



In Focus

Road Traffic Act 1988 (Alcohol Limits) (Amendment) Bill [HL] HL Bill 23 of 2015–16

Key Provisions

The [Road Traffic Act 1988 \(Alcohol Limits\) \(Amendment\) Bill \[HL\]](#) is a private member's bill introduced by Lord Brooke of Alverthorpe (Labour). The Bill received its first reading in the House of Lords on 3 June 2015, and is scheduled to be read a second time on 29 January 2016. The Bill would lower the maximum alcohol limits permissible when driving in the UK, as follows:

- Breath: 22 microgrammes (mcg) of alcohol in 100 millilitres of breath (currently set at 35mcg)
- Blood: 50 milligrammes (mg) of alcohol in 100 millilitres of blood (currently set at 80mg)
- Urine: 67mg of alcohol in 100 millilitres of urine (currently set at 107mg)

The changes would bring the drink-driving limits in the rest of the UK in line with those currently being operated in Scotland.¹

The Bill also contains a provision to reduce the limit below which a person could elect to have a specimen of breath replaced with a specimen of blood or urine. This option was available to drivers whose breath/alcohol level was found to be over the prescribed limit but less than 50mcg in 100ml of breath, with the Bill proposing to change the 50mcg limit to 31mcg. However, this statutory option was removed from the Road Traffic Act 1988 by [schedule 11, part 1 of the Deregulation Act 2015](#). This came into force in April 2015.

Estimated Impact of Changes in Scotland

Following a consultation (which ran between September to November 2012) revealing that 74 percent of respondents backed a reduction in the drink-driving limit in Scotland,² the Scottish Government unanimously passed legislation bringing new levels into force from 5 December 2014.³ One year on, it is reported that the number of drink-driving offences in Scotland had fallen, with the BBC stating:

Police figures show offending in the nine months after December 2014 fell by 12.5 percent compared with the same period the previous year. The total number of offences over this period dropped from 4,208 to 3,682, Police Scotland data revealed. Meanwhile, a survey has suggested that 82 percent of Scots believe that drinking any alcohol before driving is unacceptable.⁴

Commenting on the legislation, the Scottish Justice Secretary, Michael Matheson, stated:

Since the Scottish government lowered the drink-drive limit last December, all the statistics are going in the right direction—fewer people are being caught, but more importantly there’s a shift in attitudes to even having one drink and driving, and indeed driving the next day after drinking.

But while these figures show that positive steps are being taken to change attitudes towards drink-driving, it is concerning that there is still a minority who would risk the safety of other road users, and themselves, by getting behind the wheel after drinking.⁵

However, the Chief Executive of the Scottish Licensed Trade Association (SLTA) has reportedly described the law change as a “catastrophe” for the sector, stating that an SLTA survey had suggested a five percent decline in sales across outlets since the previous year.⁶ The UK Government has recently indicated that tackling drink-driving is a “priority”, and that it would be “interested to see a robust and comprehensive evaluation of the change to the Scottish drink drive limit”.⁷

Data Relating to Drink-Driving

In its most recent statistical report on drink-driving, the Department for Transport set out provisional figures for 2013, estimating that around “15 percent of all deaths in reported road traffic accidents involved at least one driver over the limit”.⁸ The Department also reported that:

- The number of seriously injured casualties in drink-drive accidents decreased by eight percent from 1,200 in 2012 to 1,100 in 2013.
- The total number of casualties of all types in drink drive accidents for 2013 was 8,290, down 17 percent on the 2012 figure.
- In 2013/14, 5.9 percent of drivers admitted to driving when they thought that they might have been over the drink-drive limit.

The [latest data](#) from the Department estimates that around between 220 and 260 people died in 2013 in accidents involving drink driving.

According to the European Transport Safety Council, the UK (excluding Scotland) reportedly has the joint highest drink-driving limit (shared with Malta).⁹ The most common limit applied across the EU is the same as that proposed in the Bill. However, four countries in the EU apply a zero alcohol limit.

¹ [The Road Traffic Act 1988 \(Prescribed Limit\) \(Scotland\) Regulations 2014 \(2014/328\)](#).

² Scottish Government, [Reducing the Drink Driving Limit in Scotland](#), March 2013.

³ BBC News, [‘Scotland Cuts Drink-drive Alcohol Limit’](#), 5 December 2014.

⁴ BBC News, [‘Drink-drive Numbers Fall After Scottish Limit Reduced’](#), 4 December 2015.

⁵ *ibid.*

⁶ The Publican’s Morning Advertiser, [‘One Year on Scottish Drink Driving Changes “Catastrophic”](#)’, 2 December 2015.

⁷ [House of Commons, Written Question: Driving Under Influence—Scotland, 13635](#).

⁸ Department for Transport, [Estimates for Reported Road Traffic Accidents Involving Illegal Alcohol Levels: 2013 \(Second Provisional\)](#), 12 February 2015.

⁹ European Transport Safety Council, [Blood Alcohol Content \(BAC\) Drink Driving Limits across Europe](#), December 2015.

Library In Focus are compiled for the benefit of Members of the House of Lords and their personal staff, to provide impartial, politically balanced briefings on a selection of topical subjects. Authors are available to discuss the contents of the Notes with the Members and their staff but cannot advise members of the general public.

Any comments on In Focus should be sent to the Head of Research Services, House of Lords Library, London, SW1A 0PW or emailed to purvism@parliament.uk.