

## RESPONSE OF THE PUBLIC PROSECUTION SERVICE TO THE ROAD TRAFFIC (AMENDMENT) BILL

Thank you for inviting the views of the PPS regarding this consultation paper. I am responding on behalf of Ciaran McQuillan, Head of PPS Policy and Information Section.

The paper has been considered in detail as, indeed, were its predecessors the 2009 Consultation Paper and The Road Traffic (Drink Driving)(Amendment) Bill, and the PPS fully support the Department's aim of improving road safety pertaining to drink/driving in Northern Ireland.

However the government ultimately decides to achieve this aim, it is considered that it is not appropriate for the Public Prosecution Service to be involved in this decision. The PPS wishes to confine its comments to prosecutorial matters and if there were matters of law or court practice to be considered in relation to the introduction of the proposed new measures, this office would be glad to be of assistance. In the present circumstances, however, the issues raised concern choices to be made by government rather than legal or prosecutorial problems that need to be resolved.

For this reason, it is with regret that this office must decline to comment on the general issues or policy that form the subject matter of the Bill.

That said, we observe several matters regarding the draft Bill that we would like to comment upon.

In a previous consultation response, we have commented on the breath testing powers afforded to police in Part 2 of the Bill. It occurs that the proposed law has been drawn in a complex manner which, of course, tends to open the door to technical challenges. One that comes to mind is the procedure in relation to breath testing at a police check-point and, in particular, what constitutes a check-point. The question is posed as to why a breath sample cannot be validly taken by any police officer at any time using the approved equipment rather than the cumbersome addition of an authorized check-point as a pre-condition to the taking of a sample.

We have some difficulty with the extension of fixed penalties to drink/driving offences. Although there is a clear and understandable drive to free up courts from simple, minor or volume crime, we are not convinced that it should apply to drink/driving offences. Although clearly expedient, removal of the requirement to attend court, in our view, devalues the seriousness of the offence.

Finally, in relation to the levels of alcohol consumption and the distinction drawn between a typical driver and a “specified person” on the road. It is a matter for government to determine the severity of treatment of offenders, based on current public needs.

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