

ROAD TRAFFIC (AMENDMENT) BILL

DINAC RESPONSE

Driving Instructors National Association Council (NI)

1. Proposed lowering alcohol levels for drivers and giving Police additional powers.

Response: We are in general agreement about the above proposal except some members feel that Professional Drivers should **not** be subject to a lower alcohol level than the Public. The lower proposed level for Professional Drivers should be **UNIVERSAL** to all drivers. This prevents potential loopholes in the Law as to whether a driver was or was not driving professionally at the time of the offence. Was the marked Taxi or Instructor car going to the shops or conducting business if no members of the public are in the vehicle? Additionally a Professional driver is **theoretically** a better driver than an ordinary member of the public. So why should a less experienced member of the public and potentially a worse driver be allowed a higher alcohol level? The proposed legislation is discriminatory against Professional Drivers particularly those with Advanced driving qualifications.

2. Learners and New Drivers.

Response: We are in favour of keeping the age for new learner drivers at 17. We are totally against the proposal to reduce the age to 16 $\frac{1}{2}$. This age was never discussed or referred to in the Consultation paper, it is therefore unconstitutional. The explanation we have been given is that it is a **“compromise”**. We would ask the question, a compromise to what? It would appear that the DoE by taking a hypothetical question and answer added 2+2 and got 5, as they came up with a **“compromise”** that was not asked for, nor required. The proposal puts Northern Ireland totally out of sync with the rest of the UK. It has legal issues concerning NI learners driving with L plates in GB. The Insurance Industry does not seem to have been consulted regarding the effect on premiums charged for **“younger”** learners driving on the roads etc. Also we are not aware if PSNI have been consulted and what their view is, concerning a lowering of the learner age. Why complicate and burden NI with pointless legislation with no logical or safety benefits?

Due to a response given to the hypothetical question referred to above, the DoE latched on to a mandatory 12 months period before a learner can take a test. Once again 2+2 equals 5. The question referred to young learners starting at 16. Our response was **that if this was the case** we would not want anyone taking a test

before they were 17. Learners do not rush out en masse on their birthday to get a provisional driving licence. Therefore, a young person applying for a licence could be doing so several months, after their birthday. They could be 16³/₄ or older before applying. Our opinion was that if younger drivers were allowed a licence at 16+ they should be a little more mature before being allowed to take a test ie 17. Somehow the DoE uses this to propose a mandatory 12 month period before taking a driving test. This is totally unworkable, unnecessary, and discriminatory. The proposed legislation is flawed in that it implies that all Provisional Licence Holders are YOUNG persons. WRONG! For many reasons Provisional licence holders can range from 17 to 70. A mandatory 12 months period before a driving test can be taken, falls foul to discrimination laws. A mature pregnant lady cannot wait 12 months before taking a driving test. Irrelevant of age a person seeking employment that needs a driving licence as part of the job requirements cannot wait 12 months. An elderly person who has lost their driving partner cannot wait 12 months whilst a perfectly good car sits at the front door. Irrelevant of age a person wishing to emigrate or move home cannot wait 12 months. We have no objection to a mandatory number of hours, actual driving lessons. These objections and proposal have been put to the previous Environment Minister but obviously fell on deaf ears. The proposed 12 months wait, should have never seen the light of day. To complicate matters even further a reference to General Exemption Powers is referred to in the proposed legislation. This is like a get out of jail card. **There would be no necessity for this complication if legislation was kept simple, workable and beneficial to road safety.**

There also seems to be total confusion between time measured in days and months as opposed to time measured in hours behind the wheel. A 12 month wait does not mean that a learner will engage in lessons on a regular weekly basis. From extensive experience we can assure the Environment Committee that many learners do not take regular lessons and in many cases they go through several Instructors during this time due to constant cancelling of lessons. On the other hand, serious learners take regular lessons as they are keen to learn or have necessities as outlined above. In many occasions these learners will take 2 or more hour lessons or intensive courses lasting a few weeks. Often these learners pass their test with few mistakes and in a short period of time. However, they may have taken as many, or more hours lessons, than a learner "putting in time" by holding a provisional licence, for a year, and taking irregular lessons hoping to pass with as little effort as possible. Why should keen responsible learners be penalised with a 12 month wait?

We are extremely concerned that a proposed log book system to chart the learners training be introduced. Whilst we commend the thinking behind this we would not be happy with untrained parents, relatives or friends being allowed to sign off driver training. There is more chance of being injured in a traffic collision than being shot

or being injured by industrial machinery, yet untrained persons do not train the public how to shoot or operate machinery. We are extremely concerned that such a log book system would see unscrupulous Driving Schools/Instructors operating illegally by signing off log books when the pupil has not completed the necessary lessons. This has been and still is a problem with the DoE CBT log book issued for learner motorcyclist. Unfortunately the DoE continue to refuse to acknowledge that such illegal practices exist. Such actions have put out of business Motorcycle Instructors providing legal CBT courses. We fear that the same will happen to legal Driving Instructors competing against Driving Schools/Instructors operating illegally and taking "short cuts".

We welcome the proposed removal of the 45mph speed restriction for learners and the removal of the R plate. This brings parity with GB and allows better training of learners with regards higher speeds. We would in general welcome a mandatory requirement for learners to be given motorway lessons either prior to the driving test or just after. We would welcome a change to the driving test to allow for testing at higher speeds. We would welcome some sort of displayed identification plate for newly qualified drivers so that other road users can use this information and aid road safety, however a 2 year display period seems extreme, we feel many will not display as is the current case or will remove them when they become tatty and start to burn onto the windscreen. We are however concerned with some of the proposed restrictions that accompany this. **Legislation with no enforcement is futile and worthless.** Age restrictions and number of passengers in the car are excellent ideas in a perfect world and would no doubt reduce KSI figures but unfortunately the reality is the first time that the Police will be aware of a vehicle carrying restricted passengers is when they attend the scene of the fatal crash, probably in the middle of the night. There are hundreds if not thousands of motorists committing serious road traffic offences on a daily basis. How many of such offences are identified and prosecuted? The Police do not have the resources to deal with yet more road traffic legislation. Furthermore such restrictions would hit young people working in the hospitality/entertainment industry, particularly in country areas where public transport is nonexistent, and new drivers bring other young workers home. We are concerned about the proposal that new drivers would only be allowed to transport other young relatives of certain ages. What will constitute a relative in law? How will the Police be satisfied with the status and age of young passengers?

3. **Proposed On Road Quad Helmet Legislation.**

Response: Our general opinion is that quad riders should wear **legal Motorcycle Helmets**. A recent TV advert showed adults and young children wearing cycle helmets whilst on quad bikes, although the advert was filmed off road it still gives the impression that these afforded sufficient protection which they would not.

We would however question why 3 wheel motorcycle (trike) riders would remain exempt under this proposed legislation, as we would estimate that there are more 3 wheel motorcycles registered in NI than 4 wheel quad motorcycles registered for road use. The legislation seems to be missing a vulnerable road user group.

There are numerous other proposals within the proposed legislation but the above points are the ones we feel most qualified to respond to.

As a postscript we would propose that rather than reactive legislation much of which is outlined above, our Government should be more proactive in its approach. Let us train **ALL** drivers/riders both young and old, learners and experienced, to become safer, better educated, fit for purpose, "**drivers not users**" and reach our goal of ZERO road fatalities.

Tom Burns
Chairman DINAC