

ROAD TRAFFIC (AMENDMENT) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by the Department of the Environment (the “Department”) in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause or schedule does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Department is responsible for the promotion of road safety and the regulation of road traffic in Northern Ireland. Northern Ireland’s Road Safety Strategy to 2020 outlines the key challenges to be addressed and include (i) continuing to reduce the numbers of road deaths and serious injuries; (ii) reducing inappropriate and illegal road user behaviours including drink driving; and (iii) the protection of young drivers (age range 16-24).
4. The proposals have been prompted by growing public concern about the impact of drinking and driving, the high number of young and other new drivers involved in fatal and serious collisions and the risks to users of quadricycles involved in collisions on public roads.
5. Between 2003 and 2007 an average of 25 people were killed and 119 seriously injured every year in collisions attributable to driver/rider alcohol or drugs. In 2009, the Department issued a consultation paper that considered the need for change, reported on the outcomes of alternative approaches in other jurisdictions and proposed changes to Northern Ireland’s current drink drive legislation aimed at deterring people from drinking and driving. Having considered the way forward on measures to tackle drink driving, the Department proposes to introduce new lower breath, blood and urine alcohol limits, a new graduated penalty regime including greater use of educational courses and new police powers of enforcement.

6. In Northern Ireland between 2004 and 2008, 17 to 24 year old drivers were responsible for 41% of all deaths and 34% of all serious injuries for which car drivers were responsible over this period. This amounted to 163 deaths and 1,237 serious injuries. Young drivers comprised only 15% of full licence holders. The Road Safety Strategy to 2020 includes a target to reduce by at least 55% the number of young people killed or seriously injured. To help achieve this target the Department proposes to improve how new drivers are trained and tested to ensure that they are competent and safe when they start to drive unaccompanied on the road. Following a separate review of driver training testing and post-test regime, the Department proposes to reform the Learner (L) and Restricted (R) driver schemes by introducing a system of Graduated Driver Licensing.
7. Between 2006 and 2010, 3 people were killed and 27 seriously injured when using quadricycles on public roads in Northern Ireland and members of the public have expressed their concern to the Department about the use of such vehicles. Although riders and passengers on 2 wheeled motorcycles are required by law to wear helmets when riding on public roads, this requirement does not extend to quadricycles. Following consultation, the Department proposes to make mandatory the wearing of a helmet while using a quadricycle on a public road.

CONSULTATION

Drink Driving

8. In 2009, the Department issued a consultation paper inviting views on a range of measures aimed at deterring people from drinking and driving. The paper assessed the impact of drink driving, in terms of the effect of alcohol on driving ability and the deaths and injuries caused. It also considered the need for change, reported on the outcomes of alternative approaches in other jurisdictions and proposed changes to Northern Ireland's current drink drive legislation. Following the positive outcome of the consultation exercise to which 89 responses were received, the Department indicated its intention to reduce the drink drive limit, introduce random breath testing and consider introducing a system of graduated penalties for relevant offences including greater use of educational courses.
9. In 2012, the Department issued the draft Road Traffic (Drink Driving) (Amendment) Bill and two additional proposed measures to tackle drink and drug driving for consultation. It contained specific details on new lower limits, a graduated penalty regime, automatic referral onto a course for drink drive offenders, new police enforcement powers and removal of the right to ask for a blood or urine sample to replace a breath sample in certain circumstances. The Department received 40 responses which were generally supportive of the broad thrust of the package of measures.

Learner and New Drivers

10. In March 2011, the Department issued a consultation paper on proposals to reform the L and R driver schemes and on Graduated Driver Licensing, detailing twelve measures for consideration, many of which are judged to have had a positive impact on new driver safety in other parts of the world.
11. The consultation closed on 19 July 2011 by which time 688 valid responses had been received with approximately 40% of the responses from Approved Driving Instructors (ADIs) and 40 responses from organisations. To complement the consultation and ensure that views of children and young people (aged from 14 to 25) on the proposed measures were identified, the Department also commissioned a small number of focus groups across Northern Ireland.
12. Taking account of the evidence on their likely effectiveness as presented in the consultation paper, the number and content of the responses received both from individuals (including ADIs) and key organisations and the focus group findings, the Department decided to take forward eight of the measures from the consultation.

Protective Headgear on Quadricycles

13. In June 2012, the Department consulted on a proposal to make the wearing of helmets mandatory for riders/drivers of, and passengers on, quadricycles used on public roads. The proposal had been prompted by growing public concern about the risks to users of quadricycles involved in accidents on public roads.
14. A total of 9 responses were received. Four of the responses to the consultation were supportive of the proposal to require the wearing of helmets only on all-terrain or non car-like quads due to road safety benefits, whilst one respondent gave qualified support for the proposal in that there was a perceived risk in using quads on the road. Three respondents did not support the proposal due to perceived inadequate evidence of beneficial results, the low incident rate as shown in the table in the consultation on casualties on quad bikes and a view that none of the proposed actions would save lives or prevent injury.

OPTIONS CONSIDERED

15. Policy options were considered in each of the consultation exercises on drink driving, graduated driver licensing and the wearing of helmets when using a quadricycle. Each of the consultation exercises recognised that change was necessary.

Drink Driving

16. A number of guiding principles informed the development of the way forward on drink driving. Any new regime was to be perceived as fair and proportionate in effectively tackling the harm caused by drink driving and should command public support. In relation to Blood Alcohol Content limits, options considered included (i) the retention of the current limit of 80mg/100ml and existing penalties; (ii) reducing the limit to either 50mg/100ml or 20mg/100ml for all drivers with either existing penalties or new graduated penalties; and (iii) introducing a limit of 50mg/100ml for most drivers and a lower limit of 20mg/100ml for novice and professional drivers with new graduated penalties.
17. The Department has decided to introduce the third option. The main limit of 50mg/100ml recognises the degree of impairment at levels below the current limit of 80mg/100ml while setting a more stringent limit of 20mg/100ml recognises the higher risk associated with young and inexperienced drivers and the greater responsibility borne by professional drivers. Graduated penalties, including new endorsable fixed penalties for offences involving lower levels of alcohol, and greater use of the drink drive rehabilitation scheme were viewed as being proportionate to the gravity of the offence.
18. The Department considered a number of other measures to tackle drink driving including police powers to conduct random breath testing, the application of the High Risk Offenders Scheme to the new lower drink drive limits and the removal of a driver's right to ask for a blood or urine sample to replace a breath sample in certain circumstances (commonly referred to as the 'statutory option'). It decided to introduce new powers for police to establish controlled roadside check-points, that the current High Risk Offender threshold of 2½ times the drink drive limit should continue to apply to the new limit of 50mg/100ml, and that the statutory option should be removed.

Learner and New Drivers

19. The consultation paper considered the nature and extent of the new driver problem i.e. the over representation of newly qualified drivers in road casualties and collisions and the need for change. It considered how that might be approached by reforming driver training and testing, through additional regulation of how people learn to drive and /or by placing different restrictions on newly qualified drivers which can be gradually lifted as they gain experience (a system of graduated driver licensing).
20. The measures which the Department consulted on included raising the minimum licensing age; requiring learners to take a minimum number of driving lessons and/or hours/miles of supervised practice; setting a minimum mandatory learning period; encouraging/requiring skid training; amending or removing speed limits

for L and R drivers; allowing L drivers to drive on motorways; revising the practical driving test; introducing night time and passenger carrying restrictions for R drivers; introducing restrictions on high performance vehicles for R drivers; introducing an offence free period before restrictions are lifted and increasing the duration of the restriction period.

21. The Department has decided to retain the age at which young people can start to learn to drive or ride (i.e. obtain a provisional licence) at 17 years of age and to require the person to hold the provisional licence for a minimum period of 6 months before being able to undertake a driving test. It decided also to require the completion of a 'Learning to Drive' syllabus evidenced by a compulsory student logbook; to remove the 45mph speed restriction on L and R drivers and riders, allowing changes to be made to the driving test to include driving on a wider range of roads at up to the posted limits and to allow L drivers to take lessons on motorways if supervised by an Approved Driving Instructor.
22. Post test, the Department decided to introduce restrictions on carrying passengers in the six months after a young new driver has passed the test and received a full licence; to replace the current 12 month restricted period by a two year 'new driver' period, during which time the new young driver will be subject to a lower drink drive limit and, under the New Drivers Order, will continue to risk revocation of their licence if they accumulate six or more penalty points. R plates will be replaced by plates which will have to be displayed for two years.
23. The Department will also introduce remedial courses for new drivers as an alternative to having their licence revoked because they have accumulated six or more penalty points.

Protective Headgear on Quadricycles

24. The Department has no powers to legislate for off-road use of quadricycles. The Health and Safety Executive for Northern Ireland has advised that the Personal Protective Equipment Regulations (NI) 1993 require the provision and wearing of suitable head protection when operating a quadricycle for work purposes. The Department intends to highlight these provisions in any announcement concerning on road use of quadricycles.
25. The consultation detailed three possible options for action. Option 1 was to 'Do nothing'. Option 2 considered requiring the wearing of helmets for riders and passengers on (or in) all vehicles falling within the definition of "quadricycle" Option 3 considered requiring the wearing of helmets only on all-terrain or non car-like quads.
26. The Department indicated option 3 as its preferred option on the basis that it would provide the maximum safety potential with the minimum adverse impact on industry or quad users.

27. Existing legislation in each of these policy areas is enshrined in primary legislation. The introduction of the new requirements together with the creation of new police powers of enforcement and new offences and penalties requires the amendment of current primary legislation.

OVERVIEW

28. The Bill proposes the amendment of existing provisions in the Road Traffic (Northern Ireland) Orders of 1981 and 1995, the Road Traffic (New Drivers) (Northern Ireland) Order 1998 and the Road Traffic Offenders (Northern Ireland) Order 1996. Together, these Orders contain the framework for drink driving (including limits, offences and penalties), the current learner, restricted and new driver schemes and the requirement to wear safety helmets. The Bill contains 27 clauses and 2 Schedules.

COMMENTARY ON CLAUSES

29. A commentary on the provisions follows below. Comments are not given where the wording is self-explanatory.

Part 2 – Drink Driving

Part 2 includes a number of amendments to existing legislation that revise the drink drive limits and penalties, making greater use of existing rehabilitation courses for drink drive offenders, provides police with additional enforcement powers and removes the right to choose which specimen be used for analysis in certain circumstances.

Clause 2 inserts a new Article 13A into the Road Traffic (NI) Order 1995 ('the Order of 1995') which replaces the existing prescribed drink drive limit with two new limits, each expressed in terms of the amount of alcohol in a person's breath, blood and urine. The two limits are applicable to different categories of driver licence holder. The first limit, commonly expressed in terms of blood alcohol content (BAC), is 50 milligrammes of alcohol in 100 millilitres of blood (50mg/100ml) and this applies to a typical driver, referred to as a 'person who is not a specified person'. The second limit is a BAC of 20mg/100ml and this applies to a 'specified person'. The specified person is defined in new Article 13A(5) and (6) and includes a learner and new driver (qualified for not more than 2 years) and a range of professional drivers.

Clause 3 amends the Order of 1995 by inserting a new Article 17CA that provides police with power to establish a check-point and to require the person in charge of a vehicle to provide a breath test. The checkpoint must be authorised in writing

by a PSNI officer at Inspector rank or above and the authorisation must specify the location, date and time that it may be established and operated. It will be an offence to fail to co-operate with the request for a breath test and the penalty will be the same as the existing penalty for failing to co-operate with a preliminary test.

Clause 4 contains a number of further amendments to the Order of 1995 to facilitate the new power to establish a check-point and require a breath test. Existing powers to require co-operation with a preliminary breath test and to arrest a person following a preliminary test are amended to include the new check-point test.

Clause 5 amends Articles 17D and 18 of the Order of 1995. Currently a person suspected of drink driving is required to provide a preliminary breath test at the side of the road. If the result suggests the driver has consumed excess alcohol, he or she is arrested and taken to a police station and is required to provide two further evidential breath samples. The amendments will enable police to carry out evidential breath tests at the roadside and without the need to have firstly conducted a preliminary breath test. The police power of arrest, currently linked to the preliminary breath test will be extended to enable police to arrest a person following an evidential breath test.

Clause 6 amends Article 19 of the Order of 1995. Currently a driver has a right to opt for a blood or urine specimen to replace a breath test if that breath test is marginally over the prescribed limit. This amendment will remove the option (commonly called ‘the statutory option’).

Clause 7 amends the Road Traffic Offenders (NI) Order 1996 (‘the Offenders Order’) to enable the introduction of new administrative fixed penalties. Graduated penalty points and a fine will apply at BAC levels below the existing limit where there is no existing offence. The amendment to Schedule 1 to the Offenders Order will apply to an offence under Article 16(1)(a) or (b) of the Order of 1995 (driving or attempting to drive or being in charge of a vehicle with excess alcohol in breath, blood or urine). It means that a court can attribute between 3-11 penalty points and the police can apply the graduation element where a licence counterpart is to be endorsed i.e. issue a fixed penalty of 6 points, or 3 points on completion of a course.

Clause 8 amends Article 59 and 64A of the Offenders Order and inserts a new Article 64B so that the amount of monetary fixed penalty and number of penalty points, respectively, can be made conditional on completion of an approved course. The approved course is the Course for Drink Drive Offenders that is already in operation in Northern Ireland and provided for in Articles 36 to 38 of the Offenders Order. This amendment will enable the Department to make Fixed Penalty Orders that will (i) set the amount of the fixed penalty at £100 on

successful completion of a course, or £200 otherwise and (ii) set the number of penalty points at 3 on successful completion of a course, or 6 otherwise. The course must be completed within 6 months of the date of offence. If not completed within this time, the police will issue a further fixed penalty that will, combined with the original, equate to a total of £200 and 6 penalty points, provision for which is included in clauses 9-11 and described below.

Clause 9 amends the Offenders Order by inserting a new Article 59A, 59B and 59C. Courses for drink drive offenders are currently available to drivers disqualified following a court conviction and are provided for in the Offenders Order. This clause will enable a driver to access the same course through the fixed penalty system, rather than through a court. It sets out the administrative procedure for the completion of courses and what happens if a person, having accepted a reduced fine and penalty points on the condition that he would complete a course, then fails to complete the course. The new Article 59C(2) will enable police to issue the further fixed penalty of £100.

Clause 10 enables action to be taken against anyone who defaults in the payment of the additional £100 element of the further fixed penalty. It amends Article 61(3)(b) of the Offenders Order so that the fixed penalty may be registered as a fine for enforcement against the person who has defaulted. The fine is set at 1½ times the penalty – in this case £150. The registration process contained in existing Articles 75 and 76 then apply.

Clause 11 enables further penalty points to be endorsed onto a person's driving record without the need for a hearing in court when it is established that the offender has failed to complete a course satisfactorily. Similar provision is also made for the endorsement of driving licence counterparts in paragraph 5 of Schedule 1 that will operate until counterparts are replaced with a new 'driver record'.

Clause 12 introduces a graduated minimum disqualification period in relation to offences under Article 14(1)(b) or 16(1)(a) of the Order of 1995 that is linked to the amount of alcohol consumed at the time of detection. Paragraph (1ZA) is for offences under Article 16(1)(a). It relates to a person who has been detected with a BAC level below the current limit of 80mg/100mls and, either having been offered a fixed penalty, has chosen instead to go to court or has been referred to court by the police. On conviction, the minimum disqualification for BAC levels below 80mg/100mls is 6 months. Paragraphs (1ZB) and (1ZC) are for offences under Article 14(1)(b) or 16(1)(a). They apply minimum disqualification periods of 18 and 24 months respectively for higher, specified, BAC bands.

Clause 13 imposes the current minimum penalty of 36 months disqualification on offenders who have been convicted of more than one offence within 10 years (repeat offenders), regardless of the amount of BAC detected in either the prior or

current offence. The new Article 35(3A) will ensure that endorsement of a person's driving record for a prior drink drive fixed penalty offence, within the previous 10 years, will be treated as a conviction. Similar provision is also made in relation to the endorsement of counterparts by paragraph 9 of Schedule 1.

Clause 14 amends new Article 36 of the Offenders Order (as inserted by Article 11 of the Order of 2007) to make the referral to a course for drink drive offenders automatic – although the court will have discretion not to issue a referral order. At the time of writing, Article 11 has not been commenced. Clause 14 cannot be commenced until after Article 11 has been commenced but transitional arrangements are provided in paragraph 10 of Schedule 1.

Clause 15 contains an enabling power for the Department to make regulations that will provide for the recovery of costs associated with the management and administration of the courses for drink drive offenders.

Part 3 Learner and New Drivers

Clause 16 amends Article 5 of the Order of 1981 to make it a requirement for a person to hold a provisional licence to drive a category B motor vehicle (car or light van) for a minimum period of 6 months before being able to undertake the practical driving test for that vehicle. The requirement will not apply to drivers who hold a licence or permit to drive in Northern Ireland for up to 12 months (usually drivers from other countries taking up residence in Northern Ireland), or to those who are required to pass a test following disqualification or revocation of their licence. The Department may, by order subject to affirmative resolution, change the categories of vehicles to which the clause applies and may substitute a different period of time than the present 6 months. General exemption powers are also included to enable the Department to exempt other persons from the requirements in Regulations.

Clause 17(2) inserts a new Article 5A into the Order of 1981 to make it a requirement that a person must produce a logbook (which will show that the person has completed an approved programme of training) before being able to undertake a practical test in the driving of a category B motor vehicle or a motor bicycle. The Department may, by order subject to affirmative resolution, change the category of vehicles to which the Article applies. There are also general regulatory powers which will enable the Department to exempt persons from the requirements and to make reasonable charges in relation to the discharge of its functions in connection with logbooks. New Article 5A(5)-(7) is a repositioning of the existing law (Article 5(2A) and (5A) of the Order of 1981) with a minor amendment to make it clear that a certificate of basic training for motor cyclists must be produced before a person can undertake a special manoeuvres test or practical test.

Clause 17(3) inserts a new Article 13A into the Order of 1981 to enable Regulations to be made as regards the programmes of training that must be completed in relation to the driving of category B motor vehicles or motor bicycles. The Regulations will allow the Department to make reasonable charges in relation to the discharge of its functions in relation to training. New Article 13B is a repositioning of existing law (Article 13(3A) of the Order of 1981) to have all the training provisions together for ease of reference.

Clause 17(4) inserts self-explanatory definitions into Article 19D of the Order of 1981, in particular, it defines “logbook” as a document where the driving lessons or practice undertaken by a person working through the approved programme of training is recorded and it must be signed by an approved driving/motorcycle instructor or a ‘qualified driver’ as defined in this clause.

Clause 17(5) amends Article 174 of the Order of 1981 to make it an offence to forge, alter or misuse a logbook. Where a person is convicted of such an offence *Clause 18* provides that the Department may revoke the licence and require the person to surrender it forthwith. Failure to do so will be an offence and the person will be liable to a fine of up to £1,000. The person will not have failed to comply with the requirement to surrender the licence if he has already surrendered it to be endorsed with a fixed penalty and surrenders it immediately on its return to him.

Clause 19 omits Article 19 from the Order of 1981 which has the effect of removing the present 45mph limit for learner drivers and as it will not be included in the restrictions for new drivers (explained below) both learner and new drivers will no longer be subject to a 45mph speed restriction. This change will also be instrumental in allowing learner drivers to take lessons on motorways.

The clause also imposes restrictions on newly ‘qualified drivers’ during the ‘new driver period’. These are in place of the current restrictions. A ‘qualified driver’ is a person who passes any of the driving tests set out at new Article 19AC(2) and includes someone passing a test in Britain. This is a change from present restrictions that only apply to those passing a Northern Ireland test.

The first restriction is that a newly qualified driver must display a distinguishing mark on the vehicle during a ‘new driver period’ of 2 years. The current R-plate provisions only require it to be displayed for 12 months. The Department may, by regulations subject to affirmative resolution, amend the form of the distinguishing mark.

The second restriction is if the driver is under 24 years of age and there is more than one passenger in the vehicle he will be restricted from carrying any other passengers aged between 14 and 20 unless he has a ‘relevant accompanying person’ with him in the front seat of the vehicle. A ‘relevant accompanying person’ must be age 21 or over, hold a full licence and have held such a licence

for not less than 3 years. The ‘new driver period’ for this restriction is 6 months. This restriction will only apply between the hours of 11pm and 6am. There will be exemptions for certain persons related to the driver, a passenger for whom the driver is entitled to a carer’s allowance and if the vehicle is being used for emergency purposes or in the training for such use.

Article 177 of the Order of 1981 is amended so that police will have powers to ask the driver or passengers for the names, addresses, ages and relationship to the driver of any passengers and may request the driver to produce evidence of this to a police station within 7 days. Failure of the driver or passenger to give such information will be an offence and the person will be liable to a fine of up to £1,000 and 3 penalty points. It will be a defence for the driver if he can show that he exercised all due care and diligence to avoid committing an offence.

Contravention of the above restrictions will be an offence and the driver will be liable to a fine of up to £1,000 and 3 penalty points. It will be a defence for the driver if he can show, in relation to the passenger restriction, that he exercised all due care and diligence to avoid committing the offence.

The restrictions will not apply to a person who at some time before passing a test to drive an A2 or A motorcycle held a full licence to drive an A1 motorcycle for not less than 2 years. The restrictions will also not apply to a person who is required to pass a test following disqualification or revocation of a licence, or to a person who passes a test when he already held a licence or permit to drive in Northern Ireland.

Clause 20 amends Article 5 of the Road Traffic (New Drivers) (Northern Ireland) Order 1998 to enable the Department to offer, a new driver who has accumulated 6 penalty points, the opportunity to complete an approved course as an alternative to revocation of his licence or test pass certificate, if this has not yet been exchanged for a licence. The Department may only make one such offer during the driver’s 2 year probationary period, the course must be completed within 6 months and if the driver incurs any further penalty points between the offer being made and successfully completing the course the Department will revoke the licence or test pass certificate. The Department will have power to set out the details of the courses in regulations including the approval of course providers, a right of appeal against a decision not to issue a certificate of successful completion, setting the maximum fees that a person may be required to pay and recoupment of costs reasonably incurred by the Department.

Part 4 Protective Headgear: Extension of Requirements

Clause 21 amends Articles 27 and 28 of the Order of 1995 to extend the range of vehicles subject to the existing requirement to wear protective headgear. The

amendment will enable the Department to make regulations to extend the requirement to wear headgear to quadricycles.

Part 5 General

Clauses 22 to 27 are designed to help make the introduction of any new system work smoothly. They enable the Department to make any supplementary, incidental, consequential, transitional, transitory or saving provisions by means of an order and to make commencement orders. Clause 23 ensures that certain regulation-making powers under the Order of 1995 are subject to the draft affirmative resolution procedure.

Schedule 1

Part 1 contains provisions that are designed to deal with the changeover period leading to the introduction of the new drink driving regime. They include arrangements for dealing with a person who has been detected on a date before the new limits and penalties come into force, but whose court hearing is held on a date after that date. They also include arrangements for dealing with legislation that, while current, is subject to amendment by other legislation that has yet to be commenced.

Part 2 contains transitional and savings provisions to manage the changeover from the present L and R driver regimes to the new graduated driver licensing regime. In general it provides that the new provisions will not apply for a period of 6 months to a person who was granted a provisional licence prior to commencement of the new provisions. The existing Articles 19 and 19A (the present L and R provisions), despite their repeal in the Bill, will continue to apply for a period of 6 months for persons granted a provisional licence before the repeals are commenced. These transitional provisions will allow an existing L driver to apply for a test without needing to have held a provisional licence for 6 months and without having to produce a logbook but they will continue to be subject to the present 45mph restriction. Present R drivers will continue to be subject to a 12 month period of restriction where they must display an R-plate and not exceed 45mph rather than having to display the replacement plate for a period of 2 years but not being subject to the speed restriction. This Part also includes arrangements for dealing with legislation that, while current, is subject to amendment by other legislation that has yet to be commenced.

Schedule 2

Schedule 2 contains a list of repeals that are necessary to give full effect to the new provisions in this Bill.

FINANCIAL EFFECTS OF THE BILL

Drink Driving

30. No financial implications have been identified to the public sector other than potentially to the Department of Justice, including the Police Service of Northern Ireland (PSNI), Forensic Science Northern Ireland (FSNI) and the NI Courts and Tribunals Service (NICtS). Courses for Drink Drive Offenders will continue to be self-financing and the Department is making provision to allow for the recovery of costs associated with the management and administration of the course.
31. Assuming similar levels of enforcement and compliance with the new limits as with the current limit, there would be no additional cost to the PSNI, NICtS or other agencies. If compliance levels are less than at present, there may be additional costs for example, in the increased numbers of detections and prosecutions.
32. Similarly, dependent on levels of non-compliance, there may be costs associated with processing of fixed penalty notices and/or penalty points for offences at lower BAC levels. However, this cost would only arise if it were above and beyond, rather than instead of, prosecutions.
33. Increased police testing powers may result in additional costs to the police, for example in mounting checkpoints and associated administration, and to the Courts and Tribunals Service for processing offenders. The Department of Justice will continue to assess the need for any changes or upgrades to its processes, systems or software to support the operationalisation of the new provisions. However, it is anticipated that at a regional level costs would be outweighed by the resulting reduction in alcohol-related collisions and casualties and the police time freed up by the ability for officers to conduct roadside evidential tests rather than the current system of station based tests.
34. Before new BAC limits can be enforced, PSNI has to calibrate existing breath testing equipment or procure new breath testing equipment capable of testing at the lower limits. Existing stock of breath testing equipment is nearing end-of-life and PSNI is very keen that any replacement equipment is future-proofed and therefore they are seeking to purchase portable, evidential equipment that can be used at the new lower limits and at the roadside. Roadside evidential tests using the new equipment will be significantly more cost effective in freeing up police time than the current station based tests.

Learner and New Drivers

35. Additional costs may be incurred by learner drivers who chose to take additional lessons during the minimum mandatory 6 month learning period but the Department has not stipulated a minimum number of lessons nor does it require

learners to take lessons on motorways. Costs involved in gathering evidence of driving experience in a student log book should be minimal; initially they will be in paper format but in future will likely to become web-based which will further reduce costs. The legislation will enable the Department to make reasonable charges to recoup costs in connection with the design, supply and issue of logbooks.

36. Costs of remedial courses for new drivers as an alternative to having their licence or test pass certificate revoked because they have accumulated 6 or more penalty points will be similar to existing courses available to other categories of drivers and will be preferable to losing their licence and having to be retested.
37. No financial implications have been identified to the public sector other than potentially to the Department of Justice, including the Police Service of Northern Ireland (PSNI) and the NI Courts and Tribunals Service (NICtS). Dependent on levels of non-compliance, there may be costs associated with processing of fixed penalty notices and/or penalty points for some of the new offences which will be created by this legislation, although offences relating to the 45 mph speed restriction will be eliminated.

Protective Headgear on Quadricycles

38. No financial implications have been identified to the public sector. The retail cost of a motorcycle helmet and, separately a helmet holder to secure it in an unattended vehicle is estimated at a minimum of £50 and a maximum of £110 per vehicle user.
39. In respect of costs to industry, it is impossible to quantify the effect of the various options on consumer choice, in view of the relatively recent appearance of many of the modern quad vehicles in the marketplace and the continuing interest in eco-friendly transportation. It is possible that mandatory wearing of helmets on quads might influence some road users away from quads as a personal transport option.

HUMAN RIGHTS ISSUES

40. The provisions of the Bill are compatible with the Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

41. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted preliminary equality impact assessments on the proposals to tackle drink driving, to introduce a system of graduated driver licensing and to make mandatory the wearing of helmets when using a quadricycle on a road. It

was concluded that the proposals would have a neutral effect on equality of opportunity and that full equality impact assessments were not necessary.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

42. Partial regulatory impact assessments were included in the consultation documents. Where measures in the Bill will involve new costs for businesses, charities or the voluntary sector it is judged that, where quantifiable, these costs are justified by the benefits that will accrue through their introduction.

LEGISLATIVE COMPETENCE

The Minister of the Environment has made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Road Traffic (Amendment) Bill would be within the legislative competence of the Northern Ireland Assembly.”