitness to drive: a guide for medical professionals](#), updated September 2019. The General Medical Council (GMC) and The College of Optometrists offer clear guidance about notifying the DVLA when the person cannot or will not exercise their own legal duty to do so. The DVLA guidance quotes from the former (pages 9-11) and gives a link to the latter.

Its guidance states that the obligation on professionals to notify the DVLA when fitness to drive requires notification but an individual cannot or will not notify the DVLA themselves “may pose a challenge to issues of consent and the relationship between patient and healthcare professional”.

## 7.5 Is the Government going to introduce graduated licensing for young drivers?

A graduated driver licensing (GDL) system aims to provide a staged progression from initial learning to unrestricted solo driving using measures to restrict exposure during early driving, exert a supervisory influence over driver behaviour during the first part of a driver's solo driving career or improve the level of training and experience accumulated before driving solo without restrictions. GDL can consist of several different elements, designed to best fit local conditions. Many of these are, in effect, post-test prohibitions, i.e. limiting what newly qualified drivers can do or how, where and when they may drive.

Successive governments have been resistant to introducing a 'graduated driving licencing system' [largely on the grounds](#) that they do not want to restrict the freedom of young people (GDL can involve a longer period of driver training).

DfT is currently supporting the [Driver 2020 project](#) being led by the Transport Research Laboratory, which is testing five non-legislative, technological and educational based measures that

may improve the road safety of young and novice drivers. Amongst other things it is [intended](#) to help DfT decide what delivery mechanisms might act as barriers or facilitators if the interventions were rolled out or made part of a GDL scheme. The project is trialling the interventions with 25,000 volunteer participants aged between 17 and 24 and is due to conclude and report back in 2021.

The July 2019 [Road Safety Statement](#) included a commitment to continue evaluating and examining GDL schemes around the world to see what the UK can learn.

In 2019 the Transport Select Committee took some [written evidence on young and novice driver safety](#), but the inquiry was unable to proceed due to the 2019 General Election. It is as yet unclear whether the new committee will revive the inquiry for the 2020 Parliament.

## 7.6 Are older drivers going to have to take a re-test?

One of the concerns of older drivers and those who campaign on their behalf is that the Government might change the law to require them to undertake retesting after the age of 70.

The [Older Drivers Task Force report](#), published in July 2016, did not discuss this point. However, it did recommend that the DVLA should require evidence of an eyesight test at age 75 and encourage vision checks every two years, particularly from age 60; and that as a priority, the Government should support an evaluation of driving appraisal courses offered by the public sector and those in the private sector who wish to participate. The report [said](#): “Driver appraisal schemes hold enormous promise for the future. Unthreatening, voluntary courses run by trusted organisations have the potential to become a new (and enjoyable) social norm which any responsible older driver would wish to take to refresh skills and knowledge to support their safe driving into old age”.

In December 2016 the then Roads Minister, Andrew Jones, [said](#) that the current arrangements “generally work well and balance road safety considerations with personal mobility”. The July 2019 [Road Safety Statement](#) committed to providing funding and support for better information and education for older drivers, including through Mobility Centres, and to ensure the robustness of medical and eyesight tests. It did not mention retesting after age 70.

Further information on issues affecting older drivers can be found in the relevant Commons Library briefing paper, [CBP 409](#), January 2017.





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