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Road Traffic (Amendment) Bill

NIAR 353-14

This paper considers the Road Traffic (Amendment) Bill for Northern Ireland as introduced to the Assembly on 12 May 2014. It should be considered as an introduction to the Bill, where it gives a brief overview of the provisions and considers some of the issues/impacts surrounding it.

Key Points

- The Road Traffic Amendment Bill was introduced to the Assembly on the 12th May 2014 by the Environment Minister. There are two main elements to the Bill: Drink Driving and Young Drivers

Part 2 (Drink Driving)

- Part 2 of the Bill contains a number of measures designed to deter people from drinking and driving. When an offence does occur, it also seeks to ensure the penalty applied is proportionate.
- Driving while impaired by alcohol or drugs is among the main causes of death and serious injury resulting from road traffic collisions in Northern Ireland.
- There has, however, been a 61% fall in the number of people killed (annually) on Northern Ireland roads between 2004 and 2013.
- A number of factors will have contributed to this reduction, such as the introduction of penalty points in 1996, but there has also been a tangible shift in attitude towards drink driving over this period driven by various communication campaigns.
- This Bill seeks to reduce the BAC limit from 80 to 50mg/100ml. This would apply to general drivers. It is further proposed to introduce an alternative 20mg/100ml for professional and young/inexperienced drivers.
- There is a significant body of evidence to indicate such a reduction would reduce deaths caused by drinking and driving and the levels proposed are in line with European Commission and World Health Organisation (WHO) recommendations.
- The House of Commons Transport Select Committee has, however, questioned whether a reduction in the limit, rather than a prohibition, would be misinterpreted by the public given the UK Government's recommendation not to drink and drive.
- The consultation carried out by the DOE on this issue found the public to be generally supportive of the policy proposal.
- On this issue of alternative limits for certain drivers, a review commissioned by the UK Government acknowledged that, while the evidence does demonstrate younger drink drivers create a considerably greater risk than average, both to themselves and to others, there are issues with enforcement. Furthermore, the issue of the government putting out a consistent position with regards drink driving was again brought up in a review commissioned by the UK Government. Whilst 12 EU member states do currently have an alternative limit policy, it was recommended that alternative limits should not be introduced .
- The proposals to change drink drive laws in Northern Ireland include giving police the power to set up drink drive checkpoints where they would be able to stop any driver for the purpose of giving them a (random) breath test. There are two main objectives of this policy: detecting offenders and deterring potential offenders.

- Parts of Australia, Finland, Sweden, and France enacted random breath test laws in the late 1970s, followed by Norway and the rest of the Australian states in the 1980s, New Zealand and most European countries in the 1990s, and Ireland in 2006.
- Each jurisdiction has experienced significant reductions in both the detection of offenders and incidences of road traffic collisions where alcohol is a factor.
- Regarding drink driving penalties, the Bill makes it easier for a driver to access the Course for Drink Drive Offenders (CDDO) through the fixed penalty system, rather than through a court. This scheme has proved successful in reducing incidences of reoffending following conviction for drink driving offences.

Part 3 (Learner and New Drivers)

- Part 3 aims to address the high number of young people killed/ responsible for road accidents in Northern Ireland, through the introduction of a new Graduated Driver Licensing system.
- Drivers will be able to obtain a license at 16 ½ years and must undergo a year of training.
- New qualified drivers will face passengers restrictions for six months and enter into a 'new driver' restricted period for two years during which they will face lower drink drive limits and a lower limit on penalty points before losing their license.
- The Bill contains powers to make secondary legislation in a number of areas, for example, in relation to the training syllabus for learner drivers.
- The Bill introduces a number of new measures since the consultation in 2011 that have subsequently not undergone the usual consultation process. These include: an introduction of remedial road safety courses instead of revocation of a license; recognition of restrictions across jurisdictions; and the extension of the range of vehicles subject to the existing requirement to wear protective headgear. (Part 4).
- One of the main concerns of the Bill is the impact on young people in relation to the costs they may face with an extended training period, the impacts on access to study, work, sporting/social activities with a passenger restriction, and the disproportionate impact this may have on rural dwellers.
- The Department recognises the possible impacts such a measure may have, but is of the view that the benefits of reducing fatality and collision numbers outweigh these concerns.

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1 Introduction

The Road Traffic Amendment Bill was introduced to the Assembly on the 12th May 2014 and completed second stage on the 27th May. The Bill consists of 27 clauses and is divided into five parts with two subsequent schedules. There are three main sections to the Bill: Part 2 is concerned with drink driving, Part 3 with learner and new drivers and Part 4 with extension of the range of vehicles subject to the existing requirement on wearing of protective headgear.

This paper focuses on Parts 2, 3 and 4. In relation to Part 2, the paper explores the reduction of blood alcohol limits, the need for this reduction on the basis of research and the consultation performed by the Department of Environment (the Department) in 2009, and the limits used in other countries across Europe. It also considers other elements to the Bill, such as random breath testing, the penalties faced and the use of rehabilitation courses. The next section of the paper is mostly concerned with Part 3: Learner and New Drivers and also gives a brief overview of Part 4, which contains one clause relating to the wearing of protective headgear. It details: the subordinate legislation that will be produced by the Department and the Assembly's power to scrutinise it; new additions to the Bill since the consultation; and some of the possible impacts Part 3 may have.

2 Drink Driving

2.1 Background

Part 2 of the Road Traffic (Amendment) Bill seeks to introduce a number of measures aimed at deterring people from drinking and driving. When an offence does occur it also seeks to ensure the penalty applied is proportionate.

In Northern Ireland it is currently legal to drive after drinking.¹ However, it becomes a criminal offence, when the amount of alcohol consumed (expressed in terms of the amount of alcohol in a person's breath, blood and urine) exceeds the "prescribed limit".

The current prescribed limit for drivers in Northern Ireland is defined in the Road Traffic (Northern Ireland) Order (1995)², it is:

- 35 microgrammes of alcohol per 100 millilitres of breath;
- 80 milligrammes of alcohol in 100 millilitres of blood; and
- 107 milligrammes of alcohol per 100 millilitres of urine.

Part 2 of the Road Traffic (Amendment) Bill includes a number of amendments to the 1995 Order, including a revision of the drink drive limits and enforcement protocols. These include:

¹ DoE (2013) Northern Ireland Road Safety Monitor: Annual Report [online] available from: <http://nia1.me/227>

² The Road Traffic (Northern Ireland) Order 1995 [online] available from: <http://nia1.me/228>

- a (reduced) limit of 50mg of alcohol in 100ml of blood (referred to as Blood Alcohol Content or BAC) for most drivers and a lower limit of 20mg/100ml for novice and professional drivers;
- The powers for police to establish roadside checkpoints and require drivers to provide a breath test, even where no suspicion of an offence necessarily pre-existed.

Amendments are also proposed to the penalties imposed on individuals convicted of drink driving offences currently prescribed in the Road Traffic Offenders (NI) Order 1996 ('the Offenders Order'):

- A system of graduated penalty points for offenders with BAC levels below the existing limit (80mg/100ml) where there is no existing offence;
- Greater use of the drink drive rehabilitation scheme. Successful completion of this course results in a reduction to the penalty points allocated and fine; and
- Increased disqualification periods for repeat offences.

The remainder of this paper examines the main policy provision for dealing with drink driving presented in the Road Traffic (Amendment) Bill.

2.2 The role of alcohol in road traffic collisions

Driving while impaired by alcohol or drugs is among the main causes of death and serious injury (KSI) resulting from road traffic collisions (RTC), along with speeding and careless driving (see Table 1)³ (It should be noted that PSNI statistics do not differentiate between alcohol and drug related impairment).

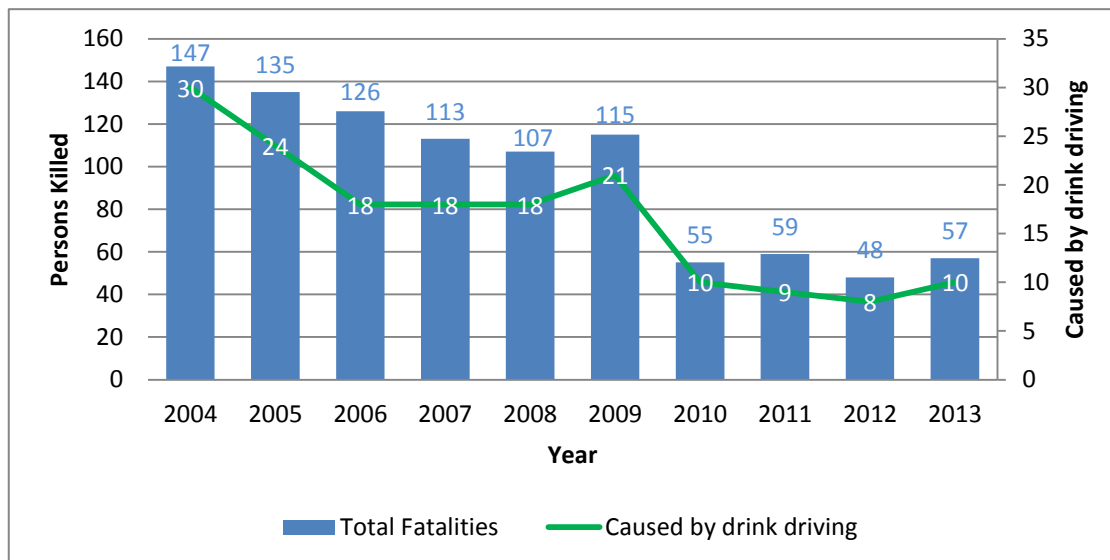
Table 1: Police recorded road traffic collision casualties by causation factor and severity (KSI): 2004 - 2013

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Alcohol or Drugs - Driver/Rider										
Killed	30	24	18	18	18	21	10	9	8	10
Seriously injured	124	95	115	113	121	115	86	87	59	40
Excessive Speed having regard to conditions										
Killed	31	23	46	32	36	27	10	7	8	11
Seriously injured	219	199	271	221	155	172	131	87	92	79
Careless Driving										
Killed	56	54	40	43	36	33	19	23	14	25
Seriously injured	612	557	592	509	442	480	440	415	387	375
Alcohol or Drugs - Pedestrian										
Killed	7	8	6	4	*	6	*	5	0	*
Seriously injured	20	17	22	22	*	21	*	26	21	*
Other Pedestrian Fault										
Killed	11	14	9	6	9	10	4	5	4	*
Seriously injured	115	108	104	81	121	117	93	105	101	*
Other factors										
Killed	12	12	7	10	*	18	*	10	14	6
Seriously injured	93	97	107	151	*	130	*	105	135	126
All factors										
Killed	147	135	126	113	107	115	55	59	48	57
Seriously injured	1,183	1,073	1,211	1,097	990	1,035	892	825	795	720

³ [Road Traffic Collisions by causation factor and severity 2004-2013 \(MS Excel, 25.0 KB\)](#)

That said, there has been a 61% fall in the number of people killed (annually) on Northern Ireland roads between 2004 and 2013 (see figure one) and a 39% drop in serious injuries. In line with this overall reduction, fatalities caused by drink driving have fallen by 67% over the same period (see figure one) while serious injuries have reduced by 68%.

Figure 1: Fatalities resulting from Road Traffic Collisions (total and alcohol/drug related) 2004 to 2013



Source: Statistics Branch, Police Service of Northern Ireland, Lisnasharragh

Table two shows the outcomes of all the road traffic collisions caused by a driver/rider being impaired by alcohol or drugs between 2004 and 2013:

- There has been a 68% reduction in KSIs; and
- All injury collisions (fatal/serious/slight) caused by drink driving have reduced by 39%

Table 2: Police Recorded Injury Road Traffic Collision Statistics - Northern Ireland by Causation Factor (Alcohol or drugs) and Severity 2004-2013

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Killed	30	24	18	18	18	21	10	9	8	10
Seriously injured	124	95	115	113	121	115	86	87	59	40
KSI (Combined)	154	119	133	131	139	136	96	96	67	50
Slightly injured	452	410	376	436	376	408	324	357	388	344
Total	606	529	509	567	515	544	420	453	455	394

2.2.1 Explaining the reduction

A number of factors will have contributed to this, such as the introduction of penalty points in 1996⁴ but there has been a tangible shift in attitude towards drink driving over

⁴ The Road Traffic Offenders (NI) Order 1996

this period. A recent survey by the DOE found that most people in Northern Ireland are opposed to drink driving:

- Approximately 7 in 10 (69%) believe it is not acceptable to drive after one drink;
- The vast majority (95%) believe it is not acceptable to drive after two drinks; and
- No respondents stated that it was acceptable to drive after three drinks.

Research suggests that advertising campaigns such as 'Shame', first broadcast in 2000 and 'Just One' (2005) have had a massive impact on public perceptions of drink driving.⁵ Both were launched jointly by Ministers from Northern Ireland and the Republic of Ireland (ROI) both sides of border and involved both An Garda Síochána and the PSNI. The main outcomes of this campaign included:

- improvement in zero alcohol safe driving perceptions;
- a decline in the acceptability of driving after ONE drink among the target audience; and
- an improvement in the perception that drink driving is 'extremely shameful'.

2.3 Overview of Part 2

The provisions for drink driving are dealt with in part two of the Bill; this part consists of 14 clauses with four broad policy interventions:

- A reduction to Blood Alcohol Content (BAC) limits;
- New enforcement powers;
- Penalties for exceeding BAC limits; and
- Greater use of rehabilitation courses.

2.4 Reduction to Blood Alcohol Content (BAC) levels

Clause 2 inserts a new Article (13A) into the 1995 order with two new limits, each applicable to different categories of driving licence holder:

- The first limit, commonly expressed in terms of blood alcohol content (BAC), is **50 milligrammes of alcohol in 100 millitres of blood (50mg/100ml)**. This applies to a typical licenced 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). This category includes learners and new drivers (qualified for not more than 2 years) as well as a range of professional drivers.

⁵ Bullmore, J. and Watkins, S. (2012) Department for Transport: How thirty years of drink drive communications saved almost 2,000 lives [online] available from: <http://nia1.me/22s>

2.4.1 50mg/100ml limits

The relationship between BAC and the risk of being involved in an accident has been studied extensively and as a consequence there is a substantial body of evidence that supports the proposal to reduce the statutory BAC level in Northern Ireland.

Research shows even a very low BAC increases the risk of accident when driving:

- Moskowitz, et al. (1985) found that at a BAC of 20mg/100ml or lower, a driver's ability to divide attention between two or more sources of visual information can be impaired⁶;
- North (2009) suggests drivers with a blood alcohol concentration (BAC) of between 20 mg/100 ml and 50 mg/100 ml have at least a three times greater risk of dying in a vehicle crash than those drivers who have no alcohol in their blood.⁷
- Bloomberg et al. (2009), found a significant rise in the risk of accident occurring when BAC levels exceeded 40mg/100ml and those with BAC levels between 50-90mg/100ml are more than 11 times likely to be involved in a fatal crash compared with drivers who have not consumed alcohol;⁸
- Similarly, Zador (1991) found that at BAC in the 50-90mg/100ml range, the likelihood of a crash was at least nine times greater than at zero BAC;⁹
- At BAC levels between 50mg/80ml, the risk of accident involvement for drivers in general is more than twice that of a sober driver. For some drivers the risk is more than ten times higher at 0.8 than at 0.5.¹⁰

Clearly there is broad agreement that the increase in crash rate that goes with increasing BAC is progressive and there is also evidence to suggest similar BAC levels affect different groups (mainly based on age, sex and occupation) in different ways.¹¹

Based on the overwhelming evidence, the European Commission (EC) recommends a maximum BAC limit of 50 mg/100 ml¹². Indeed, among members states, the UK (80mg/100ml) and Malta (90mg/100ml) are now the only countries with a BAC limit above 50mg/100ml.¹³ Looking further afield, the World Health Organisation (WHO) indicates that some 89 countries (including 24 EU member states) around the world

⁶ Moskowitz, H., Burns, M. M., & Williams, A. F. (1985). Skills performance at low blood alcohol levels. *Journal of Studies on Alcohol*, 46, 482–485.

⁷ North, P. (2009) Report of the Review of Drink and Drug Driving Law [online] available from: <http://nia1.me/22v>

⁸ Bloomberg, R. D., Peck, R. C., Moskowitz, H., Burns, M., & Fiorentino, D. (2009). The Long Beach/Fort Lauderdale relative risk study. *Journal of Safety Research*, 40(4), 285-292.

⁹ Zador PL. (1991) Alcohol-related relative risk of fatal driver injuries in relation to driver age and sex. *Journal of Studies on Alcohol*. Vol. 55 pp. 302-310

¹⁰ Ibid.

¹¹ Fabbri, A., Marchesini, G., Morselli-Labate, A M., Rossi, F., Cicognani, A., Dente, M., Iervese, T., Ruggeri, S., Mengozzi, U. and Vandelli, A. (2002) Positive blood alcohol concentration and road accidents. A prospective study in an Italian emergency department. *Emergency Medicine Journal*, vol.19 pp. 210-214 [online] available from: <http://nia1.me/22j>

¹² European Commission [online] Alcohol - European Commission <http://nia1.me/22k>

¹³ International Centre for Alcohol Policies [online] Blood Alcohol Concentration Limits. Available from: <http://nia1.me/22n>

have a defined BAC limit of 50 mg/100 ml (or lower), in line with best practice.¹⁴ The WHO's recommendations in respect of BAC limits are:

- Drink driving laws should be based on blood alcohol concentration, or the equivalent breath alcohol content limits, which should be 50mg/100ml or below. All countries should set limits of 20mg/100ml or below for young/novice drivers.

In its evidence to the House of Commons Transport Select Committee's inquiry into drink driving law (2010), the British Medical Association again pointed to the evidence that lowering the prescribed alcohol limit would change driver behaviour and result in fewer serious and fatal crashes:¹⁵

*"Modelling studies predict that lowering the BAC limit to 50mg/100ml would reduce serious and fatal crashes, and could expect to **save 65 lives and prevent 250 serious injuries** per year in the UK.*

In its evidence to the Committee, the BMA pointed to a 2010 review of drink driving legislation carried out by the National Institute for Health and Clinical Excellence (NICE). Based on Australian data, this study estimated that lowering the BAC limit to 50mg/100ml would **reduce road fatalities by up to 13.8% and injuries by 3.1%** within six years of implementation.¹⁶ After applying the same model to England and Wales, the authors suggest that reducing the BAC limit to 50mg/100ml would result in 144 fatal casualties and 323 serious injuries being avoided in the first year; at 6 years, it estimates that about 303 fatal casualties and 708 serious injuries might be avoided.¹⁷

The Transport Select Committee took a different view of the effectiveness of such a change. In its conclusions, the Committee stated:

*"We are concerned that a reduction in the limit to 50mg/100ml would **send out a mixed message** with the Government's official advice to not drink and drive at all, particularly in light of the strong evidence of public **uncertainty about what constitutes a "legal drink"**.*

In the long term, we believe that the Government should aim for an "effectively zero" limit of 20mg/100ml but we acknowledge that is too great a step at this stage. Instead of an "interim" reduction to 50mg/100ml, the Government should concentrate on working with individual police forces to achieve a stricter enforcement of the current limit and beginning a

¹⁴ WHO [online] Interventions to reduce road traffic injuries: reducing drink-driving. Available from: <http://nia1.me/22m>

¹⁵ BMA (2010) Drink and Drug Driving Law: Written evidence from the British Medical Association (BMA) (DDD 32) [online] available from: <http://nia1.me/22l>

¹⁶ See: National Institutes of Health and Clinical Excellence (2010). Modelling methods to estimate the potential impact of lowering the blood alcohol concentration limit from 80 mg/100ml to 50 mg/100ml in England and Wales. London: Centre for Public Health Excellence NICE [online] available from: <http://nia1.me/22p>

¹⁷ See: National Institutes of Health and Clinical Excellence (2010). Modelling methods to estimate the potential impact of lowering the blood alcohol concentration limit from 80 mg/100ml to 50 mg/100ml in England and Wales. London: Centre for Public Health Excellence NICE [online] available from: <http://nia1.me/22p>

public education campaign to help achieve public acceptance of a 20mg/100ml limit.”

2.4.2 Outcome of DOE Consultation

The DOE launched a consultation on the 9th April 2009 seeking views on the proposal to reduce the BAC limit; a total of 89 responses to the consultation were received. There was strong agreement (80% of respondents) from respondents that drink drive limits should be reduced. There was also strong support for having an alternative (lower) limit for professional, learner and novice drivers.

	Yes	No	Don't Know
Q1. LIMITS			
Do you agree that the BAC limit should be reduced in Northern Ireland?	80%	13%	7%
Options for BACS Limits:			
a. 20mg/100ml for learner novice?	69%	25%	6%
b. 20mg/100ml for professional drivers?	65%	29%	6%
c. 50mg/100ml for all other drivers?	49%	47%	4%

	Yes	No	Don't Know
Q2. Alternative Limits			
50mg/100ml limit for all drivers (including learner/novice and professional drivers)?	24%	76%	-
20mg/100ml limit for all drivers (including learner/novice and professional drivers)?	60%	38%	2%

2.4.3 Alternative limits?

Research shows that the likelihood of road traffic crashes and injury is higher in young people than in older individuals at the same BAC levels¹⁸. For example, Zador, et al. (1991) suggests inexperienced young adults driving with a BAC level of 0.05 g/dl (50mg/100ml) are more than twice as likely to have a road traffic crash than are more experienced drivers.¹⁹

According to the World Health Organisation (WHO), laws which establish lower BACs (between zero and 20mg/100ml) for novice drivers can lead to reductions of between 4% and 24% in the number of crashes involving young people.²⁰ A 2013 WHO report indicated that 42 countries had set lower BAC limits for young drivers than for the general population.²¹ It is also a common practice across the European Union to have

¹⁸ Ibid.

¹⁹ Zador PL. (1991) Alcohol-related relative risk of fatal driver injuries in relation to driver age and sex. *Journal of Studies on Alcohol*. Vol. 55 pp. 302-310

²⁰ (GRSP) Global Road Safety Partnership (2007) [online] available from: <http://nia1.me/22u>

²¹ World Health Organization (WHO). (2013) Global status report on road safety [online] available from: <http://nia1.me/22y>

alternative BAC limits for young and inexperienced drivers as well as some professional drivers.

The issue of whether to have a lower alcohol limit for young or novice drivers was addressed in the UK Government's review of drink driving laws, conducted by Sir Peter North (2009). He noted that this was "*the most difficult issue addressed in the Review*". While it was acknowledged that the evidence did demonstrate younger drink drivers create a considerably greater risk than average drivers, both to themselves and to others, this risk is worst among drivers in their mid to late twenties and extends to drivers up to the age of 30.

Sir Peter also pointed to the enforcement difficulties, suggesting that singling out a single group may compromise detection of other offenders. Furthermore, it was suggested that the message being sent out was that more experienced drivers are allowed drink and drive.

The evidence gathered for the review indicated that young people, and young men in particular, are likely to be the demographic group which benefits most from any reduction in the general blood alcohol limit. Therefore **the recommendation made to the government was not to proceed with alternative limits for young drivers**. A further suggestion was that a 20 mg/100 ml limit for the first 5 years of driving should be reviewed 5 years after implementation of the new 50 mg/100ml limit, on the basis of the trend in the relative risk posed by young drivers. A similar proposal of phased implementation was made by the PSNI in its response to the DOE's consultation.

2.5 Practice elsewhere

As has already been discussed, a large number of jurisdictions, in both the EU and further afield, enforce a punishable BAC limit of 50 mg/100 ml or lower. Most jurisdictions also have enhanced penalties for people with unusually high BAC or breath-alcohol concentration (BrAC) when arrested:

- Norway was the first country to introduce a statutory BAC limit for driving at 50 mg/100 ml; the limit in Norway currently stands at 20 mg/100 ml.
- Sweden introduced a punishable BAC limit of 80 mg/100 ml in 1941, which was subsequently lowered to 50 mg/100 ml in 1956 and it now stands at 20 mg/100 ml. In Sweden a charge of **aggravated drunken driving** is brought if the BAC is above 100 mg/100 ml).

2.5.1 Republic of Ireland

The road safety authority (RSA) in the Republic of Ireland (ROI) describes the country's problem with drink driving as chronic:²²

- 18,851 drivers were arrested on suspicion of drink driving in 2007;

²² RSA [online] Drink Driving in Ireland [online] available from: <http://nia1.me/22t>

- A total of 18,053 drivers were arrested on suspicion of drink driving in 2008;
- An average of around 347 drivers arrested each week for drink driving in the Republic of Ireland.

The Irish Government has set about tackling this problem and significant progress has been made in improving road safety in recent years with a reduction in drink driving deaths at the core of this success.²³ **Between 2003 and 2007 road deaths attributed to alcohol fell by 29%.**

As is the case in Northern Ireland, the cross-border road safety communication campaign involving the 'Shame' advertisement has helped change attitudes towards drink driving but the Irish government has also introduced a set of measures including:

- in 2006, mandatory alcohol testing each time a driver is stopped;
- in 2007, tougher penalties for drink driving;
- In 2011, lower BAC limits of 20mg/100ml for novice and professional drivers including taxi-drivers;
- 50mg/100ml limit for all other drivers, and
- mandatory alcohol testing for drivers involved in road traffic collisions.

According to the Irish Minister for Transport, Leo Varadkar, *"the change of the BAC limits was coupled with intensive Police enforcement and information campaigns."*

2.5.2 Others

Table three (below) shows the extent of the lower BAC limits across the European Union and also in Norway and Switzerland. It is interesting to note that despite having the joint highest BAC limit, the UK has among the lowest percentages of road deaths connected to alcohol. The average of 19% is UK wide, whereas the Great Britain average is 14% and Northern Ireland's 24%.²⁴

- Bulgaria (4%), Austria (6%) and Slovakia (8%) have the lowest levels of deaths associated with alcohol;
- Four countries (Romania, Slovakia, Hungary and Czech Republic) have an absolute zero tolerance policy towards drink driving;
 - Of these the Czech Republic has the highest percentage of road deaths associated with drink driving (14%). The others have a relatively low percentage of 8%.
- A further four (Estonia, Sweden, Poland and Norway) have an effective zero tolerance policy i.e. BAC limit of 20mg/100ml
- 13 of the countries sampled in table three have variable limits;
- The majority have a general limit of 50mg/100ml.

²³ ETSC (2014) Ranking EU Progress on Car Occupant Safety

²⁴ World Health Organization (WHO). (2013) Global status report on road safety [online] available from: <http://nia1.me/22y>

Table 3: Drink driving limits, enforcement practice and prevalence of road deaths connected to alcohol by country²⁵

Country	BAC Limit (mg/100ml)			Enforcement	Percentage (%) of Road Deaths connected to Alcohol
	General	Young	Professional	Random Breath Test	
UK	80	80	80	No	19
Austria	50	10	10	yes	6
Belgium	50	50	50	yes	25
Bulgaria	50	50	50	yes	4
Croatia	50	0	0	yes	30
Cyprus	50	50	50	yes	43
Czech Republic	0	0	0	yes	14
Demark	50	50	50	yes	20
Estonia	20	20	20	yes	15
Finland	50	50	50	yes	24
France	50	50	20-50	yes	31
Germany	50	0	0	No	11
Greece	50	20	20	yes	-
Hungary	0	0	0	yes	8.3
Ireland	50	20	20	ye	16
Italy	50	0	0	yes	-
Latvia	50	20	50	yes	10
Lithuania	40	20	20	yes	21
Luxembourg	50	20	20	No	35
Malta	80	80	80	yes	-
Netherlands	50	20	50	yes	20
Poland	20	20	20	yes	9
Portugal	49	49	49	yes	31
Romania	0	0	0	yes	8
Slovakia	0	0	0	yes	8
Slovenia	50	0	0	yes	36
Spain	50	30	30	yes	31
Sweden	20	20	20	yes	22
Switzerland	50	50	50	yes	17
Norway	20	20	20	yes	15

Source: WHO (2013)

²⁵ World Health Organization (WHO). (2013) Global status report on road safety [online] available from: <http://nia1.me/22y>

2.6 Enforcement powers

One of the key measures to combating drink driving enforcement by the police. Increasing drivers' perception of the risk of being detected for excess alcohol is an important element in any package of measures to reduce alcohol related crashes. Enforcement procedures differ throughout the European Union, as does the chance of being breathalysed.

The proposals to change drink drive laws in Northern Ireland include giving police the power to set up drink drive checkpoints where they would be able to stop any driver for the purpose of giving them a breath test. There are two main objectives of this policy: detecting offenders and deterring potential offenders.

Research and experience suggest that these objectives are most effectively met by a combination of highly visible systematic or random breath testing (to deter) and targeted testing elsewhere on the road network (to detect).²⁶

75% of respondents to the DOE consultation agreed that the police should have powers to stop and breathalyse drivers at random, 8% said no and 13% did not respond.²⁷

2.6.1 Random breath testing

The power to carry out Random Breath Testing (RBT) will allow the police to stop and breath test drivers at random on the road network with the use of highly visible roadside checkpoints. The current practice is to carry out breath testing when there is reasonable cause for suspicion - this method is mainly **focused on detection with little potential for deterrence**, since it is difficult to publicise the reason for the stop in advance.

Parts of Australia, Finland, Sweden, and France enacted RBT laws in the late 1970s, followed by Norway and the rest of the Australian states in the 1980s, New Zealand and most European countries in the 1990s, and Ireland in 2006. In 2003, the European Commission recommended that all member states introduce comprehensive random breath testing programs.²⁸

2.6.2 How effective is RBT

- Swedish law allows the police to test drivers involved in crashes, drivers apprehended for a traffic violation, or random in planned road checks. The

²⁶ ETSC (2008) Drink Driving in the EU and Road Traffic Law Enforcement [online] available from: <http://nia1.me/22z>

²⁷ DOE (2011) *Consultation on Proposed Changes to the Learner and Restricted Driver Schemes and on Graduated Driver Licensing*. Available [online] at: <http://nia1.me/231>

²⁸ Purssell, R., Solomon, R. and Chamberlain, E. (2009) Random breath testing: A needed and effective measure to prevent impaired driving fatalities. *British Columbia Medical Journal*. Vol. 51 (10) [online] available from: <http://nia1.me/232>

proportion of car injury crashes involving drunk drivers, reduced from 14% to 9% after the introduction of RBT in the 1970s.²⁹

- In Finland, since the introduction of RBT in the late 1970s, alcohol consumption and vehicle kilometres have doubled. In this period, the proportion of drunk drivers halved while the actual number of fatalities involving drunk drivers remained close to 80 in each of the last ten years, the same number as in 1970.³⁰
- In the Netherlands, each doubling of the number of RBT tests since 1986 was accompanied by a 25% decrease in drink driving offenders, and between 1985 and 2005 the proportion of drink driving offenders decreased by two thirds.³¹
- Since 2003, in Denmark, all drivers submitted to an ordinary police control (e.g. speed control or seat belt control) are also tested for alcohol. The number of alcohol related crashes was reduced by over one quarter in the two years following the introduction of this measure.³²
- Estonia introduced RBT in 2005. In 2005, 180,000 drivers were tested. The share of drunk drivers decreased from 1.86% to 1.19% between 2004 and 2005.

2.6.3 Republic of Ireland

As one of the most recent jurisdictions to introduce RBT, The Republic of Ireland (ROI) provides the most up-to-date evidence of the implications of introducing RBT. The introduction of RBT in Ireland in 2006 gave the Gardai the power to breathalyse any driver stopped at a mandatory alcohol checkpoint. This policy had an immediate impact on detection levels:

- there was a 7% increase in Ireland's drink driving charges in 2007, however, significant declines in detection levels followed;
- Following the 7% increase from 2006 to 2007, there was a 9% decrease in 2008;
- This was followed by a 23% drop in offence in 2009;
- Overall there was a 63% decline on drink driving offences between 2006 and 2013.

In addition to improved compliance rates, RBT has been effective at improving road safety:

- In the first six months after its introduction, there was a 10% drop in admission to hospital following road crashes compared to the corresponding six months in the previous year;
- In the first 12 months following its introduction 92 lives were saved.³³

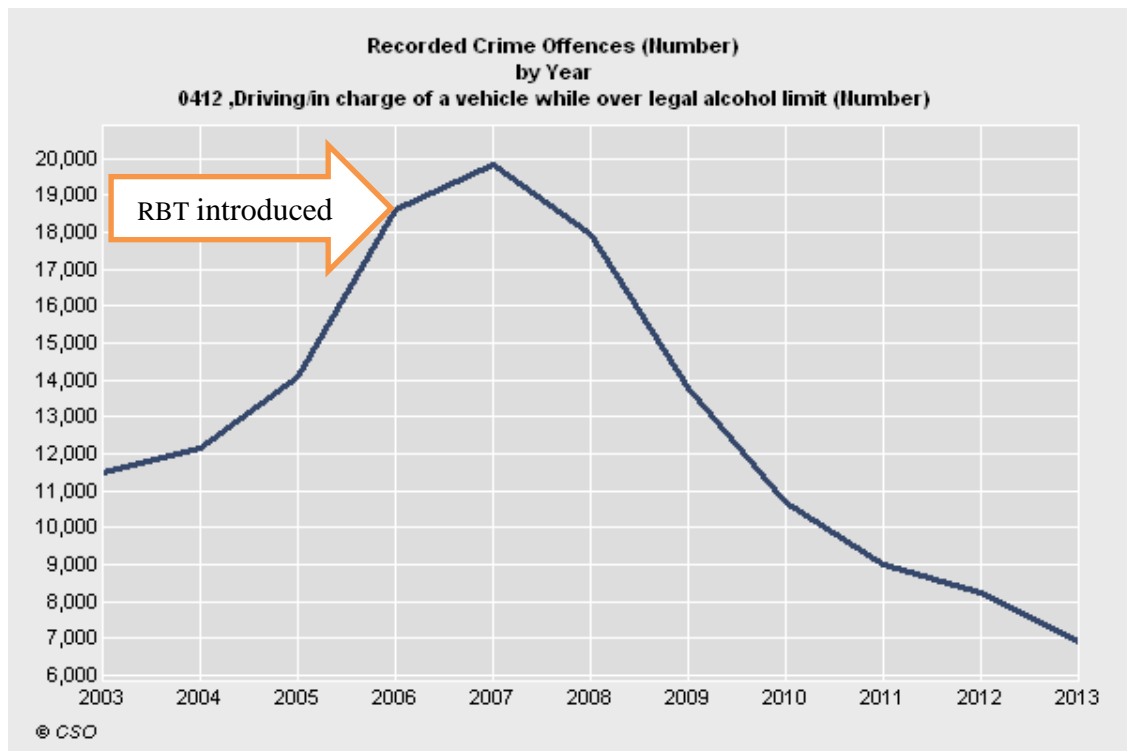
²⁹ European Commission (2007) SUPREME: Best Practice in Road Safety Measures in the Member States [online] available from: <http://nia1.me/234>

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Alcohol Action Ireland [online] Alcohol and Driving. Available from: <http://nia1.me/235>



2.6.4 Australia

Australia has for many years been seen as an innovator in drinking and driving countermeasures; most notable of which has been the use of Random Breath Testing (RBT) as the drink driving law enforcement tool used throughout Australia.³⁴ RBT laws give police the power to ask any driver for a breath sample at any time without cause.

RBT was first introduced in the State of Victoria in June 1976 and it has since been adopted by every state and territory in Australia. RBT is widely regarded as having made a significant contribution to the reduction in drink driving fatalities in Australia throughout the 1980s and 1990s. Indeed, from 1981–2006, the percentage of fatally injured motorists with a BAC 50mg/100ml fell by more than 35%.³⁵

The effectiveness of this policy is demonstrated when compared to the impact of reduced BAC levels: The reduction of the legal BAC limit (80-50mg/100ml) in New South Wales found a 7% reduction in all serious crashes, an 8% reduction in fatal crashes, and an 11% reduction in single vehicle night time crashes. In comparison, RBT was associated with decreases of 19%, 48% and 26%, respectively.³⁶

What is key to the success of Australia's RBT policy is how it is applied. For example, research has shown that 82% of Australian motorists reported having been stopped at

³⁴ Ferris, J., Mazerolle, L., King, M., Bates, L., Bennett, S. and Devaney, M. (2013) Random breath testing in Queensland and Western Australia: Examination of how the random breath testing rate influences alcohol related traffic crash rates. *Accident Analysis and Prevention*, vol. 60 (2013) pp. 181–188

³⁵ Ibid.

³⁶ Ibid.

some time, compared with 16% in the UK and 29% in the US. This clearly shows RBT is an effective deterrent when it is consistently and vigorously enforced, as is the case in Australia.

2.7 Greater use of rehabilitation courses

The Road Traffic Offenders (Northern Ireland) Order 1996 provided the opportunity to trial the use of rehabilitation schemes for drink drivers. These schemes were developed as an educational intervention aimed at reducing the likelihood of re-offending by individuals who have been convicted of a drink drive offence. Courts can be given powers to reduce the period of disqualification (up to a maximum of 25%) if the offender satisfactorily completes a rehabilitation course approved by the DOE.

To encourage the wider use of these courses, Clause 9 of the Bill amends the Offenders Order by inserting a new Article 59A, 59B and 59C. This amendment will enable a driver to access the Course for Drink Drive Offenders (CDDO) 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.

2.7.1 Impact of CDDO scheme

The NI Drink Drive Reconviction Analysis for those referred onto a Course for Drink Drive Offenders was published for the first time in 2010. This report was commissioned by the CDDO working group to be used as a tool to evaluate the effectiveness of the courses for drink drive offenders.³⁷ These are some of the key findings included in the report:

- A greater proportion of females (35%) than males (31%) who were referred onto a course for drink drive offenders opted to attend and complete a course.
- Among offenders who had completed the course, 7.0% were reconvicted of a subsequent drink drive offence compared to 11.4% who did not complete a course. In other words, the likelihood of reconviction was 1.6 times higher if the offender didn't complete a course.
- Whilst there was no gender difference in the likelihood of being reconvicted for all those who completed a course, males who did not complete a course were found to be 1.7 times more likely to reoffend than females who did not complete a course.
- Up to two years (24 months) after their original conviction, 1.9% of offenders who had completed a course had been reconvicted of a subsequent drink/drive offence, compared with 6.2% of those who did not complete a course. This represents a

³⁷ DOE (2010) Northern Ireland drink driving reconviction analysis of those referred onto a course for drink driving offenders (2001-2009)

reconviction rate that is 3.3 times higher for offenders who did not complete a course compared with those who did.

- Up to three years (36 months) after their original conviction, 3.4% of offenders who had completed a course had been reconvicted of a subsequent drink/drive offence, compared with 8.0% of those who did not complete a course. This equates to a reconviction rate that is 2.3 times higher for offenders who did not complete a course compared with those who did.
- The effectiveness of the courses in NI appears to broadly reflect the experience in GB where it was similarly observed that the largest impact occurs in the first two years following initial conviction:
 - (in GB) Twenty-four months after their original conviction, only 2% of offenders who had attended courses had been convicted of a subsequent drink/drive offence, compared with 6% of those who had not in the experimental courts. The reoffending rate of those who did not attend a course was 3 times the rate of those who did.
 - Thirty-six months after their original conviction, only 3.4% of offenders who had attended courses had been convicted of a subsequent drink/drive offence, compared with 9.6% of those who had not in the experimental courts. The reoffending rate of those who did not attend a course was 2.8 times the rate of those who did, still very similar to the twenty-four month ratio.

3 Learner and New Drivers

3.1 Background

Part 3 of the Bill is focused on trying to address the high number of young people killed on the roads, or responsible for accidents in Northern Ireland. According to the Department's consultation, Knowles et al (2010) detail that per thousand of the population, the fatality rate for 16-19 year olds in Northern Ireland is twice as high as in GB³⁸.

The Northern Ireland Road Safety Strategy 2020 sets a target of trying to reduce the number of young people killed or seriously injured by at least 55%.³⁹ It is felt that the current driver training and testing scheme is insufficient, due to the lack of compulsory practical or theoretical driver training. The graduated driver learning system (GDL) proposed under the Bill, is described as a mechanism towards improving how new and young drivers are trained and tested, to ensure they are appropriately prepared for when they start driving unaccompanied on the road.

³⁸ DOE (2011) *Consultation on Proposed Changes to the Learner and Restricted Driver Schemes and on Graduated Driver Licensing*. Available [online] at: <http://nia1.me/231> (p.12)

³⁹ DOE Northern Ireland's Road Safety Strategy To 2020. Available [online] at http://www.doeni.gov.uk/roadsafety/index/road_safety_strategy.htm (p.12 and 71)

The Bill aims to do this by:

- Lowering the age for obtaining a provisional from 17 to 16 ½;
- Requirement of a logbook detailing completion of a training syllabus;
- Removing the 45 mph speed restriction on L and R drivers/riders;
- Allowing tests to include driving on different road types up to the posted speed limit, and lessons on motorways;
- Introducing passenger restrictions for six months for 17-24 year old new drivers;
- Increasing the restricted period from 12 months to two years during which new young drivers will face a lower drink drive limit and revocation of their license with six penalty points or more;
- Replacing the R plate where the new must be displayed for two years instead of one; and
- Introducing remedial courses for new drivers instead of losing their license with six penalty points or more.

3.1.1 Consultation

The Department consulted on the aspects of graduated driver licencing and changes to the current learner driver system in 2011⁴⁰. A total of 688 responses were received to the consultation and a synopsis of those comments, and the Department's responses to those comments, are available from the Department's website⁴¹. The Department also held focus groups with young people aged from 14 to 25 to get their views on the measures suggested in the consultation. Their responses were collated along with those from the consultation and can be seen in the synopsis of responses.

The consultation suggested twelve possible measures of which eight were finally taken forward and four were dropped, those dropped include:

- The requirement for skid training for learner/restricted drivers.
- Restrictions on high performance vehicles for learner/restricted drivers.
- Introduction of night time driving restrictions for restricted drivers.
- Requirement of an offence free period before restrictions are removed.

⁴⁰ DOE (2011) *Consultation on Proposed Changes to the Learner and Restricted Driver Schemes and on Graduated Driver Licensing*. Available [online] at http://www.doeni.gov.uk/index/road_users/corporate-road-safety/road-safety-consultations-and-publications/road-safety-consultations.htm

⁴¹ DOE Consultation and synopsis available [online] at http://www.doeni.gov.uk/index/road_users/corporate-road-safety/road-safety-consultations-and-publications/road-safety-consultations.htm

3.1.2 Impact Assessments

An initial Regulatory Impact Assessment (RIA) was carried out and discussed in the consultation⁴². This highlighted possible impacts on small business such as approved driving instructors and businesses offering alternative transport to those who don't drive or have access to a lift by car. As this is an initial RIA details of a full RIA should be sought especially in relation to any new areas introduced since the consultation.

The explanatory impact touches upon the financial impacts of the Bill. However this cannot be fully explored until the training syllabus for learning drivers is detailed, in relation to whether it will be based on the number of hours of training or lessons required. If the full year of training is wholly dictated by lessons, this may prove more expensive.

A Rural Proofing Statement was made in the consultation (Annex D); however, there are areas that may need further consideration. The Department is of the general opinion that, while some of the measures may have negative impacts on the rural population, this needs to be weighed against the positive impacts of reducing collisions and fatalities on rural roads. This is discussed in more detail in section 3.4.

3.2 Subordinate legislation

There are a number of powers in the Bill that allow the Department to make further subordinate legislation (in the form of statutory orders or regulations). Some of these will be subject to negative resolution meaning they will become law without debate or vote, unless they are actively annulled by Members of the Assembly (motion to be moved by the Committee Chairperson or any Members within 10 sitting days or 30 normal days).⁴³

Others are subject to affirmative resolution where they can only become law if approved by resolution of the Assembly (motion moved by the Minister).⁴⁴ However, under both procedures, the scrutiny role is restricted to either accepting or rejecting the secondary legislation as amendments cannot be made.⁴⁵

⁴² See Annex C of the consultation document.

⁴³ Section 41(6) of the Interpretation Act (Northern Ireland) 1954 detailed in a Briefing Paper by the Examiner of Statutory Rules on Assembly Procedures (September 2002)

⁴⁴ section 41(4) of the Interpretation Act (Northern Ireland) 1954 detailed in a Briefing Paper by the Examiner of Statutory Rules on Assembly Procedures (September 2002)

⁴⁵ UK Parliament website 'Statutory Instruments' <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/> (accessed 27/05/2014)

3.2.1 Negative resolution

The following areas of the Bill allow the Department to make statutory order/regulations that will become law unless revoked by the Assembly:

Clause 17

Clause 17 makes it a requirement for a person to hold a provisional license to drive a category B vehicle (car or light van) or motor cycle for 12 months before taking their test, by amending Article 5 of the Road Traffic (Northern Ireland) Order 1981 (1981 Order). However, the Department may make exemptions to this requirement under the new Article 5 (4A), e.g. those entitled to carer's allowance and who need the license sooner. As this is inserted in to 1981 Order, these regulations are subject to negative resolution in accordance with Article 218 (2) of the Order.

Clause 18

Clause 18 (2) inserts a new Article 5A into the 1981 Order to make it a requirement that a learning driver must produce a logbook to record their training during the 12 months. However, the Department has the power under Article 5A(6) and (7) to exempt persons from this requirement (such as those on a carer's allowance). As this power is also inserted into the 1981 Order, it is subject to negative resolution under Article 218 (2) of the Order.

New Article 5 A(8) is also subject to negative resolution and allows the Department by regulation to make 'reasonable charges' in relation to the discharge of its functions with logbooks. The Bill provides no detail on what 'reasonable charges' means.

Clause 18 (3) inserts a new Article 13 A which allows for the detail of the training programmes to be set out under Regulations produced by the Department. This is instead of it being provided on the face of the Bill to allow for frequent change/updates. However these regulations are subject to negative resolution in accordance with Article 218 (2) of the 1981 Order meaning they will be made law unless annulled. These programmes may be responsible for details such as the amount and type of training required which may have an impact on the overall costs for learner drivers.

New Article 13B allows the Department to make regulations relating to the test to be passed by those seeking a license to ride a motorbike. The regulations, amongst other things, may address: the nature of the courses of training; who may provide this training; and the maximum charges which can be applied for such courses. This provision is described in the Explanatory and Financial Memorandum as 'a repositioning of existing powers provided under 218 (2) of the 1981 Order' and is subject to negative resolution.

Clause 20

Clause 20 amends the 1981 Order by inserting new sections that impose restrictions on a newly qualified driver. New Article 19AB(3) is in relation to the display of a distinguishing mark and a passenger restriction to which the Department through regulation can prescribe the class of vehicles to which these will apply. This power is also subject to negative resolution in accordance with 218 (2) of the 1981 Order.

New Article 19AB (11)(c) and (d) enables the Department to exempt certain persons from the restrictions through the production of regulations which are subject to negative resolution.

Clause 21

Clause 21 amends Article 5 of the Road Traffic (New Drivers) (Northern Ireland) Order 1998 to enable the Department to offer a new driver with six penalty points the opportunity to complete an approved course instead of losing their license. Details of the courses will be provided under subordinate legislation subject to negative resolution. The Department is of the view that this is appropriate in subordinate legislation rather than on the face of the Bill to allow for frequent changes in training methods etc.

3.2.2 Affirmative resolution

The following areas of the Bill are subject to affirmative resolution meaning any subordinate legislation/regulation made by the Department can only be made law if approved by the Assembly:

Clause 17

Clause 17 amends the 1981 Order and requires a person driving a category B vehicle to hold a provisional license for 12 months. New Article 5(2ZC) allows the Department to change the category of vehicle or the period of time by subordinate legislation, to allow for changes to be made if necessary over time. In this case a draft of the subordinate legislation must be approved by the Assembly before it can become law.

Clause 18

Clause 18 also amends the 1981 Order, requiring the production of a logbook to record a driver's training during the 12 month training period in a category B vehicle or motor cycle. New Article 5A(3) gives the Department power to change the category of vehicles through subordinate legislation. A draft of the order must be approved by the Assembly before it can become law.

Clause 20

New Article 19AB(5)(a) allows the Department through regulations to prescribe the nature of the distinguishing mark (e.g. N-plate to replace the existing R) for newly qualified drivers and how it should be displayed for two years post-test. A draft of these regulations must be approved by the Assembly before they can become law.

New Article 19AC(12) gives the Department power to change the category of vehicle that the restrictions apply to, the age of the driver, the length of the restricted period, the age of passengers and the accompanying driver. A draft of the subordinate legislation must be approved by the Assembly before it becomes law.

3.3 New introductions

There are a number of new aspects to the Bill that have been introduced since the 2011 consultation, and as a result have not undergone the same consultation process. Some of these include:

3.3.1 Decrease of the minimum age

The consultation proposed increasing the minimum age at which a young person could apply for a provisional or full driving license⁴⁶. However, the Bill reduces the age at which a provisional license can be applied for from 17 years to 16 ½ years. The Department explained in its reasoning for this in 2012⁴⁷ that someone applying for a provisional at 16 ½ must take a full year of training/lessons before the practical test can be taken, meaning the youngest a person could have a full driving license is 17 ½ years. Most respondents to the consultation in 2011 wanted no change to the existing minimum age.

According to research from the Royal Society for the Prevention of Accidents (RoSPA), Sweden lowered the driving age to 16 years while increasing the learning/training period. This resulted in a lower accident rate in the first two years after a driver passed their test.⁴⁸ However, the same piece of research noted that in the mid-1990s in Norway, the age limit was reduced from 17 to 16 with 18 remaining the age a test could be taken. While this has increased the amount of supervised driving by learners, there has been a reported increase in self –reported crashes and in the crash rate per

⁴⁶ Ibid p.2

⁴⁷ On 29 May 2012, the then Minister for the Environment, Alex Attwood, announced his decision on the way forward on the L and R driver schemes and GDL. It was in this correspondence that the Department announced the change to the age. This can be viewed [online] *Synopsis of responses and way forward - Consultation on the Learner and Restrict Driver Schemes and Graduated Driver Licensing Consultation* at http://www.doeni.gov.uk/index/road_users/corporate-road-safety/road-safety-consultations-and-publications/road-safety-consultations.htm

⁴⁸N Gregersen, "Evaluation of 16Years Age Limit for Practising in Sweden", VTI, DETR Behavioural Studies Seminar referenced in RoSPA (2002) *Young and Novice Drivers' Education, Training and Licensing* [online] <http://www.rospace.com/search-results.htm?q=yound%20and%20novice%20drivers>

kilometre. It has been suggested this is due to increased exposure as a result of more driving practice.⁴⁹

3.3.2 Remedial road safety courses

Under the Road Traffic (New Drivers) (Northern Ireland) Order 1998,⁵⁰ a newly qualified driver can face revocation of their license should they acquire six or more penalty points in two years of their test. However, clause 21 amends this by offering an alternative to losing a license through completion of a remedial course. Such courses are to be defined under subordinate legislation by the Department and are subject to negative resolution. However, this was not discussed within the consultation which explored the possibility of a slightly different approach, where an offence free period may last for six or twelve months, and a breach would result in the extension of a drivers restricted period with no alternative through a remedial course.⁵¹

3.3.3 Revocation of a license

The possible impacts of revoking a license were questioned by the Department during its consultation. The Department informed that according to a Department for Transport consultation on road safety compliance, of those licenses revoked under the UK Road Traffic (New Drivers) Act 1995, 50% of the drivers return to re-take the test, while 30% appeared not to. The consultation suggested that this 30% may choose to drive unlicensed rather than return to the licensing system again. Without further evidence, however, it cannot be assumed that all of the 30% continue driving unlicensed. The consultation also states that

*the threat in the New Drivers Act (UK) of losing a licence doesn't seem effective for a minority of potentially high risk drivers.*⁵²

The fact that a minority of drivers may have reacted negatively to having their license removed raises the question as to whether introducing a measure based on a minority response is the most appropriate action to take. The consultation details other countries using alternative measures⁵³ but did not state what impacts they have had.

⁴⁹ C Baughan and H Simpson, "Graduated Driver licensing –A Review of Some Current Systems", TRL Report 529, 2002 referenced in RoSPA (2002) *Young and Novice Drivers' Education, Training and Licensing* [online] <http://www.rospa.com/search-results.htm?q=yound%20and%20novice%20drivers>

⁵⁰ Road Traffic (New Driver) (Northern Ireland) Order 1998 <http://www.legislation.gov.uk/nisi/1998/1074/contents> (section 3)

⁵¹ DOE (2011) *Consultation on the Learner and Restricted Driver Schemes and Graduated Driver Licensing Consultation* (p.107). Available [online] http://www.doeni.gov.uk/index/road_users/corporate-road-safety/road-safety-consultations-and-publications/road-safety-consultations.htm

⁵² Ibid (p.111)

⁵³ DOE Consultation and synopsis available [online] at http://www.doeni.gov.uk/index/road_users/corporate-road-safety/road-safety-consultations-and-publications/road-safety-consultations.htm (p.109)

3.3.4 Expansion of restrictions across jurisdictions

Under the current regime, the restrictions imposed on newly qualified drivers apply only to those passing a test in Northern Ireland. While this measure was not detailed in the consultation in 2011, clause 20 states that restrictions apply to ‘newly qualified’ drivers which include those who have passed any driving test in Britain or Europe, bringing the restricted system into line with the 1998 Order which uses a similar definition of a qualified driver⁵⁴.

The effectiveness of this measure may be impacted by the fact there is no mutual recognition of penalty points between Northern Ireland and the Republic of Ireland as yet⁵⁵. Drivers may use this to their advantage by ignoring restrictions and behaving with relative impunity when they cross the border either direction.

3.3.5. Protective Head gear

Clause 22 of the Bill extends the requirement, under the 1995 Order to wear protective headgear, to include a range of other vehicles such as quadricycles. The current Highway Code for NI states that riders of quadricycles should wear helmets; however this is not a compulsory requirement.⁵⁶ A consultation was carried out in 2012 by the Department of Environment; this stated that between 2006 and 2010 three people have been killed and 27 seriously injured in accidents on quad bikes used on public roads in Northern Ireland.⁵⁷

3.4 Impact on young people

There are a number of measures proposed in the Bill that, while they may be influential in addressing the overall issue and reaching the 2020 Road Safety target, may have negative or inconvenient impacts on young and new drivers. The following section in no way represents all of these possible impacts; however, it attempts to explore a number of them.

After consulting in 2011 on the proposal to introduce passenger restrictions, the Department decided not to carry the measure forward into the Bill. This was due to respondents to the consultation who were overly opposed to any such restriction, due to the possible impacts on access to jobs, education, sporting events etc. and concerns regarding enforceability.

⁵⁴ Road Traffic (New Driver) (Northern Ireland) Order 1998 <http://www.legislation.gov.uk/nisi/1998/1074/contents> (section 3)

⁵⁵ Discussions have been under way for years to have a joint penalty points system between Northern Ireland and the Republic of Ireland. Driving disqualifications have been recognised since 2010 under the framework of the [European Convention on Driving Disqualifications](#) of 17 June 1998. However the Department of Environment has said delays in relation to a joint penalty point system have been due to complex policy issues. See Belfast Telegraph (Feb 2014) <http://www.belfasttelegraph.co.uk/life/motoring/plans-for-a-joint-system-on-penalty-points-for-republic-and-northern-ireland-stall-30035841.html>

⁵⁶ DOE (2013) Official Highway Code for Northern Ireland. Available [online] at NI Direct <http://www.nidirect.gov.uk/the-highway-code>

⁵⁷ DOE (2012) Consultation on Proposal for Mandatory Wearing of Helmets on Quadricycles [online] <http://www.doeni.gov.uk/index/information/foi/recent-releases/publications-details.htm?docid=8830>

However in 2012, the Department changed its policy position and announced that passenger restrictions would be introduced in the Bill.⁵⁸ Clause 20 provides that for six months after a young driver (up to 24 years) passes their test they will be restricted to carrying only one young passenger (between the ages of 14-20). This restriction will not apply if the young driver is accompanied by a qualified driver (over 21 with their license for more than 3 years). The Department announced its change of policy position due to:

1. further analysis of young driver and passenger casualty data, suggesting that young drivers are responsible for high rates of young driver and young passenger deaths and serious injuries
2. the growing body of evidence on the road safety benefits of passenger restrictions;
3. the likely social and economic impacts, particularly on jobs and how these might be mitigated; and
4. post-consultation engagement with stakeholders including the insurance industry, where the British Association of Insurers advised that a passenger restriction has the best potential to improve the road safety of young and new drivers, and drive down insurance costs.⁵⁹

These points are discussed in more detail in the following sections:

3.4.1 Impact on death and collision rates

The Department's consultation presented evidence from NI and UK road safety statistics that young drivers and passengers are the highest risk group from road accidents and fatalities. According to European Commission Road Safety, 'for every young driver killed in a crash, an average of 1.3 other people also die'⁶⁰. This suggests that measures need to be introduced to address this problem; however the question is whether passenger restrictions are the best tool. The Department has said that there is a growing body of evidence supporting the measure and highlighted advice it received from the British Association of Insurers⁶¹, and a US national evaluation finding that passenger restrictions reduced fatal crashes involving teenage passengers by approximately 9%⁶². This is further backed up by research from Cooper, Atkins and Gillen who inform that the introduction of passenger limits under the New Zealand GDL yielded a 9% reduction in the proportion of crashes involving teenage passengers⁶³.

⁵⁸ See DOE (2012) Synopsis of responses and way forward - Consultation on the Learner and Restrict Driver Schemes and Graduated Driver Licensing Consultation (Measure 9).

⁵⁹ DOE (2012) Synopsis of responses and way forward - Consultation on the Learner and Restrict Driver Schemes and Graduated Driver Licensing Consultation (Measure 9) The Department also provided more detail in a letter to the Environment Committee in June 2012 'Further briefing on a proposed passenger -carrying restriction'

⁶⁰ Europa.eu, *Road Safety: Novice Drivers* http://ec.europa.eu/transport/road_safety/users/novice-drivers/index_en.htm

⁶¹ Through correspondence from the Department to the Environment Committee (11 June 2012)

⁶² Fell et al (2011) *A National Evaluation of the Nighttime and Passenger Restriction Components of Graduated Driver Licensing*. Available [online] at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3251518/>

⁶³ Cooper, D., Atkins, F., Dillen, D., 2005, Measuring the Impact of Passenger Restrictions on new teenage drivers, *Accident Analysis and Prevention*, Vol.37 Part 1, pp19-23,

Showing the impact of passengers on drivers, research referenced by Brake suggests that, with two or more passengers, the fatal crash risk for 16-19 year-old drivers is more than five times what it is when driving alone.⁶⁴

3.4.2 Costs

How the Department details the training syllabus that a learner driver must complete over the 12 months could greatly impact a learner driver in terms of the costs they may face. Depending on whether the Department stipulates the driving requirements through the number of lessons to be taken or hours logged, and whether all or some of these can be completed with just a qualified driver as opposed to paying for a qualified instructor, could have a bearing on how much it will cost a new driver over the course of the year. Also, the length of time it takes people to become a competent enough driver to take their test may vary from one individual to the next, and it could become an unnecessary expense for those who obtain the standard well within the year. There is no detail as yet as to whether the Department will take this into consideration during the drafting of the subordinate legislation under clause 18 (3).

Those who dishonestly fill in their log book over their year of training will face penalties (clause 18 (5)). However, more detail is required as to whether there will be any form of safety net for learner drivers, in case they are unfairly judged by the instructor/qualified driver and encouraged to take further lessons before they sign off their log book to deem them suitable to take the practical test.

3.4.3 Impact on rural dwellers

Questions also arise in relation to the potentially disproportionate impact of changes to the law on rural dwellers, particularly for those relying on lifts and car-sharing initiatives. The Department states that most collisions and fatalities involving young people occur on rural roads⁶⁵, and is of the opinion that those living and working in rural areas should benefit greatly from the restriction. Further to this *Road Safety Analysis* has revealed how risk levels for young drivers vary according to where they live. The key finding of the report shows that rural young drivers are 37% more likely to be involved in an injury/ collision than their urban counterparts⁶⁶.

However, this may not address possible concerns in relation to the practical impacts on those in rural areas who rely heavily on lifts for access to college, jobs, activities etc. Corresponding with the Committee on its change of policy, the Department highlighted that how it proposes to frame the passenger-carrying restriction goes a long way to mitigating any inconvenience, by the fact that the scheme does not limit a driver from

⁶⁴ Brake.org.uk, *Young Drivers: The Hard Facts* <http://www.brake.org.uk/facts/young-drivers-the-hard-facts.htm>

⁶⁵ According to the Department the '[Children and Young People - Rural Road Safety](#)' report produced by Colin Buchanan (2011) on behalf of the Department highlighted the extent of the heightened casualty risks faced by young drivers and their passengers

⁶⁶ Road Safety Analysis, *Young Driver Risk and Reality* http://www.roadsafetyanalysis.org/research/young-driver-risk-and-rurality/?utm_source=Target+Zero&utm_campaign=38bcfaa8da-Target_Zero_05_08_118_4_2011&utm_medium=email

driving at any stage of the day for work/study/sport purposes.⁶⁷ The position is however, that for six months after passing their test, drivers and non-drivers aged 14-12 may not be able to readily avail of lifts, car sharing schemes or car-pooling etc. A possible result from this may be more individual cars on the road leading to increased congestion, particularly in rural areas. It could in turn increase young people's reliance on public transport and, if the transport system is not considered efficient enough, this may affect college/work attendance etc. According to the Rural Proofing statement (RPS)

it is well established in Northern Ireland that bus service frequencies and coverage are generally poorer in rural areas and the level of car ownership (households with one or more cars) is higher in the East (69%) and West (77%) than in Belfast (60%).⁶⁸

The RPS also states that any measure which prolongs or increases the cost of getting a full unrestricted driving license could have a detrimental effect on young pre drivers, drivers working and living in rural areas and their families.

3.4.4 Age and Exemptions

Whilst the passenger restrictions provided for in the Bill apply to those between 14-24 years of age, the consultation suggested a range of 10-20 years. Why the Department chose the 14-24 age range is unclear.

While this measure is aimed at passengers aged between 14-24 there are exemptions (under clause 20 Article 19AC) for certain persons related to the driver, a passenger for whom the driver is entitled to a carers allowance and if the vehicle is being used for emergency purposes. However the related persons this exemption applies to are: a spouse/partner, brother/sister, half-brother/half-sister, or child, and do not allow for other close relatives such as cousins, aunts and uncles etc. Exemptions from these restrictions also apply if the vehicle is being used for emergency purposes (fire and rescue, ambulance, police, military, customs or coastguard purposes). Information on how these exemption categories were defined may be useful.

⁶⁷ Through correspondence from the Department to the Environment Committee (11 June 2012)

⁶⁸ See Annex D (p133) DOE *Consultation on the Learner and Restricted Driver Schemes and Graduated Driver Licensing Consultation*. Available [online] http://www.doeni.gov.uk/index/road_users/corporate-road-safety/road-safety-consultations-and-publications/road-safety-consultations.htm

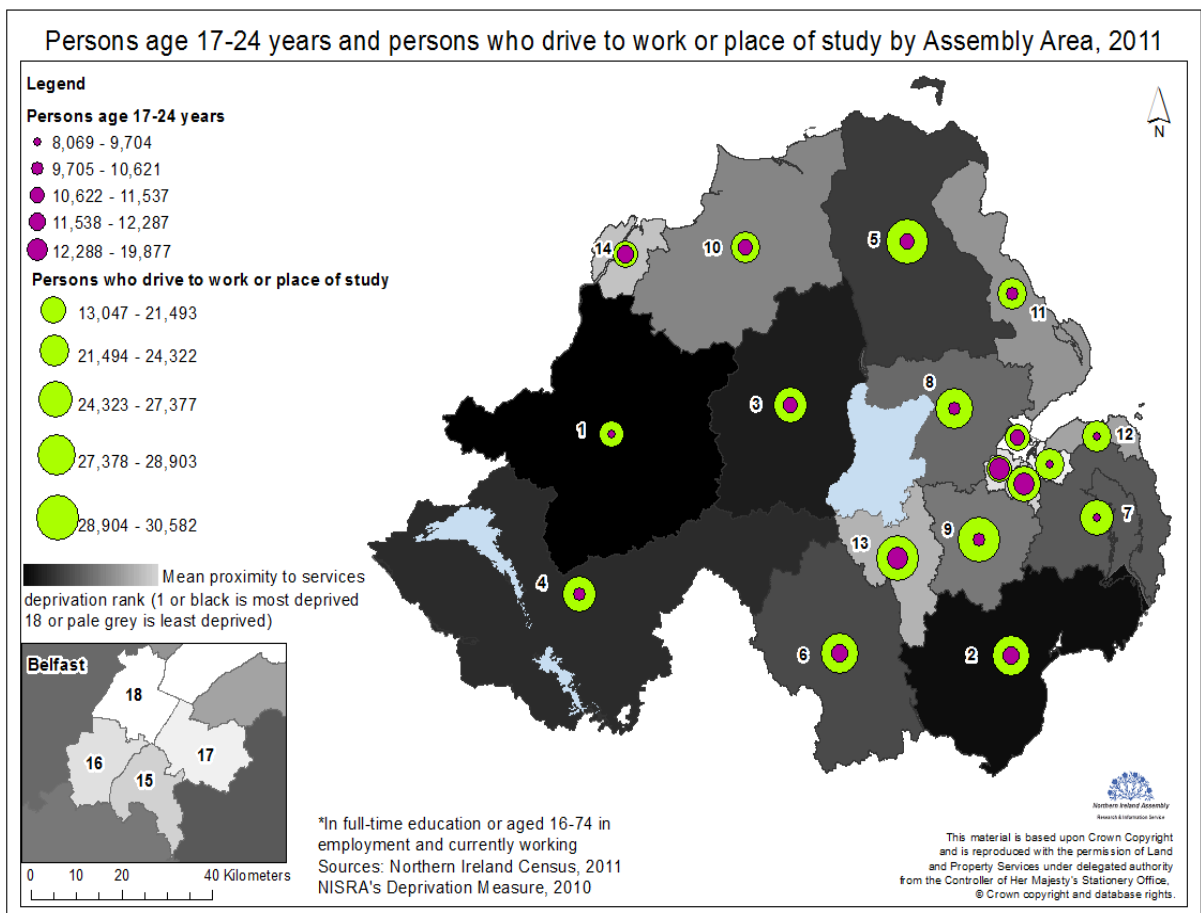
3.5 Mapping the impacts

The following maps illustrate the areas in Northern Ireland that have potential to be impacted the most by a passenger restriction. The maps are concerned with the areas that have the largest age group affected (17-24 for drivers and 14-24 for passengers), those that rely the most on driving or getting lifts to work or study, and the areas that are most remote in relation to proximity to services.

Map 1 illustrates the following:

- The Assembly areas with the highest number of 17-24 year olds
- The Assembly areas with the highest number of people who rely on driving to work/study; and
- Ranks the Assembly Areas in terms of being most deprived according to proximity to services. This was assessed using data from NISRA's Deprivation Measure 2010 by calculating the mean value of proximity to services deprivation rank of all the SOAs contained in each Assembly Area.

Map 1



Map 1 illustrates that the majority of rural Northern Ireland is within the top ranking Assembly Areas in terms of most deprived of proximity to services. This could increase dependency on cars and lifts as it is recognised that public transport services are less efficient and frequent in rural areas⁶⁹

Some of the areas that have potential to be most impacted in terms of having the highest numbers of all or some of the variables are:

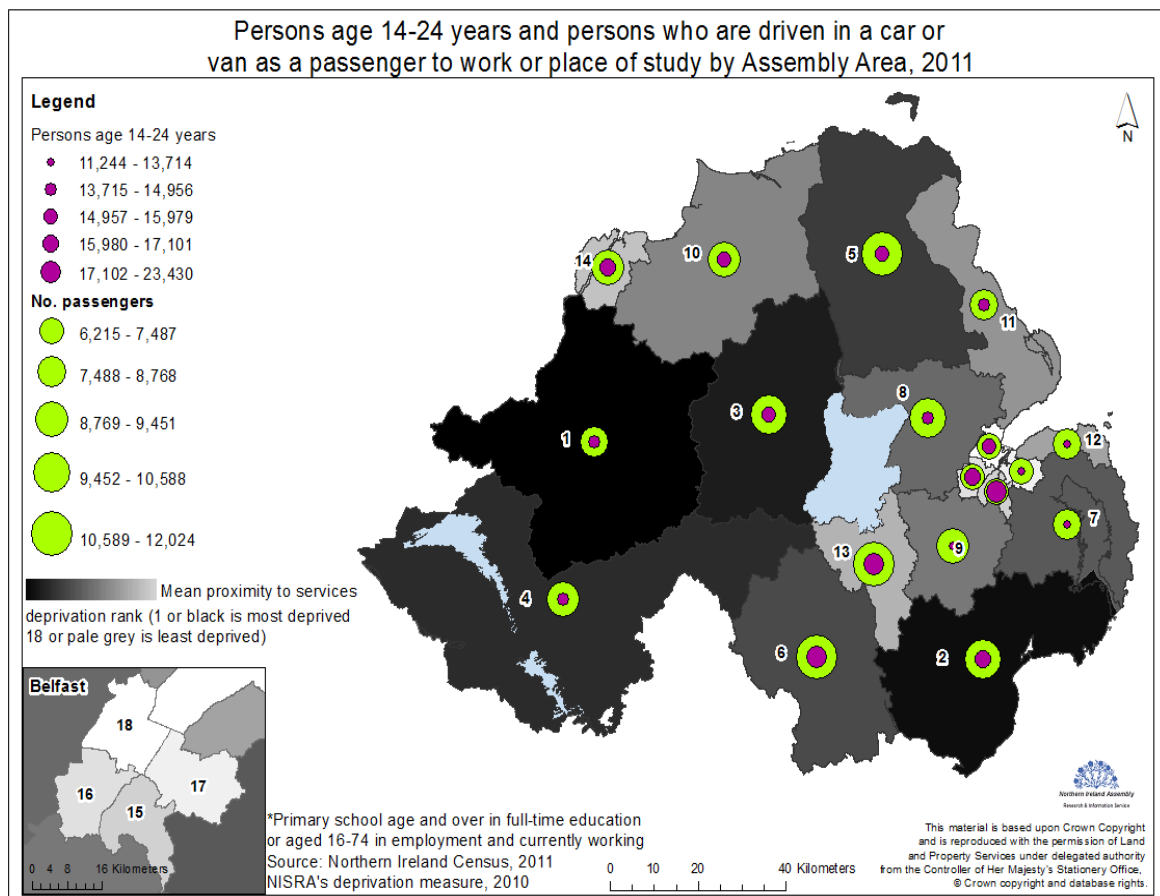
1. Down South – it is ranked most deprived in terms of proximity to services; It has a high number of people who rely on driving to work/study (27,378-28,903); and it has a relatively high number of 17-24 year olds (11,538-12,287)
2. Antrim North – it is ranked fifth most deprived from proximity to services, it has one of the highest numbers of those who drive to work/study (28,904-30,582); however it has a slightly lower range of 17-24 year olds (10,622-11,537).
3. Newry and Armagh – it is ranked 6th most deprived from proximity to services; It has the second highest possible range of people who drive to work/study (27,378-28,903); and it has a high number of 17-24 year olds (11,538-12,287).
4. Upper Bann could also be highlighted due to having both high numbers of 17-24 year olds (12,288-19,877) and people who drive to work/study (28,904-30,582), however it is only ranked 13th most deprived from proximity to services.

Map 2 illustrates the following variables:

- The Assembly Areas with the highest number of 14-24 years (this is the age group of passengers affected by the restriction)
- the Assembly Areas with the highest number of people who are passengers in cars/vans for work/study purposes; and
- Ranks the Assembly Areas in terms of being most deprived according to proximity to services in the same way as Map 1.

⁶⁹ As stated in the Department's Rural Proofing Statement (see quote on page 26/27 for more detail)

Map 2



Similar to Map 1, Map 2 shows the majority of rural Northern Ireland is within the top ranking Assembly Areas in terms of being most deprived of proximity to services.

Some of the areas most likely to be impacted due to having a high number in some or all of the variables are:

1. Newry and Armagh due to high a number of 14-24 year olds (17,102-23,430), a high number of passengers (10,589-12,024) and is the sixth most deprived Assembly Area in terms of proximity to services.
2. Antrim North and Mid Ulster both have a high number of passengers (10,589-12,024) and are the fifth and third most deprived areas in terms of proximity to services; however they have a slightly lower number of 14-24 year olds (14,957-15,979).
3. Down South is the second most deprived area, it has a relatively high (not as high as Antrim North and Newry and Armagh) number of 14-24 year olds (15,980-17,101) and number of passengers (8,769-9,451)
4. Upper Bann could be highlighted because it has both a high number of 14-24 (17,102-23,430) and a high number of passengers, (10,589-12,024); however it is only the 13th most deprived.

3.6 Impact on insurance

The Department has also raised the possible reduction of insurance costs for young and new drivers.⁷⁰ However, whilst on the Department has engaged with the British Association of Insurers, there is no evidence of a firm commitment from across the insurance industry that premiums would be dropped as a result of this measure.

3.7 Enforcement

Passenger restrictions could be described as a self-enforcing measure which relies not just on driver compliance but also on parent/ owners of cars to ensure it. In cases where self-enforcement has not worked, Clause 20 sets out the powers that police will have to ask drivers and passengers for names and relationships to one another. While evidence is not required on the spot, it must be produced within seven days at a police station. However, there still remain questions around the practicality of this measure and whether it is realistically enforceable. For example, there could be questions around how will police effectively identify cars to pull over and there could be scope for people to misrepresent friends as family members.

According to information from the New South Wales Centre for Road Safety, to assist with enforcement of passenger restrictions, an Enhance Enforcement programme is available. This is funded by Transport for NSW, which provides additional funding to the NSW Police to enhance the level of visible Police enforcement activity, over and above normal operating requirements.⁷¹

The Department's overall view is that any concerns it has had with this measure have been outweighed by the potential of saving lives and reducing injuries on Northern Ireland's roads.⁷²

⁷⁰ DOE (2012) Synopsis of responses and way forward - Consultation on the Learner and Restrict Driver Schemes and Graduated Driver Licensing Consultation (Measure 9)

⁷¹ Information received through correspondence VIA email with the New South Wales Road Safety Centre in 2012

⁷² DOE letter to Environment Committee (11 June 2012) '*Further briefing on a proposed passenger -carrying restriction*'