RESEARCH PAPER 04/91
14 DECEMBER 2004

Road Safety Bill

Bill 10 of 2004-05

The *Road Safety Bill* was introduced in the House of Commons on 30 November 2004.

The Bill seeks to introduce a variety of measures, including evidential roadside breath testing, variable penalties for speeding, the possibility of variable fixed penalties for other offences, a ban on speed camera jammers and licence endorsement for those using mobile phones while driving. It provides for the extension of retraining schemes and increased penalties for some offences including careless driving. It allows for pilot schemes to test the use of alcolocks and motorway rest areas. Other changes improve enforcement and rectify faults identified in legislation.

The majority of the provisions extend to Great Britain. Clauses 35 and 38(1) extend to the United Kingdom. Clauses 1, 33, 34, 39, 40, 44 extend only to England and Wales and clause 38(2) extends only to Northern Ireland.

Fiona Poole

BUSINESS & TRANSPORT SECTION

Paul Bolton (statistics)

SOCIAL AND GENERAL STATISTICS SECTION

HOUSE OF COMMONS LIBRARY

Recent Library Research Papers include:

04/75	The Treaty Establishing a Constitution for Europe: Part III	08.10.04
04/76	Unemployment by constituency, September 2004	13.10.04
04/77	The Treaty Establishing a Constitution for Europe: Part IV and Protocols	21.10.04
04/78	The *School Transport Bill* [Bill 162 of 2003-04]	25.10.04
04/79	The *Gambling Bill* [Bill 163 0f 2003-04]	28.10.04
04/80	Economic Indicators [includes article: The EU/US Airbus/ Boeing WTO Debate]	01.11.04
04/81	2004 US Presidential and Congressional election results	15.11.04
04/82	The collective responsibility of Ministers – an outline of the issues	15.11.04
04/83	Unemployment by Constituency, October 2004	17.11.04
04/84	Freedom of Information implementation	24.11.04
04/85	The Treaty Establishing a Constitution for Europe: Part II (The Charter of Fundamental Rights)	25.11.04
04/86	The *Railways Bill* [Bill 6 of 2004-05]	01.12.04
04/87	Economic Indicators, December 2004	01.12.04
04/88	The *Serious Organised Crime and Police Bill* – the New Agency; and new powers in criminal proceedings [Bill 5 of 2004-05]	02.12.04
04/89	The *Serious Organised Crime and Police Bill* – Police Powers, Public Order and Miscellaneous Provisions [Bill 5 of 2004-05]	02.12.04

Research Papers are available as PDF files:

- *to members of the general public on the Parliamentary web site, URL:* ***http://www.parliament.uk***
- *within Parliament to users of the Parliamentary Intranet, URL:* ***http://hcl1.hclibrary.parliament.u****k*

ISSN 1368-8456

Summary of main points

The *Road Safety Bill* includes measures that are intended to improve road safety and makes changes to improve enforcement. Other measures rectify faults identified in legislation or improvements that need to be made. The legislation does not include major changes to road traffic offences which require Home Office action.

Measures include:

To discourage drink driving

- The introduction of evidential roadside breath testing to allow police to collect evidence for prosecution at the roadside rather than at a police station;
- Powers to require offenders disqualified for 24 months or more to retake the driving test;
- Closure of a loophole whereby high risk offenders have cover to drive before completing a DVLA medical test and to allow a record of a drink drive offence to be held by DVLA for 11 years;
- Improvements to the Drink Drive Rehabilitation Scheme;
- Provision for an experimental alcohol ignition interlock scheme.

To discourage speeding

- The introduction of variable penalties for speeding, extending the range of penalty points from 3-6 to 2-6;
- Banning the carriage or use of safety camera detectors and jammers;
- The Secretary of State will be able to grant exemptions from speed limits to, for example, organ donor vehicles.

To improve driving

- Extending the use of retraining courses to offenders convicted of speeding or careless driving;
- Increasing the maximum penalties for several safety related offences: careless driving (fine £2,500 to £5,000), using a vehicle in a dangerous condition (mandatory disqualification for second offence), failing to give the identity of a driver (3 to 6 points);
- Introducing endorsement for mobile phone users;
- Rationalising fines for children not wearing seatbelts (£500 fine for front and rear - currently £200 in rear and £500 in front);

Driver training and testing

- Amendments to the current "one-size-fits-all" scheme for car driving instructors with an ability to introduce schemes targeted to meet the needs of individual sectors e.g. lorries, buses, off-road and fleet driving;
- Allowing the public access to information about the performance of individual instructors, their qualifications and their services;

- Introduction of more flexible powers to extend the user-pays principle to all forms of test and assessment e.g. charge test applicants a fee to rearrange a test appointment.

Fatigue

- Legislation to improve the enforcement of EU Drivers Hours rules (these apply to most lorry and some coach drivers limiting total time spent driving);
- To pilot motorway rest areas similar to French "aires" as an alternative to traditional Service Areas.

There are several areas of the Bill that will contribute to the enforcement of various road traffic laws. Some deal with licensing and insurance, others empower enforcement agencies to deal more flexibly with individual situations and extend the use of fixed penalties.

- New police powers to better target uninsured vehicles through the use of Automatic Number Plate Recognition technology and data from insurers;
- Various changes to licensing arrangements of drivers to allow for administrative charges to be levied in various circumstances (e.g. renewal of a photocard licence) and provision for the recall of old format (i.e. paper) licences;
- To enable the international exchange of driver and vehicle data to combat driving licence and vehicle crime;
- To allow mandatory recording of various particulars (mileage, date of birth etc) on the vehicle register to improve accuracy of records and help prevent "clocking" fraud;
- Extension of the current registration scheme for number plate suppliers from England and Wales to the rest of the UK and improvements to its enforcement;
- The power to vary the penalties available for fixed penalty offences;
- Introduction of a system of graduated fixed penalties for roadworthiness offences and to give adequate enforcement powers to enforcement agents. A deposit scheme and powers to issue fixed penalties to non-GB licence holders will also be introduced to ensure that foreign drivers do not evade punishment by leaving the country before a summons is served;

The Bill also contains various other wider measures that contribute to the overall programme of improving road safety.

- To provide grants from the DfT so innovative road safety projects can be developed;
- The conversion of vehicles to run on alternative fuels e.g. LPG will be regulated, to ensure they are carried out to the required safety and environmental standards;
- Improvements will be made to the enforcing the transport of radioactive materials and the regulation of alternative fuel conversions;
- A loophole in the *Private Hire Vehicles (London) Act 1998* will be closed, preventing minicabs in London from evading the current licensing regime.

CONTENTS

I Background

In March 2000 the Government published a white paper on road safety, *Tomorrow's roads - safer for everyone: the government's road safety strategy and casualty targets for 2010*.[1] This set targets for reducing the number of deaths and serious injuries. The first three-year review of the strategy was published in April 2004.[2] In its road safety strategy, the Government set out road casualty reduction targets for 2010. These included reducing the numbers killed or seriously injured in road accidents by 40 per cent from the 1994-98 average.

In July 2004, the Government published a white paper *The Future of Transport*, which outlined some of its proposals to tackle road safety problems.[3] The most comprehensive list of the measures planned was unveiled by Transport Minister David Jamieson in a presentation he gave to the Commons Transport Committee on 14 July 2004.[4] The *Road Safety Bill* was published on 30 November 2004 and includes most of the measures mentioned: some will improve road safety, some improve enforcement and others will rectify faults identified in legislation or improvements that need to be made.

The *Road Safety Bill* can be seen at:
http://www.parliament.the-stationery-office.co.uk/pa/cm200405/cmbills/010/2005010.htm
The Explanatory Notes (EN) can be seen at:
http://www.parliament.the-stationery-office.co.uk/pa/cm200405/cmbills/010/en/05010x--.htm
The Regulatory Impact Assessment (RIA) can be seen at:
http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_033069.hcsp

The proposed measures do not include changes to the penalties imposed for the more serious traffic offences. The Home Office together with the Lord Chancellor's Department and the then Department for Transport, Local Government and the Regions, undertook a review of road traffic penalties and published a joint consultation paper in December 2000.[5] A report outlining the findings of the consultation exercise and the Government's conclusions was published in July 2002.[6] The Government announced that

---

1 DETR *Tomorrow's roads - safer for everyone*, March 2000
http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_504644.hcsp

2 DfT *Tomorrow's roads - safer for everyone – the first 3 year review*, April 2004
http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_028165.hcsp

3 DfT *The future of transport*, July 2004, Cm 6234
http://www.dft.gov.uk/stellent/groups/dft_about/documents/divisionhomepage/031259.hcsp

4 The road safety policies were listed by David Jamieson in evidence to the House of Commons Transport Committee, evidence 14 July 2004.
http://www.publications.parliament.uk/pa/cm200304/cmselect/cmtran/uc105-iii/uc10502.htm.

5 Home Office, DETR, *Road traffic penalties: a consultation paper*, December 2000

6 Home Office, DfT, Lord Chancellor's Department, *Report on the Review of Road Traffic Penalties*, July 2002 http://www.homeoffice.gov.uk/docs/traffic.pdf

it would introduce many of the recommendations but so far only the increase in the maximum penalty for the causing death offences has been introduced.[7]

The Home Office set up a review to be conducted by John Halliday in May 2003 to "review the existing framework of criminal law concerning bad driving, particularly where death or injury results in order to ensure that appropriate offences and penalties are put in place."[8] In July 2004 the review "was nearing completion" and was to be followed by consultation.[9] The Transport Minister stated in a road safety debate on 7 September 2004 that sentencing changes "will also be made, when parliamentary time allows" and that such changes "will deal with the problems of dangerous and careless driving". He said the Government would "shortly be consulting on those issues".[10] Nothing has yet been published.

The Transport Committee published its report, *Traffic law and its enforcement*, in October 2004.[11] The report covers rather more than appears in the DfT's Bill but it does include comments on the proposals set out by the minister at its session on July. The committee concluded that driving offences were not considered sufficiently seriously, that decisions about the severity of a particular case should rest with the courts not the charging authorities; and that poor driving should become socially unacceptable. The penalties for road traffic offences should match the penalties for other crimes against the person and for crimes against property, and offenders should not face lower sentences simply because the crime involved a car. It considered effective enforcement the key but feared road policing was not always taken seriously by the police. It was concerned that the introduction of traffic officers under the *Traffic Management Act 2004* would "reduce the police presence on the strategic road network. We also fear that too much priority will be given to minimising the disruption accidents cause other motorists, and too little to proper investigation of offences which may have been committed." It concluded that a radical and urgent overhaul of serious motoring offences was needed and it regretted the lack of any action by the Home Office.

II Local authority funding

Clause 1 of the *Road Safety Bill* allows innovative road safety projects to be financed by the DfT more easily. Much of the work on road safety is done at local government level. The government can offer grants to local authorities to undertake safety schemes, but it wants to ease the way the funding is made. It is therefore seeking powers to provide road safety grants to local authorities for demonstration projects to encourage a wide range of

---

7 *Criminal Justice Act 2003* section 285
8 Home Office press release, 31 July 2003
9 HC Deb 7 July 2004, c756W
10 HC Deb 7 September 2004, c204WH
11 Transport Committee *Traffic Law and its Enforcement*, October 2004, HC 105, 2003-04 http://www.parliament.the-stationery-office.co.uk/pa/cm200304/cmselect/cmtran/105/10502.htm

road safety related initiatives, tailored to address specific local circumstances. The Transport Minister explained the grant in evidence to the Transport Committee as:

> 9. The development of road safety policy can require piloting at the local level, so that specific complex problems can be addressed by local authorities applying and developing innovative methods on the ground. This provides for accelerated learning for those authorities selected to take part, the results of which can be made available to other authorities to include in their toolkit. This is an efficient use of resources and participating local authorities need to be funded appropriately.
>
> 10. We are seeking powers to provide specific grant to local authorities for such demonstration projects, allowing scope for a wide range of road safety related initiatives, tailored to address specific local circumstances. The power is already available in Scotland but not in England and Wales.

The Government has been able to fund local authority road safety schemes before, but the channels through which this has been achieved have not been ideal. For example, the Special Grant procedure is cumbersome and better suited to one off expenditure, whilst the available local government legislation is very broad and may have limitations compared to a tailored power. This new approach, which is used in Scotland, is likely to increase the scope for road safety projects and give local authorities more certainty arrangements.

There is no new money attached to the proposal: it is simply a more efficient and effective way of using existing resources.

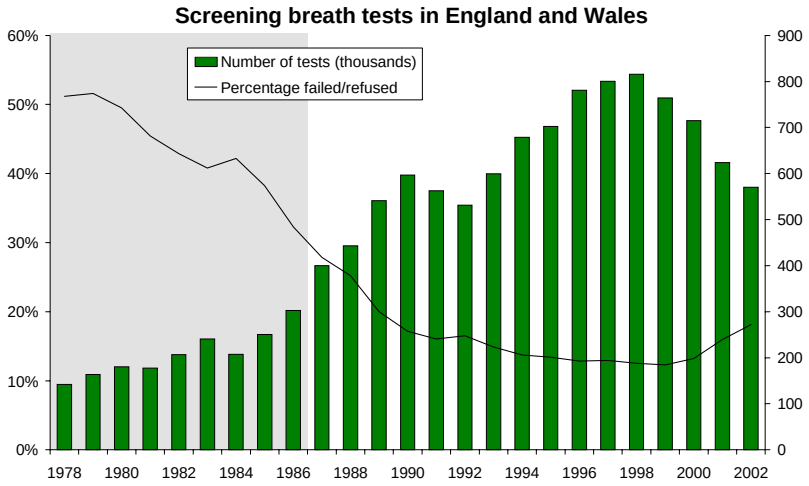
III Drink driving

In clauses 11 to 15 of the Bill, the Government introduces measures to deal with drink driving, including evidential breath testing and alcolocks. It has also found that those who completed a retraining course were about three times less likely to reoffend (clause 24 – see page 41) and is introducing mandatory re-testing of drivers disqualified for 24 months or more (clause 27 – see page 46).

A. Statistics

a. Breath tests statistics

In 2002, the latest full year for which statistics are available, police forces in England and Wales carried out 570,000 screening breath tests, 103,500 (18.2%) of which were positive or refused. The appended Table 1 and the chart opposite show trends in these figures since 1978.



It should be noted that there have been a number of improvements in the comprehensiveness of these statistics, notably from 1987 when a new form resulted in improved reporting of negative tests.[12] Without directly comparing data from before and after these changes it is still apparent that there was a very large increase in the number of tests between the late 1970s and late 1990s and a fall in the positive/refusal rate over the same period. The number of tests has fallen in each year since 1998 and by a total of 30%. Over the same period the rate of failed/refused tests has increased from 12.5% to 18.2% and the number has also increased.

The rate of failed/refused tests is influenced by the methods employed by the police, particularly how targeted their approach is, as well as underlying changes in the prevalence of drink driving. Locally, rates varied from 4% in Derbyshire to 48% in the West Midlands police force area. These two forces clearly illustrate the different approaches. Derbyshire had the highest testing rate per capita in England and Wales, while the West Midlands the lowest.[13]

b. Offences dealt with by the police

In 2002 a total of just over 102,000 offences of 'driving etc. after consuming alcohol or drugs' were dealt with by the police in England and Wales.[14] Virtually all these offences

---

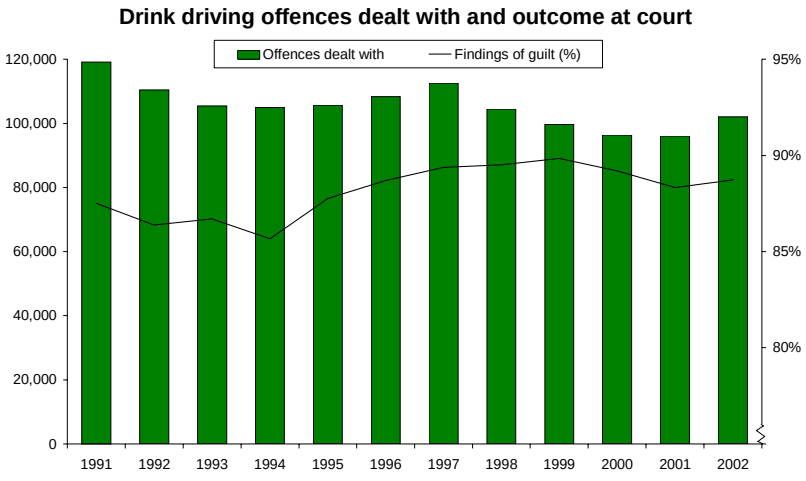
12 It is still acknowledged that the reporting of breath tests is not comprehensive and negative tests are less well reported than positive tests.

13 Home Office Statistical Bulletin 05/04 *Motoring Offences and Breath Test Statistics*, Table 21

14 The data on offences dealt with includes a small number of offences committed for trial in that year. The findings of guilt figures include a cases tried at crown court, some of which may have been committed for trial in a previous year.

were dealt with at court and defendants were found guilty for 90,500 offences, or in 89% of cases.

Table 2 (page 64) and the chart opposite give trends in this data since 1991. The total number of offences dealt with has varied from 96,000 to 119,000 over this time. Despite some short term increases it appears that the underlying trend is downward over these years. The guilty rate has remained between 85% and 90% during this period. In 2002 proceedings were discontinued or charges withdrawn/dismissed for 10,600 offences at magistrates' courts.[15]

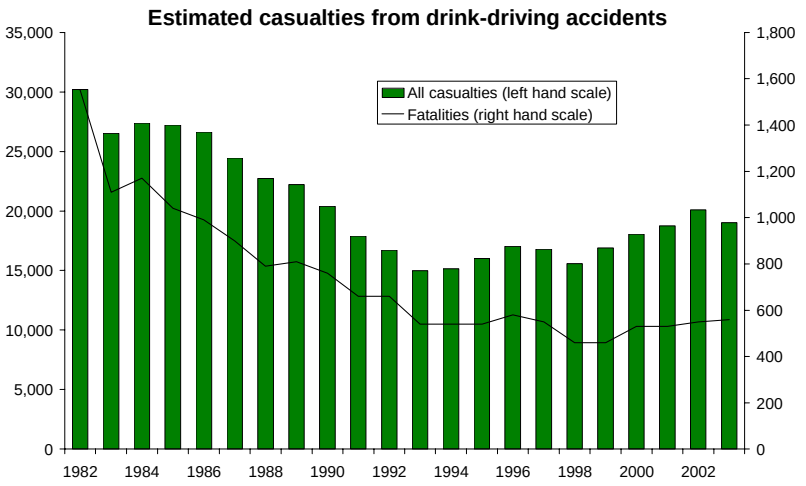


These figures do not include the offence of causing death by careless driving under the influence of drink or drugs. Seventy nine such offences went to trial at crown court in 2002 resulting in 73 guilty verdicts.[16]

c. Drink driving accidents

The DfT estimates the number of drink-drive accidents and casualties based on breath test statistics and coroners' data. However, as such data are known to be incomplete these figures are uprated to produce a more accurate estimate.

Provisional estimates for 2003 are that there were 560 people killed in drink-drive accidents in Great Britain, 16% of all road accident fatalities. In total there were an estimated 19,010 drink-drive casualties in 2003, 6% of all road accident casualties. Table 3 (page 65) and the chart opposite show trends since 1982.



[15] Home Office *Offences relating to motor vehicles England and Wales 2002 supplementary tables*, table 2
[16] *Offences relating to motor vehicles England and Wales 2002*, table 7

The total number of drink-drive accident casualties fell rapidly from over 30,000 in 1982 to just below 15,000 in 1993. Since then it has generally increased and reached 19,000 in 2003. The number of fatalities from drink-drive accidents fell even more rapidly from 1,550 in 1982 to 460 in 1998 and 1999. Although there has been some year-on-year variation there has been little consistent trend up or down in the number of fatalities since 1993. The number of drink-drive casualties, of all severities, has fallen at a faster rate than the total number of casualties over this period.[17]

B. Evidential breath testing

Section 5 of the *Road Traffic Act 1988* makes it an offence to drive or be in charge of a vehicle after consuming so much alcohol that the proportion of it in the breath, blood or urine exceeds the "prescribed limit". The prescribed limits, known as blood alcohol limits (BAC), are set out in section 11 (2) as:

(a) 35 micrograms of alcohol in 100 millilitres of breath
(b) 80 milligrams of alcohol in 100 millilitres of blood
(c) 107 milligrams of alcohol in 100 millilitres of urine

A preliminary breath test may be required by a police constable in uniform under section 6 of the *Road Traffic Act* (RTA) 1988 when he suspects that a person is "likely to exceed the prescribed limit" or after an accident. A constable may then require a motorist to provide specimens of breath (two specimens must be taken) or blood or urine. These must be obtained according to the procedure set out in sections 7 and 8 of the Act and can be taken only at a police station (section 7(2)). Section 8(1) states that the lower reading of the two breath specimens should be used and the other ignored. If this is no more than 50 micrograms of alcohol in 100 millilitres of breath the driver can request that a specimen of blood or urine be taken. The decision as to which of the two is taken is made by the constable. This sample is then used to establish whether an offence has been committed and the earlier breath tests are ignored.

The road safety white paper stated that modern, portable breath tests could provide admissible evidence in court, potentially saving police time and cost.[18] The Government announced in July 2004 that it would introduce this change and allow roadside breath tests to be considered as evidence in court.[19] Clause 11 provides the legislation to do so. The change in procedure will allow police to test more suspects for the same level of resources; they will not spend time taking suspects to the police station; and if the reading is below the BAC limit, the suspect can be released immediately. A typical drink drive offence can involve one or two officers at the roadside for between 30 minutes and an

---

17 DfT *Road Casualties Great Britain: 2003*
18 DETR *Tomorrow's roads - safer for everyone*, March 2000
19 Transport Committee, DfT memorandum, para 15, 14 July 2004

hour. If a suspect has to be taken to police station a further police officer may be involved though one or both of the others (if there are two) may be released.[20]

This does not mean that random breath tests have been introduced. At present a police officer may stop any person driving a motor vehicle on the road, but the breath-testing powers are more specific. A police officer can require a breath test only if they have reasonable cause to suspect that the person has alcohol in their body, has committed a moving traffic offence, or has been involved in an accident. This is referred to as "targeted" breath testing. Case law has established that it is lawful for a police officer to stop a vehicle at random and form a suspicion of drinking on the basis of the subsequent interview with the driver.[21]

In most EU countries the police are entitled to use random breath testing, the only exceptions being Denmark, the UK and Ireland. A Swiss study in 1998 found that random breath testing was one of the most cost effective safety measures that could be introduced.[22]

C. Closure of loopholes

Clause 12 makes some changes to the High Risk Offenders Scheme. High risk offenders (HRO) are defined as:[23]

> a) those disqualified for driving whilst two and half times or more over the prescribed limit;
> b) those disqualified for failure, without reasonable excuse, to supply a specimen for analysis pursuant to section 7 of the RTA; and
> c) those disqualified on two or more occasions within ten years for either exceeding the legal limit of alcohol in their breath, blood, or urine, or being unfit to drive through drink.

Under the HRO scheme offenders are required to satisfy the Secretary of State's medical advisor at the DVLA that they do not have a drink problem and are fit to drive before their licence is returned. However, at present a HRO may drive while his application is being processed. Clause 12 removes this right and drivers will now have to wait until the Secretary of State is satisfied that the offender is fit to drive.

Clause 13 corrects an oversight in the *Police Reform Act 2002*. The DVLA retain details of the records of repeat drink drivers for a period of 11 years. However, provision was not

---

20 RIA, para 1.2

21 Chief Constable of Gwent v Dash, 1986

22 Eckhardt and Seitz (1998) Report No. 35, Swiss Council for Accident Prevention, Berne
Quoted by PACTS *Random Breath Testing Amendment to the Railways and Transport Safety Bill*, Parliamentary briefing, June 2003 http://www.pacts.org.uk/parliament/briefings/randombreath.htm

23 *Motor Vehicles (Driving Licences) Regulations 1999*, SI 1999/2864, regulation 74

made to do this for the drink drive offences created under the *Police Reform Act 2002*. These relate to a drink drive suspect in hospital who refuses to give permission for a blood sample to be analyzed. The number of cases affected is small but the Government wants to bring the legislation into line. Clause 13 corrects the omission and brings the period that offences under section 7A (specimens of blood taken from persons incapable of consenting) of the RTA 1988 are held on DVLA driver records, into line with those of other drink drive offences (i.e. 11 years). At present these records are kept by the DVLA for only four years.

D. Alcolocks

Alcolocks are fitted to car ignitions and require the driver to blow into a tube. The engine will not switch on if it detects a blood alcohol concentration above a certain threshold.

Clause 14 gives courts the power in certain circumstances to offer offenders the opportunity to participate, at their own expense, in an "alcohol ignition interlock programme". Where an offender agrees to this his overall period of disqualification may be reduced. The provision applies to a person who is convicted of a relevant drink driving offence on two occasions within ten years and is to be disqualified for no less than two years. The period on the programme must be at least twelve months but must not exceed half of the original unreduced disqualification period. This programme may not be offered to someone who is already subject to a drink drive offender's rehabilitation order. Clause 15 provides for the experiment to continue until the end of 2010 but the Secretary of State may specify a later date by order.

The Government did not originally accept the idea of alcolocks on the grounds of expense, both to the driver and to the government in monitoring their use, but it is now prepared to introduce the necessary legislation while it considers the research findings. It will monitor the position in other countries and has announced an 18-month pilot in this country.[24] The device is being targeted at persistent drink-driving offenders, and the scheme is being tested in Bristol and in the West Midlands. The researchers are approaching convicted drink drivers directly, to see if they will volunteer for the trials.

Alcolocks are currently in use in some states in the US and Canada, Australia and Sweden, where they are used partly as a substitute for the suspension of a driving licence and partly as a preventative measure. Other countries in the EU are currently undertaking trials. The DfT commissioned a literature review of their use in Europe.[25] The conclusions were:

---

[24] DfT press notice 4 August 2004 *New technology against persistent drink-drivers*

[25] IM Bernhoft *The effects of breath alcohol ignition interlock devices in cars and the possible implementation in Europe,* 2001, http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_024704-01.hcsp#P19_424

Conclusions from the available literature

The literature review showed that the effect of the alcolock for recidivists (persons convicted of drink-driving for the second time) is good when installed. Experience shows that some of these persons will be convicted of drink-driving again before the end of their first driving suspension period. In these cases, an alcolock helps diminish the recidivism (i.e. the number of convicted persons receiving another conviction during their alcolock period). The results of the evaluations show a recidivism reduction of about 28-65% in the period where it is installed compared with the control groups who were not using the alcolock. Unfortunately re-offence rates increase after alcolock removal. Tests show, however, an even bigger effect on first-time high-BAC offenders driving with an alcolock after a first conviction of drink-driving.

The alcolock may also be used as a preventive measure for first-time DUI (driving under the influence) offenders with a low but, nevertheless, illegal blood alcohol concentration. To obtain a durable effect, it will be necessary to use the alcolock for a long period, e.g. two years. It is also important that this period shortens the driving suspension period. An alcolock programme should be integrated with the existing sanctions.

One option for the person convicted of drink-driving is to have the driving suspension period replaced with a period of time when an alcolock is installed; another alternative is for the person to be ordered to have an alcolock installed. The user acceptance is better in the case of interlock implementation on a voluntary basis as opposed to mandatory interlock use.

In some cases, an alcolock is used as a preventive measure in professional transport. It is not a matter of installing an alcolock in connection with a conviction but solely as a means of preventing drink-driving.

Normally, the user pays for the installation and maintenance of the equipment, possibly with some compensation from the authorities. Cost is the greatest impediment to the general acceptance of the equipment.

The report gives some detail of the trial taking place in Sweden:

The Swedish trial survey

Sweden is the only country in Europe where an alcolock programme is in progress - it is a trial survey and so far it is a five-year survey. The implementation of the Swedish alcolock field-trial required the establishment of new legislation. The Act, which allows the alcolock programme in the trial period, came into force in October 1998. The duration of the trial period is from 1999 to 2004.

The car should comply with a number of technical demands in order to be allowed to participate in the trial, which includes the installation of an alcolock for two years. In addition, the person convicted of drink-driving should satisfy various health and economic demands.

Each participant in the alcolock trial-survey must have a medical examination every three months at a specified hospital. At the examination, the long-term alcohol consumption of the participant is tested by means of so-called 'biological markers' and is compared with the results of the last examination. In this way, the hospital will know how often and how much alcohol the participant has consumed through the specified period. One purpose of installing the alcolock is to ensure that the alcohol consumption of the participant decreases in the course of the alcolock period.

The Swedish Motor Vehicle Inspection is in charge of all alcolock installations. Before the driver is allowed to turn on the ignition, he or she has to take a breath test. If the breath test reveals a BAC above the predetermined threshold level, it is impossible to start the car. At random intervals when driving, the driver is required to make breath retests. If the driver fails to do so within three minutes, the car must be presented at the service centre for inspection within five days - failure to report to the service centre will result in the alcolock preventing any further use of the car.

Every eighth week the alcolock has to be presented for inspection with the Swedish Motor Vehicle Inspection. The electronic memory of the alcolock is read, which means that the Swedish Motor Vehicle Inspection will check whether the driver has complied with the programme requirements or has failed to fulfil his or her agreement with the authorities.

The user pays all expenses of the alcolock programme, including rent and maintenance. It amounts to approximately £2,500 for the entire two-year period.

If the participant completes the trial period according to the directions, he or she receives their driving licence after the two-year period with the alcolock. During the trial period, the participant may stop the trial at any time. The result will be that the participant must serve the full driving licence suspension.

The participant is checked regularly to evaluate whether he or she is suited to fulfil the programme. If the person does not comply with the programme requirements as regards sobriety or has had too many attempts to drive under the influence of alcohol, he or she will be deemed unsuitable for further participation and the county administration may cancel their continued participation in the programme. In that case, the original driving licence suspension must be served.

In order to avoid drink-driving, another trial survey is being tested in Sweden, namely the installation of alcolocks in professional transport, e.g. school transport and the transport of dangerous goods.

Alcohol and road safety organisations have given a cautious welcome to the trials of the devices, which work on the same principle as a breathalyser. AA Motoring Trust said

that, in principle, it was in favour of trialling alcolocks:[26] "The theory is fine, if you can somehow rehabilitate drink drivers into driving responsibly. They haven't trialled them here properly yet. Problems might crop up in a trial that we haven't anticipated." AA spokesman Richard Freeman said one possible concern was over the cost to the driver of using the equipment. He estimated that it would cost £90 a month for the hire of the alcolock, and £110 to install. "That's over £1,000 a year," he said. "It's a potential barrier to people wanting to use it."

Kevin Clinton, head of road safety at the Royal Society for the Prevention of Accidents (RoSPA), said: "We think these devices will prove useful. Evidence from overseas suggests that they are effective in reducing the likelihood of convicted drink-drivers from re-offending while the device is fitted to their car. If the trial is successful, we would like to see these devices available as a sentencing option. They may be even more effective if used in conjunction with educational measures such as drink-drive rehabilitation schemes."[27]

IV Speeding

The introduction of graduated fixed penalties is done by clauses 2 and 3 of the Bill and will be considered in more detail in the next section. However the decision to introduce them originated in the discussion of how speeding offences could be reduced and how they should be dealt with.

Clauses 16 to 18 of the Bill make various changes to the law on speeding. They widen the range of penalty points for speeding offences from the current 3 to 6 to a new range of 2 to 6. Speed rehabilitation courses will be offered to those with 6 or more points, at the court's discretion. Increased penalties will be introduced for refusing to identify a driver. It is also proposed to ban speed camera jammers and detectors.

A. Legislation

Exceeding the speed limit is an offence under section 89(1) of the *Road Traffic Regulation Act 1984*. The *Road Traffic Offenders Act 1988* schedule 2 sets out the penalties for offences. The police have some discretion as to how an offence is dealt with. Depending on the circumstances they may decide to issue a summons, a fixed penalty notice, a caution, a warning or take no action. For instance, it might be appropriate to issue a summons for exceeding a speed limit at relatively low speeds over the relevant limit on roads near schools at certain times of day or when there are adverse weather conditions, whereas a similar offence committed in the middle of the night might merit the issue of a fixed penalty notice.

---

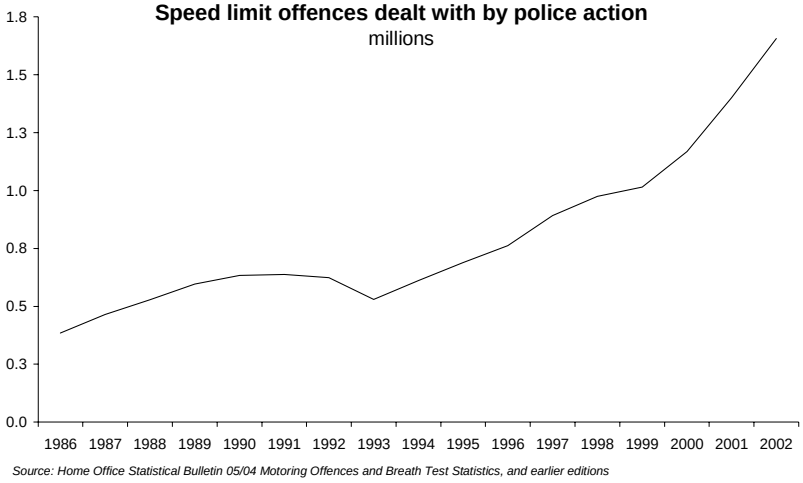
[26] BBC news, 4 August 2004, http://news.bbc.co.uk/2/hi/uk_news/3533136.stm
[27] RoSPA,

For cases heard in court, magistrates may impose a fine (maximum £1,000 or £2,500 on motorways). Disqualification is discretionary and endorsement between three and nine points obligatory.

However, most UK speeding offences are now detected by mobile or fixed speed cameras and are dealt with through the fixed penalty system. A fixed penalty involves payment of £60 and a fixed three endorsement points.[28] The option of a fixed penalty should not be offered if the resulting points would take the offender up to or beyond the totting up level of 12 points. If a case goes to court magistrates may impose a fine of up to £1,000 and endorse with three to six points.

B. Statistics

a. Offences dealt with by the police



Source: Home Office Statistical Bulletin 05/04 Motoring Offences and Breath Test Statistics, and earlier editions

In 2002 there were 1.7 million speed limit offences dealt with by official police action in England and Wales. Fixed penalty notices were issued for 91% of offences, 7.5% of cases resulted in findings of guilt at magistrates' courts, and court proceedings were dismissed or charges dismissed/ withdrawn in less than 2% of cases. A relatively small number were dealt with by written warnings. The number of speed limit offences dealt with by official police action more than tripled between 1993 and 2002. Over the same time they have been increasingly dealt with by fixed penalty notices.[29] The chart above illustrates trends since the mid-1980s.

In 2002 traffic cameras provided evidence for 1.4 million speeding offences, 85% of those dealt with by the police. The number of such offences has increased rapidly from

---

[28] A fixed penalty notice is in effect a temporary stay of prosecution and allows an individual to agree to a fixed penalty and subsequent immunity from prosecution for the offence. You have 21 days grace to decide. A person may choose to elect for a court hearing during this period, in which case proceedings would be brought against him in due course. At the court hearing he will be convicted or acquitted as in any other criminal case. The fixed penalty system is considered to be a quick and simple way of dealing with offences while preserving the right of individuals to challenge an alleged offence in court.

[29] Home Office Statistical Bulletin 05/04 *Motoring Offences and Breath Test Statistics*

213,000 in 1996. There is little evidence of any decline in this trend; the increases in 2001 and 2002 were 280,000 and 260,000 respectively.[30]

b. Estimated contribution of speeding to accidents

The national system used to collect information on road traffic accidents does not currently include information on contributory factors, like excessive speed and inattention. However, a trial undertaken by 15 police forces between 1999 and 2002 did collect these additional factors. Together they collected them on about one quarter of all road injury accidents since 1999. The results were published in the main statistical volume on road accidents -*Road Casualties Great Britain: 2003.*[31]

The results showed that excessive speed was the most frequently cited contributory factor to fatal accidents where it was recorded in 28% of such accidents.[32] It was also recorded in 18% of severe accidents and 11% of slight accidents. Over all types of accidents there were six other contributing factors that were cited more frequently.[33]

From 2005 the data collection system for all police forces will be changed to include information on contributing factors including where the driver's speed is too high for the conditions and where it is above the speed limit.

C. Policy

At the same time as publishing its white paper on road safety, *Tomorrow's roads - safer for everyone,*[34] the Government published a separate review of speed management, *New directions in speed management*.[35] The TRL published a report *The effects of drivers' speed on the frequency of road accidents* that showed that in a given set of road and traffic conditions, the frequency of accidents increases with the speed of traffic.[36]

The speeding paper discussed the link between speed and collisions:[37]

> **Speed and the risk of collision**

---

30 Home Office Statistical Bulletin 05/04 *Motoring Offences and Breath Test Statistics*, Table D

31 DfT *Road Casualties Great Britain: 2003*, article 3 "Contributory factors to accidents"

32 Reporting police officers can identify up to four contributory factors from a list of 54. The results are their views, not the result of detailed accident investigations.

33 The six were inattention, failure to judge other person's path or speed, looked but did not see, behaviour -careless/thoughtless/reckless, failed to look, lack of judgement of own path. DfT *Review of the Contributory Factors System*, Road Safety Research Report No. 43

34 DETR *Tomorrow's roads - safer for everyone*, March 2000

35 DETR *New directions in speed management*, March 2000 http://www.roads.dft.gov.uk/roadsafety/strategy/speedmanagement/index.htm

36 TRL *The effects of drivers' speed on the frequency of road accidents* TRL report 421, 2000

37 DETR *New directions in speed management*, paras 34-40

34. The relationship between speed and safety is a complex one. But from the national and international literature there is overwhelming evidence that lower speeds result in fewer collisions of lesser severity (Finch et al 1994, Taylor et al 2000, Transportation Research Board 1998). Some interesting conclusions can be drawn from research so far.

35. In any given situation, the faster the average traffic speed, the more collisions there are.

- Accident frequency rises disproportionately with increasing speed. It rises approximately with the square of the average traffic speed (providing the ratio of the standard deviation to the mean remains constant). For example, on urban roads a 21% increase in collisions could result from a 10% increase in mean speeds (Taylor et al 2000).
- Speeding or inappropriate speed contributes to a significant percentage of all crashes and a higher percentage of more serious crashes. Driver error is a contributory cause in over 90% of accidents: driving too fast is a driver error in judging what is safe.
- About a fifth of rural accidents involve vehicles going too fast for the situation with a further quarter likely to be associated with speed (Sabey 1993).
- In an urban area about 4% were directly related to excessive speed and another 21% due to speed related factors (Carsten et al 1989).

36. Broughton et al's (1998) work indicates that excessive speed was a contributory factor in 424 of the 2795 accidents studied (about 15%). But this is likely to be an underestimate. Speed will have been a part of the reason for other factors such as failure to judge another person's path or speed, which caused 623 of the accidents, about 22%. It is not possible to quantify these contributions directly.

37. New research (Taylor et al 2000) has examined the scope for reducing collisions through speed management. Broadly each 1 mph reduction in average speed is expected to cut accident frequency by 5%. This is a robust general rule, but now we have a much fuller picture which indicates that the reduction varies according to road type as follows:

- about 6% for urban main roads and residential roads with low average speeds;
- about 4% for medium speed urban roads and lower speed rural main roads; and
- about 3% for the higher speed urban roads and rural single carriageway main roads.

38. The greatest reduction in casualties would come from reducing the speeds of the faster drivers (Taylor et al 2000, see annex):

- if the proportion of speeders doubles, accidents go up by 10%;

- if their average speed goes up by 1mph, if all else is held constant accidents go up by 19%; and
- if an individual drives more than 10-15% above the average speed of the traffic around them, they are much more likely to be involved in an accident (Maycock et al 1998, Quimby et al 1999a and b). (…)

It also reported the effect of speed on the severity of injuries:

> **Speed and injury severity**
> 41. The likelihood of being seriously injured in a collision rises significantly with small changes in impact speed. The impact speeds at which this increase is most pronounced are lower than most would think. The probability of serious injury to a belted car occupant in a front seat at an impact speed of 30mph is three times greater than at 20mph. At 40mph it is over five times greater (Hobbs and Mills 1984), see annex.
>
> 42. For pedestrians and cyclists the reality is even more stark. At-the-scene investigations of collisions involving pedestrians and cars or car-derived vans found that 85% of fatalities occurred at impact speeds below 40 mph (Ashton and Mackay 1979). This compared with 45% which occurred at less than 30 mph and 5% at speeds below 20 mph.
>
> 43. About 40% of pedestrians who are struck at speeds below 20 mph sustain non-minor injuries. This rises to 90% at speeds up to 30 mph, see annex. The change from mainly survivable injuries to mainly fatal injuries takes place at speeds of between about 30 and 40 mph (Ashton 1981). Elderly pedestrians are more likely to sustain non-minor injuries than younger people in the same impact conditions.

The white paper set out ways that speeding drivers could be dealt with:[38]

> **ENFORCEMENT**
> **6.37** For those who refuse to modify their speed voluntarily we will seek to change their behaviour through enforcement and penalties. (…). As speed is our biggest challenge, we propose some important changes including:
> - developing a new financial system using part of the fine revenue to pay the operational and administrative costs of speed camera activity incurred by the police, courts and local authorities;
> - evaluating new speed and traffic signal enforcement cameras;
> - evaluating rehabilitation courses; and
> - as part of the Home Office review of penalties for road traffic offences (…):
> - aim for more effective penalties for speeding offences; and specifically,
> - consider how to punish those who drive far in excess of speed limits, possibly by creating a new offence.

[38] DETR *Tomorrow's roads – safer for everyone*, para 6.37

The Home Office carried out a review of the penalties involved and published proposed new fixed penalties in a consultation paper in December 2000.[39] A report outlining the findings of the consultation exercise and the Government's conclusions was published in July 2002.[40]

> **Proposal 18: Speeding Offences**
> This proposal would introduce a new fixed penalty system for speeding offences with 2 levels of fixed penalty. A higher level of points would be awarded to those exceeding the limit by a wide margin so as to increase the risk to them of losing their licence through totting up.
>
> A range of permutations was available using different speed thresholds, levels of points and fines. It was also proposed that any scheme would best be introduced in transitional stages with the possibility of tightening the penalties progressively.
>
> This proved to be the most controversial topic of the review. There was massive support from safety lobby groups — some arguing for very high fines and driving bans for life. The motoring organisations appeared to have no difficulty with the principle of a higher level offence and severer penalties for it. Their main disagreement was with tougher penalties for the basic offences and increased risk of loss of licence for "marginal" driving errors. They also argued that there is a widespread prevalence of "inappropriate" speed limits and these made it especially difficult to accept the proposals. There were also more extreme responses inspired by media and pressure groups that saw the proposals as an attack on the ordinary motorist.
>
> **RECOMMENDATION:**
> The Government is giving due consideration to all comments made about speed policy, particularly since the publicity surrounding the roll out of the safety camera regime last year. The response to the proposal for the additional penalty was not negative but the precise details are clearly going to be an issue on which there will need to be specific consultation. The Government will therefore be seeking a legislative opportunity to take this proposal forward but will revisit the details of thresholds and levels of penalty in the context of speed policy prior to implementation.

D. Graduated penalty points

The Government announced in September 2004 that it would amend the penalty system. Penalties for speeding would vary between £40 and two penalty points for the least serious offences up to £100 and six points for the most serious. The lower penalty would

---

39 Home Office, DETR, *Road traffic penalties: a consultation paper*, December 2000

40 Home Office, DfT, Lord Chancellor's Department, *Report on the Review of Road Traffic Penalties*, July 2002

not apply to people speeding in a 20 mph area.[41] It launched a consultation paper in which it argued:[42]

> 20. But the level of the penalty needs to fit the crime, and be regarded as doing so, for maintaining public confidence in and respect for the legal process.
>
> 21. For the speeding offences which the police and the Crown Prosecution Service (the Crown Office and Procurator Fiscal Service (COPFS) in Scotland) judge to be serious enough to consider a court hearing to be warranted, the system provides a significant degree of flexibility. Magistrates or judges may deal with speeding offenders in a number of ways, according to their judgement of the seriousness of the offence. They may endorse by between three and six penalty points, or disqualify outright, and may additionally fine up to £1,000 (or £2,500 for a motorway offence).
>
> 22. But the great majority of speeding offences are dealt with through the fixed penalty procedure. Here, the penalty is at present a flat rate of three penalty points and a £60 fine, regardless of the degree of speeding. The figure of three penalty points is determined by the minimum of the range of penalty points specified for the offence in Schedule 2 of the *Road Traffic Act Offenders1988*. (…)
>
> **Graduated fixed penalties - proposals and possibilities**
> 24. Following the Home Office Review of Road Traffic Penalties, the Government made a commitment in July 2002 to create an aggravated offence to deal with a significant problem of people willing to flout speed limits by an excessive amount, by providing for the creation of a new higher fixed penalty for such cases. This reflects the serious public concern about excessive speeding.
> 25. At the same time, many people feel that the present flat rate fixed penalty of three penalty points is not necessarily appropriate to deal with the less severe cases of speeding.
>
> 26. The Government believes that there is a need to provide for a more graduated structure of penalty points for speeding, taking better account of the severity of the crime and ensuring that the punishment reflects the degree of speeding.
>
> 27. The Government therefore proposes in future legislation
> - to amend the range of penalty points for speeding offences, from the present three to six, to two to six, which enables the introduction of a lower fixed penalty than the present three points;
> - and to provide for powers under which the Secretary of State will be able to set the fixed penalty structure, including different level of points for different circumstances (e.g. on the basis of the level of speeding or other

---

41 DfT press notice *Graduated speeding penalties: consultation launched*, 1 September 2004

42 DfT *Graduated fixed penalties for speeding offences - Discussion note*, September 2004 http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_030771.hcsp

> factors) through a Statutory Order, to be subject to formal public consultation on proposals, and to Affirmative Resolution in Parliament.
>
> 28. There will be no change in the provision for automatic disqualification for repeated offences for 12 or more penalty points for speeding or other offences, contained in Section 35 of the Road Traffic Act 1988, as amended.

The discussion document set out a possible structure for graduated penalties:

	Lower penalty 2 points and £40 fine	**Standard penalty 3 points and £60 fine**	**Higher penalty 6 points and £100 fine**
Speed	Speed up to & including (mph)	Speed (mph)	Speed at or above (mph)
20	No lower penalty	Up to & including 31	32
30	39	40-44	45
40	50	51-56	57
50	61	62-69	70
60	72	73-81	82
70	83	84-93	94

> These illustrative figures have been calculated on the basis that the lower penalty would apply (except for 20 mph zones) at speeds below the speed limit, plus 12.5%, plus 6 mph (to allow for the technical limitations of speedometers); and that the higher penalty would apply to speeds beyond the speed limit, plus 25%, plus 6 mph.
> **But note that**, as at present, serious speeding cases will be subject to court proceedings and the penalties under them, at the discretion of the police and the Crown Prosecution Service (COPFS in Scotland).

Clause 16 widens the range of penalty points that can be given for speeding offences. It applies to both fixed penalty notices and cases that are brought before the courts.

This move was seen by some as reducing the severity of speeding. Gwyneth Dunwoody, chair of the Transport Committee said:[43]

> These proposals send completely the wrong message to those who drive a few miles an hour over the speed limit in built-up areas. The message to drivers is, 'A little bit of what you fancy won't do you too much harm.' The truth is that a little bit of what the speed fanatics fancy does everybody harm. (…)

---

[43] Gwyneth Dunwoody MP press notice 23 November 2004 *Government plans for lower speeding penalties send the wrong message*

> Speeding is serious, even if it is by only a few miles an hour. I hope the Government will re-think its plans for variable penalties when Parliament discusses the Road Safety Bill.

The Transport Committee received evidence from many of the road safety organisations. It supported the proposal that there should be a higher fixed penalty for drivers who exceed the speed limit by 25% plus 6 miles an hour allowing for speedometer error, but felt very strongly that lowering penalties was a mistake:[44]

> We reject outright the Government's suggestion that there should be lower penalties for speeding in built-up areas or villages. Exceeding a low speed limit is even more serious than exceeding a higher speed limit, because it increases so significantly the risk of death in an accident: 50% of pedestrians hit at 30mph will live; 90% of pedestrians hit at 40mph will die. We do not understand how a Government which professes to practice evidence-based policy-making could even contemplate such a change. (…)
>
> 101. Reducing penalties for "minor" breaches of the speed limit will affect victims in two ways. First they increase the likelihood that no action will be taken if someone is killed or injured as a result of such a breach. Secondly, even if action is taken, the courts will treat the offence less seriously. The sentencing guidelines already say speed may currently only be taken into account if it is extremely excessive, despite the clear links between speed and crash severity. The courts should consider less dramatic speed infringements as aggravating factors, and increase penalties and sentences accordingly. This should be the case even if the Government persists in reducing speeding penalties.
>
> 102. We reject the suggestion that lower penalties should generally apply to infringements of higher speed limits; the margins for enforcement are already generous enough. The exception might be relatively minor speed infringements on motorways where a lower penalty might be useful in certain clearly limited circumstances.
>
> 103. Variable penalties are only meaningful if speed limits are in fact enforced. The Government's proposals for lowering some penalties should logically be accompanied by increased enforcement.

Robert Gifford, Executive Director of the Parliamentary Advisory Council for Transport Safety (PACTS), generally welcomed the Bill, but said:[45]

> What is not so clear, however, is the detail of the proposal to have fixed penalties for speeding offences. The principle of matching the punishment to the severity of the offence is a right one. It should also be accompanied by the severity of the outcome. We must not suggest that the present punishment for breaking the

---

[44] Transport committee *Traffic Law and its Enforcement paras 99-103*

[45] PACTS, press notice 23 November 2004 *PACTS comments on Road Safety Bill*

> 30mph limit should be watered down. It is in 30mph areas where pedestrians, children and cyclists are most at risk.

Many road safety groups oppose the move. For example, the Slower Speed Initiative denounced the proposals to reduce speeding penalties "as a transparent pre-election gesture to motorists that will be paid for in increased death and injury for pedestrians and cyclists."[46]

Anti speed camera groups also lack enthusiasm for the change. The Association of British Drivers said:[47]

> Variable speeding fines are simply a vehicle of convenience for the Government. On the one hand, they can ratchet up penalties for normal drivers without taking up court time. On the other, the reduced points for marginal speeding offences committed by the slowest group of drivers is an attempt to shore up wavering support for camera policy amongst this group by ending "Granny lost her licence going to the shops" type headlines.
>
> The ABD would support variable penalties if the speed limits really were set at the maximum safe speed for normal drivers in good conditions, like it says in the Highway Code. But when limits are being constantly ratcheted down to levels which criminalise normal, safe behaviour, and local authorities are allowed to do what they please without accountability, they become a farce.(…)
>
> The real solution to road safety is to have more police on the road, not sitting on bridges collecting fine revenue or penalising people for using phones in traffic jams, but out there looking for people who show evidence of careless and reckless driving.

E. Radar detectors

A court case in January 1998 found that it was not illegal to use a radar detector to warn drivers of police speed traps. Lord Justice Simon Brown made his judgement after an appeal by driver David Foot who was convicted in 1996 for using a detector. The judge said there was no "signal" or "message" in the police speed trap signal so no interception had taken place under the *Wireless and Telegraphy Act 1949*, which forbids their interception. Radar detectors should not be confused with radar jammers, which interfere with police-originated signals and are almost certainly illegal.

Until this case it had been thought that the use, and possibly the ownership, of radar detection devices was probably illegal, although the position had never been totally clear.

---

46 Slower speeds Initiative, 30 November 2004 http://www.slower-speeds.org.uk/

47 Association of British drivers, 1 December 2004 http://www.abd.org.uk/

The Government has wanted to make these detectors illegal for some time and has been awaiting a suitable legislative opportunity to introduce primary legislation on the issue. It consulted on a draft statutory instrument that would prohibit the use of detection devices in 2001 although it accepted certain limitations from this option. For example making statutory instruments under existing powers prevents the setting of penalties specific to the new offence as the penalties that would apply are those already set out in the primary legislation. More importantly secondary legislation could not be used to ban the carriage of detectors. Therefore it would be possible for a driver to evade prosecution by switching the device off before being stopped by the police.[48]

Clause 17 amends section 41 of the RTA 1988. Section 41(1) is an enabling provision empowering the secretary of state to "make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used". The amendment means that it will be possible to prohibit a vehicle being fitted with, or a person using a vehicle carrying "speed assessment equipment detection devices" by means of regulations under section 41. The amendment defines a "speed assessment equipment detection device" as "a device, the purpose, or one of the purposes, of which is to detect, or interfere with the operation of equipment used to assess the speed of motor vehicles". The precise subset of the devices which will be prohibited will be identified in the regulations made under section 41 but it is not intended to include in the prohibition those devices that only contain information about camera site locations.

These devices are illegal in ten other European countries although there is no EU law covering this area.[49]

F. Emergency vehicles

The *Road Traffic Regulation Act 1984* section 87 allows emergency vehicles to ignore speed limits:

> **Exemption of fire brigade, ambulance and police vehicles from speed limits**
> 87. No statutory provision imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of that provision would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

The *Traffic signs and general directions 1994* regulation 10 allows emergency vehicles, when used for emergency purposes, to ignore the keep left signs; regulation 33 (b) allows them to ignore traffic lights:[50]

---

48 Carriage and use of devices that rely solely on GPS technology and a digital map of fixed camera locations would not be illegal, Transport Committee, DfT memorandum, 14 July 2004.

49 Transport Committee, DfT memorandum, 14 July 2004

50 SI 1994/1519

> (b) when a vehicle is being used for fire brigade, ambulance or police purposes and the observance of the prohibition conveyed by the red signal in accordance with sub-paragraph (a) would be likely to hinder the use of that vehicle for the purpose for which it is being used, then sub-paragraph (a) shall not apply to the vehicle, and the red signal shall convey the prohibition that that vehicle shall not proceed beyond the stop line in a manner or at a time likely to endanger any person or to cause the driver of any vehicle proceeding in accordance with the indications of light signals operating in association with the signals displaying the red signal to change its speed or course in order to avoid an accident;

Similar exemptions apply at pelican crossings under the 1987 pelican crossing regulations. However it should be pointed out that although these and the exemption from the traffic light regulations allow the emergency services to go through a red light, they do not remove the precedence that pedestrians have on these crossings.

Emergency vehicles are allowed to break the signs only when being used for the purposes set out in the section, i.e. fire brigade, ambulance or police purposes. The phrase is clearly open to interpretation and it may be up to a court to decide whether the conditions are fulfilled. There are some grey areas, for example, the transport of organs or blood to hospitals for emergency purposes because the definition of ambulance is for the carriage of people. There is a certain amount of case law on what constitutes "police purposes".[51]

Drivers of emergency vehicles have the same duty of care as any other driver. They can therefore be charged under the *Road Traffic Acts 1988* and *1991* with careless or dangerous driving offences as any driver can be. The standard of their driving can be questioned even when they are allowed to ignore speed limits and red lights.

There had been cases of drivers of ambulances being sent notices of prosecution. The position of ambulances and emergency vehicles exceeding the speed limit was clarified in July 2004 in response to a written Parliamentary Question:[52]

> **Ms Rosie Winterton:** The new protocol issued by the Association for Chief Police Officers for dealing with speeding and red light offences committed by emergency service vehicles, took effect from 1 July 2004. The new protocol states that if an emergency service vehicle is caught speeding or going through a red light by a safety camera, a notice of intended prosecution will not be sent to the offending organisation if blue lights can be seen flashing on the photograph.
>
> The protocol also states that if blue lights cannot be seen flashing, the police will send the normal section 172 form and a Notice of Intended Prosecution, together with a standard exemption form.

---

51 Sweet & Maxwell, *Encyclopaedia of Road Traffic*
52 PQ HC Deb 22 July 2004 c644W

> The protocol applies to all marked emergency ambulance vehicles being used for ambulance purposes.
>
> The protocol only applies to emergency service vehicles.
>
> If the vehicle transporting the organ is a marked emergency ambulance vehicle, the protocol covers such journeys.
>
> If the vehicle transporting the surgical team is a marked emergency ambulance vehicle, the protocol covers such journeys.
>
> The protocol applies to every ambulance journey undertaken by a marked emergency ambulance vehicle as defined in *(a)* above.

Clause 18 enables the secretary of state to prescribe, by regulations, other purposes, in addition to those relating to fire brigade, ambulance and police purposes, for which vehicles may be exempt from speed limits. This could include hospital vehicles used for blood donor purposes or transporting organs for transplant. The proposal could also include army bomb disposal vehicles not accompanied by a police escort and Customs officers carrying out police functions.[53] It will also enable those training for fire, ambulance or police purposes or any prescribed purposes to be exempt from speed limits. It will be a requirement that the drivers of such vehicles must be trained in driving vehicles at high speeds.

The intention is to exempt them from other traffic regulations such as those for traffic lights and pedestrian crossings, but these do not need primary legislation and can be done by order.

The Transport Committee supported the proposal but added:

> When such exemptions are granted, the drivers of the vehicles must be adequately trained, and the vehicles must be clearly marked and have emergency lights. The Highway Code must make clear how other drivers should respond when all emergency vehicles approach.

V Fixed penalties

A. Graduated penalties

The Government said that it would seek powers to enable the secretary of state to set the fixed penalty structure, including different levels of points for different circumstances, by Statutory Order. Any change would be subject to the affirmative procedure in Parliament

---

[53] Transport Committee, DfT memorandum, para 38-41, 14 July 2004

and would follow consultation.[54] The power will be available for any fixed penalty offence as listed in schedule 3 of the *Road Traffic Offences Act 1988* (RTOA 1988).

Clause 2 amends section 53 of the RTOA 1988 to allow the secretary of state to prescribe graduated **financial sums** for fixed penalties to take account of the circumstances of the case. These are set out in the Bill as:

> (a) the nature of the contravention or failure constituting the offence,
> (b) how serious it is,
> (c) the area, or sort of place, where it takes place, and
> (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.

Clause 3 amends section 58 to allow him to prescribe different numbers of **penalty points** for an offence, taking into account the same circumstances as set out in clause 2. These clauses relate only to fixed penalties and do not extend the range of the penalties available. This compares with clause 16 which increases the range (from 2-6 instead of 3-6) and applies to all offences.

B. Commercial vehicles

Clauses 4 to 6 introduce a system of graduated fixed penalties for roadworthiness offences and give better enforcement powers to enforcement agents. The graduated fixed penalty scheme for commercial vehicles will be accompanied by a deposit scheme for non-UK resident offenders to ensure they do not escape any penalties they incur. The Government is concerned that penalties do not represent a sufficient deterrent to infringements by commercial vehicles and their drivers/operators. It can take up to six months from the point where an offence occurred to the actual court hearing by which time offenders may have committed more offences; penalties applied by the courts can vary across the country for the same offence, and foreign drivers can often escape penalties altogether.

The Government issued a consultation paper outlining its plans to introduce:[55]

(a) a new scheme of graduated fixed penalties for offences relating to operating rules for commercial vehicles;

(b) a deposit scheme, similar to arrangements in many EU countries, to ensure non-UK resident drivers, or those who cannot prove a UK address, do not escape penalties. The scheme would apply to commercial vehicles in the first instance. Whatever vehicles this

---

54 Transport Committee, DfT memorandum, para 28, 14 July 2004

55 DfT *Graduated Fixed Penalty and Deposit Scheme & Enforcement of Drivers' Hours Rules*, consultation letter, July 2004 http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_030052.hcsp

applies to, nobody with a UK address who receives a graduated fixed penalty notice will be required to pay a deposit at the roadside. It would, in any event, be open for drivers to contest in court the charge of committing an offence; and

(c) arrangements to allow both the Police and Vehicle Operator and Services Agency (VOSA) to operate these schemes at the roadside for roadworthiness and infringements such as overloading and exceeding drivers' hours rules.

Respondents supported the principle behind the proposals and the vast majority considered that a graduated fixed penalty and deposit scheme would be a positive and effective means of eradicating those inconsistencies in commercial vehicle enforcement which it sought to address. The only concerns raised were on the detail of how the penalties would be applied in practice and on how the graduation of the fine would work. Some respondents stated that it was imperative the scheme was made sufficiently robust in order not to provide opportunities for drivers to challenge fixed penalty notices issued incorrectly. General concerns raised were mainly related to the risks associated with collecting fines at the roadside. All but one of the respondents supported the proposal of allowing VOSA examiners to issue fixed penalty notices.

Other member states that have fixed penalty systems, where the fines are graduated according to the severity of the offence, have shown that that they are more effective than court based systems. This is evidenced by the fact that only three member states, including the UK, of the pre-May 2004 membership of the EU do not have a similar system in place.[56]

a. Fixed penalties

Clause 4 and schedule 1 amend part III of the RTOA 1988 (fixed penalties) to enable vehicle examiners to issue fixed penalty notices for those offences (predominantly roadworthiness offences) which they have powers to enforce.[57] The amendments set up a system similar, but not identical, to the fixed penalty system administered by the police and fixed penalty clerks. The difference is that where a fixed penalty notice, or conditional offer, is issued by a vehicle examiner, the system will be administered by the secretary of state. Fixed penalty payments will be sent to him and he will be responsible, where relevant, for the inspection and endorsement of driving licences. In practice this will be handled by a VOSA office. Recipients of a notice will still have the right to ask to be heard by a court.

Clause 5 amends the *Goods Vehicle (Licensing of Operators) Act 1995* to provide for fixed penalty notices in respect of heavy goods vehicles to be made notifiable, in the same

---

[56] RIA, para 4.15

[57] Vehicle examiners are appointed by the secretary of state under section 66A of the RTA 1988. They are staff in the Vehicle and Operator Services Agency (VOSA), an agency of the Department for Transport.

way convictions are, to the traffic commissioners. It also provides for the traffic commissioners to take into consideration any fixed penalty notices, issued to the operator, their agent or transport manager, within the previous five years when granting, revoking, suspending or curtailing an operator's licence. Failure to notify will be an offence, as is a failure to notify a conviction.

Clause 6 makes similar amendments to the *Public Passenger Vehicles Act 1981*. They will apply to an applicant for, or holder of, a public service vehicle operator's licence.

b. Non GB licences and counterpart licences

It is only possible to issue an endorseable fixed penalty notice to someone who holds a valid GB licence and counterpart.[58] Unlicensed drivers and those who do not have a British licence cannot be issued a FPN. This includes a European Community or Northern Ireland licence holder resident in Great Britain as they do not have the counterpart (although they can apply for one). Those who do not have the counterpart have to be prosecuted in court, which can lead to court costs and a higher fine.[59]

Clauses 7 and 8, and schedule 2 remove the current requirement for the police to inspect the driving licence counterpart before issuing a fixed penalty notice. Instead, they would be able to check records held by DVLA for a driver's penalty points status. A court appearance would be necessary if the points would mean the licence being removed.

In the long run it is planned to get rid of the counterparts. Clause 9 and schedule 3 would introduce the new system of endorsement of driving records for all drivers with the result that there would be no need for counterparts for any driver. The DVLA consulted on this in February 2004 and about 80 per cent of respondents supported abolition.[60] Comments from the police and the courts suggested that it was already being used less than electronic and telephone links.

c. Deposit scheme

According to the RIA, foreign drivers are at least as likely to offend as their UK counterparts.[61] This is corroborated by VOSA statistics which show that drivers' hours offences are detected in 3.7% of the UK drivers they check yet this rises to 12.8% for overseas drivers. However, in all but very rare cases where overseas drivers provide a UK agent for the service of a summons, they cannot, in effect, be prosecuted. The *Criminal*

---

58 The counterpart is the accompanying form designed to record information, including endorsements.

59 Complaints about this have been upheld by the European Commission.

60 DVLA *The Future of the Counterpart to the Photocard Driving Licence*, February 2004
http://www.dvla.gov.uk/public/consult/future_photocard/counterpart.htm
A summary of the responses received to the consultation are available at:
http://www.dvla.gov.uk/public/consult/Future_paper_counterpart.htm

61 RIA, para 4.21

Justice (International Co-operation) Act 1990 makes it clear that failure to comply with a warrant served at an overseas address does not constitute contempt of any court and is not grounds for issuing a warrant to secure the attendance of the person in question.

Clause 10 allows for the deposit scheme to be applied to any driver who cannot satisfy enforcement officers that a penalty or fine could be enforced against them in the UK. It would be open for drivers to contest in court the charge of committing an offence. Should the court decide in their favour or if the case did not go to court, the deposit would be refunded with the relevant interest. If the court decided against them, the deposit would be retained to be set off against all, or part, of the fine imposed. The police or vehicle examiners would be able to prohibit the moving of the vehicle if the deposit is not paid immediately. The prohibition would continue in force until the driver paid the deposit or fixed penalty; was charged with the offence or informed he would not be prosecuted; or the prosecution period came to an end, whichever occurred first.

The intention (as set out in the consultation paper and the RIA) is that the scheme should cover the following types of offences. Most of these are specific to commercial vehicles.

- overloading
- drivers' hours, tachograph records
- roadworthiness
- construction & use
- driver licence
- European Community authorisations and licences
- plating & testing
- vehicle excise duty
- emissions

The proposals in clause 10 are in the form of enabling measures only. There will be further consultation prior to the introduction of the schemes, seeking views on the detail (for example, the levels of fixed penalties and on the precise list of offences to be covered). The intention is to introduce the schemes for the commercial sector. No decision has yet been taken about whether to apply the deposit scheme to other motorists without a UK address but the enabling powers would allow this.

The benefits are seen as:[62]

> **Economic**
> Our initial assessment is that the scheme will reduce the burden on the courts. Indeed this is one of the key benefits of the scheme. Those who accept a fixed penalty will not have to go through Court procedures. We anticipate that 80% of current prosecutions undertaken by VOSA will be replaced by Fixed Penalties

---

[62] RIA, para 4.23-4

(last year this was 7800 cases). However, administering the collection of fixed penalties/deposits and enforcing the fines against those drivers who fail to pay a fixed penalty might prove greater than the savings in existing Court and legal aid costs. Should that prove to be the case, and if HM Treasury will not allow such costs to be covered from fines collected, the Department for Transport will be required to fund any additional overheads to the Courts. The Department for Transport is developing more detailed figures to underpin this assessment.

The costs of increased compliance will be assessed when the RIA for the detailed scheme is prepared.

Environmental
It is considered that benefits would be gained here as a consequence of an additional level of sanction aimed at environmental related offences, such as exhaust emissions.

VI Penalties

A. Increases in penalties

Major changes to driving offences and penalties will have to wait for the Home Office consultation following the review of road traffic offences. It is not known when this will appear.

The Home Office together with the Lord Chancellor's Department and the then DTLR, undertook a review of road traffic penalties and published a joint consultation paper in December 2000.[63] A report outlining the findings of the consultation exercise and the Government's conclusions was published in July 2002.[64] The Home Office set up a review to be conducted by John Halliday in May 2003 to "review the existing framework of criminal law concerning bad driving, particularly where death or injury results in order to ensure that appropriate offences and penalties are put in place."[65] The Transport Minister said in September that the Government would "shortly be consulting on those issues".[66]

The Government has introduced some of the proposals outlined in the report on the review of road traffic penalties. The *Criminal Justice Act 2003* increased the maximum penalty for the offence of causing death by dangerous driving from 10 to 14 years in February 2004. Clause 19 of this Bill increases the maximum penalty for the careless

63 Home Office, DETR, *Road traffic penalties: a consultation paper*, December 2000
64 Home Office, DfT, Lord Chancellor's Department, *Report on the Review of Road Traffic Penalties*, July 2002 http://www.homeoffice.gov.uk/docs/traffic.pdf
65 Home Office press release, 31 July 2003
66 HC Deb 7 September 2004, c204WH

driving offence from level 4 (£2,500) to level 5 (£5,000) as proposed in the report on the review of road traffic penalties.[67]

> **Proposal 17 Careless or inconsiderate driving**
> Under this proposal, available sentences would include the requirement to undergo a retraining and improvement programme, decoupled community penalties, and a level 5 fine. A mandatory minimum of 9 points (against a maximum of 12) if, within the previous 5 years, the offender has already committed a careless driving offence or one of the more serious ones considered in this proposal. This number of points would almost certainly mean immediate disqualification for any offender who already had existing points.
>
> The review noted the wide range of blameworthiness that the offence embraces. This was picked up by a number of consultees who were particularly opposed to a harsher penalties of 9 (out of 12) points for a second offence – almost certainly triggering a totting disqualification – and an automatic retest for a third offence within 5 years. The proposal to raise the maximum fine to level 5 was more acceptable as was the use of driver retraining courses and community penalties.
>
> **RECOMMENDATION:**
> The research report "Dangerous Driving and the Law" (Road Safety Research Report No. 26) draws attention to the range of bad driving that is covered by the careless driving offence. The Government agrees that further consideration needs to be given to the possibility of breaking the careless driving offence into 2 parts. However, there is a good case for raising the ceiling on penalties in the form of the maximum fine and the possible use of community penalties. The availability of driver retraining should also be seen as a progressive change. The courts could be expected to apply appropriate discretion in the use of it. However the Government accepts the views made by several respondents that minimum penalties such as 9 points for repeat offenders could be seen as unduly harsh in certain circumstances. This proposal will be deferred until the careless driving offence has been examined in detail.

The Transport Committee felt this could only be an interim measure: what was needed was "a fundamental overhaul of the law relating to careless and dangerous driving." [68] The minister, in his evidence to the committee, stressed that further changes were the responsibility of the Home Office and the DfT could not act unilaterally. [69]

The committee set out at some length what it thought should be done to reform the law. In particular it wanted to see a single offence of "causing death/serious injury by negligent driving":[70]

---

67 Home Office, DfT, Lord Chancellor's Department, *Report on the Review of Road Traffic Penalties*, July 2002, proposal 17

68 Transport committee *Traffic Law and its Enforcement*, para 53.

69 David Jamieson, Transport Committee, evidence 14 July 2004.

70 Transport committee *Traffic Law and its Enforcement*, para 51-2

> 51. We recognise that some fatal crashes occur through no fault of the driver, and some are a tragic consequence of a momentary misjudgement. Far more crashes occur as a result of negligent behaviour. A single offence of "causing death/serious injury by negligent driving" should be created in any reform of motoring offences. Courts should have wide discretion over sentencing, which must depend on the full facts of each case. We are confident that the alleged difficulties of a broad offence can be overcome. Sensible enforcement of this offence would help secure justice for victims of negligent driving. It would also dispel the myth that road deaths are usually unfortunate accidents.
>
> 52. Any reform of motoring offences should follow three are broad principles:
>
> - causing serious injury should be considered very serious;
> - all cases which involve death or serious injury should be heard in the Crown Court, not magistrates' courts;
> - the gulf between the penalties available for causing death by dangerous driving and for other dangerous or negligent driving offences should be closed. In particular, there should be far higher maximum sentences available for some of the behaviour which is now classified as careless driving.
>
> These changes would help make the sentence fit the motoring crime. They would prevent the derisory sentences which are handed down when the CPS brings inappropriate charges, or when the current guidelines pigeon-hole certain behaviour as less serious.

Another of the Transport Committee's particular concerns was that many police forces saw roads policing as a peripheral task.[71] As a result the law was not being enforced. The number of police traffic officers is not routinely published, but has been produced in response to written parliamentary questions(see table below). A new narrower definition was introduced in 1999 which excludes police officers engaged in accident investigation, vehicle examination or radar duties. The break in the series means it is not possible to compare numbers from the beginning and end of this period, but it is clear that the number fell in the period to 1999 and this trend has continued since.

[71] Transport committee *Traffic Law and its Enforcement*, para 27

Police Traffic Officers in England and Wales

Police assigned to traffic functions	
1993-94	8,657
1994-95	8,421
1995-96	8,078
1996-97	8,142
1997-98	7,951
1998-99	7,806
Police traffic officers [(a)]	
1999-00	7,523
2000-01	7,238
2001-02	7,005

(a) A new narrower definition was introduced in 1999, hence data after this time are not directly comparable

Sources: *HC Deb 2 December 1998 c190-2w*
HC Deb 27 January 2003 c717-9w
HC Deb 21 March 2003 c972-75w

B. Mobile phones

The *Road Vehicles (construction and use) (amendment) (no 4) Regulations 2003* came into force on 1 December 2003. The regulations insert a new regulation 110 in the *Construction and Use Regulations 1986*. This prohibits a person from driving a motor vehicle on a road if the driver is using a hand held mobile telephone or similar device. It is an offence under section 42 of the RTA 1988 to contravene these regulations and offenders are subject to a fixed penalty fine of £30.

The government has always said that it would legislate to make this an endorseable offence, so that drivers will receive three penalty points on their licence and a £60 fixed penalty. Clause 22 therefore amends schedule 2 of the *Road Traffic Offenders Act 1988.*

Data on offences will not be available until early 2005 and the full figures for 2004 will be published in autumn 2005.[72] The DfT are monitoring the use of mobile phones by drivers and report "the most recent survey carried out on weekdays in September 2004 found that the use of hand-held phones by car drivers has dropped by over 25 percent since September 2003."[73] However, a survey by the RAC suggests that four out of 10 drivers are still using their phones while driving compared with one in 10 of those surveyed two years ago.[74] In a PQ in the House of Lords, Lord Faulkner quoted the experience of New York where the use of hand-held phones by car drivers fell by 50

[72] PQ HC Deb 10 November 2004 c738W
[73] PQ HC Deb 2 November 2004 c194W
[74] http://news.bbc.co.uk/2/hi/uk_news/4034353.stm

percent in the first year but in the second returned to almost its original level due to the absence of proper enforcement.[75]

There appears to be considerable support for this clause. RoSPA welcomed the news,[76] as did Robert Gifford, Executive Director of PACTS,[77] and the Transport Committee although the committee added: "these offences must be enforced properly in order to capitalise on these effects."[78]

Clause 22 also covers the offence of driving without proper control,[79] which has been used by police to deal with those who drive poorly by eating a sandwich or such like. It makes the offence endorseable with three points.

C. Other increases

1. Rear seat belts

Clause 20 of the Bill removes a discrepancy between penalties for different offences with respect to the use of seat belts by children. The offences of an adult not wearing a seat belt, or a child in a front seat not wearing a seat belt are punishable by a level 2 fine (maximum £500) whereas the offence of a child not wearing a seat belt in a rear seat is punishable by a level 1 fine (maximum £200).[80] There is no good reason for a different penalty as between adults and children in rear seats, nor with respect to children, between front and rear seats. The fine for a child in a rear seat case will therefore be raised to level 2. It is the personal responsibility of each adult occupant of a vehicle to ensure that he or she complies with the law in respect of wearing seatbelts. Drivers are responsible for ensuring that children under 14 wear their seatbelts.

Seatbelts in the front of cars have had to be used since 31 January 1983. Children have had to wear seatbelts in the back seats since 1 September 1989 and adults since 1 July 1991. In 1993 the regulations were consolidated into two sets of regulations and slightly amended to fit in with the European legislation. The *Motor Vehicles (Wearing of Seat Belts) Regulations 1993* now govern the wearing of seat belts by adults travelling in the front and rear of a car and by children in rear seats.[81] The regulations governing the wearing of seat belts worn by children travelling in the front of a car are the *Motor Vehicles (Wearing of Seat belts by Children in Front Seats) Regulations 1993*.[82] These had to be separate as they are made under section 15, not section 14, of the *Road Traffic Act 1988*.

---

75 PQ HL Deb 1 November 2004 c5
76 RoSPA, 23 November 2004 http://www.rospa.org.uk/news/releases/2004/pr350_23_11_04_road.htm
77 PACTS, press notice 23 November 2004 *PACTS comments on Road Safety Bill*
78 Transport committee *Traffic Law and its Enforcement*, para 125
79 *Construction and Use Regulations 1986*, section 104
80 RTOA 1988 schedule 2
81 SI 1993/176
82 SI 1993/31

All the rules surrounding the wearing of seat belts are rather complicated, particularly those covering children. The general rules may be summarised as:

- when travelling in the front seat of any vehicle, an adult must wear a seat belt if one is available (introduced 1983);
- when travelling in the back seat of a car an adult must wear a seat belt if it is available (1991);
- no child may be carried unrestrained in the front seat of any vehicle (1983);
- no child may be carried unrestrained in the rear seat of a car if there is an appropriate restraint (September 1989). A child under 14 must move to the front if there is no seatbelt in the rear and but there is one available in the front (introduced in 1993).
- A child under three in the back of a car must wear a child restraint if there is one but need not move to the front (unless there is a child seat) or wear an adult belt if there is no child fitment.

An "appropriate restraint" means a purpose built infant carrier or a child seat for a child less than three years old and for a child of three or more, a purpose built child seat if there is one available or, if not, an adult seat. An adult seat belt will always be regarded as suitable for a large child and even for some children under 3 years old who are large for their age. However children under three years do not have to wear a belt.

2. Using a vehicle in a dangerous condition

Clause 21 introduces a mandatory disqualification for a second or subsequent offence of using a vehicle in a dangerous condition. This was a recommendation made in the report on the review of road traffic penalties:[83]

> **Proposal 20 Using vehicles in a dangerous condition**
> Under this proposal disqualification would be mandatory for a second or subsequent offence in this category within 3 years. It was also suggested that community penalties and temporary forfeiture could also be available. Overloading was considered not to be taken seriously enough and the review suggests mandatory minimum disqualification for a second offence.
> Although most responses were in support of this proposal, there were concerns over an assumption about who is responsible for the overloading of a vehicle. Drivers may be intimidated into driving a vehicle against their better judgment. It was necessary therefore to exercise powers to prosecute the consignor who overloads the vehicle and/or the holder of the operating licence.
>
> **RECOMMENDATION:**

[83] Home Office, DfT, Lord Chancellor's Department, *Report on the Review of Road Traffic Penalties*, July 2002, proposal 20

> The Government views this as a serious offence and considers repeat offending particularly blameworthy. It will therefore pursue the proposal to introduce a mandatory disqualification for second or subsequent offences. Although the owner or consignor of the vehicle are liable under current legislation and should not escape punishment where culpable, the driver must also be held to account if he takes an unsafe vehicle onto the road. The availability of community penalties will be considered in the context of the implementation of the Government's new sentencing framework. Temporary forfeiture of the vehicle may be a particularly appropriate penalty for owners who deliberately flout the law.

The Government recognizes that responsibility also lies with the vehicle owner or consignor but the driver should be accountable for taking an unsafe vehicle onto the road.

The Transport Committee referred to evidence from the police:[84]

> In principle, we agree that this is a serious offence, and repeat offenders should be punished, but we note that the Metropolitan Police Transport Operational Command Unit was concerned that the offence could cover vehicles with a wide range of defects, and care might need be taken to ensure that only serious offenders were caught.

3. Driver identification

There is a problem with speeding drivers who evade punishment because the vehicle keeper is unwilling to identify them. This is an offence under section 172 of the *Road Traffic Offenders Act 1988* for which the penalty is a level 3 fine (maximum £1,000) and an obligatory 3 point endorsement. The Government plan to raise the endorsement to 6 points which will correspond to the maximum available for a speeding offence.

The Transport Committee considered the matter of failure to stop. [85] It raised the additional point about those who fail to stop after a traffic accident:

> 40. We have not been able to deal with all the suggestions made in this report, and this chapter focuses on the most important. There are two slightly separate points which we wish to deal with before we turn to the main consideration of the way in which the law deals with motorists who cause death or serious injury.
>
> 41. The first is the way in which prosecutors treat those who fail to stop after a traffic accident or fail to report a traffic accident. The maximum penalty for such offences is six months imprisonment or a fine. Although there may occasionally be mitigating circumstances for such offences, in many cases they are tantamount to an attempt to pervert the course of justice. A drunken driver who does not stop not only removes the physical evidence from the scene, but prevents the police

---

84 Transport committee *Traffic Law and its Enforcement* paras 127

85 Transport Committee *Traffic Law and its Enforcement, para 40-1*

from getting evidence of his blood alcohol level. One of the themes of this report is that the law on our roads should not be seen as somehow different from ordinary law. **The police and Crown Prosecution Service should bring charges of attempting to pervert the course of justice against those who fail to stop after serious crashes, or do not report them.**

VII Attendance on courses

Clauses 24 and 25 allow the courts to reduce a penalty if an offender agrees to attend, at his own expense, a retraining course. Clause 24 reduces **penalty points**, initially in cases of careless driving and speeding that come to court. The driver retraining and improvement courses will use the rehabilitation courses now available for drink driving as a pattern. Clause 25 simplifies and extends the drink drive rehabilitation scheme, which can lead to a reduced period of **disqualification**.

A. Driver retraining courses

The existing driver improvement courses are a non-statutory venture and were introduced following the North report on the review of road traffic law, published in 1988.[86] This favoured the idea of education and retraining rather than criminal prosecution in certain minor cases. The courses can be offered by the police in cases of section 3 offences (careless driving and driving without due consideration under the RTA 1988) where there has been no serious injury. In these cases, police have the option whether or not to prosecute and some forces feel that many cases are not a matter of criminal behaviour but of bad driving and are better dealt with by retraining.

The first experimental course took place in Devon in 1991, operated jointly by the local authority and the local police force. Different types of course have been piloted in seven areas. An evaluation of the Lancashire course was undertaken by Dr Michelle Meadows of Staffordshire University, who found that issuing a penalty notice had no impact on driving habits but attending the course resulted in a 5 mph reduction in average speed.[87] The courses now cover all Wales and most of England.[88] The courses are self-financing and usually cost between £100 and £135.

---

86 *Review of road traffic law* (North report) 1988 HMSO

87 http://www.lancashire.gov.uk/environment/roadsafety/sac.asp

88 The providers have formed an association, the Association of National Driving Improvement Service Providers (ANDISP), to ensure that similar standards are available nationwide. It is also producing a code of practice. Shropshire county council acts as the lead authority and ANDISP may be contacted at their offices: Shropshire county council, 107 Langdon Road, Shrewsbury SY3 9DS Tel. 01743 232475. The chairman is Colin Pettener.

A proposal to extend the courses was in the report on the review of road traffic penalties.[89] There was a very high level of support for this proposal and the Government recommended:

> **RECOMMENDATION:**
> There is a clear endorsement for this proposal. Currently retraining courses are offered by the police as a "diversionary" measure in lieu of prosecution. But they could be made available as a disposal of the court in the same way as the drink drive rehabilitation courses. The Government considers that the "offender pays" principle is a key factor in securing commitment of the motorist to take more responsibility. However, note has been taken of the opinion expressed in consultation that such courses should be compulsory. The Government believes that there may be a place for mandatory retraining (which has, in fact, always been possible under the terms of probation) but it will be more effective if the offender makes the commitment voluntarily. It is, furthermore, a matter for the courts in individual cases to decide what is most appropriate.
>
> The Department for Transport are currently funding research into the effectiveness of different types of courses and schemes in other countries which will assist in preparing detailed proposals for a scheme. This proposal will require primary legislation but will be taken forward when an opportunity arises. As the proposal is for a self-funding scheme, resource implications should be minimal.

The Government has said that courses will be available for the more serious offences and will be more demanding than the police courses described above. The pattern for the retraining courses is likely to be the existing rehabilitation courses for drink drive offenders. Clause 24 allows the court to offer road traffic offenders who had at least 7 penalty points, the opportunity to attend, at their own expense, a driver retraining and improvement programme. If successful on this programme, they could earn remission of 3 points.

B. Drink drive rehabilitation scheme

Clause 25 extends the principle for the drink drive rehabilitation scheme to certain other offences. In addition to those for whom this option is currently available, it will be available for those persons who are disqualified for 12 months or more on conviction of: failing to allow a specimen to be subjected to a laboratory test in the course of an investigation into certain offences, careless and inconsiderate driving, failing to comply with traffic signs and speeding. The programme would be available to an offender no more than once every three years. Successful completion of the programme could result in remission of a quarter of the period of disqualification. The reduction may be "not less than three months and not more than one quarter of the unreduced period". An offender must pay all the fees before the beginning of the course.

---

[89] Home Office, DfT, Lord Chancellor's Department, *Report on the Review of Road Traffic Penalties*, July 2002, proposal 2

Rehabilitation courses for those convicted of drink/driving offences were introduced by the *Road Traffic Act 1991* section 30. This inserted sections 34A and 34B in the *Road Traffic Offenders Act 1988* and gave courts power to order that the period of disqualification imposed on an offender be reduced if he completed a course approved by the secretary of state. The scheme started in 1993 and 175 court areas were designated to refer offenders to courses. Initially this was only for an experimental period. The TRL monitored the results and concluded that offenders who attended an approved rehabilitation course were three times less likely to reoffend.[90] The scheme was made permanent throughout Great Britain from 1 January 2000.[91]

Clause 25 also makes changes to the existing scheme covering:

a. Cumbersome administration

Courts and course providers have identified a procedural problem because of a distinction in existing legislation between a "sentencing court" and a "supervising court". In practice, this has entailed occasional confusion and an amount of paperwork between courts that is no longer considered necessary. The distinction is therefore removed and the sentencing court will remain the supervising court in the majority of cases, handling the administrative process entirely unless a further hearing is required, in which case an appropriate supervising court can be appointed.

b. More flexible payment.

The proportion of drink drivers who attend and complete such courses is around 30 per cent. Offenders must meet the cost themselves and pay the whole fee before the course starts. Organizations that provide courses have suggested that this could represent a barrier to acceptance and have indicated that more flexibility such as extending the payment period beyond the start of the course could improve take up rates.

Course providers can set their own level of fees within a guideline of £50-250, set out by the secretary of state in guidance. Courts in conjunction with offenders are free to choose the course-providing organisation that they use. Only about 35% of all offenders referred to a course actually go on to complete it. Research conducted by the TRL has indicated that the most common reason given by offenders for not attending is cost and the difficulty of paying for the course.[92] A survey conducted by one of the largest course-providing organisations also confirms this, finding that despite requiring payment in advance of completion only

---

90 TRL *Drink/driver rehabilitation courses in England and Wales,* 1999 TRL report 426; Final report, 2004 TRL report 613

91 *Courses for drink-drive offenders (experimental period) (termination of restrictions) order 1999* SI 1999/3130; 2nd standing committee on delegated legislation, 26 July 1999

92 TRL *Drink drive rehabilitation courses: survey of non-attenders,* 2002, TRL report PR/SE/554

80% of attendees had done so.[93] The Government decided against reducing the fee but did conclude that offenders should be allowed more time to budget for payment.

c. Monitoring arrangements.

The secretary of state may issue guidance on standards to course organisers. Compliance with these standards is checked by the DfT officials through visits to courses and annual reports. The DfT reports that it has "become aware of cases of poor practice and contravention of the guidance."[94] However, the current legislative framework does not include provision for the secretary of state to withdraw approval for any deficient course or course provider. In addition, there are no express statutory provisions governing the monitoring of the scheme and no express appeal provisions for course providers. In future the secretary of state will be able to prescribe what is required of course providers and set out a right of appeal for them.

VIII Driving standards

Clauses 26 to 32 introduce changes to the driver licensing and testing regimes in part V of the RTA 1988. Many of the amendments involve the granting of legal powers to the Secretary of State to extend the use of secondary legislation. Further consultation will take place on any subsequent secondary legislation under part V of the RTA.[95]

A. Driving tests and licences

a. Driving tests and fees

The Driving Standards Agency (DSA) circulated a consultation paper outlining a package of changes to modernise the administrative arrangements for booking and attending the theory and practical tests taken by learner drivers and riders.[96]

Clause 26 allows the Secretary of State to provide, by regulations, for more flexible arrangements for driving schools and candidates to book, cancel and re-arrange test appointments. It also allows the DSA to charge a fee for administration services where no such fee is currently levied (e.g. when cancelling or re-arranging tests at the candidate's request). Currently, the administration cost of re-arranging a test appointment or making a test fee refund is shared by all test candidates. The Government consider it

---

93 RIA, para 1.98

94 RIA, para 1.109

95 RTA 1988 section 195(2) exempts part V from the requirement to consult before making regulations. Schedule 4 para 29removes this exemption.

96 DSA *Modernising the arrangements for taking driving tests*, June 2004, Details Appendix A; RIA Appendix C
http://www.dsa.gov.uk/dsa/consult/modernising_arrangements_driving_tests/introduction.pdf

is appropriate that the burden should be borne by the person requesting the change or refund.

Clause 26 also allows the Secretary of State, again by regulation, to require the driving test candidate to surrender his licence to the examiner in prescribed circumstances (for example, if it does not pass the necessary security checks). There has been a problem with impersonation of licence holders at driving test, both theory and practical. The *Road Traffic Act 1988* section 176 means that only a police constable can seize a driving licence if he has reasonable cause to believe that an offence has been committed. The DSA want their examiners to have powers to confiscate any driving licence found to be false at practical and theory tests.

The clause enables the Secretary of State, by regulation, to require inspection and certification of prescribed test vehicles.[97]

b. Disqualification until test passed

The Government is proposing that drivers disqualified for two years or more will have to retake the driving test. This would apply to all repeat drink driver offenders. Currently the minimum driving disqualification for committing two drink drive offences in a ten-year period is 3 years.

Some offences lead to the offender having to be retested before he can drive again. The *Road Traffic Offenders Act 1988* sets out the serious offences where disqualification must be followed by retesting:

> **36.** — (1) Where this subsection applies to a person the court must order him to be disqualified until he passes the appropriate driving test.
>
> (2) Subsection (1) above applies to a person who is disqualified under section 34 of this Act on conviction of—
> (a) manslaughter, or in Scotland culpable homicide, by the driver of a motor vehicle, or
> (b) an offence under section 1 (causing death by dangerous driving) or section 2 (dangerous driving) of the *Road Traffic Act 1988*.
>
> (3) Subsection (1) above also applies—
> (a) to a person who is disqualified under section 34 or 35 of this Act in such circumstances or for such period as the Secretary of State may by order prescribe, or
> (b) to such other persons convicted of such offences involving obligatory endorsement as may be so prescribed.

---

[97] An inspection and certification process is needed to show compliance with the weight requirements for large goods vehicles and large trailers used for driving tests as set out in Commission Directive 2000/56/EC

Ministers may add by order to the list and did so in December 2001 when they added the offence of causing death by careless driving whilst under the influence of drink or drugs. The inclusion of all drivers disqualified for two years could also be done by secondary legislation but the opportunity has been taken in this Bill to define which test must be taken.

Clause 27 substitutes a new version of the definition of "appropriate driving test" in section 36 of the RTOA 1988. The “appropriate” driving test may refer to the standard driving test or an extended test. This is a double length test and those convicted of manslaughter, causing death by dangerous driving, dangerous driving, or causing death by careless driving when under the influence of drink or drugs, are required to take the extended test. Clause 27 will enable the Secretary of State to prescribe by regulations when the appropriate driving test is an extended test.

c. Photocard driving licences and fees

The DVLA is required to recover the costs of its operations through fees collected for a number of the services it delivers. In 2003 greater flexibility was introduced in the fee structure by bringing together (“pooling”) the costs of the driver and vehicle businesses, previously treated separately.[98] The changes were largely limited to addressing immediate funding issues and the convergence of the separate driver and vehicle records and processes. The Agency is now planning a number of new initiatives, such as the replacement of its vehicle registration systems; the recall of old paper driving licences; and the commencement of the 10-yearly renewal cycle for photocard driving licences. It will include a significant expansion in the scope of web-based services for both private and business customers. In 2004 it published a consultation paper outlining a number of options that would cover the costs of these activities including fees for the renewal of photocard licences under the 10-yearly cycle and for the provision of photocard licences under a paper licence recall initiative.[99]

Photocard driving licences in the harmonised European format were phased in between July 1998 and March 2000. In comparison with the older model licence, photocards have significant security benefits for the individual and for the licensing system and hence the motoring public at large. Around half of the 38 million driving licences in circulation are photocards. It is foreseen that an accelerated conversion to photocard licences would be desirable and the Government is therefore proposed to take a power to recall older format licences.

---

98 These changes were implemented in a series of statutory instruments: SI 2003/238, SI 2003/2994 and SI 2003/3110

99 DVLA *Consultation on fees proposals*, June 2004 http://www.dvla.gov.uk/public/consult/driver_fee/df_introduction.htm

The third European Directive, currently in draft, provides for enhanced security features and a single licence format across Europe.[100] This means that the old paper licences would have to be phased out before 2010. It may also be necessary to recall the first generation photocard format driving licences in the future.

Clause 29 contains an order making power that provides for the compulsory surrender of old-form driving licences and also of photocard licences in a form "no longer specified by the Secretary of State." The order will provide that a new licence must be granted to every holder of a licence surrendered and that a fee may be charged for the issue of a replacement. It will be an offence not to comply, punishable on summary conviction with a fine not exceeding level 3 on the standard scale (£1,000).

A photocard licence has to be renewed every ten years and currently renewals must be issued free of charge. Clause 30 allows a fee to be charged.

Clause 30 (2) rectifies an anomaly whereby a holder of a Community licence for certain classes of vehicle, resident in Britain, can regain his licence after a period of disqualification without charge, whereas the holder of a British licence has to pay a fee. A GB licence holder is already required to pay a fee for a licence authorising him to drive other vehicles for which he is not disqualified. Clause 30(2) means that where the Secretary of State has ordered a holder of a LGV Community licence or PCV Community licence to be disqualified from driving certain vehicles, he may now charge a fee for the issue of a British licence authorising him to drive other vehicles for which he is not disqualified.

d. Attachment of conditions

Clause 28 amends section 89(1) of the RTA 1988 so as to allow the Secretary of State to prescribe the period within which, or time at which, a person applying for a licence must have passed the relevant driving test and to enable him to specify any conditions subject to which full licences are granted. This power might be used, for example, in relation to a driver who had previously been disqualified from driving for a drink driving offence, but had agreed to a court order allowing him to participate in an alcohol ignition interlock programme (as provided for by clause 14). The condition would require the driver to drive only in accordance with the alcohol ignition interlock programme.

B. Driver instruction

The Government has said it wants to raise the standards of driver instruction and to rationalize driver instructor regulation with detailed provisions for different sectors.

---

[100] COM(2003)0621, 22 October 2003

The register of approved driver instructors (ADIs) was set up in the interests of road safety in order to maintain and improve the standard of car driving instruction available to the general public. It also ensures that the public can expect an acceptable standard of tuition from those registered as driving instructors. It is administered by the Driving Standards Agency (DSA).

Under the rules of the RTA 1988 and regulations made under the Act, particularly the *Motor Cars (Driving Instruction) Regulations 1989,* as amended, it is illegal for anyone to charge for instruction in driving a motor car unless either their name is on the register of ADIs or they are the holder of a trainee licence issued in accordance with the Act. Driving instructors require a high standard of driving ability, a sound knowledge of the subjects related to teaching others to drive, such as how to teach, how people learn, how to assess the performance of others, communication, and interpersonal skills, and must be able to apply these abilities. The qualification examination is in three parts: an IT based theory test; a practical test of driving ability; and a practical test of the ability to instruct. All three parts of the examination must be taken in this order and the whole examination must be completed within two years of passing the theory test. A candidate is allowed a maximum of three attempts at each of the practical tests within each two year qualification period. Continuous professional development is expected of driving instructors and they are assessed regularly.

The Government has published a series of consultation papers on ADIs.[101] It is proposing to:

- modernise the existing statutory scheme for car driving instructors,
- allow parallel statutory schemes to be introduced to quality assure professional instructors training other types of motor vehicle (e.g. lorry, bus and motorcycle),
- introduce a new raft of standards for driving schools, and the regulation of franchisees as well as employees,
- modernise provision of the qualifying exam for driving instructors so assessment is focused on the needs of the particular groups of instructors and is updated in the light of evidence.

Clause 31 enables the Secretary of State, by regulations, to make available information about persons providing driver training courses (but not sensitive personal data). The data may be disclosed to a third party and reasonable charges may be made for its provision. The purpose is to help potential users of driver training services to make informed decisions regarding their choice of instructor or training provider.

---

[101] DSA *Raising driving instructor standards*, December 2003 http://www.dsa.gov.uk/pdf/consult/Raising_driving_instructor_standards_(RDIS)9-12-03.pdf
DSA *Improving the approved driving instructor scheme*, April 2001, http://www.dsa.gov.uk/

Clause 32 and schedule 4 amend the law relating to driving instruction, contained in part V of the RTA 1998. The main changes are summarised below.

Extending regulated instruction to all types of vehicles. At present only driving instructors for certain types of vehicle are regulated: those involved with delivering paid instruction to motor car drivers, those involved with delivering compulsory basic training to learner motorcycle riders and those delivering 'Direct Access' training for riders of large motorcycles. Instructors delivering paid instruction for other categories of driving licence holder (e.g. minibus, bus and lorry) are not currently regulated. Regulation of paid driving instruction is to be extended to other motor vehicle types in addition to these other categories.

Registration of all involved in driver training. In future not only those persons who give paid instruction but also those who carry on a business of providing paid driving instruction will have to be registered. Currently, driving schools are not regulated. Any individual can establish a driving school and employ instructors. A driving school can operate from any type of premises and does not have to meet any minimum criteria regarding the teaching materials, resources available for practical instruction, the type of vehicle used, or the conditions in which the training takes place. There is no quality assurance of the service delivered by driving schools.

Display of certificates. ADIs are required to display their DSA approved instruction certificate in the car only whilst they are giving paid instruction. The certificate provides a photograph of the instructor, their name and registration number, and date of issue and expiry of the certificate. The Secretary of State will be able, by regulation, to prescribe the manner in which evidence of registration should be displayed. The intention is that the evidence of registration should be displayed in the classroom, on the business premises and in the vehicle when used for driver training or testing.

Responsibility for the register. Paragraph 4 substitutes new provisions for section 125 (register of approved instructors) enabling the Secretary of State to establish and maintain a register for the purposes of part V of the RTA. Paragraph 5 sets out the conditions of registration. Paragraph 10 substitutes new provisions for the removal of names from the register.

Paragraph 14 makes major changes to the **training and examination systems**. It replaces the current sections 132 (examinations) and 133 (review of examinations) of the RTA and inserts a new section 133ZA (training), to make the system more flexible.

Examination system. The current process for becoming an ADI is via a three part examination prescribed in legislation. The examination must be taken in stages and takes no account of prior learning or qualification or of new information and technological developments in assessment techniques. New section 132 (examinations) removes this stipulation and replaces it with revised powers enabling the Secretary of State to make regulations with respect to:

- the nature of, and administrative arrangements for, examinations of fitness and ability to give driving instruction,
- persons who may conduct them,
- evidence of the results of examinations, and
- the making available of information about examination results.

This should provide the flexibility required to adapt the examination requirements to specific situations (e.g. where the candidate has already passed one element of the examination on a different class of vehicle) and to facilitate the introduction of technological developments (e.g. vehicle simulators).

Training. Currently, training provided to those intending to become driving instructors is largely unregulated and of questionable quality. Amendments enable the Secretary of State to approve and regulate those persons and organisations providing driver instructor training. The regulations may also specify the type of training to be undertaken and provide flexibility, by way of exemptions, to meet individual needs (e.g. accreditation of prior learning). The regulations will also provide for appeal arrangements (e.g. where approval is refused or conditions imposed). The Secretary of State, by regulations, will be able to:

- make provision about instructors' training courses and persons providing the courses,
- require a person to successfully complete training in accordance with the regulations before being permitted to take any part of an examination, to become registered or to have his registration extended,
- provide for the setting of maximum charges for persons undergoing such training, and
- make information available about persons providing training (this relates to those providing training to the instructors whereas clause 31 refers to the instructors themselves).

IX Number plate suppliers

The Vehicle Crime Reduction Action Team (VCRAT) was established in 1998 by the Home Office with the aim of reducing vehicle crime. As there were no checks on the entitlement to number plates it was easy for criminals to obtain them and disguise the identity of stolen or cloned vehicles. Legislation covering the supply of licence plates was therefore introduced in part 2 of the *Vehicle Crime Act 2001.* The Act came into force on 1 January 2003 as an anti vehicle crime measure, requiring all businesses that sell number plates in England and Wales to register with DVLA.[102] Only registered

[102] Background may be seen in the DfT consultation paper (and responses) on number plate security, 2003

businesses may sell number plates. Those wishing to purchase finished plates are required to produce the vehicle's V5 logbook and proof of identity such as a photocard driving licence or passport. Registered suppliers must also keep records of all sales and make them available for inspection by police or trading standards. Details are set out in the *Vehicles Crime (Registration of Registration Plate Suppliers) (England and Wales) Regulations 2002*.[103]

In addition, the Act made it an offence to supply counterfeit number plates. The specifications for number plates are detailed in the *Road Vehicles (Display of Registration Marks) Regulations 2001*, as amended, and define amongst other things the font, size and spacing of characters. The materials to be used are covered by British Standard BS AU 145d. Compliant number plates ensure that Automated Number Plate Reader (ANPR) cameras and witnesses to vehicle crime do not have difficulty reading plates that would otherwise be misrepresented.

Clauses 33 and 34 give the DVLA powers to enforce the scheme alongside Trading Standards Departments, who are doing it at the moment. Section 26 of the 2001 Act authorises a police officer (or a person appointed by a local authority) to, at any reasonable time, enter the premises of a registered business to inspect records and take copies or extracts. A Magistrates' Court may either fine/suspend (or both) a supplier if they fail to comply with the requirements of the scheme and notify DVLA accordingly. A Magistrate's Court has the power to suspend a supplier for up to 5 years.

Section 29 of the Act states:

> Proceedings for an offence under this part shall not be instituted except:
> by a local authority or a constable; or
> in any other case, with the consent of the Attorney General.

Lawyers at the DVLA consider that only the police or persons appointed by local authorities have powers to prosecute for infringements, so whilst the DVLA administers the register of suppliers, it cannot institute proceedings. DVLA's enforcement effort is therefore geared to liaising with these enforcement authorities. The amendment would also cover county councils (they are not considered to be covered as a local authority) as many counties are responsible for trading standards.

Clause 35 extends the controls in part 2 of the *Vehicles Crime Act 2001* to Scotland and Northern Ireland. The Scottish Executive requested that the provision be included,[104] and a Sewel motion is expected in the Scottish Parliament to consent to the Bill as this clause affects the executive competence of Scottish ministers. It has also been decided to extend

---

http://www.dvla.gov.uk/public/consult/consultee_rep_veh_num_plate_sec.htm

103 SI 2002/2977

104 Transport Committee, DfT memorandum, para 70, 14 July 2004

the scheme to Northern Ireland, so preventing fraudsters circumventing the provisions by obtaining registration plates in Northern Ireland without being subject to regulation.[105]

X Information

A. Second hand cars

Clause 36 allows the particulars that must be included on the register of vehicles to be prescribed by regulation. The intention is that the particulars should be those already collected by the DVLA with the inclusion of the mandatory mileage reader (MMR). The legislation amends the *Vehicle Excise & Registration Act 1994* so this provision will extend to the whole of the United Kingdom.

Clocking, or turning back of vehicle's odometer to reduce its mileage, is not at present illegal although it could be fraudulent, and selling a clocked car either wittingly or unwittingly without telling the buyer could lead to prosecution. Following an initial consultation held by the Office of Fair Trading (OFT) in 1997, into the sale of second hand cars, it was identified that one of the main problems for purchasers of used vehicles was the uncertainty surrounding the vehicle mileage figure. In 1998, the VCRAT identified a package of initiatives aimed at combating vehicle crime and improving facilities offered to the general public and recommended that the collection of mileage information should become mandatory.

The voluntary mileage recording scheme introduced in 1992 is still in operation and enables keepers to declare the mileage of vehicles on forms used to notify changes. Take-up of the voluntary scheme has risen to 20%, a figure that is doubled for those vehicles held in the motor trade.[106] It is proposed that introducing the statutory requirement to provide mileage detail will reduce clocking, which fraudulently increases the resale value of a vehicle, costing the trader/motorist an estimated £100m net per annum.[107]

The information gathered under the mandatory system will be passed to data verification agencies and used to confirm the vehicle mileage to customers, before the vehicle is purchased. It is proposed that a fee be charged to these agencies, to fund the administrative processes related to the scheme within DVLA. The information will be passed to the customer, also for a fee (the amount will depend upon the individual company). The anticipated level will cover the amount charged by DVLA and the internal company cost of processing the transaction.

---

[105] The subject matter is deemed to be reserved and therefore within the legislative competence of the Northern Ireland Assembly when not suspended. As the Assembly is suspended, the legislative function reverts to the UK Parliament.
Responses to consultation can be seen at: http://www.dvla.gov.uk/public/consult/summary_rnps_ni.htm

[106] RIA para 5.17

[107] Figures provided by the AA and included in the RIA para 5.17

Replies received to the consultation showed unanimous support.[108] The RAC Foundation for Motoring, for example, supported the proposal, even advocating a greater number of times that mileage information may be recorded, such as at road traffic accidents and from roadside rescue and recovery. Matthew Carrington, the chief executive of the Retail Motor Industry Federation (RMI) said "Clocking is dangerous because it makes buyers believe that the vehicle has a lower mileage and so may require less servicing. The RMI has campaigned for more than a decade for greater legal measures to impede the practice, and this is just the kind of action we have been calling for. Nevertheless, there is still much more that can be done to stamp out the practice, and we will continue to work towards that end."[109]

It is not proposed to make the installation of a vehicle odometer mandatory. Data will be required only from those vehicles that are manufactured with an installed odometer.

B. International exchange of data

Clause 38 provides statutory authority for the relevant agencies - the DVLA in Great Britain, and Driver and Vehicle Licensing Northern Ireland (DVLNI), in Northern Ireland - to disclose certain data on driving licences and vehicle registration to their foreign counterparts. This statutory authority will enable the United Kingdom to ratify the Treaty on European Vehicle and Driving Licence Information System (EUCARIS) which was signed by the UK, Belgium, Germany, Luxembourg and the Netherlands on 29 June 2000. The Treaty is designed to facilitate the exchange of information on driving and vehicle registration. It aims to prevent the sale of stolen vehicles and to identify stolen and fraudulent driving licences within the treaty area. An electronic system has been established to facilitate this data exchange. However, the Government would also like the law to allow such an exchange with other international registrars which are not EUCARIS signatories.

The benefits from the legislation are seen as:

- comparison of driver information will ensure that motorists are entitled to drive in other countries, maintaining road safety standards;
- will prevent use and exchange of false licences;
- will aid recovery of cars stolen from the UK and exported to other participating countries;
- reduction in likelihood of purchasing stolen imported vehicles from participating countries; and
- discourage criminal importers from importing cars into treaty countries by regularly checking vehicle and driver databases of other EU countries.

---

[108] RIA para 5.49

[109] RMI, 3 December 2004, http://www.autoindustry.co.uk/news/industry_news/news-57522kac4l

C. Uninsured drivers

Driving without insurance against third party risk is an offence contrary to section 143 of the *Road Traffic Act 1988*. The requirement is for the driver to be insured, rather than the vehicle. The driver may be insured to drive one or more specified vehicles only or to drive any vehicle with the consent of the owner. The penalties are a maximum fine of £5,000, the automatic endorsement of an offender's licence with 6-8 penalty points and possible disqualification. On 1 June 2003 driving uninsured became an offence for which a fixed penalty could be offered. The level of the fixed penalty was set at £200 plus 6 penalty points.[110] For drivers still within the two-year probationary period prescribed by the *Road Traffic (New Drivers) Act 1995*, a conviction or fixed penalty notice for driving without insurance leads, in addition to a possible fine, to the revocation of their driving licence and the necessity to retake a driving test.

The DfT estimates that in the UK there are around 1.2 million persons - one in twenty motorists - driving regularly whilst uninsured.[111] Research shows that these drivers are:

- 10 times more likely to have been convicted of drink driving
- 6 times more likely to have been convicted of driving an unsafe vehicle
- 3 times more likely to have been convicted of driving without due care and attention.

Accidents involving these motorists cost over £200 million a year, adding up to £30 a year to the motor premiums of each driver.

In August 2003, the Government commissioned Professor David Greenaway of Nottingham University to carry out a review of motor insurance with the aim of making recommendations to help reduce the current levels of uninsured driving in the UK. His report, published in July 2004, provides a comprehensive overview of the scale and costs of uninsured driving and contains 20 recommendations intended to reduce the incidence of uninsured driving.[112]

The review recommends a package of measures which include: actions designed to increase awareness of the insurance requirement, especially among young drivers; actions which could make third party insurance more affordable to young drivers; actions designed to increase dramatically the chances of those who choose to drive uninsured

---

[110] *Fixed Penalty (Amendment) Order 2003*, SI 2003/1254

[111] DfT press notice *Government announces action to target uninsured drivers*, 11 August 2004 http://www.dft.gov.uk/pns/displaypn.cgi?pn_id=2004_0111

[112] *Uninsured driving in the United Kingdom: a report to the secretary of state* by Professor David Greenaway, July 2004 http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_030393.hcsp

being caught; and actions which increase the costs of driving uninsured for those who are caught. Some require primary legislation but many do not.

The Government accepted the broad thrust of the report. It has announced that it will introduce primary legislation to:

- give the police the power to seize and, in appropriate cases, destroy vehicles that are being driven uninsured [included in the *Serous Organised Crime and Police Bill 2004-05* clause 131]
- link the DVLA's Vehicle Register and the Motor Insurance Databases, allowing police to know which vehicles on the road are uninsured,
- allow fixed penalties for people who ignore reminders that their insurance has expired. [113]

Clause 39 deals with the second of these points. It enables the police to have access to information about drivers whose insurance might have expired. A motor insurance database is available but a legal power is needed to clarify that access to it would not be contrary to the *Data Protection Act*. Section 29 of that Act exempts information processed for the prevention or detection of crime, the apprehension or prosecution of offenders, or the assessment or collection of any tax or duty or of any imposition of a similar nature, from the first data protection principle (personal data must be processed lawfully and fairly and in accordance with the provisions of the schedules to the Act). However, this exemption has not prevented a great deal of uncertainty and confusion about what behaviour is or is not permissible.

The Transport Committee welcomed Professor Greenaway's work, but thought the DfT's approach too limited:[114]

> Although the problem of driving without insurance is serious and needs to be addressed, it should not be seen in isolation. There are very clear links between the unlicensed and the uninsured, and between those who commit other serious crimes. This is another case where a greater emphasis on traffic policing would bring wider benefits to society.

It considered that the law relating to unlicensed and uninsured drivers needed to be changed and outlined two major points of principle: the first related to the seriousness with which the law and the legal system treat these offences; the second to technical means of detection:

---

[113] A consultation paper, *Continuous Enforcement of Motor Insurance Requirements From the Record*, proposing the creation of a new offence and to allow for a scheme of continuous enforcement of motor insurance requirements from insurance records was published 3 December 2004, with a closing date of 25 February 2005.
http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_033114.hcsp

[114] Transport committee *Traffic Law and its Enforcement: Road Safety*, para 72

The legal system

74. The way in which the legal system treats those who drive without insurance, or those who drive while disqualified, only serves to reinforce the impression that crimes committed by drivers are somehow unimportant. All too often, penalties are likely to be feeble. (…)

75. Even if insurance companies find ways to reduce the cost of insurance for young people, the fixed penalty of £200 for driving without insurance will remain trivial in comparison. Moreover, rather than accepting the fixed penalty, offenders may opt to go before a Magistrates Court in the hope of receiving lower fines, since fines will be set at the level of an individual's ability to pay. Mr Richard Rumbelow of Direct Line Insurance told us "the average penalty for uninsured driving through a court is roughly £150 compared with the average price of motor insurance, which would be £450". [65] (…)

Penalties

78. A common theme in our evidence was frustration at the fact that community-based penalties were not available for offences such as driving without insurance or driving while disqualified. Professor Greenaway recommends that a review should be undertaken of the non-fiscal penalties which could be made available to magistrates in dealing with uninsured drivers, and that vehicles used in such offences should be forfeited to the police. (…)

80. There must be a radical overhaul of the penalties available to magistrates to deal with driving related offences tried in their courts. The community-based penalties for driving related offences promised in 2002 are still not available. But community sentences alone do not demonstrate the seriousness of the offence or deter the repeat offender.

81. Courts should normally order the forfeiture of vehicles used by uninsured or disqualified drivers, except where these are taken without consent. This would reduce offenders' access to vehicles to commit repeat offences, and deter those who abet such offences by allowing the use of their vehicle.

Enforcement

82. Professor Greenaway has also produced recommendations for greater use of automatic number plate recognition, and the better integration of the Motor Insurance Database (MID). Once again, the issues raised go far wider than insurance alone. New technology has produced new means for enforcing the law, particularly relating to uninsured drivers and unregistered vehicles. Automatic number plate recognition cameras can identify vehicles which are not on the DVLA's database, and such unregistered vehicles can be stopped. In principle, the police then use the MID to cross check the status of the driver. [70] However, as we discovered during our inquiry, there are doubts about the extent to which such cross-references are permitted by the Data Protection Act. (…)

84. A comprehensive data protection system is essential to protect citizens from the excesses of the state. However, the current framework is ill-suited to

circumstances where there is a "family" of enforcement agencies, and many traditional police functions are carried out by civilians, or even non-police agencies. It prevents enforcement agencies from exchanging information which would increase their efficiency. The law should make clear that public authorities which enforce the law, in the widest sense, can exchange data about individuals. This is a sensible way to deal with the transfer of enforcement responsibility from the police to other public bodies. Decriminalisation should not mean that the police lose access to information they would otherwise possess. In particular, we see no reason why enforcement agencies should not share information about unpaid civil penalties. The police should also be given access to the Motor Insurance Database, since they already have the power to demand insurance documents.

XI Miscellaneous

A. Motorway picnic areas

Loughborough University Sleep Research Centre conducted research into the effect of tiredness on accidents. From accident surveys conducted in conjunction with police forces it found that sleepiness was a major cause of serious accidents on monotonous roads in the UK, especially on motorways.[115] The research on selected motorways and trunk roads showed that:

- 17% of road crashes resulting in injury or death were sleep related;
- One quarter of all road crashes that caused death or serious injury were sleep related;
- 85% of drivers causing sleep related crashes were men; and
- 67% of sleep related crashes were caused by car drivers and 32% were caused by drivers of good vehicles.

While road crashes occur mostly on Fridays, these sleep related crashes occurred least on Fridays and mostly on Mondays. The DfT estimates that about 300 people a year are killed and many more are seriously injured where a driver has fallen asleep at the wheel.[116]

The DfT ran a radio campaign, alerting drivers to the dangers of 'microsleeps'. Microsleeps are potentially fatal dozes which last between two and 30 seconds and normally occur when people are tired but trying to stay awake. The DfT spends approximately £1m per year on 'Think! Don't Drive Tired' messages with advice and guidance encouraging people not to start a journey tired, to take a break in a safe place

[115] October 2004, http://www.lboro.ac.uk/departments/hu/groups/sleep/applied.htm
[116] DfT press notice, 19 October 2004 *Drivers warned about the dangers of driving tired*

(not on the hard shoulder) and drink two cups of coffee or a high-caffeine drink, followed by a 15-minute nap (while the caffeine takes effect) to help combat tiredness.

The Loughborough report reinforces research from other groups. The RAC's *Report on Motoring* showed that four million British drivers were nodding off in the driving seat every year. Almost one in seven drivers questioned - and as many as one in three of those clocking up more than 20,000 miles a year - admitted to falling asleep while behind the wheel in the past twelve months.[117] The RAC's findings supplement earlier research indicating that falling asleep while driving plays a part in 20% of motorway accidents and 10% of accidents on other roads. The road safety pressure group, Brake, published a survey in February 2004 showing that nearly half drivers admit to driving tired. Brake used the survey to call on the Government to implement various reforms including the creation of rest areas similar to the French "aires".[118]

Clause 40 allows the Government to pilot the use of rest areas which will be directly accessed from the motorway network. At present section 112 of the *Highways Act 1980* prohibits the provision of a picnic site and toilets on land adjoining or in the vicinity of a special road. According to the RIA, the cost of providing a pilot picnic site will be about £3m with annual running costs of around £300,000 (for regular cleaning of toilets, litter clearance and landscape maintenance).[119] The plan offers no commercial opportunities so will have to be publicly funded.

The initial intention is to conduct a pilot exercise on a high volume holiday route at a site comprising about four acres with parking, toilets, and picnic tables.

B. Drivers' hours

The Government wishes to strengthen and clarify enforcers' existing powers as set out in section 99 of the *Transport Act 1968* to inspect records relating to compliance with the EU drivers' hours rules. In addition, there is a need for new legislation in connection with EC Regulation 2135/98 which requires the fitting of digital tachographs, the device used to record drivers' hours. These will record driver activity electronically rather than on paper. The 1968 Act refers to Annex 1 – the old type of tachograph – and needs to be updated to refer to Annex 1B as well.

Clause 41 and schedule 5 introduces these amendments but the Government has taken the opportunity to extend the existing enforcement powers set out in section 99. It consulted about provisions to ensure the enforcement of the drivers' hours rules in July 2004. [120] In

---

[117] RAC, 2001 http://www.rac.co.uk/carcare/advice/general_help/driving_when_tired

[118] Brake press notice, 13 February 2004 *Survey on tired driving*

[119] RIA, para 3.16

[120] DfT *Graduated Fixed Penalty and Deposit Scheme & Enforcement of Drivers' Hours Rules*, consultation letter, July 2004 http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_030052.hcsp

2003, random checks of heavy goods vehicles revealed that just over 8% of randomly chosen drivers had committed drivers' hours offences and just under 8% were involved in tachograph related offences.[121]

The proposals in schedule 5 can be summarised as:

Signed printouts. Asking drivers to sign a print-out from their digital tachograph to confirm the accuracy of the information shown would give them one last opportunity to correct any mistakes or oversights. It would also make it easier for enforcers to prosecute successfully drivers who knowingly and deliberately falsify records.

Power to direct to inspection site. This would help enforcers to detect - and punish - persons who interfere with the functioning of their tachograph in order to conceal drivers' hours offences. This behaviour is associated with persons who deliberately disregard the drivers' hours rules and - by failing to take adequate rest - endanger other road users. They also gain an unfair competitive advantage over their honest rivals. The power would be subject to compensation arrangements if no offence were found.

Increased maximum fine. The existing penalty for failing to provide tachograph records, or obstructing an officer, is lower than the penalty for breaking the drivers' hours rules. Therefore, offenders will generally face a lower penalty if they withhold records, or obstruct an officer, than if they co-operate. In 2003/04, VOSA recorded nearly 2,000 offences involving withholding records or obstructing an officer. These offences represented approximately one fifth of all the drivers' hours and tachograph offences. A level 5 fine would provide an incentive to comply with the law.

Offence of permitting falsification of tachograph records. This would help deliver the intention of existing national law by providing a more effective way to deal with operators who encourage, persuade, or in some cases force, drivers to falsify tachograph records to conceal drivers' hours offences. It is difficult to prove that an operator has committed the existing (more serious) offence of causing false records to be made, which can lead to a prison sentence. The lesser offence of permitting falsification (which would attract a financial penalty only) would cover those operators who connive in the falsification of records, but where there is no evidence that they were the actual cause of the falsification.

Other minor changes. The Government needs to make a number of minor, technical changes to the 1968 Act in order to apply the existing penalties and enforcement powers to digital tachographs. It also clarifies enforcers' powers to take records away from companies for the purposes of inspection and introduce a new limit on the length of time for which records can be held if not needed as evidence (6 months). The power to ask for records to be sent to the office of the Traffic Commissioner (which dates back to a time

[121] RIA, para 3.35

when enforcers operated from the premises of the Traffic Commissioner) is updated to allow enforcers to ask records to be sent to any specified address.

C. Alternative fuel conversions

The number of vehicles using Liquefied Petroleum Gas (LPG) and other gases and fuels (bioethanol etc) has increased significantly in the last few years. Most of these vehicles are aftermarket conversions. There are currently no effective controls to ensure that these vehicles are properly converted and subsequently maintained. As a result there is a risk of a serious accident. Additionally, improperly converted vehicles do not deliver the anticipated benefits in reduced emissions and in some instances may be worse than pre conversion.

Primary powers are needed to set up an effective monitoring regime and clause 42 allows the Secretary of State to make regulations to require a vehicle to have a certificate stating it complies with regulations and to allow an inspector to examine a vehicle. The Government is proposing to introduce a post registration inspection of such vehicles. The scheme would have two ways of dealing with the problems of poor conversions. Converters or installers of alternative fuel equipment could opt for a system of self-certification whereby vehicles they converted would be issued with a certificate of satisfactory conversion. The Vehicle Certification Authority would most likely monitor this.

However, many converters and installers operate on low volumes and it is believed that a significant minority of these are DIY conversions, so an individual inspection regime could be set up. This would appoint competent persons and companies to carry out inspections and issue a certificate of satisfactory conversion. The VOSA would most likely control this scheme.

D. Hazardous materials

Changes are proposed to the carriage of hazardous materials and to ensure that future prosecutions for breach of the relevant regulations are viable. The radioactive materials transport division inspectors need the power to require answers to questions that are asked and to fail to do so would be an offence punishable by a fine or imprisonment in line with the Health & Safety Executive's powers. Currently, not all the powers are available to the inspectors.

E. Private hire vehicles, London

The *Private Hire Vehicles (London) Act 1998* was introduced to regulate private hire vehicles or minicabs in London but it has still not been fully implemented.[122] It provided for the licensing of minicabs in London and applies to minicab operators, drivers and vehicles. The Act does not specify the regulatory system in detail, preferring to leave considerable discretion to the regulatory authority to decide the details of the system. Such an arrangement is in line with the precedents for the regulation both of London taxis, and of taxis and minicabs outside London. The *Greater London Authority Act 1999 (commencement no 8 and consequential provisions) Order 2000* brought into force section 254 of the GLA Act and so transferred responsibility for PHV licensing from the secretary of state to Transport for London (TfL).

A problem has been identified in the definition of "private hire vehicle" in the *Private Hire Vehicles (London) Act 1998*. The 1998 Act defines a private hire vehicle as "a vehicle constructed or adapted to seat fewer than nine passengers which is made available with a driver to the public for hire for the purpose of carrying passengers, other than a licensed taxi or a public service vehicle".[123] The words "available ..... to the public" have created a problem in that some PHV operators and drivers who provide their services on a contract basis to one or more companies, local authorities, schools, hospitals etc have argued that they are not making their services available to the public at large and therefore their vehicles do not fall within the definition of "private hire vehicle" in the 1998 Act. Accordingly, they have argued that their whole operation does not require licensing.

TfL have reluctantly accepted that those operators and drivers who do not make their services available to the public at large are exempt from licensing. The concern is that there could be a problem if certain operators avoid the requirement to be licensed by offering their services to only one section of the public, for example children. This would mean that drivers were unlikely to have had a criminal record check and vehicles would not be checked for insurance.

The DfT circulated a consultation paper[124] and clause 44 removes the reference to providing the vehicle to the public. The effect would be to ensure that all PHV drivers and operators who provide private hire services in London would have to be licensed. The exemption for weddings and funerals would remain. The regulatory impact

---

[122] The implementation of the 1998 Act was phased, starting with the licensing of the operators. Full implementation of the legislation will not be completed until April 2006.

[123] The *Local Government (Miscellaneous Provisions) Act 1976* section 80, which covers minicabs outside London, defines a private hire vehicle as: "a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a hackney carriage taxi or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying re passengers."

[124] DfT *Private hire vehicles (London) Act 1998 – proposed amendment*, consultation letter, July 2004-09-28 http://www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_029690-02.hcsp#P70_5423

assessment (RIA) accompanying the consultation letter says that some 750 drivers and 50 operators are avoiding licensing by using the loophole – although it hopes more information may be elicited through the consultation.

Statistics

Table 1

Screening breath tests by outcome, England and Wales

	Tests	Positive/refused	
	Thousands	Thousands	%
1978	141.8	72.6	51.2%
1979	163.6	84.4	51.6%
1980	180.1	89.2	49.5%
1981	177.4	80.6	45.4%
1982	206.6	88.6	42.9%
1983	241.2	98.4	40.8%
1984	207.6	87.6	42.2%
1985	250.3	95.7	38.2%
1986	303	97.8	32.3%
1987	399.8	111.4	27.9%
1988	443.3	111.7	25.2%
1989	540.9	108.0	20.0%
1990	596.6	102.4	17.2%
1991	562.5	90.3	16.1%
1992	531.3	87.8	16.5%
1993	599.6	89.4	14.9%
1994	678.5	93.3	13.8%
1995	702.7	94.4	13.4%
1996	781.1	100.5	12.9%
1997	800.3	103.5	12.9%
1998	815.5	102.3	12.5%
1999	764.5	94.1	12.3%
2000	714.8	94.6	13.2%
2001	623.9	99.5	15.9%
2002	570.2	103.5	18.2%

Notes: Data for certain forces in some years have been adjusted provide more accurate results

(a) The introduction of simplified returns in 1987s raised the level of recording, so figures for 1987 and later are not directly comparable with earlier data

(b) A new statistical return was brought in in 1992 which may have altered the level of recording compared to earlier years.

Sources: Home Office Statistical Bulletin 05/04 Motoring Offences and Breath Test Statistics, and earlier editions

Table 2

Offences of driving etc. after consuming alcohol or taking drugs[a] dealt with by official police action
England and Wales

	Number of offences Thousands	Proceedings at magistrates' courts Thousands	Findings of guilt at all courts[b]	
			Thousands	As a % of court proceedings
1991	119.1	118.6	103.8	87.5%
1992	110.4	110.2	95.2	86.4%
1993	105.5	105.2	91.2	86.7%
1994	105	104.7	89.7	85.7%
1995	105.7	105.4	92.5	87.8%
1996	108.4	107.9	95.7	88.7%
1997	112.5	112.1	100.2	89.4%
1998	104.4	104	93.1	89.5%
1999	99.7	99.5	89.4	89.8%
2000	96.3	96.2	85.8	89.2%
2001	96.1	96	84.8	88.3%
2002	102.1	102	90.5	88.7%

(a) Includes the following offences: Unfit to drive through drink or drugs; driving with alcohol in the blood above the prescribed limit; driving and failing to provide a specimen for analysis; in charge of a motor vehicle while unfit through drink or drugs; in charge of a motor vehicle with alcohol in the blood above the prescribed limit; in charge of a motor vehicle and failing to provide a specimen for analysis; and failing to provide specimen for initial breath test.

(b) The data on offences dealt with includes a small number of offences committed for trial in that year. The findings of guilt figures includes cases tried at crown court, some of which may have been committed for trial in a previous year.

Sources: Home Office Statistical Bulletin 05/04 Motoring Offences and Breath Test Statistics, and earlier editions

Table 3

Estimates of the number of casualties due to accidents involving illegal alcohol levels, adjusted for under reporting

1998-1997

	Fatal	Serious	Slight	**Total**
1982	1,550	8,010	20,660	**30,220**
1983	1,110	6,800	18,610	**26,520**
1984	1,170	6,820	19,410	**27,400**
1985	1,040	6,810	19,380	**27,230**
1986	990	6,440	19,220	**26,650**
1987	900	5,900	17,670	**24,470**
1988	790	5,100	16,860	**22,740**
1989	810	4,790	16,620	**22,220**
1990	760	4,090	15,550	**20,400**
1991	660	3,610	13,610	**17,880**
1992	660	3,280	12,770	**16,710**
1993	540	2,660	11,780	**14,980**
1994	540	2,840	11,780	**15,160**
1995	540	3,000	12,450	**16,000**
1996	580	3,010	13,450	**17,040**
1997	550	2,940	13,310	**16,800**
1998	460	2,520	12,610	**15,590**
1999	460	2,470	13,980	**16,910**
2000	530	2,540	14,990	**18,060**
2001	530	2,690	15,550	**18,770**
2002	550	2,790	16,760	**20,100**
2003[(a)]	560	2,580	15,870	**19,010**

(a) Provisional data. Estimates are based on a reduced sample of coroners' returns and may be biased.

Source: Road casualties Great Britain: 2003, Annual Report, DfT

Acronyms

ADI	Approved Driving Instructor
ANPR	Automatic Number Plate Reader
BAC	Blood Alcohol Count
DETR	Department of the Environment, Transport and the Regions
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Agency
EN	Explanatory Note
HRO	High Risk Offenders
LGV	Large Goods Vehicle
MMR	Mandatory Mileage Recording
OFT	Office of Fair Trading
PCV	Passenger Carrying Vehicle
PHV	Private Hire Vehicle
RIA	Regulatory Impact Assessment
RTA 1988	*Road Traffic Act 1988*
RTOA 1988	*Road Traffic Offenders Act 1988*
TRL	Transport Research Laboratory
VCRAT	Vehicle Crime Reduction Action Team
VOSA	Vehicle and Operator Services Agency