

# **ROAD TRAFFIC (SPEED LIMITS) BILL**

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## **EXPLANATORY AND FINANCIAL MEMORANDUM**

### **INTRODUCTION**

1. This Explanatory and Financial Memorandum has been prepared on behalf of Mr Conall McDevitt MLA (“the Sponsor”) 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.

### **POLICY OBJECTIVES**

3. The principal objective of the Bill is to reduce the number of accidents and fatalities on the roads and create a safer environment in this region.
4. The Bill seeks to do this by reducing the speed limit on minor residential roads, whilst maintaining the option for the Minister to issue an order specifying a different speed limit.
5. The Bill places an additional duty on the Department for Regional Development to carry out a public information campaign in advance of the Act coming into operation.

### **CONSULTATION**

6. The Sponsor undertook a public consultation over a seven-week period on the policy objectives and proposed options for the Bill. A total of 41 responses were registered, from which it was clear there was almost universal agreement on the objectives of the Bill.

7. A majority of respondents stated that they believed that the proposal should apply only to residential roads.
8. The consultation responses highlighted the two options which the Sponsor went on to consider as detailed below, with respondents split on which approach would be most effective and desirable. Some felt that blanket legislation may be costly, however further research into examples in other jurisdictions has dispelled this as incorrect, and shown that in fact a blanket approach has proven to be more cost-effective in many cases.

### **OPTIONS CONSIDERED**

9. In developing this legislation, the Sponsor considered the following options:
  - **Option 1:** the Sponsor considered adopting a “zonal” approach whereby designated areas would become 20mph zones. There are already some pilot 20mph zones across Belfast at present, and the legislation would propose to specify each zone in its accompanying schedule. This is in line with current government policy but would force the pace on implementing the zones, and so would not be contentious. The disadvantage of this option is that it does not represent the spirit of the holistic change which the Sponsor sought to achieve in creating legislation.
  - **Option 2:** that all restricted unclassified roads would become 20mph through enactment of the proposed legislation. Exemptions would be determined via a Departmental order-making power. This approach was deemed by the Sponsor to be the most comprehensive approach, and he concedes a delayed commencement date to incorporate a public awareness campaign and to ensure driver awareness of the change in legislation.
10. The Member felt strongly that the legislation would be more substantive under Option 2, and so elected to pursue this option going forward.

### **OVERVIEW**

11. The Bill seeks to establish a new speed limit of 20 miles per hour on minor residential roads. The Department can exempt certain roads from this speed limit if, for example, they are not in residential areas, or if they are part of major thoroughfares.

## **COMMENTARY ON CLAUSES**

### **Clause 1: Speed limit on residential roads**

The Road Traffic Regulation (Northern Ireland) Order 1997 sets a speed limit of 30 miles per hour on ‘restricted roads’.

Clause 1 inserts two new Articles into the Road Traffic Regulation (Northern Ireland) Order 1997. The first Article, 37A, sets a speed limit of 20 miles per hour on a new category of roads called ‘residential roads’. The second Article, 37B, states that a road is a ‘residential road’ if it:

- a) has street lights at specified intervals (as with current 30mph roads); and
- b) is unclassified.

Roads are classified under the Roads (Northern Ireland) Order 1993, and in practice a road is normally unclassified if it is a minor road.

Under Article 37B(3) the Department will have the flexibility to make orders specifying that certain roads are, or are not, ‘residential roads’, whether or not they meet these criteria. In so doing, the Department has to consider whether or not the road is:

- a) in a predominantly residential area; or
- b) a major thoroughfare.

The Department could, for example, make an order that the 30 miles per hour speed limit should continue to apply where a minor road is a significant thoroughfare in a town even though it goes through a residential area. Equally, for example, minor roads in or around a major commercial area of a town could be excluded.

### **Clause 2: Publicity**

The second clause requires the Department to raise public awareness of the change in the law before it takes effect. This will include raising awareness of the procedure under which certain roads could be excluded from the scheme.

### **Clause 3: Consequential Amendments**

Clause 3 gives effect to the Schedule.

#### **Clause 4: Power to make supplementary and consequential provision**

The Schedule sets out consequential amendments to *primary* legislation necessary to give effect to the Bill. Clause 4 gives the Department power to amend *subordinate* legislation in order to give effect to the Bill (subordinate legislation is not normally amended directly by primary legislation). The Department may wish to amend some of its existing subordinate legislation that refers to restricted roads by extending the references to include residential roads. For example, it may wish to amend its existing Motor Vehicle Regulations. An order made under this provision would take effect unless the Assembly voted against it under the ‘negative resolution’ procedure.

Clause 4 also includes a power to amend, by order, the Road Traffic Regulation (Northern Ireland) Order 1997 but such an order would require the support of the Assembly through the ‘draft affirmative’ procedure.

#### **Clause 5: Power to make transitional provision**

Transitional provisions are temporary provisions which help to manage the change from an old regime to a new regime. Clause 5 grants the Department the power to make transitional provisions. For example, the Department has already set a speed limit of 20 miles per hour on a limited number of roads and it may wish to modify this as the new regime takes effect.

#### **Clause 6: Exercise of power before commencement**

Clause 6 is designed to make the new system work smoothly and avoid roads having their speed limit changed automatically under the new legislation and then changed back by an order of the Department some weeks or months later. By allowing early exercise of the order-making power under clause 1 (Article 37B(3)), clause 6 allows the Department to exclude from designation roads considered inappropriate for designation as 20mph roads, for example, non-residential roads or major thoroughfares.

#### **Clause 7: Commencement**

Clause 7 defers commencement of the key provisions of the Bill for two years after Royal Assent. This gives the Department two years to carry out its duty under clause 2 to raise awareness of the new speed limit and procedures for excluding roads from the scheme and also to exercise its power under clause 6 to exclude certain roads from the scheme.

## **Schedule**

The Schedule makes consequential amendments to ensure that residential roads and restricted roads can co-exist in the 1997 Order and sets out in detail the consequences of being a residential road such that the treatment of residential roads parallels (as far as possible) the treatment of restricted roads. The key provision is that, if a road is a residential road, it cannot be classified as a restricted road.

The Schedule includes, at paragraph 7(a), a defence to a charge of speeding where a driver enters a residential road from a non-residential road and there are no signs informing drivers that the road is residential. Paragraphs 7(b) and 7(c) of the Schedule provide that, if a driver is charged with speeding on a residential road, an official of the Department can give evidence (via a certificate) that the street lights were a certain distance from one another and that the road was an unclassified road.

## **FINANCIAL EFFECTS OF THE BILL**

12. The main financial effect of the Bill derives from the cost of signage, and the Sponsor's best estimate is that the initial cost of implementation would be minimal in comparison to the continuous costs of implementing traffic calming measures. An Assembly Question tabled by the Sponsor revealed that the Department for Regional Development spent £1,506,000 on traffic-calming schemes implemented in the three financial years from 2007 – 2010 in the Greater Belfast Area (AQW 8173/10).
13. Research conducted by Transport for London on the financial implications of a 20mph speed limit estimated that the cost to the city of road collisions in 2007 was £1.9 billion, whilst the 20mph zones in existence in London are estimated to already be saving more than £20 million every year in crashes that have been prevented.
14. In contrast, the cost of road signs is remarkably low. In Portsmouth, the cost of converting 1200 streets in the city to 20mph was just over £500,000. Prior to this, the city had been planning to spend £2 million on ten targeted 20mph zones over five years.
15. Thus the examples detailed above illustrate the potential cost-saving implications of implementing a 20mph speed limit, as well as show the minimal cost of signage, which had been raised as a concern by some at the consultation stage.

## **HUMAN RIGHTS & EQUALITY ISSUES**

16. The Bill is considered to be compatible with the European Convention on Human Rights.
17. It is further considered that the Bill will not have an adverse impact on any of the groups listed in section 75 of the Northern Ireland Act 1998.

## **LEGISLATIVE COMPETENCE**

18. The sponsor of the Bill, Mr Conall McDevitt, had made the following statement under Standing Order 30:

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