

Committee for the Environment

Report on the Road Traffic (Amendment) Bill (NIA 35/11-15)

**Together with the Minutes of Proceedings, Minutes of Evidence and
Written Submissions Relating to the Report**

**Ordered by the Committee for the Environment
to be printed 19 March 2015**

Membership and Powers

The Committee for the Environment is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, section 29 of the Northern Ireland Act 1998 and under Standing Order 48.

The Committee has power to:

- Consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- Consider relevant secondary legislation and take the Committee stage of primary legislation;
- Call for persons and papers;
- Initiate inquiries and make reports; and
- Consider and advise on any matters brought to the Committee by the Minister of the Environment

The Committee has 11 members including a Chairperson and Deputy Chairperson and a quorum of 5. The membership of the Committee since 9 May 2011 has been as follows:

- Ms Anna Lo MBE (Chairperson)
- Ms Pam Cameron (Deputy Chairperson) ¹
- Mr Cathal Boylan
- Mr Colum Eastwood ²
- Mrs Sandra Overend ^{3 4}
- Mr Alban Maginness ^{5 6}
- Mr Ian McCrea ^{7 8 9 10}
- Mr Barry McElduff ^{11 12}
- Mr Ian Milne ^{13 14}
- Lord Morrow
- Mr Peter Weir

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| 1 | With effect from 10 September 2013 Ms Pam Cameron replaced Mr Simon Hamilton as Deputy Chairperson |
| 2 | With effect from 18 June 2012 Mr Colum Eastwood replaced Mr John Dallat |
| 3 | With effect from 23 April 2012 Mr Tom Elliott replaced Mr Danny Kinahan |
| 4 | With effect from 04 July 2014 Mrs Sandra Overend replaced Mr Tom Elliott |
| 5 | With effect from 23 April 2012 Mrs Dolores Kelly replaced Mr Patsy McGlone |
| 6 | With effect from 07 October 2013 Mr Alban Maginness replaced Mrs Dolores Kelly |
| 7 | With effect from 20 February 2012 Mr Gregory Campbell replaced Ms Paula Bradley |
| 8 | With effect from 01 October 2012 Mr Alastair Ross replaced Mr Gregory Campbell |
| 9 | With effect from 07 May 2013 Mr Sydney Anderson replaced Mr Alastair Ross |
| 10 | With effect from 16 September 2013 Mr Ian McCrea replaced Mr Sydney Anderson |
| 11 | With effect from 08 May 2012 Mr Chris Hazzard replaced Mr Willie Clarke |
| 12 | With effect from 10 September 2012 Mr Barry McElduff replaced Mr Chris Hazzard |
| 13 | With effect from 07 April 2013 Mr Francie Molloy resigned as a Member |
| 14 | With effect from 15 April 2013 Mr Ian Milne replaced Mr Francie Molloy |
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List of abbreviations

The Minister	The Minister for the Environment
The Department	Department of the Environment
ABI	Association of British Insurers
BAC	Blood Alcohol Content
DIANI	Driving Instructors' Association Northern Ireland
DINAC	Driving Instructors' National Association Council
DOE	Department of the Environment
EU	European Union
GDL	Graduated Driver Licencing
MG	Milligrams
ML	Millilitres
PPS	Public Prosecution Service
PSNI	Police Service of Northern Ireland
SHAAP	Scottish Health Action on Alcohol Problems
UFU	Ulster Farmer's Union
YFCU	Young Farmers Club of Ulster

Executive Summary

1. This report sets out the Committee for the Environment's consideration of the Road Traffic (Amendment) Bill.
2. The Bill contains 27 clauses and 2 Schedules. Its principal purpose is to amend 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 to introduce lower drink driving limits, new learner driving requirements and mandatory safety helmets for quadricycle riders.
3. Members sought a balanced range of views as part of their deliberations on the Bill and requested evidence from interested organisations and individuals as well as from the Department of the Environment.
4. The Committee was broadly supportive of the Bill and agreed the majority of clauses as drafted, but members expressed concerns in relation to two provisions of the Bill. These were the retention of the so-called 'statutory option' - the right to ask for a blood or urine specimen to replace a breath test if that breath test is marginally over the present prescribed limit – as well as the introduction of a 12-month minimum learning period for learner drivers, commencing at the earlier age of sixteen and a half.
5. In response to these concerns the Department agreed to remove the statutory option included in clause 3 of the Bill; the Department also agreed to amend clause 17 to reduce the minimum learning period from 12 to 6 months, and to remove clause 16, thereby retaining the lowest age for obtaining a licence at seventeen years as present.

Conclusions and Recommendations

6. The following key issues were identified in the course of the Committee's consideration of the Bill:

'Statutory option'

7. Under the current legislation, Article 19 of the 1995 Order, a driver who provides a breath test that is marginally over the prescribed limit is entitled to ask for a blood or urine specimen to replace the breath test. This right is commonly known as the 'statutory option', and was retained in the Bill at clause 3 to apply to the new lower prescribed limits.
8. The Department advised the Committee that consideration had been given to the removal of this option, but that legal opinion had suggested that the withdrawal of such a right may run contrary to Article 6 of the European Convention on Human Rights (ECHR). Officials indicated, however, that further legal clarification was being sought.
9. The PSNI outlined the logistical problems of coping with this option. When a driver with a positive breath test has to be accompanied back to the station for further blood or urine tests, the impact of police resources may result in the closure of the roadside checkpoint. Police representatives emphasised that modern breath-testing technology has vastly improved since the time when the statutory option was envisaged as an essential safeguard and now provides reliable and consistent evidence.
10. Departmental officials also stressed that the use of a breathalyser at the scene of a traffic collision may provide a more accurate snapshot of the driver's condition than tests carried out a number of hours later.
11. In addition, the Committee took into account the fact that no other signatory to the ECHR has ever had a similar option, and that Great Britain was in the process of removing the legislative basis for the statutory option in a Bill that was about to receive Royal Assent.
12. **For these reasons, the Committee has recommended that the continued provision of the statutory option as set out in clause 3 of the Bill should be removed.**

Minimum age for obtaining a driving licence

13. The Bill proposes that the minimum age for obtaining a provisional driving licence should be reduced to the age of 16½. This closely aligns with the proposed introduction of a minimum learning period of 12 months, so that the lowest age for becoming a qualified car driver would be 17½.
14. The Department lowered the minimum age so that young drivers would not be unduly disadvantaged by a specified learning period. Officials told the Committee that the average time taken to learn to drive currently ranged from seven to nine months; also, that only 4% of the age group between 17 and 17½ held an 'R' licence.
15. The Committee learned that, although some countries permit drivers to hold licences at the age of 16 or younger, in the rest of Britain and Ireland the minimum age is 17 and in many other European jurisdictions it is 18.
16. There was little support for the lowering of the age-limit per se among submissions. The Driving Instructors National Association Council in both its submission and oral evidence to the Committee was strongly opposed to it, and raised concerns about the impact of the discrepancy with other areas of Britain.
17. **The Committee could not see that there was any real justification for the lowering of the age limit and, accordingly, recommends that this clause should be removed from the Bill.**

Minimum learning period

18. The Department has attempted to address the disproportionate numbers of young people aged 16 to 24 who are killed or seriously injured on Northern Ireland's roads by introducing a minimum learning period for young drivers at clause 17. The Department proposed that this should be a 12 month period to allow learners to experience a full range of weather and light conditions under close supervision. It should also be supplemented by a student logbook to show that the learner has completed an approved period of training during the 12 months.
19. While the Committee fully supports the introduction of any measures which will improve road safety for young people, members expressed some concerns that 12 months was an unnecessarily long period of time. It seemed likely that learners would not take formal lessons evenly spread over the period of a year, but that they would prefer to focus on the final few months to prepare for their driving test. Similarly, it could not be guaranteed that young drivers would take advantage of this period to gain experience in a wide range of conditions.
20. The Committee believed that a robust record of the learner's driving experience, properly supervised and witnessed in the student logbook, would be a more effective means of encouraging young people to be well-trained, competent and responsible drivers than specifying a lengthy minimum period of learning.
21. The potentially disproportionate impact on rural dwellers was also taken into consideration by the Committee. Many young people, particularly those from a farming background, may have significant driving experience before the age of 17 and would suffer greater disadvantage by having to wait for a year to take a driving test.
22. **Taking all these factors into account, the Committee recommends that this clause should be amended to provide for a minimum learning period of 6, rather than 12, months.**

Summary of Recommendations

23. **Recommendation 1:** The Committee has considered the retention of the so-called 'statutory option' which currently entitles a driver who provides a breath test marginally over the prescribed limit to ask for a blood or urine specimen to replace the breath test. The Committee recommends that this option should be removed from the Bill.
24. **The Department has drafted an amendment to remove clause 3 from the Bill.**
25. **Recommendation 2:** The Committee did not believe that there was any real justification for lowering the age at which a provisional driving licence can be obtained to 16½, and agreed that the minimum age should remain at 17 years as currently provided. The Committee has consequently recommended that clause 16 which specifies this change should be removed from the Bill.
26. **The Department has drafted an amendment to remove clause 16 from the Bill.**
27. **Recommendation 3:** The Committee agreed that a minimum learning period of 6 months, provided that it is properly structured and recorded in the student logbook, would be more effective than a 12 month minimum period. The Committee therefore recommends that clause 17 should be amended to reflect this.
28. **The Department has drafted an amendment to clause 17 to reduce the specified period from 12 to 6 months.**

Consideration of the Bill by the Committee

Introduction

29. The Road Traffic (Amendment) Bill was referred to the Committee for the Environment for consideration in accordance with Standing Order 33(1) on completion of the Second Stage of the Bill.
30. The Minister of the Environment 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’.
31. The policy context for the Bill is the delivery by the Department of its responsibility for the promotion of road safety and the regulation of road traffic in Northern Ireland. The Bill aims to address the key challenges of reducing the number of road deaths and serious injuries; reducing inappropriate and illegal road user behaviours, including drink driving; and, the protection of young drivers.
32. 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.
33. The Bill brings forward specific provisions to tackle drink driving by introducing 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.
34. These new blood alcohol limits set a new limit – down from 80mg/100ml to 50mg/100ml – which is generally applicable to most motorists, as well as establishing a more stringent limit – 20mg/100ml – which will apply to new or professional drivers. The police will also have powers to set up controlled roadside checkpoints and to breath-test persons without a previous suspicion of drink-driving. The Bill also introduces new administrative fixed penalties, together with be a graduated system of penalty points and fines.
35. There are a number of measures which the Department has brought forward in this Bill to address the over-representation of newly qualified drivers in road casualties and collisions. These include the reduction of the age at which young people can obtain a provisional licence from 17 years of age to 16½; 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.
36. The Bill also introduces restrictions on the passengers who can be carried by young drivers within six months of passing their test, as well as replacing the current one year restricted period with a two year ‘new driver’ period.
37. The final element of the Bill extends the mandatory wearing of protective headgear to riders of quadricycles on public roads – the Department cannot legislate for their use on private land.
38. The Department briefed the Committee on 13 May 2014 immediately after the introduction of the Bill to the Assembly on 12 May. Departmental officials provided a useful overview of the policy underlying the Bill, before taking questions from members.
39. The Bill was referred to the Committee after its second stage reading on 27 May 2014. The Committee had before it the Road Traffic (Amendment) Bill (NIA 35/11-15) and the Explanatory and Financial Memorandum that accompanied the Bill.

40. At its meeting on 29 May 2014 the Committee referred the Delegated Powers Memorandum submitted by the Department to the Examiner of Statutory Rules for scrutiny. He reported back to the Committee on 19 August 2014 that he was satisfied that the subordinate legislation referred to in the provisions of the Bill will be appropriate for its purposes.
41. The Committee also agreed a motion to extend the second stage of the Bill until 7 March 2015 to allow adequate time for scrutiny and, at the request of the Department, to potentially accommodate another Bill during the same time period. The motion to extend was agreed by the Assembly on 16 June 2014
42. The Committee agreed to insert advertisements in the Belfast Telegraph, Irish News and News Letter seeking written evidence, as well as writing directly to key stakeholders inviting comments on the clauses of the Bill.
43. A total of 17 organisations responded to the request for written evidence. A copy of the written submissions received by the Committee is included at Appendix 3 and additional information submitted at Appendix 6.
44. Subsequently the Committee considered the Bill and related issues at meetings on 11 and 25 September 2014, on 9 and 23 October 2014, 20 November 2014, 4 December 2014 and 15, 22 and 29 January 2015. The relevant extracts from the Minutes of Proceedings for these meetings are included at Appendix 1 and Minutes of Evidence at Appendix 2.
45. The Committee had oral briefings from Departmental officials and from representatives of TTC 2000, the Police Service of Northern Ireland (PSNI), the Ulster Farmers' Union (UFU) and the Driving Instructors National Association Council (DINAC).
46. TTC200, an organisation which delivers drink driving awareness courses, provided very clear examples of measures of wines, beers and spirits, and outlined how these drinks are metabolised in both men and women. The Committee found that it was very useful to see the comparison between samples representing existing blood alcohol limits and those limits for the proposed two-tier system.
47. At its meeting on 25 September 2014 the Committee was briefed by representatives of the PSNI. The officers outlined the practical implications for police resources in the implementation of the new provisions of the Bill, particularly with reference to the proposed blood alcohol limits and the enforcement of passenger restrictions for newly qualified drivers.
48. Representatives of the UFU and Young Farmers' Clubs of Ulster put forward the views of rural dwellers on 9 October 2014. They highlighted their concerns regarding the proposed mandatory learning period of 12 months and believed that this would be excessive for many young people in the farming community who are already experienced drivers before the age of 16½. They also referred to the disproportionate impact that passenger restrictions would have on those who live in isolated rural areas.
49. On 24 October 2014 the Committee had its final oral evidence session from DINAC. The representative of driving instructors indicated that his organisation was content for the minimum age for obtaining a licence to remain at 17 and advised the Committee of potential anomalies in specifying a 12-month minimum learning period – for example, where older people were required by their circumstances to obtain a licence more quickly. He stressed the importance of driver education and awareness in road safety.
50. Departmental officials returned to the Committee on 20 November 2014, 4 December 2014 and 15 January 2015 as members carried out their consideration of the issues.
51. On 20 November 2014 officials undertook to provide further information on the legal opinion sought by the Department in relation to clause 3, and on proposed consequential amendments. The Committee also requested further information on statistics on drink driving offences in relation to clause 7.

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52. During its consideration of the Bill on 4 December 2014 the Committee noted that there would be a consequential amendment to clause 23 and asked the Department for details of this as soon as it was available. The wording for the amendment was provided by the Department and considered by the Committee on 15 January 2015.
53. On 4 December 2014 officials also agreed to provide data on the length of time between obtaining a provisional and a full driving licence for learners in rural areas, as compared with the average figures outlined in the briefing, but the Department subsequently responded that this data could not be extracted from existing records.
54. The Committee was concerned that the Department had provided it only with feedback from focus groups that had taken place in 2011, and believed that a more up-to-date report on the views of young people on the actual provisions of the Bill would be useful. Accordingly, the Committee requested that Assembly Research and Education Service (RaSe) should collate these views, both through the use of an online survey and also through face-to-face feedback from youth groups visiting Parliament Buildings.
55. On 15 January 2015 the Committee was briefed by RaSe on the outcome of the survey which had been carried out over the preceding few months. Members welcomed the level of enthusiasm for the survey – 582 responses were received – and found that the qualitative feedback from young people was particularly interesting. A full report on the survey has been included in Appendix 5 – Research papers.
56. At the same meeting the Committee agreed that it was content with the proposed Departmental amendments to clauses 3 and 18, and a new clause 22A. In addition, the Committee asked the Minister to consider an amendment to Clause 3 to remove the statutory option; to delete Clause 16 so that the minimum age for a provisional licence was not lowered to 16½ years; and to amend clause 17 so that the minimum period for holding a provisional licence is established at 6, rather than 12, months.
57. Through his officials, the Minister agreed that, subject to Executive approval, he was broadly content to bring forward these amendments. The Committee then proceeded to conduct its formal Clause by Clause scrutiny of the Bill on 22 January 2015.
58. At its meeting on 5 February 2015, however, members considered correspondence from the Department indicating that further consequential amendments may be required to effect the removal of the statutory option at clause 3. Since no details of any of these amendments were available at that time, the Committee agreed that it would prefer not to finalise its scrutiny until it had had sight of the wording of the amendments.
59. The Department provided the wording of the amendments requested by the Committee, together with a number of consequential and miscellaneous amendments, for consideration by the Committee at its meeting on 5 March 2015. The Committee was content with these amendments and agreed to rescind its previous decisions on clauses 3, 6, 16, 17, 18 and 23, and on Schedules 1 and 2, to reflect this additional information. The Committee then proceeded to agree these amendments on a formal Clause by Clause basis.
60. At its meeting on 19 March 2015 the Committee agreed its report on the Bill and ordered that it should be printed.
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Key Issues

Drink driving limits

61. 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.
62. The first limit, 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
63. Some members believed that it may be more appropriate, and more in keeping with the slogan of the road safety education campaign, "Never Ever Drink and Drive", to reduce the lower limit to zero, but both Departmental witnesses and TTC2000 explained that this would be unenforceable.
64. Members sought clarification from officials on whether the new prescribed (lower) limit would apply to professional drivers such as lorry drivers or taxi drivers when they were not driving in the course of their employment. Officials confirmed that the new limit would only apply to driving in the course of their employment.
65. Members also expressed concerns that the PSNI may be unable to enforce the two new limits, particularly on rural roads. Officials explained that the new package of measures in the Bill, including mandatory checkpoints, would address the lack of obvious impairments in driving; motorists could also be asked to provide a breath sample without the police needing to show reasonable suspicion. This would provide a more visible, focussed enforcement.
66. The Committee had some reservations regarding the capacity of the PSNI to enforce both of the new drink driving limits, but the Department provided assurances that the PSNI has confirmed that it has the resources to deliver this.
67. Clause 3 retains the option (commonly called 'the statutory option') at the new lower prescribed limits for a driver to ask for a blood or urine specimen to replace a breath test if that breath test is marginally over the present prescribed limit.
68. Members queried whether someone who is technically just over any limit on a roadside breath test would be able to request a blood or urine test which would show a lower reading due to the time delay in arranging for the test to be carried out. Officials explained that the Department did look at the possibility of removing this option (known as the statutory option) but initial legal opinion suggested that this would be contrary to the European Convention on Human Rights. The Department had sought further legal advice on this and had undertaken to bring it back to the Committee. Officials pointed out that no other country has this right, with the exception of Great Britain where it is currently being removed.
69. Officials also explained that two breath tests are taken, and it is the lower of the two readings that are taken at the side of the road that is used: there is a preliminary breath test and two evidential breath tests. Officials also noted that the need for a police officer to accompany a driver back to the police station to have the test administered may also result in the checkpoint being closed down.
70. Clause 7 introduces 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. This means that a court can attribute between 3 and 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.

71. Officials explained that rehabilitation, particularly at an early stage, is the main focus of such a course. It would apply only to first-time offenders below the current legal limit of 80mg – above that, there would be a driving ban, subject to judicial discretion. Members queried if this would be available to professional drivers who marginally exceed the new limit of 20 mg and officials confirmed that, for a first offence, this would be the case. Some members expressed concerns that professional drivers who are convicted of drink driving at *the lower limit* for the second time would be subject to a 3-year driving ban - which may be a disproportionate punishment in terms of loss of employment.
72. 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.
73. Members asked for further clarification on the implementation of this clause and whether there would be an additional penalty for those who booked the course but who did not attend. Officials explained that the further fixed penalty of £100 would simply bring the amount of the penalty up to what it would originally have been (£200) without the reduction in respect of the course attendance. Officials indicated that the full cost of the course would be £155, with concessionary rates available, and that the course providers may charge a cancellation fee for non-attendance.
74. The Committee agreed that it was content with the Department's explanation of the issues raised in relation to drink-driving issues, with the exception of the retention of the 'statutory option' at clause 3. Accordingly the Committee sought, and received, the Department's agreement to bring forward an amendment at Consideration stage of the Bill to remove this option.

Learners and new drivers

75. Clause 16 amends Article 17(1) of the Road Traffic (Northern Ireland) Order 1981 to reduce the age for holding or obtaining a licence to drive a car or light van from age 17 to 16½.
76. Members asked for further information on the rationale for this lowering of the present limit. Officials explained that the lowering of the age limit for a provisional licence related to the requirement for a statutory learning period of one year, so that the end result is that the age limit for obtaining a full licence would be raised to 17½. The age for learning to drive in other jurisdictions ranges from 14 to 18. Members expressed reservations about this change from the existing age of 17.
77. Clause 17 requires a person to hold a provisional licence to drive a motor vehicle (car or light van) for a minimum period of 12 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. General exemption powers are also included to enable the Department to exempt other persons from the requirements in Regulations.
78. The Committee requested clarification on the rationale for the introduction of a minimum learning period of 12 months. Officials explained that this was to allow learners to have a longer period of supervised experience in different conditions and times of day.

79. Members expressed concerns that this was an unnecessarily long period of time: that possibly six months, or no specified period if supported by robust evidence in the log-book, might be more appropriate. Also, that learners may not actually drive over the whole period but perhaps only in the final few months.
80. The Committee asked for information on the length of time currently taken by learners to pass their test. Officials stated that the average period taken to learn to drive was between seven and nine months; also, that only 4% of the age group between 17 and 17½ held an 'R' licence. Members noted that some young people, particularly rural dwellers, may have significant driving experience below the age of 17.
81. Clause 18 makes 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 motor vehicle or a motor bicycle.
82. This clause enables Regulations to be made for the programmes of training that must be completed in relation to motor vehicles or motor bicycles. It also inserts the definition of a 'log book' as a document where the driving lessons or practice undertaken by a person working through the approved programme of training is recorded and specifies that it must be signed by an approved instructor or a qualified driver. It is also an offence to forge, alter or misuse a logbook.
83. Members queried how the logbook would be maintained and evidenced, particularly since the Bill includes no requirement for a learner to have professional lessons or endorsement. Officials responded that the economic considerations had gone against stipulating paid lessons for learners, but that they believed that most logbooks would be kept truthfully, especially since it is an offence to do otherwise.
84. The Department proposed a technical amendment to clause 18 due to the Immigration Act 2014 having inserted a new Article 13A into the Road Traffic (NI) Order 1981. As a new Article 13A is also proposed in this Bill an amendment was necessary to avoid duplication. Members were content for the Department to proceed with the technical amendment.
85. Clause 20 has the effect of removing the present 45mph limit for learner drivers and new drivers and will also be instrumental in allowing learner drivers to take lessons on motorways.
86. The clause also imposes restrictions on newly 'qualified drivers' during the 'new driver period'. The first restriction is that a newly qualified driver must display a distinguishing mark – still to be determined - 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.
87. 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. 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.
88. The 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. Contravention of these restrictions will be an offence and the driver will be liable to a fine of up to £1,000 and 3 penalty points.
89. The Committee asked the Department whether this was effectively age discrimination against the under-25s, but officials clarified that they had taken legal advice which supported the introduction of this age limit.

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90. Members also queried if the passenger restrictions would have a disproportionate impact on young people in rural areas. Officials reminded members that the passenger restriction would only be for a 6-month period after passing the test; and that the 18-24 age group carrying passengers were most likely to be killed or seriously injured in road traffic accidents. Officials also explained that raising awareness of the new passenger restrictions would be part of the training process for obtaining a licence.
91. Overall, the Committee was content with the majority of provisions for learners and new drivers, but members did not believe that there was any real justification for lowering the age at which a provisional driving licence can be obtained to 16½, and agreed that the minimum age should remain at 17 years as currently provided. The Committee has consequently recommended that clause 16 which specifies this change should be removed from the Bill.
92. The Department has agreed that it is prepared to bring forward an appropriate amendment to delete this clause.
93. The Committee was also of the view that a minimum learning period of 6 months, provided that it is properly structured and recorded in the student logbook, would be more effective than a 12 month minimum period. The Committee therefore recommended that clause 17 should be amended to reflect this.
94. In its response, the Department has agreed that it is prepared to bring forward an amendment to clause 17 to reduce the specified period from 12 to 6 months.

Protective Headwear

95. Clause 22 extends the range of vehicles subject to the existing requirement to wear protective headgear. This will enable the Department to make regulations to extend the requirement to wear headgear to quadricycles.
96. Members queried whether the requirement to wear protective headgear should also be extended to tricycles. Officials explained that the Department already had the power to include tricycles outside this Bill, but that it may consider including these vehicles in the Regulations.

Clause by clause consideration of the Bill

Part 1 - Defined Expressions in this Act

Clause 1: Defined expressions in this Act

97. This clause defines the expressions used in the Act.
98. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Part 2 - Drink-Driving

Clause 2: “The prescribed limit”

99. Clause 2 replaces the existing prescribed drink drive limit with two new limits, applicable to different categories of driver licence holder. The first limit is 50mg/100ml and applies to a typical driver. The second limit is 20mg/100ml and applies to specified person including learner and new drivers (qualified for not more than 2 years) and a range of professional drivers.
100. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 3: “The prescribed limit”: further provision

101. Clause 3 retains the right for a driver to ask for a blood or urine specimen to replace a breath test if that breath test is marginally over the new lower prescribed limits.
102. The Committee was content with a small technical amendment to clause 3 to comply with the Examiner’s recommendation on the Delegated Powers Memorandum that the regulation-making power should be subject to ‘draft affirmative resolution’ rather than ‘affirmative resolution’ as currently drafted.
103. In addition, the Committee asked the Department to bring forward an amendment to remove the statutory option – which was agreed by the Minister. The following amendment was put forward by the Department:

‘**Clause 3**, page 3, line 36

Leave out clause 3’

104. At its meeting on 5 March 2015 the Committee agreed that it was content with the Departmental amendment to leave out clause 3.

Clause 4: Breath testing at authorised check-points

105. Clause 4 provides police with power to establish a check-point and to require the person in charge of a vehicle to provide a breath test.
106. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 5: Check-point breath tests: further provision

107. Clause 5 contains a number of further amendments to facilitate the new power to establish a check-point and require a breath test.

108. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 6: Evidential breath test without preliminary breath test or check-point breath test

109. Clause 6 enables police to carry out evidential breath tests at the roadside without the need to have firstly conducted a preliminary breath test and extends the police power of arrest, currently linked to the preliminary breath test, to enable police to arrest a person following an evidential breath test.
110. The Committee was content with the policy content of this clause, but the Department brought forward a minor technical drafting refinement made by OLC for consistency elsewhere in the Bill.

'Clause 6, page 7, line 13

Leave out 'repealed' and insert 'omitted'

111. At its meeting on 5 March 2015 the Committee agreed that it was content with clause 6 subject to the proposed Departmental amendment.

New clause 6A: Choice of specimens

112. This clause resulted from a consequential amendment of the deletion of clause 3. The Department provided the following wording for the new clause:

'After clause 6 insert -

'Choice of specimens

6A. Article 19 of the Order of 1995 (choice of specimens of breath) is amended as follows -

- (a) for the title, substitute "Lower of 2 specimens of breath to be used",
- (b) in paragraph (1), the words "Subject to paragraph (2)," are omitted,
- (c) paragraphs (2), (2A) and (3) are omitted.'

113. At its meeting on 5 March 2015 the Committee agreed that it was content with the Departmental amendment to introduce new clause 6A'

Clause 7: Graduated penalty points for certain drink-driving offences as fixed penalty offences

114. Clause 7 enables 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.
115. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 8: Reduced penalty for course completion

116. Clause 8 allows for a reduced penalty for completion of an approved course for Drink Drive Offenders.
117. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 9: Approved course: completion and failure to complete

118. Clause 9 enables police to issue a further fixed penalty fine for non-completion of an approved course for Drink Drive Offenders

119. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 10: Payment of fixed penalty: failure to complete course

120. Clause 10 allows for additional penalties to be imposed for non-payment of fixed penalty fines.

121. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 11: Endorsement of further penalty points: failure to complete course

122. 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.

123. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 12: Minimum disqualification: offence under Article 14(1)(b) or 16(1)(a) of the Order of 1995

124. Clause 12 introduces a graduated minimum disqualification period linked to the amount of alcohol consumed at the time of detection.

125. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 13: Increased disqualification for repeat offences

126. 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.

127. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 14: Reduced disqualification for course completion

128. Clause 14 makes the referral to a course for drink drive offenders automatic.

129. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 15: Administration costs in relation to approved courses

130. 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.

131. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

PART 3 - Learner and New Drivers

Clause 16: Minimum age for licence: small vehicle

132. Clause 16 reduces the minimum age for obtaining a provisional licence from 17 to 16½. The Committee agreed to ask the Department to bring forward an amendment to remove this clause so that the minimum age remains at the current statutory age of 17. One party – Sinn

Fein – dissented from this decision and did not object to the proposal to reduce the minimum age to 16½.

133. The Department provided the following amendment:

‘Clause 16, page 15, line 4

Leave out clause 16’

134. At its meeting on 5 March 2015 the Committee agreed that it was content with the Departmental amendment to leave out clause 16.’

Clause 17: Provisional licence to be held for minimum period in certain cases

135. Clause 17 makes it a requirement for a person to hold a provisional licence for at least 1 year before being able to take the practical driving test. The Committee asked the Department to bring forward an amendment to reduce the minimum required period of learning to six months.

136. The Department provided the following amendment:

Clause 17, page 15, line 17

Leave out ‘12’ and insert ‘6’

137. At its meeting on 5 March 2015 the Committee agreed that it was content with clause 17 subject to the proposed Departmental amendment.

Clause 18: Approved programmes of training: category B motor vehicles and motor bicycles

138. Clause 18 relates to approved programmes of training. The Department proposed a number of technical amendments due to the Immigration Act 2014 having inserted a new Article 13A into the Road Traffic (NI) Order 1981 (‘residence requirement’). As a new Article 13A is also proposed in this clause an amendment is necessary to avoid duplication.

139. The Department provided the following amendments:

Clause 18, page 17, line 17

Leave out ‘13 (grant of licences)’ and insert ‘13A (residence requirement for grant of licences)’

Clause 18, page 17, line 20

Leave out ‘13A.’ and insert ‘13B.’

Clause 18, page 17, line 37

Leave out ‘13B.’ and insert ‘13C.’

Clause 18, page 19, line 17

Leave out ‘13A’ and insert ‘13B’

Clause 18, page 19, line 19

Leave out ‘13B’ and insert ‘13C’

Clause 18, page 19, line 27

Leave out ‘13B’ and insert ‘13C’

140. At its meeting on 5 March 2015 the Committee agreed that it was content with clause 18 subject to the proposed Departmental amendments.

Clause 19: Revocation of licence: forged etc. logbook

141. Clause 19 allows for the revocation of a licence.
142. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 20: Changes to restrictions on learner and new drivers

143. Clause 20 removes the current 45 mph speed limit on new & learner drivers, and imposes restrictions on newly qualified drivers.
144. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 21: Approved courses for new drivers as alternative to revocation

145. Clause 21 allows new drivers the opportunity to complete an approved course as an alternative to having their licence revoked.
146. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

PART 4 - Protective Headgear: Extension of Requirements

Clause 22: Extension of requirements as regards protective headgear

147. Clause 22 extends the requirements as regards protective headgear to quadricycles.
148. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 22A

149. The Department proposed to insert a new clause after clause 22 on the recommendation of the Examiner of Statutory Rules. It provides that subordinate legislation made under the 1995 Order should be subject to draft affirmative procedure – rather than affirmative procedure.
150. The new clause also includes (at (a) and (b)) provision that was originally part of Clause 3 of the Bill. Since Clause 3 has now been removed, the draftsman relocated the provision in Clause 22A. The Department provided the following wording for the new clause:

Before clause 23 insert -

‘Further amendment of the Order of 1995

22A. Article 110 of the Order of 1995 is amended as follows -

(a) in paragraph (1) (exception from requirement for orders to be subject to negative resolution), for “this Order”, where it first occurs, substitute “paragraph (3A)”,

(b) after paragraph (3) insert -

“(3A) An order made under -

(a) Article 13A(4) or (7), or

(b) Article 63(9),

shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.”,

(c) in paragraph (4) (procedure for certain regulations), for “shall be subject to affirmative resolution” substitute “shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly”.’

151. At its meeting on 5 March 2015 the Committee agreed that it was content with the Departmental amendment to introduce new clause 22A.

PART 5 - General

Clause 23: Supplementary, incidental and consequential etc. provision

152. The Department brought forward a technical amendment to clause 23 to clarify that draft affirmative procedure would apply to any subordinate legislation which amends primary legislation. Officials explained that it was a drafting refinement which is now being applied generally in Northern Ireland Bills. The Department provided the following wording for the amendment:

‘**Clause 23**, page 28, line 11

Leave out ‘a statutory provision’ and insert ‘Northern Ireland legislation or an Act of Parliament’

153. At its meeting on 5 March 2015 the Committee agreed that it was content with the clause subject to the proposed Departmental amendment.

Clause 24: Transitional and saving provisions

154. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 25: Repeals

155. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 26: Commencement

156. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Clause 27: Short title

157. At its meeting on 22 January 2015 the Committee agreed that it was content with the clause as drafted.

Schedules

Schedule 1 Transitional and saving provisions

158. A number of consequential amendments to Schedule 1 arose as a result of the previous amendments. The Department proposed the following amendments to Schedule 1 in relation to the removal of the ‘statutory option’.

Schedule 1, page 29, line 7

Leave out ‘sections 2 and 3’ and insert ‘section 2’

Schedule 1, page 29, line 17

At end insert -

‘Choice of specimens

2A. The amendments of the Order of 1995 made by section 6A do not apply in relation to an offence committed before the commencement of the amendments.’

159. The Department also proposed the following amendments to the same Schedule in relation to the minimum age for holding a provisional licence and the mandatory minimum learning period:

Schedule 1, page 31, line 30

Leave out paragraph 12

Schedule 1, page 31, line 35

Leave out ‘12’ and insert ‘6’

Schedule 1, page 31, line 40

Leave out ‘12’ and insert ‘6’

Schedule 1, page 32, line 28

Leave out ‘12’ and insert ‘6’

160. The third, and final, amendment to Schedule 1 relates to the definitions of ‘taxi’ and ‘taxi driver’s licence’. This was a transitional measure, which was only required until the commencement of sections 22 and 23 of the Taxis Act (Northern Ireland) 2008. Those provisions have now commenced and paragraph 2 is therefore no longer required.

‘Schedule 1, page 29, line 10

Leave out paragraph 2’

161. At its meeting on 5 March 2015 the Committee agreed that it was content with Schedule 1 subject to the proposed Departmental amendments.

Schedule 2 Repeals

162. The Department proposed the following consequential amendments in relation to the removal of the ‘Statutory option’

Schedule 2, page 33, line 31

In column 2, leave out ‘In Article 19, paragraph (2).’ and insert ‘In Article 19(1), the words “Subject to paragraph (2),”.’

Schedule 2, page 33, line 31

In column 2, at end insert -

‘Article 19(2), (2A) and (3).’

163. At its meeting on 5 March 2015 the Committee agreed that it was content with Schedule 2 subject to the proposed Departmental amendments.



Northern Ireland
Assembly

Appendix 1

Minutes of Proceedings

Tuesday, 13 May 2014

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Tom Elliott MLA
Mr Ian McCrea MLA
Mr Alban Maginness MLA
Mr Barry McElduff MLA
Mr Ian Milne MLA
Lord Morrow MLA
Mr Peter Weir MLA

In Attendance: Mrs Sheila Mawhinney (Assembly Clerk)
Mr Sean McCann (Assistant Assembly Clerk)
Mr Neil Sedgewick (Clerical Supervisor)
Ms Jennifer McCullough (Clerical Officer)

Apologies: Mr Colum Eastwood MLA

12:48pm The meeting began in public session.

8. **Departmental briefing on the Road Traffic (Amendment) Bill**

Ian Greenway (Principal Officer, Road Safety and Vehicle Regulations Division), Desi McDonnell (Head of Road Safety Policy and Research) John McMullan (Road Safety) and Nicola McEvoy (Road Safety) briefed the Committee regarding the Road Traffic (Amendment) Bill.

The main areas discussed were the necessity for the Bill, its main provisions and the necessity for an education program to communicate the changes introduced by the Bill.

13:48pm Mr Boylan joined the meeting.

Agreed: Departmental officials agreed to provide the Committee with statistics on the number and percentage of 17-24 year olds in possession of a driving licence; and further information on the amount of alcohol found in common foods and medicinal products.

13:58pm Mr Weir joined the meeting.

13:59pm Mr Milne left the meeting.

13:59pm Mr Maginness left the meeting.

14:00pm Mr Elliott left the meeting.

14:01pm Mrs Cameron left the meeting.

The Committee also considered a draft press release on the Committee stage of the Bill.

Agreed: The Committee agreed to forward the correspondence to the Department for comment.

[EXTRACT]

Thursday, 29 May 2014

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Colum Eastwood MLA
Mr Tom Elliott MLA
Mr Ian Milne MLA
Lord Morrow MLA
Mr Peter Weir MLA

In Attendance: Mrs Sheila Mawhinney (Assembly Clerk)
Mr Neil Sedgewick (Assistant Assembly Clerk)
Mr George McClelland (Clerical Supervisor)
Ms Allison Ferguson (Clerical Officer)

Apologies: Mr Ian McCrea MLA
Mr Barry McElduff MLA
Mr Alban Maginness MLA

10:15pm The meeting began in public session.

13. The Road Traffic (Amendment) Bill

The Committee noted a synopsis of the provisions of the Bill provided by the Department of Environment.

The Committee considered a draft list of stakeholders to be contacted directly for their comments on the provisions of the Bill.

Agreed: The Committee noted the list and suggested some additional stakeholders.

10:39pm Mr Eastwood left the meeting.

The Committee considered a Memorandum of Delegated Powers provided by the Department of Environment.

Agreed: The Committee agreed to forward the Memorandum of Delegated Powers to the Examiner of Statutory Rules for comment.

The Committee considered a draft timetable for the Committee Stage of the Bill.

Agreed: Members agreed that the Committee Stage should be extended until 27th March 2015, and a motion to reflect this should be laid in the Business Office.

[EXTRACT]

Thursday, 11 September 2014

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
 Mrs Pam Cameron MLA (Deputy Chairperson)
 Mr Cathal Boylan MLA
 Mr Colum Eastwood MLA
 Mr Ian McCrea MLA
 Mr Barry McElduff MLA
 Mr Alban Maginness MLA
 Mr Ian Milne MLA
 Lord Morrow MLA
 Mrs Sandra Overend MLA
 Mr Peter Weir MLA

In Attendance: Ms Sheila Mawhinney (Assembly Clerk)
 Mr Mark McQuade (Assistant Assembly Clerk)
 Mr Neil Sedgewick (Clerical Supervisor)
 Ms Allison Ferguson (Clerical Officer)

Apologies: None

10:06pm The meeting began in public session.

19. The Road Traffic (Amendment) Bill - Briefing from TTC 2000

Ms Jenny Wynn, Chairperson, TTC Group, and Mr Eddie Phair, TTC 2000, briefed the Committee on the drink driving provisions of the Road Traffic (Amendment) Bill.

The main areas discussed were the current and proposed blood alcohol limits for driving.

11.33am Mr Milne left the meeting.

11.36am Mr Maginness left the meeting.

11.36am Mr Boylan left the meeting.

20. The Road Traffic (Amendment) Bill

The Committee considered a report by the Examiner of Statutory Rules on Delegated Powers contained in the Bill.

Agreed: The Committee agreed to note the report and the Department's agreement to amendments suggested by the Examiner.

The Committee considered a briefing paper from the Assembly Research and Information Service on the Bill.

Agreed: The Committee agreed to include the briefing paper in its report on the Committee stage of the Bill.

The Committee considered written submissions received in response to its call for evidence on the Bill.

Agreed: the Committee agreed to invite the PSNI, Ulster Farmers Union, NIAPA, Right to Ride and the Driving Instructors' Association to give oral evidence on the Bill.

11.43am Mr Milne rejoined the meeting.

11.45am Mrs Overend left the meeting.

[EXTRACT]

Thursday, 25 September 2014

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Colum Eastwood MLA
Mr Alban Maginness MLA
Mr Ian Milne MLA
Lord Morrow MLA
Mrs Sandra Overend MLA
Mr Peter Weir MLA

In Attendance: Ms Sheila Mawhinney (Assembly Clerk)
Mr Mark McQuade (Assistant Assembly Clerk)
Mr Neil Sedgewick (Clerical Supervisor)
Ms Allison Ferguson (Clerical Officer)

Apologies: None

10:17am The meeting began in public session.

14. The Road Traffic (Amendment) Bill - Briefing by PSNI

The Committee was briefed on the provisions of the Road Traffic (Amendment) Bill by Inspector Rosie Leech and Superintendent Gerry Murray from the PSNI.

12.34pm Mr Weir left the meeting.

12.36pm Mr Eastwood left the meeting.

12.38pm Lord Morrow left the meeting.

Agreed: The Committee agreed that it should issue a press release to reflect its concerns about the recent increase in road deaths.

[EXTRACT]

Thursday, 9 October 2014

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
 Mrs Pam Cameron MLA (Deputy Chairperson)
 Mr Cathal Boylan MLA
 Mr Colum Eastwood MLA
 Mr Ian McCrea MLA
 Mr Barry McElduff MLA
 Mr Alban Maginness MLA
 Mr Ian Milne MLA
 Mrs Sandra Overend MLA
 Mr Peter Weir MLA

In Attendance: Ms Sheila Mawhinney (Assembly Clerk)
 Mr Mark McQuade (Assistant Assembly Clerk)
 Mr Neil Sedgewick (Clerical Supervisor)
 Ms Allison Ferguson (Clerical Officer)

Apologies: None

10:09am The meeting began in public session.

14. The Road Traffic (Amendment) Bill - Briefing by the Ulster Farmers Union (UFU) and the Young Farmers Clubs of Ulster (YFCU)

10.53am Mr Boylan rejoined the meeting.

10.58am Mr Eastwood joined the meeting.

The Committee was briefed on the provisions of the Road Traffic (Amendment) Bill by Mr Barclay Bell, Deputy President, UFU; Mr Bailie Thompson, Legislation Chairman, UFU; Mr David McConaghy, Legislation Policy Officer, UFU; and Mr Michael Reid, Chief Executive, YFCU.

The briefing was recorded by Hansard.

The main points discussed were

- The reduction of the age at which a learner driver could obtain a driving licence;
- The proposed requirement for a learner driver to hold a licence for 1 year before being tested; and
- Restrictions on passengers being carried by young new drivers for six months after passing the test.

11.30am Mr Weir joined the meeting.

11.41am Mr Eastwood left the meeting.

11.51am Mr Boylan left the meeting.

The Committee noted correspondence from the Department, enclosing the results of focus groups held in 2011 on young people's attitudes to driving.

Agreed: The Committee agreed that an electronic survey should be carried out to gauge the views of young people on the provisions of the Bill.

[EXTRACT]

Thursday, 23 October 2014

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Ian McCrea MLA
Mr Barry McElduff MLA
Mr Alban Maginness MLA
Lord Morrow MLA
Mrs Sandra Overend MLA
Mr Peter Weir MLA

In Attendance: Ms Sheila Mawhinney (Assembly Clerk)
Mr Mark McQuade (Assistant Assembly Clerk)
Mr Neil Sedgewick (Clerical Supervisor)
Ms Allison Ferguson (Clerical Officer)

Apologies: Mr Ian Milne MLA

10:03am The meeting began in public session.

16. The Road Traffic (Amendment) Bill - Briefing by Driving Instructors National Association Council.

The Committee was briefed on the provisions of the Road Traffic (Amendment) Bill by Mr Tom Burns, Chairperson, Driving Instructors' National Association Council.

The briefing was recorded by Hansard.

Mr Weir rejoined the meeting at 10.45am.

The main points discussed were

- The reduction of the age for obtaining a provisional licence to 16½ ;
- The proposed requirement for a learner driver to hold a licence for 1 year before being tested; and
- Restrictions on passengers being carried by young new drivers for six months after passing the test.

11.35am Mr Maginness rejoined the meeting.

Agreed: The Committee agreed that it was content to conclude its oral evidence sessions with this briefing.

Agreed: The Committee agreed that it was content with the draft questions for an electronic survey to gauge the views of young people on the provisions of the Bill. The Committee also agreed that it would be useful for individual members to add the link to this survey to their individual web applications.

[EXTRACT]

Thursday, 20 November 2014

Senate Chamber, Parliament Buildings

- Present:**
- Ms Anna Lo MLA (Chairperson)
 - Mrs Pam Cameron MLA (Deputy Chairperson)
 - Mr Cathal Boylan MLA
 - Mr Colum Eastwood MLA
 - Mr Ian McCrea MLA
 - Mr Alban Maginness MLA
 - Mr Barry McElduff MLA
 - Mr Ian Milne MLA
 - Lord Morrow MLA
 - Mrs Sandra Overend MLA
 - Mr Peter Weir MLA
- In Attendance:**
- Ms Sheila Mawhinney (Assembly Clerk)
 - Mr Mark McQuade (Assistant Assembly Clerk)
 - Mr Neil Sedgewick (Clerical Supervisor)
 - Ms Pamela Dugdale (Research & Information Service – Item 1 only)
- Apologies:** None

10.16 am The meeting began in closed session.

11. The Road Traffic (Amendment) Bill – informal clause by clause.

The Committee was briefed by

- Mr Iain Greenway Director Road Safety and Vehicle Regulation Division
- Mr John McMullan Road Transport Legislation Branch
- Mr John Brogan Road User Behaviours Policy & Strategy Branch
- Mr Donald Starritt Road User Behaviours Policy & Strategy Branch

Officials outlined the policy basis for Part 2 of the Bill.

The briefing was recorded by Hansard.

The Committee carried out an informal consideration of the following clauses while officials remained in attendance:

Clause 1: Defined expressions used in the Act.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 2: The prescribed limit.

11.46 am Mr Weir joined the meeting.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

11.51 am Mr Eastwood rejoined the meeting.

11.51 am Mr McElduff rejoined the meeting.

Clause 3: This will retain the right for a driver to ask for a blood or urine specimen to replace a breath test if that breath test is marginally over the present prescribed limit at the new lower prescribed limits.

Agreed: The Committee agreed that it like further information on the Departments legal advice & consequential amendments for this clause.

11.57 am Mr McCrea left the meeting.

12.01 pm Mrs Overend left the meeting.

Clause 4: Breath testing at authorised check-points.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 5: Check-point breath tests: further provision.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 6: Evidential breath test without preliminary breath test or check-point breath test.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 7: Graduated penalty points for certain drink-driving offences as fixed penalty offences

12.08 pm Mr McElduff left the meeting.

12.08 pm Mrs Overend rejoined the meeting.

Agreed: The Committee agreed to request further information on drink-driving statistics.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

12.23 pm Mr Boylan left the meeting.

Clause 8: Reduced penalty for course completion.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 9: Approved course: completion and failure to complete.

12.26 pm Mr Boylan rejoined the meeting.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 10: Payment of fixed penalty: failure to complete course.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 11: Endorsement of further penalty points: failure to complete course.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 12: Graduated minimum disqualification period is linked to the amount of alcohol consumed at the time of detection.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 13: Increased disqualification for repeat offences

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 14: Reduced disqualification for course completion.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 15: Administration costs in relation to approved courses.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Agreed: The Committee agreed to return to the informal consideration of the clauses of the Bill at its next meeting.

[EXTRACT]

Thursday, 27 November 2014

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Colum Eastwood MLA
Mr Ian McCrea MLA
Mr Alban Maginness MLA
Mr Barry McElduff MLA
Mr Ian Milne MLA
Lord Morrow MLA
Mrs Sandra Overend MLA
Mr Peter Weir MLA

In Attendance: Ms Sheila Mawhinney (Assembly Clerk)
Mr Mark McQuade (Assistant Assembly Clerk)
Mr Neil Sedgewick (Clerical Supervisor)

Apologies: None

10.08 am The meeting began in public session.

15. The Road Traffic (Amendment) Bill – informal clause by clause.

The Committee deferred the informal clause by clause consideration of the Road Traffic (Amendment) Bill until its next meeting

[EXTRACT]

Thursday, 11 December 2014

Environmental Skills Centre, South Eastern Regional College, Newtownards

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Ian Milne MLA
Lord Morrow MLA
Mrs Sandra Overend MLA
Mr Peter Weir MLA

In Attendance: Ms Sheila Mawhinney (Assembly Clerk)
Mr Neil Sedgewick (Assistant Assembly Clerk)
Mr Mark O'Hare (Clerical Supervisor)
Mr Peadar Ó Lamnha (Clerical Officer)

Apologies: Mr Colum Eastwood MLA
Mr Alban Maginness MLA
Mr Ian McCrea MLA
Mr Barry McElduff MLA

10:04am The meeting began in public session.

5. Road Traffic (Amendment) Bill – Report on key findings of survey on driving licensing law changes.

The Committee considered an Assembly Research report on the key findings of a survey carried out on proposed changes to driving licensing laws.

Agreed: The Committee agreed to receive a briefing from Assembly Research on the report.

[EXTRACT]

Thursday, 15 January 2015

Senate Chamber, Parliament Buildings

Present:	Ms Anna Lo MLA (Chairperson) Mrs Pam Cameron MLA (Deputy Chairperson) Mr Cathal Boylan MLA Mr Ian McCrea MLA Mr Alban Maginness MLA Mr Barry McElduff MLA Lord Morrow MLA Mr Peter Weir MLA
In Attendance:	Ms Sheila Mawhinney (Assembly Clerk) Mr Mark McQuade (Assistant Assembly Clerk) Mr Neil Sedgewick (Clerical Supervisor) Ms Allison Ferguson (Clerical Officer) Ms Barbara Love (Assembly Research & Information Service - Item 6 only)
Apologies:	Mr Colum Eastwood MLA Mr Ian Milne MLA Mrs Sandra Overend MLA

6. The Road Traffic Amendment Bill

The Committee was briefed by Assembly Research on the Key Findings from a survey of young people's views on planned changes to driver licensing laws.

11:44am Mr McCrea joined the meeting.

The briefing was followed by a question and answer session.

12:00pm The Committee was suspended for a short break.

12:21pm The Committee resumed in open session.

12:23pm Lord Morrow re-joined the meeting.

12:25pm Mr McCrea re-joined the meeting.

The Committee discussed outstanding issues on specific clauses of the Bill with Departmental officials. The following officials were in attendance:

Mr Iain Greenway	Director Road Safety and Vehicle Regulation Division
Ms Nicola McEvoy	Road Safety and Vehicle Regulation Division
Mr Donald Starritt	Road User Behaviours Policy & Strategy Branch

Clause 3: This will retain the right for a driver to ask for a blood or urine specimen to replace a breath test if that breath test is marginally over the present prescribed limit at the new lower prescribed limits.

Agreed: The Committee agreed to ask the Department to consider the removal of the statutory option.

Clause 7: Graduated penalty points for certain drink-driving offences as fixed penalty offences.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 9: Approved course: completion and failure to complete.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 16: Minimum age for licence.

Agreed: The Committee agreed to ask the Department to remove this clause.

Clause 17: Provisional licence to be held for minimum period in certain cases.

Agreed: The Committee agreed to ask the Department to reduce the minimum period for holding a provisional licence to 6, rather than 12, months.

Clause 18: Approved programmes of training: category B motor vehicles and motor bicycles.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 20: Changes to restrictions on learner and new drivers.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

Clause 22: Extension of requirements as regards protective headgear.

Agreed: The Committee agreed that it was content with the Department's explanation of the key issues surrounding this clause.

1:27pm Mr McElduff left the meeting.

[EXTRACT]

Thursday, 22 January 2015

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Colum Eastwood MLA
Mr Ian McCrea MLA
Mr Alban Maginness MLA
Mr Barry McElduff MLA
Lord Morrow MLA
Mrs Sandra Overend MLA
Mr Peter Weir MLA

In Attendance: Ms Sheila Mawhinney (Assembly Clerk)
Mr Mark McQuade (Assistant Assembly Clerk)
Mr Neil Sedgewick (Clerical Supervisor)
Ms Allison Ferguson (Clerical Officer)

Apologies: Mr Ian Milne MLA

12. The Road Traffic (Amendment) Bill – Formal Clause by Clause consideration of the Bill.

The Committee agreed to return to agenda item 7.

The Committee noted correspondence from the Department on the Bill.

10:50am Mr Maginness rejoined the meeting.

10:51am Mr Eastwood rejoined the meeting.

The Committee discussed outstanding issues on specific clauses of the Bill with Departmental officials. The following officials were in attendance:

Mr Iain Greenway Director Road Safety and Vehicle Regulation Division

Ms Nicola McEvoy Road Safety and Vehicle Regulation Division

Mr Donald Starritt Road User Behaviours Policy & Strategy Branch

The Committee commenced its formal clause by clause consideration of the Road Traffic (Amendment) Bill.

Clauses 1 and 2

“Question: That the Committee is content with clauses 1 and 2 as drafted put and agreed to”

Clause 3

“Question: That the Committee is content with clause 3 subject to proposed amendments put and agreed to”

Clauses 4 to 15

“Question: That the Committee is content with clauses 4 to 15 as drafted put and agreed to”

Clause 16

“Question: That the Committee is not content with clause 16 as drafted put and agreed to”

Clause 17

“Question: That the Committee is content with clause 17 as amended put and agreed to”

Clause 18

“Question: That the Committee is content with clause 18 as amended put and agreed to”

Clauses 19 to 22

“Question: That the Committee is content with clauses 19 to 22 as drafted put and agreed to”

Clause 22A

“Question: That the Committee is content with clause 22A as drafted put and agreed to”

Clause 23

“Question: That the Committee is content with clause 23 as amended put and agreed to”

Clauses 24 to 27

“Question: That the Committee is content with clauses 24 to 27 as drafted put and agreed to”

Schedule 1

“Question: That the Committee is content with schedule 1 as drafted put and agreed to”

Schedule 2

“Question: That the Committee is content with schedule 2, subject to the proposed consequential amendment at Part 2, put and agreed to.”

Long Title

“Question: That the Committee is content with the Long Title of the Bill, put and agreed to.”

The Committee discussed issues relating to licensing and vehicle testing.

Agreed: The Committee agreed that Departmental officials should provide further information on these issues.

[EXTRACT]

Thursday, 5 February 2015

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Colum Eastwood MLA
Mr Alban Maginness MLA
Mr Ian Milne MLA
Lord Morrow MLA
Mrs Sandra Overend MLA
Mr Peter Weir MLA

In Attendance: Ms Sheila Mawhinney (Assembly Clerk)
Mr Mark McQuade (Assistant Assembly Clerk)
Mr Neil Sedgewick (Clerical Supervisor)
Miss Allison Ferguson (Clerical Officer)

Apologies: Mr Ian McCrea MLA
Mr Barry McElduff MLA

10.11am The meeting began in public session.

2. The Road Traffic (Amendment) Bill

The Committee noted correspondence from the Department regarding further amendments to the Bill.

Agreed: The Committee agreed to include the correspondence in its report on the Bill.

Agreed: The Committee agreed to defer consideration of the draft report on the Road Traffic (Amendment) Bill until details of these consequential amendments were available.

[EXTRACT]

1. Correspondence.

The Committee noted correspondence from the Northern Ireland Local Government Association (NILGA) regarding Local Government Reform.

Agreed: the Committee agreed to arrange an evidence session with NILGA on Local Government Reform in June 2015.

The Committee noted correspondence from the Association of Town & City Management regarding a Town Centre Futures Conference.

The Committee noted correspondence from CIWM.

2. Forward Work Programme

The Committee noted the Forward Work Programme.

3. Any Other Business

No other business was discussed.

4. Date, Time and Place of next meeting

The next meeting will be held at 10.00am on Thursday 12th February 2015 in the Senate Chamber, Parliament Buildings.

12.37pm The Chairperson adjourned the meeting.

Anna Lo, MLA

Chairperson, Committee for the Environment

12 February 2015

Thursday, 5 March 2015

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Colum Eastwood MLA
Mr Alban Maginness MLA
Mr Ian McCrea MLA
Mr Ian Milne MLA
Lord Morrow MLA
Mrs Sandra Overend MLA
Mr Peter Weir MLA

In Attendance: Mrs Sheila Mawhinney (Assembly Clerk)
Mr Mark McQuade (Assistant Assembly Clerk)
Mr Neil Sedgewick (Clerical Supervisor)
Miss Allison Ferguson (Clerical Officer)

Apologies: Mr Barry McElduff MLA

6. Road Traffic (Amendment) Bill – Rescinding of decisions on formal clause by clause scrutiny.

The Committee considered the wording of proposed Departmental amendments to the Road Traffic (Amendment) Bill for the following clauses:

Clause 3

“Question: That the Committee agrees to rescind its previous decision that it was content with clause 3 as amended; and that the Committee is content with the Departmental amendment to leave out clause 3 put and agreed to.”

Clause 6

“Question: That the Committee agrees to rescind its previous decision that it was content with clause 6 as drafted; and that the Committee is content with clause 6 subject to the proposed Departmental amendment put and agreed to.”

New Clause 6A

“Question: That the Committee is content with the Departmental amendment to introduce new clause 6A put and agreed to”

Clause 16

Mr Boylan asked that it should be recorded that his party had no objection to the existing provision in clause 16 to reduce the minimum age for obtaining a provisional licence to 16½.

“Question: That the Committee agrees to rescind its previous decision that it was not content with clause 16 as drafted; and that the Committee is content with the Departmental amendment to leave out clause 16 put and agreed to.”

Clause 17

“Question: That the Committee agrees to rescind its previous decision that it was content with clause 17 as amended; and that the Committee is content with clause 17 subject to the proposed Departmental amendment put and agreed to.”

Clause 18

“Question: That the Committee agrees to rescind its previous decision that it was content with clause 18 as amended; and that the Committee is content with clause 18 subject to the proposed Departmental amendment put and agreed to.”

New Clause 22A

“Question: That the Committee is content with the Departmental amendment to introduce new clause 22A put and agreed to”

10.50am Mr Weir left the meeting.

Clause 23

“Question: That the Committee agrees to rescind its previous decision that it was content with clause 23 as drafted; and that the Committee is content with clause 23 subject to the proposed Departmental amendment put and agreed to.”

Schedule 1

“Question: That the Committee agrees to rescind its previous decision that it was content with Schedule 1 as amended; and that the Committee is content with Schedule 1 subject to the proposed Departmental amendments put and agreed to.”

10.57am Mr Weir rejoined the meeting.

Schedule 2

‘Question: That the Committee agrees to rescind its previous decision that it was content with Schedule 2 as amended; and that the Committee is content with Schedule 2 subject to the proposed Departmental amendments put and agreed to.’

[EXTRACT]

Thursday, 19 March 2015

Senate Chamber, Parliament Buildings

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Colum Eastwood MLA
Mr Alban Maginness MLA
Mr Barry McElduff MLA
Mr Ian Milne MLA
Lord Morrow MLA
Mr Peter Weir MLA

In Attendance: Mrs Sheila Mawhinney (Assembly Clerk)
Miss Ciara McKay (Assembly Clerk) Mr Neil Sedgewick (Assistant Clerk)
Miss Allison Ferguson (Clerical Officer)

Apologies: Mr Ian McCrea MLA
Mrs Sandra Overend MLA

10.13am The meeting began in public session.

1. Road Traffic (Amendment) Bill - Consideration of Draft Report

The Committee considered the draft Committee Report on the Road Traffic (Amendment) Bill.

The Committee considered the Executive Summary and Conclusions and Recommendations sections of the report.

Agreed: The Committee was content with the Executive Summary and Conclusions and Recommendations sections as drafted.

The Committee considered the Summary of Recommendations section of the report.

Agreed: The Committee was content with the Summary of Recommendations as drafted.

The Committee considered the Introduction section of the report.

Agreed: The Committee was content with the Introduction as drafted.

The Committee considered the Key Issues of the Bill section of the report.

Agreed: The Committee was content with the Key issues of the Bill as drafted.

The Committee considered the Clause-by-Clause Scrutiny section of the report.

Agreed: The Committee was content with the Clause-by-Clause Scrutiny section of the report as drafted.

Agreed: The Committee agreed to consider all appendices together.

The Committee considered Appendix 1 to 6 of the draft Report.

Agreed: The Committee was content with all Appendices as drafted.

Agreed: The Committee agreed that it was content for the Chair to approve an extract from the minutes of this meeting to be included in its report.

Agreed: The Committee agreed that the report should be ordered to print.

10.22am Mr Cathal Boylan joined the meeting.

10.36am Mr Ian Milne joined the meeting.

10.52am Mr Colum Eastwood joined the meeting.

10.53am Lord Morrow joined the meeting.

[EXTRACT]



Northern Ireland
Assembly

Appendix 2

Minutes of Evidence

13 May 2014

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Tom Elliott
 Mr Alban Maginness
 Mr Ian McCrea
 Mr Barry McElduff
 Mr Ian Milne
 Lord Morrow
 Mr Peter Weir

Witnesses:

Mr Iain Greenway	<i>Department of the</i>
Mr Desi McDonnell	<i>Environment</i>
Ms Nicola McEvoy	
Mr John McMullan	

1. **The Chairperson:** We have with us today Iain Greenway, director of road safety; Desi McDonnell, head of road safety policy and research; John McMullan, also from the road safety branch; and Nicola McEvoy, driver policy branch. You are all very welcome. We have been looking forward to this for some time. We are very pleased to see the legislative process starting. You have sent us a very detailed briefing paper. If you want to proceed by talking us through that, I am sure that there will be lots of questions for you.
2. **Mr Iain Greenway (Department of the Environment):** Thank you very much, Chair and Committee, for inviting us here today. From our perspective, we have two main objectives this afternoon. One is to introduce the team, who I am sure will be very closely involved with members on the clause-by-clause scrutiny of the Bill when we come to Committee Stage. The second, as you indicated, Chair, is to provide a broad overview of the Bill to start to understand and, if possible, deal with any issues that the Committee may wish to discuss at this stage. The Chair introduced my colleagues. Desi will be the lead on the drink-driving provisions, Nicola will lead on graduated driver licensing, and John will lead on the legislative aspects of the Bill. The Bill, as you will have seen, is reasonably concise, certainly compared with the previous Bill that the Committee worked its way through.
3. **The Chairperson:** How many clauses are in the Bill?
4. **Mr Greenway:** There are 21, rather than 121, in this case. Nonetheless, as you indicated, Chair, it is an important Bill, and one that the Department believes will make a difference to our society and help to save lives on our roads. In broad terms, the Bill provides the necessary powers to establish a new drink-drive regime, introduce a system of graduated driver licensing and make mandatory the wearing of helmets when riding quad bikes on public roads.
5. The Committee will be aware of the increase in road deaths so far this year. Although it is too early to identify the reasons for that increase, we can say with some confidence that the causation factors will, once again, include inattention, inappropriate speed and alcohol. The Bill will take steps to tackle drink-driving and address a range of poor road user behaviours demonstrated particularly by young and new drivers, who are over-represented in road casualties year after year. The Committee has already considered the drink-driving aspects of the Bill. There was a consultation on the legislation in 2012. Officials met the Committee on 29 November 2012 to discuss those provisions following that public consultation. Members may recall that, at that point, two options were drafted for the Bill on repeat offenders. The Committee took a view that the Minister supported, and he went with that option in the Bill.
6. As you suggested, Chair, I will outline the three main themes in the Bill. The

- first is the new drink-drive regime. The Bill will introduce a limit of 50 mg of alcohol per 100 millilitres of blood for most drivers, and a lower limit of 20 mg for learner drivers, new drivers and professional drivers. It may be useful if I reinforce that there is no lessening of any current penalties. The legislation provides that drivers over the current limit of 80 mg will still be disqualified and that repeat offenders will face a minimum of three years of disqualification.
7. A new graduated penalty regime will reflect the gravity of drink-driving offences, with minimum disqualification periods from between six to 24 months, depending on the alcohol level. For the first time, fixed penalties will be made available for drink-drive offences, but only for first offences at the new lower limits. There is currently no offence triggered at levels below 80 mg.
 8. The Bill also provides for powers for the police to set up roadside checkpoints where a constable can require the person in charge of a vehicle to take a breath test. Those will be conducted under controlled circumstances with authorisation at the rank of inspector or above. It also provides powers for automatic referral of offenders to an approved drink-drive rehabilitation scheme. The Department believes that the case for reducing the drink-drive limit is now well established, with public consultation on the policy in 2009 and on the legislation in 2012 showing broad support for making this step change. Similar limits and laws came into effect in Ireland a couple of years ago, and the Scottish Government have signalled their desire to reduce the limit there. When this work is completed, all parts of the EU except England, Wales and Malta will have a limit of 50 mg or lower. The decision to reduce the limit was also a commitment in the road safety strategy to 2020 and the Programme for Government 2008-2011.
 9. On graduated driver licensing, the package set out in the Bill comprises a number of measures that aim to prepare new drivers for the challenge of driving on their own and to protect them and other road users as they gain experience. It includes lowering the age at which people can start to learn to drive — to obtain a provisional licence — from 17 to 16 and a half, but introducing a mandatory 12-month minimum learning period. It proposes a new programme of training, with completion to be evidenced by an approved driving instructor or a supervising driver and with the learner driver completing a compulsory student logbook.
 10. The Bill removes the 45 mph restriction on learner and restricted drivers and riders. That will facilitate practical tests to be revised to allow candidates to be assessed while driving at up to posted speeds and to allow learner drivers to take lessons on motorways when accompanied by an approved driving instructor in a dual-control car. It introduces a one-passenger restriction on carrying young passengers — those aged 14 to 20 — for drivers under the age of 24 during the first six months post test. It provides for remedial courses for New Drivers Order offences, namely people who have accumulated six or more penalty points in their first two years of driving. It introduces a two-year post test new driver period, in line with the existing New Drivers Order probationary period, and a planned period of application of lower blood:alcohol limits for newly qualified drivers and riders. An identifying plate is to be displayed over that two-year period, with the details of the plates subject to affirmative resolution in the Assembly. The package is a response to the stark fact that, between 2008 and 2012, 43% of fatal collisions on our roads for which car drivers were responsible were caused by young drivers aged 17 to 24. Further to that, there is evidence that young male drivers are four times more likely to be killed and six times more likely to kill than the average road user.
 11. At present, the Department has powers only to make regulations requiring motorcyclists to wear protective headgear. The Bill extends that power to

- cover all motor vehicles. It is intended that that power will be used to make regulations requiring quad bike drivers and passengers to wear helmets when using such vehicles on public roads. The detail on that will be in regulations rather than the Bill. The Committee saw the outcome of the public consultation on that measure in 2012 and was content at that time with the policy proposals.
12. **The Chairperson:** Thank you, Iain, that was very good. I read through your paper. Obviously, you gave us a very general overview of it. Will we ask young drivers to record how many hours they practise in the mandatory year? Yesterday, I noticed a response from the Driving Instructors Association, which stated that some young people take a shorter time and some take a longer time to pass the driving test. My two sons got through. They both started learning to drive in April and passed their test in the summer, so they were able to drive themselves to school in September. It took them just a few months. It will now be mandatory that learners cannot sit the test until a year has passed. Are we also saying that they must acquire a certain number of hours of practice?
13. **Ms Nicola McEvoy (Department of the Environment):** We are not asking for a certain number of hours; we are asking that people take a slow and progressive route towards learning to drive. Within that year, we would ask them to evidence how they learn to drive. We will have a syllabus that outlines a structured training programme for what we would expect them to learn over that time. That will be evidenced by a logbook, which will be completed by the learner and verified by the driving instructor or a supervising driver. Although we specify a year, we have reduced the licensing age to 16 and a half, so a person could still have their full licence by 17 and a half. The aim of giving somebody that year is to let them drive in all sorts of different conditions, be it weather conditions, night-time or daytime. It is an acknowledgement that driving takes a while to get the hang of. That year will mean that they will become a good driver, and it will prepare them better for real-life driving.
14. **The Chairperson:** OK. I will bring others in. I am sure that they are interested in asking questions. I have a few more for you, but I will let other members come in first.
15. **Lord Morrow:** Thank you, Iain, for your presentation. Are we getting into a state of contradiction? I suspect that, come Christmas, you will run a joint campaign with the PSNI stating that, if you drink, do not drive. However, you are actually saying that you can do both now. Is there a contradiction?
16. **Mr Greenway:** Desi will describe how there is not a contradiction.
17. **Mr Desi McDonnell (Department of the Environment):** Of course the Department's view is that you should not consume any alcohol and drive. What we are discussing and what we have discussed in the past is when the law should become involved. The first point is that we want to catch people who are knowingly breaking the law. When we talk about zero, we are talking about 20 mg, so I should put that on the table. We do not want to catch people who take cough syrup, use mouthwash or have bacteria in the gut. Our feeling is that it is better to have a zero limit for the higher-risk categories and to reflect that responsibility in certain classes of driver. We believe that the important thing in addressing drink-driving is that we acquire public support. It has not been easy, but we have built up very strong public support for our drink-drive laws over a very long time — a number of years. We want to ensure that people comply with the law that we bring in. For that reason, the zero approach is focused on young drivers.
18. We have to bear in mind the impact that moving straight from 80 mg to 20 mg would have on society. That would have to be taken into consideration in any decision that the Assembly takes on where it would prefer to set the

- limit. People have to see the law that we bring in as reasonable. They have to comply with it. If people are detected drink-driving, society must accept that they have committed an offence, and a detected driver must understand that he has committed an offence. As I said, the key objectives in drink-drive terms are to retain that public support and compliance.
19. At our previous meeting, Lord Morrow, we got into some conversation about Sir Peter North's report. I think that Sir Peter felt that a general limit of 20 mg for the UK would be a step too far at this time and would risk the loss of public support for strengthening our drink-drive legislation. We have to consider whether we want the law to get involved if someone goes out for lunch and has a small glass of wine or a glass of beer. Do we want them to have committed an offence at that level? Again, that is for the politicians for decide.
20. There were 89 responses to the 2009 policy consultation. About 80% were in favour of change; 69% were in favour of a 20 mg limit for learners; 65% were in favour of a 20 mg for professionals; 49% were in favour of 50 mg for general drivers and 47% were against that. It was quite a close call. That said, not all of the 47% who were against the 50 mg limit were in favour of having the lower 20 mg for the general driver. It is a tough call. We want people to retain the belief that the law is right and that, if people are caught and convicted, they are reasonably being caught and convicted of an offence. Of course, I have to reiterate that our very strong message is that people should not drink and drive. However, as I said, this is about where we feel the law should get involved.
21. **Lord Morrow:** Thank you. Desi, I hear what you say and, to some degree, I understand where you are coming from. I am not sure that the public will be as tolerant of the explanation as you might want them to be. That will not be because they do not want to be, but because they fail to understand how it is acceptable for some to drink a certain amount and drive. I have heard what you said about that. You also said that a learner driver can consume 20 mg. Is that right?
22. **Mr D McDonnell:** A level of 20 mg is effectively zero; it is a very, very low level of alcohol. The general limit for other drivers will be 50 mg.
23. **The Chairperson:** And that would be a glass of wine?
24. **Mr D McDonnell:** I am not going to go into exactly what that would be. It will depend on the strength of the wine, your metabolism, because people metabolise alcohol at different rates, your weight, how tired you are etc. There are lots of factors, so I could not say definitively what level 50 mg is. The 20 mg limit is certainly considered to be a pragmatic zero limit, because people will produce alcohol in their gut, use mouthwash and take medicines that contain alcohol. So, 20 mg is effectively a zero limit. Younger drivers, professional drivers and learner drivers will have to stick to that zero level.
25. **Lord Morrow:** Desi, suppose I wash my teeth or use a mouthwash, for instance — surely the word “zero” can be used here somewhere. I know that you are trying to get that across, but I think the message that we are trying to send to the public is that it is never acceptable to drink and drive. I know that you are saying the same thing. However, when you are told that you can consume some, that starts to send out a message. I have heard the argument on a number of occasions that, if I use mouthwash or eat some sherry trifle —
26. **The Chairperson:** Are you fond of it?
27. **Lord Morrow:** Not particularly, but I acknowledge that there is an alcohol content there. There would be nothing like, for instance, a 20 mg content in a sherry trifle or a mouthwash. It must be more like 1 mg. It may be even less than that. I will be led by you.
28. **Mr D McDonnell:** I accept what you are saying. We are talking about very low

- levels of alcohol but, in general, across Europe and in other countries that have and talk of zero limits, they set it at 20 mg.
29. **Mr Greenway:** There is also an element of science. A policeman by the side of the road has to test to a limit of n , whatever n may be, and we have to be confident that, as we get to lower levels and as the equipment gets ever more sensitive, we are not getting false positives. Therefore, 20 mg is set sufficiently distant from the numbers that you are talking about. We have not talked, for instance, about consumption of alcohol during religious ceremonies, sources of alcohol in food and so on. Therefore, 20 mg is set sufficiently above those to allow for the tolerance of the indicators in the equipment when we get down to quite sensitive levels. However, it may be helpful if we look at Lord Morrow's favourite sherry trifle and the alcohol content in a serving of it. That may help indicate where we are.
30. **Lord Morrow:** I would not say that it is a favourite of mine. *[Laughter.]*
31. **Mr Greenway:** If we could get a few numbers on those types of consumption, it may help to provide some confidence.
32. **Mr D McDonnell:** I accept your point that we are talking about very low levels of alcohol, and 20 mg is a very low level of alcohol when it comes to testing.
33. **Lord Morrow:** Iain and Desi, it would be good if you could come back and measure it out in spoonfuls for us so that we can see how many spoonfuls gets us to what level. Chair, can I ask another question about young drivers?
34. **The Chairperson:** You will have to be quick, Lord Morrow.
35. **Lord Morrow:** Yes. I appreciate that others want to ask questions. I have a lot more questions but I will not ask them now. Young drivers must now practise for one year. That will have an knock-on effect on when they get a job and the type of job that they can get. Therefore, it will keep them out of employment for a longer period. You are the experts, but I suspect that the learner driver, at that stage, is not the biggest menace on the road. I somehow think that it is those aged 20 to 25. Maybe that is unfair, but it seems that a lot of accidents are generated by those drivers. It is not the young driver who has just passed who is causing all the accidents; it is the person who has a degree of confidence and ability but is still not, in my opinion, an experienced driver. We will hold back newly qualified drivers for longer and that will add extra cost for them to achieve what they want to achieve. It will also keep them out of employment in certain work. Do you take that point?
36. **Mr Greenway:** We absolutely take the point, and moving to 16 and a half to 17 and a half, rather than 17 to 18, is an attempt to counterbalance that factor. We have looked at some figures of what percentage of 17- and 18-year-olds have driving licences and, in both cases, it is less than 50% of that population. The majority of that population are still able to get about and do the things that they expect to do without a driving licence.
37. We accept that there are particular issues in rural areas such as public transport and other issues that we have rehearsed, but there has been an attempt to counterbalance that by reducing the provisional licence eligibility age and increasing the practical test date. We will look at whether we can further break down the information on that 17 to 24 age group. It is not about making the test harder. People often pass the test with flying colours and then become overconfident. That may happen the week after the test or two years after the test. I know when it was in my own circumstance, and members may or may not have their own reflections on that. However, we are trying to create a balance between safety on the road and the necessary mobility of society and people. We have attempted in these provisions to arrive at a certain place. The scrutiny at Committee Stage will test that further, I

- am sure, and we will look at whether we can subdivide that 17 to 24 age group.
38. **Mrs Cameron:** Thank you for your presentation. This is a very interesting Bill. I have no previous experience of the issues, as I am still fairly new to the Committee. The drink-driving element is interesting. Is the 20 mg limit a safeguard against a false positive?
39. **Mr D McDonnell:** Yes. Across Europe, it is considered to be a de facto zero limit. Very few countries have absolute zero limits.
40. **Mrs Cameron:** When the Bill has passed through the Assembly and comes into law, the real issue will be making sure that the public realise that that is zero and do not think that they have a limit.
41. **Mr D McDonnell:** My understanding is that 20 mg does not allow you to drink alcohol.
42. **Mr Greenway:** As the Bill goes through the Assembly, there will be an education element. As the regulations and the operation of the Bill come into effect, there will be clear reinforcement messages of “Forget 20 mg; it means zero”, and so on.
43. **Mr D McDonnell:** We talk about limits of 20 mg and 80 mg. It is a fair point. Do people actually know what those limits mean? All we can say is that there is no safe level of alcohol that you can drink.
44. **The Chairperson:** As you say, it varies from individual to individual.
45. **Mr D McDonnell:** It does. There will be differences in breath tests, blood tests and urine tests. You might be measured in the morning and test differently than you would in the afternoon. There is quite a lot of science to it.
46. **Mrs Cameron:** I appreciate that it is very scientific. Perhaps you could come back with some figures on sherry trifle. As the Chair says, it depends on who made the sherry trifle, how much sherry has been put in the trifle, the weight of the other ingredients, whether you have eaten before you consume the sherry trifle, how much sherry trifle you consume — you could go on forever. It would be interesting to have a demonstration to give us clarity.
47. **Mr Greenway:** We will certainly seek to do that.
48. **Mrs Cameron:** Good; thank you. On the graduated driver licensing, will there be a requirement of how many paid lessons young people will have to take within their 12-month provisional period?
49. **Ms McEvoy:** There will not be a requirement on the number of hours. There will be a syllabus to guide the training and a logbook to evidence that. It can be a mixture of paid lessons and lessons with a supervising driver who, more often than not, is a parent.
50. **Mrs Cameron:** It is reassuring to hear that they will not be forced into paid lessons, as learning to drive is an expensive business.
51. **Ms McEvoy:** The costs are very high.
52. **The Chairperson:** Sometimes, it is not that easy to get someone to take you out driving. All parents know about stressful moments when their child drives the wrong way down a road or whatever. You have done that too. *[Laughter.]*
53. **Lord Morrow:** We have all been there.
54. **Mrs Cameron:** It is important. My youngest is approaching 18 and has not started to drive yet, but I also have two older boys, and, for one of them especially, getting through the test was a very stressful time. Instructors are fairly stringent — rightly so. In my experience, they are harder on boys than on girls. We understand why that is; the evidence is there. However, we also need to be careful that the process does not become so difficult that people are discriminated against. I am talking about the difference not only between boys and girls but perhaps young people with mild learning difficulties or dyslexia. There are all sorts of variations and complications. I do not want it to become so difficult that you are actually —

55. **Mr Greenway:** We are seeking that balance throughout.
56. **Mr Milne:** There is no mention of drug tests in the Bill. Is that already covered in other legislation?
57. **Mr Greenway:** Alcohol is one drug among a range. The position on drugs is that the police can undertake impairment testing to see if somebody is impaired, from whatever source it may be. However, the Westminster Parliament has taken forward legislation to set limits for drugs. As with the 80 mg limit for alcohol, there will be a limit for amphetamines, morphine and so on. We talked about the science in alcohol testing. They are finding that combinations of drugs, and drugs that are constantly being mutated into other things, are pushing at the absolute limits of science in drug testing. For that reason, and because, in all the statistics, alcohol causation factors in deaths and serious injuries on our roads are of a bigger magnitude than other drugs, we have said, “Let us get the drink piece done and the young driver piece done”. We need to come back to the other drugs, but let the science mature a bit more. It is not one of the primary causation factors at this stage.
58. **Mr Milne:** That is fair enough. I just wanted to ask about it. Thanks for the presentation.
59. **Mr Greenway:** It is on the list of things to come back to.
60. **The Chairperson:** Do we still have a problem testing people who are driving on drugs?
61. **Mr Greenway:** For the British police, the Home Office has been looking for roadside-testing equipment for two drugs: cocaine and cannabis. It is asking manufacturers what they can do and how much it might cost. We heard figures the other day that the cost of alcohol testing is tuppence — very simply, it is the cost of replacing a nozzle — but that the cost of roadside drug testing is about €20 per unit. Police operational budgets, and so on, would be severely stretched on those sort of numbers, until the science moves on.
62. **The Chairperson:** The test used to be to ask people to walk in a straight line.
63. **Mr Greenway:** That is what is allowed for in law: “Can you walk straight with your finger in your ear?” or whatever the test may be. That is allowed for in Northern Irish law and, indeed, was just introduced into Irish law in their most recent Road Traffic Act.
64. **Mr McElduff:** This is very academic, but I want to ask about the requirement to wear helmets when driving quads on a public road. I do not have any legal training, but I presume that it will remain permissible not to wear a helmet, for example, when riding a quad on a farm. I witnessed one accident on a farm and accompanied the person to the local hospital. When we got there, there were two other young people who had had similar experiences. If you did a vox pop of the young people in the minor injuries unit — they were more than minor injuries — you would have found that they had all had experiences of accidents on quads. I welcome the legislation relating to quads, but I presume that you have no legislative jurisdiction over farms, and so on.
65. **The Chairperson:** No; those are private properties.
66. **Mr John McMullan (Department of the Environment):** The Department of the Environment has a remit to regulate only traffic on roads. You are right that we can regulate only on a public road. In bringing the Bill forward, we liaised with the Minister of Enterprise, Trade and Investment and the Minister of Agriculture and Rural Development. The Department of Enterprise, Trade and Investment (DETI) advised that there is already legislation in place that requires the wearing of suitable head protection when operating a quad for work purposes. The Agriculture Minister advised that its College of Agriculture, Food and Rural Enterprise (CAFRE) has worked with the Health and Safety Executive and developed an accredited

- training programme for the use of quads off-road. You have probably seen an increase in health and safety measures around farms. We are legislating for on-road quads, and there is other stuff in place for off-road quads.
67. **The Chairperson:** Tom, do you want to ask a question?
68. **Mr Elliott:** I have a couple of questions, but I have an oral question in the Chamber, and I do not want to miss that.
69. **The Chairperson:** You had better go. Lord Morrow, do you want to come back?
70. **Lord Morrow:** Dear knows when we will see the officials again, so I will ask them another question. I have a concern about how we get the message across that it is never acceptable to drink and drive, as Desi said. The Bill does not say that. I listened carefully to what you said, and I understand that. This glass that I am holding — I do not have a clue what size it is. I do not know whether it would hold 80 millilitres. It would be very useful for people like me if, when the officials come back, they demonstrated to us in a tangible way what the 80:20 ratio looks like in real terms.
71. The Department has to get it across in the Bill that, when you are driving, abstinence is the way forward. If you are going to drink, you do not drive. That message has to be put across, loud and clear. I know that you run a hard campaign around Christmas time — well done for that — but that message has got to be put across.
72. **The Chairperson:** Do not drink and drive.
73. **Lord Morrow:** It is never acceptable to drink and drive.
74. **Mr Greenway:** We have not talked about police checkpoints, which is one of the provisions in the Bill. At present, a police constable must have a reasonable suspicion that somebody has consumed alcohol and driven. In the proposed checkpoints, every vehicle, every second vehicle or whatever, can be stopped. People will feel that they are more likely to be stopped without demonstrating any visible signs of alcohol consumption. That is one element of the equation.
75. **Mr Boylan:** I apologise for missing the presentation. I want to bring up an issue on passenger restriction, and I know that we will go through that at Committee Stage. A lot of young people, especially from rural communities, work in the hospitality industry. How will that restriction impact on them? I have some concerns about that. What are the departmental officials' views on that?
76. **Ms McEvoy:** We are coming from a research base that states that you are at heightened risk when driving with a passenger. If a young driver carries two passengers, they are twice as likely to be killed, and, if they carry three passengers of the same age, they are four times more likely to be killed.
77. The restriction will apply for only six months. If there is a supervising driver in the passenger seat, the restriction does not apply. We have tried to get a balance between keeping people safe on the roads and not prohibiting their mobility too much.
78. **Mr Greenway:** Within our range of options, the Bill states that young drivers under the age of 24, for a period of six months, can carry one 14- to 20-year-old passenger, family members and one more before the restriction cuts in. We looked at a range of options — zero, zero except for family members, and so on — and we set a point on the spectrum, taking full account of the stark figures that Nicola has given, which allows family plus one.
79. **Mr Boylan:** I missed the presentation, but I would like a brief answer to my final question. Unfortunately, a large percentage of fatalities is on rural roads at certain times. Are there any measures in the Bill, other than the one that was just mentioned, to address that, because it seems to be a major underlying factor in a large number of fatalities?
80. **Mr Greenway:** The Bill covers graduated driver licensing, drink-driving and the

- quad bikes that Barry spoke about. I am happy to brief you on the road safety strategy. In that, there are 221 action measures, two or three of which the Bill covers. The strategy contains a wide range of material. Not too long ago, we answered a Committee query about rural roads; it may have been on the back of correspondence from a member of the public. The Department, road traffic police and other government bodies are undertaking a wide range of matters, as is the community sector through the grant scheme. Have you any other suggestions, Desi?
81. **Mr D McDonnell:** If we get the drink-drive aspects of the Bill right, they will have a disproportionately — that is the wrong word, but I cannot think of the right one — large and positive impact on rural areas because, as you probably know, 79% of all drink-drive deaths and over 50% of serious injuries happen in rural areas. If we can tackle the drink-drive issue, we will also tackle deaths and serious injuries, particularly on rural roads.
82. **Mr Boylan:** Finally —
83. **Mr Greenway:** Just to add one point, Cathal, we have not yet worked on the detail of the syllabus that we talked about in answering Mrs Cameron. We can look at how experience on rural roads needs to be built into young drivers' experience.
84. **Mr Boylan:** I suggest that, in the Minister's introduction at Second Stage, he could touch on the strategy for rural roads. It is important to outline that.
85. **The Chairperson:** It is quite confusing for a young driver. Is it correct that young drivers will be allowed only one person under the age of 21?
86. **Mr Greenway:** The age range is 14 to 20.
87. **The Chairperson:** One person can sit there, but, if there is a supervising adult in the front seat, that is OK. If it is a half-brother, brother, sister or half-sister, that is OK. How are you going to communicate all that to people so that they take it in? Who will monitor it?
88. **Ms McEvoy:** An education piece will definitely have to be done so that new drivers and parents understand the legislation. As we go through the Bill, we will look at the campaigns that need to be in place and at how we educate new drivers.
89. **The Chairperson:** Also the police.
90. **Ms McEvoy:** Yes.
91. **Mr Greenway:** We have made it more complicated. Even explaining the restriction, as you said, Chair, is a sentence with several clauses. That has all been an attempt to try to find a balance, picking up the points that Cathal and others made, around societal needs against the figures that Nicola read out. Communication will be important. Young people need to understand the legislation. Generally, most people do not set out to disobey laws. In many cases, parents will have a financial interest in the car and the insurance before we ever get to police enforcement. However, you are right: understanding it is vital.
92. **The Chairperson:** Do you think that graduated licensing and all that could reduce insurance costs for young people?
93. **Ms McEvoy:** As collisions reduce, which is what we fully intend to happen, claims will reduce. Consequently, that should mean that premiums reduce. That is what we hope for.
94. **The Chairperson:** Obviously, the Department will monitor all the statistics.
95. **Ms McEvoy:** Yes.
96. **Mr Greenway:** The Association of British Insurers (ABI) has committed to the Prime Minister and to our Minister that any savings in claims costs will be fed back into reductions in premiums. It has given a broad indication that a full range of graduated driver licensing should see a 15% to 20% reduction in premiums for the drivers in that category.

97. **The Chairperson:** That would be good for young people and their parents. Insurance is prohibitive at the moment.
98. There are no more questions.
99. **Lord Morrow:** There are plenty more.
100. **The Chairperson:** Peter, are you OK?
101. **Mr Weir:** I need to go upstairs again in two minutes.
102. **The Chairperson:** I am sure that we will have further exchanges with you as we go through the different stages.
103. **Mr Greenway:** If the Committee thinks of anything before we get to the formal Committee Stage, we will be happy to try to work up figures.
104. **The Chairperson:** Second Stage will be on 27 May. We look forward to that. Thank you very much for attending. There is quite a bit of public and media interest. The BBC rang me about it, and I said that I was very supportive. All the best.

11 September 2014

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr Alban Maginness
 Mr Ian McCrea
 Mr Barry McElduff
 Mr Ian Milne
 Lord Morrow
 Mrs Sandra Overend
 Mr Peter Weir

Witnesses:

Mr Eddie Phair *TTC 2000*
 Ms Jenny Wynn

105. **The Chairperson:** I welcome Jenny Wynn and Eddie Phair from TTC 2000. Is it right that you have come all the way from England?
106. **Mr Eddie Phair (TTC 2000):** I am local.
107. **The Chairperson:** So Jenny is from England. You are most welcome to Northern Ireland.
108. **Ms Jenny Wynn (TTC 2000):** Thank you.
109. **The Chairperson:** We have your tabled paper. Will you talk us through it for five or 10 minutes? I am sure that members will be interested to hear your presentation, maybe try out some of your samples and then ask questions.
110. **Ms Wynn:** Thank you for your invitation to present to you today. In line with TTC's mission statement, I will say that we advocate that you never drink and drive. We say that at the start of every course, and there is a big fat zero on the flip chart. We do not advocate that you drink and drive.
111. We will briefly cover the three alcohol limits of 80 milligrams (mg), 50 mg and 20 mg and what they look like in beer, spirits, fortified wines and wines, which are the four main categories of alcohol. We will touch briefly on foodstuffs with alcohol and over-the-counter medicines. We will briefly mention the zero limit and the issues with that approach.
112. The current UK-wide limit is 35 micrograms in breath, 80 mg in blood or 107 mg in urine. For the purposes of today's discussion and for speed and simplicity, we will concentrate just on blood because that is how limits are set internationally. That is where the 80 mg comes from. That equates to around five units of alcohol for an average man and three units for a female. Eddie will show you what 80 mg looks like.
113. **Mr Phair:** These glasses of red drinks represent 80 mg, but that does not include all the red drinks.
114. We have assumed that some members do not have any knowledge of alcohol, perhaps do not drink and do not have any knowledge of percentages, volumes or units. This glass represents 80 mg in beer: it is two and a half pints of weak 3.5% beer. This glass represents 80 mg in whisky. It takes three and a half whiskies to put an average male on the drink-drive limit.
115. **Mr Eastwood:** Is that a 25 ml or a 35 ml measure?
116. **Mr Phair:** It is 35 ml. In Northern Ireland —
117. **Mr Weir:** You will maybe get a bit of expert opinion from one side.
118. **The Chairperson:** This is one measure if you go to a pub.
119. **Mr Phair:** This is a 35 ml pub or restaurant measure.
120. **The Chairperson:** If you ask for a whisky.
121. **Mr Phair:** People are quite surprised that it takes three and a half whiskies for the average male to reach the drink-

- drive limit. Most people assume that it is probably two whiskies, but it is actually three.
122. These glasses represent fortified wines, which are sherry and port. An average male could drink about five of those before he reaches the drink-drive limit. This wine is 12%; most wines are 13% or 14%. This is a 175 ml glass, so about two and a half glasses of 12% wine represents the 80 mg drink-drive limit.
123. **The Chairperson:** That is for men: what about women?
124. **Mr Phair:** For a female, it takes three units to reach the drink-drive limit, so the number is reduced from five to three. Typically, for a female, it is a pint and a half, two whiskies, three ports or one and a half glasses of wine. There are three units in this 250 ml glass. The idea is to give the Committee a visual representation of the units involved.
125. **Ms Wynn:** Whatever a person's size, any food that he or she consumes does not act as a sponge but delays the absorption because the liver cannot cope with food and alcohol at the same time. It can have an effect, but it is relatively marginal. The variable for gender and size is known as the Widmark factor, and our paper has the website link in case anybody wants to look at that in more detail. One unit of alcohol produces a reading in a man of about 16 mg in blood, so 16 multiplied by five is 80 mg, which is your five units. For a woman, it is, as Eddie said, three units. One unit is the amount of alcohol in a half pint of ordinary beer or a 50 ml measure for a man. One unit is also a single whisky at 25 ml — that is smaller than the measure in Ireland — or 80 ml of 12% wine, which is a very small amount.
126. In practical terms, we have tried to concentrate on Northern Ireland. One pint of Guinness contains 2·3 units. That tells you that two pints of Guinness on the 80 mg limit would keep a man just under the drink-drive limit. One pint would keep a woman under the drink-drive limit, so it is approximately one pint for a woman and two pints for a man. A double whisky would keep a woman just under the drink-drive limit. If, however, the limit was set at 50 mg, the number of units would reduce: it would be three units for a male and two units for a woman.
127. **Mr Phair:** We have represented the 50 mg limit in these yellow drinks. It is just coloured water, in case anybody is interested. *[Laughter.]* You can see that, compared with what a male can currently drink to the drink-drive limit, there is a dramatic reduction to about a pint and a half. We are then down to three little glasses of port or sherry, two whiskies or one 250 ml glass of 12% wine.
128. **Ms Wynn:** That is for males. It is two units for females, so a female could drink two of these glasses and very little more than one normal measure of spirits because a single measure of whisky in Northern Ireland is 1·4 units.
129. If the limit were set at 20 mg — I know that that limit is being considered and is used in many places in Europe for professional and novice drivers — the number of units to get to the legal limit would be much lower. It would be 1·25 units for a man and about 0·75 units for a female.
130. **Mr Phair:** The 20 mg limit is represented by these blue drinks. Again, compared with what we currently have — two and a half pints — a male is straight down to half a pint of beer on average, one and a half 50 ml glasses of port or sherry, just over half a glass of wine and slightly over one 35 ml measure of whisky. That is a dramatic reduction.
131. **Ms Wynn:** For a female, that would reduce even further to just 0·75 units. I will touch on why it is different for males and females. Women are made up differently from men. I know that that is stating the obvious, but women have more fat in their body make-up, in their breasts and hips etc, which holds on to alcohol. Unfortunately, another of those things that is unfair in life is that women can drink less than men before hitting the drink-drive limit.

132. For those of you who might be interested, the safe or low-risk limits for health are three units for a male per day and two units for a female. Three units is one and a half pints of 3-5% ordinary strength beer. That does not cover Guinness; the limit would be just over a pint of Guinness for a male. In order for a female to stay at a low health risk, the maximum would be two units or a small pub glass of wine. I know that I am going off track a bit, but people are interested in that. It gives you a graphic example of where the limits are set.
133. There are other ways in which alcohol can get into your system, such as through foodstuffs. If you cook with alcohol and heat the food, the alcohol is cooked away, so you get the taste but do not register on a breathalyser, for instance. If you like beef stroganoff and put in lots of brandy, you have no worries as long as you cook it fully and cook out the alcohol.
134. **The Chairperson:** What about cold food? Lord Morrow is fond of sherry trifle. *[Laughter.]*
135. **Lord Morrow:** I must answer that. I asked, "What about sherry trifle?", and everyone made an assumption.
136. **Ms Wynn:** I love sherry trifle, so you would not be on your own. Christmas cake and pudding pose slightly more difficulties, because they are often made in October. I do not think that this happens in restaurants and hotels, but home cooks will prick the top and add more alcohol, which obviously will not be cooked away. That has to come with a bit of a health warning.
137. On the face of it, you could say that sherry trifle is a difficult one. However, in a commercial establishment — a restaurant or a hotel — they do not make the kind of sherry trifle you might make at home. I have given you an example using a BBC Food recipe, which uses 150 ml of sweet sherry. I want you to pretend that you are having a dinner party for six people and put in that amount of sweet sherry, which represents three units of alcohol. If the trifle is divided up equally and everybody has one sixth, they will have had half a unit of alcohol, so, even at the 20 mg limit, you would not have to worry about that.
138. **Mr Boylan:** You can eat half the trifle and drive home. *[Laughter.]*
139. **The Chairperson:** Do not eat too much of it.
140. **Ms Wynn:** To be fair, as I tried to say, that is commercial. If you felt that more sherry had been put in, you would have to be aware that you were taking it. However, I have rarely been in a commercial establishment that puts in lots of decent 20% sherry. Sherries have different alcohols by volume (ABVs). Even bottles with a Harveys label can vary and have different ABV strengths, depending on the type of Harveys you choose. The paper has a link, in case you are interested in studying sherries or the like.
141. Medicines are another issue. Many people do not realise that they can contain alcohol. Over 100 over-the-counter medicines can make you drowsy, but not all medicines contain alcohol. Some make you drowsy through other drugs, and alcohol, of course, is a drug. I have concentrated on some of the more obvious medicines that contain alcohol, because it is alcohol that could produce a false reading. I have looked at things like Benylin, which is a cough mixture, Covonia, which is for a chesty cough, and Meltus. Even non-drowsy medicines contain 9% ABV. Probably the worst one is Beechams All in One. There is no issue with the tablets, but there is with the linctus syrup. A 20 ml dose of Beechams All in One — four small 5 ml teaspoons — is one third of a unit.
142. I have highlighted those to try to address why a zero limit has never been considered. There are two reasons. With medicines, you could have one or maybe even two doses of Beechams, say, without there being a problem with a breathalyser, particularly for a male. Another key issue is naturally occurring alcohol. Many of us produce alcohol naturally in our gut. I have seen the seven-year-old daughter of an employee

- managing to register 7 mg in blood on a breathalyser, but that is still some way from 20.
143. **Mr Weir:** Was that her parents' excuse?
[Laughter.]
144. **Ms Wynn:** I have done thousands of breathalysers over the years, and, in blood, 7 mg is the highest I have seen. If the limit were set at zero, there would be a lot of false positives. Diabetics can create alcohol in the gut. There is no hard and fast "You do, you don't" rule, but it is only a very small amount. As I said, the maximum I have seen in blood is 7 mg, so setting the limit at 20 — half a pint — is still low, but it allows that margin for naturally occurring alcohol or a dose of cough mixture.
145. I have probably taken a bit longer than my allowed time. We are happy to take questions, because we teach all that on courses using bottles of whisky, wine etc so that people can relate to their drinks and work out what they have normally been drinking.
146. **The Chairperson:** Thank you very much. That is very interesting. You do the training: are people sent to you by the courts?
147. **Mr Phair:** We are the current providers for drink-driving courses in Northern Ireland. People are referred by the Magistrates' Court. Not all people are referred. In Northern Ireland, we put approximately 700 people a year through the courses.
148. **The Chairperson:** Is it compulsory for people to take a course, or is it voluntary?
149. **Ms Wynn:** They are not compulsory. The Bill has a proposal to make a referral not quite compulsory but automatic, so that a lot more people are referred on the basis that all the research and evidence show that, if people do a course, they are between two and three times less likely to reoffend. Interestingly, people on the courses say that there should be a zero limit, but what they mean is that there should be a very low limit of, for example, 20 mg. With the limit at 20, I do not think that people would risk having any alcohol at all in their bloodstream. It would not be worth the risk because it is such a small amount.
150. **The Chairperson:** How long are the courses?
151. **Mr Phair:** A course runs for two and a half days and is usually based over 14 days. Some courses run for three days in a row. It is quite a commitment, but by having a course over two and a half days, as opposed to, say, a short four-hour session, you make a connection with the people attending. I am not using the speed awareness course as an example, but maybe you do not connect with people in the classroom in a short session. Over the two and a half days, you build up a rapport and connection, and there is no doubt that everyone takes something from the course.
152. **The Chairperson:** Is there some kind of stigma? You go to a class, you have been sent by the court and —
153. **Mr Phair:** Yes.
154. **The Chairperson:** Everyone is in the same boat, I suppose.
155. **Mr Phair:** Yes. On the first day, people are embarrassed or ashamed. As you say, there is a stigma associated with being arrested for any offence, but drink-driving is worse than most. It has a great impact on family life and on social, professional and working life. It has a huge impact on some people's lives.
156. **The Chairperson:** The main thing is that it endangers them and others.
157. **Mr Phair:** Of course.
158. **Mr Weir:** I found that very useful. I have three issues. If you are directed by a court to attend a course or someone volunteers for a course, is there the potential for a reduced tariff in the length of disqualification?
159. **Mr Phair:** Yes. There is the carrot of a reduced disqualification. Typically, on a 12-month disqualification, a person would get three months off that and be

- able to apply for a provisional licence at nine months.
160. **Mr Weir:** That is very useful because a lot of us maybe do not have a 100% understanding of the issue. You talked about the physical differences between men and women and the impact of alcohol. You said that one factor — it is clearly a lesser factor — is size. Is size purely to do with the impact of the number of units, or is it to do with the speed of absorption?
161. **Ms Wynn:** It is the amount of alcohol. The levels that we talked about are cited as being for a male of 11 stone to 11.5 stone and a female of 9.5 stone. I am about a stone lighter than that so I could probably drink less, if I did drink and drive, before hitting that limit. However, it is not very much; they are marginal differences. It is not that somebody who is 25 stone could drink twice that amount.
162. **Mr Weir:** Some issues are less scientific. Alcohol will impact on two people of identical weight in different ways.
163. **Mr Phair:** Absolutely. There is a tolerance to alcohol. People build up a certain tolerance if they have been drinking for years. Take two identical people, one of whom had never drunk before: the alcohol would have less effect on the person with greater tolerance.
164. **Mr Weir:** This is my final question, and I hope that I am not taking you into territory in which you are not comfortable answering. Part of the legislation involves changes to drink-drive limits and consideration of different limits for certain categories of driver. Can you comment on what you believe to be appropriate limits — for example, for drivers of heavy goods vehicles and newly qualified drivers? Have you any advice on the categories of driver? Do you feel that it is appropriate that there is some differentiation? If so, do you feel that the legislation has that about right?
165. **Mr Phair:** It is not a new concept. France and Spain have had the higher limit of 50 mg for everyday drivers and lower limits for professional drivers for some time. The Republic of Ireland introduced such limits around two years ago, and they work to 50 mg and 20 mg. We support the two levels.
166. **Ms Wynn:** The 50 mg limit has been the standard across Europe. First, I know all the arguments that not every country enforces it etc. I am small and cannot drink very much without feeling a bit tipsy, but I think that most people would ask, “Why would you want to allow somebody to drink and drive?”. We talked earlier about road safety. In many respects, it is quite criminal to allow somebody to do that, particularly when you know that there is a graph that shows that you can have one drink and feel OK to drive but, once you have had a second drink, your confidence level goes up and your ability and skill level go down. The more you drink, the more confident you feel that you are OK. That is borne out by thousands of people on courses. Moving to a 50 mg limit brings us in line with the rest of Europe.
167. Secondly, this is a major issue. We show videos on our courses about how alcohol changes people’s skill level after one drink, followed by a double whisky etc. We have a video that shows a bus driver going through cones. You watch his ability deteriorate, and he is not even at the 80 limit.
168. Sweden is one of the best examples for road safety, and it has had the lower limits for years. It believes in them very strongly. It has Alco-Sensors fitted in vehicles. Where we sit is that, for professional drivers such as taxi and bus drivers, who have to consider not only their own life but the lives of their passengers, and with the impact of the size of some HGVs on the road —
169. **Mr Weir:** The international experience is that the 50 mg limit has worked well.
170. **Ms Wynn:** On the 20 mg limit for young people, we know that inexperience is the biggest issue for young drivers and for novice drivers, whatever their age. If you combine a lack of experience with the

- overconfidence brought on by a couple of drinks, that says that the limit should be 20 mg because people will know that they cannot drink anything. If you are a young male, that is all you could drink without breaking the 20 mg limit. If you are a female, you could have less than two thirds of that. It will just not be worth their while having a drink. I hope that the value of their driving licence would —
171. **Mr Weir:** This is a slightly separate issue, and one should not stereotype people, but novice drivers are quite likely, probably disproportionately, to have a car full of friends if they are the first in their peer group to get a car and drive. We have too many road deaths and, sadly, have seen many instances of car crashes late at night in which two or three people have lost their life.
172. **Mr Phair:** It is very sad. I have 17-year-olds coming on my courses who have just passed their test, are still on their R-plates and have been convicted. They could not go to the Magistrates' Court. They had to go to the family court because they are so young. You have to be 18 years of age to go to the Magistrates' Court.
173. **Mr Weir:** Legally, they should not be drinking.
174. **Mr Phair:** They might not have been that far over the drink-drive limit, but they are starting their driving career with a conviction and a criminal record.
175. **Mr Weir:** I commend you on the visual display of the different alcohol levels. I have to say that it surprised me. I did not realise that the limit was so high for some of them. Most people would assume that, if you drank two full pints, that would probably put you over the limit, but you say that the limit is around two and a half pints for a man. Thank you.
176. **Mr Boylan:** Thank you very much for the presentation. I suppose, for those who indulge in a pint now and again, that you have spoilt their day.
177. Your display was very effective. I am certainly supportive of that message getting out, and it needs to be displayed more often. From what you have demonstrated, the clear message is that we should be looking at 20 mg. To be honest, it is not worth even having one drink. That is the message that, as a road safety spokesperson, I would like to see getting out.
178. I have a couple of points. I am mindful that that is the message that the Committee might want to get out as part of the whole process on road safety. We are talking about two and a half pints. You talked about the likes of whisky and all, but it involves even some of the stronger beers. Let us be realistic.
179. **Mr Phair:** This is a very weak beer.
180. **Mr Boylan:** Like a pint of Carlsberg or something?
181. **Mr Phair:** If it were Carlsberg, it would be two pints. If it were Budweiser or another premium lager, such as Stella or Heineken, you are talking about one and two thirds. The higher the percentage, the less it takes to put you on the drink-drive limit. This is a 3.5% beer, so it is pretty weak.
182. **Mr Boylan:** I do not really have questions. I made observations during your presentation. It is sad that young people are directed to you. I know that it is a good programme, but, at the end of the day, it is sad that your message is not getting out. On the whole issue of drink-driving being the cause of road deaths and everything else, as you have moved through the programme and as the message has got out, that number has reduced. However, what more can we do, in the light of this today? It was a good presentation, and we as a Committee can certainly take it on board to try to —
183. **Ms Wynn:** One of the things that we were asked to do, which Eddie is doing, is with Queen's University. It is doing some work around alcohol. I am not against alcohol per se; rather, I am against mixing alcohol with driving. The universities quite often see alcohol-

- related behaviours that cause children to be excluded, and, as a last chance, they can do a course that Eddie is running. Shropshire, the area that I live in, is a very rural county. We have a lot of colleges, and virtually every college, in the past five to 10 years, has had somebody killed as a result of drink-driving. We provide courses to those colleges to give some teaching about alcohol and how quickly you reach the drink-drive limit. Students are a key group for us — lots of youngsters are in college — and it is a way for us to target and educate them, because there are so many myths around. Your colleague talked about how they egg one another on when they are in a group. For me, it is about education and how to get that education into schools and colleges.
184. **Mr Boylan:** Finally, we have seen the advertisement out recently. Some people cannot watch it, but it is very effective. I do not know whether you talked to departmental officials, but something like this demonstration should go out to the public. I know that you should not say, “Two and a half pints and you’re OK”, because that looks bad. However, if the idea is to reduce the limit to 50 mg in 100 ml, your visual demonstration, as part of an advertising campaign, might be more effective. Have you talked to anybody about that?
185. **Ms Wynn:** We have four representatives from the Department here observing.
186. **Mr Phair:** On the education aspect, something that comes out of our courses is that clients often ask, “Why is this information not included as part of the driving theory test?” They say that young drivers should receive some sort of information or education on drink-drive limits, the effects of alcohol and how long it stays in your system for. That is what we do on the course. At the end of the course, they ask, “Why is this not done in schools? Why is this not part of the theory test?” That is coming from the drivers themselves.
187. **The Chairperson:** It is a very good idea to put it into induction programmes at uni for freshers. It could be their first time away from home, living with lots of other young people. They tend to go to pubs, etc. There is a myth, too, that Peter mentioned. Bigger people seem to think that they can take more. There is always that myth, where people think, “The average unit does not apply to me because I am 18 stone”, or whatever. People think that, but I am thinking the other way: I am only seven and a half stone.
188. **Mrs Cameron:** Thank you for the presentation. It was very interesting, and I can see why you started your presentation, Jenny, by saying not to drink and drive. It is so complicated, and there are so many factors involved that you take a risk if you drink anything.
189. We have not talked about the morning after. Can you give us any examples of what kind of consumption from the night before —
190. **Ms Wynn:** Yes. That is a very good question. When I first started doing this, back in the early 1990s, the Department for Transport in England said that we must not teach about units, because that implies that it is OK to drink and drive, or teach what the limit is. However, the reality is that you are quite right. We always say, “Do not drink and drive at all”, but for lots of people, who may think, for example, “My son is absolutely responsible and does not drink and drive”, they need to know about units because of the next day. I would say that within 30 minutes the first 80% of a unit is absorbed into the system. Thereafter, you lose about one unit an hour.
191. This is the large glass in a pub. That amount of liquid would probably be served in a larger glass in a pub, but that is a 250 ml measure. With 12% wine, that is three units. That would take between three and four hours to leave the body. So, take a bottle of 12% wine that contains between eight and nine units. If you drank it between 9.00 pm and 11.00 pm, it would take about 10 hours to get that whole bottle completely out of your system. That is why an awful lot of people are caught

- the next day. Sadly, I know people who can drink two bottles of wine a night, so you are looking at 18 hours-plus to get that amount completely out of the system, or, if you want to be below the drink-drive limit and are male, you looking at between 13 hours and 14 hours to be just under the limit. On the 50 mg limit, you would be looking at 15 hours-plus to be under the limit.
192. **Mr Phair:** I think that about 19% of convicted drink-drivers are caught the following day or more than six hours after they have finished drinking. Combine that with binge drinking — I do not like the term “binge drinking”, but it is a fact — and the activities of younger drinkers. They are taking so much alcohol into their system in an evening that it could take up to a day and a half to get it out of the system. They are taking on 30 units of alcohol easily. It takes well over a day to get that out of your system, at one unit an hour.
193. **Ms Wynn:** The worst that I have ever encountered was a girl on a course one Saturday. She was talking about the number of units that she had had. She was a student. Although this was in England, her favourite drink was Guinness. We worked out that she would not be safe to drive — I talk about “safe” as meaning no alcohol in the blood — until the Thursday afternoon. That is how much drink she had had. Part of the problem with students — not just students — is topping up. They do not get the body completely clear of alcohol. The other point, of course, is that when you start drinking very young, your liver is not fully formed. Your liver is not fully grown. Lots of youngsters seem to be drinking at 14 and 15 years of age, when the liver is not mature. That is the damage that they are doing. When we talked today about the number of units needed to take to reach the drink-drive limit, we are assuming a well-functioning liver. Of course, you do not know whether your liver is functioning well unless you have enzyme blood tests. Most of us cannot see our livers.
194. **Mrs Cameron:** There are really two main issues here. There is the actual limit at the time that you are drinking, and then the morning after. We were all aware that it takes a certain length of time for alcohol to leave the body, but I do not think that most of us were aware that it took as long as you have just demonstrated to us.
195. **Ms Wynn:** Yes. There are lots of myths around such as drinking black coffee and doing loads of exercise. A load of exercise has a marginal effect on getting rid. Lots of people think that, having gone to bed, when you wake up it is a new day. Well, it is, but not to your liver. *[Laughter.]*
196. **The Chairperson:** A new day to drive to work.
197. **Ms Wynn:** That is the issue. I did a tribunal for a policeman in Leicestershire a few years ago. He had done everything right on the night. He had been out to a leaving meal for a colleague and had five pints of Stella, which is three units a pint. It takes 15 hours to get rid of it. He had gone home at 11.00 pm and gone on duty at 6.00 am the next morning. A milk float had run into his car. In an accident with a police officer, everyone is breathalysed, and he was still over the drink-drive limit, because it would have taken 15 or 16 hours to get rid of all the alcohol.
198. **Mrs Cameron:** That would have been over the 80 mg in 100 ml, yes?
199. **Ms Wynn:** Yes, 80 ml, not 50 ml.
200. **Mr I McCrea:** It may be because I am sitting close to you, but I can see the breathalyser. I just happened to google it while I was waiting to be called. It says on the website that, in France, it is compulsory to carry your breathalyser. Obviously, that is quite a good marketing thing for a company.
201. **Ms Wynn:** Very dangerous.
202. **Mr I McCrea:** It is very dangerous to carry one?
203. **Ms Wynn:** Unless you are going to use it only the next day. If any of you have been to America I am sure you will know that some restrooms in America have

- breathalysers that you can blow into. They are no good at all, on the basis that, first, we have the psychological thing of drinking up to the limit. It is not a target that you have to aspire to. That is what you should not do. Alcohol is absorbed quite slowly, with beer being the quickest to be absorbed, because there is more water in it. In Northern Ireland I could drink a double whisky and still be under the drink-drive limit, you might think, but the problem is that I would breath into the breathalyser and think, "Oh, I am under the limit, so I can have another drink", without understanding that you need to absorb the alcohol to get the proper reading. That is why, yes, we sell them, but we sell them only for the next day. They are absolutely no good on the night, because the alcohol can still be being absorbed. Although you get a correct reading, it is not actually the true reading once you have taken account of absorption. So, you would have to wait hours before using one of those.
204. **Mr I McCrea:** That is what I was coming to. Is there a prescribed time limit? Is it a couple of hours after you have had your last drink or preferably the next morning?
205. **Ms Wynn:** Preferably the next morning, depending on how much you have had to drink. If you have had loads and loads, there is no point in going to test yourself within a couple of hours, because you would still be absorbing that alcohol. Basically, if you as a male had just a couple of small glasses of wine and left it a couple of hours, you would probably be OK to test, but some people drink 10 pints of Guinness. There is no point at all in testing yourself in two hours because the alcohol will still be being absorbed.
206. **Mr Phair:** On the course we do sell these, but, first and foremost, we teach clients how to count units, then work back and find out when they are down to zero before they drive their car. This is a backup to that system. We will not stand over that system unless the breathalyser is serviced regularly by the manufacturer and sent back to be recalibrated, etc.
- Initially, clients are taught in class about counting units and working out how many drinks they have had.
207. **Mr I McCrea:** I think that the important part of it for anybody who drinks is understanding that countback time rather than counting on one of those types of devices. It is also —
208. **Mr Phair:** This is the lazy option.
209. **Mr I McCrea:** Yes, it is the lazy option, but it is important for people, regardless of whether they are a leisure drinker or someone who consumes a large amount of alcohol, to be aware of how much they can drink and still be within the legal limit to drive.
210. **Ms Wynn:** We have had those at home, because, even though our children do not drink and drive, we want to make sure that they are always OK to drive the next day.
211. **Mr Phair:** They are a useful tool.
212. **Mr I McCrea:** I do not think that this was mentioned, but a lot of young people go towards alcopop-type drinks. How many units do they contain?
213. **Mr Phair:** The strength of an alcopop usually runs at between 4.5% and 5%. At 4.5%, it is the same strength as a pint of Magners, but, because it is blue, red or various other colours, it is not seen as such. Technically, the advertising companies are not allowed to target very young drinkers. If you look at the current adverts for WKD, they do not feature very young drinkers; rather, they all involve young males in the pub having a bit of fun. They are trying to target young males and to encourage them to drink WKD. Obviously, alcopops come in bright colours, and there are flavours like bubblegum, so who else will be attracted to them? They are as strong as a standard cider.
214. **Ms Wynn:** I thought that you were going to mention shots.
215. **Mr I McCrea:** I was going to mention them.

216. **Ms Wynn:** The glasses on the table are like shot glasses.
217. **Mr Phair:** Those actually are shot glasses. I could not find my port glasses, sorry.
218. **Ms Wynn:** The scary bit is that they tip them back one after the other.
219. **Mr I McCrea:** Someone once told me that it is illegal to sell more than a certain number of shots.
220. **Mr Phair:** The trouble with shots is that they come in such a range of strengths. You are probably getting served a 35 ml measure, which I am showing you. They are lined up, and people do not know what is in them or how to calculate afterwards. Cocktails are a problem drink as well, because generally people do not know how much alcohol is in a cocktail.
221. **The Chairperson:** There is a mixture of spirits as well in them.
222. **The Chairperson:** Yes, and there is a difficulty with those types of drinks. If I go into a pub, I know that I am going to get a pint, which is 568 ml, and I know exactly how to work out how many units is in it. If I go in and drink shots, things become a bit difficult to calculate.
223. **Mr I McCrea:** Some people think that drinking water alongside their pint, glass of wine or whatever dilutes it. Is that a myth?
224. **Ms Wynn:** It is a myth. However, if you put water into whisky — I know that is terrible, because who would want to water down —
225. **Mr Boylan:** Why would you want to spoil it?
226. **Ms Wynn:** Exactly. Do you remember what I said about the body finding it easier to absorb a beer because there is more water in it, and ditto wine but less so? If you put water into whisky or something with bubbles — so Canada Dry ginger ale, or something like that — the bubbles help the alcohol to be absorbed. So, you are helping your body to absorb it quicker. If you take a double whisky, the first thing that happens is that your body shuts down and says “Wow, this is too hot to handle”. It then has to dilute it with gastric juices, such as saliva. So, adding water or a liquid with bubbles speeds up slightly the absorption and puts it nearer to having a drink of beer than a neat whisky.
227. **Mrs Cameron:** Do you have any kinds of apps for phones and other technology, or are you aware of anybody who has produced any, that would help teach us?
228. **Mr Phair:** Yes, the National Health Service has apps out, as have Drinkaware and any of the major drink-related training or information companies. You can count your units as you go along and put in the type of drink that you have. There is also a tracker so that you can keep a track of what you drink during the week, because by Thursday you may have forgotten that you had a glass of wine at lunchtime on Monday. There are quite a few apps out there.
229. **Mrs Cameron:** Would you recommend them?
230. **Mr Phair:** Drinkaware has a very good one, and the National Health Service has its own apps. They are both extremely good. Maybe the issue is understanding units, but, as Jenny said, for a female the limit is a couple of units a day only, which is 14 units a week, according to the National Health Service.
231. **Ms Wynn:** This is 175 ml, which is what pubs here sell as a small glass of wine.
232. **Lord Morrow:** It was interested to hear you say that even you had difficulty in trying to work out the different measurements. You are at the cutting edge of this, so how much more difficult is it for the ordinary drinker to do this? Do you think that we are losing the education war on “Don’t drink and drive”?
233. **Mr Phair:** There are difficulties with working out units, but, if you stick to the main types and stick to drinking in pubs and clubs, where you get measured

- drinks, it is fairly easy to keep track. The problems come with, as I mentioned, cocktails and drinking at home, where we do not pour a 35 ml measure. So, there are some issues, but, generally speaking, if we know what the measure is, we can work out what is in the drink. On the bigger question of whether we are losing the education war with young drivers, I do not think that we are. A lot of people who come on our courses do know a lot about alcohol, but there are circumstances to their night out and why they are drinking. Some people have emotional issues around alcohol. There are very many and varied reasons that people drink in the first place.
234. **Lord Morrow:** You say that a lot of the people who come on your courses know about alcohol. Are you meeting those people after?
235. **Mr Phair:** Yes, there is post-course analysis.
236. **Lord Morrow:** So, it is too late then.
237. **Ms Wynn:** The question was this: do they know about alcohol before they come on the course?
238. **Mr Phair:** They do know about alcohol, but they do not know how to calculate units, strengths and volumes. That is what the course teaches them.
239. **Lord Morrow:** That is the point that I am trying to make. They are not educated.
240. **Mr Phair:** No.
241. **Lord Morrow:** Do they even want to be educated?
242. **Mr Phair:** Yes.
243. **Lord Morrow:** I am not sure what you mean when you say yes. Do they want to be educated after they have got their fingers burnt or before?
244. **Mr Phair:** Once their fingers have been burnt, they are keen to learn.
245. **Lord Morrow:** It is too late then. Someone has potentially been killed on the road by that stage.
246. **Mr Phair:** Yes, I appreciate what you are saying.
247. **Lord Morrow:** It is too late.
248. **Mr Phair:** If you put it like that, yes, it would be too late.
249. **Ms Wynn:** Obviously, we get tens of thousands of evaluations back, and people keep saying that it should be a zero limit, or what they contend to be a zero limit. The vast majority of people will say, "I will not drink and drive again" and, "I should never have been in that position", etc. To be fair, the thing that worries me is just how high the readings are in Northern Ireland. An awful lot of people whom we see are not just over the drink-drive limit but way, way over it.
250. **Lord Morrow:** Some people say, "I don't drink and drive", and I am one of those people. I am for zero tolerance on such an issue, because I think that it is of such magnitude and seriousness that it has to be done that way. The experts tell us that you cannot do that, and you have cited some points in your paper, which is useful. We get the ad that says, "Never ever drink and drive", but, really, there is a little bit of a contradiction there, because that is not basically correct. The public image that is going out concerns me.
251. **Ms Wynn:** The contradiction is in where the law is set, which is at 80 mg in 100 ml. You say, "Don't drink and drive", but the law permits you to drink up to that limit. That is where the difficulty lies, because people know that they will be all right if they have just one or two. I think that moving to the much lower limits, particularly around 20 mg, would make drinking and driving just not worth it. You are right in as much as education is important, and marketing campaigns include a reminder that things such as over-the-counter medicine contain alcohol. These mouthwashes contain alcohol, but it goes out of your system extremely quickly — within a few seconds.
252. **Lord Morrow:** That is why the Chair misrepresented me and said that I am

- fond of certain types of food. I am not. I simply raised the point.
253. **Ms Wynn:** I brought these sprays because — Eddie is a former policeman — over the years, many people have said that, when they saw the blue light in their mirror, they grabbed their spray and did this and that gave them a false reading. It does give a false reading, but, of course, a second reading is done 20 minutes or half an hour later, and that registers the true alcohol level.
254. **Mr Boylan:** I have a quick point to make. We need to get a message out. Most people's perception is that they can go down to the bar, have one drink and that is OK. Ultimately, we have to get down to the 20 mg limit and say, "Look, we are under the pint level, so it is not worth having a drink at all". That is the message to get out. That is my perception when people say to me that they are going out for one pint. It should not be that at all.
255. **Ms Wynn:** That is the mixed message.
256. **Mrs Overend:** Most of my questions have been asked and answered at this stage, but should there be an obligation on servers in restaurants or bars to tell the customer how many units are in, for instance, a cocktail? You were talking about cocktails earlier.
257. **Mr Phair:** That is an interesting point. Putting the responsibility on to the server may be too much, but why not have it advertised on the pouring pumps or on bottles? Units are contained on most bottles nowadays. If you buy alcohol from any supermarket, it will give you the number of units per bottle. If you go looking for the information, it is there, but I appreciate what you are saying.
258. **The Chairperson:** You could put it on beer mats in pubs as well.
259. **Ms Wynn:** Yes, we have done that.
260. **Mrs Overend:** The other thing that I was thinking about is cyclists. Sorry, I am new to this Committee. How is all of this impacting on cyclists? The limits for them will obviously be the same. Are they coming to your courses as well?
261. **Ms Wynn:** Do you mean cyclists or motorcyclists?
262. **Mrs Overend:** I mean cyclists.
263. **Mr Phair:** We have a law here against riding a bicycle while under the influence of alcohol. However, you cannot be breathalysed for it, and you cannot lose your licence for it, but it is an offence to ride a bicycle under the influence of alcohol, as it is to ride a horse or to drive a horse and cart.
264. **Mrs Overend:** Did you say that cyclists cannot be breathalysed?
265. **Mr Phair:** No, the prosecution would proceed on the officer's observations at the scene.
266. **Mrs Overend:** OK.
267. **Ms Wynn:** More worrying is that people use their bicycle to go to the pub because they cannot be done for drink-driving. They then drink a lot and get into a collision.
268. **Mrs Overend:** Exactly. People complain about cyclists on pavements and things like that. That is not good.
269. **The Chairperson:** How can they be prosecuted if they are not obliged to give you a breathalyser reading? How do you determine the amount of alcohol that they have had?
270. **Mr Phair:** It is done on the police officer's observations. Currently, we have an offence of driving while unfit, where the police officer does not have to perform a roadside breath test. If the officer believes that the person is over the limit, he can proceed on the unfit charge, but at the police station, the driver will give a breath test. With a cyclist, however, it is done on the observation of the police officer. His evidence is accepted in court.
271. **The Chairperson:** That has provided a lot of interest for members. Thank you very much for coming all the way, Jenny. Thank you, Eddie.

25 September 2014

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr Alban Maginness
 Mr Ian Milne
 Lord Morrow
 Mrs Sandra Overend
 Mr Peter Weir

Witnesses:

Inspector Rosie Leech	<i>Police Service</i>
Superintendent Gerry Murray	<i>of Northern Ireland</i>

272. **The Chairperson:** I welcome Inspector Rosie Leech and Superintendent Gerry Murray. Thank you for coming. We have your paper. Please talk us through that and, afterwards, members will ask you questions.
273. **Inspector Rosie Leech (Police Service of Northern Ireland):** I have a few issues that I want to talk about. To date, there have been 58 deaths on Northern Ireland's roads this calendar year, and that is one more tragedy than we had in the whole of last year, when we had only 57. It is 58 deaths compared to 41 for the same period last year. We have seen 11 motorcyclists die compared to six in 2013. Six pedestrians were killed last year, and that has risen to 14 this year. The only road user group that we are seeing a drop in is cyclists, who have fallen back to one death this year against four last year. However, the overall trend of killed and seriously injured collisions and casualties continues to fall. We have had fewer people seriously injured and fewer slight injuries reported.
274. This road safety Bill provides an opportunity for the Assembly to bring some innovative ideas into practice in an effort to mitigate the risk posed by

and to some of our most vulnerable road users. However, it would be remiss of me not to highlight the areas where we, as the enforcement body, feel that the measures either do not go far enough or could be achieved in a different way.

275. I am aware that you all have sight of the most recent response from the PSNI, and I do not propose to repeat all the comments therein, but I want to elaborate on some issues that bear fuller discussion.
276. The proposal to deal with lower-level drink-drivers by means of a fixed-penalty notice is of concern because of the apparently unwieldy process that will have to be followed, particularly in the case of the non-compliant recipient. The additional administrative burden that this will place on police is considerable, further complicated by the fact that we will be in innovators in this regard. There is no existing model or computer software already in existence; so, on top of the already significant costs that we will face in procuring new breath-testing equipment capable of testing at the lower limits and at the roadside, we face software development costs. Our preferred option is to impose a shorter duration of disqualification with no requirement to retest at the end.
277. Omission of the statutory option from the Bill is a significant issue for police, particularly in light of the lower blood alcohol limits. It is our contention that the old safeguard required in the past has been superseded by advances in technology that should support its removal. After June next year, Northern Ireland will be the only country in the world to retain the statutory option. Practically, it will mean that the lower-end offender whom we detect as a result of our new random powers is likely to fail a preliminary breath test, but, in the time that it takes to either bring them back to a custody suite or

- get a roadside device brought to the scene, their level will be falling, and we will then find ourselves required to take blood or urine. The doctor is then summoned, which also takes time, and, ultimately, when the sample is obtained, the subject is now under the limit. The police patrol has been off the ground for one, two or even three hours, simply because the machine is not trusted to be right. If the Committee were to recommend that this issue be reviewed, I believe that it would be a relatively simple matter to reinstate this provision. We are also concerned that, if cases occur as above, public confidence in the police's ability to deal effectively with drink-drivers may be adversely affected.
278. I am aware that there has been some discussion about creating one limit at the lower level of 20 mg and that that has been mooted, however I wish to state on behalf of police that we do not favour such a move. We fear that that would distract and detract from the focus on the higher-range drink-drivers. It is important that we are seen to exercise our powers in a proportionate manner while prioritising attention to high-risk offenders, and it is equally vital for public confidence that we are not seen to be swamped by the number of drivers barely over the limit, thereby testing our capacity to enforce.
279. I move on to the issue of roadside access for police to driver licence records. The PSNI has been in discussion with the DVA about accessing its records in order that we can determine what type of driver we are dealing with and have the driving licence photo available to check identity. We need to know whether they are a vocational driver or a novice driver and whether they have any previous drink-driving offences or other fixed penalty points on their record that would dictate how we deal with them. As it stands, there is no argument that police should not have such access. It is purely technical obstacles that are proving to be a stumbling block, and it currently appears unlikely that access will be achieved before 2016. When it comes to enforcing the novice driver provisions, it will be vital that police can properly determine who is actually driving. We must also be able to ascertain passenger details but in a manner that does not damage community confidence or lead to accusations of heavy-handed or uneven-handed enforcement.
280. The PSNI is in agreement with the ethos of the passenger restriction provisions, and we feel that they have the potential to make a significant contribution to reducing death and injury among this vulnerable group of road users. We must ensure that our officers are properly equipped to exercise this power and that the members of the public involved have the means to comply with the legislative requirements. Whilst we welcome the proposed measures, we must ensure that they work in practical terms.
281. This concludes my prepared summary of the issues that the police wish to highlight. I am happy to take questions.
282. **The Chairperson:** Thank you very much for your presentation. That is very useful, rather than you saying that you support different clauses. I read through your submission last night. Can you elaborate a bit? You did not include very much in your submission about reinstating the testing.
283. **Inspector Leech:** The statutory option.
284. **The Chairperson:** Can you say a bit more on that? Obviously, the Committee can ask for amendments. Can you tell us more on that?
285. **Inspector Leech:** As it stands, as you will know, the measurement of breath that we use is 35 mg. The statutory option applies only when we are taking an evidential breath sample. It sits at 35 mg. Anybody who blows 35 mg, 36 mg, 37 mg, 38 mg or 39 mg is protected in law. It is protected in the legislation, and we will not enforce against those individuals. However, when people reach a reading of 40 mg to 49 mg, they currently have the option to elect for a blood or urine sample to be obtained. That sample goes away for analysis to verify the machine reading. In practical

- terms, in reality, we very often have to call a forensic medical officer — a doctor — to the custody suite in order to obtain that sample, because blood is generally the option that is elected. As you have, no doubt, heard from your previous submissions and some of the expert testimony that you have received, alcohol falls away in the body all the time. The body metabolises it, and the level drops all the time so that, by the time the doctor arrives to take the blood sample from a person who, at that stage, is only marginally over the limit, the person is likely to be under the limit. Significant police time has been taken up by bringing a person to the custody suite, processing them and waiting for the doctor, only for the net result to be no prosecution and the person walking away.
286. **The Chairperson:** That is because of the time gap.
287. **Inspector Leech:** Because of the time gap. If that statutory option is causing a significant impact at 35 mg, you can imagine that, if we are going to operate at limits of 22 mg and 9 mg, which are the breath equivalent to the blood, the chances are that we will never catch anybody, particularly at 9 mg. You will always be in the position of having to arrest that person, even if you have roadside testing. Even if we are operating roadside testing, doing everything efficiently in terms of time and resource and the person comes back with a reading close to 9 mg — it will not be nine, because there will probably be that little bit of additional points added in — we will have to arrest the person, bring them to the custody suite and wait for a doctor to say, “Yes they’re fit for me to take blood from them”. All the time, the alcohol level will be dropping, and we will end up with no prosecution.
288. **The Chairperson:** A waste of police time.
289. **Inspector Leech:** Yes. Two tolerances and two margins were put into law and procedure 30 years ago, when the devices were very new to the market. We have had 30-odd years of very clear evidence provided by those devices, and the operating procedures of the devices have been tested at every court in the land. We are totally reliant on them, and it seems perverse not to take their reading.
290. **The Chairperson:** So you are saying that we should do away with that statutory option.
291. **Inspector Leech:** Yes.
292. **The Chairperson:** We will need to talk to the departmental officials on that. Thank you very much for clarifying that.
293. **Mr Boylan:** Thanks, Chair. I apologise for not being in for part of the presentation. I think the Committee, in good faith, is looking at the reduction to 20 mg. You are saying to us now that it would cause more problems for you, is that correct?
294. **Inspector Leech:** You are saying that you are looking at 20 mg across the board. I think that it would cause us considerable problems. If it were brought in with statutory options still in place, my goodness, we would be —
295. **Mr Boylan:** I am seeking clarification on that and asking your opinion on this matter. You are saying that if we remove the statutory option the current limit is fine, or are you saying that we should remove the statutory limit and move the limit down to 20 mg as well?
296. **Inspector Leech:** We are absolutely in agreement with the reduction as proposed by the Department. When we talk about breath and talk about blood, it all gets very confusing. We are absolutely in agreement with the proposal to reduce the limit to 50 mg of alcohol for a typical driver and 20 mg of alcohol for a novice or vocational driver.
297. **Mr Boylan:** That is grand. Sorry, I missed the start, and I wanted clarification.
298. **Superintendent Gerry Murray (Police Service of Northern Ireland):** The two levels will include one for a specified driver, and the categories for a specified driver will be novice drivers, learner drivers and those in authority such as taxi drivers, bus drivers and hire coach drivers.

299. **Mr Boylan:** That is grand. That is fine. Thank you very much for the clarification. There was great debate in the Chamber when we talked about quad bikes and helmets. My view is that you get no second chances. If you are on a quad and you unfortunately have an accident and get a bang or a crack on the head, in most cases, there are no second chances. I take it that your opinion is that you support the idea. I know that some cases were made that they are in one field and go across the road into another field, but, from reading your briefing paper, I know that you certainly are in support.
300. **Inspector Leech:** Yes, and, subsequent to that briefing paper, I do not know whether anyone saw the story about a young lady called Rebekah Glass from County Tyrone. She was on the news recently, having suffered a head injury when the quad that she was on cartwheeled. I did not see the news footage, and I am not sure that it did justice to the disability that she has been left with. It really is tragic and all for want of a helmet. I do not think that there is any argument about it.
301. **The Chairperson:** It saves your life and stops you from sustaining serious injuries.
302. **Inspector Leech:** It preserves your quality of life.
303. **Mr Boylan:** That is in the Bill. We are only talking about the Bill at the minute. That is grand.
304. **Mrs Cameron:** That was another very interesting presentation. On the matter of restrictions on novice or professional drivers, I am thinking of a taxi driver who operates from his own vehicle. On an occasion where he is not working, how does he prove that he is not working? What level would the restriction be at? Have you any thoughts on how that might work or not work?
305. **Inspector Leech:** You are right to say that the taxi driver could be operating from his own vehicle, and, let us be honest, there are taxi drivers out there who are not compliant and who do not put their roof sign up, etc. So, it will be a question then of trying to ascertain whether they previously had a fare and where they have come from. It will be about observations and so on, but, hopefully, in conjunction with the taxis legislation that is inching its way forward, we will be able to cut down the numbers of illegal taxiing. I think that whether people are working at the time will then be apparent.
306. **Mrs Cameron:** You will be quite reliant on the taxi legislation going through to clarify some of those points.
307. On the maintenance of a logbook, your submission was very helpful. You talk about that being a sensible suggestion. Again, how effective will that be? There will be a lot of grey areas. It appears to be quite an easy thing to forge. I am not saying that parents would be irresponsible, but I am sure that some parents would happily fill it in and sign it off or whatever. How would that work out as well? How could you have confidence in the logbook if it can be easily filled out?
308. **Inspector Leech:** I go and talk to approved driving instructors at their forum, and they are very much for a lot of those measures. I think that they would probably be happy to play a part in this, in that they would ask to see the notebook at each lesson. I appreciate that there will be young people who are not having continuous lessons going forward. There is an expectation that 90% or more of our population are law-abiding and want to comply with what is required of them. We need to focus on that small number and encourage them to complete it properly. It is probably more for the Department and its testing authorities to gauge whether the book is being properly completed.
309. **Superintendent Murray:** The logbook would be for a short duration of 24 months. It is not as if it would be continuous. So, to go to that extent of fraud for only a short period, whatever the expense may be, may deter people. As the inspector said, the majority of people on the roads are law-abiding.

310. **Mrs Cameron:** Finally, on the issue of photographic ID and how you prove age ranges, 14-year-olds, for example, will not carry ID. I do not even know whether any such thing exists for that age group. Also, you mentioned ascertaining step relationships when surnames are different. It seems that quite a bit of detective work will be required to enforce this legislation.
311. **Inspector Leech:** We have some concerns, but I do not want to be overly negative about that. We see the carloads of young people, and, unfortunately, when they are together, they just cannot turn the volume down. Everything is full-on, and an inexperienced driver will be distracted by the chatter and the music in the car, and all that is a very toxic mix. Over the years, we have had just too many collisions occurring with full carloads of kids. I think that the principles and the ethos behind it are very sound, but we will have to work through some operational difficulties. We and the Department have had discussions about that. We bring our views very much to the fore with it, and we let it know about the practical difficulties that may be encountered, but it is determined to try to find a way round that.
312. **Mrs Cameron:** So, overall, you are, by the sounds of it, very much in favour of passenger restrictions.
313. **Inspector Leech:** Yes. It is only for a short period of six months. It is to allow young drivers to gain some experience driving on their own when they do not have a supervising person beside them. We know from statistical research and studies that, very quickly, their skill level rises to that of the general population and that they cease to be a high-risk driver. Within less than 24 months of passing their test, they are level with the rest of the driving population.
314. **Superintendent Murray:** If you look at the statistics for 2008-2012, you see that, although 10% of our driving population are young persons, 43% of people killed in that period were between the ages of 17 and 24. If you look at the Swedish model, you see that, once they get past the two years, their expertise in driving increases, as the inspector said, and they become the norm. The main factor that we are worried about is that two-year period from the time that they get a licence. There will be issues and problems. It will not be plain sailing. We will be able to work through them with the Department.
315. **The Chairperson:** The law will help to change public attitudes. I think that, sometimes, young people are under pressure to take a lot of friends. They say, "Oh, you have the driving licence. Now, you have a car. You have got to take us to Donegal". Parents can then say, "No. Only one friend is allowed to go with you". It is about changing that attitude and reducing it. Gradually, people know that you are not allowed to do it, so they do not do it.
316. **Superintendent Murray:** The other pressure, as soon as you have got your provisional licence, is to get your test. From the minute you get your provisional driving licence, it will be 12 months before you are even tested. So, the enthusiasm will be — can I say — controlled. Although you will get the provisional driving licence earlier, at sixteen and a half, the minimum age you will be before you actually sit your test will be seventeen and a half.
317. **The Chairperson:** Ultimately, you are testing the skills. You are not depending totally on the logbook to say whether they are allowed to sit the test. It is about how they drive on the day, what skills they have and what experience they demonstrate during the test.
318. **Superintendent Murray:** Correct.
319. **The Chairperson:** I suppose that that is one way of looking at it. You would have quite a difficulty trying to check whether every logbook was genuinely filled in.
320. **Mrs Overend:** Thank you very much. It has been very interesting. I keep saying this, but I am new to the Committee, so I am just getting my head round all of these things. Pam mentioned what I was concerned about. As someone from

- a rural constituency, I passed my test five weeks after I was 17 years old, and I was very proud of that. Those are the sorts of things. In the rural community, young people really need their car to get around, especially the young farmers' clubs. They might have a very active social life, but a lot of it is very serious stuff as well. They have public speaking and group debating competitions. Young farmers might get a bad name, but they are not —
321. **Inspector Leech:** I was a young farmer. I understand. *[Laughter.]*
322. **Mrs Overend:** You are on my side then.
323. **Inspector Leech:** I am.
324. **Mrs Overend:** Thank you for that. *[Interruption.]*
325. **Mr Boylan:** I want in on that point, but continue.
326. **Mrs Overend:** OK. We want to help our young people but we do not want to restrict them. I was just wondering whether you have other suggestions. I appreciate how difficult it is to enforce the number of passengers, the ID, etc. Have you other ideas?
327. **Inspector Leech:** There have been lots of other ideas. Over the years, we have done all sorts of landscape reviews and looked at some of the measures that had been taken in other parts of the world. For one reason or another, those have all been ruled out. Night-time curfews were not seen to be acceptable. There have been other suggestions over the years. We have tried to come up with something that is not unduly or prohibitively expensive to deliver, be it further training after they pass their test, and so on, and, to date, none of those suggestions have been acceptable. So, I think we need to come back to the fact that, by far, the majority of collisions when someone is killed or seriously injured (KSI) occur on rural roads. Whilst it is not that young farmers peak the fatality numbers, certainly young people in rural communities do. There is that reliance on cars, which I absolutely understand. Everybody is very impatient at that time of their life. They want to get their test and get on the road. As the superintendent said, it is about trying, if they are learning over a longer period and building up the skills, to moderate that excitement of getting the test a wee bit. It might all help.
328. All that having been said, we are seeing that young people's involvement in fatal crashes is coming down, which may be something to do with the testing regime, wearing their seat belts more or cars are safer. I have the figures, but you do not want to be bored with all of this. Last year, 216 injuries resulted from collisions involving drivers under 25. That is down from a baseline figure of 428 in the mid-2000s. So it is coming down, but it is beholden on us to look for ways of improving that.
329. **The Chairperson:** With rural driving there are also all sorts of other risk factors: narrower roads, more bends and poor lighting on top of inexperience.
330. **Mrs Overend:** As a rural driver, I would say the opposite. There are so many different risks when you are coming into the city. I know people who will not drive in Belfast.
331. **The Chairperson:** From a rural area?
332. **Mrs Overend:** Yes.
333. **Superintendent Murray:** Over the two years, it is about training and education. It is about keeping them focused on the highway code; learning about having control of the vehicle; and learning the braking distances, so that they repeatedly return to the Highway Code. Whereas, in my day, you did the Highway Code until you were asked the three questions on your test, and after that you never looked at it again.
334. **Mrs Overend:** There are a lot of people coming down the motorway in the morning who could learn about braking distances. Anyway, that is another matter.
335. **The Chairperson:** It would help to reduce insurance costs for young people. The rate of insurance for people under 25 is just so prohibitive.

336. **Inspector Leech:** It may end up that some of the measures that I have mentioned, such as night-time curfews and so on, may be financially — young people may be driven to self-impose those curfews, because insurance companies are offering discounts to young people if they do not drive at night-time. They have identified risks. The black box technology has been adopted by quite a number of young people, and they are getting significant discounts on their insurance, all of which works to our benefit.
337. **The Chairperson:** They have to drive at night some time. You cannot ban them forever.
338. **Inspector Leech:** No. Again, it would be only six months.
339. **Lord Morrow:** Thank you, Inspector. Fifty-eight road deaths: obviously this figure is going in the wrong direction. About 10 or 14 days ago, I listened to a senior police officer comment following another fatality, and I think that he cited four reasons for that: driving under the influence, not wearing seat belts, speeding and driving without due care. I hope that I am not misquoting him, but I think that was what he cited. Of the 58 road deaths this year, which is one more than —
340. **Inspector Leech:** The whole of last year.
341. **Lord Morrow:** — the whole of last year. How many of those road deaths were alcohol-related?
342. **Inspector Leech:** I am sorry, but I am not yet in a position to answer that because all of those are either under criminal investigation or for the coroner.
343. **Lord Morrow:** What about last year, then? Did you say that there 41 in total last year?
344. **Superintendent Murray:** It was 57 last year.
345. **Inspector Leech:** I have it here somewhere. Last year, 14 people were killed where at least one person involved was over the blood:alcohol legal limit — 14 out of a total of 57.
346. **Lord Morrow:** I noticed that you were specific in using the words “legal limit”.
347. **Inspector Leech:** Yes.
348. **Lord Morrow:** How many — maybe it is an unfair question, but —
349. **Inspector Leech:** It is an unfair question, because I cannot — *[Laughter.]*
350. **Lord Morrow:** I think that you have anticipated what is coming, have you not?
351. **Inspector Leech:** I cannot tell. I mean —
352. **Lord Morrow:** I think then that it tells us something again. First, we are still losing this battle of “Don’t drink and drive”. At least, I think that anyway. Somehow we do not seem to be able to get that message over. Now, can you tell us anything in relation to age groups? We have been concentrating considerably on a certain age group. Can you tell us anything there?
353. **Inspector Leech:** First, to say that we are losing the battle is not necessarily representative of the facts. Of all of the preliminary breath tests that we conduct, which vary between 35,000 and 45,000 a year, approximately 8% result in a failed test — ie, someone being over the limit. So 92% of drivers are heeding the “Don’t drink and drive” message. By far and away the vast majority of people who are breathalysed blow zero. There are then a few percentage points representing people who have some alcohol present but not enough to be over the limit. For example, last year, 25,000 people blew zero, 430 failed to provide and another 1,350 passed the test. A further 182 were borderline but below the limit, and we warned them. We advise those people not to continue driving, because they do not know whether their alcohol level is on the way down or is still rising. There were 2,941 people who failed the preliminary breath test.
354. **Lord Morrow:** You do a blitz around Christmas time. Do you breathalyse all drivers who are stopped?
355. **Inspector Leech:** No, we do not breathalyse all drivers, because we

- do not have those random powers as yet. We have to either suspect alcohol, we have to have witnessed a moving traffic offence or they have to have been involved in an RTC.
356. **Lord Morrow:** I have never been breathalysed in my life.
357. **Inspector Leech:** Because we would have no reason to suspect you. You see how well we apply our powers.
358. **Lord Morrow:** I must say, you show great discretion.
359. I think that driving instructors have mooted the idea of reducing the age for driving to 16 and a half. How do you feel about that?
360. **Inspector Leech:** That refers to starting to learn to drive. I do not see any significant disadvantage to learning at 16 and a half as opposed to 17. In the United States, there are quite a number of states where they can start at 16, and I think that maybe there are a few states even lower than that.
361. **The Chairperson:** Australia, too. I think it is 16.
362. **Inspector Leech:** There is no significant risk factor between a 16-year-old and a 17-year-old.
363. **Lord Morrow:** How many learner drivers and restricted drivers were involved in any of the four issues that the inspector talked about? I was surprised to hear that people do not wear seat belts.
364. **Superintendent Murray:** It is starting to creep up again.
365. **Inspector Leech:** One of the reasons why the DOE did its advert was because of the police observation that, although the survey shows that there was a 96% compliance rate on seat belt wearing, that is done during the daytime in urban areas. It does not take account of night-time driving in country areas, where you maybe have more passengers than you have seat belts, never mind the fact that the kids in the back — or adults in the back — do not want to wear their seat belts. This year, we have seen fatal road traffic crashes where the car occupants have been expelled from the car, and that is a clear indicator that they had not been wearing their seat belt. They would probably have survived if they had. It does not cause the collision, but, when it goes wrong, there is no protection.
366. **The Chairperson:** I have seen that there is now on television a repeat of quite a few of the adverts on the consequences of not wearing seat belts. I find it difficult —
367. **Lord Morrow:** I wanted to ask about the 35-to-39 and 40-to-49 figures, but I will refrain because time has gone.
368. **Mrs Cameron:** Another couple of things. I meant to ask you about drink-driving. I believe that most drink-driver offenders are caught the morning after.
369. **Inspector Leech:** No, absolutely not, not by a long stretch.
370. **Mrs Cameron:** I am trying to remember where we got that from. I think that we got that from the people who did the course.
371. **Inspector Leech:** They really could not have said that most people were caught the morning after; that is patently not true. It might be the wee small hours; it might be 5.00 am or 6.00 am.
372. **The Chairperson:** They said that it was possible.
373. **Inspector Leech:** It is possible, and we have detected people the morning after, but I do not want to overplay or overstate it.
374. **Mrs Cameron:** It would be good to look back on that evidence session, because I got the impression that they were saying that the majority of the people who come to them were caught the morning after.
375. **The Chairperson:** No, I do not think that they said “majority”; I think they said “some”. It is the time taken to reduce your blood level. If you drink until 4-00 am and then go out to work at 7-00 am

376. **Mrs Overend:** Sorry, may I intervene? Maybe it is because the level of alcohol in their blood is over the limit by a smaller amount, so they have more of an opportunity to go on the course than someone who was caught the night before, because their level is higher. Would that be the case?
377. **Inspector Leech:** No, the course is open to everybody.
378. **Mrs Cameron:** Sandra talked about driving to Belfast and the different types of driving. It is very difficult, as a young person or as an adult, to drive without feeling pressured to drive faster, because most people around you are quite aggressive in their car. They drive too closely behind you, and you feel like you are not going fast enough, even though you might be sitting at the limit. There is an awful pressure on everybody to drive faster than they should.
379. **Inspector Leech:** I think that everybody is feeling the pressure of modern life and squeezes and being asked to do more at work, and that pressure spills into behaviours. Everybody is trying to multitask. They check their Facebook while driving and do all these foolish things. It is proposed in the learning-to-drive agenda that young people will be allowed to train on dual carriageways and drive at higher speeds, and that they will not be restricted to 45 mph. I think that that is really positive and sensible. That is the giving. We may be taking away some permissions for a short time, but we are giving them other permissions.
380. **Mrs Cameron:** I suppose that it is not appropriate to ask you if we are doing enough to try to ease off on that pressure; it is probably more for the Department. If everybody slowed down a bit, it would make an awful difference on all of the roads. People would not feel the need to drive so fast if everybody was driving a bit slower.
381. **Inspector Leech:** That is what we try to do, as do the safety cameras, and that is what the education course is about.
- People seem to take that message on board.
382. **The Chairperson:** I want to come back on the question Pam asked about proving the ID of young passengers. I do not think you answered that. You said that not all 14- to 20-year-olds would have an ID with them in the car. How can you prove that the person who comes into the police station later on is the same person?
383. **Inspector Leech:** I do not want to be negative about this, because the Department and ourselves have worked at and discussed these provisions a lot. Picture the scene, however: you have a young driver with three or four people in the car with him and you ask him who he is and if he has his licence with him. He answers, "No, I don't have my licence". He does not have to carry his licence. He says, "I'm Billy, and I'm 20. I'm out of my probationary period". But he is not Billy at all; he is wee Jimmy, the younger brother, but he adopts his brother's identity. We give him a producer and say, "Produce your driving licence at your nearest police station inside seven days". So the big brother comes along, produces his driving licence and says, "I was stopped the other night." Who is to say that that is who was stopped and that the restrictions did not apply?
384. That is why access to the driver licence record at the roadside would be helpful. We have all these electronic devices that mean that we should be able to view the record and view the photograph that is supplied when they get their driving licence. We can then look at that and say, "You are not Billy, you are Jimmy. You are restricted because you are still a novice driver, because I can see here that you passed your driving test on this date", and we are able to properly ascertain that.
385. We still have some concerns about identifying passengers, but I think we will win that. That roadside access is just taking a bit longer than we would have liked. The issue of the passengers, how we identify them and how we establish their relationship to the driver

- is something that has not yet been resolved.
386. **The Chairperson:** So it will be 2016 before you can get that roadside access.
387. **Inspector Leech:** It appears so. The DVA is creating a new computer system that will allow that access to be more readily delivered.
388. **The Chairperson:** It can be so difficult to tell the age of young people, whether they are 17 or 21.
389. **Inspector Leech:** Correct.
390. **The Chairperson:** When girls have make-up on, they can look as if they are 21 or 22 when they are only really 15.
391. **Inspector Leech:** Yes.
392. **The Chairperson:** OK. Thank you very much indeed.
393. **Mr Boylan:** Hold on a minute, Chair.
394. **The Chairperson:** Oh. Cathal wanted to come back. Sorry.
395. **Mr Boylan:** I thought that we were dealing with the Bill first, because this is the most important part.
396. At the meeting last week, we requested that you come along and deal with the 58 road deaths. It is very concerning. While I agree with you about having access and all the things you have said about wee Billy and everything else, I am still looking at a document that states that 16 people aged 65-plus were killed this year, 23 people aged 25 to 64 and 16 people aged 16 to 24. As road safety spokesperson for my party, I am very, very concerned that the message does not seem to be getting through.
397. In the round, we had a discussion there for 10 minutes, and members have asked very serious and important questions, but I am very, very concerned about that number, because we have spent millions of pounds over the last number of years. We were doing really well in getting the numbers down. When you are standing in a crowd of 100 mourners outside a house after a young lad of 18 years of age has been thrown out of a car, that is when you see the reality.
398. **Inspector Leech:** Absolutely.
399. **Mr Boylan:** Whilst I agree that some of the elements that we are bringing forward in this Bill will help, I am concerned that we need to look again at why we are not getting the message out. The 58 road deaths tell me that, somehow, in some way, we need to look at something different.
400. **Inspector Leech:** I do not want to decry where we are this year, because 58 is 58 too many, but, looking at the trends of people killed and seriously injured, it is moving down in a steady line. There is a steady downwards trend. The good year that we had two years ago was a blip. That was the dip. In some of those deaths, it is on a knife-edge as to whether they survive or they die. We had a good year, but we would attribute that good year to a lot of other external issues as well.
401. It is not all about the advertising, it is not all about the policing and it is not all about those things that we are doing collectively. The economic environment has a part to play. We know, anecdotally, that in some of the rural towns where young drivers would have gathered in the car parks in the centre of town and done their procession around town and sat and revved their engines and so on, that has stopped. That stopped three years ago, because they had no money to fuel their cars; they were even selling their cars. That problem melted away in some areas.
402. There is an issue with the miles travelled, in that people are travelling maybe more slowly to conserve fuel. There are also fewer commercial vehicles on the road, and all of those factors come into play when we are looking at the trends. There has been scientific and academic research done into that, indicating that that is one of the significant factors at play. Our really good results are the blip. The downward trend is there, and we are working

- collectively to try to keep pushing it down.
403. **The Chairperson:** I am sure that weather conditions play an important role.
404. **Inspector Leech:** We generally find that, when weather conditions are benign, that is when people do not take the care.
405. **Mr Boylan:** I agree with you. We certainly did do well for a while, but I am concerned about all of the things that we have talked about — drink-driving and everything else. You will get the stats at the end of the year. Unfortunately, I thought you might have had them today. I do not want to put you under pressure. Speed, due care and attention are still the major things.
406. I am looking at E district, which I am concerned about because it is in my area, where there have been 15 road deaths. We still come back to the rural issue, unfortunately. Are we still saying that it is rural roads, mostly late in the evenings or weekends? How can we bring that together? Do you know what I mean? I have to state on record, as well, the random checks and all — for other reasons, we are a bit concerned about it from a party perspective. Not the principle of stopping people for drink-driving, but for other reasons, we are slightly concerned that the conditions may not be right. I want to ask about the rural roads and the weekends issue. It is all right showing an advertisement of somebody not wearing a seatbelt or somebody using a phone, but, in all of that we are still getting —
407. **Superintendent Murray:** We are using a number of avenues to try to get to everyone in Northern Ireland, but if you look at a map of Northern Ireland and at the 58 deaths, it is a scattergun pattern. If the majority of deaths were happening in E district — your district — then we would put more proactive marked and unmarked vehicles from the roads policing unit there to identify the causes and the specific drivers we are looking for, but we have limited resources to use in a maximum time period to get into areas.
408. E district is climbing and we are putting resources to it, but, at the same time, when we look towards Derry, we see that there is a climb starting there. Behind us, as the arrowhead from roads policing branch, are districts. More and more districts are being trained on the laser and with regard to looking for the areas where there would have been roads policing units for the speed. We are putting layer upon layer there. Even cross-border, we are now having meetings with our colleagues across the border and have introduced three cross-border operations specifically related to seat belts, speed, detection of alcohol and inattentiveness through the mobile phone.
409. We are addressing it. Fifty-eight deaths are too many deaths. We just have to hope that the message will get through to those who are the hard core, small numbers as they are. The majority of motorists on the road are law-abiding. It is about picking those who are not and dealing with them through prosecution.
410. **Mr Boylan:** Maybe, as part of this discussion, the message will get out. This is the first time in a long time that we have had an opportunity to talk to you in relation to it. I think that, unfortunately, we have to use the stick approach.
411. **Superintendent Murray:** Absolutely.
412. **Mr Boylan:** There is no carrot in it. Unfortunately, it is not working.
413. **Inspector Leech:** That is why ACC Martin, who I think Lord Morrow referred to, has said very publicly that the gloves are off and we are going to enforce. That is what you should expect when you are stopped. Do not expect to be given a discretionary disposal or advice and warning; it will be enforced.
414. **The Chairperson:** Thank you very much indeed, inspector and superintendent.

9 October 2014

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr Alban Maginness
 Mr Ian McCrea
 Mr Barry McElduff
 Mr Ian Milne
 Mrs Sandra Overend
 Mr Peter Weir

Witnesses:

Mr Barclay Bell	<i>Ulster Farmers'</i>
Mr David McConaghy	<i>Union</i>
Mr Bailie Thompson	
Mr Michael Reid	<i>Young Farmers'</i>
	<i>Clubs of Ulster</i>

415. **The Chairperson (Ms Lo):** I welcome Barclay Bell, the deputy president of the Ulster Farmers' Union (UFU); Bailie Thompson, legislation chairman, Ulster Farmers' Union; David McConaghy, legislation policy officer, Ulster Farmers' Union; and Michael Reid, chief executive of the Young Farmers' Clubs of Ulster. Members have the submission from the Ulster Farmers' Union. I invite the representatives to give us a briefing, and members will ask questions afterwards.

416. **Mr Barclay Bell (Ulster Farmers' Union):** Thank you very much, Madam Chairman. When we first came in this morning, it was quite amusing to hear you discuss hedges. In the agricultural world at the minute, nobody seems to be able to decide what a hedge is, so you are not on your own in discussing hedges; you can rest assured that the discussion of hedges is ongoing throughout Europe at the minute.

417. Thank you for affording us this opportunity to express our concerns around some of the amendments to the Road Traffic (Amendment) Bill.

418. **The Chairperson (Ms Lo):** Sorry, I just want to remind everyone that the session is being recorded by Hansard.

419. **Mr B Bell:** Certainly, from our point of view, we have concerns around how some of the proposals would affect rural communities, and we have looked at it from that aspect. I will hand over to our policy officer, David McConaghy, at this stage, who will lead us off on that.

420. **Mr David McConaghy (Ulster Farmers' Union):** Thank you, Madam Chairman. The Ulster Farmers' Union and the Young Farmers' Clubs of Ulster have concerns about Part 3 of the Road Traffic (Amendment) Bill. We have no real comment to make on the earlier provisions that deal with drink-driving and things like that.

421. First, the reduction in the age at which a person can begin to learn to drive from 17 to 16 and a half is welcomed by the Ulster Farmers' Union. We have long encouraged that young people should learn to respect machinery and to know how to be safe around it from as early an age as possible. On farms, young people grow up in and around machinery, and machinery is inherently dangerous. We encourage children and young people to learn about the dangers that those machines pose and to learn how to use them safely. We welcome the reduction from 17 to 16 and a half, as cars are obviously rather dangerous as well. As well as that, many rural young people are relatively experienced drivers by the age of 16 and a half from engaging in agricultural activities on the roads. We think that it is good that we would not have to keep them waiting any longer.

422. The requirement that a person must have held a provisional licence for at least 12 months before being permitted to take their driving test seems to us to be a bit excessive. The UFU believes that the best way to learn to drive is by

- driving, given that people must learn to feel comfortable and confident on the road as well as learning to take the responsibility for their own vehicle. We do not see the point of extending the period of learning where it is not necessary or appropriate. A person may be fully capable of driving safely after only a few months of learning and that requirement would deprive them of real road experience as opposed to the rather artificial experience you get in a driving lesson. We would like to see provision made for a bit more discretion on drivers' ability.
423. We would welcome regulations being made by the Department under the proposed paragraph 4A in clause 17, whereby exemptions could be made to what I was talking about a second ago. We would welcome a return of the professional discretion of accredited driving instructors who are able to decide when a learner is capable of driving on their own. Rather than the person having to complete the 12-month course, the instructor should be able to refer them to the test when he or she feels it appropriate. We suggest that driving instructors be given the power to make those referrals prior to the end of the 12-month period. What we had in mind was an initial pseudo test where the ability of the learner is tested and then the instructor can decide which points need to be assessed. That could be recorded in the logbook, which we will come to later. We do not see the point in young people who do not have an awful lot of money having to pay through the nose for more and more driving lessons. I know that it nearly broke the bank for me. Learning to drive is expensive and making it mandatory for 12 months is going to run into quite a lot of money for young people.
424. As an alternative to the idea we mentioned above, we would welcome regulations being made by the Department under the new paragraph 5A proposed in clause 18, which would allow for exemptions to be made for the logbook, which must be kept and presented at the test. For example, in order to drive a tractor or agricultural vehicle on a farm between the ages of 13 and 18, one must complete a tractor driving course. If the award certificate from that course could be presented, we believe that it would cover part of what should be included in the logbook. As well as that, we believe that taking part in agricultural activity should count towards one's logbook. A suggestion may be that those young drivers record the work they have undertaken and have it signed by the employer they have been working for during that period to verify that they do indeed have that experience.
425. We welcome the omission of the 45 mph speed limit for young drivers. The requirement was completely out of date and counterproductive as it meant that young people were not learning how to drive safely at speeds. That presented a clear danger as they were completely unprepared when they had to drive at 70 mph on the motorway. Then we wondered why young people were not capable of driving at speeds. It is a complete paradox, and we very much welcome its omission through the amendment.
426. The restrictions on newly qualified drivers in the new driver period give us a great deal of concern. That is really where our main focus lies. We feel that the proposal would have a disproportionate effect on rural areas compared with urban areas. As I understand the proposal, a newly qualified driver must display a distinguishing mark for two years after gaining their licence and newly qualified drivers under the age of 24 must be accompanied by a relevant accompanying person when they are carrying more than one passenger aged between 14 and 21. That relevant accompanying person must be aged over 21 and must have held a full driving licence for at least three years. There are exemptions for those who have people in their care, for spouses and civil partners, siblings and half siblings and for children of the family, as well as for emergency purposes. That latter

- requirement exists for six months after qualification as a driver. We have not really seen any good justification for the imposition of those regulations. When I look at legislation, I always want to see justification for anything that will restrict anybody's freedom. We have not seen any real justification for this that we believe would make it necessary at all times.
427. As well as that, there are a few points that we would like to make. The relationships that are part of the exemption seem to us to be very restrictive. I really do not think that very many 17- to 24-year-olds would have a spouse or civil partner. That just seems rather arbitrary. I highly doubt that many of them have that. Would it not be better to put it in some way so that it would be their boyfriend or girlfriend, who they are far more likely to have in the car with them than a spouse or civil partner, given that most of them will not be married at that age?
428. There is also the fact that many people at the age of around 23 or 24 are already fairly well established in their work or profession. Due to the lack of a viable public transport system in rural areas, which is another area that we have been lobbying on consistently, it is common for young people who work together to car share, a system that is beneficial to everyone and is more eco-friendly than each of them driving individually. That is also very much the case for students. Due to the size of Northern Ireland, a significant number of students are able to live at home and drive to university, school or college. Again, those living in close proximity or along a shared route will choose to car share. Those journeys are often very enjoyable for young people and lead to lasting friendships — friendships that could last for the rest of these young people's lives. As well as that, as an example, the Queen's University area in Belfast is an absolute nightmare to park in during term time. If every student was coming under their own steam — this is the age when quite a lot of them will be passing their test, around the age of 18 — trying to get parked around the Queen's area during the six months at the beginning of term would be an absolute nightmare.
429. **The Chairperson (Ms Lo):** You can tell me that. *[Laughter.]* My constituency is South Belfast.
430. **Mr McConaghy:** Quite a lot of our young members drive to Queen's University. Having each student who lives in a rural area drive on their own would increase the number of cars in that area rather substantially. That is just one example.
431. As well as the above, the fact that more and more young people would have to drive alone on the roads would make roads even more dangerous. It is surely the case that a young, inexperienced driver would be more likely to make a mistake. That proposal eliminates the chance that a friend or someone else in the car would be there to be able to call out a warning or something like that which could prevent a collision or save lives.
432. We do not necessarily accept the generalisation that groups of young people together in cars are always more likely to be reckless and speed. We think that for every group of people who would do that, there would be another group who would be happier to be more responsible and careful in their driving because they know that they are responsible for their friends' lives. We think that encouraging that and raising public awareness that people who are in your car are your responsibility when you are driving would be a better way of doing it. If you can change people's minds rather than legislating, it is often a better approach in our opinion.
433. As well as that, we think that the idea of a person's being over the age of 21 being appropriate to cover seems very arbitrary. Where did they get the age of 21 from? It seems just to have been picked out of thin air. We are not entirely sure as to why that is there. It seems rather ad hoc and quite arbitrary in our opinion.
434. Moving on, the defence of due diligence seems to us to be quite an empty

- defence. It is one of those legal terms out of which lawyers make their money. It is surely unrealistic for a young person to perform ID checks on people whom they bring into their car. If it is someone whom they do not know all that well, will they stand at the car door like a bouncer and ask for identification? If the defence is to exist, it could be reworded in a better way, we believe.
435. The final point is that it is almost impossible to see how those measures could ever be enforced. As we have heard, police budgets are being stretched to the limit. Do we seriously expect police officers to expend time and effort, not to mention taxpayers' money, to check the names and ages of young people travelling together in cars? We believe that that could lead to unnecessary hassle for young people driving together lawfully, as a police officer may pull them in on a suspicion that one of them may be a year or even a few days older than they actually are. Is a person 24 or 25 years old? How do you tell? What are the grounds for reasonable suspicion here for a police officer to pull somebody in? How will they know which people they should pull in and which people they should not?
436. As well as that, the requirement that the identification has to be taken to the police station, if it is not there currently, would put a great burden on young people who may be doing nothing wrong, but yet would have to go through the process of bringing this identification to the police station later in the week. We think that trying to enforce this could lead to a complete waste of police time and resources and an unnecessary imposition on law-abiding young people.
437. To conclude, we believe that the proposals could have a disproportionate effect on those living in rural areas, as young people often simply do not have a realistic alternative to private transport, which is itself regrettable. As we have already said, we have lobbied hard for a sustainable and effective public transport system in rural areas. UFU is adamant that young people living in rural areas should not be disadvantaged with regard to education, employment and leisure opportunities either directly or indirectly because of where they live. In urban areas, young people may be able to walk or take public transport or a taxi to their destination at no substantially greater cost in either time or finance. This is not the case in rural areas. For our young people, not learning to drive is not an option. If you do not learn to drive, you will not be able to access the amenities and services around you in rural areas. That is just a fact of life. DARD is already doing quite a lot of work on tackling rural isolation. We believe that some of the proposals in the Bill will not necessarily do anything to help to tackle rural isolation.
438. I will hand over to Mr Michael Reid, the chief executive of the Young Farmers' Clubs of Ulster, who has joined us for this briefing.
439. **Mr Michael Reid (Young Farmers' Clubs of Ulster):** Madam Chair and members, thank you for the opportunity. I will be quite brief because we follow very much the line of the union on this.
440. I would like to raise three issues. I sit on the road safety forum with Minister Durkan currently; prior to that, it was with Mr Attwood. These issues were driven very much on that forum by the British insurance industry and the driving instructors' organisations. At two very clear meetings, members of the GAA and ourselves, who represent the young people, both spoke out quite vocally against the proposals. Our arguments were very much along the lines that they were backed up by the consultation on measures 8 and 9. On measure 8, 70% of people said no to night-time driving, and it was dropped; 59% said no to passenger restrictions, yet that is being kept in.
441. These changes will have a huge impact on all youth organisations, whether they are sporting, artistic or about personal development, like ourselves. Young people will no longer be able to travel to sports events and meetings. Undoubtedly, it will impact on things like education and study. DARD has recently

- introduced a level 2 qualification requirement for young people to take up CAP funding. Those courses will largely be in the evening. People will not be able to travel to the College of Agriculture, Food and Rural Enterprise (CAFRE) and further education college campuses to undertake those courses.
442. As part of the joined-up thinking of government, OFMDFM's strategy for children and young people is very clear on things like education, training and health. It does not seem to be part of the joined-up thinking to effectively ban young people from travelling together. It is not realistic to expect people to travel 10, 15 or 20 miles to pick up other people and to gather up an over-21-year-old to make the car legal to travel.
443. Things like rural suicide and isolation are obviously key to us as an organisation. We work very much with other organisations in the youth sector on those issues. The impacts of good health, good education and sport have reduced rural suicide dramatically over the past number of years. It is still a huge issue, but we have had an impact on that. Finally, from a statistical point of view, the 2008-2020 target for reduction in young fatalities on the road was 55%. Five years into that process, we sit at 52%. While we are not blasé, there has been a huge impact made already through good communication and good education. As an organisation, we do not see where this Bill sits alongside what has been a relatively successful period with regard to fatalities and serious injuries amongst young people.
444. **The Chairperson (Ms Lo):** Thank you very much, gentlemen. That was certainly a very comprehensive presentation.
445. David, you put forward quite an innovative concept or idea of an initial driving test. Can I explore that a bit with you? Do you mean a young person going to a driving instructor and doing that? Is that carried out by the driving instructor? How do you try to incorporate consistency, then, amongst all the different driving instructors in carrying out the test?
446. **Mr McConaghy:** My thinking on this was that there would be a set number of issues that young people would have to show they were capable of dealing with before they would ever get their driving licence — for example, manoeuvring, safety, observation and the maintenance of the car, as well, should all be headings. Driving instructors should be sufficiently trained and competent to be able to tell whether or not a person knows how to operate a car correctly in each of these ways. What I had in mind was that a person could go along to this quite brief test. You would not get your driving licence if you passed, essentially, but it would just be an idea for the instructor, say, to give a standardised mark out of 10 across all young people as to their ability. That would be a basis going forward for future training. However, I appreciate and fully agree with your point that there would need to be consistency in how this initial test or assessment would be carried out. We believe that, with the introduction of the logbook as being required already, this could be covered under whatever is brought in for that. It would be an extension of that, which could cut down on unnecessary training and expense for young people.
447. **The Chairperson (Ms Lo):** OK. I am sure that others would like to ask questions. I have a number of questions, but I will pass around.
448. **Mr Boylan:** Thank you very much for your presentation — one of the better presentations, I have to say. To be fair, you have given us a lot of food for thought. If it had been in the debating Chamber, it would have added more to it.
449. Just a couple of points. You are correct in what you say: it is actually about ability. Let us be realistic. Young farmers and rural people especially are driving differently, and they have more experience from an early age. One may take 10 driving lessons. I do not want to make a rural/urban divide on this matter, because I am more concerned

- about the safety element and cutting down the accidents. Clearly, every year the statistics show that 70% of the fatalities are on rural roads. That is not to say that it is rural communities that have contributed to it. Unfortunately, that is just the way it is. I do agree, but I want to ask, in terms of bringing amendments forward, how we would go down the exemption route. It is certainly a good suggestion to have a driving instructor saying that a person is capable now, or that they have reached a certain standard where they should be able to take the test — and that is the test. How do we go about introducing exemptions within the Bill itself? Have you considered how we go about that process?
450. **Mr McConaghy:** Not in any great detail. We have not considered how things could be introduced into the Bill. The Bill gives the option of regulations to be brought forward by the Department for these exemptions, which could be relatively wide-ranging, but there could be very detailed guidance and best practice guides given to driving instructors for this. I do appreciate your point: it is very difficult to legislate for such a real, down-to-earth thing, which would cover such a great range of people and circumstances. That is where I think that guidance that is a bit more user-friendly and a bit more down to earth might be a better way to have these exemptions under regulations, rather than anything in the Bill itself.
451. **Mr Boylan:** I agree with you, and that is why I am bringing it up. Whilst, in the legislation, they have put an age on it, different people have different abilities. That is the difficulty for us. I am certainly on the rural side of this argument, because certainly there is a reliance on travel. We have no public transport. We have at certain times of the day, but seriously there is a reliance on rural people having their own vehicles. I would not in any way want to incorporate anything in legislation that would inhibit that.
452. Just two other things. I agree with the restriction on numbers issue as well. I know that a lot of rural people work in the hospitality industry, and they travel back and forward. What are your views on that? I take it that, as part of the original process, you brought this to the Department, but, as Michael said, the Department has gone ahead with this. I think, listening to it first in the Chamber, there is one of the issues mapped that we need to look at collectively as a Committee. I do not think that it will actually work. I know the premise of it, and the principle, but it is still going to inhibit rural people per se. Have you any more comments on that?
453. **Mr McConaghy:** Nothing specific. You have covered all the bases very well there. We do think that it is an issue of disproportionate effect on rural areas. As I mentioned earlier, there are other options in urban regions, where you can take a taxi, and it will cost you maybe £5 or £6. If you try to take a taxi somewhere in rural areas, it will cost you £50 or £60 in some cases. Public transport in rural areas is unreliable and inefficient. We believe that, rather than legislating in this way, it might be better if something could be looked at to invest in rural public transport to give people a realistic alternative to having to drive everywhere, which would in itself cut down the amount of traffic on the roads.
454. As well as that, you mentioned the number of accidents occurring on rural roads. That is something we are very concerned about, but we would perhaps add that maybe that has something to do with quality of roads as well as ability to drive. Rural roads are quite bendy and quite narrow and can be quite dangerous.
455. **The Chairperson (Ms Lo):** And dark.
456. **Mr McConaghy:** Exactly, Madam Chairman — inherently. Inexperienced drivers, especially driving alone on the road at night, maybe not really knowing where they are going, rather than being able to have people with them who do know or have a wee bit more experience — it seems to us that that could be counterproductive. We really do not think that the Department has fully

- considered this. As we said, some of these measures seem very ad hoc and arbitrary.
457. **Mr Boylan:** Thanks. Just a final point, Chair. I am seeking clarification — do you welcome the wearing of helmets on quads?
458. **Mr McConaghy:** Yes.
459. **Mr Boylan:** To be honest, for us it is no argument. One accident and it could be all over for you, or, if not, you could be seriously injured. I do welcome that.
460. To put it on the record, I want to thank you as a group, and also the GAA, because you have done a lot of work over the last number of years to work towards safer roads for young people in particular. Thank you very much for that.
461. **Mrs Cameron:** Thank you very much for your presentation. It was very good, very interesting this morning. Like Cathal, I wanted to ask you about the wearing of helmets on quads, because of all the groups the UFU was the one I thought might have had a different opinion on that. It is good to hear your views on it.
462. I do not really have any questions for you as such. It is more that I wanted to say that, like the Chair, I am impressed by the idea of the initial instructor test. That sounds really sensible. It would be good if that could be introduced, because, after all, children and young adults develop at different levels. Age can quite often just be a number.
463. On the ID checks and passenger restrictions I see great difficulty. The interesting thing is that, when we had the PSNI before us, they did not seem to see that as a great barrier. I expected them to say that it was not workable or enforceable, but they did not seem to see it as much as a problem as we all do. That is interesting, but I do not know how that would work day to day. I think that it would be very complex proving that someone is your spouse or civil partner. As you say, is it not more appropriate for the Bill to say “boyfriend/girlfriend”? They could just be saying that the person is their boyfriend or girlfriend. You could be into all sorts of quandaries there.
464. I appreciate your presentation, and you have highlighted the rural case and even the health implication and rural isolation. It is important that we consider all those aspects when looking at the Bill. Thank you very much.
465. **The Chairperson (Ms Lo):** Do you know how long on average it takes a young person from a rural background who is used to driving tractors to get the driving test?
466. **Mr McConaghy:** I do not know off the top of my head, Madam Chairperson.
467. **The Chairperson (Ms Lo):** Would it be within a few months? Would a minimum of six months be more sensible than the 12-month limit?
468. **Mr McConaghy:** Speaking from personal experience, it took me four months to pass my driving test. That was with eight lessons, and I have not crashed yet.
469. **The Chairperson (Ms Lo):** My two sons took about three or four months. They have April birthdays and they got it in July/August. They were able to drive themselves to school in September.
470. **Mr McConaghy:** The real learning to drive begins only once you pass your test. As I said, the experience that you get with your driving instructor is invaluable but artificial. You will not always have somebody sitting next to you with dual pedals. When driving on your own, it hits home that you have to be responsible and sensible about how you drive. You have to learn that the car is under your control and there will not necessarily be somebody there to slam on the brakes or whatever.
471. Having the 12-month period of driving with somebody along with you would be completely unnecessary for a great number of drivers. We have focused almost entirely so far on rural drivers, but the same applies for quite a lot of urban drivers, who would be fully competent to drive after a few months and a number of lessons. It is not

- something that would apply to just rural drivers, although we think that, with the experience we get driving agricultural machinery, we have a case to make that our young drivers would perhaps be more likely to have experience on the road than an urban driver.
472. **Mrs Overend:** It is good to see you this morning. Thanks very much for your presentation. You made an interesting comment about being able to feed in your experience of driving tractors and whatever else. I had not thought of that, so I thought that was a good aspect to add.
473. Speaking as someone who passed their test after five weeks, I know you are so eager to get on the road when you live in a rural area. It gets you from A to B. It gets you to all your young farmers' meetings every other week and everything else.
474. **The Chairperson (Ms Lo):** And the dances. *[Laughter.]*
475. **Mrs Overend:** Well, at 17, you were not going to too many. *[Laughter.]* On the flip side, six months after you are 17 is not really that long. Is it just a question of changing the mindset that people will not be able to do their test until they are seventeen and a half years old? Six months is not a big thing. Yes, OK, you can start driving from when you are sixteen and a half, but do you think, maybe, it is just about getting used to that mindset that you will not be able to pass your test for a full year until you are seventeen and a half?
476. **Mr McConaghy:** Yes, I understand your point. It is not a huge burden, but we just do not see the point of it at all. As I said earlier, when we look at legislation that is going to restrict freedom in any way, we always ask, "Is it necessary to do this?". In this case, we do not see any good justification for it. We think it is for the Department to give us justification for the restriction rather than us making an argument that it should not be made. We have not seen any good, strong argument for it at all. As Michael said, when the consultation came back, it showed that 69% opposed the passenger idea.
477. **Mrs Overend:** The passenger idea is separate.
478. **Mr McConaghy:** Yes, it is a separate idea, but it applies to the six months after you pass your test as well as the imposition of the 12-month learning period. We have not seen any argument for that either, and we do not think that the consultation that was carried out has been listened to in some areas. We were glad to see the curfew idea ditched, because it was entirely inappropriate, in our opinion. I do appreciate your point that it would be a mindset change, but —
479. **Mrs Overend:** We grow up thinking that we can start driving a car when we are 17. It is young people who are 14 or 15 and looking forward to that driving who will have to change their mindset and will be disappointed by it, but once that is changed, they will know. You know —
480. **Mr McConaghy:** Yes, I understand.
481. **Mrs Overend:** I agree with so much of what you said, but I wanted to be devil's advocate to try to draw it out with you a bit more. With regard to the issue around companions in the car, do you have any alternative suggestions, or are you just opposed to it entirely?
482. **Mr Reid:** I might throw that back to members and ask where it came from. Having sat on the forum for the last three years, I know that no statistics have been put on front of us that would explain why that piece of legislation is there. Maybe it has come to this group, I do not know, but there is nothing that says that a 17-year-old driver is more dangerous than a 21-year-old driver. There is nothing that says the number of people in the car is, on average, 3.2. Those statistics are not put forward to us as a forum. That would be most useful to try to explain why the law is on the table, because we cannot understand why it is there. My understanding from the forum is that more accidents take place with single drivers in the car late at night,

- driving home and falling asleep, yet the legislation relates to an issue that we do not fully understand. Therefore, I cannot really answer the question.
483. **Mrs Overend:** That is a very good point. We do need to ask those questions. From my own experience, on the issue of companions in the car, for young rural people about 17 to 21, it makes more sense to take more in the car. Whenever I was a small child, you could put as many into the car as you could fit in, until the seat belt legislation came in, and that made sense. Times change and we live and learn, but I agree with your comments about the companions.
484. **The Chairperson (Ms Lo):** Michael, are there not statistics showing that, for a young driver, the higher number of passengers they have, the more risky it is for them and the more likely that they will get into an accident?
485. **Mr Reid:** I did not want to over-egg that. What we have been given through the forum does not include that information. I am not trying to say that I am definitely correct, but from three years sitting on the forum, I know that they find it hard even to break it down below 25. The law separates 21-year-old drivers and below from those aged 21 to 25. All the stats that we get from the PSNI on casualties and fatalities relate to people aged 25 and under, so nothing has been tabled at the forum that would help to answer that question.
486. **Mr McElduff:** Cathal and Pam touched on the issue of the mandatory wearing of a helmet if you ride a quad on the public road. Will you elaborate a little bit on your position? Some of us heard and took part in a debate in the Chamber where some people characterised the rural voice as being in opposition to the wearing of a helmet on a private road. Did any opposition or resistance to that come up in the Young Farmers' Club consultation, for example?
487. **Mr Reid:** It certainly is not an issue of the same magnitude as the roads and passenger issues, from the point of view of young farmers.
488. **Mr McConaghy:** From the union perspective, there is no opposition to this measure. We brought it up at our committee meeting; we take farm safety and rural safety seriously. Wearing a helmet on a quad can sometimes be the difference between life and death. It is really not that hard to put on a helmet. We do not think it will create any great burden, and it would potentially save lives, so we have no objection to it at all.
489. **Mr A Maginness:** Thank you very much for your presentation. It was very interesting. In relation to the helmet issue, agricultural accidents, unfortunately, are leading the way in fatalities, so anything that assists in diminishing fatalities would be worthwhile. Whilst you could not make the wearing of helmets when using quads on farms compulsory, have you any view on that and on encouraging people to wear helmets?
490. **Mr B Bell:** Madam Chair, we have seen from the Farm Safety Partnership that working in partnership and trying to change mindsets works a lot better than maybe coming through with legislation that possibly could not be enforced.
491. While being nearly afraid to talk about statistics around farm deaths, I can say that, three years ago in Northern Ireland, we had 12 or 13 farms deaths and currently we are sitting at four. I do not like quoting statistics, but that very much demonstrates that working through partnership and trying to change mindsets works a lot better. I am sure that I speak for both organisations when I say that, whether on the public road or around your own farm, we are more than happy to support legislation that means you should be wearing a helmet.
492. In New Zealand, where I do not think there is legislation on helmets, or maybe there is legislation but it is not observed an awful lot, an awful lot of farm deaths come from the non-wearing of helmets on quads. We are fully supportive of this.
493. **Mr A Maginness:** I am not advocating legislation per se but certainly the encouragement of the wearing of

- helmets. This may act as a reminder to people to wear helmets on the farm and on the public road, which would be helpful.
494. Mr McConaghy made an interesting point about driving instructors declaring a person ready to do their test. Nonetheless, it is open to all sorts of problems in being an arbitrary decision made by an instructor, and it depends on which instructor you go to; they may take a different view. That is the only problem with that. Have you any comment to make about that?
495. **Mr Bailie Thompson (Ulster Farmers' Union):** Can I speak on that, Madam Chairman? I want to go back to what we heard about passing a driving test within a few weeks. My son passed his test and went on to do his trailer test. He was one of the youngest ones to do a trailer test, and he passed it. I think that it is down more to your driving test. Until now, your instructor has put you in for the test or your driving exam when he sees that you are fit for it. If there needs to be more enforcement, that should come at the exam stage. Possibly at this stage, driving lessons should take you right through to more motorway driving and your test should include motorway driving. You could pass your test today driving in country and urban areas, and you would be allowed to go straight on to the motorway and drive at 70 miles an hour with two or three family members or whatever they are asking up until you are 24 without any motorway driving experience. Once you pass your test, it is up to the examiner to say that you need either further instruction or to not give the licence at all.
496. **Mr McConaghy:** I want to add something about the arbitrary decision that the driving instructor would have. We agree that that is a problem, but we think that the examiner would provide a safeguard for that. A driving instructor could refer a young person for their test because he says that they are ready. The young person will go and do their test, and it will be clear that they are not ready; therefore, they still will not be on the road. That would be a safeguard. It would be like two walls that you have to go through.
497. **Mr A Maginness:** It is interesting that that is the safeguard, whether or not you get your test, of course. It is a very interesting proposition. Perhaps "arbitrary" is the wrong word. Perhaps it should be "the subjective judgement" of the driving instructor, rather than "arbitrary".
498. I have sympathy with the restrictions on companions in the car. I have not thought the thing through fully, but it seems that this is very arbitrary legislation and that, in addition, it would probably be difficult, despite what the PSNI said, to enforce it. I could imagine a sharp lawyer in a court being able to make mincemeat of any prosecution on that matter.
499. **Mr McConaghy:** The six-month period applies up to the age of 24. A police officer cannot tell the difference between a person of 24 or 25 just by looking at them. So, what would be the grounds of suspicion for pulling somebody over to find out whether they were breaking the law? Do they just do it by chance? I do not see how it could ever be enforced effectively.
500. **The Chairperson (Ms Lo):** Alban, even the police expressed concerns about identifying people's age and enforcing the law.
501. **Mr A Maginness:** They did, to some extent, but, in general, they did not formally oppose it, but it is likely to determine their attitude.
502. **Mr McConaghy:** It could be enforced, but enforcing it effectively will have a very wide margin of error. A lot of people who are not doing anything wrong could well be pulled over, and we do not think that that would be proportionate to the risk that would be carried. In our opinion, it just does not seem practical.
503. **Mr Thompson:** A young-looking 24-year-old is going to be pulled over until he is 30, and an old-looking 24-year-old —

504. **Mr I McCrea:** Very much like the ones on this Committee. *[Laughter.]*
505. **Mr Thompson:** — could be fine from the age of 20. The PSNI could be out and see an oncoming car and think that the person does not look old enough and pull him in. Those resources might be put to better use around speed cameras rather than driver age.
506. **The Chairperson (Ms Lo):** It is very difficult to ask a 14- or 15-year-old to produce ID. They may not have ID with them.
507. **Mr A Maginness:** That is right. I think that Mr Thompson made a very good point.
508. **Mr Reid:** I have a point on the driving test itself and measure 7 of the consultation by the Department. Eighty-two per cent of those questioned wanted the driving test reviewed, but over half also wanted a driver record/student workbook idea, so that you could record things with the driving instructor, such as driving on B roads, skid tests and motorway driving. That is something that could be considered, and that seems to have been dropped by the Department.
509. **The Chairperson (Ms Lo):** I still have not learned how to do skid driving. *[Laughter.]* I do not care to tell you how many years I have been driving.
510. **Mr I McCrea:** I suppose, like others, I do not really have much questions-wise. I agree that it was one of the best presentations and, in the sense of where you are coming from, one that I agreed with most. I grew up in a town. I now live in the country. I am beginning to understand the differences in that respect. My daughter turned 16 yesterday. My son and his cousin are saying that they cannot wait, because, in another year, she will be able to drive and all that. What it means for them is that she will be able to drive them about and that sort of stuff.
511. It is like the whole debate about voting. Is anyone truly experienced if they learn to drive at 17 and pass their test a few weeks, a couple of months or whatever it may be after they become 17? If that is what the age is, you have to trust the young person that, when they get behind the wheel, they will act sensibly. It is more about the continual education process, rather than just having Big Brother looking down on everybody, saying that you have to do this and you have to do that.
512. I liked your comment about due diligence, ID checks and all the rest of it. Pam and I talked about possibly putting barcodes on people's heads. *[Laughter.]* You could scan them as they come near your car.
513. **Mr Weir:** Ian, some might be easier to do than others. *[Laughter.]*
514. **Mr I McCrea:** It does bring me to a possible debate about the end of days, the mark of the beast and all that, but we will not go there today.
515. I think that you raise some very interesting points for us to consider as a Committee and as parties when we are considering the legislation. The night-time driving issue is obviously a difficult one. Everyone will have a different reason, whether it is travelling to university or to see their boyfriend or girlfriend. If there is a restriction on that and certain times when they can or cannot drive, I think it opens up a minefield. Certainly, realistically, given the economic times that we are in, will we, in any case, be able to manage or enforce that? There will be fewer police for all that in any case. So, I think that it raises a number of interesting issues that we certainly can try to tease out more as the legislation progresses. Thank you very much.
516. **Mrs Cameron:** Thank you, Chair, for letting me back in for another question. We were talking around the table about how quickly the test can be got. Sandra was talking about five weeks. I had six lessons in total, although I happily drove about as a learner for a couple of years before I bothered taking the test, and I passed it first time. Two of my children have their tests now. Both of them are boys. Even at that time, I thought that

- it had actually become much more stringent and difficult to get your test. I thought that it was much easier when I was taking it, you know, five years ago. *[Laughter.]* Nobody is really talking about the changing times since we all did the test — well, apart from you, David.
517. **Mr McConaghy:** Thanks.
518. **Mrs Cameron:** It is much more stringent. It is much more expensive now to take the test. You have the theory as well. There is a very high threshold with a very small margin of error to pass the test. Nobody is talking about how difficult and expensive it already is to actually pass the test. In my experience with my children, it was very expensive. I think that should be kept in some form of consideration. Have you any views on that?
519. **Mr McConaghy:** I have maybe a couple of points on that.
520. **Mr I McCrea:** We are not asking your age, by the way. *[Laughter.]*
521. **Mr McConaghy:** The police will do that, I am sure, in due course.
522. **Mrs Overend:** They will read it off your barcode. *[Laughter.]*
523. **Mr McConaghy:** The stringency of the test goes back to Mr Maginness's point about safeguards. Having a very stringent test will root out those who have been put forward for the test by driving instructors but who are not ready to pass it. We do not see any real difficulty in having a test that will properly ascertain whether you are able to drive. An awful lot more people are failing the test now. It seems that a lot of people have to do it three or four times before they get it. As well as that, the expense is a huge factor for us. Mr McCrea mentioned the economic impact on the police. Budgets for young people in Northern Ireland are quite low as it is. I remember that, when I was learning to drive, I had to pay £22 for a lesson. I forget how much it was for the test. I think that it was around £100. I ended up spending quite a few hundred pounds learning to drive, which was a lot of money at the time, and I did not really have very much. I was working away like a wee beaver at the weekends to try to pay for it. We do think that that is an issue that has not been looked at in this at all.
524. **Mr McCrea** mentioned night-time driving and making sure that this is covered. We believe that it should be part of the logbook that has to be kept. I learned to drive at night because I did my lessons after school, but I could just as easily have learned to drive during the daytime when there is light if I had been learning during the summer. I learned during the winter. If there has to be a certain number of lessons or a certain percentage of the lessons done at night when it is dark, that will hopefully give young people at least a bit of experience of driving at night, rather than having it the way that it is at the minute, when you can do them at any time, day or night.
525. **The Chairperson (Ms Lo):** That is a good point.
526. **Mr Thompson:** I have another issue to mention regarding the logbook. Many a person gets their licence at 17. Possibly, before some go and do their test, the only driving experience they have is their actual driving lessons, whereas others — going back to the farming community — get their tractor driving licence at 13 to drive on farms. You then do another one at 16. They would have clocked up far more driving hours. Even out on the road, they could be driving about in cars with their parents, so their driving hours before they go and do their test would far exceed those of somebody who has just done lessons. Therefore, the logbook would show that you would be more ready for your driving test.
527. **The Chairperson (Ms Lo):** Absolutely.
528. **Mr Boylan:** Thanks for letting me back in, Chair. It has given us more food for thought. I want to pick up on Michael's point. We cannot categorise the young age group now if you look right across the board. The stats on people who are responsible for accidents now suggest

that it is right across the board. So, I do not want to stigmatise that age group.

529. I just want to tease out two points. You are 100% right, Bailie, that people could do 100 lessons and then get their test. They could do 100 hours of lessons, but that is no substitute for people driving on the roads. You get your experience only when you go out on the road on your own, when you learn to drive properly.
530. The main point that I want to bring up is your suggestion about driving instructors, because that is the final test. Not too many people will go back to a driving instructor if he or she suggests that they go for the test and they fail. In light of what you said today, maybe it for this Committee to do a bit of research now on how we could bring that forward. That is a very worthwhile and good suggestion. At the end of the day, it is down to driver ability. That is what it is about. Thank you very much.
531. **The Chairperson (Ms Lo):** Thank you very much, gentlemen. There was certainly a lot of interest in your presentation. Thank you for coming. All this will be included in our report.

23 October 2014

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Alban Maginness
 Mr Ian McCrea
 Mr Barry McElduff
 Lord Morrow
 Mrs Sandra Overend
 Mr Peter Weir

Witnesses:

Mr Tom Burns *Driving Instructors
 National Association
 Council*

532. **The Chairperson (Ms Lo):** Good morning. You are very welcome, Tom. Tom Burns is the chairperson of the Driving Instructors National Association Council. Are you based in Northern Ireland, Tom?
533. **Mr Tom Burns (Driving Instructors National Association Council):** That is correct, Minister.
534. **The Chairperson (Ms Lo):** Chair.
535. **Mr Burns:** Chair — right.
536. **The Chairperson (Ms Lo):** I remind everyone that the session is being recorded by Hansard, and a transcript will be included in the Committee report on the Bill.
537. Mr Burns, we all have your submission — your written paper — but will you give us an overview for five or 10 minutes? Members will ask you questions afterwards. Thank you.
538. **Mr Burns:** That is no problem, Chair. One of the main concerns is the proposal to reduce the minimum age for a learner driver to 16 and a half. In general, driving instructors have not been convinced of any safety merits in that. It is totally out of sync with the rest of the United Kingdom, which gives rise to various legal issues: for example, somebody from Northern Ireland is 17 and a bit and has a full licence but is at university in Scotland; or could a person go to England and take a test at 17? Legislation allows vice versa tests for motorbikes and cars between here and England etc.
539. There are various things that cause great concern about that proposal. Number one is the fact that there is no scientific or safety information that reducing the minimum age to 16 and a half will have any benefit. Other countries have discussed learning to drive at age 16, but, in the vast majority of those countries, people learn to drive in automatic cars. Believe me, as an instructor who has taught people to drive in automatic and manual cars, I can tell you that teaching somebody in an automatic is a gift compared with trying to teach somebody in a manual car in which they constantly drop the clutch and stall. I do not think that the comparison relays. Plus, in a lot of the countries where people are allowed to drive at the age of 16, the roads and parking spaces are significantly larger and wider than in this small country, which has a reduced motorway space and where most of the other roads are quite small.
540. No one has convinced us of any of the merits of reducing the minimum age to 16 and a half. We do not see any reason for bringing about legislation needlessly. There is a recession and legislation costs money. We do not see any merit in bringing down the age to 16 and a half, which would put us out of sync with the rest of the UK.
541. We feel that consultation papers are being misread and misinterpreted. The reason given to us for the reduction to 16 and a half was that it was supposed to be a compromise. At no stage in the consultation did driving instructors say

- that they wanted that reduction. The consultation paper asked a question about reducing the age, and driving instructors commented that, if it came about — there had been talk about the United Kingdom changing the age and there is some thought in Europe about changing the age — we would not want anybody to take a test before the age of 17. If you read on in the consultation responses, you will see that we were adamant that we were quite happy for the age to stay at 17. We were told that this was a compromise, but we told the Department that we had not asked for a compromise; we had never asked for the minimum age to be reduced to 16. So, to date, we have been given no reason whatsoever for a minimum age of 16 and half being introduced. We think that it is a total waste of time and that the current legislation for age 17 is sufficient. That is one of our main bugbears.
542. There have been amendments to the legislation but, originally, the other thing about the consultation and the proposed graduated driving licence (GDL) was that we had to point out to Minister Attwood that the legislation as proposed would mean that every learner, no matter what their age, would have to wait for 12 months before they could take a test. At that time, we pointed out to Minister Attwood that that did not make sense because a lot of driving instructors offer intensive/crash courses — I do not mean crashing into people.
543. I will give you an example: a pregnant lady knows that she will need childcare for her new baby and may have to go out of her way to leave her child off on the way to work etc. You get an idea of what I am talking about. Are we supposed to say to that lady, “Sorry, madam, you cannot do a test until you have had your licence for 12 months”? That does not make sense. In a time of recession, when people are trying to better themselves and trying to get a promotion or a new job, they would be told that they are unable to take a job with a company car because they cannot do their test for 12 months. That does not make sense either. If someone wants to move to the country, where there are no buses or whatever the case might be, they will also be told that they will have to wait 12 months.
544. I was involved in a different scenario a few years ago. A gentleman came to me at the end of January and told me that he was emigrating to Australia at the end of March and that he had never turned a steering wheel in his life. He asked me whether there was any way that I could get him through his driving test. I told him that I could but that he would be out every day learning to drive. He booked the test for the end of February, which meant that, had he failed, he would at least have the opportunity to take the test again before he emigrated. As he was out every day, he passed his test and, if I may say so, he did so very successfully. In the situation that we are talking about, I would have had to tell him that it could not be done and that he would have to wait for 12 months.
545. So, the reduction of the minimum age to 16 and a half does not make sense — there is no rhyme or reason to it — and the provision for waiting for 12 months makes no sense whatsoever. Also, the 12-month provision does not mean that the person has to take driving lessons for 12 months; only that they have to have a licence for 12 months. As some of your esteemed colleagues around the table will know, several years ago, there was a rather farcical situation in the Republic of Ireland, when people were told that, because there was a backlog of driving tests, anybody who had had a driving licence in their drawer for a certain length of time could be considered to have passed their test. Is that what we want in Northern Ireland? Of course not. We want sensible legislation whereby people are properly trained to be safe on the roads. We do not want people sitting on a driving licence and, one month before the year expires, coming to driving instructors and saying that they have to get them through their test because they have had their licence for 12 months. It just does not make sense.

546. It is all about the quality of teaching; it is not about the quantity. Someone might take 20 hours of driving lessons, listen to everything that you say, be absolutely superb and could be the next Formula 1 champion. It is simple as that. On the other hand, you could find somebody for whom, even after 200 hours of driving lessons, it will be a long struggle.
547. **The Chairperson (Ms Lo):** It would be costly as well.
548. **Mr Burns:** Yes. However, as I often say to people who talk about cost, a driving lesson, in which an individual is picked up from home and uses a car that is properly insured and maintained, is exceptionally good value for money in comparison with a violin lesson, horse-riding lesson or piano lesson.
549. **Mrs Overend:** I feel such a fool.
550. **Mr Burns:** I do not know about that. We pay taxes on the money that we receive, which is also good for the economy.
551. Another proposal is for restrictions, curfews and so on. We, and, I think, a lot of the politicians, could see that this would not happen in Northern Ireland. As you well know, many young people are involved in the hospitality trade —
552. **The Chairperson (Ms Lo):** The curfew is out.
553. **Mr Burns:** Yes, I know that it is, but we complained bitterly about that. There is still the aspect of the age of the people who will be allowed in a car and their relationship with the driver. I heard the word “enforcement” being used quite effectively around the table here in the taxi debate. It is another enforcement issue. Daily, I see people smoking or using their mobile phone while driving company cars or vans, including council vehicles, and nothing happens about it, so I do not really see how the police have the ability to enforce such a proposal.
554. Say, for example, that, on a Saturday night, three young people other than the driver are in the car and they all say, “I am his brother.” When asked for ID, they say that they have none on them. On paper, it is a brilliant idea because we know, statistically, that, if there is an accident, the more young people there are in a car at one time, the greater the chance of fatalities or serious injuries, and there is the chance of people playing about, loud music et cetera. We understand that. We have been doing this job for an awfully long time. Our issue is with the practicalities and the enforcement. As I said, there is no point producing legislation, which costs money, if, no matter how good that legislation is, it is unenforceable.
555. Cigarette packs now have, “Cigarettes kill”, written on them. The only other option is to ban them completely. You have to educate people. As we have said before, we should forget about reactive legislation. If we are to produce legislation, let us have proactive legislation, which will prevent the horse bolting from the stable, and not wait until a child lies seriously injured or dead on the road before saying, “Well, they should not have been in the car with that individual because they were not allowed to be there.” That is our idea.
556. If legislation is necessary, good legislation would make it compulsory that learners learn on a motorway. One definite point of such legislation should be the removal of the 45 mph speed limit. A lot of people do not realise that, in England, Scotland and Wales, learners are not restricted to 45 mph, so instructors there teach at 60 mph and at 70 mph on a dual carriageway. Our 45 mph speed limit has not produced any miraculous reduction in casualties. It would be far better to teach at the higher speeds. From my experience and that of our members, some of us have tried to encourage people to take motorway lessons and either charged them nothing — just to prove that we are nice guys — or a reduced rate. We are lucky if one in 10 takes us up on it. Of every 100 people who pass a driving test in Northern Ireland, you are lucky if 10 would take up that offer. In fact, the number is much lower than that. So, people who pass the test have no experience whatsoever of driving on a

- motorway. A lot of people with an R-plate on the back of their car overtake you at 80 mph when you are doing 60 mph — you have seen them yourselves. It would be far better that they learn to drive at the higher speeds. As we have often said —
557. **The Chairperson (Ms Lo):** Or you are stuck behind them and try to overtake.
558. **Mr Burns:** Yes, and that also causes trouble and problems. Try driving at 45 mph on the motorway when traffic is flowing fast. Try moving lanes. Try joining the motorway. It is the most dangerous thing that you can possibly do. The 45 mph speed limit was set up as a test to see what would happen. It just seemed to get stuck in the legislation and stayed here forever. We would like parity with GB. Another point is that when people pass their driving test here and are restricted to 45 mph, they can jump on a boat, go to England and do not have to legally display an R-plate or stick to 45 mph. So, a day after their driving test, they are travelling on the M26 at 70 mph because they are going to university and daddy has bought them a car.
559. Those are the main bones of contention: the minimum age of 16 and a half and the 12-month probationary period for people who may, for example, be talented drivers. The Department told us that it was talking about putting in certain exemptions so that someone could say, for example, “I am expecting a baby, so I want to do my test earlier”. More legislation and paperwork does not make sense. There needs to be proper instruction, properly tested. The driving test itself needs to be looked at. It is too easy. Maybe, some people here failed their driving test, but, believe me, it is too easy. It has not really changed. There have been a few little amendments to it over the years, which, to be honest with you, have nothing to do with driving ability. There are other more important things out there. This is a rhetorical question, so I am not expecting anybody to put their hand up: does anybody here understand or know what a forward stop line is? Just think about that. Do not answer.
560. **The Chairperson (Ms Lo):** I have no idea.
561. **Mr Burns:** OK.
562. Most of the individuals round this table have a driving licence, but people do not know about or understand the new road system because it has not been broadcast. Do you know what is supposed to happen according to the Department? You are supposed to read the Highway Code, which, of course, you all have and take to bed every night with your cup of cocoa. *[Laughter.]* There has to be information for the public. New drivers are probably more up to date with road legislation than people who have had their licences for 10, 20 or 30 years.
563. Most of us think that we know how to go round a roundabout. I also instruct motorcyclists. I taught a police officer who was taking compulsory basic training (CBT), which is now a requirement in law, because he wants to do his motorbike licence test and then become a motorcycle police officer. The basis of CBT is good, but that is beside the point — there are other issues. I brought him to Bells Bridge roundabout at the top of the Cregagh Road. Part of training on the roundabout is that you cannot train somebody while they are going round the roundabout because you have only a radio to talk to them. So, you stop the bike and get off. You talk about the various sections, the position you should be in, what you should look at et cetera. We were standing. Both of us were wearing yellow vests and white helmets and looking very official. The number of people who slammed on their brakes was quite unbelievable. They thought that we were police officers. *[Laughter.]* The whole point of the exercise was for him to identify the number of people approaching a roundabout in the wrong lane, with the wrong signal and with no lane discipline, as it is called, which is drifting in front of other vehicles et cetera. I said to him, “Before we start this exercise, I am telling you now that you will be lucky if one person in 10 does it right.” I was proved correct.

564. Lots and lots of people think that they are good drivers. How do you know that you are a good driver? When you look in the mirror, you think that you are good-looking, but somebody else has to tell you whether you are good-looking or not. *[Laughter.]* The problem is education. That is why, this morning, I was looking at the statistics. You will find that it is not young people who are getting killed at the minute. Recently, we have had two fatalities: a 17-year-old girl who was in a car and an 18-year-old student who was knocked down by a 29-year-old, I believe. That person was not in the 17-24 age group that we were talking about. It was the 18-year-old who, unfortunately, was killed. I do not know the background to it.
565. You will find that, with motorcycles, there are “born-again bikers”. That has nothing to do with religion. These people had a motorcycle licence when they were 17 or 18 years old, have not ridden a motorbike in maybe 15 or 20 years, have a bit of money now and have gone out and bought themselves a bike. They do not realise the capabilities of a modern bike. Today’s modern bike is what the GP guys were using maybe not even 10 years ago. So they are on the road riding bikes capable of doing nought to 100 mph in first gear. Think about that: first gear. You try getting your car to go to 30 mph in first gear.
566. **The Chairperson (Ms Lo):** You are scaring me. My oldest son has just passed his motorbike test.
567. **Mr Burns:** Has he? People out there do not know the Highway Code. They do not know how to do certain things, but they think that they know. In many cases, it is these people — the experienced drivers — who are causing accidents and problems.
568. We need public education for people who have just got their learner licence. Some are young people, but, as I said to the Committee, others are middle-aged people who suddenly decide to drive. I have even had elderly people in their 60s whose partner has died. There is a car sitting at the door and they have said, “The car is lying there. I am dependent on the car to get my shopping. I need to learn to drive.” So, “learner” does not mean a 17-year-old or, in the case of this legislation, a 16-and-a-half-year-old. Learner means someone who has a provisional licence. Everybody is different. I am sure that there are things that you are very capable of, Chair, that another member of your family may not be able to do, just as there are things that members of your family can do that make you say, “Here, you do it. You are better than I am at that”, and it is exactly the same in driving. There are all sorts of standards of drivers.
569. We have called for a driver MOT. Why have an MOT in Northern Ireland for a vehicle that is four years old or older? About 99% of all road traffic collisions (RTCs) are caused by driver error of some sort, whether that be through drink-driving, speeding or whatever. It is nothing to do with the vehicle. Vehicles are tested every year. We do not oppose that, but we are saying that every driver should have to come back for some sort of classroom training, in the same way that people who have committed an offence are being encouraged to do. Some people, rather than take the penalty points, will go to the classroom and, in some cases, have to go on a test drive and so on. That is a sensible way to go. If we want to have legislation, let us have sensible legislation. Let us have legislation that will do something, as opposed to, unfortunately, having legislation that we feel is a waste of time.
570. **The Chairperson (Ms Lo):** Thank you, Mr Burns. I think that you have put forward a lot of very sensible arguments. We are scrutinising the Bill and will very soon talk to the Department. Someone had put forward the concept, I think in the last briefing, that when a learner driver goes to an instructor, there should be a preliminary assessment of what that person needs to learn: for example, some people may already be good at driving a tractor.
571. **Mr Burns:** Truthfully, Chair, any good driving instructor does that in the first lesson: you ask questions and get the

- person to demonstrate. Just because someone says that they can ride a motorcycle does not mean that they can. I had one gentleman tell me that he could ride a 1500cc motorcycle. I could not figure out what a 1500cc motorcycle was because I do not know of any. I said, "OK", but I do not take for granted what somebody tells me. So, I put him on a 125cc motorcycle. The front tyre was against a wall because that is how you demonstrate whether you have clutch control: if you let go of the clutch, you do not go anywhere. He let go of the clutch and went up the wall. I said, "I am sorry, sir. You must not have thought about this before you had your cornflakes".
572. Any good instructor takes their life in their hands with a lunatic, and, believe me, there are lunatics out there who should not have a provisional driving licence. I think that the Department is coming round to the fact that there should be some sort of psychological profiling of people before they get a licence. I think that it is coming to that, seriously, because we do get people who are demented — they are totally delusional. They just believe that they can drive. I had one such incident when a grandmother was passed over to me — this is a true story — by another instructor.
573. **The Chairperson (Ms Lo):** Just be careful with ageism.
574. **Mr Burns:** Yes, but, you see, I am old enough to be a grandfather — I know that I do not look it, but that is beside the point.
575. **Mr I McCrea:** Somebody has to tell you that you do not look it. *[Laughter.]*
576. **Mr Burns:** Exactly. I am told that frequently.
577. You will find out the relevance of her being a grandmother in a wee second. The first thing that she asked me was, "When are you putting me in for my driving test?", which is a common question. I told her that I needed to see what she had been taught and what she was able to do. She said to me, "I am a good driver. I drive my own car." I asked her what she meant, and she said, "I take the kids to school. I do this, that and the other". When I asked who sat beside her, she said, "Nobody sits beside me; I can do it myself." This is not uncommon either, I might add. She was not the first that I have come across.
578. As we proceeded up the road, she nearly took every mirror off every car, and I had to keep adjusting the steering because she was going to take my mirror off. We stopped and I said, "Look, you have a bit of a problem with what is called spatial awareness. If you just stare straight ahead of you, you are totally unaware of what is happening on this side. You have to see what is happening". She said, "Well, my grandson thinks that I am a brilliant driver and that I should be applying for my test". This is true. When I asked what driving experience her grandson had, she said, "My grandson is eight years old." That is a true story. One of these days, I will write a book. I will send you the first copy, Chair.
579. **The Chairperson (Ms Lo):** Yes. It would be interesting to read. I am sure that there are lots of good stories.
580. **Mr Burns:** Seriously, that is the sort of problem out there. Some people are delusional about what they can and cannot do, and others complain about the amount that they are spending. When asked, "Do you think that you can run a car for £50 a week?", they ask me what I mean. I tell them, "Not only do you have to buy, tax and insure the car; you have to put fuel in it." My car takes £70 to fill. Believe me, it is brought to the petrol station practically every day to be filled. People think of a driving licence as a right rather than a privilege and something that they have to work to. That is what it boils down to.
581. **The Chairperson (Ms Lo):** You raised a point about being out of parity with the rest of the UK. We should ask the Department about that.
582. **Mr Burns:** It does not make sense.

583. **The Chairperson (Ms Lo):** What about Ireland? Is it the same in the Republic of Ireland, Cathal?
584. **Mr Boylan:** Sorry, Chair?
585. **The Chairperson (Ms Lo):** Is it the same?
586. **Mr Burns:** He is looking up his numbers on the lottery.
587. **The Chairperson (Ms Lo):** You still have to be 17 —
588. **Mr Boylan:** Yes.
589. **The Chairperson (Ms Lo):** — to get a driving licence there.
590. **Mrs Cameron:** Thank you, Tom. It is good to see you again. My first question is this: what is a forward stop line?
591. **Mr Burns:** Remember that this is being recorded. Some time ago, some of you will have noticed that a little green box appeared in front of traffic lights. Subsequently, in most cases — I do not think that it happened in every case, so that has to be taken up with Roads Service — a white bicycle symbol appeared as well. As far as I know, they started off in Bangor. People in Bangor were totally bemused and thought that they were alien landings, crop circles or something.
592. Then, they appeared in Belfast, but there was no public announcement of what they were or how to handle them. I was interviewed by one of the news channels outside Queen's University. Most of you will be familiar with Stranmillis and University Road etc. I said to the interviewer, "Look, rather than me answering questions, let's watch the public and see how they handle the situation, because they don't know what it's about". The whole purpose is that a white line applies to the car driver, the truck driver, the motorcyclist or whatever; the green box is for the safety of the cyclist, who has an advanced stop line. We stood there like complete idiots while every member of the public got it wrong and stopped in the green box. Some crept up beside a car that had stopped in it, looked at the line and thought, "Well, they're in it, so I'm probably allowed in it", so in they went. The worst scenario was that cyclists did not know what it was for. They cycled straight through it, stopped on top of the crossing at the bottom of Stranmillis, just in the "V", and the public had to walk round the cyclists in the green box to get across to Queen's University, which was rather amusing.
593. That is an example of why everybody should be encouraged to read the Highway Code. There is always something new coming. When you are a learner driver, you should not just be encouraged to read it; a decent instructor will bring you out of your normal area to let you experience different scenarios. I cannot speak for everybody, but good instructors will try to allow people to drive from home to work or from work back to home to give them an idea of what the traffic is like etc. You would try to bring people to strange roundabouts that they may or may not encounter. A classic example — Pam will be very knowledgeable about this — is the "V" junction in the middle of Glengormley, where there is a double set of traffic lights. People do not understand what they are for, and they do not read the road signs according to where they are placed. The right lane is for taking the right fork. The number of people who shoot down the Antrim line when they see a green light is unbelievable. There is a red light for going down the Antrim line or turning left up the Hightown Road. They do not understand. It is people who have had their licence for maybe 30 years doing that.
594. **The Chairperson (Ms Lo):** I find that junction really confusing.
595. **Mr Burns:** Yes, it is totally confusing. The left lane is for going up the Hightown Road or going out the Antrim line. You are waiting for the left block of lights to appear. Anything on the right, be it red, amber or green, applies to the traffic on the right. Then people get totally confused when there is a single set of lights with a little box or boxes with arrows in. People get totally confused by that. They do not know what to do. They do not know whether they

- are allowed to go. People are totally confused by a green light, because you were taught at primary school that green light means “Go”, and it does not; it means that you can proceed if the junction is clear and safe. Having done that, you also have to be clear that there are no vulnerable people such as cyclists coming through.
596. **Mrs Cameron:** I think that you have convinced us with the education argument.
597. **Mr Burns:** Education, education, education.
598. **Mrs Overend:** Following on from that, how do you feel that education should be increased? What format should that take? How should that be imposed? What ideas do you have around that?
599. **Mr Burns:** Interestingly enough, DINAC had suggested to Roads Service, to the roads safety part of DOE, that we should be more involved because, at the minute, any education in schools etc is done by Department staff or PSNI. With no disrespect, none of them have ever taught anyone to drive in their lives. It is all very well writing a cookbook, but have you actually cooked?
600. We are actively involved in a programme in which a booklet, leaflets and various prompt cards are being produced that give real-life scenarios that could be used as teaching aides. I will not mention too many details, because this is still in the early stages, but there is the story of a girl who had not long passed her driving test and was coming up to her eighteenth birthday. She was killed in her car. The reason given by the PSNI was that she was going far too fast to be able to control the vehicle. Her parents are in the book, and there is a picture of the girl, and she was a lovely-looking wee girl, and you could relate to it and say, “Look at that wee girl. She is not here anymore”. That, we feel, is going to be beneficial.
601. However, the problem, as I have already stated, is that it is not just the learners that you have to worry about. Statistics are telling you that it is not the 17-24 year olds who are going out and getting killed; it is the people who have had their licence for a long time.
602. I feel sometimes that young people get a raw deal. It appears that they are bad at everything and that everything that they do is wrong. They are not; they are the future politicians who are going to be sitting around this table. Let us give them a bit of a break. Where young people have intelligence and are able to understand and work things out, give them credit for that. It does not matter whether they are 17 or 70, there are stupid people out there, there are ill-mannered people out there, there are people who you want not want to have on your Christmas list out there driving cars. So, there is that aspect of it, and that booklet is being looked at.
603. We have also had discussions as regards instructors going into schools; not for the purpose of toting for business, but to talk to young ones from their standpoint. I have given you a few wee scenarios that have made you think. I am in a position to do that, because I have the experience. I am not making those scenarios up. When I am talking to someone about motorcycling, I can outline scenarios of me falling off a motorbike, and, if I had not been wearing protective clothing, I would not be here talking to you today. That is the sort of thing that we propose: we have literature that we are looking at for the instructors to use in-house; and we want instructors to be used in a better way as regards education for younger people.
604. You may be familiar with the Risk Avoidance Danger Awareness Resource (RADAR). We had suggested that some instructors might want to volunteer their services to help out with that. We have handed out the instructions, we have handed out the contact details and so on to do that. We would be doing that for nothing, by the way. We will not get any remuneration for it. Those are the kinds of positive things that we want to do, but there is an awful lot more to do, and that is public education — not just of young people but of the older people. I would seriously think about an MOT for

drivers. Why not? If we are talking about safety, that is what we want to do; we want to make sure that mediocre drivers are made better and good drivers are made better drivers. We also want to be able to identify the people who should not be on the road for certain reasons; that is, because they are blind. It is as simple as that.

605. I asked a pertinent question to a representative of the PSNI at one of the road safety meetings. We have been banging on that before anybody gets a licence or renews their licence after 10 years, they should have to provide proper documentation from an optician to say that their eyesight is good. One of the scary statistics that we came across several years ago is that approximately one in four people is night blind. We have harped on to several Ministers about that — Minister Poots comes to mind, and I remember being on the radio with him in Comber to discuss that. I do not know how long ago that was. If you knew that your taxi driver was night blind, would you get in the car with him? If there is big sign on the back of his head that says, “I am night blind”, and you come out of a restaurant at 10.00 pm and want to go home, would you get in the car with him? Of course you would not. I am being facetious, but there are people who are blind because they do not wear their glasses or contact lenses when they are driving. They got their licences years ago, and their eyesight has deteriorated with age because they are working with computers or whatever the case might be. Their eyesight is so bad that they are nearly on top of the sign before they realise that it is there. There are also those who are night blind who legally should not be driving as they cannot see where they are going. It is as simple as that. Nothing is being done about that.
606. Cathal used to be the Chair of the Committee and will be familiar of the different scenarios down through the years. It is interesting that quite a number of tragic accidents happen on unlit roads, late at night with a number of people in the vehicle. As I said

facetiously to a police representative, “When you examined the dead people, what was their eyesight like?” The answer was that you cannot do that. I said, “Yes; exactly. So why not do it before they are dead?” They might not be dead if they could have seen the give way sign or the stop sign.

607. I am also an advanced driving instructor — I am not just an approved driving instructor (ADI) — and I have advanced qualifications from other motoring organisations. However, it does not take a policeman or a police investigator to look at the scenario and know how it happened. In many —
608. **The Chairperson (Ms Lo):** Why do people do the advanced driving test?
609. **Mr Burns:** For betterment. Why do people go to university? They do that because they thirst for knowledge and want to better and improve themselves. How much more important would it be to improve yourself as a driver when, let us face it, everyone around this table has more chance of being killed on the roads than on any other form of transport or anything else, apart from being murdered by one of their family members.
610. **The Chairperson (Ms Lo):** So, people do it voluntarily to improve their driving.
611. **Mr Burns:** Yes, they can see the benefit of it. In some cases, your insurance will also go down. I am not trying to put anybody on the spot, but I suggest that every member of the Environment Committee should take some advanced driving lessons and see how they rate and the things that they need to work on.
612. **The Chairperson (Ms Lo):** It is a challenge.
613. **Mr Burns:** It is, but why not do that? In order to legislate, surely the people who legislate should be in an authority that is higher than the legislation. If we were talking about the medical profession, a total layperson would know nothing about brain surgery and would need to talk to somebody who knows about it.

- Having talked to the people who know about brain surgery, as legislators, we could bring forward legislation to try to improve it. In a like manner, why not do that with advanced driving. At the end of the day, it is totally confidential, and Cathal will not be shown on YouTube going around a roundabout the wrong way, in the wrong gear. That type of thing does not happen. It is totally confidential, and it is of benefit to everybody.
614. People who break the speed limit, but not by too much, are given the opportunity to go on a classroom course. My insurance broker confided in me that he had been on one recently, and he asked me to convey his appreciation to the chap who conducted it, who I happen to know and who happens to be an advanced driving instructor and a motorbike instructor. He said that he had gone there not wanting to be there but had come out realising that there were an awful lot of things that he did not know. One of the things was speed limits. In this country, people think that the speed limit on a rural road is 50 mph or 45 mph or 40 mph when the speed limit is 60 mph. So, you overtake them at 60 mph, and they have the horn on and are flashing the lights at you as if you are doing something wrong.
615. **The Chairperson (Ms Lo):** Or, more likely, they go at 80 mph.
616. **Mr Burns:** Or they go at 80 mph, in which case they end up in a tree at some stage.
617. **Mrs Overend:** Can I come back to the MOT idea? How often do you think that needs to be done, if that is a serious proposal?
618. **Mr Burns:** Why not do it when the licence is due for renewal, every 10 years? Personally speaking, I think that if you get a car checked every year, there is no reason why not. The old saying is, "The most dangerous nut in a car is the one behind the wheel". That is an old, old saying. I am just showing my age. So, why do we not have some sort of MOT? What we have suggested is that you do not want to be hammering people with legislation and have people saying, "Oh no, I will have to do a driving test every year". We are not talking about a driving test. We are talking about a driver assessment. We take them out. If you find someone who is an absolute lunatic, the first thing that you will do is ask them to read a number plate. If they cannot read a number plate, you will not take them out in the car, in which case you say, "I am sorry, we cannot take you out". If they pass that, and they have a proper licence, you take them out in the car, see how they drive and you give them recommendations or let them ask questions such as, "What is an advanced stop line?" I will then say, "I will bring you to an advanced stop line and show you what an advanced stop line is", if you get my drift. When a person applies to renew their licence after 10 years, they will have forgotten an awful lot of things in 10 years and learnt very little.
619. **Mrs Overend:** Do you think that the driver should pay for that assessment or should government help to pay for it? You guys will make money out of it, I suppose.
620. **Mr Burns:** Forget about the money. I hate to hear money being mentioned. We are talking about safety here.
621. **Mrs Overend:** When you bring in legislation, you have to think about the bigger picture as well.
622. **Mr Burns:** Let me answer you in this way. In the Irish Republic, they had a consultation and did all sorts of research, and they reckon that every road death in the Irish Republic costs the state €3 million. Someone who is seriously injured will cost the state in Northern Ireland or wherever a heck of a lot more money than that. Someone who is paraplegic will have to have lifetime care. So, somebody might have to spend £50 I am throwing that out as a figure; I do not really care what the figure is or £30 to be signed off as a safe enough driver. Let us face it, a lot of firms do that now with their drivers for insurance purposes. It has to be done for road

- safety and to keep their insurance right, and government is lagging very much behind by not having that done in the Departments, because it is now part of the EU legislation and there is a duty of care for people who are using vehicles. Even if a secretary does not use her vehicle for business, if her boss says, "Will you put that letter in the post on the way home today?", right away she is doing business, and, if she is in a serious road traffic collision, she could take her Department to court under EU legislation. So, we should think about advanced driving or additional driving every 10 years or whatever to make sure that people are up to standard. One of the first things that you will find out is whether they are blind, but you will also find out whether they know and understand the new things that have come in.
623. I will give you a wee example very quickly. Over the past two years — do not quote me on the two years — or so, various pedestrian crossings have come in. In fact, there is one not too far away from Stormont. In the old days, we had a zebra crossing, which everybody is familiar with, and a pelican crossing, which is the one you go up to and press the button. We now have a toucan crossings, as in the big bird with the coloured beak that advertises a certain black brew that is distributed in many pubs. We also have the puffin crossing, which is just down the road at Kings Road, which was the third one that came into existence. One came into existence in Ballysillan, and nobody knew what it was all about. They just went and pressed the button and walked across. So, it is a completely different system. The vast majority of motorists do not know what they are looking at. When you ask a motorist about traffic lights, they will tell you the wrong sequence of how the lights operate. They do not understand the difference between a traffic light that controls a road junction and a pedestrian crossing that is controlled by traffic lights. They are handled in two different ways. I hope that this is food for thought.
624. **The Chairperson (Ms Lo):** As long as you are not colour-blind, and you stop when you see a red light, that is the main thing.
625. **Mr Burns:** There are many aspects of education to make sure that people understand and can do those things.
626. **Mrs Overend:** Do you think that the driving instructor should be given the responsibility of recommending a driver for further lessons or that they are OK, or should they go through a formal test every 10 years?
627. **Mr Burns:** It is not necessary to test someone. To be honest, the problem with testing is that it tests somebody for 30 or 40 minutes on a given day when the traffic could be completely dead. It is not intense enough. You go to a roundabout, which might be empty, and you could be asked to turn left. On an empty roundabout, a blind person — I am not being facetious by saying that; you understand where I am coming from — could make that left turn. It is not particularly difficult. A five-year-old could turn a steering wheel. However, if someone is brought to different roundabouts, scenarios, road conditions and things like that, you find out whether a person can drive.
628. My mother-in-law is in her 80s and is still driving. She is not the best, but she is still driving. She came up with a very good saying: the problem with our roads is that there are too many car users and not enough car drivers. The driving test has let through people who are all right, but the problem is that they do not improve with age; they get worse with age because new legislation comes in. People who were taught in a car without an anti-lock braking system do not understand the principle of that system. They think that an anti-lock braking system is going to help them on ice, but, unfortunately, it does not.
629. **The Chairperson (Ms Lo):** I am just aware of the time —
630. **Mr Burns:** I understand.

631. **The Chairperson (Ms Lo):** We have two more presentations coming up.
632. **Mr Boylan:** Thank you very much, Tom. Here is the reality: people are tested on the day. It is like an MOT car test or anything else. I do not know about going down the route of testing people after 10 years, because it could be the same thing; they could do well on the day. It is true that people really start to learn how to drive when they are on their own and they go out on different roads. Doing the test should be about a driver being ready and having the ability to take that test on the day. It was interesting that you mentioned the holding of a licence for a year. Some people, especially some rural people who are used to driving tractors, could do the driving test after six lessons and pass it because they have experience. What do you have to say about the proposals in the Bill about having a licence for a year?
633. **Mr Burns:** Scrap it. It is absolutely nonsensical. As you stated, there are people with good driving attributes. Why should they be held back for a year? Why talk about a year? If you are going to talk about anything, you should be talking about the number of driving lessons, i.e. hours. It is not about weeks, months or years; it is about hours behind the wheel. Anybody can hold a licence for 12 months and do a one-hour driving lesson. The fact that they have held a licence for 12 months does not mean that they are going to be ready for their driving test.
634. **Mr Boylan:** You talked about a lot of scenarios. Some of the stuff you brought forward was very entertaining. The reality is that you have to factor in collisions — we have to call them collisions because the accident issue has been taken away by the very fact of behaviour. You have driver behaviour and speed, and maybe you have drink-driving. Those are still the main issues. Given your experience, do you feel that there is anything else that we could bring forward in the Bill to address those major issues?
635. **Mr Burns:** Well, we are totally in favour of the 45-mph limit being scrapped. We have always said that we should get rid of it. This has been on record for years. It is nonsensical. We want to be able to teach people to drive at 60 mph and 70 mph. That means that when they do 60 mph, it is not the first time that they have done it. Plus, we will get them to do high-speed braking. So, instead of doing around 25 mph when you do the emergency stop, as the test is at the moment, we — at least, driving instructors who are doing the job properly — will teach people to brake from high speeds and also to feel how anti-lock braking systems work. It is important that you understand how an anti-lock braking system works and the things that it will not help you with, because sometimes braking is a no-no; you cannot brake or your braking has to be very delicate. Those are the sorts of things that are beneficial with that.
636. We are not convinced that the minimum age of 16 and a half will have any benefits whatsoever. It is more legislation. It is totally out of sync with the mainland and with the Irish Republic. Nothing has been given to us to prove otherwise. As I said, the scenario of passengers proving who they are, what age they are, what their relationship is with the driver, and so on, is the road to no town as regards enforcement. It is not going to happen, particularly, as you say, in the country. How often will police be in the area to stop a car at 3.00 am with four people in it and ask, “What is your relationship?”, “Where is your licence?” and that type of thing. It is just not going to happen. So, there is no point legislating for something that looks good on paper but where enforceability is a waste of time. Those are the main ones; the minimum age of 16 and a half, the year’s learning period and that.
637. The other aspects of it include one part of the legislation that we have not even mentioned, which is wearing a helmet on a quad bike. We actually said that we do not see why that legislation has not been passed on to trikes. That does not really make sense, because

- a quad is actually more stable than a trike. Legislation says that you must wear a helmet on a motorcycle, which has two wheels. On a trike, which is a bit like what Billy Connolly shoots about on, you do not need to wear a helmet. That would continue under the proposed legislation, but somebody using a quad, a four-wheeled motorbike, out on the road would have to wear a helmet. Why is there not parity?
638. If we are talking about safety, I know from experience that a helmet saves your life. I can say categorically that, had I not been wearing a safety helmet, I would not be here today. A chunk the size of my hand was taken out of it. If a chunk that size had come out of my brain, I would not be speaking to you today.
639. **The Chairperson (Ms Lo):** You said that it should be the hours of lessons that count. The log book is supposed to say that you have done so many hours of various aspects of driving.
640. **Mr Burns:** Well, currently, we have a log book for compulsory basic training (CBT), which some instructors ignore even though it is a legal requirement. This has been placed before PSNI. It has been documented that the Department has been told, etc. Everybody wants to put their heads in the sand and pretend that it is not happening. I could tell you where to go to buy a CBT certificate. The police have been informed about that. You can buy a CBT certificate for £65 and not spend any time doing any training whatsoever on a motorcycle. This has been ongoing since 2011, when a gentleman was standing outside the City Hall selling these certificates to people at a scooter rally. They were all going out riding their bikes illegally, because they had full car licences but no motorbike licences. They had to have CBT certificates. The gentleman was standing there selling them for £100 before they went out on the rally. These things are happening.
641. If anybody thinks that there are no bad guys among driving instructors, that all driving instructors are good guys and that no doctors are Dr Shipman, they are living in cloud cuckoo land. There are bad people in all professions. The problem is that once you get into log books, there will be people who would be happy to sign off someone who has not properly completed it, simply speaking, for monetary gain or favoritism because they know somebody in the family who says that they have been talking their son or daughter out and asks them to sign it off etc. The system, as it is, is not watertight. We cannot see it being watertight for cars.
642. **Lord Morrow:** Very briefly, I want to raise two things. Tom, you say that you disagree with the age reduction for learners to 16 and a half. You agree that the age should remain 17. What about the other end of the age spectrum? Does there come a time in our lives, an age or a stage, when we should not drive on these busy, cluttered roads?
643. **Mr Burns:** No. In my experience some people are better drivers at 70 than others who are 20 or 30.
644. **Lord Morrow:** So if you are 120 or 206, that is fine.
645. **Mr Burns:** If you are capable of driving, you are capable of it; if you can do it, you can do it. Age has no relevance to it. It has to do with ability.
646. **Lord Morrow:** But it has when you are starting off. You have said here that age has no relevance, but you are opposed to it at 16 and a half.
647. **Mr Burns:** What is the point of 16 and a half? The point of the legislation is to make our roads safer. Lowering the age to 16 and a half will not make our roads safer. Someone at 102 years of age, who still has a driving licence, may still drive capably and safely. Driving safely is the issue, not age.
648. **Lord Morrow:** But at age 16 and a half, you do not think that people could drive safely.
649. **Mr Burns:** No, it is not a matter of that. There is no reason or rationale to lower the age to 16 and a half. If you are

- going to drop to 16 and a half, why not just just drop it to 16? Because at 16 years of age — most of the Committee will not know this — I teach disabled people who are entitled to a licence.
650. **Lord Morrow:** Recently, after another road fatality, the police were asked the question: what is the cause of all these road fatalities? The senior police officer who answered the question gave four reasons. If my memory serves me right, he said that not wearing seatbelts was one; speeding was two; driving while under the influence, three; and then he said not taking due care. To me, not taking due care is wrapped up in the other three, because not wearing a seatbelt is not taking care. Is it not? Driving while under the influence and, of course, speeding. How do you —
651. **Mr Burns:** No. You could fit due care and attention in with that, but the reason that it is set aside is because the person did not die because he was not wearing a seatbelt, the driver was speeding, or the driver was under the influence of drink or drugs. The reason the person died was because the driver was fiddling about with their MP3 player and did not see the pedestrian walk out in front of them — due care and attention. The person may have driven through a green light thinking that green means go, but did not see a cyclist coming off the pavement, and killed that cyclist. The lorry driver who makes a left turn and does not check his blind spots to make sure that a cyclist is not present — that is the reason for the green boxes, so that cyclists are not in his blind spot and, as he turns, he crushes the cyclist. I have seen a Mini crushed and wrapped around an old lamppost because a lorry driver turned, as he needed to, and the Mini was actually bent around the lamppost. I should say that, in the past number of years, I have been in attendance at five RTCs where people have died.
652. **Lord Morrow:** I think that the statistics that we have — not for this year, for we would not have those yet, but for the previous year — show that alcohol-related accidents account for a very high proportion of road deaths.
653. **Mr Burns:** I spoke to your member Sandra here about one of the things that we proposed in the booklet. I do not want to burst someone else's thunder, but there are a number of scenarios, and one that we have suggested we call "the morning after". I have been interviewed on radio, and we have had the PSNI on as well. It is something that people in general do not think about. Forget about drugs, because dear knows how long drugs last in your system, but if you have had alcohol, it takes approximately two hours for the first unit to get out of your bloodstream. It takes a further hour for any other units of alcohol to leave it. On one occasion, a student got into the car with me in the Holylands at 9.00 am. Had I lit a match, the car would have exploded. So at that point I asked: were you drinking last night? Yes, she said, I was. I asked what she had consumed, and she went through this rhyme and reason of consume. Then I asked the more important thing: at what time did you stop drinking? She replied: 3.00 am. So that was only six hours previously. Now, having consumed a bottle of Jack Daniel's and whatever other things she had chosen, this person thought that she was going to get into a car and drive it. Needless to say, she was sent back home again to go to bed.
654. So the problem is that people do not realise that the recommendation — this is something that members could take into consideration — is that even if you have had only a glass of wine, you should leave a minimum of 12 hours before you jump into a car. That is the recommendation. The problem is the morning after, and that is where quite a lot of the convictions take place and why you have quite a lot of RTCs in the morning, particularly in rush-hour traffic. The Scandinavians have come up with something; they have focused on the brain. They say that when people commute — that is, they are on the same journey every day — they switch off the portion of

- the brain that warns you of danger. This has been scientifically proven. I have been saying for years that people drive in a daydream. You are sitting in a daydream and you have had a few drinks the night before, but 12 hours has not elapsed. You probably have not slept very well, and you have some alcohol in your system. It is a recipe for disaster because you are going to crash into the vehicle in front which suddenly brakes, because you have not left enough braking distance. So, it may not be an RTC in which people are seriously injured or killed, but it is still on the books as being an RTC, and it means that other people are held up, production is held up and the economy loses money. Every time there is a blockage on the motorway, the economy in Belfast loses an enormous amount of money due to an RTC.
655. **The Chairperson (Ms Lo):** Thank you very much. It was a very interesting conversation.
656. **Mr Burns:** Remember, I did not use the word “challenge” about advanced driving; you used it.
657. **The Chairperson (Ms Lo):** I may take you up on that.
658. **Mr Burns:** Seriously, why not? You have nothing to lose; you have everything to gain. You will not even be charged anything. We will do you special MLA rates, because there is no money in Stormont. If you want to do the test, it is a different thing because that is out of our hands. In that case, you are charged, but you can do a bit of advanced training to see what it is all about. To be perfectly honest with you, people who do it thoroughly enjoy it. As I say to people, even if you only learn one thing, you will have learnt something.
659. **The Chairperson (Ms Lo):** I know that I am not confident reversing. I have never done good reversing.
660. **Mr Burns:** You need to buy one of those cars that does it for you. If you get a pay rise, you will be able to get one of those cars where you can just press the button and let it reverse for you.
661. **The Chairperson (Ms Lo):** I can never do it straight.
662. **Mr Burns:** It is quite an easy technique, believe me.
663. **The Chairperson (Ms Lo):** Thank you very much indeed.
664. **Mr Burns:** You are very welcome. Thank you very much for your time.

20 November 2014

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr Alban Maginness
 Mr Ian McCrea
 Mr Barry McElduff
 Mr Ian Milne
 Lord Morrow
 Mrs Sandra Overend
 Mr Peter Weir

Witnesses:

Mr John Brogan	<i>Department of the</i>
Mr Iain Greenway	<i>Environment</i>
Mr John McMullan	
Mr Donald Starritt	

665. **The Chairperson (Ms Lo):** I welcome Iain Greenway, director of the road safety and vehicle regulation division; John McMullan, from the road transport legislation branch; and John Brogan and Donald Starritt, from the road user behaviours policy and strategy branch.
666. For each clause, I will briefly remind Committee members of the issues that have been raised. This is only an initial consideration of the clauses to establish whether you need further information, whether you think that a clause may need to be amended or whether you require any other information from the Department.
667. You are all very welcome, and it is nice to see you all again. Iain, will you give a brief overview?
668. **Mr Iain Greenway (Department of the Environment):** If that is OK, Chair. It may be helpful for members if we remind ourselves how we have got to here and of the provisions in the Bill before we look at individual clauses. As you say, our focus today is on Part 2 of the Bill, which concerns drink-driving.

669. The Department consulted on drink-driving policy in 2009, with a consultation on the draft clauses taking place in 2012. The clauses, which were broadly supported in the consultation, provide the enabling legislation needed to establish a new drink-driving regime.
670. The Bill's main objective is to save lives and prevent serious injuries. From 2009 to 2013, 58 people were killed and 387 were seriously injured by drivers impaired by drink or drugs. The impact has been most keenly felt in rural communities: 79% of the fatalities and 51% of the serious injuries occurred on rural roads. Evidence strongly indicates that impairment owing to alcohol begins at levels lower than the current drink-drive limit and that young and inexperienced drivers are particularly vulnerable.
671. Over that same period, drivers aged 17 to 24 were responsible for 45% of all deaths and 39% of all serious injuries where driver or rider impairment through alcohol or drugs was deemed to be the cause, with impairment through alcohol being the factor in most of the cases.
672. We will, I am sure, come to the details of the provisions shortly, but I will now deal with the key elements of that part of the Bill. First, there will be two new drink-driving limits. There will be a main limit of 50 mg of alcohol per 100 millilitres of blood, with a lower limit of 20 mg for learner, novice and professional drivers. Secondly, there will be a new graduated penalty regime, with provision for fixed penalties for first-time offenders with lower levels of alcohol. Thirdly, there will be new powers for the police to set up roadside checkpoints. Finally, there will be an automatic referral of offenders on to an approved drink-drive rehabilitation course with a view to correcting inappropriate driving behaviour at an early stage, unless a judge decides that that is inappropriate.

673. The package of measures, and it does need to be viewed as a package of measures, is designed to create an effective deterrent to drink-driving. The clear message is that drink-driving will not be tolerated and that offenders will be caught and dealt with appropriately.
674. **The Chairperson (Ms Lo):** Members, you have the responses from stakeholders and the Department's response.
675. Clause 1 is certainly straightforward. It just defines expressions used in the Bill. Members, have you any further issues that you wish to raise? No? OK.
676. Clauses 2 to 15 set out amendments to existing legislation that revise the drink-drive limits and penalties, making greater use of existing rehabilitation courses for drink-drive offenders. They provide the police with additional enforcement powers and remove the right to choose which specimen is used for analysis in certain circumstances.
677. Clause 2, which is the first one that we will be looking at, replaces the existing prescribed drink-drive limit with two new limits, which are applicable to different categories of driver licence holder. The first limit is 50 mg per 100 millilitres and applies to a typical driver. The second limit is 20 mg per 100 millilitres and applies to specified persons, including learners, new drivers qualified for not more than two years and a range of professional drivers. Iain can comment on the issues raised by stakeholders about the clause.
678. **Mr Donald Starritt (Department of the Environment):** I will comment, Chairperson. As you might expect, there is quite a broad range of views on the clause. I will pick out the key themes. There was some support for a zero limit, especially for younger drivers. There was also recognition that, as we have proposed, 50 mg is a suitable limit. However, it is also fair to say that there was some opposition to any reduction in the limit, mainly on the basis that it is the risk of being caught rather than the limit itself that acts as a deterrent. That was the rationale for that view. That is a brief summary of the main points.
679. **The Chairperson (Ms Lo):** Do members have any comments on clause 2? It is fairly straightforward and lowers the drink-drive limit. I think that a lot of the members will support it.
680. **Mr A Maginness:** I seek clarity on one point. Some representations were made by professional bodies that, for taxi drivers or lorry drivers, for example, it applies only in the course of their employment.
681. **Mr Starritt:** That is right. The legislation is quite specific. They have to be acting in the capacity of a taxi driver or a professional driver.
682. **Mr A Maginness:** Therefore, any professional organisation should be satisfied with that safeguard.
683. **Mr Starritt:** That is right.
684. **The Chairperson (Ms Lo):** They are subject to that lower limit only in their professional use of the vehicle. If they are driving their private car and taking the children to school, or whatever, it does not apply.
685. **Mr Boylan:** Thanks for the clarification. It is hard not to agree with it when you hear Iain outline the figures on deaths.
686. I want further clarification on the enforcement element. You mentioned rural roads and said that the powers are going to the PSNI. Has there been much response to that? Do you feel that it is enforceable, or is there any issue with enforcing all of this?
687. **Mr Starritt:** Enforcing the 50 mg and 20 mg limits? We may come to some points of detail as we go through the individual clauses, but, in general, the PSNI is supportive.
688. **Mr Greenway:** At lower alcohol limits, obvious impairments from outside the vehicle will perhaps be less clear-cut — the clichéd weaving across the road, for example — hence the package of measures including mandatory checkpoints, and so on, as part of the

- provisions. Those provide a more visible, focused enforcement as well.
689. **The Chairperson (Ms Lo):** It is a deterrent for people to know that there will roadside stops. Anyone could be stopped.
690. **Mr Greenway:** They could be required to provide a breath sample without the constable needing reasonable suspicion to require that.
691. **The Chairperson (Ms Lo):** You currently have to have a justifiable suspicion to stop someone or can do so if someone is involved in a collision.
692. **Lord Morrow:** It is good to hear that the police are supportive. I think that this was mentioned, but I missed it: are they satisfied that they have the capacity to enforce? I know that the legislation itself is a deterrent, and I accept that, but legislation that is either not enforced or not enforceable is sometimes not a good story, and I am concerned about that. Did the police clearly indicate that they will have the capacity to enforce the legislation?
693. **Mr Starritt:** The steer that we have been getting is that the police do have the capacity to enforce the limits set in the Bill, which are the lower limit of 50 mg for most drivers and 20 mg for specified drivers.
694. **Lord Morrow:** We are hearing different things from the Chief Constable about the PSNI's ability to enforce. It is wrong to say that that ability would not be effective. However, we know the present financial climate that we are living in. We know that an announcement has just been made — either today or yesterday — on policing. I have some concern about their capacity to enforce.
695. **Mr Starritt:** Feedback we are getting from the PSNI is that, if the limit were to be a universal 20 mg — for all drivers — that could change the picture, eventually cause difficulty in enforcement and introduce a focus on lower levels of impairment, perhaps to the detriment of a focus on higher levels.
696. **The Chairperson (Ms Lo):** We move to clause 3, which retains the right of a driver to ask for a blood or urine specimen to replace a breath test if the breath test is marginally over the present prescribed limit at the new lower prescribed limits.
697. The Department proposes a small technical amendment to clause 3 to comply with the Examiner of Statutory Rules' recommendation on the delegated powers memorandum that the regulation-making power should be subject to the draft affirmative resolution procedure rather than the affirmative resolution procedure, as drafted. Will you explain to us why?
698. **Mr John McMullan (Department of the Environment):** When the delegated powers memorandum was put to the Examiner of Statutory Rules, the one point that he made was that some of our regulation-making powers should be by draft affirmative resolution rather than affirmative resolution. That is quite a simple change really. With the draft affirmative resolution procedure, we draft the regulations, and they are not made until the Assembly affirms them. With the affirmative resolution procedure, we make the regulations, but they do not come into operation. The Examiner said that draft affirmative resolution is more appropriate, and we are quite content to go along with what he said.
699. **The Chairperson (Ms Lo):** Will the regulations have to come back a second time to the Assembly?
700. **Mr J McMullan:** No. It is a set of regulations. Affirmative resolution has to be voted on in the Assembly. It is a technical issue as to whether it is the draft affirmative resolution procedure or the affirmative resolution procedure that is used. That causes a small technical amendment to clause 3 and has a knock-on effect for a couple of other clauses. It is a recommendation that the Examiner made, and we are quite happy to comply with it.

701. **The Chairperson (Ms Lo):** What is the rationale for that?
702. **Mr J McMullan:** The reason that we had affirmative resolution in the Bill is that that was the existing legislation. However, we are now moving more to using the draft affirmative resolution procedure in all areas. It is more consistent with the approach taken nowadays.
703. **The Chairperson (Ms Lo):** Are members content with that?
704. Members indicated assent.
705. **Mr Greenway:** Were any points made by respondents to the Committee's call for input on clause 3?
706. **Mr Starritt:** I do not think that the clause was specifically addressed.
707. **The Chairperson (Ms Lo):** Do members have any questions on clause 3? Can we very briefly go over the comments from —
708. **Mr Weir:** I want to briefly ask a question on clause 3 and the way in which it will work in practice. I understand the rationale that, if you are just over the limit, you can ask for the second test. However, from a technical point of view, does that mean that, for somebody who is marginally over the limit, there is a possibility that by the time that the police take what is effectively a second test the person will have gone under the limit, and you will get a different result based purely on a time factor? It may not necessarily be measuring what the position was at the time of the incident. What are the practicalities of that?
709. **The Chairperson (Ms Lo):** I think that the police raised the point as well that after a few hours of waiting in a police station for a doctor or nurse to come, the person's blood:alcohol level will have gone down.
710. **Mr Starritt:** To recap, that is the issue with the statutory option. People who are registering marginally above the limits have the option to request a blood or urine sample.
711. **Ms Lo:** That is only at the lower limit, though.
712. **Mr Starritt:** No —
713. **Mr Greenway:** It is at all the limits.
714. **Mr Starritt:** — it is at all the limits. At the moment, the limit sits at 80 mg, and, if people are registering marginally above 80 mg, they have the statutory option.
715. The Department did look at the possibility of removing the statutory option. The reason that it is being retained at this point is that we got a legal opinion that suggested that its removal may run contrary to article 6 of the European Convention on Human Rights (ECHR). As things stand, we are seeking further legal opinion on that, and I will bring that to you later in Committee Stage. I am still awaiting that view.
716. **Mr Greenway:** In response to your direct question, Peter or Chair — I cannot remember who asked it — in the intervening time period, the alcohol level may rise or fall depending on time and what the person has eaten. You cannot be certain that the level will be going down. However, the passing of time will generally lower the level. You will recall the TTC presentation with the liquids, and so on.
717. When the PSNI was here, it raised the practical implications of somebody exercising that right. Often the checkpoint by the side of the road has to be closed because an officer has to escort the person back to the police station. There is a broader, knock-on operational implication for the police, and not just with that individual.
718. It may be worth pointing out that no other signatory to the convention has that statutory option. It has never existed in Ireland, and Great Britain is in the final stages of removing it in a Bill that has been through both Houses of Parliament and is awaiting Royal Assent.
719. **Mr Weir:** We could be in a position in which we are retaining something that will not apply elsewhere. I appreciate

- what you said about the nature of the blood:alcohol levels, and that there can be some variation consequently. It can go up or down. As an option, however, it could only really work to the benefit of the people breathalysed. Clearly, if they are, to take an example, 5% above the limit and go for the urine test, it might take them down below the limit, which would be to their advantage. If it goes up an extra 5%, they are still over, but they are no worse off. I assume that pretty much anybody —
720. **Ms Lo:** Will want that.
721. **Mr Weir:** It may be a very marginal issue, if in court you end up with a slightly higher registration. However, in a general —
722. **Mr Boylan:** There is a different legal opinion there.
723. **Mr A Maginness:** If it does go up, I know that the consequences are still serious. If it goes up, the chances are that the penalty imposed will be higher, so you have to weigh those things in the balance.
724. **The other point that I make is this:** as far as I know, a breath test, and I am subject to your expert opinion on this, is not as accurate as, for example, a blood test.
725. **Mr Greenway:** It would be fair to say it may not be as precise. However, any one of those tests — urine, blood or breath — is taking a snapshot of a sample of one's breath. It is a sample of one breath not the next breath, or of the blood at an instant in time. Therefore, if you are trying to use any of those tests to say what the state of an individual was at the time of a collision or when pulled over by the police, even in the time from being pulled over, and for the two or three minutes that it may take the individual to exhale into the bag, the reading could change. That is why, rather than accuracy, in a scientific way I am using the word "precision" when talking about the measurement of that particular breath.
726. **Mr A Maginness:** Surely the point is, Madam Chair, that the more precise a reading is, the more just the result, and the fairer it is to the person, who is faced with a considerable penalty if found to be guilty of having consumed excess alcohol. We have to preserve a balance in people's rights, and that is why it could contravene article 6 on the right to a fair trial.
727. **Mr Greenway:** It may be relevant to say that two breath tests are taken, and it is the lower of the two readings that are taken at the side of the road that is used. There are safeguards, balances and benefits of the doubt in the current system. There is a preliminary breath test and two evidential breath tests.
728. **Mr Starritt:** The other point to make is that the limit is currently 35 mg, and the police do not take any further action for readings of 36, 37, 38 or 39. It is only for readings of 40-plus mg that the police take further action. So, a tolerance is also built in there.
729. **Mr Greenway:** Just to clarify, 35 mg in breath is the equivalent, biologically, to 80 mg in blood.
730. **Mr A Maginness:** The problem, as I see it, is that you are dealing with very small margins. To be fair to the person who is being breath-tested, you have to allow for that. You made the point made about precision, and a breath test is not as precise as a blood test or analysis.
731. **The Chairperson (Ms Lo):** I certainly recall that the police, during their oral evidence, said that that option was brought in 30 years ago when the law came into force and when the breathalysers were not that accurate. That is why people had that option. However, technology has improved and breathalysers are now fairly accurate. So, they maybe see that as unnecessary.
732. **Mr Starritt:** I think that the PSNI's view is that the combination of the more reliable equipment and the built-in tolerance of not taking action on readings of 35 mg to 39 mg would justify the removal of the option.

733. **The Chairperson (Ms Lo):** Are you considering changing it?
734. **Mr Starritt:** We have one legal opinion that suggests a possible contravention of human rights. We are waiting on a second legal opinion.
735. **The Chairperson (Ms Lo):** From where?
736. **Mr Starritt:** We have to seek that through our departmental solicitors.
737. **The Chairperson (Ms Lo):** We will wait and see. I suppose that I can understand your argument that, if it is so close, people perhaps need to have the right of challenge. We will wait to see, and you will come back to us on that.
738. Clause 4 provides police with the power to establish a checkpoint and to require the person in charge of a vehicle to provide a breath test. Donald, will you briefly talk to us about the comments that were made on clause 4?
739. **Mr Starritt:** The main comment on the clause was one of strong support for the concept from the PSNI.
740. **The Chairperson (Ms Lo):** I would think so.
741. **Mr Starritt:** Even going back to the original consultation, the view the Department got was that it was the way to go.
742. **The Chairperson (Ms Lo):** Whether the public would like it or not is another matter. They will be pulled in and delayed on their travel.
743. Was there only one submission? From the PSNI? OK. There are no questions from members, so we will move on.
744. Clause 5 contains a number of further amendments to facilitate a new power to establish a checkpoint and require a breath test. No issues were raised on that clause and members have no questions on it. Will we move on? Are members broadly content with clause 5?
- Members indicated assent.*
745. **The Chairperson (Ms Lo):** Clause 6 contains amendments to enable the police to carry out evidential breath tests at the roadside, without the need to have first conducted a preliminary breath test. The amendments would also extend the police power of arrest that is currently linked to the preliminary breath test to enable police to arrest a person following an evidential breath test. The police talked to us about that clause. Will you explain what it all means? It sounds so complicated.
746. **Mr John Brogan (Department of the Environment):** It does two separate things. First, it removes the legislative requirement to complete a preliminary breath test before an evidential test. At the moment, because the police operate with roadside preliminary testing equipment, which is backed up by evidential testing equipment that is based in custody suites in police stations —
747. **The Chairperson (Ms Lo):** That is for urine or blood tests?
748. **Mr Brogan:** Even evidential breath-test machines are within police stations. The way that the current legislation is written requires the preliminary breath test to be carried out before an evidential test. The advent of roadside evidential tests that the police hope to bring in will remove the need for that initial preliminary test. That is what the amendment is designed to deal with.
749. The second purpose is very closely related and will enable the police to arrest a driver at the roadside following an evidential test. Similarly, the current legislation allows the police to arrest a person on the basis of a preliminary test but not on the basis of an evidential test. Together, the two things will enable the police to reintroduce the use of evidential roadside testing.
750. **The Chairperson (Ms Lo):** That is just one breathalyser test. Is that right?
751. **Mr Brogan:** Yes.
752. **Mr Greenway:** Will there still be two bloods or one blood?

753. **Mr Brogan:** There will still be two. It is simply that the machinery, for a lot of environmental reasons, cannot be brought out on to the road. The machines that are currently in use could be subject to distortion from electrical interference. However, the new machinery that the police are about to acquire will enable them to bring testing out to the roadside without any danger of distortion.
754. **The Chairperson (Ms Lo):** *[Interruption.]* Sorry, the battery is running low. It is warning me. Sorry about that.
755. Members have no questions about that clause and seem happy enough. I think that that makes it clearer.
- Members indicated assent.*
756. **The Chairperson (Ms Lo):** Clause 7 enables the introduction of new administrative fixed penalties, graduated penalty points and a fine that will be applied if blood alcohol concentration (BAC) levels are below the existing limits and there is no existing offence. Will officials comment on the issues that have been raised by people?
757. **Mr Starritt:** I will maybe talk a wee bit about the rationale for that. Really, the clause will allow the Department the option of issuing fixed penalties for new lower-level offences. One of the things that we will come to later is an attempt to check inappropriate behaviour quite early. We want to have the option of offering offenders drink-driving rehabilitation courses, which have been shown to be very effective.
758. The PSNI accepts what the Department is trying to do to check such behaviour. However, it is fair to say that they have some concerns about the process. The initial penalty could be six penalty points plus a £200 fine, but, if an offender were to agree to go on a course, it would be reduced to three penalty points and a £100 fine. If he or she subsequently did not go on the course — there is a lot of toing and froing.
759. **The Chairperson (Ms Lo):** If you do not finish the course, is there not a higher penalty?
760. **Mr Greenway:** No, you do not benefit from the reduction.
761. **The Chairperson (Ms Lo):** OK, so you go back to the original £200 fine.
762. **Mr Starritt:** Or if someone refuses to accept the fixed penalty, the case goes to court.
763. **Mr Eastwood:** It works with the speeding, doesn't it?
764. **The Chairperson (Ms Lo):** That is an administrative issue; you have to take the time to go back and check that they completed the course. The educational aspect of it is so important.
765. **Mr Greenway:** Absolutely. We would see rehabilitation, and, in this case, at an early stage, because this would apply to only first-time offenders below the current legal limit. Above the current legal limit, we are into bans, subject, of course, to judicial decisions on individual cases, but, as we are now, it is a ban.
766. This picks up on points that Lord Morrow made quite strongly when TTC came, namely how do we get to people before they cause damage to themselves and others? So, we see this rehabilitation option of attending a course — which, as Donald said, the evidence shows is successful in many cases — as very important. To access that through this route, we need to make the administration work as smoothly as we can, but we think that the overlying benefit of rehabilitation is greater than the administrative tangles that could be caused.
767. **The Chairperson (Ms Lo):** This is not a temporary measure, though. We are saying to someone that you are getting that penalty because we are now lowering the limit and you are not aware of the lower limit. In a way, you are saying that.
768. **Mr Greenway:** No, we are saying, for offences below 80 mg, and they will

- not be for first-time offenders, subject to judicial discretion about aggravating circumstances and so on, the starting —
769. **The Chairperson (Ms Lo):** I know, but how long is this —
770. **Mr Greenway:** The starting position would be penalty points. Of course, six penalty points on somebody's licence, if they have two speeding offences on there, would disqualify them.
771. **The Chairperson (Ms Lo):** But in a way you are also saying that because we have changed the limit, there is an element of bedding-in. There is the idea that we have lowered the drink-drive limit now, so you get that slight kind of allowance that you pay only a penalty. How long is that going to last?
772. **Mr Starritt:** It is more a recognition that it is a lower-level offence. It is not that we see this as a temporary or bedding-in measure. It is more the fact that, at these lower levels and, as Iain says, for first-time offences, it is more appropriate to deal with those through the course and the penalty.
773. **The Chairperson (Ms Lo):** Giving a warning.
774. **Mr Brogan:** That is also a common way to deal with lower levels of alcohol in other member states. I am not aware of any other member state that would impose a disqualification at lower alcohol levels of 20 mg or 50 mg. That would be very unusual.
775. **Mr Greenway:** We have to temper that slightly by the fact that Scotland does exactly that. As the Committee may be aware, Scotland is lowering its drink-drive limit imminently, within days or weeks, but it does not have the power under the Scotland Act 2012 to amend the penalties, so it has no choice but to disqualify at the lower levels. However, that is an anomaly due slightly to the constitutional settlement. John is right: elsewhere in Europe there is this sense of graduation.
776. **Mrs Cameron:** It sounds sensible to me. In my mind, it would be described as permanent, ongoing education in a way. Every year, people will be learning to drive and getting licences. That is ongoing, so it would have to be permanent. It sounds fair, measured and a sensible clause.
777. **Mr A Maginness:** Could professional drivers who marginally exceed the new limit of 20 mg be subject to disqualification?
778. **Mr Starritt:** If it was marginally over the 20 mg, they would be offered the fixed penalty of £200 and six points for a first offence, and then, if they chose the course, it would be £100 and three points. So it would be exactly the same punishment at that lower level.
779. **Mr A Maginness:** If there was a disqualification, it would be much more serious than for an ordinary person, because driving is their livelihood. It would be very disproportionate, and I just wonder how the courts are going to deal with that.
780. **Mr Starritt:** Well, as I say, for a first-time offence and at those low levels, disqualification would not apply, provided the fixed penalty was accepted by the driver.
781. **Mr A Maginness:** Do you see the point I am making, Chair? It has a much more serious impact on a professional driver.
782. **The Chairperson (Ms Lo):** But they are still given that first chance of paying the penalty and not being disqualified.
783. **Mr Greenway:** You can argue, taking Alban's point, that if you are a lorry driver driving an HGV and you are caught at 25 mg, shall we say, if we had automatic disqualification for exceeding the limit — i.e. if we did not introduce this clause — there would be disqualification subject to judicial discretion. Here we are saying that, for a first time offence and subject to there not being sufficient penalty points on that licence for other speeding and seatbelt offences to make it tot up to 12, the licence would not be lost. But a second offence, in the later clause,

- would incur an automatic default sentence of a three-year ban.
784. We also have found, from some analysis that we did of judicial decisions under the current law, that a range of judicial discretion is being applied for first-time offences and indeed for repeat offences, whereas, in current law, there are particular sentences and a minimum sentence. There is a significant amount of judicial discretion being applied, and what we are finding, for instance, is that very, very few drink driving offenders these days receive a fine. The disqualification is deemed the punishment, if you like, rather than the financial penalty, which is dependent on ability to pay. The punishment that it creates depends on people's income rather than the crime, if you like.
785. **Mr A Maginness:** But on a second offence, if you are subject to a three-year ban, it has a huge impact on your life if you are a taxi driver or a lorry driver.
786. **Mr Greenway:** The reverse argument would be, if you are driving with alcohol in your system on repeated occasions, and you are driving such vehicles, there are significant risks to safety.
787. **Mr A Maginness:** No, I understand the point you are making, and it is well made.
788. **Mr Boylan:** I saw a note in relation to clause 3 about the media campaign. I was quite shocked when we received the presentation from one of the groups about what you would actually be allowed to drink. If that had got out, I could imagine a lot of people testing it to the limits for the extra one or half measure, because it was alarming. But my point is that, and I understand this clause is dealing with the courts, surely the message and the media plan should be about not driving after even one drink. That is the whole idea for such low limits. That is the key. How are you going to roll the media campaign out?
789. **Mr Greenway:** There will be a media campaign. Our current media campaigns are never, ever drink and drive, and there was an interesting exchange between Eddie of TTC and Ian McCrea about breathalysers in vehicles. The TTC said that it is a bad idea, because it gives people almost the challenge of getting up to the limit. Assuming the legislation receives Royal Assent, secondary legislation would be required. The phasing of that and commencement will be determined with the police, because some of it, as we have mentioned, requires new equipment and so on. There will be extensive media communication and messages in advance of the changes, but not too far in advance, using best practice on the best times and the best channels.
790. **Mr Boylan:** There are concerns about the rising death toll this year. Iain, you gave a few figures at the start. Have you any figures, even from last year, on those drink-driving offences and the type of penalties that were served over the last number of years?
791. **Mr Greenway:** We do have analysis of the sentencing records. Now, that only went up to about 2011, from memory. But we would be happy to share those. I do not think there was any sensitive data; there were numbers, rather than names, both for first-time offenders and repeat offenders. But it was not contemporaneous, just because of the trawling back into the Court Service systems.
792. **Mr Boylan:** At this time of year, in the run-up to Christmas or just after Christmas, you always get the PSNI figures for the number of people who have been stopped over the Christmas period. But I know that on the gardai site, all the different types of offences are listed on a monthly basis.
793. **Mr Greenway:** In 2012, 2,300 people were prosecuted for drink-driving offences. In 2011, it was 2400 and in 2010, it was 2600. Whether or not you can read a decline into those figures over the three years, they are of that order.
794. We can only conjecture what the addition will be. We do not have data on how many people are driving around

- with alcohol levels between 50 mg and 80 mg, because, of course, it is not an offence; it does not turn the breathalyser red. But we can conjecture, and I think we have done some approximate numbers. It would be several hundred extra.
795. **Mr Brogan:** Fewer than a thousand.
796. **Mr Greenway:** Fewer than a thousand extra was our projection, but they are projections, using some of the experience in the South, for instance, where they have introduced a lower limit than other jurisdictions.
797. **Ms Lo:** They saw a dramatic drop.
798. **Mr Eastwood:** This is slightly off topic, Chair. What they do on a lot of the radio stations in the South, every day, as part of the ad sections, is tell you how many have died this week, this month and this year. I think that just to read out the figures is actually quite powerful.
799. **Ms Lo:** Is that an advertisement, or is it just information fed to the news desk?
800. **Mr Eastwood:** No, it is put out as an advertisement, in the same way —
801. **Mr Greenway:** — and paid for.
802. **Mr Eastwood:** — that your advertisement would be paid for. Yes.
803. **Mr Greenway:** It is the number of people charged with or convicted of drink driving, the number of penalty points and the number of fatalities.
804. **Mr Eastwood:** Yes, that is it.
805. **Ms Lo:** Would the Budget cuts affect your ability to have a really comprehensive advertising campaign? Cathal is right: we need a good communications package for this.
806. **Mr Greenway:** We will put together a good communication package. The likely Budget settlements will make that more challenging, but the Department will need to rise to that challenge.
807. **Mr Boylan:** Yes, and indicate how many police stations will be closed.
808. **Ms Lo:** Members, we will move on then to clause 8, which will allow a reduced penalty for completion of an approved course for drink-driving offenders. No issues were raised on this clause. There is good, positive support for this. Members, are there any issues you want to raise with the officials, or are you broadly content?
- Members indicated assent.*
809. **The Chairperson (Ms Lo):** We will move on then to clause 9. This clause enables police to issue further fixed penalty fines for non-completion of an approved course for drink-driving offenders. I think the issue would really be administrative costs and time to monitor it and check back. No issue has been sent in from anyone else. The police did mention that, I think, at the very beginning.
810. **Mr Greenway:** That language may have led to your earlier question, Chair, whether that was an additional penalty for not going on the course. But this additional penalty is to bring it back up to baseline. You say you will go on a course, you receive the reduced penalty points, but you need to come back up, if for whatever reason you do not attend within the limit. So it is additional to what you are given, but only back up to where it would have been.
811. **Ms Lo:** Should there be an increase in penalty if they say they will go on the course, and then they do not? It is a waste of your time, police time and everyone's time.
812. **Mr Greenway:** If they book it and then do not attend, I am sure there is a cancellation fee that is charged by the provider, because they have taken the space.
813. **Ms Lo:** How much does it cost to go on it?
814. **Mr Brogan:** It costs £155.
815. **Mr Greenway:** With a reduction for —
816. **Mr Brogan:** There is a concessionary fee. I am not sure what that is. I think that it might be £110.

817. **Mr Greenway:** There is a reduction of about 25% for hardship cases.

818. **The Chairperson (Ms Lo):** So, if you are on benefits or something like that, you could get 25% off? That is still quite —

819. **Mr Brogan:** Throughout the operation of our courses for drink-driving offenders, we have always tried to emphasise that they are voluntary. The course providers argue strongly that they get best value from those who attend voluntarily rather than compulsorily or who feel that they are there simply to avoid something worse like disqualification.

820. **The Chairperson (Ms Lo):** As all the courses are run during the daytime, it means that people have to take time off work to attend them. It could be a bit of a stigma to have to tell your boss that you were going to that course every week. Are they all run during the daytime?

821. **Mr Brogan:** Yes, as far as I know.

822. **Mr Greenway:** They will probably have been reported in the local papers as having been convicted, if they were disqualified, so the stigma will probably exist anyway.

823. **The Chairperson (Ms Lo):** OK. Clause 10 allows for additional penalties to be imposed for the non-payment of fixed-penalty fines. No issues were raised about that clause. Are members content to move on to the next clause?

Members indicated assent.

824. **The Chairperson (Ms Lo):** OK. Clause 11 enables further penalty points to be endorsed on an offender's driving record, without the need for a hearing in court, when it is established that an he or she has failed to complete a course satisfactorily. Are members happy with that?

Members indicated assent.

825. **The Chairperson (Ms Lo):** OK. We will move on. Clause 12 introduces a graduated minimum disqualification period that is linked to the amount of alcohol consumed at the time of

detection. The comments that were received were all supportive of that clause. Members, are you OK with the clause?

Members indicated assent.

826. **The Chairperson (Ms Lo):** OK. 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. The comments received all support that clause. Are members happy with that?

Members indicated assent.

827. **The Chairperson (Ms Lo):** Clause 14 makes a referral to a course for drink-driving offenders automatic. Comments received were all supportive of that clause. There are no issues. Are members happy with that clause?

Members indicated assent.

828. **The Chairperson (Ms Lo):** OK. We move on. 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-driving offenders. No issues were raised with that clause. Are members content with that clause?

Members indicated assent.

829. **The Chairperson (Ms Lo):** OK. We have completed the informal consideration of the Bill's clauses up to clause 15. We will leave the next part for the meeting next week. Will we see you next week?

830. **Mr Greenway:** I will be here with different colleagues to discuss the next part of the Bill.

831. **The Chairperson (Ms Lo):** OK. Thank you very much. This part is the easy part.

832. **Mr Greenway:** I wondered whether you wanted to nod through the graduated driver licensing [*Laughter.*] I take it from Peter's laugh that the answer is probably "No".

833. **The Chairperson (Ms Lo):** We will see you next week.

4 December 2014

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr Alban Maginness
 Mr Ian McCrea
 Mr Barry McElduff
 Mr Ian Milne
 Mrs Sandra Overend
 Mr Peter Weir

Witnesses:

Mr Iain Greenway	<i>Department of the</i>
Ms Nicola McEvoy	<i>Environment</i>
Mr John McMullan	

834. **The Chairperson (Ms Lo):** Iain, John and Nicola, you are very welcome. Apologies again for keeping you here last week and not calling you in. However, I think that you understand that we had the permanent secretary in last time and were talking about the Budget. The officials will provide a short overview of the clauses of the Bill relating to graduated driver licensing (GDL). We will then move to consider the remaining clauses in the Bill. For each clause, I will refer briefly to the issues raised.

835. **Mr Iain Greenway (Department of the Environment):** Chair, thank you for the opportunity to make a few remarks as you begin your informal clause-by-clause scrutiny of part 3 of the Road Traffic (Amendment) Bill, which covers learner and new drivers. I am aware that a number of Committee members and witnesses from whom you have taken oral evidence during the Committee Stage have raised concerns about certain aspects of this part of the Bill as introduced. Minister Durkan stated in the Second Stage debate that he is open to suggestions that will improve the Bill. We welcome the opportunity to engage with the Committee as part of this process.

836. However, we cannot ignore the stark reality on our roads. The Committee raised some road safety issues with the Minister earlier. New drivers are overrepresented in fatal and serious collisions. Over the period 2008-2013, R drivers, who account for fewer than 1% of licence holders, were responsible for 7% of fatalities and serious injuries. Inexperience in real life driving situations is a key contributor to this situation. Age is another factor. The brain's functions do not fully mature until around age 24. A 17- to 24-year-old male driver is four times more likely to be killed, and six times more likely to kill, than the statistically average driver. The 10% of licence holders, male and female, aged 17 to 24 were responsible for 40% of the casualties on our roads between 2008 and 2012. That group of drivers was responsible for more than 30 deaths a year.

837. It is in light of these stark facts that the Department has considered interventions to make new drivers safer, both for their own sakes and for the sakes of all of us as road users. For instance, we are working with the insurance industry to review options for new and young drivers and are working with approved driving instructors to develop a road safety education package that they can use. Mr Burns referred to that in his oral evidence to the Committee. We have also made regulatory interventions including changes to the driving test so that it addresses additional elements of the goals for driver education.

838. However, the scale of the problem, which I laid out in the statistics, has led the Department to consider legislative interventions. These are presented in part 3 of the Bill and can perhaps be labelled as GDL, a process that recognises that it takes time and experience to gain skills to drive safely in a wide range of situations, in different

- weather conditions and in different traffic situations. Driving is a complex skill, one for which, because it is so widespread, we perhaps underestimate the complexity. The complexity arises from our interactions with our vehicle and its interactions with the road, together with the actions of multiple other road users and external factors such as the weather.
839. We have provided the Committee with an overview of GDL in the papers for this meeting. GDL considers the process of learning to drive as a continuum broken into three stages: training and practice; a formal test, and post-test gaining of skills and experience. The last stage, of course, continues throughout a driver's career. The proposals in the Bill were carefully considered in light of experiences in other countries and the feedback from stakeholders and the public when we engaged with them. The experience from many other countries is that GDL reduces collisions involving new drivers by between 20% and 40%. This is the consistent finding in many jurisdictions.
840. However, we are very conscious of the impact that some elements of GDL could have on individuals and communities. We have, therefore, attempted to balance the very significant positive impacts it can have on road casualties with the potential impacts on those who would have restrictions placed on them. In essence, how do we balance the rights to drive and the benefits that come with driving with ensuring that all drivers are properly prepared for the very serious responsibilities that come with driving?
841. New drivers, of course, will be particularly affected if the proposals in the Bill are taken forward. However, the scale of road casualties caused by new drivers means that we must consider the wider views of society, all within the framework of evidence from here and elsewhere. This led the Department to propose the package of measures in the Bill. It is important to see them as a package of measures, which includes the lower drink drive limit for learner and new drivers. The balancing processes included omitting nighttime curfews from the proposed legislation and shaping a passenger restriction that focuses on multiple teenage passengers not related to the driver being carried by young new drivers for a very limited period.
842. In summary, there is no right or wrong answer to how GDL should be constructed. Different jurisdictions have taken different approaches. The evidence is that the effectiveness of a particular implementation of GDL is influenced by the number of components included and their stringency. The Insurance Institute for Highway Safety GDL rating scale, which was included in the paper that we provided to the Committee, is an attempt to quantify this. The Committee will see from that annex to the briefing paper that our GDL proposals are somewhere in the middle in terms of the scoring on that GDL system.
843. I hope that these remarks have provided some context to assist the Committee's scrutiny of the individual clauses in the Bill.
844. **The Chairperson (Ms Lo):** Thank you, Iain. That was a very useful overview of this part of the Bill. Members, we will move to consider the clauses of the Bill that we have to look at. For each clause, I will refer briefly to the issues that have been raised. Is this part 2 or part 3?
845. **Mr Greenway:** Part 3.
846. **The Chairperson (Ms Lo):** Clause 16 reduces the minimum age for obtaining a provisional licence from 17 to 16 and a half. Iain, will you comment on the issues raised in the clause-by-clause tables?
847. **Mr Greenway:** I am going to ask Nicola to comment, but it is important to see clauses 16 and 17 together in terms of their impact on ages.
848. **Ms Nicola McEvoy (Department of the Environment):** The views in the written submissions were mixed. There was support noted from the PSNI and the Association of British Insurers, but

- concerns were raised regarding the rationale around the proposed change, the impact on insurance costs, whether the reduced age would have a negative impact on road safety and whether we would be out of step with Britain.
849. In response to some of those issues, as Iain said, it is important to consider the mandatory period alongside the reduction in age, because, effectively that raises the full licensing age to 17 and a half. The delay that that brings about, which is a delay of six months, actually has a benefit in itself just because of maturity and the positive impact on collision risk. To give an example, in Sweden, they brought in an age reduction and the amount of driving practice went from 47 hours to 118 hours. That is really what this clause is about. It is trying to incentivise and encourage people to take up this practice before they actually get to taking their practical test.
850. **The Chairperson (Ms Lo):** At what age are they able to get their provisional driving licence in Sweden? Is it 16?
851. **Ms McEvoy:** In Sweden, it starts at 16. Some states in America start as young as 14.
852. **The Chairperson (Ms Lo):** I would not trust anybody to drive at 14.
853. **Mr Weir:** And they get a gun at 12 probably. *[Laughter.]*
854. **Ms McEvoy:** With regard to some of the concerns around insurance, we have engaged with the insurance industry, and it believes that there will be minimal impact on insurance costs. While a person is a learner, they are considered to be safer because they have a supervising driver. So, we do not see that as being an issue in terms of rising cost. Learner drivers are very much under-represented among those who are killed or seriously injured. They account for only 3% of KSIs yet they hold almost one tenth of the number of licences. R drivers are very much over-represented.
855. In terms of being out of sync with Britain, learners drivers from here would still be able to drive in Britain on a provisional licence, so that would not change. They could also take a test in Britain if they wanted to do so but would have to be resident for 185 days or six months within the past 12 months.
856. **The Chairperson (Ms Lo):** We are talking about the period of a year. There is just no guarantee that young people will not go and take their test and start practising until the last six months before they can sit the test.
857. **Ms McEvoy:** Clause 18 — and I am jumping into three clauses rather than one — introduces a programme of training. It is through that programme that we would try to structure how the training is done and how somebody goes through that training process. There would be recommendations in that process that it would be staged throughout the year to try to take advantage of different weather conditions, nighttime driving and trying to provide experience on different types of roads. Although we have not tried to prescribe that it all must take place throughout the year, that is what we would intend people to do.
858. **The Chairperson (Ms Lo):** So, they have to do something throughout those 12 months to satisfy the log book requirement.
859. **Ms McEvoy:** The details of the programme of training will be decided through the regulations. We will have to consult on that but the intention is to encourage people to use the year to get as much practice as they can and to stage it throughout the year rather than trying to cram it in towards the end of the period.
860. **Mr Boylan:** It is difficult to ask a question across three clauses. The age of 16 and a half is grand. I want to clarify the issue of novice drivers. We are talking about sixteen and a half years, but some people do not get a licence until a certain age. Is there any scope or flexibility other than some party bringing an amendment? Have we thought about the more mature

- person going for their test? Is there any flexibility for that?
861. **Mr John McMullan (Department of the Environment):** The Bill has the power to have exemptions from the 12 months. We can use those if we want to vary ages, for example. A set of exemption regulations will come in subsequent to the Bill becoming law.
862. **Mr Boylan:** That is grand because I understand that people are concerned about the age issue. Some countries start at the age of 14. The argument in some of the presentation was about the ability in some rural areas. It should be about driver ability.
863. **Mr J McMullan:** I mention the age exemption as an example. They are wide and for whatever circumstances.
864. **Mr Greenway:** If we are making law that says a certain thing, it is important that we do not then in secondary legislation bring in exemptions that, for instance, exempt 90% of those who would otherwise be within the scope of that law. There has to be balance. We have to consider specific need and not just the case that if you produce a particular piece of paper you get an exemption. We need to have balance.
865. **Mr Boylan:** That is why I am teasing the issue out now. We need to be clear. We then move to the other two clauses. The Chair alluded to someone possibly taking all their driving lessons in the last couple of months. You said that the next clause deals with a programme of training in terms of the checks, balances and enforcement of all that. They are only guidelines, obviously. Are people instructed that they have to follow those programmes or is it in statute? How do we ensure that is done?
866. **Ms McEvoy:** The programme of training has to be evidenced by a logbook, which has to be signed off by a supervising driver or an approved driving instructor. We will have checks in that to make sure that information has not been falsified. That will be developed. The penalties around the falsification of the logbook are so strong that they should deter the majority of people from trying to falsify any information, but we will also have checks in place to try to pick up any who would.
867. **Mr Greenway:** Another model in GDL would be to say that you have to have x number of lessons or x hours of lessons with an approved driving instructor. That model is in place in Ireland. In other jurisdictions, we saw a good deal of overlap between the period in the logbook and the number of lessons. We felt that the economic impact for many could be higher with the lessons, so we went for the mandatory learning period and logbook. That, of course, does not mean that people should not consider taking lessons on certain things, but we did not propose in the Bill x hours of mandatory lessons. You will know that, in Ireland, there are 12 mandatory lessons, each on a different component of the syllabus. There is a strong recommendation of three hours' private practice for each lesson so that you get to 48 hours as a guide, but 12 mandatory lessons must be signed off within a six-month period. There is a different nuance.
868. **Mr Boylan:** OK. I have not gone into the exact detail of it, but driving at night is certainly an issue. There is no doubt about that. Certain driving techniques are also important. The issue of the cost has been raised with us if we were to set a number of lessons. Has there been any work with insurance companies to try to encourage them? Some insurance companies are using technology when taking on young people. Is there an opportunity to sponsor a driver or support lessons in some way?
869. **Mr Greenway:** We have had a number of discussions with the Association of British Insurers, which is the body representing most insurers, and insurers as a group. Three or four insurers count for quite a large percentage of the Northern Ireland private car motor insurance market. They pointed out that, if we bring in GDL along the lines that we have proposed, or doing it more strongly with a night-time curfew, they expect

- that to reduce insurance premiums by around 15% because there is a reduced risk of a crash and, therefore, there is a reduced insurance premium.
870. Minister Attwood was very clear that he would hold them to those reductions. I mentioned in my opening statement that we have talked about other work with insurers, such as nudge tactics. We have looked at telematics and have completed a review of them. That review shows, from the limited data we were able to access from insurers because of data protection and technical data issues, that there is no clear evidence yet that telematics makes for safer drivers. It seems to make them safer for a short period, but then familiarity comes back in. We are also looking at how insurers may be able to encourage people or at least alert them to different opportunities.
871. The difficulty is that, if you have all the insurers in a room together, they cannot have that sort of discussion with you; you need to see them individually because there are commercial considerations. Also, once they start agreeing something as a body, the competition people start looking over their shoulders around operating cartels and so on, so you have to have individual discussions. We intend to move into those in the early part of next year.
872. **The Chairperson (Ms Lo):** OK. They may say that they need a number of years of statistics before they would drop the price.
873. **Mr Greenway:** No. We have been very clear with them that they have produced evidence and that we have produced evidence from many other jurisdictions. The figures are very similar, so, if we reduce the risk on day one by bringing in the new provisions, the drivers subject to the provisions need to see a reduction in premiums from day one, not from five years after that, when the local statistics will be available. The evidence is sufficiently clear-cut from many different jurisdictions that risk is reduced. Premium needs to be reduced
- when risk is reduced, not when they have evidence of that later.
874. **The Chairperson (Ms Lo):** OK. So, we will see an immediate drop in premiums for young people.
875. **Mr Greenway:** That is the Department's firm statement to the insurance industry for the people on the new scheme. When we introduce this, there will be people on the old scheme who will need time to finish off. They will not see it; it will be the people on the new scheme.
876. **The Chairperson (Ms Lo):** I am sure that that will be of benefit to a lot of young people and their parents, who mostly pay for them.
877. What is the starting age in the Republic of Ireland for learner drivers to be allowed on the road?
878. **Ms McEvoy:** The provisional age is 17, and they then have a six-month mandatory period where they have to hold their learner permit before they are allowed to take their test. That, effectively, raises them to 17 and a half.
879. **The Chairperson (Ms Lo):** So, is there going to be a discrepancy between the two jurisdictions? Say, a learner driver, who lives with their mum and dad in the border area, drives into the Republic.
880. **Mr Greenway:** There is already a difference, but I would not call it a discrepancy. Driver licensing is a devolved matter, and, obviously, Ireland has its own jurisdiction. It can determine in the provisions —
881. **The Chairperson (Ms Lo):** Yes, but would it be illegal if a person drives across the border with just a provisional licence at the age of 16 and a half?
882. **Mr Eastwood:** You hardly notice the border any more. That is the problem.
883. **Mr I McCrea:** Well, it is still there.
884. **The Chairperson (Ms Lo):** They may not even know.
885. **Mr Eastwood:** It is getting more and more like that.

886. **Mr Greenway:** There will be clear communication —
887. **Mr I McCrea:** Cars normally just stop. Something happens. *[Laughter.]*
888. **Mr Greenway:** There will be clear communication on those elements. Nicola mentioned the many Northern Irish resident students in Britain. You need to communicate very clearly to them. She also mentioned the residency requirement to take a test in Britain. Similarly, that residency requirement applies here in reverse, and ditto in all jurisdictions.
889. Interestingly, I think that only five countries in the EU allow people to get a full driving licence before 18. We are discrepant from the norm in the EU already.
890. **The Chairperson (Ms Lo):** I know that. In Australia and others, it is 18.
891. **Ms McEvoy:** At the moment, people with a Northern Ireland provisional licence are not allowed to drive in the South; they have to apply for an Irish learner permit.
892. **Mr Eastwood:** What are the statutory limitations on that?
893. **Mr Greenway:** A learner permit is distinct to the jurisdiction in which it is granted. Notwithstanding the philosophical points about how many jurisdictions there are on this island, we need to apply the laws as —
894. **The Chairperson (Ms Lo):** Let's not go there. Are you saying that they can apply for another licence? I am lost. If a 16-and-a-half-year-old with a provisional licence drives across the border unknowingly and they are stopped by the police —
895. **Ms McEvoy:** They would not legally be allowed to drive with the provisional licence that they have received here.
896. **Mr Greenway:** Nor are they at the moment. That would not change.
897. **Ms McEvoy:** That is the situation at the moment.
898. **The Chairperson (Ms Lo):** OK. So, they have to be very careful that they do not stray across the border.
899. **Mr Eastwood:** That is news to me and probably most of Derry. *[Laughter.]*
900. **Mr A Maginness:** I have what is probably a very silly question about the average length of time to acquire a licence. It is probably meaningless because an average is probably not the best way of looking at it, but, making the best stab at it, what —
901. **Ms McEvoy:** We estimate the average to be between seven and nine months, but there is a lot of variation around that. Sometimes, it can be as quickly as a few weeks. Some people take years.
902. **Mr A Maginness:** So, in fact, it is not a huge increase in the time a person would spend preparing to —
903. **Mr Greenway:** The average person. Mrs Overend talked in a previous Committee hearing about learning to drive very quickly. Some people take much less time. However, some people hold a learner driver licence for whatever reason for many years never with the intention of taking a test.
904. **Mr A Maginness:** Why do you come out at a year? Why do you say 12 months?
905. **Ms McEvoy:** The year was to allow all the seasons to happen, so that people can get experience in summer and winter and of the different lighting conditions. Sometimes, the most dangerous time is dusk or dawn. It is about trying to take advantage of all those different conditions throughout the year.
906. Going back to the age issue, those aged between 17 and 17 and a half who hold an R licence, meaning that they were able to get their test before six months, represent only 4% of the population of that age.
907. **Mr A Maginness:** Of that cohort?
908. **Ms McEvoy:** Yes.

909. **Mr Greenway:** So, 96% of 17 to 17-and-a-half-year-olds do not have a full driving licence.
910. **Mr I McCrea:** You could, however, do it in the winter, because you pretty much have all four seasons in the winter.
[Laughter.]
911. **Mr Weir:** Or, indeed, during the summer.
[Laughter.]
912. **The Chairperson (Ms Lo):** That is due to climate change, which is another issue.
913. **Mr A Maginness:** That is only in mid-Ulster. It is a peculiar sort of place.
[Laughter.]
914. **Mrs Overend:** That is only a regional variation.
915. **Mr I McCrea:** You start off in the fog in the morning, and you get a few miles down the road and then need the sunglasses on.
916. **The Chairperson (Ms Lo):** OK, members, we need to move on.
917. **Mr A Maginness:** I have just one other question. What about the cost of all this? I think that driving lessons are quite expensive. Has any consideration been given to that?
918. **Ms McEvoy:** That has mainly been considered through the fact that we put in the legislation that the training can be delivered through a supervising driver or an ADI. That was to try to minimise the cost so that people could have that mix.
919. **Mr Greenway:** The conditions for a supervising driver are as they are now; they are aged —
920. **Ms McEvoy:** Twenty-one with three years' driving experience.
921. **The Chairperson (Ms Lo):** In many ways, it is about the practice. Learning how to do it mechanically is very straightforward.
922. **Mr Weir:** Iain, you are right in that we are trying to get a bit of balance, but I am not quite confident. I know the issue about GDL, and around the world, it has tended to be a cocktail of measures.
923. I am still slightly worried about the age issue. While it has been welcomed in some areas, there is also fairly strong resistance from the likes of driving instructors. I appreciate that people are not coming with entirely clean hands on these things.
924. You mentioned the experience in Sweden. I suppose you can always pick a jurisdiction that is culturally different, and we have sometimes seen the attitude to alcohol in different countries. A lot can depend on the cultural attitude in a country.
925. I am a little concerned about what we are hearing about age. This may make our focus a bit more international, but we have heard from the Republic of Ireland and across the water that the standard age has been 17. If anything, that tends to be lower than the European norm. I think that you said that only five countries in Europe go below the age of 18.
926. Some evidence seems to suggest that the overall international trend is going the opposite way. If anything, from the point of view of road safety, countries are increasing age. Does the fact that we already have one of the lowest ages — at 17 — in these islands suggest that we are swimming against the tide and that there is a danger that, if we reduce it to 16 and a half, we will swim even more furiously against the tide? I am just not quite sure.
927. There seems to be almost a quid pro quo with the end-of-the-year element, and the two seem to be interlinked. Where are international trends going?
928. **Ms McEvoy:** The international trend is to raise the full licence age. That is really what the combination of clauses 16 and 17 will do. We are heading from 17 to 17 and a half, which will bring us closer to the full licensing age of everyone else internationally. The trend across the majority of Europe is to have a provisional licensing age of 17, so, yes, we are going below that. However, it aims to let people take advantage of that time so that by the time they get

- to 17 and a half, they have had a year's experience.
929. **Mr Weir:** Except the only complication in that is that, apart from anything else you said, if the evidence is that there is a very small percentage of even 17 year olds getting a licence, to what extent is that going to be a benefit if you are talking about a relatively small number of people?
930. **Ms McEvoy:** A relatively small number of people are going ahead and taking their test, but that is not to say that they are not gaining experience at that time.
931. **Mr Weir:** I am not entirely convinced. I have greater sympathy for the issues that are raised in clause 18 about a range of activities that people have to do. A wee bit of flexibility is built into those. While I understand the economic argument, it strikes me that anybody who is getting a car, particularly at a young age, will find that the cost of learning is somewhat dwarfed by the amount of money that is involved in buying the car, running and servicing it, buying insurance and whatever else. I think that it is right that we put in place a fairly good regime of activities that people have to do before they get to driving.
932. I am a bit more concerned about clause 17. Sandra made the point very well the other week, and Alban asked about the average. The thing about that is that driving is very much a skill. People can be trained a good bit to do it, but a lot of it is quite intuitive. The speed with which people pick up skills can vary greatly. Somebody could very much be a natural and be a really good driver within two or three months, but there are others who have been trying for 10 or 20 years and have got no closer to passing their test. An arbitrary time frame for holding a licence seems to be, at best, a fairly blunt instrument.
933. **Ms McEvoy:** It is about trying to strike the balance. What other way could you do it? Focusing purely on the practical skills and ability is, in essence, what we do at the moment. When somebody goes for their driving test, we look at their ability on that day, and they are either passed or failed. However, the carry-through of that is that we are not in a good place with our fatalities and everything else, in which new drivers are very much overrepresented. So, at the moment, we are basing it on ability, and it is not working. This is about looking at what is going to make the difference. We feel, and the evidence shows, that the difference is in having that practice and gaining experience before you are out on the road alone.
934. **Mr Weir:** That is undoubtedly the case, which is why I think that some of the stuff in clause 18 seems quite sensible. You mentioned exemptions in relation to the 12 months. Leaving aside that people's different abilities are fairly arbitrary to an extent, in that it is not going to make a great deal of difference one way or another, some drivers, whether young or older, can have a lot of good reasons why they want to do a lot of intense work.
935. I am aware of people who have never really got around to driving, but then, suddenly, the first kid is on the way, that is the big incentive, and one or other of the couple has to learn to drive over the next number of months. That can force people to do it. They may be able to wait six months, but waiting 12 months will either be a little much or they will appear in the Guinness book of records.
936. If you have an older couple, as has been mentioned, and the partner who does the driving dies, leaving the other person almost isolated, it would strike me as quite an artificial thing to say to that person, "Well, actually, you are going to have to wait a minimum of 12 months before you can get your licence." I see a lot more common sense in saying, "Here is a list of things that have to be done in a range of conditions." Part of the problem is that we do not have enough variations of those conditions.
937. Exemptions were mentioned. I can see immediately that one of the complications is that, if you have exemptions that are based on age in

- any way, those will not stand up to any legal scrutiny. Where would you see the limited exemptions if that were to come in through clause 17?
938. **Mr Greenway:** We would look at other jurisdictions, of course, but one instance is serving military personnel who are home for a certain period between tours of duty and who then go away for extended periods. That is one area that is generally picked up in exemption. I was trying to think of a better example, but that is what I came up with in my — *[Laughter.]*
939. **Mr Weir:** Iain, do not be gaining in some parts and losing in others with that one.
940. **Mr Boylan:** That is a very bad example.
941. **Mr Greenway:** We are very aware of the timescale of a pregnancy. We are very aware of the older driver not just where a partner dies but, for instance, where they become incapacitated and unable to drive. As I mentioned, we are attempting to find a way to balance that without exempting 90% of people. Whatever the Assembly decides in legislation should be the norm in law, and we should vary from that only for a minority. That is what we are struggling with. We are struggling with six months, 12 months, younger drivers only, all drivers, lessons —
942. **Mr Weir:** I appreciate that there is an arbitrary quality to any time frame, but, if you are looking to balance this out, is there an argument that a more sensible approach that might come close to achieving the same balance may be to keep the initial age at 17 but have a six-month period?
943. **Mr Greenway:** Notwithstanding the particular meteorology of mid-Ulster, the strongest argument against that is that you could start in mid-March and take your test in mid-September. That is one point, but I mentioned the other things that we are doing in regulatory ways. For instance, we have already revised the driving test so that there is a longer period of independent driving. You may be aware that, in Britain, an even longer period of independent driving is out for consultation. The manoeuvres now are not, “Turn and reverse around this corner.” They are, “Find me a corner in the next five minutes that it is safe to reverse around and show me that skill.” So, it is not just about doing what you are told; it is about understanding traffic conditions and doing it in an appropriate way, not on to a main road when there is an HGV or a bus parked or whatever it may be.
944. With these goals for driver education, we are trying to move to greater testing of all that. It is not just the base levels of the mechanics of it and knowing that you can move the pedals. It is that you are understanding and reading the road. So, a number of strands are coming together. One thing that we do know is that people who sail through their test first time are certainly not the safest drivers on the other side of it. I do not know whether that gives anybody in the room comfort or discomfort. However, making the test harder in the current form would not deal with the casualties the other side, but adapting the test to requiring you to show the skills that you need to have developed and putting that together with a logbook and so on is what we are about. The GDL is one of element of that but not the only element.
945. **Mr A Maginness:** Peter said that you could not introduce an age. Is that the case legally?
946. **Mr Greenway:** It is not correct. There would need to be proportionality around it. Indeed, the passenger restriction is age related, and we need to be able to show the evidence of age as a factor.
947. **Mr A Maginness:** If you took age 25 as the point where you could apply for your licence, and you could do it at any time after that age, that would seem to me to be all right. Could you introduce something like that? Is that possible?
948. **Mr McMullan:** When we were drafting the Bill, and before even putting it to our drafters, we sought legal advice. Age is mentioned quite a bit throughout the GDL for passenger restrictions as well.

- We were concerned that there might be age discrimination issues there. However, the advice was that there are no age discrimination issues and that that arises more in employment law than on driving licences. So, we were content that we could mix and match with age.
949. **The Chairperson (Ms Lo):** So, is it possible to say that it is only provisional drivers under 25 who have to go through one year? Is that your point, Alban?
950. **Mr A Maginness:** Yes. I am not suggesting that age, by the way. I am just using age 25 as an illustration.
951. **Mr Greenway:** We do not believe that that would be impossible. Any law is subject to challenge, of course, and there are judicial processes for that. However, the legal advice is that, ultimately, the Assembly could make such a provision if it were minded to do so.
952. **Ms McEvoy:** At the moment, people under 25 account for 75% of R licence holders. They catch the vast majority of them.
953. **The Chairperson (Ms Lo):** You have the evidence base to say that that is why you put this limitation in the clause. Colum has been so, so patient.
954. **Mr Eastwood:** Not that patient, Chair. *[Laughter.]* I think that we are looking at this back to front. I completely agree that we need the logbook and to include all the different types of driving conditions, driving on motorways and so on. It would be a bit difficult for people in Derry to find a motorway, but I have made that point before. It should not be about the number of lessons, because there is cost and all that to consider. It should be about hitting all those criteria and doing all the different things that you have to do. Once you agree with that, I do not see the point in a time limit at all. You are trying to backdate it by putting in all these exemptions, which will mean that a lot of people will be exempted, when all you are trying to do is to get people to go through all the different points in the logbook. I do not understand the point of specifying
- a year, six months, three months or, indeed, any number of months.
955. **Ms McEvoy:** When you ask someone to follow a programme of training in, for example, night driving or whatever, you will find that some people will say, "Right, I have driven once at night, so now I will move on". It is about trying to structure it in such a way, whether that is over six months, a year, or a longer period, that encourages people to take specific lessons on that area, and you will then supplement that with practice. That is where the benefit is gained. I think that, if you do not have some kind of a period for that, people will tend not to do it.
956. **Mr Eastwood:** If the logbook is so weak that you can practice once and then move on, people will cram it all in at the end. I think that that is what is going to happen in practice. You should make the logbooks longer and make sure that people cover the different criteria on a number of occasions. Otherwise, you are going to end up exempting people who are 25, people who are over 65, someone who is pregnant or somebody whose partner has died. As a piece of legislation, it is all back to front, when you could just strengthen the logbook and make sure that people do all the things that you want them to do. That is the real purpose of the legislation. I would advise you to forget about the time limit, because I think that it is pointless.
957. **Ms McEvoy:** Do you think that we should come up with allocating a certain number of hours to each of the areas that need to be covered so that you had to work in hours rather than for a period? Would you consider something like that?
958. **Mr Eastwood:** I think it makes more sense. You are going to end up having to exempt so many different people. When it comes to picking the length of time that people have to have their licence, you will just have plucked a number out of the air.
959. **Ms McEvoy:** Certainly, other jurisdictions take that approach. The one thing that

- they have found is that when you specify a number of hours, people work to that as a target. For example, you can say, “You should have 12 hours on this”, and they might then say, “Once I have reached my 12 hours, I’m not doing any more”. Really, we are trying to express a minimum, rather than a target. We are trying to get the balance.
960. **Mr Eastwood:** I understand that. I think they will do that anyway. There is work that you can do with driving instructors to make sure that people are ready for their test. Most driving instructors will not put anybody through their test unless they are ready for it anyway. I really do not quite get the point of having an arbitrary length of time.
961. **Mr Greenway:** The bulk of learner drivers use an ADI. I think the figure that we have been using is 99%, which is a very large majority. Those ADIs will either do a mock test or form a view as they go along on whether somebody is ready for the test. Ultimately, the client, such as the learner driver or their parents can insist on booking a test and the ADI cannot override them, but the process works. I know that when the Ulster Farmers’ Union (UFU) and the young farmers were here they suggested this process. That already exists in the case of 99% of learner drivers, and the pass rate for the test is not much more than 50%. There is an optimism bias in there, and we need to continue to work away at that.
962. **Mr Eastwood:** They would largely be conservative, because the more lessons there are, the more money is spent. Most driving instructors are very sensible about that and would not put people through a test unless they were ready. I think that the period is pointless. You end up trying to find all these exemptions when you could just strengthen the logbook element, which would deal with all the issues that you are trying to address.
963. **Mr Boylan:** I agree with what you are saying, but you still have to get the driving conditions to do it right. There is no point in trying to learn —
964. **Mr Eastwood:** That will end up taking longer anyway. You know what you are looking for, you are going to get it, but you might have to wait a while.
965. **Mr Greenway:** I think the challenge for the Committee and for the Department in this Part of the Bill, although less so in the Part on drink-driving, is how to conclude the Committee Stage with consensus either through departmental or Committee amendments to be tabled at Consideration Stage. We have seen this morning that all these clauses start to interact. A debate in the Assembly on an amendment to clauses 16 or 18 would be very difficult to manage. We are having a good discussion about the clauses, so it is incumbent on the Department, and, I suggest, on the Committee, to somehow build these points. There is a different nuance to Colum’s comments than to Cathal’s. Somehow we have to come to an evidence-based view at the end of this, because I fear that trying to do it in the Assembly at further stages risks the coherence that we have been trying to build this morning.
966. **Mr Boylan:** I do not think that you need to join the military to get an exemption. We will not put that down as an exemption.
967. **Mr Greenway:** Which military?
968. **Mrs Cameron:** Most of my questions have been asked. My first point is about the GDL. You have statistics about young people travelling together in cars. Do you have any statistics on road traffic accidents involving people in other age groups, particularly older age groups? What contribution do they make to road accidents?
969. **Ms McEvoy:** I looked at the 65-plus category before I came up here. The proportion of licence holders corresponds exactly to the number of KSIs. I cannot remember the figure, but I think they hold about 20% of licences and account for 20% of collisions. It was proportionate. No age group was overrepresented in the way that the 17-to-24 age group is.

970. **Mr Greenway:** There is a point about older drivers, and we did some research on older road users two or three years ago. The recommendations from the people who did the research were mainly on the use of nudge techniques. You find that older drivers self-regulate. As they get older, they feel less confident, so they drive less. They put a curfew on themselves without legislation needing to do it, and they avoid the rush hour or whatever. We are kicking off a fitness-to-drive review that will look at all drivers, but particularly at the older age category. In the context of the social inclusion work, we are very conscious of the social exclusion of elderly people, perhaps even more so than for younger people, who are often living at home with their families. The exclusion that is involved in driving is less stark than it perhaps is for someone living in the countryside as a non-farming rural dweller. That connects to an earlier point.
971. **The Chairperson (Ms Lo):** You have been listening.
972. **Mr Greenway:** If they are widowed or unable to drive, there will be real issues. We want to look at nudging, if we possibly can.
973. **Mrs Cameron:** There are issues with the behaviour on the roads of drivers of all ages, but particularly old drivers. I remember my grandfather well, who lived until he was almost 97 and drove until he was about 93. He was quite deaf and pretty blind. I remember him painting the posts in the fence on his driveway to enable him to reverse into his driveway without knocking the fence down. Do you have to go to your GP when you reach 70? I have concerns that GPs are maybe sending people back on to the roads who should not be driving. I do not know how my grandfather drove for so long.
974. **Mr Greenway:** The research we did suggests that 70 is about the right age at which to intervene with shorter licences and medical evidence. That came out of the research. The last time I looked there were eight people aged 100 or older in Northern Ireland with driving licences, so your grandfather was not right at the top of the scale. Seventy was coming out as the age at which the faculties were — we are back to the average again — diminishing such that a shorter licence term and so on was appropriate.
975. **The Chairperson (Ms Lo):** Having said that, I think that taking away older people's licences bars them from social inclusion. They are then stuck at home.
976. **Mrs Cameron:** I am not at all suggesting, Chair, that you take away old people's licences. If the system is in place, it should work the way that it is supposed to.
977. **The Chairperson (Ms Lo):** Members, are you content to move on? We have more or less talked about clause 17, which is the requirement for a person to hold a provisional licence for one year. Will we move on to clause 18? That is on the logbook-approved programmes of training. You are proposing a technical amendment to clause 18 due to the Immigration Act 2014. Will you elaborate on that?
978. **Mr Greenway:** I call on my learned friend.
979. **Mr J McMullan:** This is a small technical amendment that changes only a number sequence in the Bill; it does not change content or policy. It has come about because the Immigration Act in Westminster inserted article 13A into our 1981 Order. The Bill, at clause 18, was inserting the same number of clause, so our 13A will become clause 13B. It is only a number change.
980. **The Chairperson (Ms Lo):** OK. Are members content?
981. Members indicated assent.
982. **The Chairperson (Ms Lo):** No issues were raised on clause 19. Members, are you happy to move on?
983. Members indicated assent.
984. **The Chairperson (Ms Lo):** Clause 20 removes the current 45 mph speed limit on new and learner drivers, and it

imposes restrictions on newly qualified drivers. A few issues were raised in the responses. Will you explain those to us, please?

985. **Ms McEvoy:** The PSNI was broadly supportive of the passenger restrictions, in spite of some concerns raised about enforceability. There is general support, as you mentioned, for the removal of the 45 mph speed limit, which facilitates learners to train on motorways. That seemed to be generally supported as well. The concerns regarding passenger restrictions were mainly around the impact, particularly in rural areas, on access to employment, education and social and sporting events. In response, the Bill has tried to balance the passenger restriction by making it for only the first six months post-test. It is interesting to note a figure I pulled in preparation for coming here: of the passengers aged 14 to 20 who end up being killed — that is very much where this provision targets — 17- to 24-year-olds account for 83% of those fatalities. I was shocked by that figure. We have quoted a lot of figures, such as being two or three times as likely, according to the number of passengers. When you see that 83% are caused by 17- to 24-year-old drivers, that supports why we have targeted the passenger restriction very much at that age category and those passengers. If you look at passengers outside that age group who end up being a fatality in a collision, you see that 17- to 24-year-olds are responsible for only 36%. So, risk increases where younger drivers carry young passengers.

986. **The Chairperson (Ms Lo):** And it is for only six months.

987. **Ms McEvoy:** Yes.

988. **Mr Greenway:** It may be worth rehearsing the detail of the clause. It is sometimes difficult to see it in an amendment Bill. The clause proposes — I am looking at Nicola and John to keep me right — that, if you are a new driver aged 17 to 24, there are passenger restrictions for the first six months. Those passenger restrictions

do not apply if there is a supervising driver in the car, because that would make you worse off than when you were a learner. If you have a 21-year-old with three years' driving experience in the front seat, you can carry whatever the passenger complement is. If there is no supervising driver, the restriction is on the number of 14- to 20-year-olds you can carry. You can carry as many as you like outwith those age bands — Nicola quoted the teenage figures. In that age band, aside from people outside that age band, you can carry one person without any restriction. You can carry family members — that is defined in the Bill around brother, sister, half-brother, half-sister or child of the family — without restriction. Beyond that, you cannot carry more than the one person. There are a number of stages and subclauses with the clause. We looked at no passenger outside those categories. The Bill says that you can have one, as well as all those other exemptions.

989. **The Chairperson (Ms Lo):** Yes, but I am sure that the fact that there are so many variations makes it very difficult for the police to enforce or monitor that. The PSNI said that it would find it difficult to ascertain, for example, the ages of passengers and whether they are relatives.

990. **Mr Greenway:** The police certainly highlighted that. We have worked closely with the police on this, and the Minister has met senior police officers about this clause. Their comments were in line with what the PSNI said to you in Committee Stage. They are supportive. They recognise that there are enforcement challenges.

991. It is also important that we do not see the police as the only line of enforcement of such a provision, were it to be introduced. The first line is the young people themselves. Most people do not set out to break the law. The second is their parents or adults, who will often have a financial interest in the vehicle, a financial interest in the safety of their children — *[Laughter.]* Sorry, a financial interest as well but an interest

- in the safety of their children. They will also often have a financial interest in the insurance policy on that vehicle, which could well be invalidated if the law was not being obeyed. So, there a number of stages before you get to purely the thin blue line.
992. **Mr Boylan:** I was concerned when I came across this clause because, again, rural people are totally reliant on their cars because of a lack of transport. The insurance is a big element. More importantly, getting out all the messages you have delivered to us will be a big undertaking, to be honest with you. We definitely have a big bit of training to do to get all those messages out.
993. **Mr Greenway:** Yes.
994. **Mr Eastwood:** Surely that will happen, though, if you go for your test now or start learning in this new system. The instructor will go through that. Young people who have just passed their test will know about those restrictions probably better than most because they will have gone through the process.
995. **Mr Greenway:** Also, at that point of passing your test, you get a new licence sent to you by DVA, so there is an automatic interaction and opportunity for further information to flow in a targeted way when the provisional licence is handed in and the full licence issued. It is complex, I agree, and it is complex because we have tried to find this balance.
996. **Mr Boylan:** But there are a number of areas where you can deal with it through the lessons and, just as importantly, through the insurance.
997. **Mr Greenway:** Yes.
998. **The Chairperson (Ms Lo):** As I said, communication is so important to tell people what criteria they need to adhere to. In a way, it perhaps helps a young person, because they can refuse requests for giving lifts. They can say, "This is illegal. I can take only one person", rather than packing the car with four other young people. I know that my son used to do that when he was 17 and would pick up friends after school to go to places.
999. Members, if there are no more questions on this clause, we will move to clause 21, which allows new drivers the opportunity to complete an approved course as an alternative to having their licence revoked. All comments received supported this clause. Members, do you need more information on this? If you are content, we will move to clause 22, which is entitled, "Extension of requirements as regards protective headgear". There were some comments received about this clause. Will you explain those, please?
1000. **Mr J McMullan:** We have now moved to Part 4 of the Bill, which has just clause 22 and will require quad users on public roads to wear helmets. It gives the Department power to make regulations for that. The action on this will be in regulations subsequent to the Bill.
1001. The rationale behind it was the increase in the use of quads in recent years and, with that, the increase in fatalities and serious injuries. Between 2006 and 2013, there were four fatalities and 39 serious injuries. The police were able to look at three of those fatalities. In them, no one was wearing a helmet and the post-mortems all showed that the cause of death was due to head injury. That is not to say that a helmet would have saved anyone's life, but the point is that it might have, and that is what we are trying to get at.
1002. All respondents were supportive of the clause. The one issue that was raised was about why we are not taking the same power for tricycles — three-wheeled motorbikes — and the reason for that is that we already have that power. We have not exercised it because there is no evidence coming through in the same way as the evidence shows that quads are a problem area. Anecdotally, it might be that the tricycle riders align closely to the motorcycle riders and adopt the same gear, helmets etc. It is an important point because we are going to regulate for quads. With the four-wheel vehicles, we require

- users to wear helmets, as we do with the two-wheel ones. So, the three-wheel vehicle should not be exempt unless it is intrinsically safer than the other two. It is a useful point that we will look at when we are bringing forward the regulations on the quads. So, the regulations that come forward could cover quads and tricycles.
1003. **The Chairperson (Ms Lo):** Yes, it would unify the approach.
1004. **Mr J McMullan:** Yes, it would be a consistent approach.
1005. **The Chairperson (Ms Lo):** I am sure that it is not as safe as a four-wheel quad given that it has three wheels. It does not make sense logically.
1006. **Mr J McMullan:** It is outside the Bill in that we always had that power, but it is a useful point and it will require us to look at it again and maybe take a consistent approach.
1007. **The Chairperson (Ms Lo):** If there are no questions on that, members, we will move on.
1008. New clause 22A introduces a further amendment to the 1995 Order. The Department proposes to insert the new clause to comply with the Examiner's recommendation that certain regulation-making powers should be subject to draft affirmative resolution. The proposed clause would then read as follows:
- "22A In Article 110 of the Order of 1995 (general provision as to orders and regulations) in paragraph (4) (regulations), for 'be subject to affirmative resolution' substitute 'not be made unless a draft has been laid before, and approved by a resolution of, the Assembly'."*
1009. Do you want to elaborate on that?
1010. **Mr J McMullan:** It is a drafting convention, and it was raised by the Examiner. His view is that we should be bringing forward the regulations by way of draft affirmative resolution to the Assembly rather than by affirmative, which means that the regulations are made and then laid. We are quite content to proceed with that. We mentioned it in the last session as well because there was a similar amendment at clause 3. What is not mentioned in the template is that there is knock-on amendment in clause 23. So, there are three knock-on amendments to comply with the Examiner's view on that. It is a drafting convention.
1011. **The Chairperson (Ms Lo):** That will be put before the whole House, is that right?
1012. **Mr J McMullan:** Yes.
1013. **The Chairperson (Ms Lo):** Do members have any queries or need more information? If not, we will move to clause 23, which is on supplementary, incidental and consequential provisions. No issues were raised on that clause. Are members content?
1014. Members indicated assent.
1015. **The Chairperson (Ms Lo):** We will move to clause 24, which is on transitional and saving provisions. No issues were raised on that clause. Are members content with it?
1016. Members indicated assent.
1017. **The Chairperson (Ms Lo):** Clause 25 is on repeals. No issues were raised on that. Are members content?
1018. Members indicated assent.
1019. **The Chairperson (Ms Lo):** Clause 26 is on commencement. No issues were raised on that. What is the commencement date?
1020. **Mr Greenway:** There will be a range of commencement days. As we mentioned in the last session, if Royal Assent were received in the spring or early summer, we would envisage the drink-drive provisions potentially being applied and commenced in the latter part of 2015. On the GDL elements, considerable work has been mentioned this morning on the syllabus and the log book, and quite significant secondary statutory rules will need to be made. Then, if we did proceed with a 12-month minimum learning period or whatever that period might be, we need to commence the

- learner provisions at a certain point and then need testing and post-test provisions because they have a time lag in them. We are talking about 2017 for the learner provisions. If we have a 12-month minimum learning period, that would be 2018 for the testing and post-test provisions. If there were any exemptions to the 12 months, we would need the testing provisions in at the same time as the learner provisions. The main point is that there is considerable extra work to do on those statutory rules, whereas the drink-driving statutory rules are very limited to some type approvals of testing equipment and so on.
1021. **The Chairperson (Ms Lo):** OK. Are Members with content with the commencement clause?
1022. Members indicated assent.
1023. **The Chairperson (Ms Lo):** The last one is the short title. No issues were raised about that.
1024. We have now gone through the informal clause-by-clause scrutiny. The Committee needs to highlight in this meeting any areas of the Bill where members are not content so that we can work on them with the Department and draft amendments if necessary. Colum was quite clear about thinking that the one-year ban is arbitrary. Peter also mentioned that. Members, do you want the Department to consider that?
1025. **Mr I McCrea:** I agree with Peter's point: 16 and a half is probably too young. That is my opinion, anyway.
1026. **The Chairperson (Ms Lo):** Me, too.
1027. **Mr I McCrea:** It should be 17, and a period of six months. You have to get the weather. I take Colum's point: no instructor is going to put you through if he does not feel that you are ready. It should be 17, with a minimum of six months.
1028. **The Chairperson (Ms Lo):** I would quite like to see the provisional licence staying at 17, but, to keep it in line with other countries, you do not get your full licence until 18.
1029. **Mr Greenway:** There are practical difficulties with 18, in terms of people going away to university and so on. That is a change point in people's lives; many stop living at home because they travel some distance to university. You are getting into that zone if you go to 18. We will certainly look at all those ideas, but that is one point I add to the 18 piece.
1030. **Mr A Maginness:** If the age is 16 and a half, and you do the test after a year, that makes you 17 and a half. That seems to be just about the right age. It meets the point that Ian made in terms of maturity and so forth. In a sense, all these things are arbitrary. We are just stabbing at trying to get the right balance, but it is not bad when you look at it. Nicola said that, on average, you are talking about people — did you say between —
1031. **Ms McEvoy:** Sorry, the percentage who hold the R licence?
1032. **Mr A Maginness:** Yes, the period of time was between seven and nine months.
1033. **Mrs Cameron:** That seven to nine months is an average. Some people spend years learning, which could take it way up. Perhaps you could break it down into areas. I imagine that that learning period would be a lot shorter in rural areas.
1034. **Mr Greenway:** We could certainly talk to DVA about how we could break some of that down. We have an average of seven to nine months, so we have data. I am not sure whether we could do it by postcode, in effect, on top of that. I am not sure whether the system could cope with that sophistication. John is advising me that, if the Committee wishes to go to 17 and six months instead of 16 and a half and 12 months, the drafting edits to the amendments would be quite small, so that need not be a concern in terms of legislative counsel. We can certainly see what we can get. I cannot promise anything; we need to look at what the system can provide on the sort of thing that Mrs Cameron is suggesting.
1035. **The Chairperson (Ms Lo):** I know that you have said that there is no evidence

- to say that 16-and-a-half-year-olds are worse drivers than they are at 17, but instinct is telling me that it should not be lowered to any earlier than 17.
1036. **Mr Greenway:** It was very much a balance. It was one that Minister Attwood took because it was back then that the drafting was being completed and there was a sense that you needed 12 months for the reasons that we and Alban have mentioned. To put that in at 17 to 18, particularly where there are people going away from home to work or study, and to bring it to 16 and a half to 17 and a half, it goes back to that word “balance”.
1037. **The Chairperson (Ms Lo):** The majority of people do not go to university until they are 18. You are 16ish when you do your GCSEs and 18ish when you finish your A levels.
1038. **Mr Weir:** At this stage, it makes sense at least to say that it is probably 16, notwithstanding whatever options are produced and potential amendments or changes there are. I cannot remember whether there was particular controversy over the other ones, but you might basically be looking at clauses 16 and 17 as the areas that we will look to potentially amend and maybe, at least, get some guidance. That is not to say that it is an absolutely fixed position and that we have to decide in the next five minutes as to precisely where that should be. I think that those are the areas where there is a level of discomfort.
1039. **Mr Greenway:** We would need to engage with the Minister because obviously he has a key nexus in the decision-making process as well.
1040. **Mr Eastwood:** Chair, I think that the 16 and a half was put in originally because of the view around the 12 months. Is that correct?
1041. **Mr Greenway:** Yes.
1042. **Mr Eastwood:** Maybe you should have a look at the 12-month issue. That might solve your problem. You might be able to do it starting at 17 if that is what people think.
1043. **The Chairperson (Ms Lo):** If we lower it to 16 and a half, we would be out of sync with the rest of the UK and the Republic of Ireland.
1044. **Mr Greenway:** We know that Ireland has changed. We know that we are considering changing. Britain, at this stage, is looking at changes to the test and so on. In the future, of course, it could change. A future British Government could decide to change. The Irish Government could decide to change. In a sense, we need to have a view to other jurisdictions, but we need to do what is right for here as well.
1045. **The Chairperson (Ms Lo):** OK.
1046. **Mr Boylan:** I agree with 16 and a half. We are content with that.
1047. **Mrs Cameron:** Chair, when are we expecting the results of the consultation with young people?
1048. **The Chairperson (Ms Lo):** We are expecting it next week.
1049. **Mrs Cameron:** That is vital. We need to see that.
1050. **The Chairperson (Ms Lo):** Good point.
1051. **Mr Greenway:** The Department shared its concerns with the Committee Clerk about that survey in that it is taking the views of one stakeholder. You could argue that parents are just as important a stakeholder. The Department would be concerned if the Committee took the views of one particular sector and was overly swayed by that. I accept that it is an important group in this, but you have not engaged with parents, for instance, or greater society. I just make that point.
1052. **The Chairperson (Ms Lo):** Iain, there was a public consultation.
1053. **Mr Greenway:** Yes there was and, in drafting the proposals, there was consultation and focus groups with young people.
1054. **The Chairperson (Ms Lo):** OK. Members, are there any other issues that you really want the Department to look at? Are you happy with all the clauses so far?

1055. **Mr Greenway:** So, there is the one area around 16 and a half or 17 and a half with six months, 12 months or no months. From recollection, there was nothing —
1056. **The Chairperson (Ms Lo):** Peter mentioned exemptions.
1057. **Mr Eastwood:** Sorry, the no-months option comes with a very strong logbook.
1058. **Mr Greenway:** Yes. It is removal of the mandatory statutory period. In the discussions on drink driving two weeks ago, I was not aware of the Committee raising any particular areas.
1059. **The Chairperson (Ms Lo):** No. I think that members were very supportive of those clauses.
1060. **Mr A Maginness:** I raised the point of the penalty for a professional driver on their second conviction.
1061. **The Chairperson (Ms Lo):** It is three years.
1062. **Mr A Maginness:** It seems to me that, on the face of it, three years is excessive and disproportionate. Three years' suspension for a professional driver is a huge punishment.
1063. **Mrs Cameron:** It is a deterrent.
1064. **Mr J McMullan:** That is the law at the minute. The Bill is not changing that.
1065. **Mr A Maginness:** But not in relation to the lower limit. In a sense, the lower limit is not an impairment per se of one's driving.
1066. **The Chairperson (Ms Lo):** It is.
1067. **Mr A Maginness:** I would contest that. What I am saying is that it certainly runs contrary to the concept that we want to get abroad, which is that you should not drink and drive, particularly if you are a professional driver, but I can see instances where, in fact, a professional driver — a lorry driver, for example — could be at some form of entertainment the night before and off the next day, but his boss at the haulage firm rings him up and says, "Somebody has not turned up for work. I need you", and he has to go. He is over the limit on the lower limit. I think that it is disproportionate to the offence. That is my feeling, anyway. I think that we have to be proportionate and send out a very strong message, but I think that three years is a very excessive period.
1068. **Mr Weir:** I do not agree with Alban on this one. I think that, when you are talking about professional drivers, it is a little bit like the situation you have with other types of offences that could be regarded almost as a breach of trust. There is maybe an extra onus on that. Obviously, it could be considered when we come to clause-by-clause scrutiny.
1069. **Mr A Maginness:** Anyway, I have raised my point. Certainly, there should be a suspension.
1070. **The Chairperson (Ms Lo):** But not for three years.
1071. **Mr A Maginness:** It is too much.
1072. **Mr Greenway:** We will note that and feed back to the Minister members' views on that point.
1073. **The Chairperson (Ms Lo):** OK. Thank you very much, everyone. We will conclude. When are you coming back for formal clause-by-clause scrutiny?
1074. **Mr Greenway:** We would be happy to work with the Committee Clerk to confirm whether that would be in one bite or two, as we have done the informal scrutiny and so on. We believe that the Bill will save lives, so our preference is to get on and get a version of it to become an Act. Sooner rather than later would suit the Department.
1075. **The Chairperson (Ms Lo):** Sure. We will try to arrange to see you again as soon as possible.
1076. **Mr Greenway:** Thank you very much.
1077. **The Chairperson (Ms Lo):** Thank you.

15 January 2015

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Alban Maginness
 Mr Ian McCrea
 Mr Barry McElduff
 Lord Morrow
 Mr Peter Weir

Witnesses:

Ms Barbara Love	<i>Northern Ireland Assembly Research and Information Service</i>
Mr Iain Greenway	<i>Department of the Environment</i>
Ms Nicola McEvoy	
Mr Donald Starritt	

1078. **The Chairperson (Ms Lo):** I ask Barbara Love from the Research and Information Service (RaISe) to brief the Committee on the paper. I also want to refer to a briefing paper from the Department on the graduated driver's licence at page 140 and correspondence from the Association of British Insurers at page 150. They are both quite interesting. They certainly refresh our minds about the pros and cons of the new proposals. Barbara, go ahead.

1079. **Ms Barbara Love (Northern Ireland Assembly Research and Information Service):** Thank you very much, Chair and members. I will present the findings of the research conducted by the Research and Information Service on planned changes to driving licensing laws in Northern Ireland that affect young people, as contained in the Road Traffic (Amendment) Bill. The paper that you received before Christmas was a summary of all responses. They were from young people, youth organisations and people who did not say their age or that they represented an organisation. This research really focuses primarily on breaking down that information in

more detail and doing justice to all the feedback that we got. It is very good feedback.

1080. The research was conducted in November. It consisted of an online survey and focus groups with two schools. The survey went out to schools and youth organisations in Northern Ireland. It was aimed primarily at 13- to 24-year-olds, but it was not limited to that age group. Basically, anybody who got a copy or link to the survey and filled it in was accepted. We got a total of 582 responses.

1081. **The Chairperson (Ms Lo):** That is very good, is it not? That is excellent.

1082. **Ms Love:** It is a good response. I will break down the results into three groups: changes that respondents were in favour of; changes where there was uncertainty; and changes that respondents opposed. Basically, people were in favour of most of the proposals that were laid out, particularly where these were seen as allowing people to gain more driving experience — for example, driving in different road conditions and on motorways — and where they were seen as a way of improving road safety. There were a number of proposals where there was a level of uncertainty. The vote was quite split on both N plates and the logbook. I will talk about those in detail in a minute. Really, it is about getting more detail and what those might mean in practice.

1083. You will perhaps be unsurprised to know that the two proposals where there was the most opposition was the proposal that young people would have to wait a year after getting their provisional licence before they could sit their first practical test and the proposal that, in the first six months, new drivers aged 24 and under would not be allowed to carry groups of passengers aged 14 to 20 unless there is a supervising driver

in the front passenger seat. That does not apply to family members. The reason that the time limits of six months, a year and two years were opposed to was primarily because they were seen as arbitrary. Again, I will go into that in more detail.

1084. The proposal to lower the age when young people can get a provisional driving licence to 16 and a half was seen as good because it gives them an opportunity to learn at a younger age and gives them more responsibility and freedom. Youth organisations also argued that this would make it easier for young people to participate in education, youth groups and social events. The reason why participants thought it was a bad idea that young people would have to wait at least a year, as I already mentioned, was that they felt that it was too long. There were also concerns about the cost implications of this proposal. For example, would it mean that young people would have to take extra lessons over the year? Some argued that because it is a year, people might wait until six months down the line and then start taking formal lessons, so really what benefit would this year have? It was also argued, for example, that young people who are based in farming communities might already have driving experience and to make them wait a year adds nothing for those groups. On the other hand, people who were in favour of this proposal felt that it gave young people the opportunity to build up more experience and might lead to increased road safety. It is balancing the arguments for and against, but certainly the majority were against. Youth organisations felt that it might lead to difficulties for some young people in accessing training, education and employment. It was highlighted that, at this age, a lot of young people may leave education and start jobs, so maybe they would need their car to get to work and the independence to get to training, and so on.

1085. The majority of respondents thought that driving lessons on motorways were a good idea because they allowed

learners to build up experience with the assistance of a driving instructor in a dual-controlled car, rather than having to wait until after they passed their test and were let out on the motorway, which can be very frightening when they are all by themselves. People who were against the proposal that you would be allowed were so because of the speeds of other drivers on motorways. This was seen as possibly dangerous. The majority of respondents thought that it was a good idea that young learners would be allowed to drive up to the speed limits. It was felt that that would allow them to build up their knowledge and experience of driving at the speed that they would be expected to drive when they passed their test. However, people who were against it were afraid that it might lead to more accidents and that it might encourage speeding because you would be allowed to drive at that speed from the start.

1086. Respondents thought that it was a good idea that the driving test would include experience on a wider range of roads to allow drivers to build up experience, but there were concerns about what the cost implications of that might be in terms of having to build up that experience and demonstrate it.

1087. As I said already, views were divided on the learning-to-drive logbook. Interestingly, a slightly higher proportion of young people were in favour of this than were against it. It was seen as a good way of acting as a record of their driving experience, and it also allowed them to see how they were improving. Around half of the young people were in favour of that and, again, a proportion did not know. However, the biggest proportion was in favour of it. Concerns were raised about what exactly might be involved, particularly as young people were already busy with their school work and already had lots of work to do in school and out of school. This was seen as an extra job. Some people felt that that might be an issue, particularly for people with learning difficulties, and they were also concerned that they would have to pay a learning instructor to fill

- in books instead of getting practical experience. Those were the main concerns.
1088. Views on the N plate proposal were split. Some young people said that it was a better letter to use than an R because it was easier to understand — N probably means new. However, some people thought that it was a bad idea because the restriction was for too long a period of time — two years. Interestingly, I wonder what difference it would make if the proposal around not having to drive at the speed limit were implemented. Would you find a higher proportion of people in favour of it? Having a plate was seen as a good way of warning other road users that you were inexperienced. Therefore, it was split on that one. In light of other proposals, you might have got a different result.
1089. As I said already, the majority of respondents thought that it was a bad idea that they would not be able to carry their groups of friends. A lot of the qualitative feedback was about wanting to be able to carry their friends to go to social events, not wanting to have their dad along with them if they wanted to go anywhere and so on. It was seen as limiting their independence.
1090. **Mr A Maginness:** Good idea.
1091. **The Chairperson (Ms Lo):** And you have teenagers.
1092. **Ms Love:** Certainly, some of the feedback highlighted the fact that that could be a particular issue for people living in rural areas where there is little or no public transport. Also, it was seen as being unfair, and having everybody driving around separately might impact on the environment.
1093. With regard to young people having a lower drink-drive limit than experienced drivers for a period of two years, most respondents thought that that was a good idea, but, interestingly, the feedback from people who were against it were so because they thought that there should be a lower or a no drink-drive limit — a zero drink-drive limit — for everyone. It was not that they did not think that the drink-drive limit should be lowered for young people but that they thought that it should be lowered or zero for everybody.
1094. With regard to the idea of being able to take a course instead of losing your licence if you had six or more penalty points, most young people were in favour of that, because they thought that it would teach you a lesson without being too punitive, although a small number of young people felt that it was too lenient and that, if you broke the law, you should lose your license. Those were very strong views: once you break the law, that is it, you are out.
1095. **Lord Morrow:** You could be banned for life.
1096. **Ms Love:** That is it; one strike and you are out.
1097. As for the logbook, the majority of young people who participated in the survey thought that the driving experience that you were allowed to build up should be with a driving instructor and a qualified driver, and the main concern there was the cost. If you were only going with an instructor, the cost implications would be an unknown quantity; it could be quite a lot. That might have a big impact, particularly on people who are disadvantaged. It was also felt that it should be based on the number of hours' experience; that would be a fairer way to measure the amount of experience that you build up.
1098. Young people were most concerned about the cost of getting a licence and the restriction on carrying groups of friends. Those were the two main areas. Interestingly, young people were least concerned about the idea of having to complete a student logbook.
1099. Of the suggestions that were originally proposed and then rejected, the one that got most support was the idea of skid training. The majority of people who participated in the research thought that that should have been kept in. Youth organisations also felt that the proposal of an offence-free period before

- restrictions are removed should also have been kept in.
1100. **The Chairperson (Ms Lo):** Sorry, which bit?
1101. **Ms Love:** The proposal for an offence-free period before restrictions are removed, so you have to be clear for six months before that restriction is removed. Youth organisations felt that that should have been kept in.
1102. To sum up, there are things that came through all of the proposals, and the themes that stuck out most were the cost implications and the burden that the proposals could place on young people. More detail is needed on what those might be. A theme that ran through all of the proposals was about improving road safety for everyone.
1103. **The Chairperson (Ms Lo):** Thank you, Barbara. Are there any questions? I am glad that Iain is sitting there listening so that we do not have to repeat all of that.
1104. **Mr Weir:** That was very useful. There is just one wee thing. It may be just oddly phrased, but I noticed it from the key points summary on page 1 of the research paper. On the student logbook, the final line is:
- “The majority of young people felt that this experience should be based on the number of hours driving experience rather than the number of hours of experience.”*
1105. **Ms Love:** That should be, “rather than the number of lessons”. That is just a typo. I will change that.
1106. **Mr Weir:** That is OK. It just confused me. I thought it was a very useful overview.
1107. **The Chairperson (Ms Lo):** Obviously we have heard the main gist of it before. It is very useful to hear what young people say. On the bit about the course, in previous communication with Iain and the Department they have said that there should not be an extra course. I just do not know why they have that perception that it is going to cost them more. The majority of young people would still go for 10 or eight lessons anyway, and there will be mums, dads, uncles and aunts taking them out for practice, so there is no change on that.
1108. **Ms Love:** It is really the detail. When you get down into the detail of exactly what is expected, that will clarify what the extra burden will be. It is just because, at the moment, we do not have that detail. Perhaps people are nervous about it because they are afraid that it could be a massive burden on them.
1109. **The Chairperson (Ms Lo):** I also find that the restrictions for young people for the first six months are just too complicated. Did anybody mention that? There are so many different aspects — one person, and then whether it is family and all of that stuff. Did anybody say that it is really confusing?
1110. **Ms Love:** Some people felt that it could be confusing in relation to the drink-driving laws, because, if it is lower and then it goes up, what does that actually mean? You do not really know what that will mean for you personally, so having a lower limit or the same limit for everybody is seen as better, because it is really difficult to say what that is.
1111. **Mr Boylan:** Thank you very much for your presentation. I think it is a good exercise. I am not surprised at some of the answers. Obviously cost is a major issue, and the Chair has mentioned it, but is there any suggestion as part of the process of how they would meet that? Is it through the schools? Are there any suggestions from any of the youth groups about how they would meet that? You can respond to that, but there is one other point that I want to make.
1112. The other point is that I know we are concerned about the period of time. I will speak for the rural people on this matter. I know that some of them are more experienced and they can get away with taking 10 lessons, whereas urban people might have to take more than that. In terms of this process —
1113. **Mr Weir:** We are stuck behind a big tractor. *[Laughter.]*

1114. **Mr Boylan:** And you are afraid to overtake.
1115. **The Chairperson (Ms Lo):** Tractors *[Inaudible.]*
1116. **Mr Boylan:** Do you want to continue that conversation? I want to tease it out a wee bit more. I know that it was limited to what questions were asked. Is there any more that the Department can do to get out to young people about the reasons why they need to do so many lessons or have a time restriction? I am mindful of the fact that the number of road deaths increased last year. I am not picking on young people in this matter. I just think that, through this process, we have an opportunity to emphasise the message of road safety in general. I am just wondering whether anything came out from the youth groups as a learning from that experience.
1117. **Ms Love:** In relation to how we could meet the cost, one of the participants suggested that a model like the American model, where you learn to drive in school, might help. You would be taught it for free in school so that you would not have to pay a fortune yourself. Sorry, may I just clarify what your second question was?
1118. **Mr Boylan:** It was the point about getting across the message about restrictions. Is there anything more that we or the Department can do? I know that they are against the restrictions on carrying passengers and everything else. I know that a lot of people work in the hospitality industry, and they travel back and forward. To try and sell the message as to why we are doing that, is there anything more in the youth responses? It seems to me that all that they are saying is, "Hold on, we want to travel with our mates." The reason why we are doing the restrictions is the road safety element.
1119. **Ms Love:** A significant proportion of young people said that they were concerned about safety. Even on some of the proposals that we had high support for — for example, driving on motorways — a lot of young people were concerned about safety. Young people did say that they were keen to get their licence as soon as possible, but that has to be balanced against what the safety implications might be. A number of young people said that, if their parents or driving instructor think that they are good enough at driving and are happy to put them forward for the test and they pass the test, they should then be let loose on the roads. However, that was balanced with the idea that some people might fluke the exam on the day. Youth organisations were particularly favourable to the idea that, if you give people enough time, maybe not everybody will benefit but certainly some people will get more experience. If you are restricted for a year, not everybody might be able to afford to get that level of experience. However, others will take full advantage of having that year to get as much experience as possible. That came through strongly through from the youth organisations.
1120. **The Chairperson (Ms Lo):** Are young people aware that the restriction for carrying passengers is only for six months?
1121. **Ms Love:** Let me just double-check what I have said here. Yes, it was specified in the questionnaire that it is six months.
1122. **The Chairperson (Ms Lo):** And are they still not happy with it?
1123. **Ms Love:** Well, they just want to get —
1124. **The Chairperson (Ms Lo):** To be let loose, have freedom and bring their friends.
1125. **Ms Love:** Exactly. Like I say, it is about balancing that against safety. If we can imagine back, we probably felt the same ourselves. You want to go out and impress your friends and feel free.
1126. **The Chairperson (Ms Lo):** I wonder how many of them are aware of the statistics of how much more at risk they are when they are carrying one extra passenger under that age, and two and three. The risk quadruples if there are three young people under the age of 20 in the car with a new driver.

1127. **Ms Love:** It might be that they are not aware. It is funny when you look at the other comments that young people made. They are certainly aware of some of the advertising campaigns that the DOE has had. For example, one comment was “Hey, drivers, leave us kids alone”, so maybe there needs to be a promotion of what the implication of that is. .Never drink and drive. It is interesting to see in the comments that kids actually pick up on these things, so maybe that needs to be promoted better.
1128. **Mrs Cameron:** You mentioned that one of the main concerns was cost implications. I have to say that I would be worried about cost implications if the learning period was extended to a full year. The idea of the full year is to take in all seasons and gain as much experience as possible. When you start to learn to drive, you absolutely take some amount of lessons. As a parent, I am completely unwilling to take my child out in a car before she has learned to drive the way that you need to drive to pass a test. I could not teach her that. Probably none of us would even pass the test if we did it.
1129. **The Chairperson (Ms Lo):** Without dual control, it is scary, is it not?
1130. **Mrs Cameron:** Yes. I am quite sure that the way that I learned to drive would not pass the test today. I am also sure that, once you go down the road of starting to take lessons, there is not much point in taking —
1131. **The Chairperson (Ms Lo):** One a month.
1132. **Mrs Cameron:** — and then one a month later. You have to use and practice what you learn and keep it up. You are going to be encouraged — I am not saying that driving instructors will take advantage — to keep taking lessons, and it is bound to cost more if that learning period is over the year.
1133. **The Chairperson (Ms Lo):** Generally, young people will take one lesson a week. I know that my children took one a week and the driving instructor said, “Right, you have had six or seven lessons. Now we can start planning to apply.” In two months’ time, or a month’s time, you get it.
1134. **Mrs Cameron:** Young people are very much guided by the instructor’s confidence in them. They will look to the instructor to tell them whether they are ready to take the test. They are very much dependent on the driving instructor. It is in the interests of the driving instructors to give more lessons and it is in the interests of the students to receive more lessons, but there is no doubt that that is going to be at a greater cost. I would agree with the assumption that it is going to cost more.
1135. **The Chairperson (Ms Lo):** OK, fair enough. I had not thought about that. The likelihood is that people, then, instead of starting from 16 and a half to take lessons, will wait until they are 17.
1136. **Ms Love:** A few respondents said that that is probably what they would do; they would just wait until they could take it seriously and know that in six months’ time they need to be ready to drive.
1137. **The Chairperson (Ms Lo):** I know that my two sons passed their tests after three or four months.
1138. **Mrs Cameron:** Lots of children now are looking to what they doing in school and what exams they are taking, and they do not want that conflict because things are hard enough.
1139. **Ms Love:** In fact, some of the feedback said that by 17 and a half you are looking at your A levels, although it really would not make much of a change compared with what we have at the moment, if you are starting at 17 and a half. Why let somebody have a licence at 16 and a half and then not get it until you are at least 17 and a half? Some people saw that as a form of torture, really. *[Laughter.]*
1140. **The Chairperson (Ms Lo):** Weather-wise, too, a lot of people would want to take lessons in the summer months. You do not want to go out learning when it is dark.

1141. **Mr Boylan:** I just wanted to follow up on a point. Barbara mentioned the issue of driving on motorways. That is grand, but if I am in a straight line at 70 mph I am taught not to run into the person in front of me. That is grand; you need to do that, but the reality is that 90% of the roads are rural and there are 60 mph speed limits. How does it come across that that is the type of driving? Pam mentioned driving in all types of weather. I can see why they would want to learn the skid test, because they would be able to handle it. Has that message come across in this process?
1142. **Ms Love:** It has.
1143. **Mr Boylan:** That is what it is about — driving mostly out on the rural roads with those speed limits.
1144. **Ms Love:** Yes. Some people mentioned getting used to driving on different roads and making themselves aware of when speed limits change. One respondent suggested that maybe it should be on dual carriageways because you are getting that balance of speed and having to change lanes, turn off and do all those things. That could be an alternative to motorway driving, because dual carriageways give you the speed and all the different functions that you might have to do when you are driving.
1145. Some respondents were also concerned that, if they lived quite far away from a motorway, how much it would cost them to take the lesson. If you live miles away from the nearest motorway, how much are you going to be charged to drive to the motorway to get the experience?
1146. **The Chairperson (Ms Lo):** That is true, and then your one hour is up. Usually you get one hour.
1147. **Ms Love:** You get to the motorway, and then you have to go back. *[Laughter.]*
1148. **Mr Weir:** You get as far as the roundabout.
1149. **Mr Boylan:** There are some questions for the officials there.
1150. **Ms Love:** It is about the practical implications of the proposals — what it will mean in practice and how you will be able to do it in practice.
1151. **The Chairperson (Ms Lo):** There are no other questions for Barbara. Thank you very much. I hope you enjoyed that.
1152. **Ms Love:** Yes, it was a pleasure. The young people have gone, but I thank them for participating in the survey. It was really good to get their views.
1153. **The Chairperson (Ms Lo):** Yes, very much so. Thank you. Members, we will take a quick break, and then we will work through lunch.
- The Committee suspended at 12.01 pm and resumed at 12.21 pm.*
- On resuming —*
1154. **The Chairperson (Ms Lo):** Iain, Donald and Nicola, you are very welcome. Iain, do you want to give us a response to the survey?
1155. **Mr Iain Greenway (Department of the Environment):** Sure. Thank you for the opportunity, Chair, to come back today to continue the informal clause-by-clause scrutiny. The previous time that we were here, Committee members were still reflecting, individually and collectively, on the Bill, particularly on the graduated driver licensing issues. I hope that this afternoon that we can air some of those. We will brief the Minister on Monday on this discussion. That will allow him to form a view on potential amendments, should any be needed, and so on.
1156. You mentioned a letter from the Association of British Insurers (ABI). That does not surprise me, to be honest, in as much as it was clear all along that there would be 15% to 20% reductions in premiums for a full graduated driver licence (GDL). We always knew that we would not be bringing in a full GDL, because the night-time restriction was not proposed. Of course, ABI does not —
1157. **The Chairperson (Ms Lo):** I was not surprised, but I was a bit disappointed.
1158. **Mr Greenway:** ABI does not do underwriting; individual insurers do

- underwriting, so ABI cannot start quoting numbers, except generally, or else the Financial Conduct Authority (FCA) will be all over it for collusion. The evidence is clear that graduated driver licensing schemes (GDLS), as long as they are sufficiently robust, reduce collisions and claims. The insurers have therefore committed to our Minister and, indeed, the Prime Minister that reduced claim costs will be fed straight back in and lead to reduced premiums.
1159. The survey was very valuable. We look forward to the final report from the research team, if that can be made available to us. Nothing of immense surprise jumped out at us as we were listening to the briefing. As Barbara said, there was no surprise that the two least supported areas were the minimum period and the restriction on passengers. That has been a theme throughout the development of the Bill.
1160. **The Chairperson (Ms Lo):** As has the cost. That has been a big issue.
1161. **Mr Greenway:** I will come back to costs in a moment, if I may. As we said last time, it is about seeking a balance between the right of citizens to learn to drive at whatever age and the responsibility on them to drive safely, given that we are all responsible for each other at some level on the roads.
1162. This is intended as a constructive proposal, but another thought relates to how Departments might be more involved in assisting such research. I raised previously with the Committee Clerk the exact wording of the complex area around passengers. In fact, one teenage passenger is allowed without restriction and without being a family member. It is a complicated area that may benefit from support from officials in creating the questionnaire and through their being present at the focus groups to give factual information rather than to seek to influence the process.
1163. Another issue is the plates to be displayed by drivers when they pass their test. The Bill is silent on that, except to state that there will be an affirmative resolution debate on regulations for plates. Some members may be aware of the debate in the Executive paper process about what letter should be on the plate, but the Bill is silent on that, as has been the Department. The following question had gone out: "What do you think about an N plate?" That is explicitly not agreed. Again, if there had been a chance for the Department to review that, we might have come back and said that that is not right. That may just have helped the process. The Committee Clerk and I were talking about that during the lunch break. It may not have been pivotal, but it is probably incumbent on us all to be as factually accurate as possible in these things. I have a constructive suggestion about how Departments might feed into the Research and Information Service through those very valuable exercises.
1164. On the issue of cost, one option that we had considered during the policy development of the Bill was a minimum number of lessons, but we decided not to proceed because of concerns about cost. Instead, we went for a minimum period, and I am sure that we will have some more debate now on what the minimum period should be and whether there should be exemptions, and so on. We explicitly put in the minimum period and explicitly stated that the logbook can be signed by a supervising driver or an approved instructor, whereas in the South, by law, you have to take 12 lessons, covering 12 different topics, with an approved driving instructor. We did not go that way. We felt that a syllabus that set out things to be covered and standards to be reached was a more appropriate way, as it allowed for responsiveness to where people were on the learning curve and how quickly they learned. Furthermore, we did not explicitly build in a mandatory cost for lessons, although 99% of learner drivers, including Mrs Cameron's children, take lessons from a professional.

1165. **The Chairperson (Ms Lo):** The majority take lessons from instructors. Parents are too scared to take their children out.
1166. **Mr Greenway:** We have tried to balance the issue of cost. People are learning a life skill. As the Department has said many times, going on the roads is the most dangerous thing that we do most days, and just because we do it regularly and it is second nature to us does not mean that it is not dangerous. We have to find the right way in which to balance protecting ourselves and all other road users. We have tried to find ways in which to make the cost proportionate and flexible rather than stipulate so many hours of lessons, or whatever.
1167. **The Chairperson (Ms Lo):** Learning to drive is in many ways the first step. You learn all the technical and mechanical stuff. The main thing after that is the practice. In reality, you gain experience a lot after you get your licence. The first part is getting the driving licence. That is the basis for a person to go on and gain more experience.
1168. **Mr Greenway:** I was reading something on one of the newsfeeds last week about the numbers of people going to insurers and asking what taking extra courses will do for their insurance. That suggests that a number of people, having passed their test, feel sufficiently motivated to look for additional interventions. Very often, as we know, in all fields of life, people who look for additional interventions may not be the ones most in need of them. People are looking to insurers to see whether they can be saved some costs at the same time as they are incurring extra costs, and many insurers are looking at those sorts of interventions, or at telematics, and so on.
1169. This is a continuum, and a test is a point on that continuum. The balance to be struck is between how much you are seeking to ensure that it is done before, in what is, as all the statistics show, the very safe environment of being a learner driver with a supervising driver beside you, and how much you do it at the point at which you have just passed your test. Is it immediately all shackles off or is it, again, a continuum? The Bill proposes a short period of restrictions around carrying passengers but nothing around night-time driving. You then come out the other end of that and are into your full driving career, if you like. At the other end of one's driving career, there is the fitness-to-drive piece that the Department is also looking at in a non-legislative way at the moment.
1170. **The Chairperson (Ms Lo):** OK. Members, we will now go through the clauses that we previously had discussions about and on which issues were raised. Members should refer to the pack prepared by the Committee Clerk, which is very helpful.
1171. Clause 2 replaces the existing prescribed drink-driving limit with two new limits applicable to different categories of driving licence holder. Members, have you any issues to raise about the clause?
1172. The two different limits are 50 mg of alcohol in every 100 millilitres of blood for the typical driver and 20 mg in every 100 millilitres for the young driver.
1173. **Mr Greenway:** The young driver, the learner driver and the professional driver.
1174. **The Chairperson (Ms Lo):** Yes. The lower limit is for new drivers of all ages. Is that right?
1175. **Mr Greenway:** Yes.
1176. **The Chairperson (Ms Lo):** Even if you are 45, that limit will apply.
1177. **Mr Greenway:** Yes.
1178. **Mr Boylan:** For clarification, who is included in the range of professional drivers?
1179. **Mr Donald Starritt (Department of the Environment):** We see it covering, for example, HGV drivers and taxi drivers. However, there is a power in the legislation to vary through regulation those included.

1180. **Mr Greenway:** It is only when they are driving in that capacity. If I am a lorry driver but am driving my private vehicle, the 50 mg limit applies. If I am driving my lorry, the 20 mg limit applies.
1181. **The Chairperson (Ms Lo):** Yes. We also had a query about how the PSNI can enforce that. You responded by saying that, under the new Bill, the police can now set up checkpoints. They can then stop people.
1182. **Mr Greenway:** In specified circumstances and with due controls, yes.
1183. **The Chairperson (Ms Lo):** Yes. Previously, the police had to have a reason to stop people; for example, if the vehicle was wobbling about. Now, they can set up checkpoints. How many checkpoints will they set up, taking into account police time and all of that?
1184. **Mr Greenway:** That will be a matter for the police.
1185. **The Chairperson (Ms Lo):** It is really about resources and the rest. There is an ongoing difficulty with resources.
1186. Do members have any questions for Iain and his team?
1187. **Mrs Cameron:** I have one on the same point. I want to ask about taxi drivers who use their own vehicle as a taxi and whether they are lit up or not lit up. It might be tricky to enforce. How do you prove that they are working or not working?
1188. **Mr Greenway:** It is potentially tricky, but there are operator licensing and record-keeping provisions for taxis. With a truck or a bus, it is clear what vehicle you are driving, but, with taxis, many of which become private cars at different times of the day, it may be less clear-cut. However, when the driver goes through a checkpoint, it will be clear whether the taxi has a paying fare on board.
1189. **The Chairperson (Ms Lo):** Clause 3 will retain the right at the new lower prescribed limit of a driver to ask for a blood or urine specimen to replace a breath test if that breath test reading is marginally over the limit. What do we mean by “marginally”? Is it a percentage over the limit?
1190. **Mr Starritt:** We covered the point previously. This is what is known as the statutory option, so people have that opportunity. I will remind members that we previously said that we had received legal opinion on the matter. We have sought another legal opinion. We will be speaking to the Minister about it. I do not have the precise figures in front of me, but I think —
1191. **Mr Greenway:** It is in the Bill. We need to switch from blood to breath, and there are, in law, three separate limits — urine, breath and blood — because they are three separate biological things. For instance, for the non-specified person, the legal limit is 22 mgs in 100 millilitres of breath. The statutory option will apply up to and including 31 mgs, so it is from 22 mgs to 31 mgs. For the specified driver, where the limit is 9 mgs, the statutory option will apply up to 15 mgs. Those are the tolerances that are set down in the Bill.
1192. **The Chairperson (Ms Lo):** OK. That is quite a wide range, from 22 mgs to 35 mgs.
1193. **Mr Greenway:** It is to 31 mgs. That replicates the percentage, if you like. It is the equivalent of the current 80 mg in 100 millilitres of blood. We have simply applied the same percentage tolerance to the new figures.
1194. **The Chairperson (Ms Lo):** OK. Within that range, people can ask for a blood test.
1195. **Mr Greenway:** They have a right to require it. It is not just a right to ask for it. They have a right for that to be performed.
1196. **The Chairperson (Ms Lo):** OK.
1197. **Mr Starritt:** The crux of the argument is this: given the reliability of breath tests and the equipment used, are those margins required?
1198. **The Chairperson (Ms Lo):** That was in the past, but we are saying now

- that the technology has improved the accuracy of the breath test equipment. Furthermore, the police line is that, by the time that you take the individual to the police station and get a doctor or nurse to do the blood test, the person's blood:alcohol level will have dropped.
1199. **Mr Greenway:** It may have dropped or it may have gone up. If you recall, when TTC 2000 came before the Committee, its representatives talked about the fact that levels can go up or down as food is absorbed. The additional operational issue for the police is that, if somebody has demanded a test, the likelihood is that they will have to close the checkpoint to take that driver back to the police station. It is about not just the impact on the biology of that driver but the impact on the enforcement activity.
1200. **The Chairperson (Ms Lo):** Yes, the police cannot carry on with the checkpoint. The point was made quite strongly that the person in the police station could be waiting for up to two or three hours, which is taking up police time, because by the end of that two or three years the blood:alcohol level could very well have dropped.
1201. **Mr Greenway:** It is two or three hours, not two or three years, Chairperson.
1202. **The Chairperson (Ms Lo):** Two or three hours. Did I say "two or three years"? I am sorry. *[Laughter.]*
1203. **Mr Boylan:** The person will have been convicted in that time.
1204. **The Chairperson (Ms Lo):** You will be in jail. *[Laughter.]* You will have to wait until you are sober before being let out.
1205. **Mr Boylan:** Chair, I do not think that that will be a big issue. If that is the only part of the Bill that we have to worry about, we will be grand.
1206. **The Chairperson (Ms Lo):** Yes.
1207. You also said that you have sought legal advice on whether people should have the right to ask for the blood test. As the Committee Clerk stated in the paper, the UK is the only country that has that statutory option, and it may be thinking about changing that.
1208. **Mr Greenway:** No, the UK — sorry, GB — has changed that. The statutory option will be removed as of 10 April this year in England, Scotland and Wales.
1209. **The Chairperson (Ms Lo):** Why should we not remove it as well?
1210. **Mr Boylan:** A different country, Chair.
1211. **The Chairperson (Ms Lo):** Different country, yes.
1212. **Mrs Cameron:** Really?
1213. **Mr Greenway:** For the record, Ireland never had the statutory option. The issue is whether article 6 of the European Convention on Human Rights is engaged by not having that ability. There are differing legal opinions on that. The fact that other signatories to the convention do not have such a provision is obviously one factor.
1214. **The Chairperson (Ms Lo):** Has it ever been tested in court?
1215. **Mr Starritt:** To the best of our knowledge, the absence of it in other countries has never been tested. Were, for example, the Department to bring forward legislation that removed the statutory option here, there is potential for that to be challenged in the Supreme Court.
1216. **Mr Weir:** To clarify, given what is being said about England, Scotland and Wales, will we end up being the only place in Europe that has the option?
1217. **Mr Starritt:** That is correct.
1218. **Mr Weir:** To put it mildly, it strikes me that we are being overly cautious.
1219. **The Chairperson (Ms Lo):** Exactly.
1220. **Mr Weir:** I would have thought that there would be a fair level of defence if we were coming on to the same page as everywhere else in Europe. It strikes me that there needs to be a bit more thought about this.

1221. **Mr Greenway:** There was a Supreme Court case in Dublin that turned on similar issues. I do not have the figures to hand, but it concerned somebody slightly over the limit. The court found that the scientific process, which in itself builds in tolerances to avoid false positives, was sufficient. I do not want to speak for the police or Forensic Science Northern Ireland (FSNI), but our scientific tolerances are broadly similar to those used by the scientists in Ireland, as you would expect, because this is medical science.
1222. Some Committee members may recall that the first draft of the Bill, which was consulted on, removed the statutory option. Before the Bill was introduced, the statutory option was put back in, or its retention was put back in, because of concerns around the ECHR.
1223. The challenge could come, as Donald intimated, on whether the Bill remained within the legislative competence of the Assembly. If the convention rights are engaged, it is no longer within the ability of the Assembly to legislate for it. Members will be aware there are mechanisms for the Attorney General or the Advocate General to refer provisions in a Bill to the Supreme Court prior to it receiving Royal Assent.
1224. **Mr Weir:** If there were referring done, presumably just clause 3 would be referred.
1225. **Mr Greenway:** Yes.
1226. **Mr Weir:** It seems clear, Chair, that, if we are sending a message back to the Department to look at drafting amendments, I think that this may be one such amendment. I understand the reason for having a level of caution, but there may just be a fair degree of overcaution here. It would be one thing if there was a mixed picture of what different jurisdictions were doing. However, it would be an odd situation if 400 million or 500 million people throughout Europe were in one bit of the mix but there was a particular provision for 1·8 million people here for something that is relatively universal in its nature. It seems to be a little bit misplaced.
1227. **The Chairperson (Ms Lo):** This is the opportunity to remove the statutory option. Why should we not do it?
1228. **Mr Greenway:** Speaking openly, I will say that our concern is that, if we were to amend the Bill to remove it — it is for the Minister to look at it, and, indeed, if there is a ministerial amendment, the Executive have a role in that process as well — and there was a challenge under the provisions in the Northern Ireland Act and Assembly Standing Orders and the Supreme Court found that the legislation was in breach, which, as Peter said, would potentially create issues for other signatories to the convention, the Bill would have to come back for an extraordinary Consideration Stage in the Assembly prior to Final Stage. With an Assembly election on the horizon, there is a concern that all of that could lead to the whole Bill falling if that process is not completed.
1229. **Mr Weir:** The only complication with it coming back to an extraordinary stage is if there has been an issue with stuff, and I have seen that happen before. However, that has tended to be accommodated rather quickly. We are talking about an Assembly election, which is about 16 or 17 months away. It just seems to be —
1230. **Mr Greenway:** We are flagging that issue, and it will take its place in the queue to be heard by the Supreme Court. Obviously, it is for the court authorities to determine the speed with which it moves through that queue.
1231. You will have seen, from the fact that the Bill originally had it in but the Bill as introduced did not, that that issue has been under debate and consideration for some time, and we will discuss it again with the Minister on Monday. If we decided to remove it, given that the Bill was originally drafted without the statutory option, the drafting work has been done, by and large.
1232. **The Chairperson (Ms Lo):** OK. We will be quick enough.

1233. Does the Committee agree that we urge the Minister to look at this?
1234. **Mr Boylan:** Not urge; just ask the question.
1235. **The Chairperson (Ms Lo):** You have sought legal advice to say that it should be OK to go ahead.
1236. **Mr Starritt:** As Iain said, it is something that we will be taking to the Minister.
1237. **The Chairperson (Ms Lo):** It would be totally out of step with the rest of Europe, let alone the UK and the Republic of Ireland. I think that this is the time to do it. We would miss an opportunity.
1238. **Mrs Cameron:** We cannot be out of step with the Republic of Ireland.
1239. **Mr Weir:** We cannot be ourselves alone in this.
1240. **Mr Boylan:** If you put a wee bit of Irish in it, maybe people would understand it. *[Laughter.]*
1241. **The Chairperson (Ms Lo):** We would be seen as being backward and not being progressive enough as legislators. We need to be progressing.
1242. **Lord Morrow:** It is complicated enough.
1243. **Mr Boylan:** You would not want to step on the individual rights of a human being, you know what I mean, Chair.
1244. **The Chairperson (Ms Lo):** Well —
1245. **Mr Greenway:** We will take the point back to the Minister and, of course, the Minister may decide to make an amendment, and that is through an Executive process. If the Minister decides not to, of course it is open to any member to bring such amendment.
1246. **The Chairperson (Ms Lo):** Or the Committee or members.
1247. **Mr Greenway:** Yes, or a collection of members.
1248. **The Chairperson (Ms Lo):** We move on to clause 7, which enables the introduction of new administrative fixed penalties, graduated penalty points and a fine to apply at levels below the existing limit where there is no existing offence. This will start all the arguments. Members, I will let you have a minute to look at it.
1249. **Mr Greenway:** Clerk, would it be helpful for us to have sight of the paper as you discuss it? I know that it is your paper. There is a copy sitting in Colum Eastwood's place, but if it is a Committee paper and not for sharing, I fully understand that.
1250. **The Chairperson (Ms Lo):** You can take mine.
1251. Members, the main issue is that there are some concerns that professional drivers who are convicted of drink-driving at the lower limit for the second time would be subject to a three-year driving ban, which may be a disproportionate punishment in terms of loss of employment. That was mostly Alban's point.
1252. **Mr A Maginness:** That was my point. You could change it to an option, but the court could impose a ban from one to three years. Do you see what I mean? The court could, in fact, exercise its discretion. Or, is that the present position? Mr Starritt, I think, is the expert on this.
1253. **Mr Greenway:** Yes, I am glad that you recognise that. *[Laughter.]*
1254. **Mr A Maginness:** He was exceptionally helpful the last time on this issue.
1255. **Mr Starritt:** I will give a bit of background. It may be worth giving an example to show how this might work, and we can then maybe talk around that. If we had a scenario where a professional driver has a previous conviction under the current legislation of the limit of 80 mg and, when back driving again, commits an offence under the new legislation, where the 20 mg limit applies, the offence would not be regarded as a repeat offence because, previously, 20 mg was not an offence. In that scenario, that professional driver would be treated exactly the same as

- anyone else detected at 20 mg. In other words, they would get the option of the fixed penalty —
1256. **The Chairperson (Ms Lo):** That would be seen as the first offence.
1257. **Mr Starritt:** — and the penalty points. Where the point may kick in is if they commit a second offence at 20 mg. They would then face the three-year ban, and our argument there is that it has already been drawn to their attention. They do have additional responsibilities as a professional driver. They have had, if you like, the slap on the wrist, and it is a repeat offence, so we would argue that the three years is justified.
1258. **Mr A Maginness:** Mr Starritt, can the court only impose three-year bans? Is that the position?
1259. **Mr Starritt:** That is right.
1260. **Mr A Maginness:** I think that three years is far too much for a professional driver. I think that you are depriving him of his livelihood. OK, he has committed —
1261. **Mrs Cameron:** He has deprived himself.
1262. **Mr A Maginness:** Yes, he has. He has committed an offence and so forth, but there may well be circumstances in which there is mitigation in relation to that. The court's hands are tied; it has to impose a three-year sentence. That, to my mind, is too much. The compromise might be between one and three years, with the court having that discretion.
1263. **Mr Starritt:** A court can, if it feels that there are exceptional circumstances, go below the three years. There is evidence that that has been used on occasion. The guideline is three years.
1264. **Mr A Maginness:** That is a general provision for any driving offence. Is that right?
1265. **Mr Starritt:** That is right.
1266. **The Chairperson (Ms Lo):** So, at the moment, if an offence is committed with 80 mg in every 100 ml of blood and they commit another offence, is that an automatic three-year ban?
1267. **Mr Starritt:** Yes.
1268. **Mr Greenway:** Yes, within a 10-year period.
1269. **The Chairperson (Ms Lo):** So, are we saying that it will be a 10-year period for the new lower limit?
1270. **Mr Greenway:** Yes.
1271. **Mr Starritt:** The other point that is maybe worth making is that the 20 mg and repeat offence criteria would apply for young drivers as well, obviously. So, it is not just professional drivers that it will apply to but to young drivers.
1272. **Mr A Maginness:** New drivers.
1273. **Mr Starritt:** Sorry, new drivers.
1274. **Mr Weir:** I have a couple of points on that. I appreciate what Alban has said, but I have to say that, first, I do not think that we should be making it more lenient for professional drivers than the public. To be honest, I expect that somebody in that position would hold themselves to a higher standard, particularly, for example, a bus driver. It can have wider implications for other people. The other point is that you can have a situation where somebody gets a ban and, although they are not a professional driver, it does cost them their job because, for instance, they are no longer able to travel to wherever it is, or because of the attitude that their employer takes or whatever. If, for example, a professional driver cannot then drive and, therefore, automatically, effectively, loses their livelihood, it is not as if professional driving is the only option for them and they are cast into society and cannot do anything at all by way of work. They just cannot do that particular job.
1275. I think that it comes down to the basic thing that, at the very least, if you are a professional driver, you should take more cognisance of the law in this direction and should apply it more. The point has been made that, under very exceptional circumstances, in any walk

- of life, you could get a situation of an emergency type, and the court can listen and say, “Under those circumstances, we appreciate that it was maybe an issue of necessity.”. They may have felt that there was about to be a death or something of that nature. There could be some sort of mitigating factor that is so exceptional that it is already catered for. I do not think that we should be making additional provisions for that, particularly in light of what we have heard today.
1276. **The Chairperson (Ms Lo):** That can be a deterrent. People just need to bear in mind that if they offend again, there will be very serious consequences.
1277. **Mr Starritt:** We are encouraging people to act responsibly and to not drink and drive. The alternative is to take a bus or a taxi. If you do that, you should do it in the expectation that you are putting your safety in the hands of someone who has not taken any drink. So, that is the Department’s line of argument.
1278. **The Chairperson (Ms Lo):** That is in the course of them driving professionally, not when they are at home and going down the road to pick up their kids.
1279. **Mr Starritt:** That is right.
1280. **Mr A Maginness:** I still think that it is disproportionate, and I am not absolutely convinced that the flexibility that Mr Starritt talks about would be particularly applicable in these instances. I think that it would be much better if specific flexibility was built into it so that the court would have to impose a minimum sentence of one year’s suspension up to three years’ suspension. I think that that would be a better way of proceeding. I think that it would be a fairer position.
1281. **Mr Greenway:** We provided the Committee with some statistics that show figures for first-time offenders and repeat offenders under the current law — so, under the 80 mg — and the range of sentences. Perhaps the Committee Clerk could find those again. We can do that, if necessary. Those show the range of sentences imposed by district judges. It was a substantial range, presumably on the basis that there is a mandatory sentence, but they will take aggravating and mitigating circumstances into account. So, the legislature has set down what it expects the norm to be. The judiciary is hearing individual cases and taking individual cases on their merits, and it showed that a considerable range was applied. It is not for us to look at individual cases, but we shared those statistics with the Judicial Studies Board so that judges could see the information and the collation of figures. It was not to say, “You should do a, b or c”, but rather to say, “Judges, you may be interested in how collectively you are applying the provisions.”.
1282. **Mr Starritt:** The headline figures from those findings refer to all drivers, not just professional drivers. The statistics that we have suggest that 19% of repeat offenders were disqualified for less than three years. Eighty-one per cent got the three years or more, but the figure of 19% does seem to illustrate that an element of discretion is being applied.
1283. **Mr Greenway:** The next figure is relevant as well, which is that 33% were banned for four years or more. So, it was not a one-way process.
1284. **The Chairperson (Ms Lo):** Sorry, can they be banned for even more than three years?
1285. **Mr Greenway:** There is a mandatory minimum, but, from memory, one or two — it is all in the figures — got significantly more than four-year bans.
1286. **Mr Weir:** Somebody who was, for example, twice the limit or well over it.
1287. **The Chairperson (Ms Lo):** OK.
1288. **Mr Greenway:** Those figures are a summation of quite a lengthy statistical research paper.
1289. **The Chairperson (Ms Lo):** OK. So we are saying that there is a statutory minimum of three years but that it is not mandatory and that the judge has discretion over it.

1290. **Mr Greenway:** Judges have the ability — I am sure that judges will say the duty — to consider the facts of individual cases.
1291. **The Chairperson (Ms Lo):** Are you satisfied with that, Alban?
1292. **Mr A Maginness:** Not really, but there is obviously a difference of opinion, and I will think about it. I still adhere to my original point. I think that the flexibility should be written into the provision.
1293. **The Chairperson (Ms Lo):** The Committee is not keen to ask the Minister for an amendment.
1294. **Mr A Maginness:** I accept that.
1295. **The Chairperson (Ms Lo):** OK. We will move on to clause 9, which enables police to issue a further fixed-penalty fine for the non-completion of an approved course for drink-driving offenders. The clause will enable a driver to access the same course through the fixed-penalty system rather than through a court. Members previously asked whether there will be an additional penalty for those who booked the course but did not attend. I think that you said that the further fixed penalty of £100 would simply bring the amount of penalty up to what it would have been at the start, £200.
1296. **Mr Greenway:** And the course provider may charge a cancellation fee.
1297. **The Chairperson (Ms Lo):** That is a lot of follow-up that you have to do. How do you check on everyone that they have completed it?
1298. **Mr Greenway:** There are processes through the provider providing information through the Court Service. The same applies in larger numbers for speed-awareness courses. The police run those; they are not part of DOE's responsibilities. If you do not attend within a certain period or do not complete the course — it is not just attending; it is successfully completing — you go back to the preceding position, where you get the points or the fine or whatever it may be, and you may also be stung for a cancellation fee, depending on the circumstances.
1299. **The Chairperson (Ms Lo):** Additional administrative costs.
1300. **Mr Greenway:** Yes. That is what it is designed to do. Somebody else cannot attend that course if you cancel at the last minute, and so on.
1301. **The Chairperson (Ms Lo):** Are members content with the clause as drafted?
- Members indicated assent.*
1302. **The Chairperson (Ms Lo):** We move on to Part 3: learners and new drivers. We are looking at clause 16, which reduces the minimum age for obtaining a provisional licence from 17 to 16 and a half. I do not quite agree with lowering it, but, in general, members seem to be quite content with it.
1303. **Lord Morrow:** No, we are not.
1304. **The Chairperson (Ms Lo):** OK. Good.
1305. **Mr Weir:** A lot of the evidence we received showed that, if anything, it seemed to be slightly older in other jurisdictions. I appreciate that there may be some states in America where —
1306. **The Chairperson (Ms Lo):** From 14.
1307. **Mr Weir:** Yes. Places where you can marry your cousin and that type of thing. *[Laughter.]*
1308. **The Chairperson (Ms Lo):** I do not feel safe on those roads with a 14-year-old driving a car.
1309. **Mr Weir:** In any event, I appreciate the thinking behind it and that, in one sense, it is part of a package that we have some other issues with. I do not see a particular rationale for lowering it from the existing age of 17.
1310. **The Chairperson (Ms Lo):** It was not in the consultation paper, anyway. It was never consulted on. Is that right, Nicola?
1311. **Ms Nicola McEvoy (Department of the Environment):** We consulted on raising the age. On the question about the mandatory learning period, we said, "If

- we brought in a learning period, would you like a year if it maybe meant that the age could be reduced?”. It was a roundabout question, but quite a few people suggested that they would not mind a one-year learning period if they were allowed to start driving provisionally at a younger age. That is how it all came about; it was the combined effect of the one-year period so that it did not push the full licensing age right up to 18.
1312. I note that the insurers, in their response, commented that the length of time that somebody has held a provisional licence for could work in their favour for insurance costs. That may add some weight as to why 16 and a half might be —
1313. **The Chairperson (Ms Lo):** Sorry, could you say that again?
1314. **Ms McEvoy:** The insurers said that some insurers consider how long somebody has held a provisional licence when deciding what the cost should be for insurance.
1315. **The Chairperson (Ms Lo):** When they pass the test?
1316. **Ms McEvoy:** If somebody has had the opportunity to hold their licence from 16 and a half and achieves their licence at 17 and a half, so that they have held their licence for a year, that may result in lower insurance costs for them.
1317. **The Chairperson (Ms Lo):** But it does not mean they have started driving from 16 and a half?
1318. **Ms McEvoy:** It does not necessarily mean that.
1319. **Mr A Maginness:** I follow what Ms McEvoy has said. It is not an unreasonable compromise for someone to start driving at 16 and a half, learn for a year and get their licence at 17 and a half. It is a good compromise, given that you have that compulsory year.
1320. **Mr Weir:** There is a complication, although I appreciate what Alban is saying. That may well hold true, and I do not want to prejudice the view of the Committee, but I think there is a lot of concern over the 12-month period. When Mr Eastwood raised the issue, he said he had some concerns over the 12-month period. I think a lot of us would have concerns over the 12-month period.
1321. **The Chairperson (Ms Lo):** You are concerned about the 12-month period?
1322. **Mr Weir:** I have concerns about the 12-month period.
1323. **The Chairperson (Ms Lo):** Me too.
1324. **Mr Weir:** We have talked about different bits of that. Yes, I think you are right that the two are interlinked, but if you have concerns —
1325. **The Chairperson (Ms Lo):** It is a compromise.
1326. **Mr Weir:** — that the 12-month period is inappropriate, then logically, or to some extent, 16 and a half is inappropriate as well. If you were to stick rigidly to the 12-month period, there would be a stronger case for 16 and a half.
1327. **Mr A Maginness:** Chair, if that is the position, we will have to consider the 12-month period first, before the age.
1328. **Mr Boylan:** I agree that we cannot have both. It is either 16 and a half and we look at the time, or 17, if we are going back. We certainly could not have 16 and a half and 12 months. I have no problems with 16 and a half either, to be honest.
1329. **The Chairperson (Ms Lo):** Yes. Will we park this in the meantime?
- Members indicated assent.*
1330. **The Chairperson (Ms Lo):** We move on to clause 17, which requires a person to hold a provisional licence for at least a year before taking the practical test. Clauses 16 and 17 are interrelated. Previously, we talked about exemptions for people who need to learn to drive quickly, whether to go for work or where a woman is pregnant and wants her licence before the birth of the baby.

1331. **Mr Greenway:** The Bill allows regulations for exemptions from the minimum learning period, whatever that may be. I counsel, as I did at a previous appearance before the Committee, against a requirement from which 90% are exempt. It is a matter of finding an appropriate balance. Nicola has reminded me that the one exemption that does apply is for a person for whom somebody receives carers' allowance.
1332. **Ms McEvoy:** We are taking the power because that is one of the exemptions we see as required. We have not said in the Bill that it is for carers' allowance, but that was one of the exemptions we envisaged.
1333. **Mr Greenway:** Barbara mentioned in her briefing that the logic of 12 months was to get experience in all weather conditions.
1334. **The Chairperson (Ms Lo):** We appreciate that.
1335. **Mr Greenway:** It is not just the weather and temperature; it is the lighting conditions caused by the very low sun in winter and so on. That is the logic for 12 months. You are quite right: once you put 12 months in you have to look at the starting age, at where the block of 12 months fits. The two things go very much together, therefore. If one removed minimum ages and relied solely on the syllabus — effectively not too different from the situation now — one would deconstruct piece by piece any graduated driver licence and end up more or less with what we have now, where young males are six times more likely to be killed on the road than the average driver. I accept that there is a challenge for us all, but it is about finding the balance between rights and responsibilities.
1336. **The Chairperson (Ms Lo):** I think we understand what you are saying. We talked in general about the fact that a lot of young people take lessons every week, say for 10 or 12 weeks, and their parents help them to practise in between. They are never going to be able to cover that whole year unless they have one in the winter with a driving instructor in January and then spread it out over 12 months. Having the learning and practising over a long period of 12 months is not going to help them.
1337. **Mr Greenway:** I take cognisance of all those points, including those that Pam raised with Barbara about cost. The cost is not a direct implication, but I accept that there could be indirect implications, as you set out. What would be the Committee's mind on a six-month period?
1338. **Mr Boylan:** I think that six months is quite reasonable.
1339. **The Chairperson (Ms Lo):** I think so too.
1340. **Mr Boylan:** I agree with what has been said about learning at different times of the year and all that, but, at the end of the day, it ultimately comes back to driver ability. This was getting to me, because some rural people can do it within three months. I still think that it should be down to driver ability. I would certainly go with 6 months, rather than 16 and a half.
1341. **Mr Weir:** Do you mean if 16 and a half is dropped?
1342. **Mr Boylan:** Everyone is arguing about 17. I would not go for 16 and a half and then have a minimum of 12 months; it would be 17 and a half.
1343. **Mr Greenway:** Could I put two thoughts, and no more, on the table? Either you go for 17 and six months, or you go for six months minimum and the earliest date you can do a test is at 17 and a half, but you could take a provisional licence at 16 and a half if you wished to gain that 12 months' experience. You could not, however, take a test before you were 17 and a half. They are just two thoughts based on the discussions you were having.
1344. **Mr Weir:** Where 17 being the age is concerned, I could live with one of two scenarios. Either there is a six-month period, or it is tied much more closely to specific skills without a particular time limit. Twelve months, to my mind,

- is excessive. I appreciate the thinking behind wanting different conditions. The reality is that you could be driving on a sunny day in June or a sunny day in December and conditions could more or less be the same. Then you could drive on a Tuesday and a Wednesday on the one week and they might be completely different. I could certainly live with the six months on the basis that 16 and a half is dropped and 17 is kept as the minimum, which would then mean that the age would be 17 and a half. I could also live with a situation in which it is tied in with specific driving experiences. To be honest, you are probably talking about a fairly similar time frame with either of those two. I think it is difficult to jump the hurdle of a range of experiences without it lasting six months or close to that. I appreciate that there are some folk who, within a matter of three or four months, have the skill to pass their driving test. It strikes me that it is not an excessive wait if they are being asked to wait an extra month or two to get to the six-month period, but I think that 12 months is, to be honest.
1345. I also think that you move much more towards the situation where exemptions become a lot less significant if you have a shorter time frame. If you have a situation where a cart and horses are driven through it because there are so many exemptions, it becomes meaningless. Arguably, it would become so discriminatory against those who are left under a 12-month period.
1346. **Mr Greenway:** The six months is for not just gaining the experience but encountering the different situations. It is not just about you driving and how well you are driving; it is about what some “idiot” on the road does to you. That means not just other drivers but motorcyclists, pedestrians, or horse riders.
1347. **The Chairperson (Ms Lo):** To be honest, I think if you asked the public, especially parents with a teenager, you would find that they would be horrified to think that we were reducing the age from 17 to 16 and a half. I remember when my two sons started, I had friends saying, “You already let them on the road at 17?” And we are saying 16 and a half.
1348. **Mr Greenway:** I will have to break this to my 12-year-old at home, who is starting to count the days down to 16. *[Laughter.]*
1349. **The Chairperson (Ms Lo):** But parents would be quite reluctant to argue with a 16-and-a-half-year-old, yet the law says you have to be 17.
1350. **Mr Greenway:** Do I get a sense that, if the Minister were to bring in an amendment saying there is an age minimum of 17 and a six-month minimum learning period, that may well meet satisfaction with the Committee?
1351. **The Chairperson (Ms Lo):** Yes, I would certainly support that, Iain. Would others support that?
1352. **Mr A Maginness:** I think so, yes.
1353. **The Chairperson (Ms Lo):** I think it makes sense to me.
1354. **Mr Boylan:** There is no difference to now.
1355. **The Chairperson (Ms Lo):** Sorry, Cathal?
1356. **Mr Boylan:** No, sorry, Chair. I am just talking to Barry.
1357. **Mr Greenway:** He is talking to me and Barry.
1358. **The Chairperson (Ms Lo):** Right. Would Sinn Féin support that?
1359. **Mr Boylan:** I will come back to you on that, Chair.
1360. **The Chairperson (Ms Lo):** OK.
1361. **A Member:** After the ard fheis. *[Laughter.]*
1362. **Mr Weir:** Will you be coming back in six months or 12 months? *[Laughter.]*
1363. **Mr Boylan:** I could come back in three months.
1364. **The Chairperson (Ms Lo):** Not two years, as I said earlier.

1365. **Mr A Maginness:** Chair, Cathal raised a point about party positions. I have not discussed this fully in our own group. What we discuss here is in the Committee, but people are interested, obviously, in this discussion, so I could not give you a definitive SDLP position on it. I have not even discussed it privately with the Minister, I have to confess. I think that, when we are saying these things, we have to take into account what parties might ultimately decide collectively.
1366. **The Chairperson (Ms Lo):** I have consulted with my party. I am one step ahead of you. *[Laughter.]*
1367. **Mr Boylan:** It seems, Chair, that, after all the debate, we are back right to the start, so we will come back to you on that.
1368. **The Chairperson (Ms Lo):** Would the Department maybe talk to the Minister? You are meeting the Minister on Monday, so the Committee would certainly support the age staying at 16.
1369. **Mr Weir:** Seventeen. *[Laughter.]*
1370. **The Chairperson (Ms Lo):** I urge all members between now and next week to talk to their parties and ascertain —
1371. **Mr Weir:** Seventeen.
1372. **The Chairperson (Ms Lo):** No, between now and next week about the age and whether you support 17 or 16 and a half.
1373. **Mr Greenway:** If that were to be the consensus, the drafting would be straightforward. There would be a change from “12” to “six” in clause 18, and actually clause 17 would be removed because it is the status quo.
1374. **Mr Weir:** Is it not clause 16 that should be removed?
1375. **Mr Greenway:** Sorry, yes. For the record, clause 16 would be removed, and “12” would be replaced by “six” in clause 17. Who numbered these clauses with the same numbers? *[Laughter.]*
1376. **The Chairperson (Ms Lo):** OK, we will move to clause 18 —
1377. **Mr Greenway:** Sorry, I raised that point, Chair, because if the Committee felt that it was in a position to move to the formal clause-by-clause next week, that would probably be in the absence of the redrafted clauses in this instance and potentially on the statutory option. However, the drafting in this case is a straightforward matter of removing a clause and changing one number in another.
1378. **The Chairperson (Ms Lo):** OK. Are members content with that?
Members indicated assent.
1379. **The Chairperson (Ms Lo):** Clause 18 relates to approved programmes of training. It is really about the logbook as a document where the driving lessons or practice undertaken by a person who is working through the approved programme of training are recorded. They must be signed by an approved driving or motorcycle instructor or a qualified driver.
1380. **Iain,** if we change the period from one year to six months, is it going to affect this clause?
1381. **Mr Greenway:** It will not affect the clause, but it will potentially affect the detail of the logbook. We have been doing some work with DVA, which has the experts in examining drivers. We would take that into a zone of a six-month minimum period. That does not mean that somebody has to come in on six months; they could, of course, take longer. However, that would be framed in the logbook. It would not affect this and probably would not affect the regulations under the Bill. It would be more of a policy, administrative piece about the detailed wording in the logbook.
1382. **The Chairperson (Ms Lo):** That is fine. Will we see the draft logbook at some stage?
1383. **Mr Greenway:** Yes. I think that I had committed previously that there would be sight of at least a good, solid, late

- draft of the logbook before we got to the negative resolution process for the regulations on it.
1384. **The Chairperson (Ms Lo):** Are members content with that?
- Members indicated assent.*
1385. **The Chairperson (Ms Lo):** Clause 20 will remove the current 45 mph speed limit on new and learner drivers and will impose restrictions on newly qualified drivers.
1386. We heard quite a bit from the young people about the restrictions on them. Although I understand the rationale, I think that it is so complicated that it will be difficult for you to send out the message. The police have also said that there will be difficulties at the roadside in verifying who is and who is not under 20 and who is a member of the family.
1387. **Mr Greenway:** I accept the challenges. Indeed, that came out in the research and in some of the comments that Barbara referred to.
1388. We need to bear in mind that, philosophically, people do not set out to disobey the law. In this case, the individual and their parents, or whoever has an interest in the vehicle, are involved. There is a point of education, and you are quite right; it is not just who can and cannot go in and under what circumstances but why this is required. The answer is that there are too many catastrophic incidents. We do not know the details, and it would be unfair to look at particular incidences, but there have been incidences in this jurisdiction of large numbers of young people being killed — one in County Armagh last year or the year before comes to mind, as well as whatever happened in County Kildare last week. There are too many of what the insurance industry calls catastrophic claims, which involve about seven- or eight-digit figure payouts.
1389. **The Chairperson (Ms Lo):** I agree with that. I do not have a problem with it, but I think that you will need a very good campaign to explain your rationale and detail the restrictions.
1390. Are members content with that?
- Members indicated assent.*
1391. **The Chairperson (Ms Lo):** Clause 22 will extend the requirements regarding protective headgear to quadricycles. I think that members were reasonably content with that. Our query was whether it should be extended to tricycles, but I think that you said that the Department has the power to include tricycles outside the Bill.
1392. **Mr Starritt:** That is right.
1393. **The Chairperson (Ms Lo):** And that it may consider including those vehicles in the regulations.
1394. **Mr Starritt:** That could be done, Chair, when we come to consult on the regulation of quads.
1395. **The Chairperson (Ms Lo):** OK.
1396. **Mr I McCrea:** Wording is always important, and I noticed that you said that that “could be done.” I do not see any reason why it should not be done, and I do not think that anybody out there would overly object to it. For the most part, it probably is done, but it should not be a case of saying that it could be done if we so feel the need to do it; it should be more about looking at ways of including it.
1397. **Mr Starritt:** The policy consultation on the Bill was some time ago, obviously, and the question was asked at that time. There were very few responses — maybe not surprisingly — on that issue. There was pretty much a halfway split on whether this should be included. I suppose we can commit to asking the question again when we go out to consultation on the regulations.
1398. **Mr Greenway:** I am certainly content to say that, when the Department progresses the regulations on quad bike users, which we intend to do at a reasonably early date after Royal Assent, we would also progress consideration and consultation on tricycles, again based on the low level of response. Interestingly, when the issue was raised in the Minister’s road safety forum,

there were two diametrically opposed views, from people around the forum table whose opinions I respect, on whether tricycles should be included and whether it should be two and four and not three, or two, three and four. To my mind, once you have done two and four, mathematically, it makes sense to do three as well. However, there were differing views. We need to tease that out, because we have not explicitly consulted on it, although it has been a bit of a question along the way.

1399. **The Chairperson (Ms Lo):** They do go very fast.

1400. **Mr I McCrea:** Two does not go into three, and three does not go into four.

1401. **The Chairperson (Ms Lo):** They are motorised and go very fast. When are we going to ask people to put helmets on when they are cycling?

1402. **Mr Greenway:** I think that my colleagues are waiting behind me to come in on other topics, Chair.

1403. **The Chairperson (Ms Lo):** I think that that is important too.

1404. Are members happy that we will, from next week, go into formal clause-by-clause?

Members indicated assent.

1405. **The Chairperson (Ms Lo):** We will see you next week.

1406. **Mr Greenway:** I look forward to it.

1407. **The Chairperson (Ms Lo):** Thank you.

22 January 2015

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr Alban Maginness
 Mr Ian McCrea
 Lord Morrow
 Mrs Sandra Overend
 Mr Peter Weir

Witnesses:

Mr Iain Greenway	<i>Department of the</i>
Ms Nicola McEvoy	<i>Environment</i>
Mr Donald Starritt	

1408. **The Chairperson (Ms Lo):** I welcome the usual members of the team: Iain, Donald and Nicola. Do you want to brief us on this?

1409. **Mr Iain Greenway (Department of the Environment):** Of course. Thank you, Chair and Committee. Following last Thursday's session, we spoke to the Minister on Monday about the three areas that the Committee had asked the Minister to consider. The area that we had most discussion with him about was clause 17 and the reduction of the minimum mandatory learning period from 12 months to six months. The Minister is broadly content that we can achieve much of the road safety benefit of the minimum mandatory learning period in that reduced period, and it will be reflected in the syllabus and logbook. As Peter indicated last week, it should enable a much more restricted exemption regime around the shorter period than around the 12 months. So, the Minister is broadly content and, at Consideration Stage, subject to Executive clearance, can explain that more fully to the House.

1410. You had asked us to step through the three substantive amendments and a small number of technical amendments.

If you are content, I will ask Donald to take you through those.

1411. **Mr Donald Starritt (Department of the Environment):** As Iain said, there are basically two groups of amendments. There are the substantive policy amendments and a small number of technical amendments. There are three policy amendments, all of which are being brought forward by the Department at the request of the Committee. Clause 3, as it stands, applies the statutory option to the new lower limits. So, now that we are removing the statutory option, clause 3 will go from the Bill completely, and we will bring in a new clause simply to remove the statutory option from the statute books. That is fairly straightforward.

1412. The second one is an amendment to retain the minimum age for a provisional licence at 17 rather than reducing it to 16, and that simply entails removing clause 16. It leaves things as they are.

1413. The third amendment is reducing the minimum period for holding a provisional licence to six months rather than 12 months. That involves redrafting clause 17 to substitute "six-month period" for "12", and there are some consequential changes in schedule 1 simply to follow on from that. The precise wording of those will be down to the Office of the Legislative Counsel (OLC), but we anticipate no difficulty and that they will be very straightforward amendments.

1414. The other group is the technical amendments. We discussed those with the Committee over the last two sessions. One of those is a minor numbering amendment in clause 18, and that simply entails the paragraph that is currently numbered "13A" becoming "13B". Again, it is a straightforward change.

1415. The only technical changes are being made in response to the Examiner of

- Statutory Rules's request, and that provides that any subordinate legislation is subject to draft affirmative procedure rather than affirmative procedure. Again, it is a technical change and seems to be consistently requested by the Examiner.
1416. **The Chairperson (Ms Lo):** It seems that we are now going for draft affirmative resolution rather than affirmative.
1417. **Mr Starritt:** That is right. It does not change the fundamentals, where there is provision for the debate in the Assembly. It does not alter Assembly control. It is basically more procedural for us as civil servants and affects how much of the process we go through before the debate.
1418. **The Chairperson (Ms Lo):** Are members content? Are there any questions for the officials?
1419. **Mr Boylan:** Thanks for the clarification. I am trying to think what the youth groups and all said about the original proposal. Clearly, there is no consultation period. Will you clarify exactly what they said? I think that the Committee indicated last week that it is happy enough to move to 17, which is grand. I know a number of young people who took their test two, three, four or five weeks after their seventeenth birthday. I have often said since the start of the process that it is about driver ability. The only difference is that we are adding on a period of six months before they can do that test. They should be fit to do the test. Can you remember the responses of the youth groups as part of the consultation? How many were in agreement with the 16-and-a-half proposal?
1420. **Mr Greenway:** In the figures that the Research and Information Service (RaISe) presented last week for the Committee's engagement with children and young people, 67·7% of young people and 73·5% of youth organisations felt that it was a good idea to reduce the age of licensing to 16 and a half. In terms of the one-year minimum mandatory learning period, 36·6% of young people thought that that was a good idea, compared with 51·2% who thought that it was a bad idea. For youth organisations, 39·4% thought that it was a good idea, and 51·5% thought that it was a bad idea. That was reasonably evenly split. Indeed, I think that Nicola pointed out to me that it was much more so than when the Department consulted on it as part of the development of the policy in late 2011, when there was a stronger majority against a 12-month mandatory minimum learning period.
1421. In effect, the two amendments to clauses 16 and 17 will retain the minimum age at which somebody can take a practical test at 17 and a half. The Bill still creates that arrangement and moves to it; it does it by making two changes that increase the minimum age to 17 to hold a provisional licence. It was reasonably broadly split on the minimum mandatory learning period of 12 months between being and not being a good idea. One anticipates that, if you had said, "What about six months?", the numbers probably would have changed in support, potentially to create a majority in support, but that is conjecture from the figures. A shorter period is more likely to have been positively received by more people.
1422. **The Chairperson (Ms Lo):** The thing is that, if people need more than six months, they can take a year or two years —
1423. **Mr Greenway:** That may be because they need longer to learn. It may be that they have to stop for a period and not proceed with their learning because of personal circumstance.
1424. **The Chairperson (Ms Lo):** Or, if they fail, they have to do it all again. Sometimes, it takes a whole year.
1425. **Ms Nicola McEvoy (Department of the Environment):** We want to promote the mandatory learning period as the minimum. Six months is the absolute minimum. We want to encourage people to take up as much practice as they can.
1426. **The Chairperson (Ms Lo):** Absolutely. I am very pleased that the Minister and the Department are happy to go along

with our suggestions to amend the three clauses. Members, are you content that the Department is going to make the amendment? Do you need to have sight of the wording of the amendment before we go on —

1427. **Mr Eastwood:** I trust the Minister.

1428. **The Chairperson (Ms Lo):** — to the formal clause by clause? Are you happy?

1429. **Mr Weir:** You would. I want it written in blood. *[Laughter.]*

1430. **Mr Boylan:** Or carved in stone.

1431. **The Chairperson (Ms Lo):** OK. I wanted to ask just in case you said that I did not ask.

1432. **Mr Weir:** To be fair, it is very publicly on the record.

1433. **Mr Greenway:** As Donald indicated, these are, in drafting terms, straightforward amendments. We had hoped to be further on in the process, but the individual in OLC who drafted the Bill is off at the moment. Understandably, her colleagues would rather that she looked at it rather than them trying to understand the structure of the Bill. However, it is a mechanical piece rather than an operational difficulty.

1434. **The Chairperson (Ms Lo):** It is very straightforward.

1435. **Mr Starritt:** The only thing, Chair, is that there is potential that the order and numbering of the clauses could change. However, that will be a minor change, nothing substantive.

1436. **The Chairperson (Ms Lo):** Members, are you content with the consequential amendment proposed?

Members indicated assent.

1437. **The Chairperson (Ms Lo):** Members, I just want to check whether you want any further amendments. No. OK. Members, you have indicated that you are content with the proposed amendments, including clause 3.

1438. We can now proceed to formal clause-by-clause consideration of the Bill. I remind members that formal clause-by-clause consideration is your last opportunity to discuss the clauses, and any decisions will be final. I will read out the clauses, one by one.

1439. Members, we previously indicated that we were broadly content with clauses 1 and 2.

Question, That the Committee is content with clauses 1 and 2, put and agreed to.

Clause 3 (“The prescribed limit”: further provision)

1440. **The Chairperson (Ms Lo):** The Department proposes a small technical amendment to clause 3 to comply with the Examiner’s recommendation that the regulation-making power shall be subject to draft affirmative resolution rather than affirmative resolution as presently drafted. We have previously indicated that we have no objection to the amendment. Members have asked the Department to bring forward an amendment to remove the statutory option, as discussed earlier in the meeting.

Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.

1441. **The Chairperson (Ms Lo):** We previously indicated that we were broadly content with clauses 4 to 15.

Question, That the Committee is content with clauses 4 to 15, put and agreed to.

Clause 16 (Minimum age for licence: small vehicle)

1442. **The Chairperson (Ms Lo):** The Department has agreed now to remove the clause so that the minimum age remains at the current statutory age of 17.

Question, That the Committee is content with clause 16, put and negated.

Clause 17 (Provisional licence to be held for minimum period in certain cases)

1443. **The Chairperson (Ms Lo):** The Department has agreed to bring forward an amendment to reduce the minimum required period of learning to six months.

Question, That the Committee is content with clause 17, subject to the proposed amendment, put and agreed to.

Clause 18 (Approved programmes of training: category B motor vehicles and motor bicycles)

1444. **The Chairperson (Ms Lo):** The Committee proposes a technical amendment to clause 18. Members have already indicated that they have no objection to the amendment.

Question, That the Committee is content with clause 18, subject to the proposed amendment, put and agreed to.

1445. **Mr Boylan:** Chair, you will now have to give some thought to clarification in relation to the programmes of training and guidance on it, because it was for over a period of 12 months and over different conditions and everything else. You will have to reconsider some of that, yes?

1446. **Mr Greenway:** Yes, and we have previously made the commitment to give the Committee sight of that as early we can before we go through the formal regulation-making process.

1447. **Mr Boylan:** No problem.

1448. **The Chairperson (Ms Lo):** We will put that in our report.

1449. **The Chairperson (Ms Lo):** Members previously indicated that they were broadly content with clauses 19 to 22.

1450. *Question, That the Committee is content with clauses 19 to 22, put and agreed to.*

New Clause

1451. **The Chairperson (Ms Lo):** Clause 22A is a further amendment to the Order of 1995. The Department proposes to

insert a new clause to comply with the Examiner's recommendation that certain regulation-making powers should be subject to draft affirmative resolution. The proposed clause would read as follows:

"22A In Article 110 of the Order of 1995 (general provision as to orders and regulations) in paragraph (4) (regulations), for 'be subject to affirmative resolution' substitute 'not be made unless a draft has been laid before, and approved by a resolution of, the Assembly'."

1452. No issues were raised with officials on that clause during the initial consideration.

Question, That the Committee is content with the new clause, put and agreed to.

Clause 23 (Supplementary, incidental and consequential etc. provision)

1453. **The Chairperson (Ms Lo):** Although no issues were previously raised with officials on clause 23, the Department now proposes to bring forward a consequential amendment, as discussed earlier in our meeting.

Question, That the Committee is content with clause 23, subject to the proposed amendment, put and agreed to.

1454. **The Chairperson (Ms Lo):** We previously indicated that we were broadly content with clauses 24 to 27.

Question, That the Committee is content with clauses 24 to 27, put and agreed to.

Question, That the Committee is content with schedule 1, put and agreed to.

Schedule 2 (Repeals)

1455. **The Chairperson (Ms Lo):** The Department is proposing a consequential amendment to part 2 of schedule 2.

Question, That the Committee is content with the schedule, subject to the proposed amendment, put and agreed to.

1456. **The Chairperson (Ms Lo):** That concludes the formal clause-by-clause consideration of the Road Traffic (Amendment) Bill. Thank you very much

to Iain, Donald and Nicola for working through that with us. A draft report of the Committee Stage will be produced for members' consideration as soon as possible.

1457. Before you go, Pam Cameron, Deputy Chair, has brought to my attention —

1458. **Mr Greenway:** Could I just talk about the Bill before you go on, Chair? The Department has found it a pleasure to work with the Committee on the Bill. We may have our differences on other matters, but we have been very happy with the engagement and the seriousness with which the Committee has taken what we, in the Department, feel is an important Bill to save lives on our roads. Particular thanks to the Committee for advancing its schedule beyond that which had been agreed by the Assembly of the end of March for the report. The Minister will seek to move forward through the Executive process to agree amendments at Consideration Stage sooner rather than later.

1459. **The Chairperson (Ms Lo):** OK. Good.

5 February 2015

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr Alban Maginness
 Mr Ian Milne
 Lord Morrow
 Mrs Sandra Overend
 Mr Peter Weir

1460. **The Chairperson (Ms Lo):** At our meeting on 22 January, we completed the formal clause-by-clause consideration of the Road Traffic (Amendment) Bill, and the Department has now considered that. We sought to conclude Committee Stage early to accommodate the Department's timetable. We are scheduled to finish Committee Stage by the end of March, but we thought that we could finish this week. However, as you all know and as we said earlier, there is quite a bit of uncertainty about new amendments that the Department is bringing forward. I suggest that we wait for a couple of weeks. What we can do is agree the schedules as drafted and make our own report.

1461. The Committee Clerk has just told me that it would be better to wait. We really want to wait for the Department's amendments so that we can complete our decision-making process in full possession of the facts and then make a complete and relevant report to the Assembly. We want to tell the Department that it needs to bring us the text of the amendments so that we can look at them before we formally conclude the scrutiny process and produce our report rather than just doing it blindly and saying that the amendments are fine.

1462. Are members agreed?

Members indicated assent.

5 March 2015

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr Alban Maginness
 Mr Ian McCrea
 Mr Ian Milne
 Lord Morrow
 Mr Peter Weir

1463. **The Chairperson (Ms Lo):** Members, you will recall that we looked at all the clauses, but then the Department came back to us and said that, in view of what we suggested, it is bringing forward amendments, so we have not produced our final report. You now have a number of tabled papers that you need to look at. I think we have to go through them. I will let you have a quick read of them, and then we will do the formal consideration. I remind you that the session is being recorded by Hansard.

Clause 3 (“The prescribed limit”: further provision)

1464. **The Chairperson (Ms Lo):** Clause 3 amends article 19 of the Road Traffic (Northern Ireland) Order 1995 to retain the option — commonly called the “statutory option” — at the new lower prescribed limits. The Committee was previously content with a small technical amendment to clause 3 to comply with the recommendation of the Examiner of Statutory Rules on the delegated powers memorandum that the regulation-making power should be subject to draft affirmative resolution rather than affirmative resolution as it is currently drafted. In addition, the Committee asked the Department to bring forward an amendment to remove the statutory option, which was agreed by the Minister. Consequently, the Committee formally agreed that it was content with clause 3, subject to

those two amendments. The following amendment has now been put forward by the Department:

“Clause 3, page 3, line 36

Leave out clause 3”.

1465. Are members content with that amendment? If so, I will put the Question that the Committee agrees to rescind its previous decision that it was content with clause 3 as amended and that the Committee is content with the departmental amendment to leave out clause 3.

Members indicated assent.

Clause 6 (Evidential breath test without preliminary breath test or check-point breath test)

1466. **The Chairperson (Ms Lo):** The next one is a miscellaneous amendment to clause 6. The Department has brought forward the following minor amendment to clause 6, which is a technical drafting refinement made by the Office of the Legislative Counsel (OLC) for consistency elsewhere in the Bill:

“Clause 6, page 7, line 13

Leave out ‘repealed’ and insert ‘omitted’”

1467. You will wish to consider if you are content with that amendment and, if so, I put the Question that the Committee agrees to rescind its previous decision that it was content with clause 6 as drafted and that the Committee is content with clause 6, subject to the proposed departmental amendment.

Members indicated assent.

New Clause

1468. **The Chairperson (Ms Lo):** The next one is an amendment on the removal of the statutory option from the Order of 1995, which is a consequential amendment of the deletion of clause 3

and the insertion of new clause 6A. The Department has provided the following wording for the new clause:

"After clause 6 insert —

'Choice of specimens

6A. Article 19 of the Order of 1995 (choice of specimens of breath) is amended as follows —

(a) for the title, substitute 'Lower of 2 specimens of breath to be used',

(b) in paragraph (1), the words 'Subject to paragraph (2),' are omitted,

(c) paragraphs (2), (2A) and (3) are omitted."

1469. You will wish to consider if you are content with that amendment and, if so, I put the Question that the Committee is content with the departmental amendment to introduce new clause 6A.

Members indicated assent.

Clause 16 (Minimum age for licence: small vehicle)

1470. **The Chairperson (Ms Lo):** Next, we have amendments on the minimum age for holding a provisional licence and the mandatory minimum learning period. Clause 16 reduces the minimum age for obtaining a provisional licence from 17 to 16 and a half. Members asked the Department to bring forward an amendment to remove the clause so that the minimum age remains at the current statutory age of 17. The Department has provided the following amendment:

"Clause 16, page 15, line 4

Leave out clause 16".

1471. Members will wish to consider whether they are content with this amendment. If so, I will put the Question —

1472. **Mr Boylan:** Before you put the Question, Chair, I am not saying that I will push this to the vote, but we were content with 16 and a half. Obviously, the majority of the Committee is content to change the clause. I am not going to force it to a vote or anything; I just want

to put it on record that I thought that 16 and a half was reasonable.

1473. **The Chairperson (Ms Lo):** OK. The Question is that the Committee agrees to rescind its previous decision that it was not content with clause 16 as drafted and that the Committee is content with the departmental amendment to leave out clause 16. Are we agreed?

Members indicated assent.

Clause 17 (Provisional licence to be held for minimum period in certain cases)

1474. **The Chairperson (Ms Lo):** The next one is clause 17, which makes it a requirement for a person to hold a provisional licence for at least one year before being able to take the practical driving test. The Committee asked the Department to bring forward an amendment to reduce the minimum required period of learning to six months. The Department has provided the following amendment:

"Clause 17, page 15, line 17

Leave out '12' and insert '6'".

1475. Members will wish to consider whether you are content with this amendment. If so, I put the Question that the Committee agrees to rescind its previous decision that it was content with clause 17 as amended and that the Committee is content with clause 17 subject to the proposed departmental amendment.

Members indicated assent.

Clause 18 (Approved programmes of training: category B motor vehicles and motor bicycles)

1476. **The Chairperson (Ms Lo):** Next, we have miscellaneous amendments. The Department is proposing a number of technical amendments to clause 18 due to the Immigration Act 2014 having inserted a new article 13A to the Road Traffic (NI) Order 1981: residence requirement. As a new article 13A is also proposed in the Bill, amendments are necessary to avoid duplication. The amendments state:

"Clause 18, page 17, line 17

Leave out '13 (grant of licences)' and insert '13A (residence requirement for grant of licences)'."

"Clause 18, page 17, line 20

Leave out '13A.' and insert '13B'."

"Clause 18, page 17, line 37

Leave out '13B.' and insert '13C'."

"Clause 18, page 19, line 17

Leave out '13A' and insert '13B'."

"Clause 18, page 19, line 19

Leave out '13B' and insert '13C'."

"Clause 18, page 19, line 27

Leave out '13B' and insert '13C'."

1477. The Committee previously indicated that it was content for the Department to bring forward the amendments. If members are content with the wording of the amendment, I put the Question that the Committee agrees to rescind its previous decision that it was content with clause 18 as amended and that the Committee is content with clause 18 subject to the proposed departmental amendments.

Members indicated assent.

New Clause

1478. **The Chairperson (Ms Lo):** Next is miscellaneous amendments and new clause 22A. The Department proposes to insert a new clause after clause 22 on the recommendation of the Examiner of Statutory Rules. It provides that subordinate legislation made under the 1995 Order should be subject to draft affirmative procedure rather than affirmative procedure.

1479. The new clause also includes, at (a) and (b), provision that was originally part of clause 3. Since clause 3 has now been removed, the draftsman has relocated the provision in clause 22A. The Department has provided the following wording for the new clause:

"Before clause 23 insert —

'Further amendment of the Order of 1995

22A. Article 110 of the Order of 1995 is amended as follows —

a) in paragraph (1) (exception from requirement for orders to be subject —"

1480. *[Inaudible due to mobile phone interference.]* Someone's phone is on. I am sorry, but you need to check your phones. Who is guilty?

1481. **Mr Eastwood:** Mine was on, but it is off.

1482. **The Chairperson (Ms Lo):** I can hear it. *[Inaudible due to mobile phone interference.]* I will read it again:

"Before clause 23 insert —

'Further amendment of the Order of 1995

22A. Article 110 of the Order of 1995 is amended as follows —

a) in paragraph (1) (exception from requirement for orders to be subject to negative resolution), for 'this Order', where it first occurs, substitute 'paragraph (3A)',

(b) after paragraph (3) insert —

(3A) An order made under —

(a) Article 13A(4) or (7), or

(b) Article 63(9),

shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.

(c) in paragraph (4) (procedure for certain regulations), for 'shall be subject to affirmative resolution' substitute 'shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly'."

1483. Members will wish to consider whether they are content with the amendment. If so, I put the Question that the Committee is content with the departmental amendment to introduce new clause 22A.

Members indicated assent.

Clause 23 (Supplementary, incidental and consequential etc. provision)

1484. **The Chairperson (Ms Lo):** The Department has brought forward a technical amendment to clause 23. Its purpose is to clarify that draft affirmative procedure will apply to any subordinate legislation that amends primary

legislation. It is a drafting refinement that is being applied generally to Northern Ireland Bills. The Department has provided the following wording for the amendment:

"a. Clause 23, page 28, line 11

Leave out 'a statutory provision' and insert 'Northern Ireland legislation or an Act of Parliament'."

1485. Members will wish to consider whether they are content with the amendment. If so, I put the Question that the Committee agrees to rescind its previous decision that it was content with clause 23 as drafted and that the Committee is content with clause 23 subject to the proposed departmental amendment.

1486. This is a bit of a nuisance, isn't it? Are members content?

Members indicated assent.

Schedule 1 (Transitional and saving provisions)

1487. **The Chairperson (Ms Lo):** For schedule 1, a number of consequential amendments have arisen as a result of the previous amendments. The Department is proposing the following amendments to schedule 1 in relation to the removal of the "statutory option":

"Schedule 1, page 29, line 7

Leave out 'sections 2 and 3' and insert 'section 2'"

"Schedule 1, page 29, line 17

At end insert —

'Choice of specimens

2A. The amendments of the Order of 1995 made by section 6A do not apply in relation to an offence committed before the commencement of the amendments."

1488. The Department is also proposing the following amendments to the same schedule in relation to the minimum age for holding a provisional licence and the mandatory minimum learning period:

*"Schedule 1, page 31, line 30
Leave out paragraph 12"*

"Schedule 1, page 31, line 35

Leave out '12' and insert '6'"

"Schedule 1, page 31, line 40

Leave out '12' and insert '6'"

"Schedule 1, page 32, line 28

Leave out '12' and insert '6'"

1489. The third and final amendment to schedule 1 relates to the definitions of "taxi" and "taxi drivers' licence". It was a transitional measure that was only required:

"until the commencement of sections 22 and 23 of the Taxis Act (Northern Ireland) 2008".

1490. Those provisions have now commenced, and paragraph 2 is therefore no longer required.

"Schedule 1, page 29, line 10

Leave out paragraph 2"

1491. Members will wish to consider whether they are content with the amendments, and, if so, I will put the Question that the Committee agrees to rescind its previous decision that it was content with schedule 1 as amended and that the Committee is content with schedule 1 subject to the proposed departmental amendments.

Members indicated assent.

Schedule 2 (Repeals)

1492. **The Chairperson (Ms Lo):** The Department is proposing the following consequential amendments in relation to the removal of the "statutory option":

"Schedule 2, page 33, line 31

In column 2, leave out 'In Article 19, paragraph (2).' and insert 'In Article 19(1), the words 'subject to paragraph (2),'"

"Schedule 2, page 33, line 31

In column 2, at end insert —

'Article 19(2), (2A) and (3).'"

1493. Members will wish to consider whether they are content with this amendment, and, if so, I will put the Question that the Committee agrees to rescind its previous decision that it was content with schedule 2 as amended and that

the Committee is content with schedule 2 subject to the proposed departmental amendments.

Members indicated assent.

1494. **The Chairperson (Ms Lo):** This stage of the Bill is due to end on 27 March 2015, so members will wish to finalise the Committee's report and order it to be printed as soon as possible. The draft final report will be put before you on 19 March. There is really very little; we have only to add in those amendments.

19 March 2015

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
 Mrs Pam Cameron (Deputy Chairperson)
 Mr Alban Maginness
 Mr Barry McElduff
 Mr Peter Weir

1495. **The Chairperson (Ms Lo):** I will work through the report paragraph by paragraph in order to allow members to indicate agreement or to make suggestions for amendments. We will consider the entire report, including minutes of proceedings, Minutes of Evidence and written evidence. I think that members are fairly familiar with the report, so I will go through it quite quickly.
1496. Members, are you content that the executive summary at paragraphs 1 to 22 stands part of the report?
- Members indicated assent.*
1497. **The Chairperson (Ms Lo):** Are members content that the summary of recommendations at paragraphs 23 to 28 stands part of the report?
- Members indicated assent.*
1498. **The Chairperson (Ms Lo):** Are members content that the introduction of the draft Bill at paragraphs 29 to 60 stands part of the report?
- Members indicated assent.*
1499. **The Chairperson (Ms Lo):** Are members content that the key issues of the Bill at paragraphs 61 to 96 stand part of the report?
- Members indicated assent.*
1500. **The Chairperson (Ms Lo):** Are members content that the clause-by-clause scrutiny of the Bill at paragraphs 97 to 164 stands part of the report?
- Members indicated assent.*

1501. **The Chairperson (Ms Lo):** That concludes the formal consideration of the main body of the report. Are you content to move to formal consideration of each appendix of the final Bill report? Actually, there are six appendices: can we do them all together?

Members indicated assent.

1502. **The Chairperson (Ms Lo):** Are members content that appendices 1 to 6 stand part of the report?

Members indicated assent.

1503. **The Chairperson (Ms Lo):** Members, are you content for the Chairperson to approve an extract from today's minutes that will reflect the read-through of the report? That is needed for inclusion in appendix 1, minutes of proceedings. It is just to say that we agreed it today. I will have a quick look and approve it on your behalf.

Members indicated assent.

1504. **The Chairperson (Ms Lo):** Members are content with the appendices. The report in its entirety will be laid in the Business Office after today's meeting. Are members content?

Members indicated assent.



Northern Ireland
Assembly

Appendix 3

Written Submissions

Lion Laboratories



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From: Dr Paul M Williams <i>International Marketing Director</i> <i>Head of Forensic Support</i>	Direct Fax:	[+44] [0] 1446 724593
	Direct Telephone:	[+44] [0] 1446 724525
	E-mail:	pwilliams@lionlaboratories.com
	Skype:	lionpaulwilliams

DATE: Wednesday, 18 June 2014

YOUR REF: Road Traffic (Amendment) Bill

OUR REF: pmw

Northern Ireland Assembly
Room 247
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

For the attention of the Committee Clerk

Dear Sir,

Road Traffic (Amendment) Bill

I am responding on behalf of Lion Laboratories Limited to your letter of 04 June 2014. Lion are of course the suppliers of breath testing and analysis equipment as used by the Police Service of Northern Ireland. This letter is to give you my views on certain aspects of the above-defined proposed legislation.

1. *Clause Commented Upon*

I am commenting only on **Part 2 Clause 2**, regarding the proposal to reduce the legal drink-drive limit from the current level of 35µg/100ml of alcohol in breath down to 22µg/100ml.

2. *My Qualifications, Background and Experience*

I attach a copy of my *Curriculum Vitae*, which I believe contains the relevant information that you need.

3. *My Comments on the Proposed Reduction of the legal Limit*

Based on my significant and specialised international experience in this field, I am quite opposed to the reduction of the legal limit [subject to one caveat], for the following reasons:

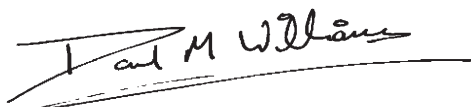
- a. Most people have no idea whatsoever what 35µg/100ml or 22µg/100ml means in reality: they are meaningless terms to them. The first question generally given is then ***"How many drinks does this mean I can have?"***.

A Worldwide Company ... For a Safer World ...

- b. Social drinkers [about 90% of the driving population] either drink nothing at all before driving, or if they do drink alcohol then they take so little that their breath level does not exceed about 15 – 20µg/100ml. Above that they do not feel safe: they would not drive: they regard it as irresponsible to do so [as indeed it is]. I have a vast experience that tells me this is so.
- c. The law is there to control those individuals who are **NOT** socially responsible, and so who drink whatever they wish to before driving. There is no evidence whatever that the law changes the behaviour of such people: this is evidenced by the fact the modal breath alcohol level of those prosecuted for drink-driving is around **70µg/100ml**. This is of course twice the existing limit, and, interestingly, is the same in most countries - irrespective of the limit.
- d. An analogy I have used in my lecture on this subject is that of bank robbery. Most people do not rob banks: but that is not because they think they might get caught. It is because most people are socially responsible, and robbing a bank falls foul of their ethics. The law is there to deal with those selfish and irresponsible few who choose to defy the normal moral code.
- e. British Home Office data has shown that about half of those people who are convicted of drink-driving have previous convictions for other criminal offences. I simply do not believe that such people would modify their pre-driving drinking behaviour in response to a lower limit, especially when they are contravening existing laws by so much anyway.
- f. Data in the USA has shown that the average driver with excess alcohol commits the offence once every four days - **before they are caught**. And this is the first key issue in deterrence, the perceived chance of getting caught. The second key issue is that of the severity of the penalties that are enforced by the Courts on conviction.
- g. To reiterate, the deterrent effect to those drink-drivers who are the real problem [that is to say, those with the higher alcohol levels] is the chance of getting caught, **not** a lower alcohol limit [especially so as these people are well over the 35 limit anyway]. This calls for the presence of more Police Officers out on the streets looking for the tell-tale signs of drink-driving, attending incidents quickly, and then dealing with the suspects appropriately.
- h. If the limit is reduced, but with no major increase in Police numbers [my caveat], then the result will be that the number of arrests stays the same [this is defined by the number of Officers on the streets], of which some will be of drivers at the new, lower limit [where the risk of a collision is not as great as it is at higher levels]. The upshot then is that there will be fewer high-level offenders being detected, with a resulting **increase** in collisions. I have actually heard anecdotal but quite reliable evidence that this is precisely what has happened in other countries following a reduction there of their legal drink-drive alcohol limit.

4. Oral Evidence

I am prepared to visit Belfast to give oral testimony to your Committee, if it would be helpful.



Dr Paul M Williams
International Marketing Director
Head of Forensic Support

Dr Paul Michael Williams

Head of Forensic Support, *Lion Laboratories Limited*

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Paul was born in Portsmouth, England, in 1950, and educated at Spring Grove Grammar School, Hounslow, West London, where he was awarded 'A' levels in chemistry, biology and physics. In 1968 he went up to the University of Wales Institute of Science and Technology, Cardiff, from where he graduated in 1971 with an Upper Second Class joint BSc [Honours] degree in chemistry and biology.

From there, in late 1971, still at the University of Wales Institute of Science and Technology, Cardiff, he commenced what was to be a four and a half year research program on alcohol, under the direction of Dr TP Jones; and, initially, alongside the [now] Professor AW Jones. This research work was concerned exclusively and full time with the development of alcohol sensing technology for breath analysis, as well detailed studies into the fundamental principles of alcohol physiology in the human body; and its analysis in breath, blood and urine. During this research period Paul personally carried out many hundreds of experiments on human volunteers - administering known amounts of alcohol to them, and then measuring their breath and blood alcohol concentrations - as well as studying their resulting, changing behaviour.

This alcohol research work resulted in Paul receiving the degrees of MSc and then a PhD in chemistry; plus the development of the fuel cell alcohol sensor that is now used by Lion Laboratories Limited at the heart of their range of **lion alcolmeter**[®] breathalyzers as used by Police Forces in the UK and worldwide for road traffic law enforcement. He has continued this work on alcohol to the present day, full time, during his employment with Lion; now as International Marketing Director and Head of Forensic Support.

He has worked closely with the British Home Office, Crown Prosecution Service and Forensic Science Service; and the Governments of many countries overseas - as well as with the Police Forces and legal authorities in the United Kingdom and elsewhere on various aspects of alcohol analysis in traffic law enforcement. As well as those of the United Kingdom, Paul has also worked closely with the Police Forces, Governments and Forensic Services in Australia, New Zealand, Korea, Singapore, Malaysia, Botswana, South Africa, Cyprus, Malta and Ireland.

He was very much involved in the development of the **lion Intoxilyzer**[®] evidential breath alcohol instruments, as used by Police in the UK and overseas, from a product design standpoint - especially in respect of its user interface software. He also wrote the user handbooks and designed the Supervisor/Instructor training courses as delivered to Police Forces in the United Kingdom and elsewhere. He also works with the Department for Transport, London, in respect of the maintenance and revision of the MG DD suite of drink-drive Proformae as used by the British Police when dealing with drink-drive suspects.

Paul regularly gives expert, forensic advice to defence and prosecution lawyers and to the Police in drink-drive matters, and has given expert evidence in Court on now well over 1,900 occasions - mainly in the United Kingdom, but in other countries as well. He has also given expert evidence in a number of civil insurance claim cases, in which the alcohol level of one or both involved parties was an important issue. He now operates his own private consultancy, specialising in the forensic aspects of alcohol.

He has written many articles and has given lectures and papers at many international conferences on matters pertaining to alcohol in the human body. He has often been quoted in the press, and has appeared on many television and radio programmes concerned with this subject. He has carried out training for Police, solicitors, barristers, Magistrates, District Judges and Circuit Judges; as well as medical doctors.

He is a Fellow of both the Royal Society of Chemistry and the United Kingdom Forensic Science Society. He also holds memberships of the British Academy of Forensic Sciences; the United States International Association of Chemical Testing; and the International Council on Alcohol, Drugs and Traffic Safety.

Paul is married to Susan and has one daughter, Charlotte, born 1985 and now a doctor of medicine working in Australia. In his little spare time he enjoys cooking and eating good food; drinking good wine and real ale; photography, crossword and sudoku puzzles; watching [Welsh] rugby union football and cricket; and fly fishing for trout. He lives in Cardiff, South Wales, in the United Kingdom.

Ulster Farmers' Union (UFU)



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From the Deputy President

Sheila Mawhinney
Room 373,
Parliament Buildings
Ballymiscaw,
Stormont
Belfast, BT4 3XX

18 June 2014

Dear Sheila,

Consultation on the Road Traffic (Amendment) Bill

Thank you for the opportunity to respond to the above consultation. The Ulster Farmers' Union (UFU) is the largest farming organisation in Northern Ireland representing nearly 12,000 farming families. The UFU represents farmers from all areas of Northern Ireland and across all sectors.

We would like to welcome the new requirement that helmets be worn on quad bikes at all times on public roads. The wearing of helmets is something the UFU has encouraged in order to bring down the number of preventable deaths on these vehicles.

We would like to make some comments on the impact of the proposed legislation on young tractor drivers, particularly at times when they are frequently on the road, such as during silage season. Many young people living on farms may drive tractors as part of the agricultural operation from 13 years old, and from the age of 16 they are allowed to drive on the road during agricultural operations. The input of young drivers is vital to the industry and we hope that the proposed legislation will not impact this source of seasonal employment. These young drivers gain invaluable road experience which we believe should be taken into account when it comes to their car driving tests. Previously a driving instructor could tailor their services to suit a learner driver who has gained such experience by meeting the learner at their level of capability. It would be completely unnecessary- not to mention expensive and time consuming- for these young drivers to have to go through the full driving course.

Regarding the changes to licensing requirements, we do have some concerns. Firstly, the limitation on the number of passengers aged between 14 and 20 for a period of six months following gaining their licence. We are concerned that this will have a disproportionate negative effect on rural communities where young people often need to drive. In the absence of a viable public transport network in rural areas, there is no choice but to use private transport. It is imperative that due and realistic consideration is given to the effect on rural economy and culture of any change to the current legislation.

I trust our comments will be given full consideration but should you wish to query any comments raised please do not hesitate to get in touch.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Barclay Bell', with a stylized, flowing script.

Barclay Bell

Scottish Health Action on Alcohol Problems (SHAAP)

Road Traffic (Amendment) Bill 2014 – Response by Scottish Health Action on Alcohol Problems (SHAAP)

SHAAP provides a coordinated, coherent and authoritative medical and clinical voice on the need to reduce the impact of alcohol related harm on the health and wellbeing of the people in Scotland. SHAAP was set up by the Scottish Medical Royal Colleges, through their Scottish Intercollegiate Group (SIGA) and is governed by an Executive Committee made up of members of the Royal Colleges.

We fully support the Bill's aim to reduce the drink driving limits and to make further provision for breath testing. There is compelling evidence to suggest that a reduction in the limits would make a positive impact in terms of reducing road traffic accidents and road traffic deaths.

Evidence submitted in 2010 by the British Medical Association to the House of Commons Transport Committee's inquiry into drink and drug driving law indicated that the relative risk of being involved in a road traffic crash for drivers with a reading of 80mg alcohol/100ml of blood was 10 times higher than for drivers with a zero blood alcohol reading. The relative crash risk for drivers with a reading of 50mg alcohol/100ml blood was twice the level than for drivers with a zero blood alcohol reading.

A new lower limit of 50 mg/100ml will allow the police, prosecutors and our courts to take more drivers off the road who pose a risk to public safety. It should also act as a deterrent in encouraging people not to drink and drive at all.

Given the evidence presented by the Institute of Alcohol Studies (Alcohol and Drink Driving, 2010) that drinking by drivers with blood alcohol levels of between 50mg% and 80mg% area is a significant but largely hidden cause of accidents, SHAAP anticipates that the new lower limit will be extremely beneficial. We are particularly pleased to see that the Bill prescribes lower limits for 'specified persons', such as someone who only held a licence for 2 years.

Measures to address drink driving will be enhanced by a robust national alcohol strategy based on the World Health Organisations 'best buys' of restricting availability and influencing price. We, therefore, urge the Northern Ireland Assembly to remain committed to tackling the underlying problems of alcohol consumption.

Newtownabbey Borough Council

Dear Sheila

I refer to your correspondence dated 4 June 2014 addressed to the Chief Executive regarding the Road Traffic (Amendment) Bill.

I would confirm that the matter was considered at the Council Meeting 30 June 2014, when it was referred to the Consultation Sub Committee to formulate a response on behalf of the Council.

The Sub Committee met on 23 July 2014 and agreed that they were satisfied with the requirements of the Bill.

Regards

Logan Cathcart

Council Business Services

Newtownabbey Borough Council

Mossley Mill

Newtownabbey BT36 5QA

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Fax: 028 90340200

Freight Transport Association



FREIGHT TRANSPORT ASSOCIATION



Sheila Mawhinney
Room 373
Parliament Buildings
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Stormont
Belfast
BT4 3XX

30 July 2014

Dear Sheila,

CONSULTATION ON THE ROAD TRAFFIC (AMENDMENT) BILL

Many thanks for allowing us the opportunity to respond to the above consultation.

The Freight Transport Association (FTA) is one of the UK's largest trade associations and represents over 14,000 companies relying on or providing transport integration both domestically and internationally, to or from the UK. Our members include hauliers, freight forwarders, rail, sea and air freight operators, through to customers – producers, manufacturers, wholesalers and retailers. They cover all modes of transport – road, rail, air and sea. FTA members operate over 200,000 commercial goods vehicles on the roads in the UK; approximately half of the UK fleet. FTA members also consign around 90 per cent of goods moved by rail and around 70 per cent of goods moved by air and sea.

We welcome any changes to legislation that will help improve road safety and the proposed new lower drink drive limits of 50mg of alcohol in 100ml of blood for a non-specified person and 20mg of alcohol in 100ml of blood for a specified person should act as an added deterrent to any drivers considering consumption of alcohol prior to driving.

However we would like to make some points and seek further clarification on the matter of 'specified persons'. The prescribed limit for a 'Specified Person' will be 20mg of alcohol in 100ml of blood. This will mean that a person deemed a Vocational driver holding a driving licence category C, C1, D, D1, C+E, C1+E, D+E, D1+E or F will be treated differently compared to licence holders A, B and B1 who will be permitted a higher alcohol limit in their blood of 50mg per 100ml.

The question that FTA and our members would like clarified is, if a Vocational licence holder, e.g. a lorry driver holding a C1 licence, is stopped at a check-point but is not driving a vehicle over 3,500kgs but instead their own private car which a B licence is only required for, will they have to comply with the lower 20mg level or will the higher 50mg level of alcohol in 100ml of blood apply? I.e. will the drink drive limit be based on the category of the vehicle being driven rather than category of licence at the time of detection?

NORTHERN IRELAND

109 AIRPORT ROAD WEST, BELFAST BT3 9ED
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Freight Transport Association Limited, Hermes House, St John's Road,
Tunbridge Wells, Kent TN4 9UZ • Registered in England Number 391957



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FREIGHT TRANSPORT ASSOCIATION



Local members of the FTA have raised concerns that the proposed new lower drink drive limits would be discriminatory against Vocational drivers and that there should be no difference between licence categories. For example a van driver on a category B licence will be subject to the higher drink drive limit of 50mg alcohol per 100ml blood but within the same organisation another employee who drives a 5,000kg vehicle on their category C licence would be subject to the lower 20mg level. Members feel that the definition of a professional driver should be clarified with regards to the proposed Road Traffic (Amendment) Bill and that any drivers of vehicles for work or professional use should be considered for inclusion in the 'Specified Person' category.

Employers of vocational licence holders (Specified Persons) will also have to address the issue of residual alcohol levels in the morning should a driver have alcohol the night before therefore the FTA would ask that concise advice and guidance is provided for both these employers and employees.

I trust that you find our response and subsequent comments of use and that you give it some consideration in the consultation.
Should you require further clarification or oral evidence to the Committee then I will be pleased to assist further.

Yours Sincerely,

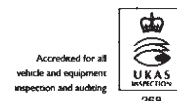
SEAMUS LEHENY

Policy & Membership Relations Manager - Northern Ireland

NORTHERN IRELAND

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Antrim Borough Council



Our Ref: BD/KS

12 August 2014

Ms Sheila Mawhinney
Assembly Clerk, Committee for the Environment
NI Assembly
Room 247
Parliament Buildings
Ballymiscaw
Stormont
BELFAST BT4 3XX

Email: doecommittee@niassembly.gov.uk

Dear Ms Mawhinney

RE: ROAD TRAFFIC (AMENDMENT) BILL

The Proposed Road Traffic (Amendment) Bill was considered at a recent Meeting of Council's Planning & Public Services Committee where Members welcomed the consultation exercise and expressed support for the proposed legislation contained therein.

Elected Members wished the corporate response to highlight the need for appropriate enforcement of all legislative rules/regulations and, in addition, expressed some concerns with regard to Motorway behaviours in particular.

Thank you for the opportunity to participate in the consultation exercise.

Yours sincerely



BRONAGH DOONAN
Assistant Director - Building Control

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Chief Executive - David McCammick

Director of Corporate and Regulatory Services
Catherine McFarland

Director of Development, Leisure and Borough Services
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Relevant expertise

Thomas, J.R.V. and Jones, S.J. (in press). Injuries to 15 to 19 year olds in road traffic crashes: a cross sectional analysis of police crash data. *Journal of Public Health*.

Jones, S.J., McKenna, F., Stradling, S., Christie, N., Mullarkey, T., Davies, D., Box, E., Townsend, J. and Dalton, J. (2014). Green paper on safety of young drivers has stalled. *BMJ* 2014;348:g476 doi: 10.1136/bmj.g476 (Published 28 January 2014)

Kinnear, N., Lloyd, L., Husband, P., Helman, S., Scoons, J., Jones, S., Stradling, S., McKenna, F. and Broughton, J. (2013). Draft Project Report RPN2553. Novice drivers: Evidence review and Evaluation. Transport Research Laboratory. Crowthorne.

Jones, S.J., Begg, D., and Palmer, S.R. (2012). Reducing young driver crash casualties in GB – use of routine police crash data to estimate the potential benefits of graduated driver licensing. *Injury control and safety promotion*, DOI: 10.1080/17457300.2012.726631

Winner of the UK PH Futures inaugural 'Killer slide' competition for slide outlining the potential for Graduated Driver Licensing

Visited Injury Prevention Research Unit, University of Otago, Dunedin, May 2009, to work with Dot Begg, one of leading global academic authorities on Graduated Driver Licensing

Researching and advocating for the implementation of Graduated Driver Licensing in the UK since 2008.

Comments on elements of bill relating to new / young drivers

1) **Proposal to decrease learner age from 17 to 16 ½**

I would advise against this proposal.

The global trend is towards increasing learner ages in order to minimise the risks of crashing associated with age. Age is a significant risk factor for new, young driver crashes, in combination with inexperience, and by reducing the learner age, there is the potential to significantly increase the risk of crashing and negate all positive effects associated with the rest of the proposals.

There is then a concern that the scheme will appear to be 'unsuccessful' and be abandoned.

It is not possible to quantify and then, potentially, adjust for the impact of reducing the learner age. Kinnear et al (2013) found that:-

The relationship between age and collision risk is well established (see McCartt et al., 2009 for a recent review; Maycock et al., 1991; Forsyth et al., 1995; Mayhew et al., 2003a, Vlakveld, 2004). Based on data from GB (Maycock et al., 1991), McCartt et al. (2009) quantified the independent effects of age and experience on collision risk. Using the example of a driver licensed at 17 years old, the effect of age alone accounts for a reduction in crash risk of 6% in the first year of licensure. Delaying licensure from 17 to 18 years old would therefore result a reduction in collision risk based purely on the effect of age alone. The effect of maturation from 16 to 17 years old is thought to be more pronounced. McCartt et al. (2009) report that a delay in licensure from 16 to 16.5 years reduces fatal collision rates by 7%; a one year delay to 17 years old results in a reduction of 13%. These results further support previous studies noting the effectiveness of higher licensing ages resulting from the implementation of GDL systems (Williams, 2009; Begg & Langley, 2009). The neurological and psycho-social reasons for the effect of age on collision risk have been well

documented (see McKenna, 2010a for a review; Kinnear, 2009) and provides an evidence base for understanding the mechanisms through which delayed licensure leads to collision reduction as part of a GDL system.

2) Proposal that a learner should hold a provisional licence for at least 12 months

The rationale for this is that the learner period has a fixed minimum, encouraging learners to gain more driving experience, including driving in all seasons and in day time and night time.

Concerns that are often raised about these fixed periods are:-

That the learner crams all of their lessons into the end of the period

That the cost of learning to drive is increased

The conclusion of Kinnear et al (2013) was that “Minimum required practice and a minimum learner period are common in GDL systems and enhance GDL effectiveness.” They also found that “the extension of the learner period from six months to two years (with a 6 month minimum) was associated with a net reduction in collisions of 15% (Gregersen et al., 2000).”

Kinnear et al (2013) also commented that “the aim of these components is to take advantage of the safety associated with supervised driving to increase the amount of real world practice (and presumably learning) that new drivers gain, preparing them better for the next stage of licensing.”

Initial evaluations of minimum learner periods in the USA appeared to demonstrate that they contributed to a reduction in collisions (McKnight & Peck, 2002). As of 2011, 46 states and the District of Columbia, USA required a minimum number of hours supervised practice, with 50 hours being the most common requirement (O'Brien, Foss, Goodwin & Masten, 2013); requirements in the USA can range from 20 hours to 60 hours (IIHS, 2013). In a national study of US states, Baker, Chen and Li (2007) reported that the combination of a minimum learner period (of at least three months) and minimum required practice (of at least 30 hours) was associated with an 18% reduction in collision rate. Whether this association was due to either of the components or the combination of them (or indeed the combination with other GDL components) could not be determined.

Victoria, Australia introduced a GDL system in 2007 (updated in 2008) and a recent publication details results of an interim evaluation (Healy et al., 2012). As noted in Section Error! Reference source not found., an updated GDL system in Victoria, Australia requires a minimum 12 months learner period and a minimum 120 hours of on road supervised practice (including ten hours at night) during the learner stage for drivers under 21 years old. Results of before-and-after surveys suggest that the number of hours of practice has increased substantially for 17 to 20 year olds (16 year old learners remained stable at around 120 hours pre- and post-implementation due to previous initiatives). The length of time a person is engaged with learning to drive increased for all age groups. As noted in Section Error! Reference source not found., the introduction of the system in Victoria is associated with significant collision reduction, although the effects of increased learning alone cannot be dissociated from the overall effect of the system. (Kinnear et al, 2013)

There is the possibility that learners will focus more of their driving on the end of the learner period, but this is not the action of all drivers. Evidence from Wells et al (2008)¹ will help to address these concerns. However, readers should be aware that the sample described in this study is likely to be biased. Those teenagers who have responded are likely to differ significantly from those who have not responded in terms of crashes and number of lessons taken. Research from Australia has also covered many of these learner period issues.

1 Cohort II: A Study of Learner and New Drivers by P. Wells, S. Tong, B. Sexton, G. B. Grayson and E. Jones (Transport Research Laboratory)

3) **Proposal that a learner should use a log book**

The rationale for the log book is to ensure that learners experience a full range of driving conditions.

There are concerns that learners will falsify the information in the log books. This is a risk, but we often forget that the majority of people are law abiding and aim to 'do the right thing'. Often, the concerns that we raise about legislative processes assumes that most people are dishonest and wish to break the law. In reality, the opposite is usually true.

See also commentary in response to point 4, on compliance.

4) **Proposal to restrict new drivers to only 1 passenger for 6 months, with exemptions for family members or in the presence of a supervising driver**

Passenger restrictions are one of the key elements of a high quality GDL scheme, along with night time curfew and zero alcohol consumption.

The conclusion of Kinnear et al (2013) was that:-

- Night time restrictions and passenger restrictions are considered to be the most effective components for reducing new driver collisions.
- Reducing exposure for new drivers carrying passengers is most effective for new drivers under 30 years old when carrying passengers under 30 years old, particularly when the driver and/or the passengers are male. The carrying of passengers over 30 years old reduces collision risk for all new drivers.
- For drivers over 30 years old, carrying any passengers reduces crash risk. New drivers over 30 years old should not therefore be restricted from carrying passengers.
- Some jurisdictions allow exemptions (e.g. for work or for carrying family members) although these have been associated with reducing GDL effectiveness.

The more detailed assessment by Kinnear et al (2013) was that:-

The effect of teen passengers on young novice driver collision risk was outlined by Chen, Baker, Braver and Li (2000) and supported the use of passenger restrictions as part of GDL systems. Chen et al.'s analysis demonstrated that the relative fatality risk for 16 and 17 year old drivers increased with each additional same age passenger in the vehicle when compared with carrying no passengers. The effects are mediated by age and gender; the younger the driver, the greater the increase in risk with each additional passenger. Meanwhile, male drivers are at greater risk when carrying passengers than female drivers; a male driver and male passenger is the most dangerous combination (Chen et al., 2000). Both male and female drivers are affected by carrying male passengers though, with driver fatality rates almost doubling when carrying one male passenger. Similar results are reported by Williams and Ferguson (2002), who additionally demonstrate that the effect drops off for older adults, with 30 to 59 year olds showing no impact of additional passengers on their collision risk. Chen et al. (2000) found that crash risk for 30 to 59 year olds actually reduced as a result of carrying passengers. While teen drivers are at most risk when carrying same-age passengers, there is evidence that risk is also increased when passengers are in their 20s and early 30s (Chen et al., 2000; Ouimet et al., 2010). Conversely, carrying older passengers (35+ years) is associated with a reduction in collision risk for teen drivers (Preusser, Ferguson & Williams, 1998).

The explanatory factors for the association of passengers on driver collision risk are not fully understood (Williams, Ali & Shults, 2010). It is presumed that older passengers offer a protective effect through helpful co-piloting and encouragement of safer driving behaviours. For teen drivers with same-age passengers the reasons are thought to relate to what Allen and Brown (2008) call the 'perfect storm'. This involves age-related factors such as a propensity to engage in risky behaviours, desire to please peers and in-group pressures

combined with driver inexperience and associated risks such as poor hazard perception and calibration of actual and perceived demand (Fuller et al., 2008; McKenna & Crick, 1994; McKenna & Horswill, 1999). Williams, Tefft & Grabowski (2012a) found that compared with teen driver collisions without passengers, such collisions with teen passengers were more likely to involve speeding, alcohol consumption and at-fault contribution to the collision. While the characteristics of passenger risk effects may require further elucidation, the effect itself on collision risk is well documented and widely accepted.

The evidence for the effectiveness of passenger restrictions in directly reducing passenger risk is also well established. Begg and Stephenson (2003) found a 9% reduction in collisions attributable to the introduction of a teenage passenger restriction for new drivers in New Zealand. In a comparison of passenger restrictions across US jurisdictions, states allowing one passenger had a 7% lower fatal crash rate than when two or more passengers were allowed. The fatal crash rate for 15 to 17 year olds was 21% lower when novice drivers were prohibited from carrying any teenage passengers than when two or more teenage passengers were allowed (McCartt et al., 2010). A similar recent study examining GDL components across the USA is reported by Fell, Todd and Voas (2011a). In controlling for background trends, it is reported that the net effect of passenger restrictions is a reduction in 16 to 17 year old collisions with passengers of 9%. Vanlaar et al.'s (2009) meta-analysis suggests that passenger restrictions with exemptions (e.g. for carrying family members) dilute the effectiveness of the restriction. While the magnitude of the increase reported encourages caution when appraising Vanlaar et al.'s results, the direction of the result is still of interest.

Where licensing ages are similar to that of GB, a similar pattern of results is found. In New Jersey, where the restricted licensing age is 17 years old, the passenger restriction (no more than one passenger) was associated with a decrease in fatal crashes of 17 and 18 year old drivers with more than one passenger by almost 24%. However, probably due to the small number of collisions in the study, this reduction did not reach statistical significance. Healy et al.'s (2012) interim evaluation of the GDL system in Victoria, Australia also found a reduction in collisions with two or more passengers for drivers under probation; the minimum age for a probationary licence is 18 years old. It is sometimes suggested that restricting passenger numbers leads to an increase in exposure for drivers who would otherwise travel as passengers with their peers (Lyon et al., 2012), although no evidence of this was found by Healy et al. (2012).

Despite the reports of reductions in passenger collisions from evaluations of individual jurisdictions, an evaluation of national data in the USA reports that at an aggregate level, the proportion of teen driver with teen passenger collisions actually remained steady between 2004 and 2008, with no difference found between states with and without GDL restrictions (Williams et al., 2010). There was however a statistically significant reduction of the proportion of collisions involving 16 year old drivers with teen passengers over this time period. In addition to several methodological limitations of the analysis that could simply mask effects (for example, proportional rates can be influenced by changes in the rates of other collision types), the failure to demonstrate a consistent proportional change is possibly the result of inconsistent passenger restrictions across the USA. Passenger restrictions in the USA often have exemptions and last for only six months. This may somewhat explain the significant result for 16 year old drivers but not 17 year old drivers in Williams et al. (2010); drivers licensed before 16.5 years old will have exited the restricted stage by age 17. In addition, there have been many changes in passenger restrictions in the USA during the period under study, meaning that collision rates may not be settled or representative. Given the consistency of results from individual jurisdictions in the USA and around the world, the results of analysis of nationally aggregated data must be viewed with caution until methodological limitations have been addressed. For example, there was no control for exposure in the Williams et al. (2010) study. In a study that did control for exposure using National Household Travel Survey data, teen driver with teen passenger collisions

had reduced significantly between 2007 and 2010 in the USA (Tefft, Williams & Grabowski, 2012).

Tefft et al. (2012) found that compared with carrying no passengers, 16 to 17 year old drivers carrying one passenger under 21 years old have a 44% increased relative fatal collision risk. Sixteen and seventeen year old drivers carrying two passengers under 21 years old had double the fatal collision risk and with three or more passengers the risk quadrupled. Teen drivers carrying passengers aged 35 years or older had a much reduced collision risk than when carrying no passengers (50% reduction for fatal collisions and 60% reduction for all collisions). These results support the trend of passenger effects found in earlier studies (e.g. Chen et al., 2000; Ouimet et al., 2010).

The effect of younger aged passengers on driver crash risk has been consistently demonstrated and passenger restrictions have been largely verified as an effective way of reducing this risk factor for new drivers. Results from existing GDL jurisdictions suggest that these restrictions should be strongly implemented and supported through both enforcement and parental or supervising driver engagement.

Concerns are often raised about compliance with such restrictions. Kinnear et al (2013) found that:-

The first full GDL system was implemented in New Zealand in 1987 to address the young and novice driver collision rate. New Zealand's young driver collision rate at this time was compounded by the fact that a full licence could be obtained at 15 years old (in 2011 this was raised to 16 years old). The New Zealand system included both passenger and night time restrictions, with the night time restriction receiving greater support from parents and teens than the passenger restriction (Begg & Stephenson, 2003). As a result, there was less reported compliance with the passenger restriction than the night time restriction in early surveys (Frith & Perkins, 1992; Harre, Field & Kirkwood, 1996). A third of respondents reported that they regularly flouted the passenger restriction with 17% regularly flouting the night time restriction (Frith & Perkins, 1992), although there was some evidence of respondents saying that they drove more carefully when flouting restrictions. A more recent study of Queensland's (Australia) GDL (in which a two-passenger restriction only applies during 11pm and 5am) found that only 1.2% 'usually or always' carried passengers with 25% occasionally or sometimes violating the restriction (Scott-Parker, Watson, King & Hyde, 2012). Despite some level of non-compliance, the restrictions in New Zealand are associated with collision reductions (Begg & Stephenson, 2003); no evaluation of Queensland's system could be located. Fell et al. (2011a) note that even if laws are not strictly enforced, and there is little evidence that they are in the USA, both passenger and night time restrictions remain effective. Similar results are reported in New Zealand where perception of being caught was low yet GDL remained effective (Begg & Stephenson, 2003).

A similar pattern is reported by Chaudhary, Williams and Nissen (2007) who collected qualitative data from parents and teens in three US states where passenger restrictions were found to reduce collisions involving 16 year old drivers. Compliance with passenger restrictions was found to be low. Both parents and teens suggested that although they understood the reasons for the law, passenger restrictions were viewed as unfair and rarely enforced. Law enforcement agencies reported that enforcing the law was difficult. Previous research in the USA has identified that low compliance rates are because of difficulty in enforcing restrictions (Goodwin et al., 2010; McCartt, Oesch, Williams & Powell, 2013); self-compliance is also weakened as parents are not always aware of the restrictions (Williams, Nelson & Leaf, 2002). It is worthy of repetition that despite low compliance and difficulty with enforcement in the USA, GDL has remained effective at reducing collisions (Fell et al., 2011a). It is possible that even with low levels of compliance, night time and teen passenger journey frequency reduced from pre-GDL levels, resulting in reduced exposure and casualty savings.

Healy et al.'s (2012) interim evaluation of Victoria's (Australia) GDL system established through a survey of new drivers that drivers were largely complying with minimum learner periods, minimum required supervised practice (120 hours) and the completion of log books. Possibly important to the successful compliance of these GDL features were concurrent initiatives such as a publicity campaign, engagement with parents and learners, a learner kit for new drivers and a learner driver mentoring programme. The survey also revealed that compliance with passenger restrictions was good and that drivers reported fewer traffic offences when compared with surveys of new drivers prior to the implementation of the GDL system in 2007-2008. Interestingly, the survey revealed that drivers were much less likely to carry more than one passenger up to three months after the end of the restricted period, suggesting a potential carryover effect when restrictions are clearly implemented and well enforced.

In New South Wales (Australia), almost all (98%) learners complete the required 50 hours of supervised practice before taking their practical test (Bates et al., 2010). Learners in New South Wales reported that gaining driving experience was easier than in Queensland, where no minimum requirement was set (at the time of study). It may be that the setting of a minimum requirement causes supervising drivers to be more cooperative in playing their part to progress a learner driver towards the driving test. Moreover, a comparison of two Australian states, where one required learner log books to be completed while the other only recommended completion, found that mandatory log books led to statistically significantly greater completion rates. Scott-Parker, Bates, Watson, King & Hyde (2011) report that compliance with log books was much greater than reported in the press with only 13% of respondents reporting that they 'round up' hours and 4% including 'extra hours' in their reporting. These figures are likely to be underestimates due to social desirability bias and self-selection bias inherent in survey completion, although the surveys were completed anonymously.

Scott-Parker et al. (2012) found that those not complying with the learner driver requirements of Queensland's GDL programme were possibly unlikely to comply with traditional licensing systems too. The 11% of drivers who engaged with unsupervised driving at least once during the learner stage were more likely to be male, have submitted inaccurate log books, engage in underage driving, be caught for a driving offence and actively avoid the police. That this group of drivers were more likely to be detected for committing an offence suggests that there is potential for identifying them as a group requiring remediation.

Overall, the experiences of other countries suggest that compliance is greater than expected or suggested in the media (Begg & Langley, 2009). This is likely to be for two main reasons. First, parents are often the primary enforcers of GDL restrictions and surveys of parents in GDL jurisdictions regularly report that there is widespread acceptance and support for GDL components (Brookland & Begg, 2011; Gill, Shults, Cope, Cunningham & Freelon, 2013; Williams, Braitman & McCartt, 2011). Where compliance rates are low, there appears to be a relationship with a lack of parental knowledge and engagement. Teens are less enthusiastic although accept that new drivers are at greater risk and broadly accept GDL restrictions; a nationwide US survey found high acceptance of comprehensive policies including night time restrictions, passenger restrictions and mobile phone bans among teenagers (Williams, 2011). A qualitative study of parents and young drivers in Scotland found that in general, parents, carers and others were far more supportive of GDL than young male drivers (Robinson, Mitchell, Fraser & Stradling, 2011). Opposition to GDL by young drivers was found to reduce with age and it was concluded that most forms of graduated licensing would be supported by the majority of drivers on the road, particularly those over 25 years old.

The second reason for higher-than-reported compliance is that police enforcement of GDL restrictions (where identifiers are used) should be no more difficult than policing other road safety legislation (e.g. speeding, seatbelts, mobile phone use and drink driving). Evidence from Australia suggests that greater compliance can be achieved through strong

enforcement and support from authorities (including publicity campaigns, engagement with parents and clear information for new drivers) when implementing GDL legislation.

Practical aspects of restrictions such as requirements for learner practice must be considered for those without regular access to a private vehicle or appropriately qualified supervising drivers. The development of alternatives (e.g. reduced cost official lessons) for those in such a situation is necessary so that certain groups of new drivers are not inadvertently or disproportionately disadvantaged (Senserrick, 2009). Where additional administration (e.g. completion of log books) is required, support for those for whom English is not their first language or those with literacy difficulties would also be required. Scott-Parker et al. (2011) found that learners who did not speak English as their first language were more likely to complete their log book inaccurately in an evaluation of GDL in Queensland, Australia. Challenges (e.g. administration, effect on minority groups etc.) such as these are to be expected when making any significant policy changes to a national licensing system; it is noteworthy that there is limited reporting of unassailable barriers and GDL has now been enacted in numerous jurisdictions around the world.

Further evidence that may of use in considering this legislation, again, from Kinnear et al (2013):-

Unlicensed driving is a commonly cited concern when strengthening the licensing system is proposed. Few published studies have reported the effects of GDL on unlicensed driving, possible due to the difficulty of measuring its prevalence. As the first GDL system to be introduced, GDL in New Zealand was scrutinised by researchers. In an evaluation following its introduction, Frith and Perkins (1992) report that the proportion of unlicensed drivers involved in collisions in New Zealand was virtually unchanged following the introduction of GDL. There was however a sharp decline in the number of drivers applying for a driving licence following the introduction of GDL hence it is proposed that there was simply a reduction in the number of drivers, which contributed to the reduction in casualties. Converse results have been reported in California, USA; Males (2007) reports that following the implementation of GDL in California, fatal driver collisions involving 16, 17 and 19 year old unlicensed drivers increased. Males (2007) does not discuss or propose any explanation for the findings other than the fact that California has unique demographics, demographic trends and driving circumstances. It is not clear what the classification of unlicensed driver was, which may have been affected by the introduction of new GDL laws. It is worth noting that whatever the definition used, the prevalence of unlicensed driver fatalities in California was high prior to the implementation of GDL (22% pre-GDL rising to 29% post-GDL for 16 year olds).

Another commonly cited concern is that young novice drivers in rural communities will be disproportionately disadvantaged, particularly economically. Begg and Langley (2009) note that while it cannot be disputed that there is less provision of public transport in rural communities, the prohibitive impact of GDL restrictions is often exaggerated. A study of the impact of raising the licensing age in New Zealand to 17 years old found that despite the rhetoric, rural respondents had no greater need to have access to cars under 17 than urban dwellers of the same age (Kingham, Zant & Johnston, 2004). Begg and Langley (2009) report that the types of journeys affected by restrictions are largely non-critical social journeys rather than those to places of employment or education. Only one study specifically addressing urban-rural differences following the introduction of GDL was found (UNC, 2001). This study conducted analysis of collision data and a survey of parents and teen drivers in North Carolina, USA. Similar to GB, rural roads in North Carolina are more dangerous than other road types with a higher proportion of serious and fatal collisions (in 2011, 61% of reported road fatalities in GB occurred on rural roads (DfT, 2012)). Analysis of collisions in North Carolina established that the effect of GDL on both fatal and serious injury collisions was most pronounced on rural roads. Fatal and serious collisions declined by 24-26% in urban areas and by 28-34% in rural areas. For all injury collisions, rates reduced by 25% in urban areas and by 28-30% in rural areas.

The survey of parents and teens was used to compare the perceived impact of GDL on those living in urban and rural areas (UNC, 2001). There were no statistically significant differences between parents' perceptions in rural and urban areas with regard to GDL approval, the 12 month minimum learner period, the six month night time restriction and the six month offence free period. On all scales parental approval was high with 97% of both urban and rural parents approving of GDL (although urban parents were more likely to highly approve, 77% versus 67% respectively). Further questions identified that 95% of parents found it very or moderately easy to accommodate the increased level of supervisory practice. It is also noted that parental support for GDL restrictions increased as they progressed through the system. It is of further interest that while teen approval for GDL was lower than their parents (80% versus 97% respectively) there were no statistically significant differences between urban and rural dwelling teens. These results suggest that parents and young drivers in rural areas adapt to the restrictions that GDL places upon them, presumably because they support the basic tenet of the legislation, to protect and save lives.

It is worth identifying how young people adapt to GDL restrictions. Williams et al. (2001) recruited young drivers entering the intermediate stage in California upon completion of the driving test. Consent for parental involvement was also sought with the aim of establishing greater detail of their interaction with GDL restrictions. Two cohorts of drivers were used (one subject to graduated licensing restrictions while the other was not) and surveyed three times during the first year. Novice drivers in California are subject to night time restrictions from midnight to 5am for 12 months, unless accompanied by a supervising driver over 25 years old (exemptions for work and other essential travel are also available). A passenger restriction limit of no passengers under 20 years old for six months (unless accompanied by a supervising driver over 25 years old) is also enforced.

Adaptation to night time restrictions established that drivers use various means to travel and continue to engage in social or work activities. Ways of adapting included: driving earlier (58%), getting a ride with parents or older adults (59%), alternative transport (31%), rearranging event (45%) or violating the restriction (44%). Thirty-seven percent of teen respondents did not feel that the restriction prevented them from doing what they wanted to do, 40% didn't feel it had much impact, 19% thought it had some impact and 5% thought it had a lot of impact. Eighty-one percent reported that they were able to participate in most activities despite the restriction.

With regard to passenger restrictions, ways of adapting included: driving alone (49%), riding with an older teen (57%), riding with a parent or older driver (44%), using alternative transport (18%), rearranging event (21%) or violating the restriction (31%). Seventeen percent of respondents did not feel the restriction prevented them doing anything they wanted to do, 56% did not feel it had much impact, and 26% thought it had a lot of impact. Eighty-nine percent reported that they were able to participate in most activities despite the restriction and only 5% felt the restriction limited their ability to hold a job.

Overall, Williams et al. (2001) report that restrictions clearly have an effect on teenagers' mobility in California but that most teenagers report that they adapt to find ways to carry out their activities anyway. Almost three-quarters of the teenagers claimed not to be affected very much by either the night time or passenger restriction. There was little sign that either restriction limited employment opportunities (although exemptions for work during the night time restriction are available). Parents reported very little inconvenience to themselves and overwhelmingly supported the new rules (Williams et al., 2001).

Other commonly cited barriers to GDL mentioned outside of the scientific literature appear to be assumed with little or no evidence to support them. Common barriers are considered in Table 1 with a note of any evidence to support or reject them. Of course, it would be the purpose of on-going evaluation of any GDL system implemented to keep potential unintended consequences and concerns under review so that any impact is minimal.

Table 1: Evidence and comment for commonly cited barriers to the implementation of GDL

Concern	Evidence and comment
The introduction of GDL will increase unlicensed driving.	<ul style="list-style-type: none"> • No increase in unlicensed driver collisions was found in New Zealand following the introduction of GDL (Frith & Perkins, 1992). • Males (2007) report an increase in unlicensed driver collisions for 16, 17 and 19 year olds following the introduction of GDL in California.
GDL will be difficult to enforce.	<ul style="list-style-type: none"> • See Section Error! Reference source not found. • There is no evidence that enforcing GDL is more difficult to enforce than any other road safety legislation. Enforcement is easier when new drivers are required to carry an identifier (e.g. a P plate). • Even where GDL is not strongly enforced, it still demonstrates effectiveness.
New drivers will not comply with GDL restrictions.	<ul style="list-style-type: none"> • See Section Error! Reference source not found. • Evidence suggests that compliance with GDL is higher than is often assumed. • Parental support for GDL is high and they are often referred to as the primary enforcers.
GDL will unfairly impact on the mobility and employability of young people.	<ul style="list-style-type: none"> • GDL will unfairly impact Restrictions such as minimum learner periods, passenger restrictions and night time restrictions will of course impact on the mobility of young drivers. Whether this is unfair depends on how the trade-off between the reduction in mobility and the potential casualty savings is perceived. • Williams et al. (2001) found that young drivers use various means to adapt their travel behaviour to get around night time and passenger restrictions, without much problem. It is also reported that parents largely support GDL restrictions and accept having more responsibility in the learning to drive process (Williams et al., 2001; UNC, 2001). The vast majority of journeys affected are social (Williams et al., 2001). • In New Zealand, only a small proportion of journeys were predicted to be affected by a recent increase in the driving age (from 15 to 16 years old) (Begg & Langley, 2009). It was suggested that most affected journeys would be social (Kingham, et al., 2004). • No evidence has been found to support that GDL impacts significantly on the employability of young people. However, no economic evaluation of GDL directly measuring the effect on employment was found either. While the absence of evidence is no substitute for evidence of absence, it is worthy of consideration that many jurisdictions have implemented GDL over the last quarter of a century and no evaluations have reported employability of young people as being adversely affected. • Surveys of young drivers and parents (such as Williams et al., 2001) suggest that restrictions are likely to have a minor impact on employment at most. • In some jurisdictions exemptions are given for work- or education-related driving. However, exemptions have been associated with diluting the effectiveness of the restriction when compared with GDL systems with no exemptions (Vanlaar et al., 2009). There is little direct evidence on the effect of exemptions but theoretically any exposure to risk during restrictions is likely to increase collision risk for those drivers; this increase in risk must therefore be weighed against the increased mobility afforded by the exemption.

Concern	Evidence and comment
GDL will penalise all new drivers and is unfair on responsible drivers.	<ul style="list-style-type: none"> • All new drivers are at increased collision risk due to their inexperience. • Responsible new drivers (including those with no previous convictions and 'model teens') are still involved in fatal collisions (Williams, 1999; Williams, 2006).
GDL will disproportionately impact those living in rural areas.	<ul style="list-style-type: none"> • It might appear logical that those living in rural areas will be affected more than those in urban areas due to the availability of public transport (or lack thereof). However, a comparison of the impact of GDL in rural and urban areas of North Carolina found that there were no differences between the perceptions of GDL between urban and rural parents and teen drivers; that is, rural dwellers did not report being disproportionately affected by GDL restrictions (UNC, 2001). • GDL has been shown to be more effective in rural areas than urban areas due to the greater risks on rural roads (UNC, 2001). Young drivers on rural roads are at the highest risk of being collision involved hence those living in rural locations are likely to benefit most from GDL in public health terms.
GDL just delays collisions or offsets them to other groups of drivers.	<ul style="list-style-type: none"> • The transfer of experience gained during the learner / intermediate stages to the fully licensed stage is not fully understood. It is possible that some learning transfers to the novel circumstances in the full stage and as the driver will be older their collision risk will be reduced. There is evidence that increased supervised practice during the learner stage reduces novice driver collision risk, suggesting that transfer does occur (Sagberg & Gregersen, 2004). • Some reports of lower effectiveness or even harm in 'older teens' from the USA can be explained by GDL restrictions only applying to under 18s in most states. In jurisdictions where GDL restrictions apply to all new drivers, reductions in crashes are seen for all ages of novice driver. All new drivers should therefore be subjected to GDL. See Section Error! Reference source not found. for full discussion.
Passenger restrictions increase the number of young drivers on the road increasing their exposure.	<ul style="list-style-type: none"> • There is no evidence to suggest that the benefits of passenger restrictions are offset by increasing young driver exposure. If operating in a strong GDL system, where the exposure of young drivers is increased, the exposure will occur in safer conditions (e.g. not at night) and will not be with same age passengers. • Chaudhary et al. (2007) studied the effects of GDL implementation in three US states and sought to examine if restrictions on novice drivers carrying passengers had offset crash risk; no evidence of this unintended consequence was found. • Chen, Braver, Baker and Li (2001) noted that such is the crash risk of driving with peer age passengers that even if all passengers 16 to 19 years old in the USA were to instead drive solo, 290 lives would be saved annually.
Telematics can do everything that GDL does.	<ul style="list-style-type: none"> • There is no evidence to support this assertion. • It is possible that telematics can support GDL legislation but it is unlikely that it can substitute for it. For example, legislation applies to and affects all drivers entering the licensing system. Telematics, at present, is a vehicle specific technology making it difficult to apply GDL rules when there are multiple drivers or a new driver uses multiple vehicles (see RoSPA, 2013).

Concern	Evidence and comment
It is driver behaviour that is the problem and drivers need better training and education.	<ul style="list-style-type: none">• There is no evidence that education and training can substitute for driver experience on-road or reduce novice driver collisions.• Where driver education or training substitutes for time in GDL systems to allow earlier licensure, evidence suggests this increases collision involvement (Boase & Tasca, 1998; Mayhew et al., 2003b; Wiggins, 2004; Lewis-Evans, 2010).

Banbridge District Council



BANBRIDGE DISTRICT COUNCIL

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PAT CUMISKEY - ACTING CHIEF EXECUTIVE

Our Ref: GD/9 LP

15 August 2014

Ms Sheila Mawhinney
Assembly Clerk – Committee for the Environment
Northern Ireland Assembly
Room 247
Parliament Buildings
Stormont
BELFAST BT4 3XX

Dear Ms Mawhinney

RE: PROPOSED ROAD TRAFFIC (AMENDMENT) BILL

At a recent meeting of Council, your letter dated 4 June 2014 seeking views on the proposed Road Traffic (Amendment) Bill, was considered by Members.

I wish to advise that Members made no comment on the proposed Bill during the meeting. However, Political Parties may wish to respond to your Consultation on an individual basis.

Yours sincerely

PAT CUMISKEY
Acting Chief Executive

BUILDING CONTROL 028 4066 0603
COMMUNITY PLANNING 028 4066 0644
COMMUNITY SERVICES 028 4066 0643
ECONOMIC DEVELOPMENT & REGENERATION 028 4066 0609
ENVIRONMENTAL HEALTH 028 4066 0606



FINANCE 028 4066 0607
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MEMBER SERVICES 028 4066 0602
TECHNICAL SERVICES 028 4066 0604

Public Prosecution Service

Response of the Public Prosecution Service to the Road Traffic (Amendment) Bill

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

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

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

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

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

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

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

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

Gordon Buckley

PPS Policy and Information Section
18 August 2014

Association of British Insurers



Association of British Insurers

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Association of British Insurers response to the Northern Ireland Assembly Environment Committee's Consultation on The Road Traffic (Amendment Bill)

About the ABI

- 1.1 The Association of British Insurers represents the collective interests of the UK's insurance industry. The Association speaks out on issues of common interest; helps to inform and participate in debates on public policy issues; and also acts as an advocate for high standards of customer service in the insurance industry. The Association has around 400 companies in membership. Between them, they provide around 90% of domestic insurance services sold in the UK. ABI member companies account for almost 15 per cent of investments in the London stock market.

Executive Summary

- 1.2 The Road Traffic (Amendment) Bill has been prompted by growing public concern about the impact of drinking and driving, as well as the high number of young and other new drivers involved in fatal and serious collisions.
- 1.3 The single biggest cause of accidental death of young people aged 15-24 is getting in a car and dying in a crash. Each year thousands of people are killed or seriously injured in a crash involving a young driver. This has to change.
- 1.4 Young drivers are grossly overrepresented in the official accident figures and each statistic represents a tragic waste of life that could be prevented. While there are many careful first time drivers, the reality is that inexperience, youthful bravado and sheer recklessness can all play a part in these accidents and we need tough action and meaningful reform to better equip young drivers to handle the dangers of driving.
- 1.5 In the United Kingdom as a whole, young drivers account for just 12% of licence holders, but they are involved in 25% of all road deaths and serious accidents. One in five young drivers will be involved in a crash within six months of passing their driving test. Carrying passengers increases young drivers' chances of being involved in a collision, with just three passengers almost tripling the chances of a crash¹.
- 1.6 The insurance industry has long-campaigned for meaningful reforms to the way young people learn to drive. The campaign for change has wide support from the Road Safety Council of Northern Ireland and the Northern Ireland Road Safety Partnership, as well as UK-wide stakeholders such as - Association of Chief Police Officers, Brake – the Road Safety Charity, the National Federation of Young Farmers Clubs, and the Parliamentary Advisory Council for Transport Safety. Also, clearly the Northern Ireland's DOE Road Safety section is taking the issue of road safety very seriously, considering the shocking television adverts that were shown on NI television earlier this year.
- 1.7 Changing the way young people learn to drive and making young drivers safer will also have an impact on the cost of motor insurance premiums in Northern Ireland. The current cost of

1 Teen Driver Risk in Relation to Age and Number of Passengers, American Automobile Association Foundation, 2012

insurance for young people reflects the high number of accidents, injuries and deaths that young drivers are involved in, so not only will these new rules make them safer, it should also lead to cheaper car insurance over time.

- 1.8 Insurers estimate that if the package of reforms proposed by the ABI in our Young Drivers Campaign was introduced in full, then premiums could drop by 15-20% for young drivers. The reforms proposed in this Bill, whilst not the full set of measures that the ABI has called for, will impact on premiums.
- 1.9 This is meaningful and progressive reform that sets an example for the rest of the UK. For too long, politicians have failed to grasp the nettle of changing the young driver testing and training system. This not only is irresponsible to young people but also puts other road users at danger. The ABI is hopeful that a change to the young driver testing and training framework in Northern Ireland will act as a major wake up call for the rest of the UK, as well as the Republic of Ireland.
- 1.10 Based on extensive analysis, the ABI recommends the following measures to be included in the Road Traffic (Amendment) Bill:
- A minimum 12 month learning period before the driving test can be taken, enabling drivers to undertake supervised practice without an incentive to rush to take the practical test.
 - A ban on intensive driving courses.
 - The lowering of the age at which young people can learn to drive to 16 ½ years.
 - The introduction of graduated driver licensing to include a restriction on the number of young passengers that can be carried by a young driver and a restriction on their driving during night-time hours.
 - A lowering of the blood alcohol concentration for drivers aged between 17–24.
- 1.11 While this Bill falls short of the full measures the ABI is calling for (most notably with regards to night time driving), the Northern Ireland Executive is to be applauded for introducing a package of reforms based on the international evidence that Graduated Driver Licensing works.
- 1.12 Our full response is structured so that each of the clauses in the Bill is addressed in turn. The ABI is happy to be considered to give oral evidence to the NIA Environment Committee. The ABI is happy for our submission to be published on the Assembly website and included in the Committee's report on the Bill, unless the Committee expressly decides otherwise. We have also attached our most recent publication on young drivers for the Committee.

Key Issues

Part 2: Drink-Driving

Clause 2. "The prescribed limit"

- 1.13 The ABI wants zero tolerance on alcohol, meaning that young drivers should not consume any alcohol before driving.
- 1.14 The ABI calls for the lowering of the alcohol limit to 20mg of alcohol per 100ml of blood (from the current 80mg). This would, in effect, act as a zero limit as consuming an alcoholic drink would push this limit beyond 20mg/100 ml of blood. The 20mg also allows for consumption of alcohol linked with products such as mouthwash and confectionary which contain small amounts of alcohol.

Part 3: Learner and New Drivers

Clause 16. “Minimum age for licence: small vehicle”

- 1.15 The ABI supports the lowering of the age at which young people can start learning to drive to 16 ½ years. By calling for a minimum learning period of one year, the age at which individuals are able to take their driving test would by default increase to 17.5. We therefore propose to lower the age in which young drivers can start learning to 16 ½ years.
- 1.16 Implementing a mandatory minimum learning period in conjunction with lowering the age at which a young driver can obtain a provisional licence offers significant potential to reduce road casualties by enabling and incentivising young people to learn to drive for a full year before attempting their first practical test.
- 1.17 Allowing young people to obtain a provisional licence at 16½ mitigates the impact on their mobility that would result from having a 12 month mandatory minimum learning period starting at age 17. In practice, this will mean that few young people will be adversely affected as they will undertake their practical test at a similar age to the current system.

Clause 17. “Provisional licence to be held for minimum period in certain cases”

- 1.18 The ABI supports the introduction of a 12-month minimum learning period before the practical driving test can be taken, enabling drivers to undertake supervised practice without an incentive to rush to take the practical test.
- 1.19 The ABI is supportive of a 12 month minimum learning period as this allows the learner to experience driving conditions associated with a wide variety of road and traffic conditions, including driving in adverse weather conditions and low light conditions. By gaining a wider driving experience, the driver will be better prepared for solo driving after passing the test.
- 1.20 Within the proposal to introduce a 12 month learning period is a ban on intensive driving courses which typically take place over a two-week period. These courses place little emphasis on accumulating road experience during the learning period and as a result young drivers are not likely to have gained sufficient driving experience to be safe road users after completing these courses.

Clause 20. “Changes to restrictions on learner and new drivers”

A reformed syllabus

- 1.21 The ABI has consistently argued that unless radical reforms are made to the learn driver syllabus, the poor safety record of young drivers will continue.
- 1.22 The ABI urges reform of the learner driver syllabus so that more of it includes higher speed dual and single carriageways and busy town centres. Given that speed is a significant factor in motor accidents involving novice drivers, it is important to ensure that learner drivers have experience of driving at speed before they are allowed to drive unaccompanied and may alleviate some of the concerns expressed by individuals that they are unprepared.
- 1.23 As the practical test currently stands, there is a too great a focus on vehicle control and skill and it does not adequately test drivers on different types of roads. However, it is important that there are sufficient dual-carriageways within a reasonable distance of the test centre to ensure that this can be enforced. If this is not the case, it may be more beneficial for this to be included within the driving lessons, but not examined.

Speed limit

- 1.24 The ABI supports allowing learners and restricted drivers to drive at the current posted or national speed limits in the same way as all other drivers.

- 1.25 The data provided in the Bill consultation states that almost a fifth of all new drivers have a collision within the first six months of driving, which would suggest that the current speed restrictions are not effective.

A ban on night time driving

- 1.26 The ABI believes there should be a curfew on night time driving. Given the increased risk of a young driver crashing during night-time hours, the ABI advocates a night-time driving restriction where young drivers are banned from driving between 2300 and 0400. Department of Transport data clearly shows that over 50% of crashes involving 17–19 year-old male drivers that result in a serious injury or death occur at night. The figures are also high for the 20–24 age group with over 48% of crashes involving a serious injury or death occurring at night².
- 1.27 Driving in the dark requires different skills from driving during daylight hours. Young drivers travelling late at night are more likely to crash for a variety of reasons:
- Driving at night is more difficult.
 - Many newly licensed drivers will have had less practice of driving at night.
 - Fatigue – thought to be a problem for teenagers at all times of the day – may be more of a factor at night.
 - Recreational driving that is considered to be high risk, sometimes involving alcohol and or drug use, is more likely to take place at night.
- 1.28 Exemptions will apply, allowing young drivers to get to work or education. The international evidence has shown that there are no impacts on the local economy by introducing a night time driving restriction.

Passenger restrictions

- 1.29 The ABI believes there should be passenger restrictions for new drivers under 25, which would be a 6 month period after passing their test when drivers are not allowed to carry passengers under a specified age, except immediate family members. The restriction should not apply if there is a supervising driver present (aged 21 years or older and who has held a full driving licence for three years).
- 1.30 Research has shown that the presence of friends can both distract young drivers and encourage them to drive in a more risky way. A study released in early 2012 highlights the strong association between the number of passengers in cars and the risk of a teenage driver dying in a crash.
- 1.31 The report, ‘Teen Driver Risk in Relation to Age and Number of Passengers,’ was conducted by the American Automobile Association Foundation for Traffic Safety. Relying on crash data from 2007 to 2010, the study’s authors found that the likelihood that a 16 or 17 year-old driver would be killed in a crash increased with each additional passenger in the vehicle. Other international evidence from the United States, Canada, New Zealand and Australia clearly demonstrates that graduated driver licensing schemes are effective public policy interventions in improving the road safety of young drivers. Closer to home, this evidence has not been over-looked. In 2007, the Transport Select Committee urged the UK Government to modernise the driver testing regime by introducing graduated driver licensing in the UK. The Committee cited the international evidence, highlighting the fact that all the countries listed above have lower young driver casualty rates than the UK.
- 1.32 There should be exemptions to this rule, just as there are in the USA, Canada, Australia, New Zealand and in the scheme planned for Northern Ireland. The purpose of exemptions is to enable new young drivers to travel to work or further education.

2 Department of Transport accident data for the seven years from 2000 to 2006

Conclusion

- 1.33 The ABI would welcome the opportunity to work closely with the Department and the Committee for the Environment on the further development of the legislation.

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Right to Ride

Road Traffic (Amendment) Bill - Submission by Right To Ride

Sheila Mawhinney
Assembly Clerk
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doecommittee@niassembly.gov.uk

21st August 2014

Dear Sheila

We would like to thank the Committee for the Environment for the opportunity to submit written evidence regarding the Road Traffic (Amendment) Bill.

Right To Ride Right was established in Northern Ireland in 2009 and is formed around its two protagonists Trevor Baird and Dr Elaine Hardy. Right To Ride has a representative base of over a thousand motorcyclists.

Right To Ride's area of expertise is covered by its main objective which is to carry on activities, in particular (without limitation) to promote awareness and understanding of training, environmental road safety and security issues relating to the use of those vehicles classed in law as motorcycles, scooters, mopeds, motorcycle combinations and tricycles and to research and investigate solutions to these topics.

Trevor Baird has been involved in representing motorcycling issues nationally and at a European level through motorcycle rider organisations and globally through a coalition of international rider organisations at UNECE United Nations Economic Commission for Europe – World Forum for Harmonization of Vehicle Regulations and Working Party on Road Safety.

Elaine Hardy has also been involved in representing motorcycling issues nationally and at a European level through motorcycle rider organisations. Elaine's background is vehicle data analysis and has worked for many years with government agencies especially in the area of vehicle crime research.

As Research Director of Right To Right, Elaine has carried out research projects including an in depth analysis of motorcycle fatalities in Northern Ireland and has presented the findings of her work at major international motorcycle conferences. She is currently working on a similar analysis of pedestrian fatalities in Northern Ireland.

Right To Ride is currently involved in promoting motorcycle safety initiatives in Northern Ireland – Biker NI Safety Card – Ride It Right – First Aid For Riders. In 2009 Right To Ride published "Motorcycling in Northern Ireland – the Rider's Perspective", a document offering the views of motorcyclists as a point of reference for a Motorcycling Strategy in Northern Ireland. Right To Ride is currently a stakeholder on the DOE led Motorcycle Safety Forum and Road Safety Forum.

Right To Ride is willing to be considered to give oral evidence to the Committee.

Right To Ride - Road Traffic (Amendment Bill)

The response by Right To Ride to the Road Traffic (Amendment Bill) concerns itself mainly with the effect that the bill, if introduced in its present form, would have directly on motorcyclists and where we consider necessary, the impact to motorcyclists in relation to other vehicles or their drivers.

DRINK DRIVING “The prescribed limit”

Although we welcome the general lowering of drink drive limits we disagree with the different (lower) prescribed limit of alcohol for drink driving offences for a driver who is classed as a specified person.

e.g. provisional licence holder qualified driver for not more than 2 years holder of a taxi driver’s licence as compared to a higher level for a driver who is not a specified driver.

The message that this is giving out is that legislation accepts that a driver can “hold” their drink above a certain level.

The road safety message regarding drink driving is Just one drink impairs driving any alcohol impairs driving and increases the risk of collision Never ever drink and drive Just one drink is excessive.

Every drink increases your risk of crashing, unless you read the small print in the proposed legislation

There should be one level of a prescribed limit of alcohol for drink driving offences.

Learner and New Drivers

Minimum age for licence: small vehicle

We welcome that the requirements for motorcycle testing regarding age limits and vehicle requirements have been left as required by the recent introduction of the 3rd European Driving Licence regime (January 2013) and CBT (Compulsory Basic Training) February 2012.

We welcome the proposed introduction of a “logbook” to, “record driving lessons, or practice, undertaken by a person in preparation for the practical test, the person’s progress through the relevant approved programme of training and such other information.”

We believe that the relevant approved programme of training using a log book, when formulated should have included particular mention of all vulnerable road users including motorcyclists. This is especially relevant for motorcyclists concerning right of way violations by other vehicles at – Junctions When Turning Right When Emerging On to Main Roads When Overtaking When Changing Lanes for example.

Approved training courses for motor bicycles

As the committee may be aware the motorcycle CBT syllabus contains five elements, grouped into three modules:

- Module 1 Element A Introduction – theoretical training
- Element B Practical training (touch, balance etc)
- Module 2 Element C Practical riding skills
- Element D Pre road ride briefing
- Module 3 Element E Practical on road riding (minimum of 4 hours).

These must be completed to a standard before a learner rider can ride unaccompanied on public roads.

During the CBT, riders receive a log book in which the instructor will record the topics covered and details of the riders knowledge or skills. Once they have reached a satisfactory level in all three modules the instructor will issue the rider with their CBT certificate.

All learner moped and motorcycle riders must complete Compulsory Basic Training (CBT) before they can ride unaccompanied on public roads. Only registered Approved Motorcycle Instructors (AMIs)/CBT trainers are allowed to conduct these training courses.

Therefore a learner rider will have completed a log book of competence before they move onto training to ride a larger motorcycle and to take their test to acquire a full licence.

As the Road Traffic (Amendment) Bill proposal points out, there is a requirement for the completion of a log book during training as younger riders progress through the different motorcycle licence categories.

Progressive access through Category AM Category A1 motorcycle – Category A2 motorcycle Category A motorcycle.

Direct Access depending on age to the different categories.

Direct Access to Category A motorcycle for 24 year old and over.

Through Direct Access each test taken for these categories requires a valid theory test and a CBT.

Through progressive access a rider is not required to retake a CBT to learn if they are progressing through the categories and have passed a test – have a valid licence for the category they are moving up from. However when training for a new licence they must be accompanied by an Approved Motorcycle Instructor (AMI).

Each category that a rider is tested for includes a Practical Test two part test - Module 1 - Off Road - Module 2 - On Road.

Thus to acquire a motorcycle licence for a young rider is rigorous and expensive.

Not Rigorous Enough

Even if the introduction of the bill stands as proposed regarding a “Graduated Driving Licence Scheme” the view in the motorcycling community is that the scheme is still not rigorous enough. This would be especially targeted towards younger drivers who do not face the same restrictions on vehicle size, power, licence categories and time periods between these categories leading to extra testing.

In our opinion the 3rd European Driving Licence as implemented is also repetitive at each stage does not allow for an assessment of any progressed rider skills acquired by young riders between the motorcycle categories when they wish to move to a larger machine.

Any “bad habits” acquired would be corrected by an AMI, if the rider takes further training before taking a test for the category. If a rider does not take training before a test then those “bad habits” will not be picked up or the rider’s skills improved via training or assessment of their skills.

Log Book Options

We are of the opinion that because of the rigours of the training required for riders, the repeated testing, the fact that a rider as a learner has already completed a training syllabus and log book through CBT that they should only be required to complete a log book once during their progression through the test categories.

We have concerns that accompanying the bill and within Road Traffic (Amendment) Bill Explanatory and Financial Memorandum there is no reference to the cost for learners

regarding the application of log books nor is there any explanation of the content of the approved programme of training and operation of the content of the log book other than explaining that:

The log book is a document which is used to recorded any driving lessons, or practice, undertaken by a person in preparation for the practical test, the person's progress through the relevant approved programme of training and such other information as the Department may determine.

That the log book when signed by an appropriate person, is confirmation that the person signing is satisfied that the person preparing for the practical test has successfully completed the relevant approved programme of training.

An appropriate person regarding motorcycles is stated as for category A1 motorcycle, is an approved motorcycle instructor or a qualified driver.

For category A or A2 motorcycle, is an approved motorcycle instructor.

A "qualified driver", in relation to a category A1 motorcycle, is stated as meaning a person who, is 21 years of age or over or holds a full licence to drive a category A1 motorcycle by virtue of having passed a test referred to in Article 19AC(2); and has held the full licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years;

The approved programme is stated as being "the relevant approved programme of training" which means the programme of training prescribed in regulations made under Article 13A(1) for category B motor vehicles or (as the case may be) motor bicycles." Unfortunately our skills do not extend to finding these articles and their content.

We have concerns regarding, not just for motorcycles, that these log books can be "signed" of not by qualified instructors but by "lay people" and family members of learner drivers and riders.

A special concern would be that younger and newer riders in the category A1 motorcycles who need the best training and assessment of their skills in these informative years can have their log book signed off by a qualified driver.

Thus regarding the aspect of the content of the approved programme for the log book, our opinion is that the bill should be delayed until these requirements are made clear.

However the 3rd European Driving Licence as introduced allows that instead of testing between motorcycle categories, riders can complete 7 hours maximum approved training. This could be extended by the trainer (AMI) or reduced depending on the skills of the person being assessed.

This would mean that a log book and system similar to the modules in the CBT could be used to actually assess a riders skills and just not another test which repeats itself through a rider's learner career towards access to a larger bike. A test that tries to fit riders into a one size fits all testing regime.

This could in our opinion, offer greater benefits in improving young riders 'skills and attitudes than simply relying on the validation of standards provided by a practical test of skills between categories.

Training Options

Although the DOE has previously stated that they "will revisit the training option. Any training option will be developed with motorcycle stakeholders to ensure it meets the needs of learner motorcyclists whilst remaining within scope of the Directive."

Our previous recommendation was to deliver a cost beneficial 7 hours structured, relevant and costeffective basic training to give the rider moving between licence categories, the essential skills and knowledge capable of safely operating a motorcycle continuously in normal traffic situations on public roads.

This is certainly the time to reconsider this option before the introduction of the Bill which sees the retention of the convoluted approached to rider testing, especially for young riders through the progressive access route.

Extension of requirements as regards protective headgear

Protective Headgear on Quadricycles.

As outlined above, Right To Ride main objectives do not include quadricycles (quads), although the “types” as outlined in the proposed bill are closely related to motorcycles quads are more than just the steering of these types of vehicles with a set of handlebars.

The bill appears to have a slant towards those quads used in agriculture by farmers, however not all quads are used by farmers and the context in which we give our opinion refers to those quads that would be classed as road legal.

The quads that are used on the road under road traffic law, are either purpose built for use on road or off road – fully type approved or adapted for road use through the Motorcycle Single Vehicle Approval Scheme (MSVA).

As far as we understand agricultural quad bikes used on the road do not need an MOT Quads that are registered and ridden on the road must pass an MOT once they are three years old.

Under Northern Ireland legislation, as quads have four wheels, they must be classified as ‘motor cars,’ therefore a person cannot use a motorcycle driving licence to ride a road legal quad bike.

We know of one lady who uses her quad in the same way as a mobility scooter (with the exclusion of riding on the pavement) because of the area she lives in – suburbia – ring road – major shopping centre - a fully road legal quad enables her freedom to travel. Others we know who ride quads treat these as a four wheeled motorcycle which are fully road legal and can be used off road therefore they will wear the appropriate clothing.

Because these people treat these vehicles as motorcycles they do wear helmets and will also wear protective clothing – jackets – gloves – boots.

This proposed requirement does not address the fact that there is no road traffic requirement that can force farmers to wear helmets while off road, where in our opinion the risk of injury due the nature of the work and the terrain would be more than riding on the road.

We suspect that this risk and injuries either off road or on road to these (farmer) riders’ heads does not appear to be considered.

Equally, simply putting a helmet on a rider’s head does not make them a safer rider which would be more of a concern than the risk to head injuries or any benefits regarding the maximum safety potential.

It would appear that this proposal is possibly a knee jerk reaction and has not been thought through.

Thus we would suggest that before making any decision in relation to quads and helmets, it would be useful to determine where the real risk of injury is more likely – e.g. off road (where this legislation would not be enforceable) or on road.

Therefore regarding the bills proposal to make protective headgear on quadricycles mandatory we do not believe that this requirement for responsible adults is necessary.

Road Traffic (Amendment) Bill Explanatory and Financial Memorandum

One further comment is regarding the Road Traffic (Amendment) Bill Explanatory and Financial Memorandum.

The memorandum states, “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.”

As the committee may be aware that all helmets sold in the UK must either:

- comply with British Standard BS 6658:1985 and carry the BSI Kitemark
- comply with UNECE Regulation 22.05
- comply with any standard accepted by a member of the European Economic Area which offers a level of safety and protection equivalent to BS 6658:1985 and carry a mark equivalent to the BSI Kitemark the cost of a helmet can range from below £50 to well over £500

The DfT (Department for Transport_ in GB operates the SHARP Safety Helmet Assessment and Rating Programme which helps riders make a more informed choice when choosing a helmet.

These helmets, which are available for a price of less than £50 to more than £500, can also vary in quality from the absolute minimum requirements in the standard or to a far superior quality which is over what is the minimum requirement.

Therefore the memorandum appears to have miscalculated the price range of helmets that meets required “safety” standards.

Point 39 in the memorandum states “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.”

This comment appears to be opinion and not based on evidence i.e. that the wearing of helmets on quads might influence some road users away from quads as a personal transport option. It is not clear what it is meant to infer.

In the event, the structure of a quad is the same as a car in terms of its stability. While we accept that the use of the quad off road, may raise concerns if used for sporting or leisure purposes e.g. as some riders of dirt bikes do when riding off road. We also acknowledge that this is an area of concern especially for younger drivers of quads.

However as previously mentioned, the legislation is not applicable off road on private land. Any person driving a quad recklessly on a road would be subject to the same legislation for all vehicle drivers and to highlight a point that perhaps the Committee may wish to consider, drivers of coupes should perhaps be included in the proposal considering that these cars are open and therefore the driver would be vulnerable to head injury.

Conclusion

We would thank the committee for taking the time to read our submission and our final opinions and conclusions are:

- There should be one level of a prescribed limit of alcohol for drink driving offences.

- We believe that the relevant approved programme of training using a log book, when formulated should have included particular mention of all vulnerable road users including motorcyclists. This is especially relevant for motorcyclists as regarding right of way violations by other vehicles at – Junctions - When Turning Right - When Emerging On to Main Roads - When Overtaking - When Changing Lanes for example.
- “Graduated Driving Licence Scheme” the view in the motorcycling community is that the scheme is still not rigorous enough. This would be especially targeted towards younger drivers who do not face the same restrictions on vehicle size, power, licence categories and time periods between these categories leading to extra testing.
- We are of the opinion that because of the rigours of the training required for riders, the repeated testing, the fact that a rider as a learner has already completed a training syllabus and log book through CBT that they should only be required to complete a log book once during their progression through the test categories.
- We have concerns that accompanying the bill and within Road Traffic (Amendment) Bill Explanatory and Financial Memorandum there is no reference to the cost for learners regarding the application of log books nor is there any explanation of the content and operation of the content of the log book.
- We have concerns regarding, not just for motorcycles, that these log books can be “signed” of not by qualified instructors but by “lay people” and family members of learner drivers and riders.
- A special concern would be that younger and newer riders in the category A1 motorcycles, who need the best training and assessment of their skills in these informative years, can have their log book signed off by a qualified driver.
- Thus regarding the aspect of the content of the approved programme for the log book, our opinion is that the bill should be delayed until these requirements are made clear.
- However the 3rd European Driving Licence as introduced allows that instead of testing between motorcycle categories, riders can complete 7 hours maximum approved training. This could be extended by the trainer (AMI) or reduced depending on the skills of the person being assessed.
- This would mean that a log book and system similar to the modules in the CBT could be used to actually assess a riders skills and just not another test which repeats itself through a rider’s learner career towards access to a larger bike. A test that tries to fit riders into a one size fits all testing regime.
- This could in our opinion offer a greater benefits in improving young riders ‘skills and attitudes than simply relying on the validation of standards provided by a practical test of skills between categories.
- Regarding the bills proposal to make protective helmets on quadricycles mandatory we do not believe that this requirement for responsible adults is necessary.

Trevor Baird – Dr Elaine Hardy

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Driving Instructors National Association Council (DINAC)

Road Traffic (Amendment) Bill

DINAC Response

Driving Instructors National Association Council (NI)

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

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

2. Learners and New Drivers.

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

Due to a response given to the hypothetical question referred to above, the DoE latched on to a mandatory 12 months period before a learner can take a test. Once again 2+2 equals 5. The question referred to young learners starting at 16. Our response was **that if this was the case** we would not want anyone taking a test before they were 17. Learners do not rush out en mass on their birthday to get a provisional driving licence. Therefore, a young person applying for a licence could be doing so several months, after their birthday. They could be 16 3/4 or older before applying. Our opinion was that if younger drivers were allowed a licence at 16+ they should be a little more mature before being allowed to take a test ie 17. Somehow the DoE uses this to propose a mandatory 12 month period before taking a driving test. This is totally unworkable, unnecessary, and discriminatory. The proposed legislation is flawed in that it implies that all Provisional Licence Holders are YOUNG persons. WRONG! For many reasons Provisional licence holders can range from 17 to 70. A mandatory 12 months period before a driving test can be taken, falls foul to discrimination laws. A mature pregnant lady cannot wait 12 months before taking a driving test. Irrelevant of age a person seeking employment that needs a driving licence as part of the job requirements cannot wait 12 months. An elderly person who has lost their driving partner cannot wait 12 months whilst a perfectly good car sits at the front door. Irrelevant of age a person wishing to emigrate or move home cannot wait 12 months. We have no objection to a mandatory number of hours, actual driving lessons. These objections and proposal have been put to the previous

Environment Minister but obviously fell on deaf ears. The proposed 12 months wait, should have never seen the light of day. To complicate matters even further a reference to General Exemption Powers is referred to in the proposed legislation. This is like a get out of jail card. **There would be no necessity for this complication if legislation was kept simple, workable and beneficial to road safety.**

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

We are extremely concerned that a proposed log book system to chart the learners training be introduced. Whilst we commend the thinking behind this we would not be happy with untrained parents, relatives or friends being allowed to sign off driver training. There is more chance of being injured in a traffic collision than being shot or being injured by industrial machinery, yet untrained persons do not train the public how to shoot or operate machinery. We are extremely concerned that such a log book system would see unscrupulous Driving Schools/Instructors operating illegally by signing off log books when the pupil has not completed the necessary lessons. This has been and still is a problem with the DoE CBT log book issued for learner motorcyclist. Unfortunately the DoE continue to refuse to acknowledge that such illegal practices exist. Such actions have put out of business Motorcycle Instructors providing legal CBT courses. We fear that the same will happen to legal Driving Instructors competing against Driving Schools/Instructors operating illegally and taking “short cuts”.

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

3. Proposed On Road Quad Helmet Legislation.

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

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

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

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

Tom Burns

Chairman DINAC

Mid Ulster Association

RTA Bill Response

1. Agree with lower alcohol limits but question higher limits for unprofessional drivers?
2. Disagree with age reduction for learners to age 16½.
3. Agree with remaining at age 17.
4. Agree with removal of 45mph speed limit for learners/new drivers.
5. Agree with **mandatory** motorway lessons.
6. Agree with minimum number of hours, **professional tuition**, not with family, friends etc.
7. Disagree with 12 months wait period for learners, young or old.
8. Disagree with limitations on passenger numbers etc from a practical and policing standpoint. Do not disagree with possible safety benefits.
9. Question the worth and practicality of displaying a “new driver” plate for 2 years?
10. Agree with mandatory helmet wearing for on road quad bike riders.

We feel more should be done to educate and train drivers with less legislation needed. This should start in Primary Schools/Secondary Schools with ADIs, DoE and PSNI working together.

Driving Instructors Association Northern Ireland (DIANI)

RTA Bill Response

1. Agree with lower alcohol limits but question higher limits for unprofessional drivers? **A universal lower limit makes more sense.**
2. Disagree with age reduction for learners to age 16 ½, no good reason for this. No proven road safety benefit.
3. Agree with remaining at age 17, keeps things simple and maintains parity with GB.
4. Agree with removal of 45mph speed limit for learners/new drivers.
5. Agree with **mandatory** motorway lessons with an ADI in a dual control car.
6. Agree with minimum number of hours, **professional tuition**, not with family, friends etc. Proposed log book causes us grave concerns, legitimate entries, experience, safety and qualifications of trainer etc?
7. Disagree with 12 months wait period for learners, young or old. Not sensible or beneficial and counterproductive to road safety.
8. Disagree with limitations on passenger numbers etc from a practical and policing standpoint. **Do not disagree with possible safety benefits but generally unenforceable.**
9. Question the worth and practicality of displaying a “new driver” plate for 2 years? It is difficult enough to enforce the current one year R plate.
10. Agree with mandatory legal motorcycle helmet wearing for on road quad bike riders. Question that more vulnerable trike riders are not included in this Bill.

We believe a more proactive approach is needed to road safety not the reactive legislation proposed. More laws do not stop people killing themselves or harming others. Better trained drivers and riders with tougher testing is part of the answer. But about 75% of KSIs involve “experienced” drivers/riders so these too need targeted with better education and additional training. Speed awareness courses seem to improve driver behaviour but why wait until the horse has bolted before closing the stable door?

South Eastern Health and Social Care Trust



South Eastern Health
and Social Care Trust

Northern Ireland Assembly
Room 247
Parliament Buildings
Ballymiscaw
Stormont
BELFAST BT4 3XX

21 August 2014

Dear Sir/Madam

Road Traffic (Amendment) Bill

The Trust welcomes the opportunity to respond to the above consultation.

The Trust has considered the consultation document and has no further comments.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Elaine Campbell'.

Elaine Campbell

Corporate Planning & Consultation Manager

South Eastern Health and Social Care Trust, Strategic & Capital Development Department,
Kelly House, Upper Newtownards Road, Dundonald, Belfast BT16 1RH, Tel: 028 9055 0434

Police Service of Northern Ireland (PSNI)

On behalf of the Police service of Northern Ireland, thank you for the opportunity to respond to the measures outlined in the Road Traffic (Amendment) Bill. As requested I have listed our comments against each of the specific clauses for ease of reference.

Clauses 1& 2 - no comment necessary.

Clause 3 - PSNI support the proposed reduction in Blood Alcohol levels in pursuance of the road safety agenda and in line with the NI Road Safety Strategy. Analysis of the projected additional numbers of drivers likely to be caught under the reduced levels does not give us undue cause for concern. In addition, the effect of random breath testing coupled with a significant media strategy will act as a significant deterrent.

Clauses 4 & 5 - PSNI are strongly in support of this measure, if for no other reason than the strong public message it portrays. The current law provides adequate grounds for police to stop anyone under the influence of alcohol, however it is not easily explained in layman's terms, so the unequivocal simple message of this provision is welcomed. In addition, the experience of AGS in Ireland has shown the effect of the authorised check-points off-set the potential increase in drivers failing breath tests by sending out a strong message in advance of the introduction of the lowered BAC.

Clause 6 - Again PSNI strongly support this measure. It allows police in possession of an Evidential Breath Test (EBT) device at the roadside to require a driver to provide a specimen without having to first perform a screening test. PSNI already have the power to conduct roadside EBTs, it has been the absence of a suitable device that has prevented us from doing so. Positive benefits include reduction in time spent in Custody Suites with arrested drivers. Instead we can deal with a compliant driver entirely at the roadside, thereby increasing our visible presence and acting as a significant deterrent to other drivers.

Clauses 7-11 - PSNI accept that a reduced BAC needs to attract a lesser punishment than the current 1 year minimum period of disqualification. The mechanism by which DOE seek to introduce the lesser punishment appears unwieldy and does cause us some concern in respect of the processes that will need to be implemented to deal with the non-compliant driver. Furthermore the potential for loophole lawyers to seek process errors to acquit their clients is a real risk. The costs to develop software to administer this system are not factored in, nor is there a blueprint in existence elsewhere in the UK. It would be the police preference to introduce a shorter term of disqualification, though we accept this would probably not facilitate the wider use of drink drive offender education as proposed within these measures.

Clause 12 - the adoption of the proposed disqualification periods to apply relative to the alcohol level detected, is welcomed and appears to let the punishment fit the crime.

Clause 13 - Appears appropriate, no further comment required.

Clause 14 - Police welcome the change of emphasis to refer all offenders for attendance at the CDDO, unless the court deems it inappropriate. This should expose more offenders to education and the associated benefits in respect of improved recidivism rates. It will also address the lower referral levels from some courts thereby creating a more equitable system.

Clause 15 - No comment necessary.

Clauses 16 & 17 - A reduction in the age at which a young person may learn to drive can be viewed as "balancing the scales" given the introduction of a minimum learning period which is probably not welcomed by most young provisional licence holders. Collision statistics do not reveal any pattern of learner driver collisions that would give rise to any undue concern that such a reduction in the minimum learning age would cause an increased risk to road safety standards. The introduction of a minimum learning period will better equip learner

drivers with the requisite motor and hazard perception skills required post test to be a safer driver.

Clauses 18 & 19 - The maintenance of a log book, whilst primarily an issue for the DVA, would seem to be a sensible suggestion, which if properly used will evidence the experience of the applicant. The penalty associated with forgery of the log book would appear to be sufficiently punitive to discourage such behaviour. It will be dependant however on the ability of the department to detect the forgery or fraud, just how effective it will be.

Clause 20 - The police are supportive in principle of the passenger restrictions and we recognise that most drivers are law-abiding, however this clause does give us concern about the practical implications of enforcing this restriction, namely:

- will all 14-20 year olds have photographic ID to prove identity?
- how can we ensure that a passenger who's asked to produce ID is the same person who appears at a police station?
- how to ascertain step-relationships when surnames are different?
- it will be vital to educate parents /guardians to self-enforce this provision.

However we are pleased to see a proposal to abolish the restricted speed provision whilst retaining a distinguishing mark to alert other roadusers and enforcement agencies that a new driver is behind the wheel. Extension of the probationary period to 2 years mirrors the application of the New Drivers Order and should aid understanding.

Clause 21 - PSNI has been offering the option of an education course as an alternative to a fixed penalty for some time, consequently this clause further extends this principle and we are fully supportive.

Clause 22 - From a road safety perspective we are entirely supportive of any move that increases the number of otherwise un-protected roadusers, to wear helmets. We accept this may cause some concern amongst certain groups of trike or quad bike users, but on balance we feel the community is better protected with this legislation in place.

I trust these comments are helpful.

Rosie

Rosemary Leech

Inspector

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Road Policing Development
Sprucefield, Lisburn BT27

Alert Driver Education



Alert Driver Education

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20th August 2014

For the attention of the Committee Clerk

Dear Sir/Madam,

Road Traffic (Amendment) Bill

I am responding on behalf of ADE Training & Consultancy Limited to the Committees call for a written call for evidence in order to assist it with the scrutiny of the Bill.

ADE Training & Consultancy are a Northern Ireland based company working in the road safety industry providing education through courses (Speed awareness, Driver CPC), driving tuition at all levels from learner to advanced, including blue light vehicle driving.

This letter will present our views on certain aspects of the above-defined proposed legislation.

1. In relation to Part II, ADE Training & Consultancy agree with the proposals in this section, as a reduction in the limits will make the road safer.

In relation to Part III, ADE Training & Consultancy agrees with the proposal in principle with the comments listed below.

In relation to Part IV, ADE Training & Consultancy agree with the proposals in this section

In relation to Part V, ADE Training & Consultancy agree with the proposals in this section

2. ADE Training & Consultancy comments on Part III

- a. Article 16 - Minimum age for licence: small vehicle:

Reducing the age from the present figure we feel is not acceptable, as we will be putting a greater responsibility on very young inexperienced shoulders. We are treating them as adults while other legislation treats them as juvenile and requires a responsible person to be present when interviewing them for an offence, yet we will be introducing them to a system where most offences are dealt with by the way of a fixed penalty notice. We are potentially putting them in a lethal weapon without experience of life.

- b. Article 17 - Provisional licence to be held for minimum period in certain cases:

At line 17, it mentions holding a provisional licence for a period of 12 months before taking the practical test. Does this mean exactly that, or must the holder take lessons or supervised driving throughout that period? At present, a large number of drivers

take fast track or intensive courses to pass the test. What will happen if a driver receives their licence at 16 ½ but does not drive for 50 weeks then completes a fast track course to pass their test? This means the driver will not have gained the necessary experience as the spirit of the legislation implies.

- c. Article 18 & 19 - "Tests of competence to drive: training before taking: A log book in principle is an excellent idea and could be used in a positive manner but could also be abused by a number of people. Fraudulent entries would be the biggest problem but the positives may out weigh this. If an approved driving instructor was to sign the log they could include what was taught on that lesson. It would be possible to make sure that a new licence was taking lessons over the year they have held their licence before test rather than take an intensive course which does not necessarily give experience. The final point would be who is going to be responsible to check the logbook for fraudulent entries and investigate these or allegations.

- 3. I am prepared to give oral testimony to your Committee, if it would be helpful.

Regards

Philip Robb



Northern Ireland
Assembly

Appendix 4

List of Witnesses

List of Witnesses

Mr Iain Greenway	Department of the Environment
Mr Desi McDonnell	Department of the Environment
Ms Nicola McEvoy	Department of the Environment
Mr John McMullan	Department of the Environment
Mr Donald Starritt	Department of the Environment
Mr Tom Burns	Driving Instructors National Association Council
Inspector Rosie Leech	Police Service of Northern Ireland
Superintendent Gerry Murray	Police Service of Northern Ireland
Mr Eddie Phair	TTC 2000
Ms Jenny Wynn	TTC 2000
Mr Barclay Bell	Ulster Farmers' Union
Mr David McConaghy	Ulster Farmers' Union
Mr Bailie Thompson	Ulster Farmers' Union
Mr Michael Reid	Young Farmers' Clubs of Ulster



Northern Ireland
Assembly

Appendix 5

Research papers requested by the Committee



Northern Ireland
Assembly

Research and Information Service Bill Paper

13 June 2014

Suzie Cave and Des McKibbin

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.

Research and Information Service briefings are compiled for the benefit of MLAs and their support staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. We do, however, welcome written evidence that relates to our papers and this should be sent to the Research and Information Service, Northern Ireland Assembly, Room 139, Parliament Buildings, Belfast BT4 3XX or e-mailed to RLS@niassembly.gov.uk

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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Key Points

1 Introduction

2 Drink Driving

- 2.1 Background
- 2.2 The role of alcohol in road traffic collisions
- 2.3 Overview of Part 2
- 2.4 Reduction to BAC levels
- 2.5 Enforcement powers
- 2.6 Penalties for drink driving offences
- 2.7 Greater use of rehabilitation courses

3 Learner and New Drivers

- 3.1 Background
- 3.2 Subordinate legislation
- 3.3 New introductions
- 3.4 Impact on young people
- 3.5 Mapping the impacts
- 3.6 Impact on insurance
- 3.7 Enforcement

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:

- 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'):

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 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

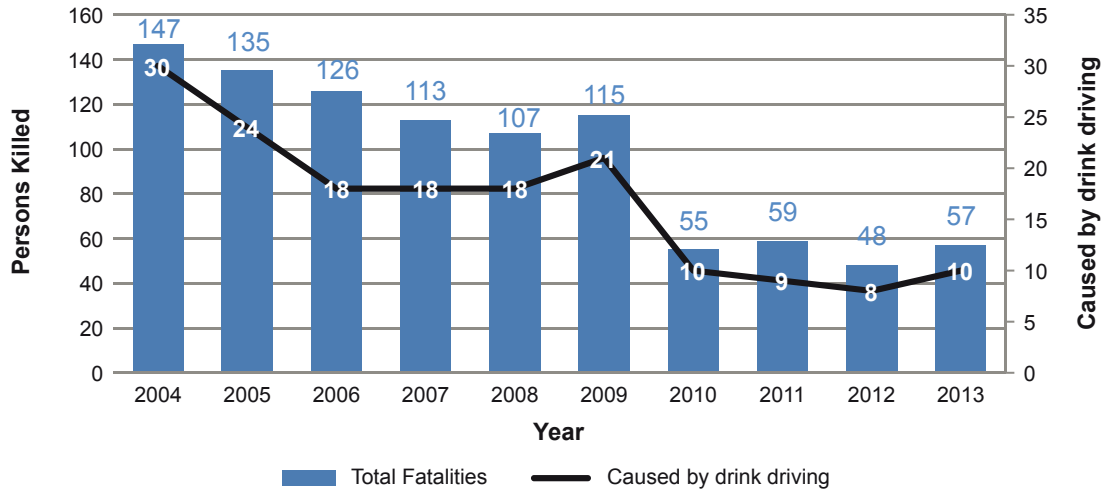
Driving while impaired by alcohol or drugs is among the main causes of death and serious injury (KSI) resulting from road traffic collisions (RTC), along with speeding and careless driving (see Table 1)³ (It should be noted that PSNI statistics do not differentiate between alcohol and drug related impairment).

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

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 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 millilitres 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.

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

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>

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>

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 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

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- 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>
- 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>
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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 **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

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>

¹⁸ Ibid.

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 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/100ml; 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 100mg/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;

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>

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
Denmark	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	yes	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)

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 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

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>

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.

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



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)

32 Ibid.

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

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 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.

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.

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

- 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 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.

The Bill aims to do this by:

- Lowering the age for obtaining a provisional from 17 to 16½;
- Requirement of a logbook detailing completion of a training syllabus;
- Removing the 45 mph speed restriction on L and R drivers/riders;

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)

- 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.

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.

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

42 See Annex C of the consultation document.

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

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

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)

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 16½ years. The Department explained in its reasoning for this in 2012⁴⁷ that someone applying for a provisional at 16½ 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 17½ 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 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

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

48 N 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>

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.rospace.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

(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.

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.

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)

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>

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.

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. 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

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

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

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 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.

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

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

3.4.4 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.

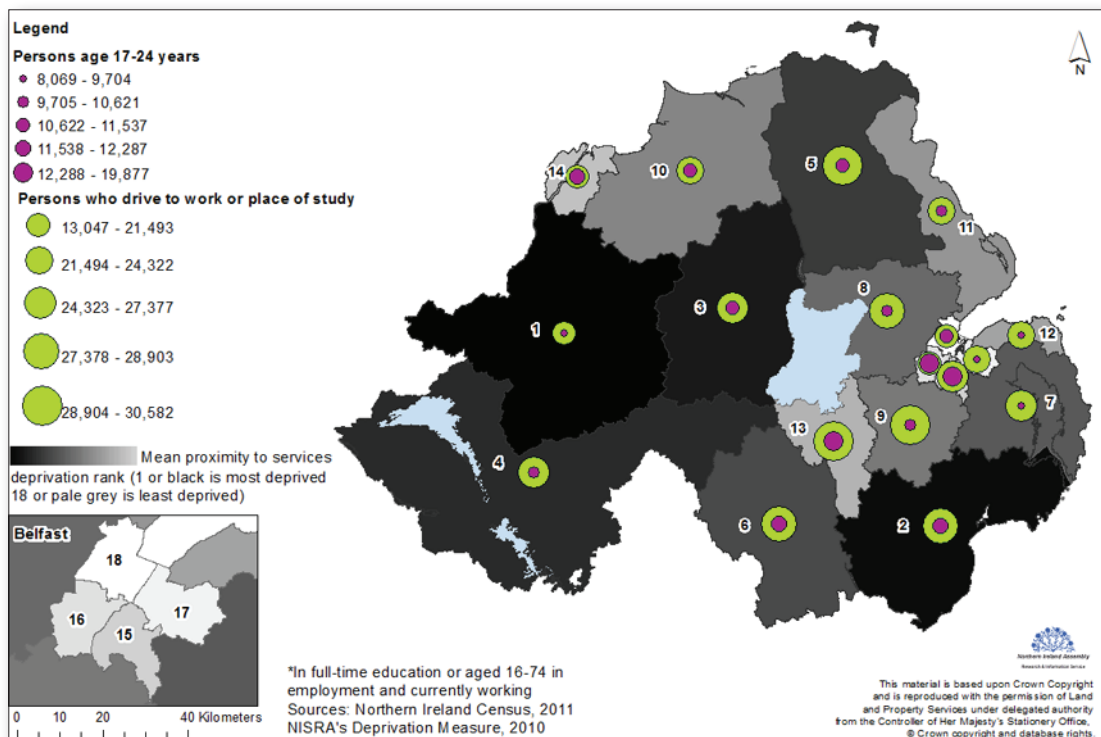
3.5 Mapping the impacts

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: Persons aged 17-24 years and persons who drive to work or place of study by Assembly Area, 2011



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 areas.⁶⁹

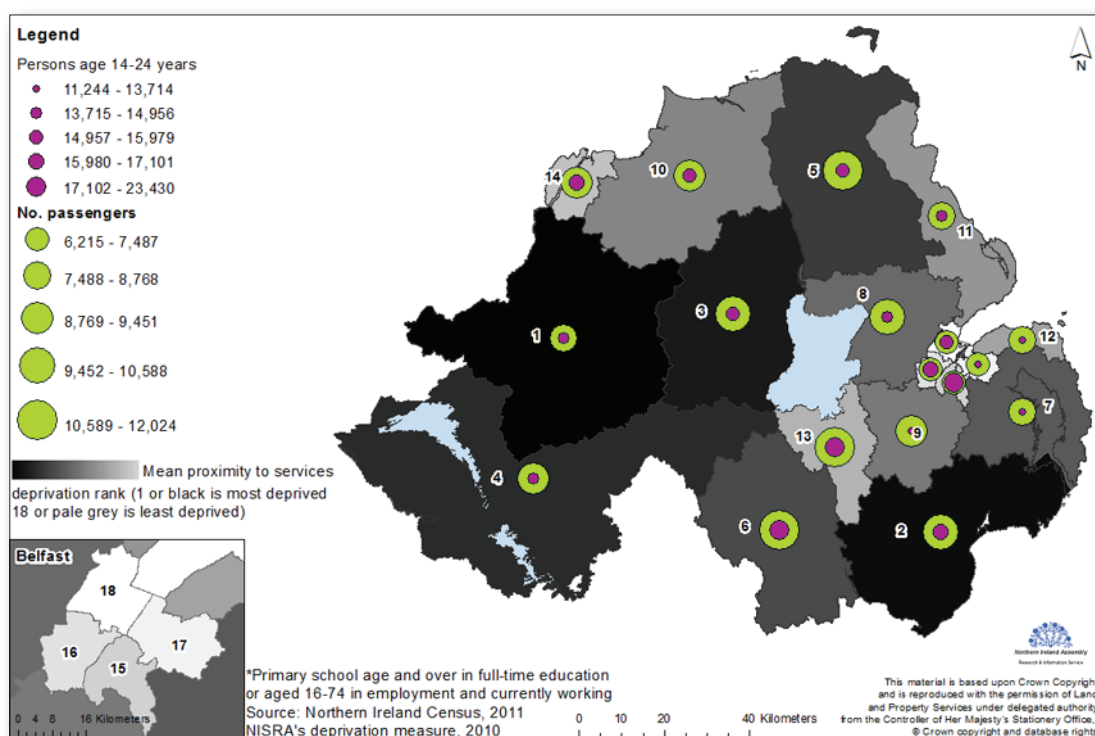
Some of the areas that have potential to be most impacted in terms of having the highest numbers of all or some of the variables are:

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.

Map 2: Persons aged 14-24 years and persons who are driven in a car or van as a passenger to work or place of study by Assembly Area, 2011



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'



Northern Ireland
Assembly

Research and Information Service Research Paper

14 January 2015

Barbara Love

Young People's Views on Planned Changes to Driving Licensing Laws in Northern Ireland

NIA 688-14

This paper presents the findings of research into young people's views on planned changes to driving licensing laws in Northern Ireland. The research was conducted by the Northern Ireland Assembly's Research and Information Service (RaISe) in November 2014. It was carried out on behalf of the Environment Committee in support of its scrutiny of proposed changes to the Road Traffic Bill.

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Key Points

Views on current proposals

The majority of young people, youth organisations and all respondents (including those aged over 24 and those who did not specify their age) who participated in the online survey were in support of most of the proposed changes to driving licensing laws examined with the exception of the following:

- The proposal that young people would have their provisional licence for at least a year before they could sit their first practical test;
- The proposal that young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year (although a higher proportion of youth organisations were in favour of this compared with those that were against it); and,
- The proposal that, in the first 6 months, new drivers aged 24 and under would not be allowed to carry non-family passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat.

Student logbook

With regards to the suggested student logbook, the majority of young people who participated in the online survey indicated that the driving experience should be with both an approved driving instructor and qualified driver. The majority of young people felt that this experience should be based on the number of hours driving experience rather than the number of lessons.

Issues of concern

Of the areas where levels of concern were asked in the survey, young people and youth organisations said they were most concerned about the cost of getting a licence and restrictions on carrying passengers aged 14 to 20 years.

Suggestions that were rejected by the Minister

The majority of young people and youth organisations who participated in the online survey said they think that the suggestion to make learners and new drivers have training in what to do if the car goes into a skid should have been kept in.

Executive Summary

About the research

This paper presents the findings of research into young people's views on planned changes to driving licensing laws in Northern Ireland. The research was conducted by the Northern Ireland Assembly's Research and Information Service (RaISe) in November 2014. It was carried out on behalf of the Environment Committee in support of its scrutiny of proposed changes to the Road Traffic Bill.

Methodology

The research consisted of two elements:

- An online survey which was administered to all schools in Northern Ireland and to youth organisations on the Northern Ireland Assembly Education Service database; and,
- Focus groups with two schools participating in the Education Service inward visit programme.

The online survey, which was primarily aimed at, but not limited to, young people aged 13 - 24 years and to youth organisations, went live on 3 November 2014.

In total, 582 responses were received to the online survey. Of those who provided information on their age, 95.7% of responses were from young people aged 24 and under (n = 444) while 4.3% were from people aged 25-62 years (n = 20). Responses were received from 37 youth organisations and the remaining responses were from those who did not specify if they were an individual or completing the survey on behalf of an organisation. As the sample of the sample of young people who participated in the research is relatively small, caution should be exercised if making generalisations to all young people.

Provisional driving licences

The majority of young people aged 24 and under (67.7%) who participated in the online survey said they think it is a **good idea** that young people would be able to get a provisional licence at age 16 and a half instead of 17. Just under three quarters of youth organisations (73.5%) and two thirds of all respondents (66.0%) said they think this is a good idea. Young people said they think this is a good idea as it will give them an opportunity to learn at an earlier age and it will give them more responsibility and freedom. Youth organisations said they are in favour of this as it will make it easier for young people to participate in education, youth groups and social events.

Just over half of young people (51.2%) and youth organisations (51.5%) said they think it is a **bad idea** that young people would have their provisional licence for at least a year before they could sit their first practical test. In total, 49.2% of all respondents (the largest proportion within this group) said they think it is a bad idea. Some young people felt that a year is too long to wait and were concerned about the cost implications of this proposal e.g. by having to take extra lessons. Some participants suggested that this would particularly impact on those living in rural areas and young people in care. Youth organisations said that the proposal may create difficulties for some young people in accessing education, training and employment. Those who were in favour of this proposal felt that it would allow young people time to gain more experience and that this might improve safety.

Driving lessons and tests

The majority of young people aged 24 and under (70.7%), youth organisations (84.8%) and all respondents (71.5%) who participated in the online survey said they think that it is a **good idea** that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the

motorway). Youth organisations were particularly in favour of this. It was seen as important to allow learners to build up this experience of driving with the assistance of an instructor before having to drive on motorways themselves after they pass their test. Those who were against the proposal were concerned that the motorway is not a suitable environment for learner drivers, particularly due to the speeds of other drivers on these roads.

The majority of young people (61.4%), youth organisations (61.8%) and all respondents (61.2%) said they think it is a **good idea** that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph. Participants were in favour of this because it allows the build up of knowledge and experience of driving up to the speed limits before they go out on their own, and to reduce the impact of driving at lower speeds on other road users. Those who were against this proposal were worried that this might lead to more accidents, as learners would not be able to control the car at higher speeds. They were also concerned that this might encourage speeding.

The majority of young people (83.5%) and nearly all youth organisations (97.0%) said they think it is a **good idea** that the driving test would include driving on a wider range of roads and in different conditions. Overall, 84.5% of all respondents were in favour of this. This was seen as important to prepare drivers for driving after they pass their test and for safety reasons. Some concerns were raised about the impact this might have on young people in terms of increased cost, how this would work in practice as it might be stressful.

A higher proportion of young people (42.8%) said they think it is a **good idea** that young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience when compared with those who said they think it is a bad idea (37.5%). Conversely, a higher proportion of youth organisations (42.4%) said they think it is a **bad idea** that young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience when compared with those who said they think it is a good idea (33.3%). In total, 43.7% of all respondents think this is a good idea. Young people think it is a good idea because it acts as a record and allows learners to see how they are improving. Some concerns were raised about the amount of work the logbook might involve when young people are already busy with their school work.

After passing the driving test

The majority of young people who participated in the online survey (52.4%) said they think that it is a **bad idea** that young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year. A higher proportion of youth organisations (46.4%) said they think it is a **good idea** that young people would have to display N plates when compared with those who said they think it is a bad idea (35.7%). In total, 48.4% of all respondents said they think this is a bad idea (the highest proportion within this group). The main reasons young people said they think this proposal is a bad idea are because of the length of time proposed (too long) and the negative impact any associated restrictions might have on young people. Some young people thought that the letter N was a better letter to use than R as it is easier to understand.

The majority of young people (67.7%), youth organisations (60.7%) and all respondents (65.0%) said they think that it is a **bad idea** that in the first 6 months, new drivers aged 24 and under would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat except for family members. Young people said they think this is a bad idea for a range of reasons but mainly because they limit the independence of young people and particularly those living in rural areas. Other reasons cited were because it would be difficult to enforce; the cost implications; it is perceived as unfair; and because of the negative impact of the proposals on the environment.

The majority of young people (74.6%), youth organisations (71.4%) and all respondents (71.8%) said they think that it is a **good idea** that for a period of two years, young people would have a lower drink drive limit than experienced drivers. The main reasons young people said

they think that it is a good idea that, for a period of two years, young people would have a lower drink drive limit than experienced drivers are for safety reasons; because young people are less experienced; and because young people have a lower tolerance of alcohol. One in six of young people who participated in the survey said they think this is a bad idea (16.5%), although this is mainly because they said they think that all drivers should have a lower or zero drink drive limit.

The majority of young people (78.9%), youth organisations (82.8%) and all respondents (78.3%) said they think that it is **good idea** that young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points. Participants were in favour of this because young drivers are still learning and to teach them a lesson without them losing their licence. Those who were against the proposal felt it is too lenient and would be difficult to enforce.

Views on student logbook experience

The majority of young people who participated in the online survey (63.9%) indicated that the driving experience should be with both an approved driving instructor and qualified driver. Just over a quarter (27.4%) indicated that it should be with an approved driving instructor only. Less than one in ten young people (8.7%) thought it should be with a qualified driver only. The main reason young people said they think the driving experience should be with both an approved driving instructor and a qualified driver is because of the cost of approved driving instruction.

Young people were asked if the required driving experience should be based on the number of lessons or the number of hours. The majority of young people (72.9%) felt that this experience should be based on the number of hours driving experience in order to build up experience and because it's fairer.

Levels of concern with planned driving licensing law changes

The majority of young people and youth organisations that participated in the online survey were either extremely concerned or quite concerned about the cost of getting a licence e.g. lessons and testing; the increased length of time it will take to get a licence; the fact that there will be more elements to the test; having to complete a student logbook; tighter restrictions on new drivers; and, not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised. Young people and youth organisations were most concerned about the cost of getting a licence and restrictions on carrying passengers aged 14 to 20 years. Young people were least concerned about having to complete a student logbook. Youth organisations were least concerned with the fact that there will be more elements to the test, and the need for young people to complete a student logbook.

Views on suggestions that were rejected

The majority of young people (79.8%), youth organisations (88.5%) and all respondents (79.0%) who participated in the online survey said they think that the suggestions to make learners and new drivers have training in what to do if the car goes into a skid should have been kept in. The majority of youth organisations (55.6%) also felt that the proposal of an offence free period before restrictions are removed should have been kept in.

Ideas and suggestions

Respondents to the survey came up with a wide range of ideas and suggestions regarding these proposals and road safety more generally. In addition to ideas about the proposals, suggestions were also made regarding speed and speeding; drink driving; driver awareness and behaviour; policing and penalties; roads and signage; other road users (such as older drivers and cyclists) and public transport.

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Annex A

Annex B

1 About this research paper

This paper presents the findings of research into young people's views on planned changes to driving licensing laws in Northern Ireland. The research was conducted by the Northern Ireland Assembly's Research and Information Service (RaISe) in November 2014. It was carried out on behalf of the Environment Committee in support of its scrutiny of proposed changes to the Road Traffic Bill.

The research comprised of an online survey (which was administered to all schools in Northern Ireland and to youth organisations on the Northern Ireland Assembly's Education Service database) and focus groups with two schools participating in the Education Service inward visit programme. The paper is structured as follows.

Views on the proposed changes to driving licensing laws in Northern Ireland are presented in Sections 3-5.

- Section 3 of this report presents the views of young people, youth organisations and 'others'¹ on proposals around provisional driving licences;
- Section 4 examines views on proposals around driving lessons and tests; and
- Section 5 presents views on proposals around changes for new young drivers after they pass their driving test.

Section 6 looks at two aspects of the proposed student logbook experience. These are who the driving experience should be with and whether this experience should be based on the number of lessons or the number of hours.

Section 7 explores levels of concern with a number of aspects of planned driving licensing law changes. Particularly, it looks at the cost of and time taken to get a licence, additional requirements that are proposed, and proposed restrictions on new drivers.

Section 8 presents views on suggestions that were rejected by the Minister. These were in relation to skid training, the type of car learners and new drivers are allowed, night driving, and an offence free period before restrictions are removed.

Sections 9 and 10 outlines ideas and comments put forward by participants about how the proposals could be improved.

The feedback given provides a rich source of data on the planned changes to driving licensing laws in Northern Ireland - thanks to the schools, youth organisations, others and, particularly, young people who participated in this research.

1 While the research was primarily aimed at young people aged 13 - 24 years and youth organisations, it was not limited to these groups. Feedback from 'others' (i.e. those aged over 24 years and those who did not specify if they were a young person or a representative of a youth organisation) was also received and has been included in this report.

2 Methodology

The research consisted of two elements:

- An online survey which was administered to all schools in Northern Ireland and to youth organisations on the Northern Ireland Assembly Education Service database; and,
- Focus groups with two schools participating in the Education Service inward visit programme.

The online survey, which was primarily aimed at, but not limited to, young people aged 13 - 24 years and to youth organisations went live on 03 November 2014. A copy of the questionnaire can be found at Annex A.

The Assembly Education Service contacted all schools and youth organisations to inform them about the research. A link to the survey was included in the correspondence. Details of the research were posted on the Assembly Education Service website and a tweet was issued to promote the research. The initial deadline was 24 November 2014. This was then extended to 28 November 2014 to boost participation. The Assembly Education Service also promoted the research to schools participating in the inward visit programme.

In total, 582 responses were received to the online survey. Of those who provided information on their age, 95.7% of responses were from young people aged 24 and under (n = 444) while 4.3% were from people aged 25-62 years (n = 20). In terms of youth organisations, responses were received from 37 representatives of the Boys Brigade NI and a number of branches of the Boys Brigade, Belfast Youth Forum, Newtownabbey Educational Guidance Centre, Northern Ireland Youth Congress, Northern Ireland Youth Forum, Start360, WIMPS and Youth Action. The remaining 81 responses were from schools and from those who did not specify if they were an individual or completing the survey on behalf of an organisation. As the sample of the sample of young people who participated in the research is relatively small, caution should be exercised if making generalisations to the population of young people.

A more detailed breakdown on the profile of respondents can be found at Annex B.

A number of schools were also invited to participate in focus groups during their visit to the Assembly. Two schools agreed to participate in these focus groups.

3 Provisional Driving Licences

Participants were asked their views on two proposals regarding provisional driving licences. These were that:

- Young people would be able to get a provisional licence at age 16 and a half instead of 17; and,
- Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half.

Tables 1 and 2 summarise the views of young people aged 24 and under and of youth organisations who participated in the online survey of these two proposals.

Table 1: View of young people aged 24 and under on proposals regarding provisional driving licences

	Good idea	Bad idea	Don't know
Young people would be able to get a provisional licence at age 16 and a half instead of 17	67.7%	23.1%	9.1%
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	36.6%	51.2%	12.3%

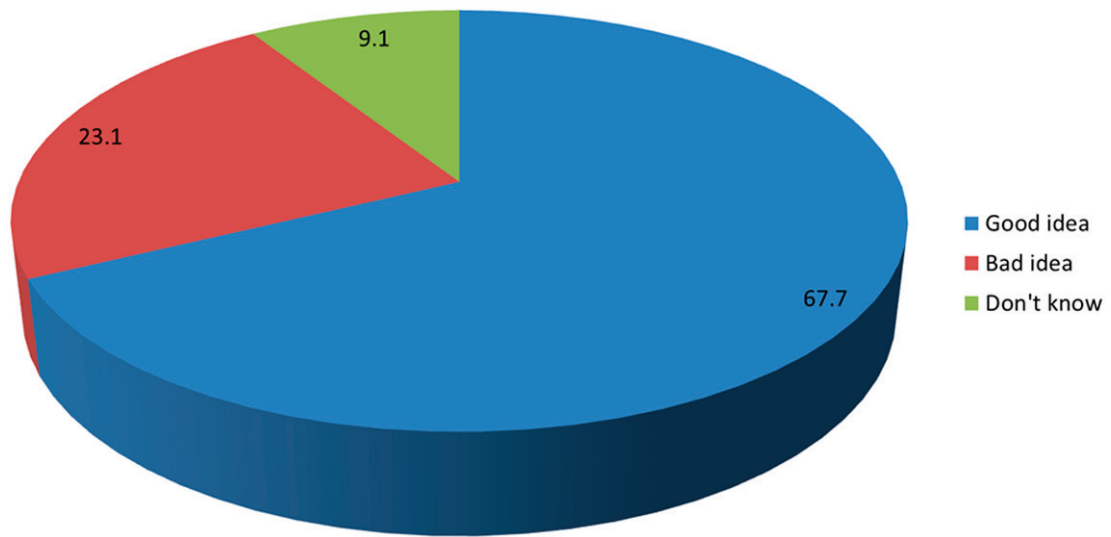
Table 2: View of youth organisations on proposals regarding provisional driving licences

	Good idea	Bad idea	Don't know
Young people would be able to get a provisional licence at age 16 and a half instead of 17	73.5	26.5	-
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	39.4	51.5	9.1

3.1 Views on proposal that young people would be able to get a provisional licence at age 16 and a half instead of 17

The majority of young people aged 24 and under who participated in the online survey (67.7%) said they think it is a **good idea** that young people would be able to get a provisional licence at age 16 and a half instead of 17. Just under quarter (23.1%) think this is a bad idea. Less than one in ten young people (9.1%) said that they don't know.

Fig. 1: Young peoples views on the proposal that young people would be able to get a provisional licence at age 16 and a half instead of 17 (%)



When the data was analysed further, it was found that:

- Young people who do not have a full driving licence (72.4%) were more likely to say they think this is a good idea (see Figure 2);
- A higher proportion of young people aged under 17 years (72.0%) said they think this is a good idea compared with 17-24 year olds (59.0%);
- A higher proportion of males (73.4%) than females (60.9%) said they think this is a good idea;
- A higher proportion of people living in urban areas (68.0%) said they think this is a good idea when compared with those living in rural areas (60.4%) (see Figure 3);
- Youth organisations (73.5%) were more likely to say they said they think that this is a good idea when compared with young people (see Figure 4); and,
- In total, 66.0% of all respondents, including those aged over 24 and those who did not specify their age, said they think this is a good idea.

Fig. 2: Views on proposal that young people would be able to get a provisional licence at age 16 and a half instead of 17

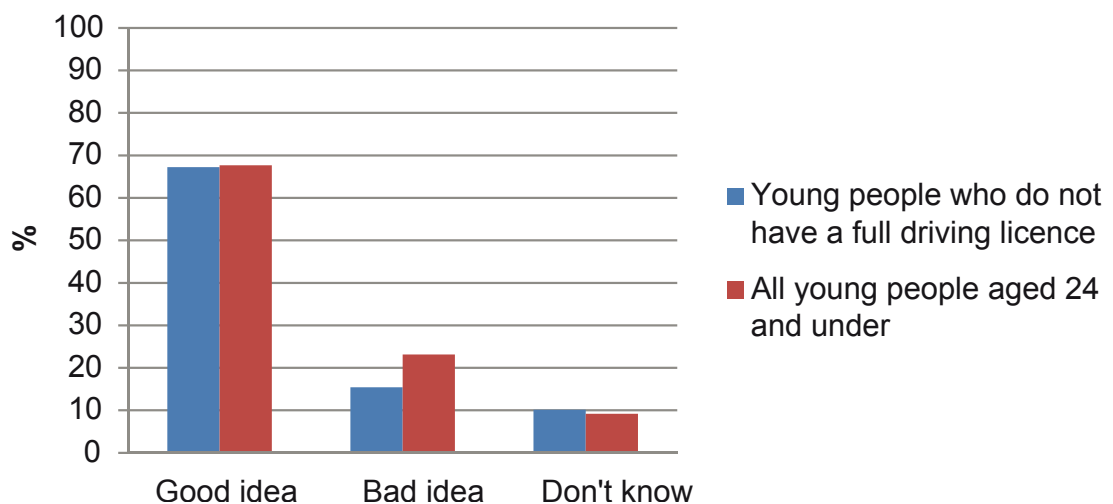


Fig. 3: Views on proposal that young people would be able to get a provisional licence at age 16 and a half instead of 17

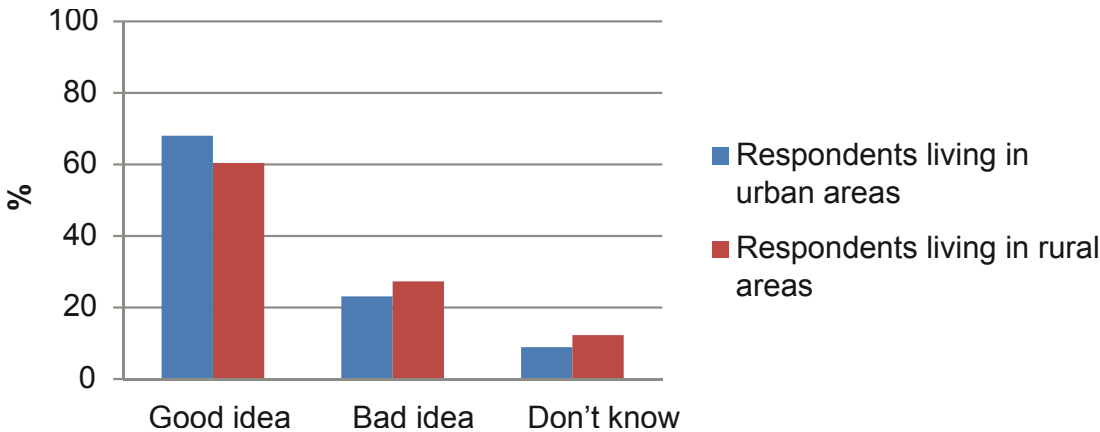
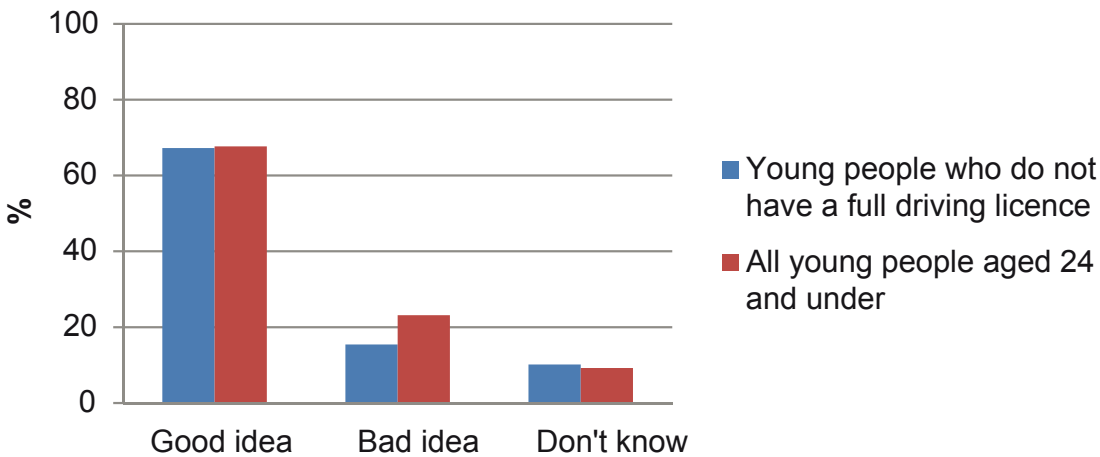


Fig. 4: Views on proposal that young people would be able to get a provisional licence at age 16 and a half instead of 17



3.1a Reasons young people think this is a good idea

The main reason young people said they think it is a good idea that young people would be able to get a provisional licence at age 16 and a half instead of 17 is because it gives them the opportunity to learn to drive at an earlier age:

"I think getting your licence at 16 is a good idea because if you feel like you are mature enough to drive you have the opportunity to learn."

Others reasons given were that it would give young people more freedom and responsibility:

"If you got your licence at 16, it would give young people more freedom."

"It is a good idea to get it at 16 and a half because it gives you more responsibility."

3.1b Reasons youth organisations think this is a good idea

Youth organisations said they think this is a good idea due to transport issues experienced by young people:

"Young people in rural areas need transport to partake in youth groups and social events. Lowering the driving age will allow them to be able to partake in these easier, as many bus routes do not cover local areas and parents could be too busy to give young people a lift."

“For someone young people who are stuck in a town and require transport into a school/ college having a driving licence would help them remove the stress from parents. This would especially help for young people living in rural areas where the public transport is worse.”

3.1c Reasons ‘others’ think this is a good idea

‘Others’² said they think this is a good idea because:

“Young people will be more reliable.”

“It would give young people a lot of responsibility.”

“They are good because at 16 years of age they should be responsible. Being able to practice before you’re 17 will also be a good thing.”

3.1d Reasons young people think this is a bad idea

The main reason young people said they think it is a bad idea that young people would be able to get a provisional licence at age 16 and a half instead of 17 is because they feel that some people are not mature or responsible enough at this age and because of concerns over safety:

“It is dangerous because a younger driver might not take the driving serious[ly] and cause accident[s].”

“Young drivers might be young and naive and might be more open to accidents and getting distracted this could possibly higher the road deaths per year.”

“People at 16 years old could be too irresponsible to drive.”

“I think that getting your drivers licence at 16 is bad because 16 year olds are not as mature and can easily cause crashes.”

A number of young people said they think that 16 and a half is too young while others think that it is not young enough with ages 16 and 11 being suggested as alternatives. Other reasons young people are against this proposal are that:

“Some people are very impatient and it could put the idea of driving in their head.”

“They’d put me off learning because they take up more time when I need to be studying for important exams.”

3.1e Reasons youth organisations think this is a bad idea

Youth organisations that are against this feel that it is too much responsibility and, at 16 and a half, some young people are not mature enough.

3.1f Reasons ‘others’ think this is a bad idea

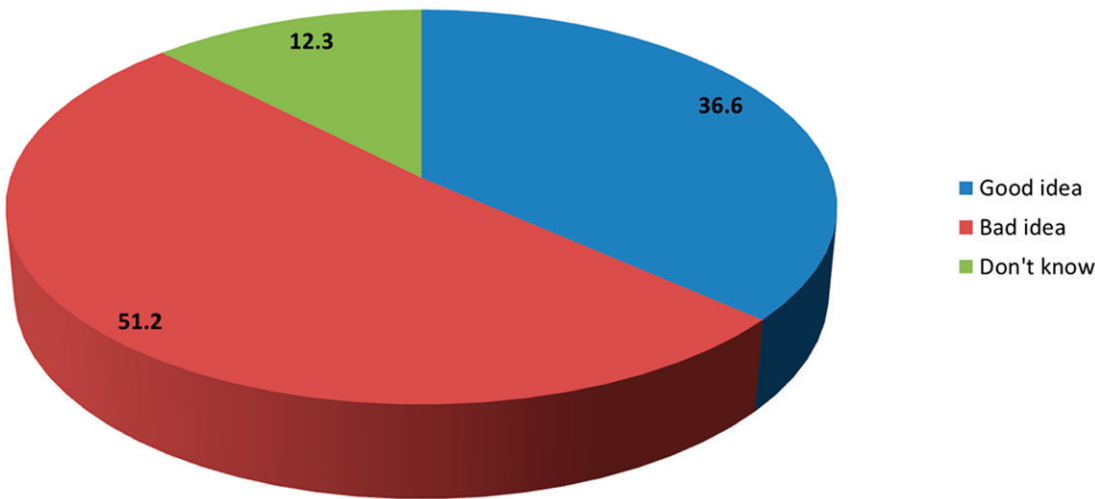
Others said they said they think this is a bad idea because it could lead to more accidents *“which is going to cost money, which is bad for the NHS”* and because it’s not fair.

3.2 Views on proposal that young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half.

Just over half of young people who participated in the online survey (51.2%) said they think it is a **bad idea** that young people would have their provisional licence for at least a year before they could sit their first practical test. Around a third said they think it is a good idea (36.6%). The remaining 12.3% of young people said that they don’t know.

² While the research was primarily aimed at young people aged 13-24 years and youth organisations, it was not limited to these groups.

Fig. 5: Views of young people on the proposal that young people would have their provisional licence for at least a year before they could sit their first practical test (%)



When the data was analysed further, it was found that:

- Young people who do not have a full driving licence (45.1%) were less likely to say they said they think this is a bad idea (see Figure 6);
- A lower proportion of young people aged under 17 years (48.1%) said they think this is a bad idea compared with 17-24 year olds (57.3%, see Figure 7);
- There is little difference in the proportion of males (49.3%) and females (50.5%) who said they think this is a bad idea;
- A slightly lower proportion of people living in urban areas (49.8%) said they think this is a bad idea when compared with those living in rural areas (51.3%);
- There was little difference in the proportion of youth organisations that said they think this is a bad idea when compared with the proportion of young people (51.5% compared with 51.2% respectively); and,
- 49.2% of all respondents said they think this is a bad idea.

Fig. 6: Views on proposal that young people would have their provisional licence for at least a year before they could sit their first practical test

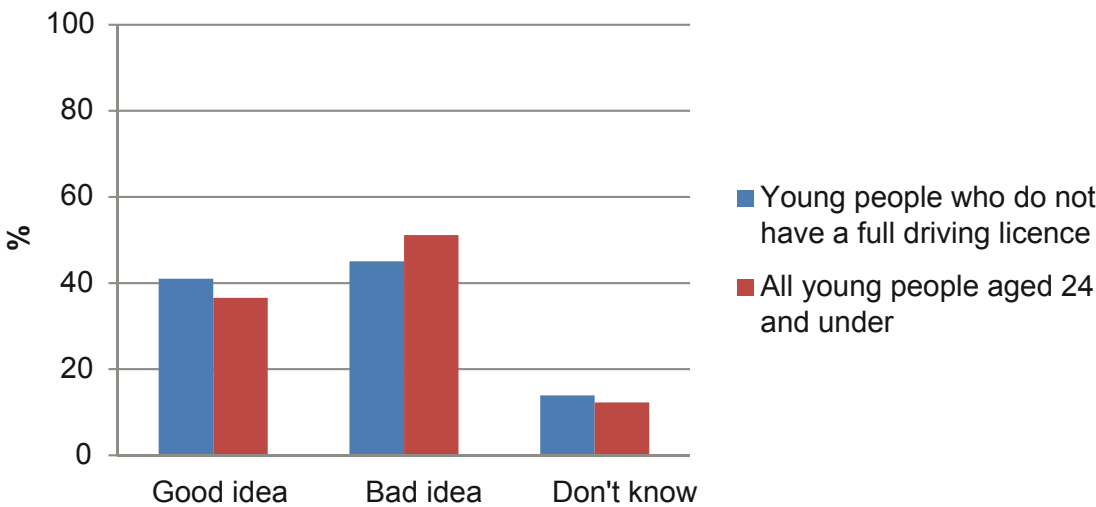
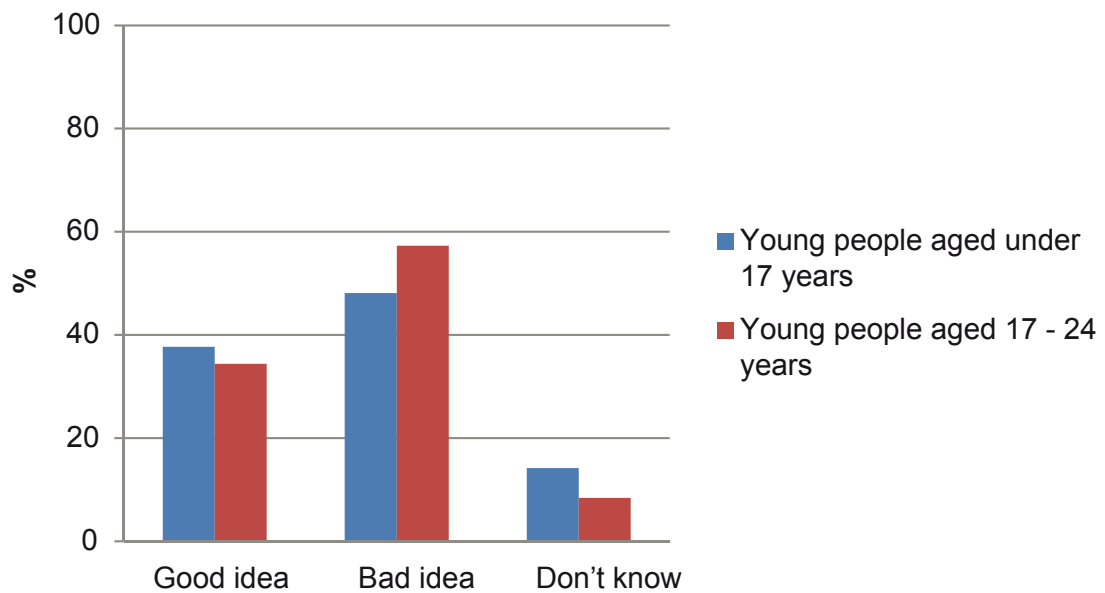


Fig. 7: Views on proposal that young people would have their provisional licence for at least a year before they could sit their first practical test



3.2a Reasons young people think this is a good idea

The main reason young people said they think it is a good idea that young people would have their provisional licence for at least a year before they could sit their first practical test is because it gives young people more opportunity to learn and build up experience:

"I think it's a good idea as it gives them a full years driving practice and experience before they take their test."

"Young people will be able to have more practice driving when they have to have their provisional licence for at least a year."

It was felt that this would make the roads safer:

"I think they are a good idea because it would mean the drivers would be more experienced and therefore probably be better on the road when they get their licence."

"It means young drivers will have to practise for longer meaning they will be more experienced when they get their licence - hopefully leading to less accidents on the road."

One young person said they said they think it is a good idea "so they can save for a car while waiting to sit their test."

3.2b Reasons youth organisations think this is a good idea

Youth organisations that are in favour of this are so to allow young drivers to build up experience:

"I think the law that a person must hold their provisional licence for at least a year before they can take their practical test is a good idea as it will help to ensure that drivers have enough experience by the time they get their licence and do not just pass their test by chance."

"Good idea, this is because it will give you more experience for your driving career."

"It would allow for young people to have experience on the road in all seasons. It also means that young people can get started their driving careers earlier and learn in their own time."

3.2c Reasons ‘others’ think this is a good idea

‘Others’ said they think it is a good idea that young people would have their provisional licence for at least a year before they could sit their first practical test because:

It allows them time *“to become a bit more mature.”*

“It may help them to become more aware of dangers on the roads.”

It gives *“them more experience before being let on road alone.”*

“Drivers can experience all driving conditions, including weather and lighting throughout the year. This will make drivers more confident and safer.”

“It would prevent a lot more accidents as there would be less younger drivers on the road.”

3.2d Reasons young people think this is a bad idea

Most of the comments from young people on this were against the proposal that young people would have their provisional licence for at least a year before they could sit their first practical test. This is primarily because they felt that a year is too long to wait and because of associated costs:

“Raising the learning to a year is too long and too expensive.”

“Driving for a year will cost a lot of money driving.”

“This may be frustrating and an extra expense to have to pay a driving instructor.”

A number of young people felt that the length of time does not necessarily translate into competence and that some young people may be ready for their test before a year:

“Some learn/pick up driving faster than others, just like everything so why make them wait when they, their parents, driving instructor etc. feel like they are ready to drive legally.”

It was felt that this could impact on the independence of young people, particularly those living in rural areas and those in care:

“Bad idea, many young people plan to pass their test before turning 17 and a half. Not passing their test before then would increase the amount of lifts needed to be given by parents, other family and paying for expensive taxis.”

“Some teenagers living in rural areas may find they need to be able to drive sooner rather than later.”

“For young people like myself who live in more rural areas, we are left at a significant social disadvantage from our peers who live in the towns when we can’t drive.”

“Should be able to get licence at 17, especially for young people in care.”

3.2e Reasons youth organisations think this is a bad idea

Youth organisations that are against the proposal that young people would have their provisional licence for at least a year before they could sit their first practical test hold this view because they see no reason for the delay, which may create difficulties for some young people in accessing education, training and employment:

“I see no reason to increase the age for sitting the practical test to 17 and a half. Think it’s better to be able to sit it at 17.”

“I think that it depends on the person as to how long it will take them to learn to drive, my view of this is that if they are not ready to drive legally then they won’t pass their driving test,

but some people will pick up driving very quickly and shouldn't have to wait for longer than necessary to take their driving test."

"Many of the young people we work with have difficulty in accessing education, training and employment, particularly if they don't have access to public transport. If a young person has to wait an additional six months before being able to get their full licence, then they would be even further disadvantaged."

3.2f Reasons 'others' think this is a bad idea

'Others' said they think it is a bad idea that young people would have their provisional licence for at least a year before they could sit their first practical test for the same reasons as young people:

"It will be harder to actually get driving licence and it takes too long, which means you can only get your full driving licence at the age of 17 and a half. I think it's better to cut down the time from a year to about 6 months, because that way people will learn more how to drive properly and safely, than just taking a short and simple test. Young people may not want to take driving licence anymore as it takes far too long, but I like the idea for having provisional licence for at least some time so that way young people will actually learn more and reduces the risk of road accidents."

"It will ... discourage people to take the test."

"People may need a licence as soon as possible as they may be unable to get lifts from family and friends and so need to be independent. Increasing the practice time means you will still be out driving for as long a time even if it is with parent, so driving will still be at the same standard after one year if you have passed your test or not."

"Driving lessons are very expensive and if young people had to wait a year it would cost them more money."

"They can't have their own freedom if they own their own car so since it takes a long time to sit your driving exam it would frustrate young people."

"[It] would be frustrating to those who already have some experience with driving through farmwork etc. These people would still have to wait a year even though they don't need it. It seems like it would be a waste of money, through paying for all the lessons, and a waste of time, and pointless waiting for the year to be completed."

3.2g Feedback from focus groups

While focus group participants recognised that waiting at least a year to get a full licence might lead to increased driving skills, they were concerned that it:

- Takes too long;
- Disadvantages those who learn quickly;
- Disadvantages those who already have experience on the road through other licences, e.g. motor cycle and tractor licences; and,
- Is very expensive to drive for at least one year.

Focus group participants suggested this could be improved by recognising the time spent driving rather than a specific time period. They also suggested having longer lessons to allow for driving on different roads.

4 Driving Lessons and Tests

Questions on four proposals around driving lessons and tests were included in the survey. These proposals were that:

- Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway);
- Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph;
- The driving test would include driving on a wider range of roads and in different conditions; and,
- Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.

Tables 3 and 4 summarise the views of young people aged 24 and under and of youth organisations who participated in the online survey on these four proposals.

Table 3: View of young people aged 24 and under on proposals regarding driving lessons and tests

	Good idea	Bad idea	Don't know
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	70.7	17.3	12.0
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	61.4	26.0	12.6
The driving test would include driving on a wider range of roads and in different conditions.	83.5	6.1	10.4
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	42.8	37.5	19.7

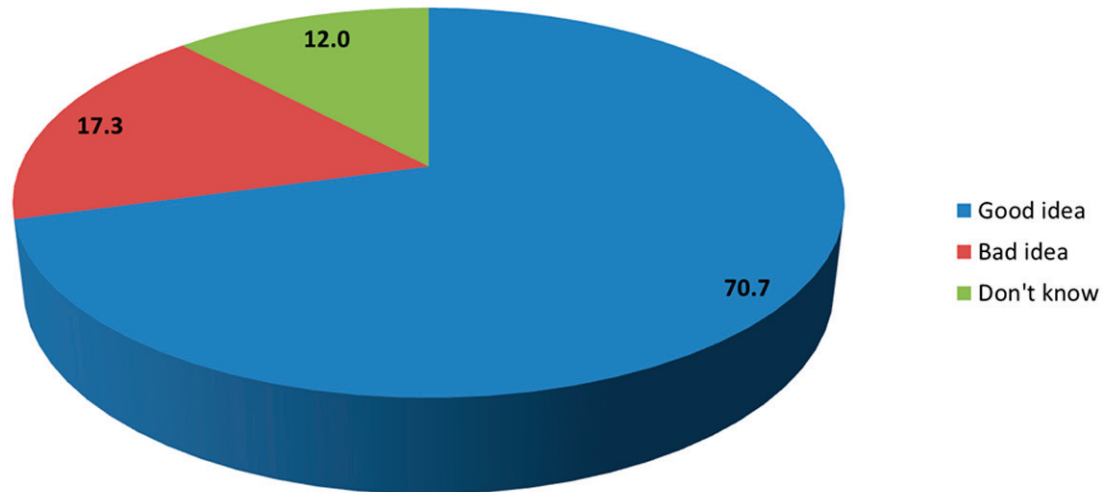
Table 4: View of youth organisations on proposals regarding driving lessons and tests

	Good idea	Bad idea	Don't know
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	84.8	12.1	3.0
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	61.8	32.4	5.9
The driving test would include driving on a wider range of roads and in different conditions.	97.0	-	3.0
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	33.3	42.4	24.2

4.1 Views on proposal that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway)

The majority of young people who participated in the online survey (70.7%) said they think that it is a **good idea** that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway). Just under one in six (17.3%) said they think this is a bad idea. The remaining 12.0% said they don't know.

Fig. 8: Views of young people on the proposal that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (%)



When the data was analysed further, it was found that:

- Young people who do not have a full driving licence (67.3%) were less likely to say they think this is a good idea (see Figure 9);
- A lower proportion of young people aged under 17 years (67.7%) said they think this is a good idea compared with 17-24 year olds (76.6%, see Figure 10);
- A lower proportion of males (67.1%) than females (72.5%) said they think this is a good idea (see Figure 11);
- A slightly higher proportion of people living in urban areas (71.2%) said they think this is a good idea when compared with those living in rural areas (69.9%);
- Youth organisations (84.8%) were more likely to say they said they think that this is a good idea when compared with young people (see Figure 12); and,
- 71.5% of all respondents said they think this is a good idea.

Fig 9: Views on the proposal that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car

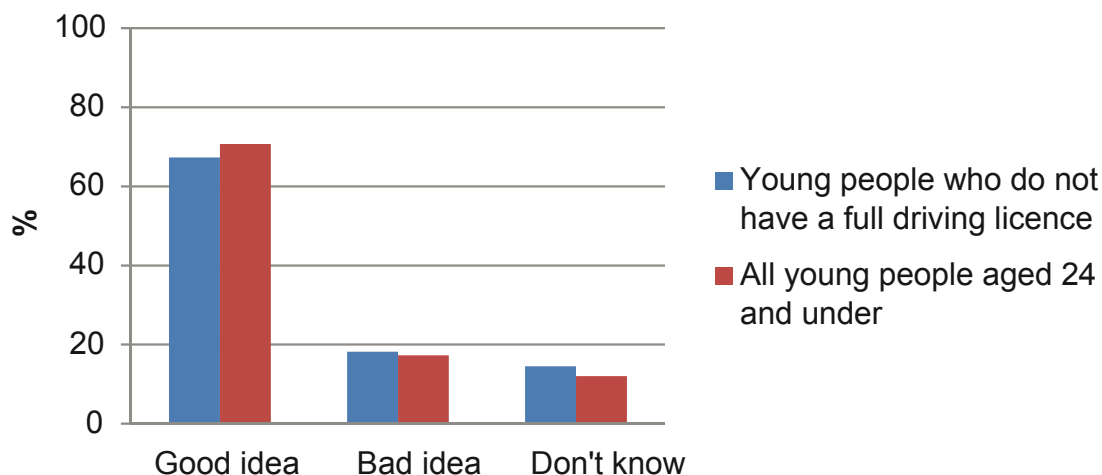


Fig 10: Views on the proposal that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car

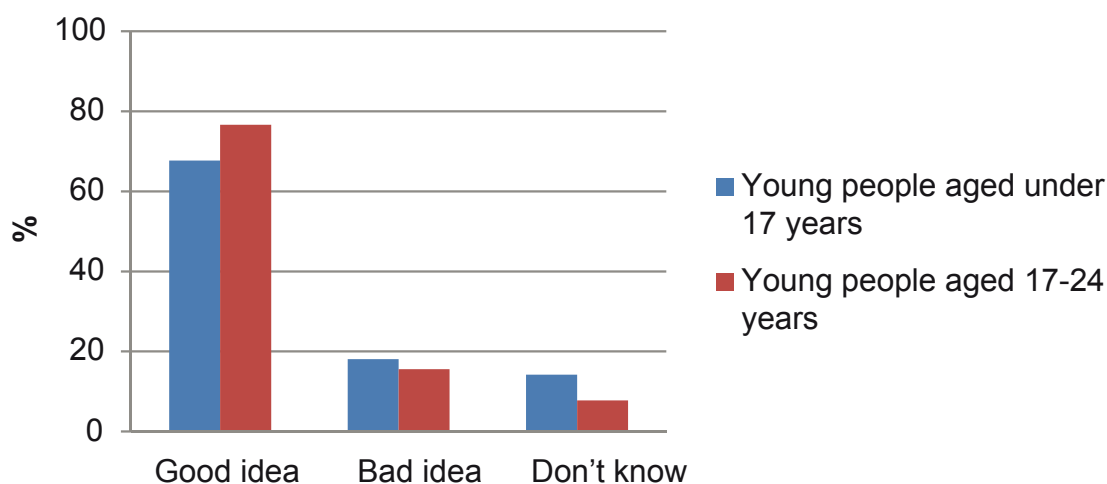


Fig 11: Views on the proposal that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car

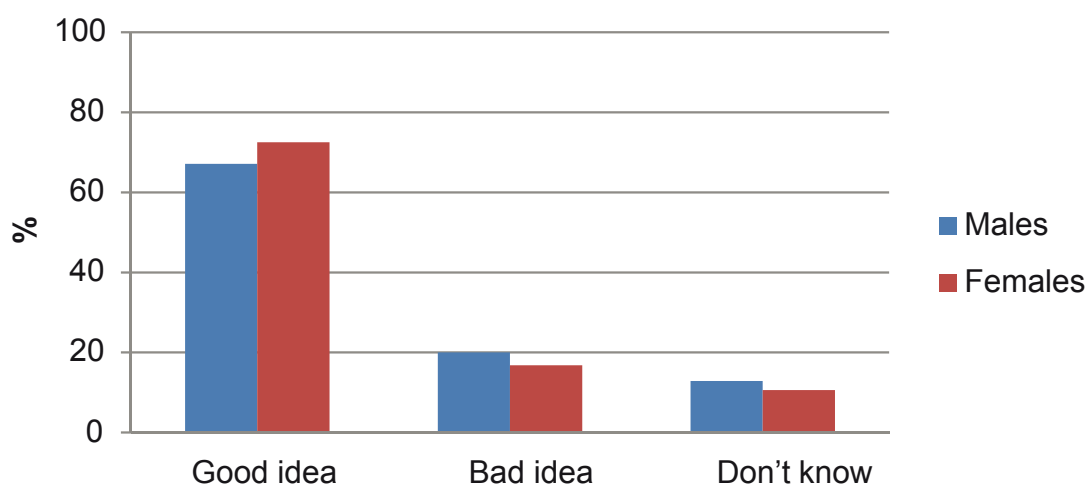
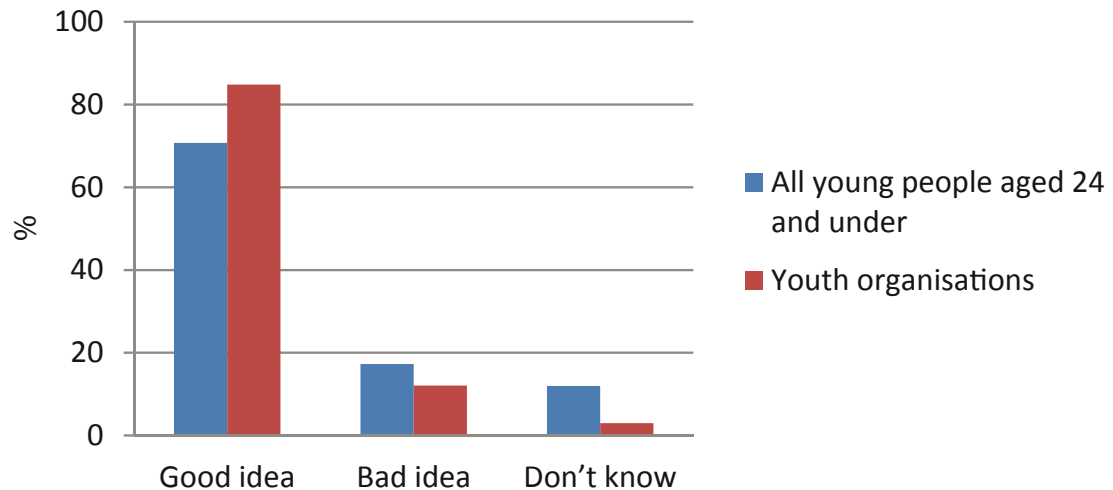


Fig 12: Views on the proposal that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car



4.1a Reasons young people think this is a good idea

Most of the feedback from young people supported the proposal that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car. It is seen as important to get experience of motorway driving:

"I think learning to drive on the motorway and speed limits is important because it's dangerous if they don't."

"I think that young people learning to drive should be able to learn on motorways as once they get their licence they will have had plenty of practice."

"I think it's a good idea to learn on the motorway because you will eventually have to go on one after you pass your exam so why not learn earlier so you don't panic as much."

"They would otherwise have to struggle through on their own."

"I think if young people were able to drive on the motorways, provided it was in a dual-controlled car, it would mean that they have more experience driving on the motorways and are more comfortable on the motorways and are therefore safer when they drive on the motorways themselves."

4.1b Reasons youth organisations think this is a good idea

Youth organisations that were in favour of this were so to allow learners to build up this experience with the assistance of an instructor before having to drive on motorways alone:

"I think it makes perfect sense that young drivers learn to drive on motorways, as currently they [motorways] are simply landed on them after a years restricted driving without any experience, which is frankly unsafe."

"Learning to drive on motorways is important for those learning to drive."

"It is appropriate that new drivers and learners should be allowed to travel on motorways ... with a learning instructor in a dual control car because these new/learning drivers have never controlled a car ... in such conditions."

"Driving on the motorway first time could be scary but if you done it before with an instructor it will be easier."

4.1c Reasons ‘others’ think this is a good idea

While the research was primarily aimed at young people aged 13-24 years and youth organisations, it was not limited to these groups. Feedback from others (i.e. those aged over 24 years and those who did not specify if they were a young person or a representative of a youth organisation) was also received and has been included in this report. ‘Others’ said they think this is a good idea that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car because:

“Motorway lessons are an excellent idea instead of throwing young drivers in at the deep end. Put an end to drivers having their first motorway experience perhaps unsupervised and without training.”

“Currently, the absence of motorway driving for learners means that many drivers have reservations about travelling at high speeds and will actively avoid the motorway, when it is well known to be one of the safest places to drive.”

“Young people need experience of motorway driving and in the range of conditions before being granted a full licence.”

“Allowing learners on the motorway allows them to practice for when they actually pass their test and so going on the motorway will not be as daunting when the time comes.”

“Young people need to learn how to drive on the motorways if they go a bit overboard they could cause a crash.”

“This would be because when the person gets their licence they will have to drive on motorways to get the destination they need to, and will know exactly how to drive because they have a professional driver in their car.”

“Because young people will know what driving on a motorway is like when they get their licence.”

One other respondent suggested:

“I would however extend the motorway provision to allow drivers to practice on motorways with someone over 25 years once they have completed a pre-defined amount of lessons with an ADI.”

4.1d Reasons young people think this is a bad idea

Young people who are against the proposal that young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car are so because they perceive motorways as a dangerous place for inexperienced drivers:

“Many accidents happen in high speeds and on the motorway.”

“I think putting people on motorways when they aren’t that experienced is quite dangerous.”

“I really don’t think driving lessons on motor ways is a good idea because people drive very fast and it is just not the environment for a learner.”

4.1e Reasons youth organisations think this is a bad idea

Youth organisations that are against this proposal are so for safety reasons:

“Motorways would be very dangerous to learner drivers and there is a high potential for an accident even despite having dual controls.”

“I don t think drivers should be allowed on the motorway when learning to drive because they are making a hazard for other drivers.”

4.1f Reasons ‘others’ think this is a bad idea

‘Others’ said they think this is a bad idea because:

“Motorways are very busy. Having a learner on the motorway may cause accidents if they’re not confident.”

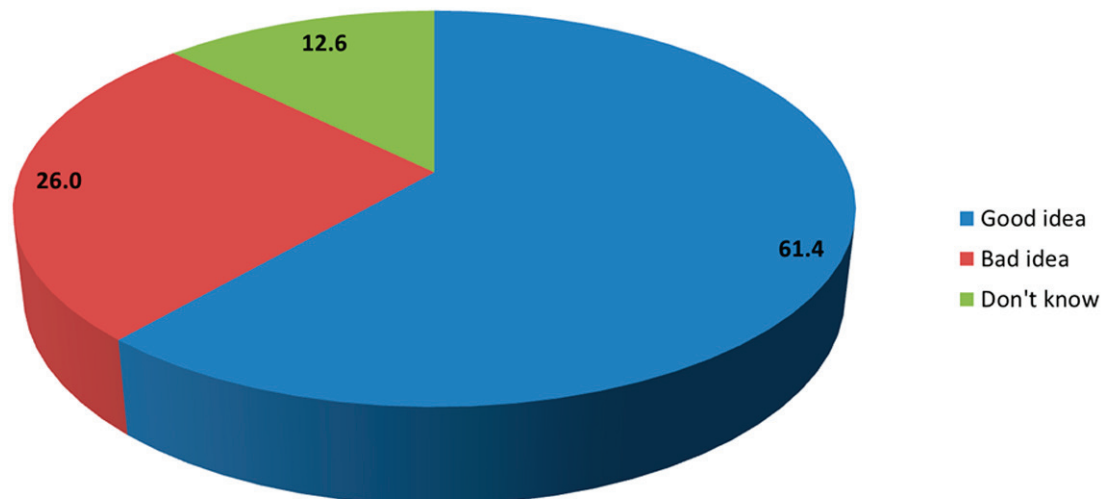
“They don’t have any experience on the road let alone the motorway.”

“Allowing them to reach the national speed limits on motorways would just encourage [speeding] and in my opinion increase the number of accidents on the road.”

4.2 Views on proposal that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph

The majority of young people who participated in the online survey (61.4%) said they think it is a **good idea** that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph. Over a quarter of young people (26.0%) think this is a bad idea while 12.6% said they don’t know.

Fig 13: Views of young people on the proposal that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph (%)



When the data was analysed further, it was found that:

- Young people who do not have a full driving licence (58.4%) were less likely to say they think this is a good idea;
- A higher proportion of young people aged under 17 years (58.3%) said they think this is a good idea compared with 17-24 year olds (67.7%);
- A lower proportion of males (67.6%) than females (56.8%) said they think this is a good idea;
- A higher proportion of people living in urban areas (61.4%) said they think this is a good idea when compared with those living in rural areas (58.6%);
- There was little difference in the proportion of youth organisations (61.8%) that said they think that this is a good idea when compared with young people; and,
- There was little difference in the proportion of all respondents (61.2%) that said they think that this is a good idea when compared with young people aged 24 and under (61.4%).

Fig 14: Views on the proposal that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph

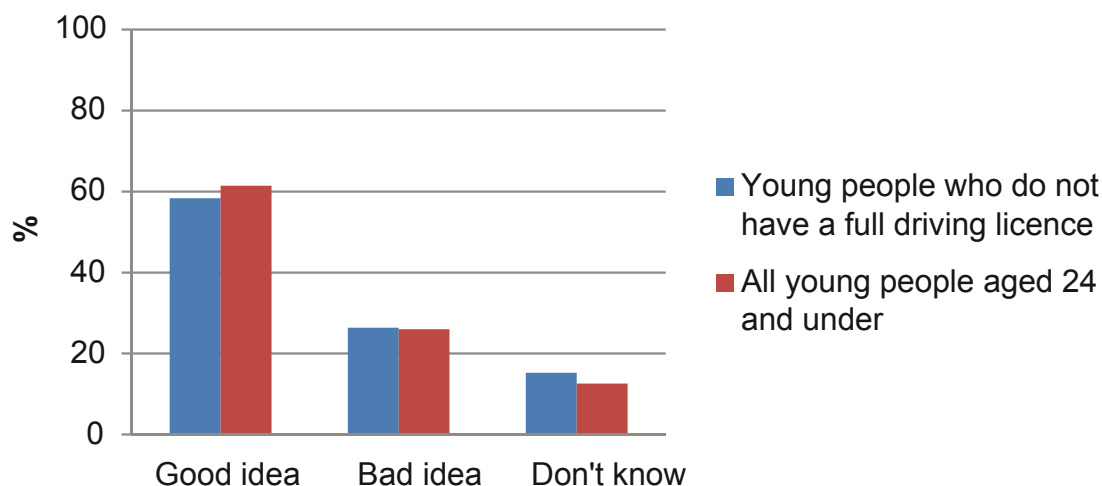


Fig 15: Views on the proposal that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph

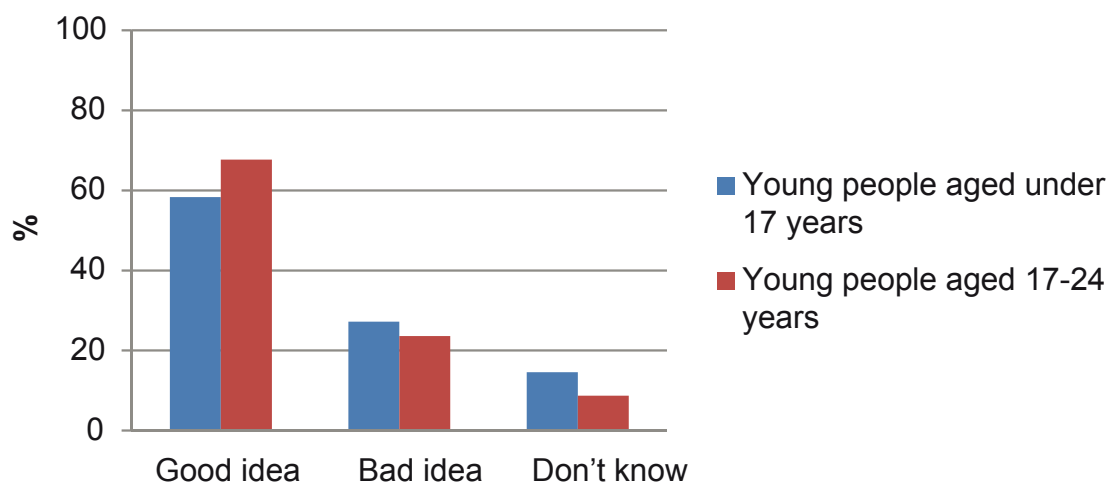


Fig 16: Views on the proposal that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph

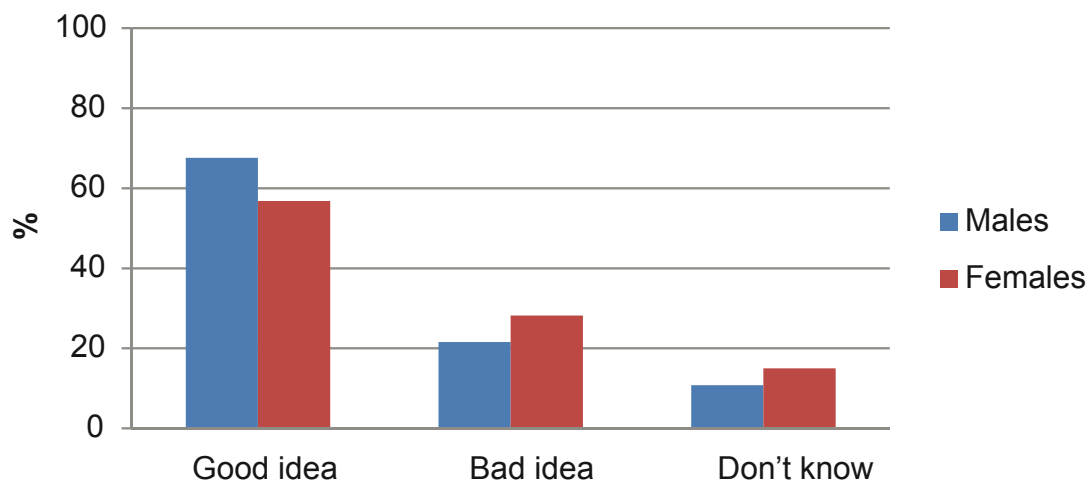
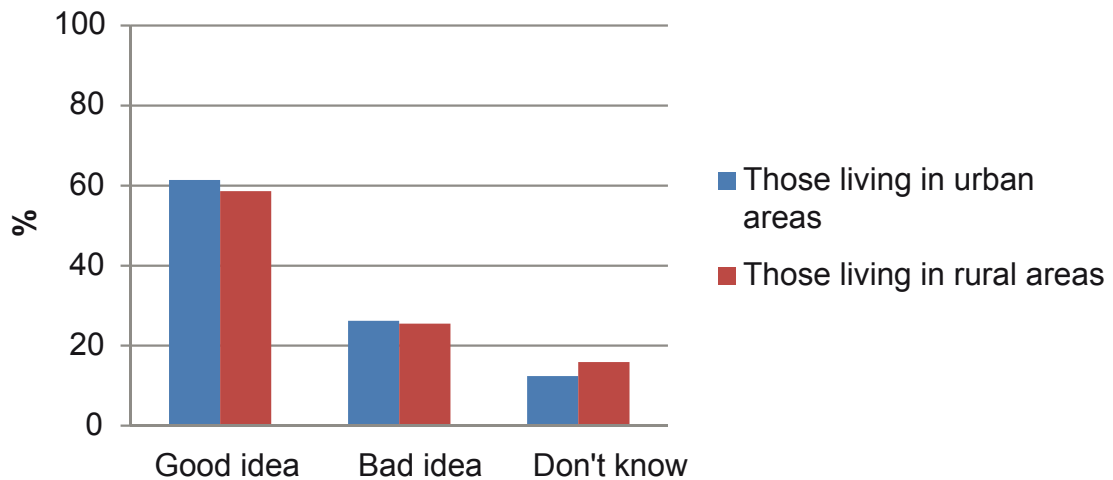


Fig 17: Views on the proposal that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph



4.2a Reasons young people think this is a good idea

The main reasons young people said they think it is a good idea that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph are because it allows young people to build up knowledge and experience of driving up to the speed limits and to reduce the impact of driving at lower speeds on other road users:

“They should be allowed to go over the 45 miles per hour limit as it would again give them practice for later on in life.”

“Driving up to the speed limits allows young people to understand how to recognise the limits and how to change from road to road.”

“It causes road rage when drivers get stuck behind a slow learning driver even though it’s not their fault.”

“I think the idea of young learners being able to drive at the actual speed limit instead of 45 mph because it would make things easier for everyone when people that have passed their test has been driving for years and they get stuck behind a learner it can make them late for work or where ever they need to be at that time and it would also make driving a little more enjoyable for the learner.”

4.2b Reasons youth organisations think this is a good idea

All of the comments from youth organisations were in favour of the proposal that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph. Youth organisations that were in favour of the proposal believed it would help to prepare young drivers for driving on their own:

“I think they should be allowed to drive to speed limits as it will make them more prepared for when they are driving on their own.”

“Going the normal speed limit will make it more realistic and will improve the drivers knowledge so they know what is expected and less likely to make mistakes.”

“It’s only fair that they have the help and guidance of an experienced driver on hand to help them feel secure while learning so they can feel more competent at driving at these speeds instead of recklessly travelling on their own.”

4.2c Reasons ‘others’ think this is a good idea

‘Others’ said they think it is a good idea that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph because:

“Similarly, having learners drive up to and at the speed limit will ensure they can control the car when they pass the test.”

“Increasing the speed limit higher than 45mph is a good idea when on motorways etc. as it is fairly dangerous to drive so slow when all surrounding cars are going much faster.”

“Some young people get really fast cars and can’t handle the speed too well.”

4.2d Reasons young people think this is a bad idea

The main reasons young people said they think it is a bad idea that young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph are because it could impact on road safety and driver behaviour (by encouraging speeding). In addition, learner drivers may be lacking in confidence:

“Because there could be more accidents.”

“Young learners are more likely to have accidents at higher speeds”.

“It’s a bad idea to let new drivers go the speed limits because I think a lot of them would mess about by being allowed to go the speed limits.”

“I think it’s a bad idea to let learner drivers drive so quickly as it may encourage people to drive quickly/speed.”

“While they are building up their confidence I think it’s better to stay within a smaller speed limit.”

“The 45mph law may cause problems with reckless drivers however it is unfair to limit competent drivers.”

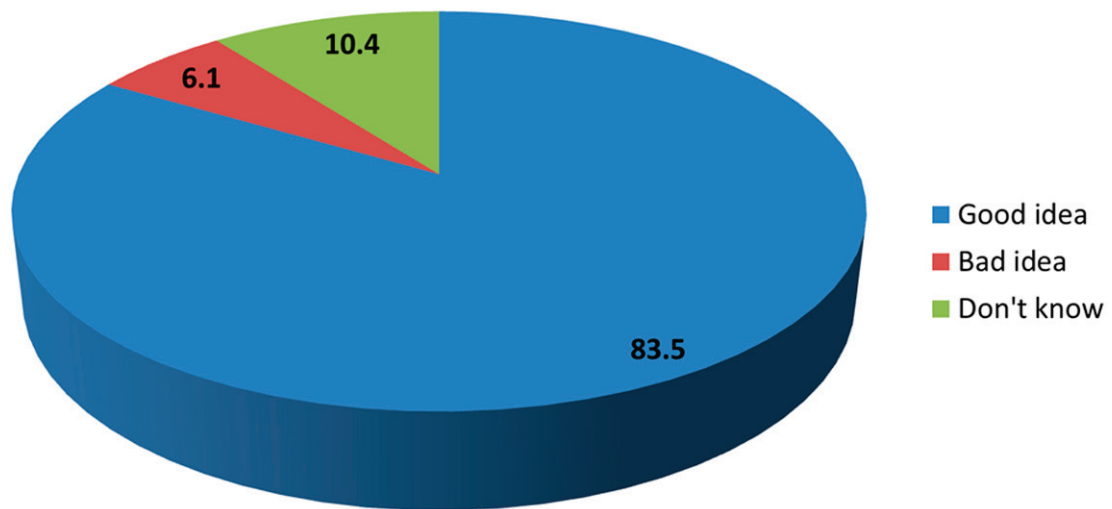
4.2e Reasons ‘others’ think this is a bad idea

One ‘other’ said it was a bad idea because *“they should be getting used to the car and everything about it, not driving at 70 mph and having the chance of crashing.”* Another said, *“young drivers driving over the 45mph speed limit is already a problem resulting in road deaths.”*

4.3 Views on proposal that the driving test would include driving on a wider range of roads and in different conditions

The majority of young people who participated in the online survey (83.5%) said they think it is a **good idea** that the driving test would include driving on a wider range of roads and in different conditions. Only 6.1% said they think this is a bad idea while 10.4% said they don’t know.

Figg 18: Views of young poeple on the proposal that the driving test would include driving on a wider range of roads and in different conditions (%)



When the data was analysed further, it was found that:

- Young people who do not have a full driving licence (81.9%) were slightly less likely to think this is a good idea although the vast majority think this;
- A lower proportion of young people aged under 17 years (81.3%) said they think this is a good idea compared with 17-24 year olds (87.9%);
- A lower proportion of males (80.6%) than females (84.3%) said they think this is a good idea;
- There was no difference in the proportion of people living in urban areas and people living in rural areas who said they think this is a good idea (both 83.0%), and
- Youth organisations were most likely to say they think that this is a good idea (97.0%) and none said they think this is a bad idea; and,
- There was little difference in the proportion of all respondents (84.5%) who said they think driving on a wider range of roads is a good idea when compared with young people aged 24 and under (83.5%).

Fig. 19: Views on proposal that the driving test would include driving on a wider range of roads and in different conditions

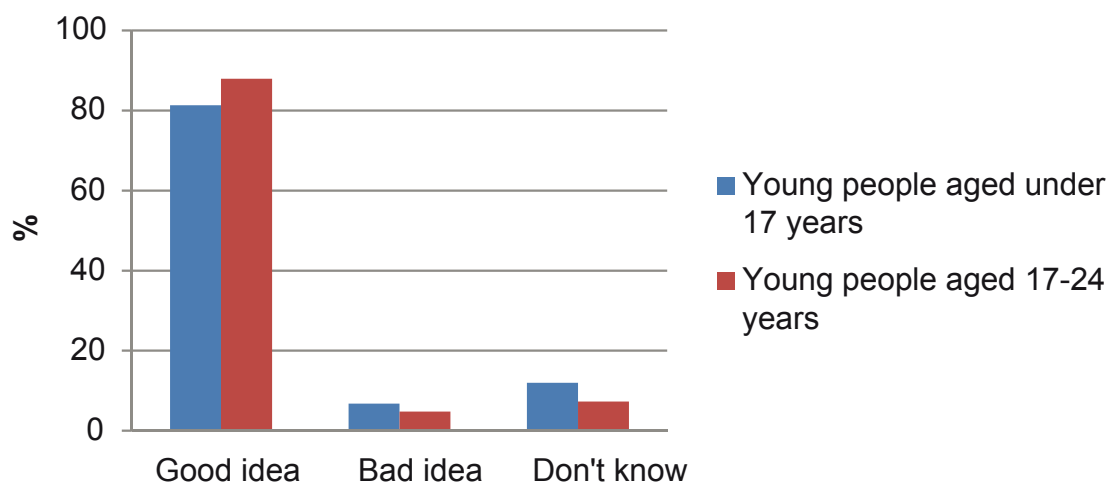


Fig. 20: Views on proposal that the driving test would include driving on a wider range of roads and in different conditions

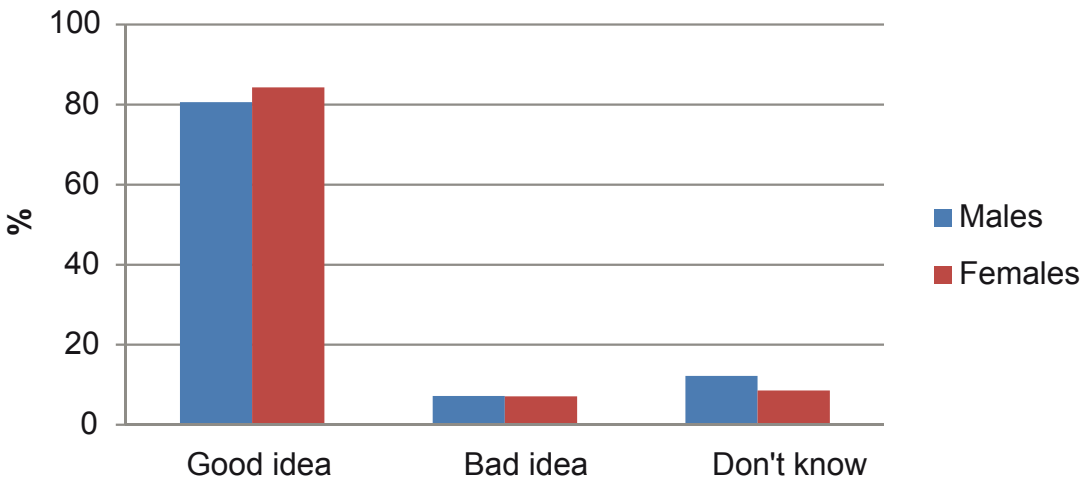
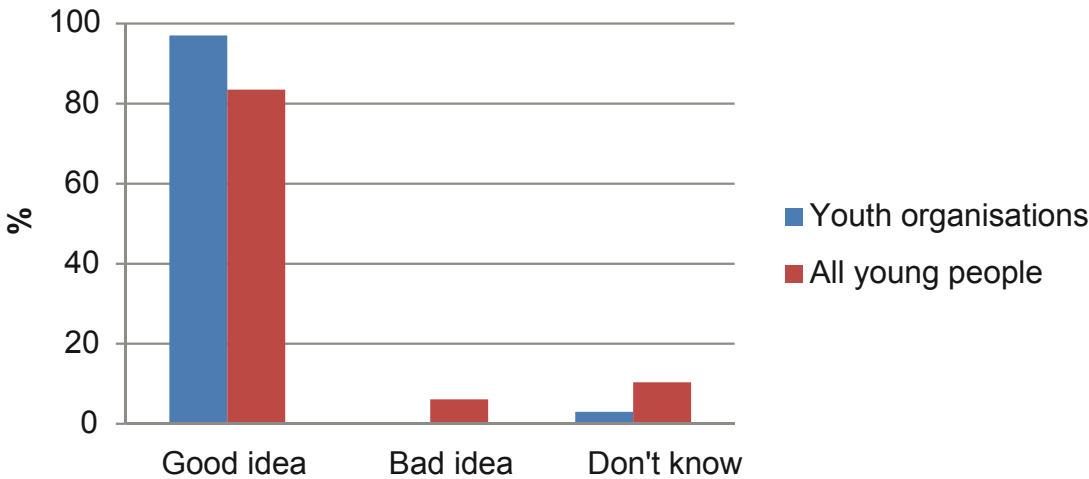


Fig. 21: Views on proposal that the driving test would include driving on a wider range of roads and in different conditions



4.3a Reasons young people think this is a good idea

Virtually all of the comments from young people were in favour of the proposal that the driving test would include driving on a wider range of roads and in different conditions. Young people saw it as important to build up experience on a wider range of roads and in different conditions:

“I think they are a good idea because then people who are learning to drive get to experience all the different types of weather conditions and different types of roads.”

“This is a good idea; you need to know how to drive in daylight, at night, in the rain and how to cope with ice and snow.”

“Driving in different weather condition shows young people what it’s like to drive in different types of weather and how to drive through it.”

4.3b Reasons youth organisations think this is a good idea

All of the comments from youth organisations were in favour of the proposal that the driving test would include driving on a wider range of roads and in different conditions to prepare drivers for driving after they pass their test and for safety reasons:

“Good idea as it gives young people more confidence and knowledge about how to stay safe on the roads during different conditions and climates.”

“It is a good idea to learn on a variety of roads as it will properly prepare them for driving after they pass their test.”

“Driving on a wide variety of roads will give them experience and lower road accidents.”

4.3c Reasons ‘others’ think [driving on a wider range of roads] is a good idea

‘Others’ said they think this is a good idea because:

“They need to know what driving on different roads is like, if they have to drive on these roads with no experience, they might crash.”

“I believe these are positive changes. Current standard practice sends drivers out onto the roads only partially competent in dealing with the diverse range of surfaces, speeds and environments that drivers in NI experience.”

“Young people need opportunity to learn and develop new driving experiences in a range of real life conditions.”

“Excellent idea to have lessons and a test on a wide range of roads to prepare young drivers.”

4.3d Reasons young people think this is a bad idea

One young person expressed concern over the cost implications of the proposal that the driving test would include driving on a wider range of roads and in different conditions.

4.3e Reasons ‘others’ think this is a bad idea

‘Others’ said they think that it is a bad idea that the driving test would include driving on a wider range of roads and in different conditions because:

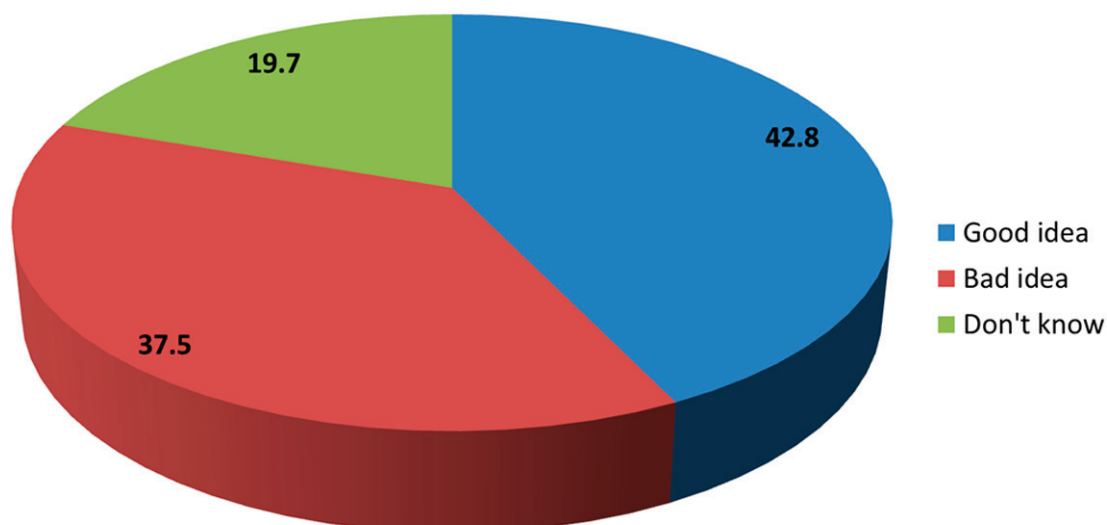
“Having tests on a wider range of roads and conditions may lead to reduced consistency in test difficulty which can be very unfair for some drivers.”

“It might stress them out.”

4.4 Views on proposal that Young people would have to complete a new ‘Learning to Drive’ course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test

A higher proportion of young people who participated in the online survey (42.8%) said they think it is a **good idea** that young people would have to complete a new ‘Learning to Drive’ course and produce a student logbook of driving experience when compared with those who said they think it is a bad idea (37.5%). Just under one in five (19.7%) said they don’t know.

Fig.22: Views of young people on the proposal that young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an ADI or qualified driver, before sitting the practical test



When the data was analysed further, it was found that:

- Young people who do not have a full driving licence were slightly more likely to say they think this is a good idea (43.8%);
- A lower proportion of young people aged under 17 years (42.0%) said they think this is a good idea compared with 17-24 year olds (44.4%);
- A higher proportion of males (46.7%) than females (42.2%) said they think this is a good idea (see Figure 23);
- A higher proportion of people living in urban areas (45.8%) think this is a good idea when compared with those living in rural areas (40.7%, see Figure 24);
- Youth organisations were least likely to say they think that this is a good idea (33.3%). 42.4% think this is a bad idea (see Figure 25); and,
- 43.7% of all respondents said they think that this is a good idea.

Fig. 23: Views on the proposal that young people would have to complete 'Learning to Drive' course and produce logbook, signed by an ADI or qualified driver, before sitting the practical test

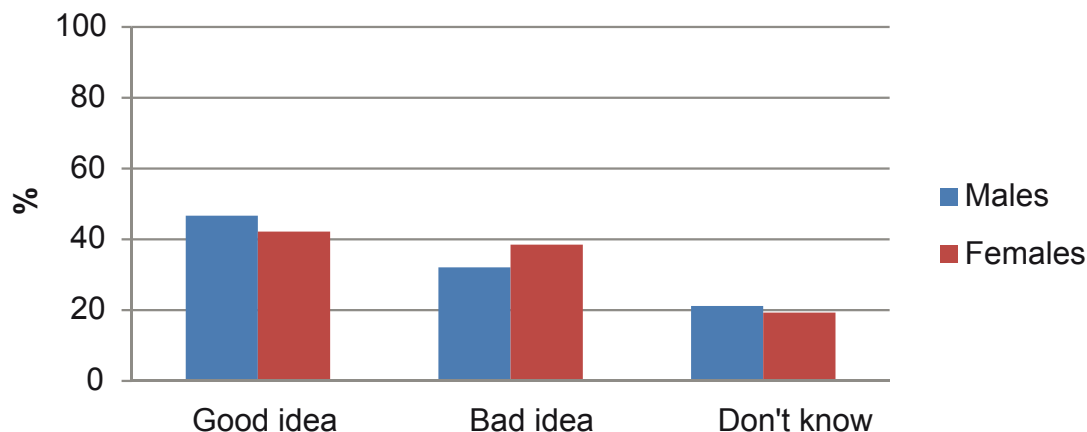


Fig. 24: Views on the proposal that young people would have to complete ‘Learning to Drive’ course and produce logbook, signed by an ADI or qualified driver, before sitting the practical test

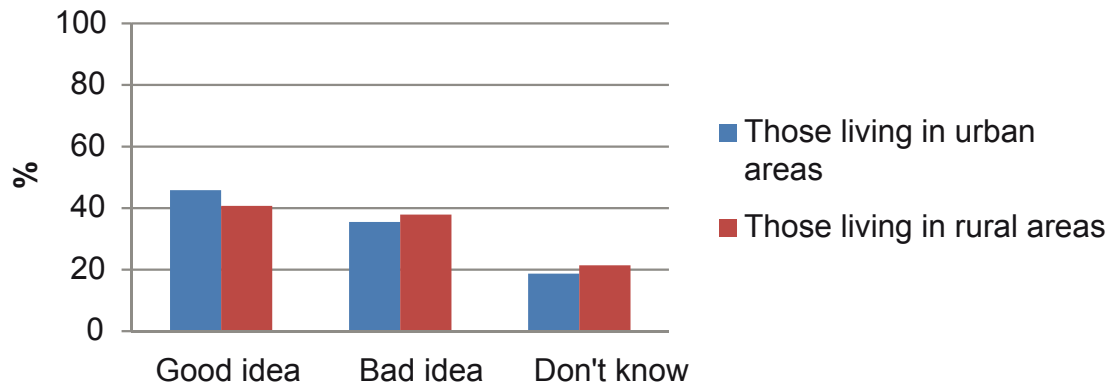
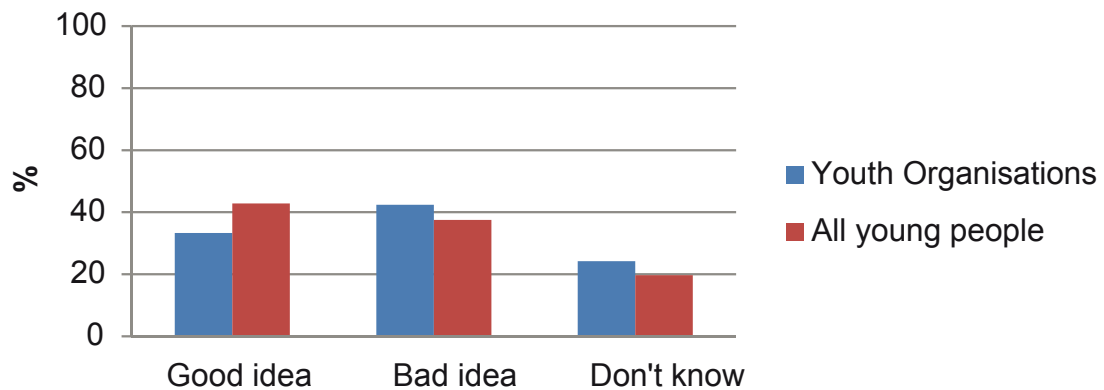


Fig. 25: Views on the proposal that young people would have to complete ‘Learning to Drive’ course and produce logbook, signed by an ADI or qualified driver, before sitting the practical test



4.4a Reasons young people think this is a good idea

The main reasons young people said they think the logbook is a good idea are that it acts as a record and allows learners to see how they are improving:

“I think that the logbook is a good idea as it shows how much ‘training’ you have done for the test.”

“It shows what they know and what they have learnt.”

“I think a logbook would let the driver see how they’re improving.”

4.4b Reasons ‘others’ think this is a good idea

One ‘other’ thought the logbook is a good idea because *“the logbook would ensure that people have had the correct instructor over a longer period of time, rather than people today who just learn enough to pass the test.”* Another said that:

“A student logbook is a good idea as long as it doesn’t require a large minimum number of hours on the road, which (1) can be a financial burden if experience requires an instructor in the car; and (2) penalises quick learners who could be test ready after only a handful of lessons.”

4.4c Reasons young people think this is a bad idea

Most of the feedback regarding the proposal was against having to produce a logbook. The main reasons young people said they think the logbook is a bad idea are because of the amount of time and work involved (which could impact on studies for example), the cost implications, concerns over the benefits of producing a logbook and concerns regarding those with learning difficulties:

“The logbook sounds like a lot of work and parent lessons should count.”

“Young people do enough courses inside and outside school without another one that will take up precious time.”

“The logbook is unnecessary when you have other schoolwork to do.”

“I don’t like the way that you have to have a logbook signed by a driving instructor because leading up to the test some people may not have enough money to learn or do this and their parents could do it for free instead.”

“But by making them produce a logbook of driving, it is a completely irrelevant technique which will not make any difference to the driver’s ability and instead will be a waste of time for the driver as well as the instructor.”

“I think it’s a bad idea for the logbook because most people would be fed up having to fill in a logbook, I know I would because I have a learning problem.”

4.4d Reasons ‘others’ think this is a bad idea

‘Others’ believed it is a bad idea because of the added cost:

“This might affect young people cause it’s going to be a lot harder and involve more money just to have a practical test to get a driving licence.”

“A logbook and learning to drive course would have substantial financial implications for young drivers, at a time when learning to drive is becoming more and more unaffordable.”

4.4e Feedback from youth organisations

One youth organisation is against the idea of a logbook as “young people are logging for many things as it is, Duke of Ed, badges for organisations, and on top of that school work and other extra-curricular work.” Two youth organisations are unsure about the course:

“It would depend upon what the Learning to Drive course required.”

“I am unsure about the ‘Learning to Drive’ course. Would there be a cost associated with this? Learning to drive is already very expensive and another cost could make it even more difficult for those who have difficulty affording lessons and tests. What is meant by ‘young people’ within this context? Only applying this to drivers of a certain age could have equality implications - would someone learning to drive at 30, 40 or 50 have to complete the course?”

4.4f Feedback from focus groups

While focus group participants recognised that a logbook may be useful in encouraging driving skills, they were concerned that this could be easily manipulated. Focus group participants suggested that recognition should be given to driver hours in addition to or instead of the logbook. They also suggested the installation of a black box or an app which tracks driving ability.

5 After Passing the Driving Test

Questions on five proposals relating to post-test regulations were included in the survey. These proposals were that:

- Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year;
- In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat.³ This would not apply to family members;
- For a period of two years, young people would have a lower drink drive limit than experienced drivers;
- For a period of two years, young people could lose their licence with six or more penalty points; and,
- Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.

Tables 5 and 6 summarise the views of young people aged 24 and under and of youth organisations who participated in the online survey on these five proposals.

Table 5: View of young people aged 24 and under on proposals regarding after passing the driving test

	Good idea	Bad idea	Don't know
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	30.7	52.4	16.9
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	25.6	67.7	6.7
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	74.6	16.5	8.9
For a period of two years, young people could lose their licence with six or more penalty points.	53.4	31.8	14.8
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	78.9	13.2	7.9

Table 6: View of youth organisations on proposals regarding after passing the driving test

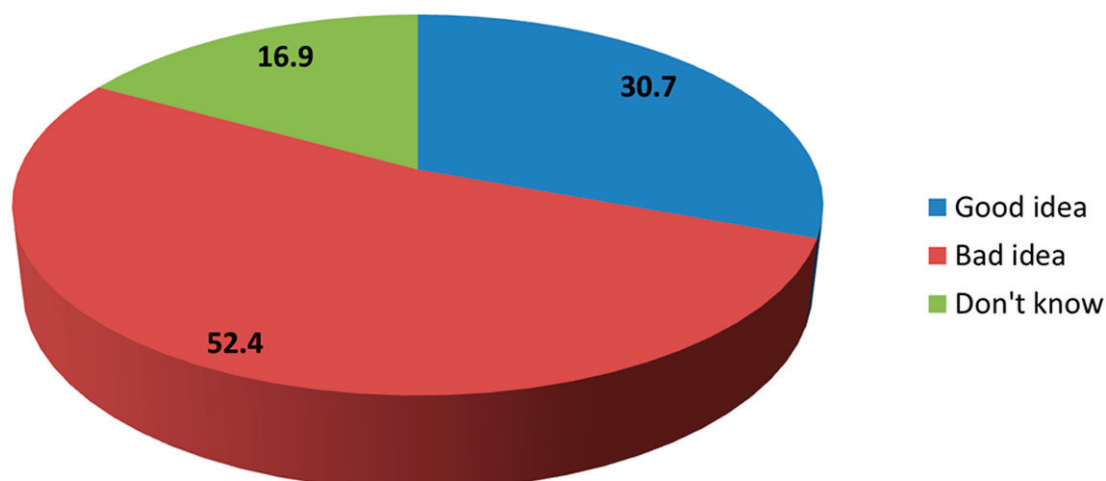
	Good idea	Bad idea	Don't know
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	46.4	35.7	17.9
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	35.7	60.7	3.6

	Good idea	Bad idea	Don't know
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	71.4	21.4	7.1
For a period of two years, young people could lose their licence with six or more penalty points.	50.0	35.7	14.3
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	82.8	6.9	10.3

5.1 Views on proposal that young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year

The majority of young people who participated in the online survey (52.4%) said they think that it is **bad idea** that young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year. Just over three in ten young people said they think this is a good idea (30.7%). The remaining 16.9% said they don't know.

Fig. 26: Views of young people on the proposal that young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year (%)



When the data [on N plates] was analysed further, it was found that:

- Young people who do not have a full driving licence (51.0%) were slightly less likely to say they think this is a bad idea;
- A slightly lower proportion of young people aged under 17 years (51.9%) said they think this is a bad idea compared with 17-24 year olds (52.3%).

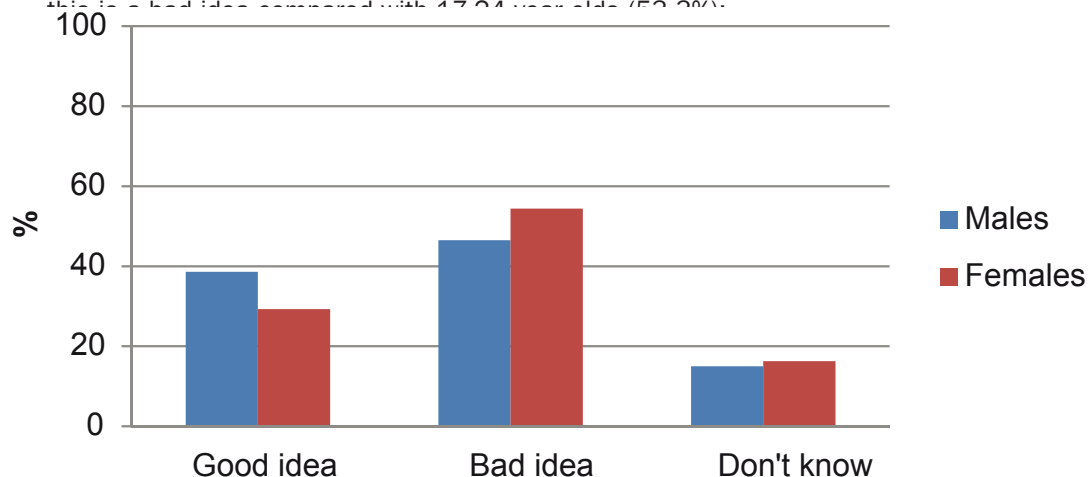


Fig. 28: Views on the proposal that young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year

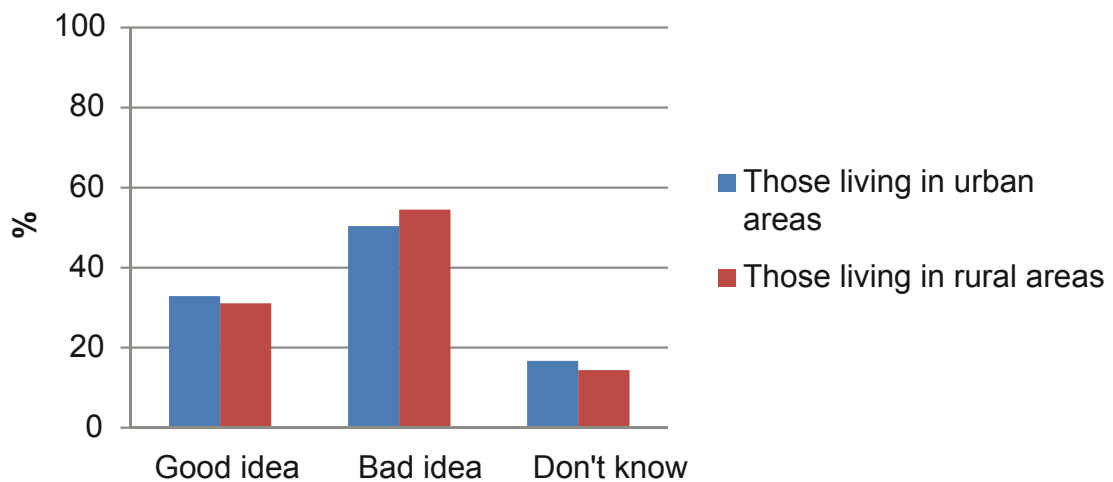
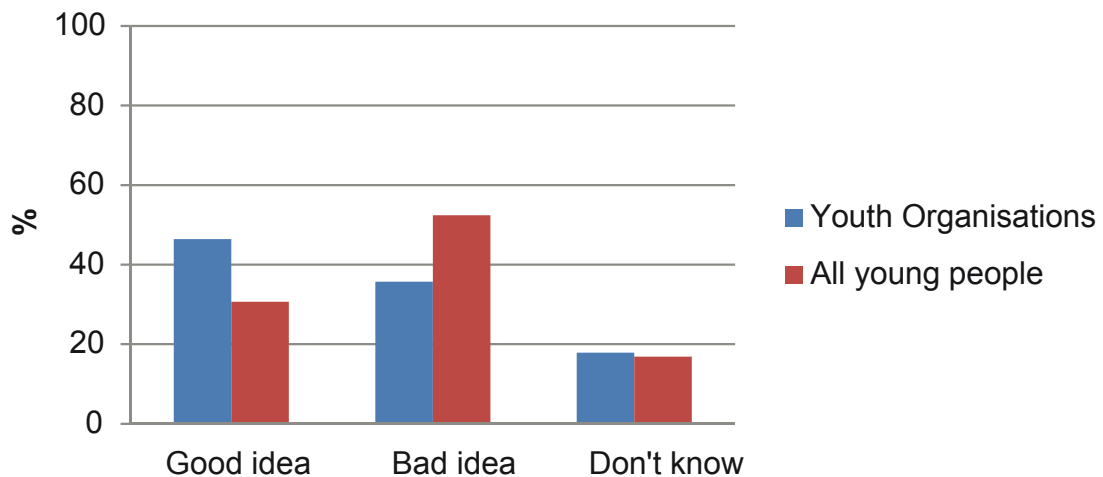


Fig. 29: Views on the proposal that young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year



5.1a Reasons young people think this is a good idea

The main reasons young people said they think N plates are a good idea are because it would let other drivers know the new driver is inexperienced, and the use of the letter N is more easily understood than the current R:

"An N plate would let other drivers know that you are a new driver and would allow you to be hesitant or make mistakes."

"Yes that is a good idea because when I asked my peers in my class what 'R' meant they said ready to drive even though it is Restriction and 'New Driver' is easier to remember."

5.1b Reasons 'others' think this is a good idea

One 'other' also made this point *"the N plate would be a more appropriate sign as it is easier to understand."*

5.1c Reasons young people think this is a bad idea

Most of the comments from young people were against the proposal that young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year. The main reasons young people said they think this proposal is a bad idea are because

of the length of time proposed and the negative impact this will have on young people. A number of young people also indicated that they are happy with the current system and feel changing it might cause confusion:

"I feel 2 years is a long time to be a new driver and 1 year is suffice."

"I believe the 'N' plates replacing the 'R' plates are ineffective and will make NO difference whatsoever. Keeping these plates on for 2 years instead of 1 is ridiculous as the government are now searching for new ways to punish new drivers instead of helping them."

"Some other people may be like me and want to join the Police. To get into the Police, the minimum age is 18 and it's what I plan to do after I finish A level. What I may also need to join the Police is a full driving licence. These restrictions would be with me until I would be about 19 and a half to 20 years old and they would hinder me in my career!!"

"I don't think you should have to keep an N plate up for 2 years as I think it should stay as an R for 1 year."

"I think it's a bad idea to replace the R with an N because it's unfair because none of you had the N plate and it would only be fair."

"At first, this would cause confusion as there would be a mixture of both R and N plates. However, aside from this, I don't personally see the point of restricting new drivers for longer, as they have already proved themselves capable by passing their driving test."

5.1d Reasons youth organisations think this is a bad idea

One youth organisation suggested that the "N may cause panic among nervous drivers seeing them."

5.1e Reasons 'others' think this is a bad idea

Two 'others' said they think that two years is too long to have an 'N' plate.

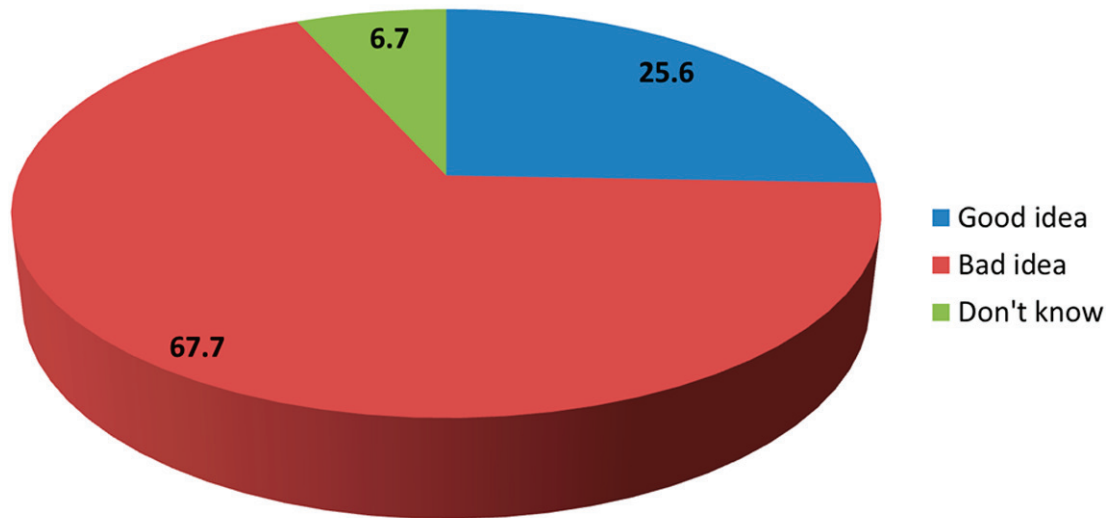
5.2 Views on proposal that in the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members

The majority of young people who participated in the online survey (67.7%) said they think that it is **bad idea** that in the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat⁴. Just over a quarter think it is a good idea (25.6%). The remaining 6.7% said they don't know.

4

Wording as taken from NI Direct website. Last accessed 12 January 2014.

Fig. 30: Views of young people on the proposal that, in the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat



When the data was analysed further, it was found that:

- Young people who do not have a full driving licence (66.1%) were slightly less likely to say they think it is a bad idea than all young people;
- A lower proportion of young people aged under 17 years (65.8%) said they think this is a bad idea compared with 17-24 year olds (71.4%);
- A lower proportion of males (62.2%) than females (69.0%) said they think this is a bad idea;
- A higher proportion of people living in urban areas (69.6%) said they think this is a bad idea when compared with those living in rural areas (61.1%);
- Youth organisations (60.7%) were less likely to say they think it is a bad idea [not being allowed to carry young passengers] when compared with young people; and,
- 65.0% of all respondents said they think it is a bad idea.

Fig. 31: Views on the proposal that, in the first 6 months, new drivers aged under 24 would not be allowed to carry non- family passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat

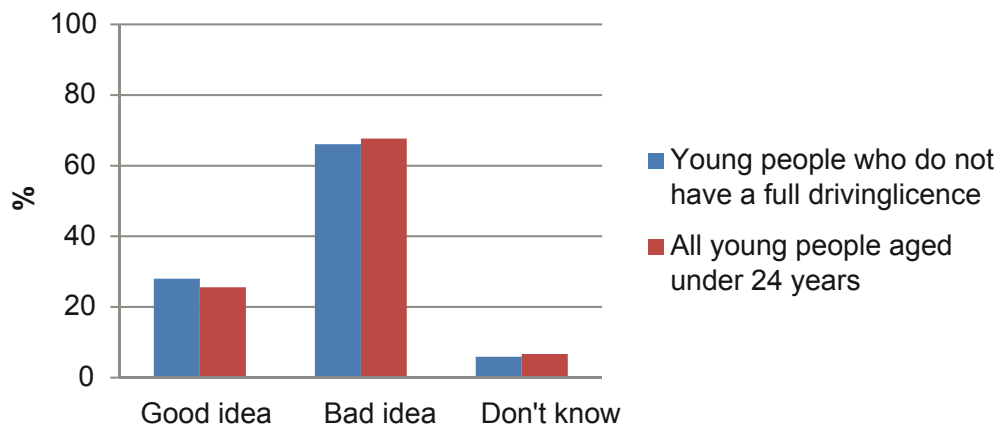


Fig. 32: Views on the proposal that, in the first 6 months, new drivers aged under 24 would not be allowed to carry non- family passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat

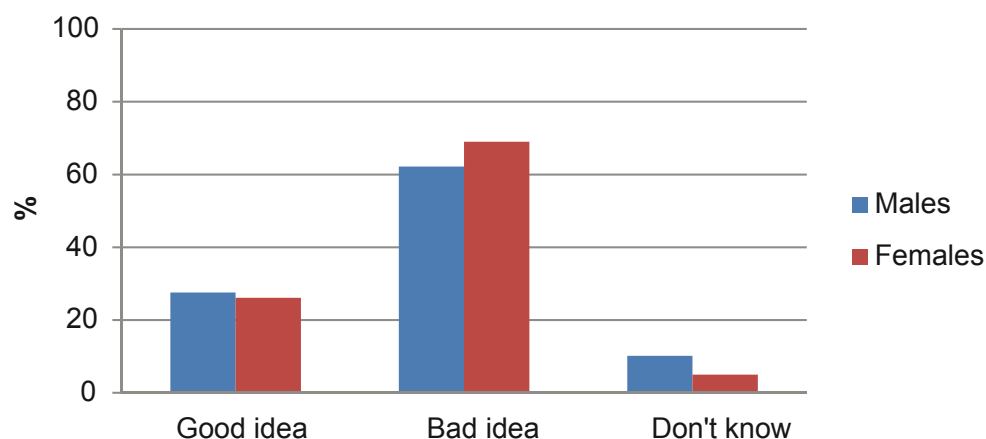


Fig. 33: Views on the proposal that, in the first 6 months, new drivers aged under 24 would not be allowed to carry non- family passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat

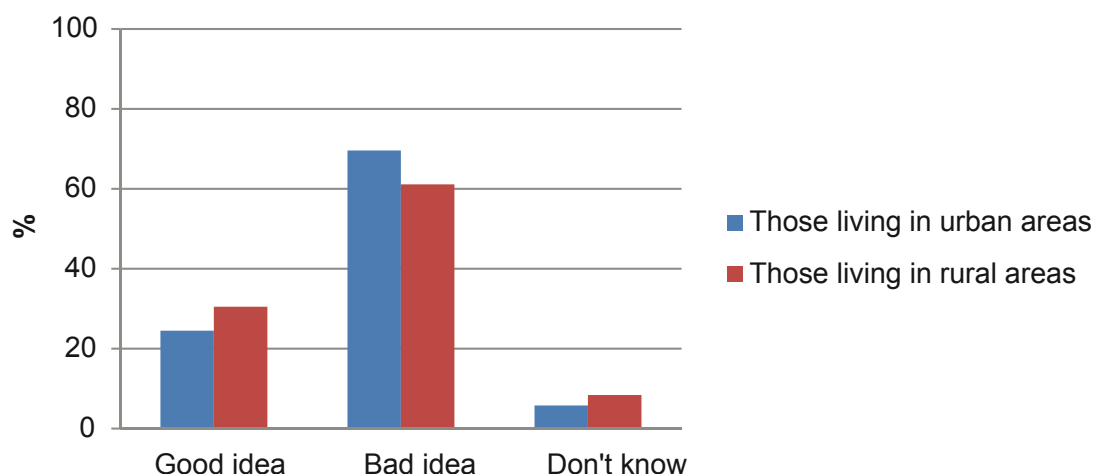
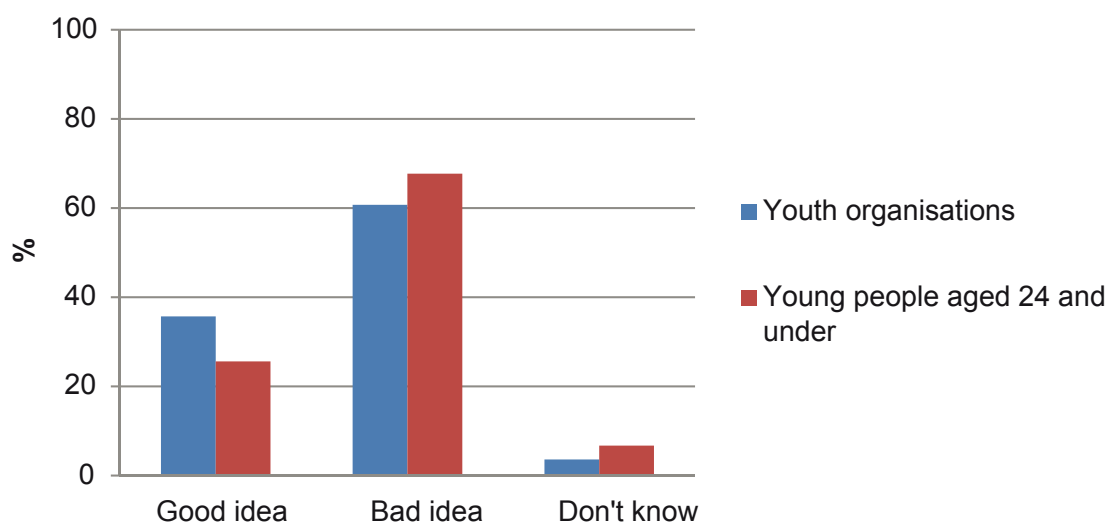


Fig. 34: Views on the proposal that, in the first 6 months, new drivers aged under 24 would not be allowed to carry non- family passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat



5.2a Reasons young people think this is a good idea

The main reasons young people said they think the proposal that, in the first 6 months, new drivers aged under 24 would not be allowed to carry non-family passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat is a good idea are for safety reasons. They felt that carrying friends could be a distraction for young new drivers:

"If you are with your friends you might get distracted easily and if you were involved in a crash how could you live with being responsible for hurting or killing one of your friends."

"A good idea as, if they are involved in an accident, there will be a smaller road fatality rate."

"The limit on age is good as you don't want them to crash and be distracted."

"Good idea for friends because it would be distracting for me having friends with me."

"Young people will have young friends, some of which may be immature or irresponsible etc. and may prove a distraction for new drivers relatively inexperienced in driving, so by giving a limit as to when the people may be able to carry young passengers, the young drivers may gain confidence and experience on the road. By giving a supervising driver in the front seat, that will provide more control in the situation for young drivers and another experience[d] person if a situation escalates."

A number of young people felt that this should apply to all drivers and not just young drivers.

5.2b Reasons 'others' think this is a good idea

'Others' said they think the proposal that, in the first 6 months, new drivers aged under 24 would not be allowed to carry non-family passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat is a good idea because:

"It might curb young males more specifically from showing off to friends and give more nervous drivers confidence."

"Having someone experienced in a car would be good because if they get in danger they will have help."

5.2c Reasons young people think this is a bad idea

Young people said they think the proposal that, in the first 6 months, new drivers aged under 24 would not be allowed to carry non-family passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat passengers is a bad idea for a range of reasons, but mainly because they limit the independence of young people, particularly those living in rural area. Other reasons cited were because the regulation would be difficult to enforce, cost implications, the proposal is perceived as unfair; and because of the negative impact of the proposal on the environment:

"Would take away the freedom of driving and the point of having passed the test."

"If you want to go out with your mates you don't want to bring your dad."

"Think of young people who live in rural areas."

"RUINS SOCIAL EVENTS"

"I think new members should drive friends of their own age because if they ran into the police how would they arrest them? I do understand that friends are a distraction but so can your brothers and sisters. What about a cousin?"

"I feel young drivers would still take their friends therefore breaking the law or lie and say they are their brother or sister etc. meaning that this law has no effect."

“Young people like to drive about with their friends and go places with them and not leave anyone behind so they can get their own way to a certain idea and spending lots of money when the new driver can just easily bring them along not causing lots of fuss.”

“I’m big on equal rights and what makes a 24 year old able to carry passengers and up to a 23 year old isn’t?”

“The government is always telling us to be environmentally friendly by taking public transport, or giving people lifts, but if this was implemented then young people who normally would have given each other lifts would instead take two separate cars, which would cause more pollution.”

5.2d Reasons youth organisations think this is a bad idea

All of the feedback from youth organisations on this proposal was against the idea for the same reasons outlined by young people:

“Stopping young people from having young passengers could be problematic, as I know in my own rural area young people share lifts to work, school etc. to keep cost down, and to allow access for those who can’t drive. By stopping this driving becomes more expensive, and those who can’t drive are limited.”

“Again we have concerns about the equality impacts of the above and the definition of ‘young people’. Restricting the carrying of passengers in particular could have a very negative impact - for example, if a group of classmates relies on one person to get to their place of study. Extending this up to 24 seems particularly draconian as a person who is 24 could have many jobs which would require driving other people - how would this be legislated for? Would it therefore prevent them for getting certain types of employment? Would this also apply to, for instance, van drivers or other employment which requires driving?”

“Surely when one is driving by one’s self his/her driving style becomes more abrasive and aggressive. Having passengers provides criticism and a second or third party to give advice, even from young people. It would be wrong to force young people to wait till their 24 years of age before they can ferry passengers. That is severely impractical.”

“They should be allowed to carry passengers as their skill should not be based on age.”

“Everyone should be treated the same... young or old.”

“It’s unfair because they are being penalised because they are young!”

“Keeping young people out of the car may cause more offences by safe drivers getting them in trouble with the law for an unnecessary reason.”

“It will massively increase and promote drink driving and the carbon footprint as they will not be able to share lifts.”

5.2e Reasons ‘others’ think this is a bad idea

‘Others’ said they think the proposal that, in the first 6 months, new drivers aged under 24 would not be allowed to carry non-family passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat is a bad idea because it would be difficult to enforce and it would impact on young people who might rely on their friends for a lift:

“People will break the law.”

“How could it be policed?”

“This can make it a lot harder as people can just lie and tell you that there are with their sibling instead it’s their friends. So you wouldn’t know and as long as they have not been drinking or doing any bad things at the car, then they should be fine.”

"It may put people off as they may need a car to drive people to school etc."

"People might need to give lifts."

"[It] restricts you from going out with your friends."

It was also commented by 'others' that:

"The new driver has had experience and been through lessons."

"The upper age limit of 24 is quite high. It should be reduced to perhaps 20."

5.2f Feedback from focus groups

While focus group participants recognised that restricting passengers might reduce the impact of peer pressure on driving, they were concerned that this:

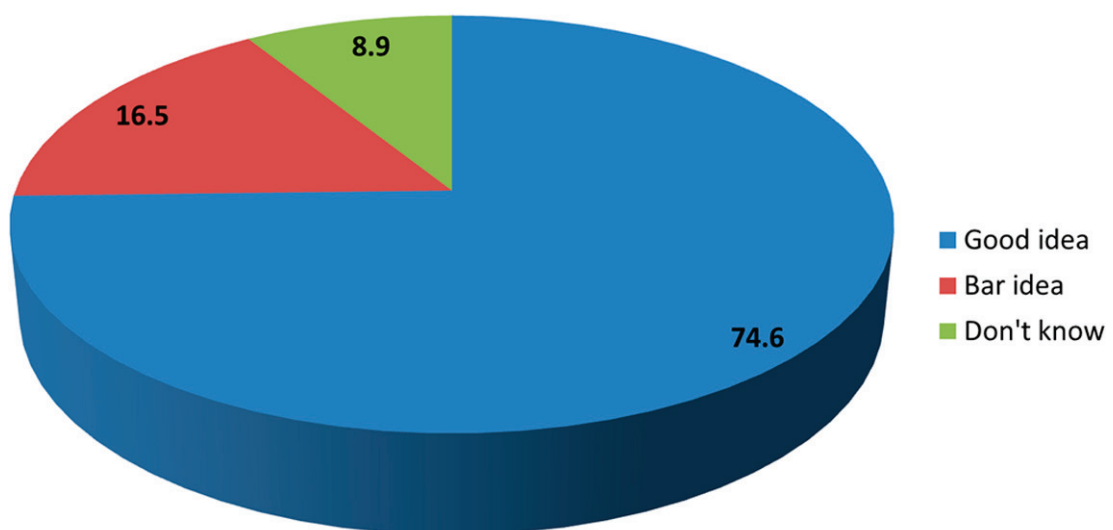
- Would lead to an increase in traffic as newly qualified drivers will be unable to offer lifts/ car share;
- Causes inconvenience;
- Require more police/ police time; and
- Be hard for police to identify who is family and who is not, especially with young people who may not carry I.D.

As an alternative, focus group participants suggested that the number of passengers could be restricted, for example, for a period in the evening rather than all of the time.

5.3 Views on proposal that for a period of two years, young people would have a lower drink drive limit than experienced drivers

The majority of young people who participated in the online survey (74.6%) said they think that it is **good idea** that, for a period of two years, young people would have a lower drink drive limit than experienced drivers. One in six young people said they think this is a bad idea (16.5%), although this is mainly because they think that all drivers should have a lower or zero drink drive limit rather than opposing a lower drink drive limit for young new drivers. The remaining 8.9% said they don't know.

Fig. 35: Views of young people on the proposal that, for a period of two years, young people would have a lower drink drive limit than experienced drivers (%)



When the data [on a lower drink drive limit] was analysed further, it was found that:

- There was little difference in the proportion of young people who do not have a full driving licence and the proportion of all young people who said they think this is a good idea (75.2% and 74.6% respectively);
- A lower proportion of young people aged under 17 years (72.9%) said they think this is a good idea compared with 17-24 year olds (78.0%);
- A slightly lower proportion of males (73.8%) than females (74.3%) said they think this is a good idea;
- A slightly lower proportion of people living in urban areas (73.5%) said they think this is a good idea when compared with those living in rural areas (74.6%);
- Youth organisations less likely to say they think that this is a good idea when compared with young people (71.4% compared with 74.6%); and,
- 71.8% of all respondents said they think this is a good idea.

Fig. 36: Views on the proposal that, for a period of two years, young people would have a lower drink drive limit than experienced drivers

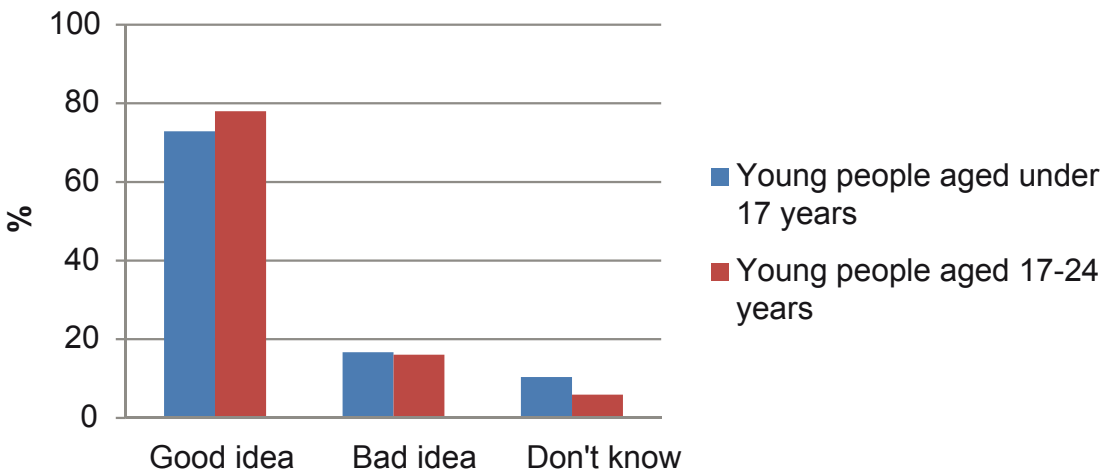
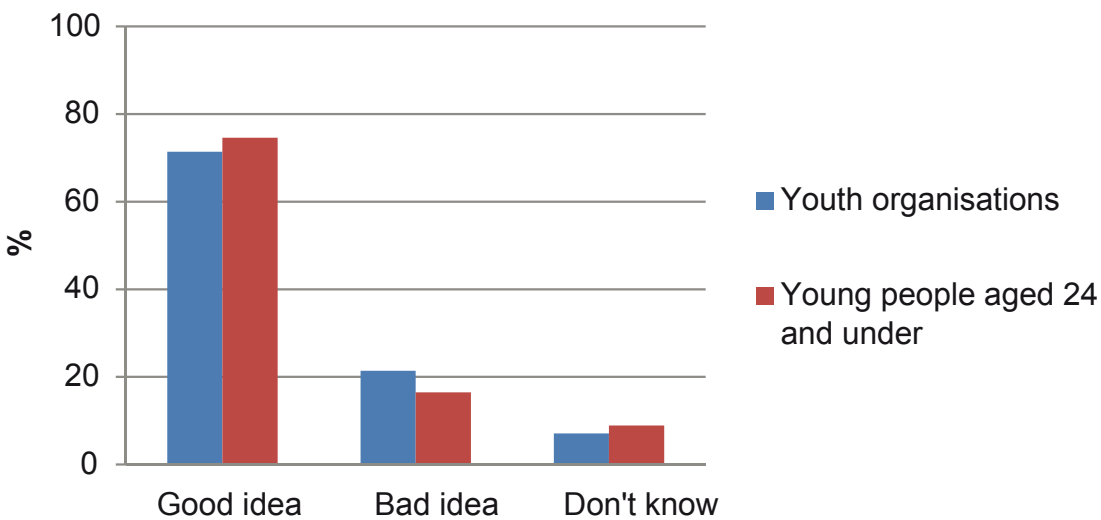


Fig. 37: Views on the proposal that, for a period of two years, young people would have a lower drink drive limit than experienced drivers



5.3a Reasons young people think this is a good idea

The main reasons young people said they think that it is a good idea that, for a period of two years, young people would have a lower drink drive limit than experienced drivers are for safety reasons, because young people are less experienced; and because young people have a lower tolerance of alcohol:

“Reducing the drink drive limit would reduce the risk of crashes.”

“The drink law is good because it will cause less accidents.”

“I think new drivers should have a lower drink and drive limit than experienced drivers as they do not have as much experience with the roads or even much experience with handling drink at that age either.”

“I think this is a good idea, because young people generally have a lower alcohol tolerance than older people. Lowering the drink drive limit would make things safer.”

5.3b Reasons young people think this proposal does not go far enough:

Some young people felt that young people should have a zero drink drive limit:

“Young drivers shouldn’t be drinking and driving in the first place. Losing their licence may be a good lesson.”

“You shouldn’t drink and drive anyway so it doesn’t matter what the restriction is.”

5.3c Feedback from youth organisations

One youth organisation felt that *“drink driving limitations would depend on scientific evidence.”*

5.3d Feedback from focus groups

Focus group participants felt that the drink drive limits should be reduced for all.

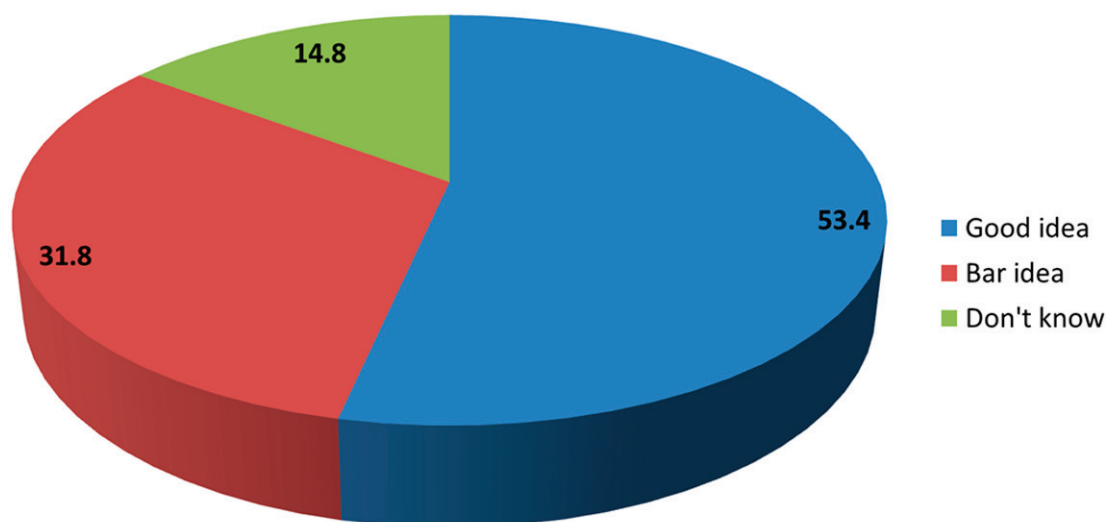
5.3e Feedback from ‘others’

One ‘other’ said that lowering the drink drive limit will make young drivers *“more aware and less likely to drink at all.”* Another said that *“the drink drive limit should be universal to all drivers ... as alcohol consumption and its effects are subjective to the person based on a number of factors; metabolism, height, weight, diet and liver function levels.”* One ‘other’ felt that the drink drive limit should be zero.

5.4 Views on proposal that for a period of two years, young people could lose their licence with six or more penalty points

Just over half of young people who participated in the online survey (53.4%) said they think that it is **good idea** that for a period of two years, young people could lose their licence with six or more penalty points. Just under a third of young people said they think this is a bad idea (31.8%). The remaining 14.8% said they don’t know.

Fig. 38: Views of young people on proposal that, for a period of two years, young people could lose their licence with six or more penalty points (%)



When the data was analysed further, it was found that:

- A lower proportion of young people who do not have a full driving licence (50.4%) said they think this is a good idea;
- A lower proportion of young people aged under 17 years (49.2%) said they think this is a good idea compared with 17-24 year olds (61.7%);
- A higher proportion of males (55.5%) than females (52.7%) said they think this is a good idea;
- A lower proportion of people living in urban areas (51.8%) said they think this is a good idea when compared with those living in rural areas (55.7%);
- Youth organisations less likely to say they think that this is a good idea when compared with young people (50.0% compared with 53.4%); and,
- 51.8% of all respondents said they think the six-point limit is a good idea.

Fig. 39: Views on the proposal that, for a period of two years, young people could lose their licence with six or more penalty points

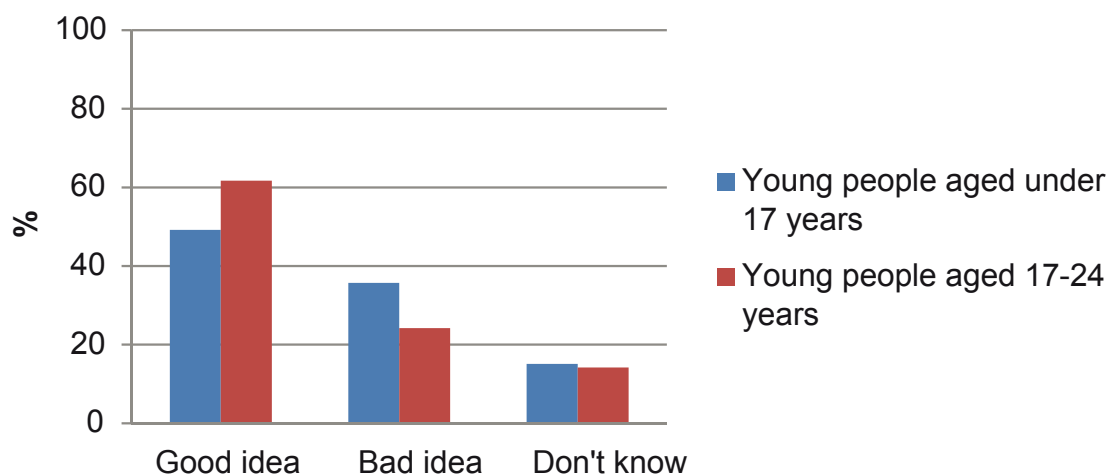


Fig. 40: Views on the proposal that, for a period of two years, young people could lose their licence with six or more penalty points

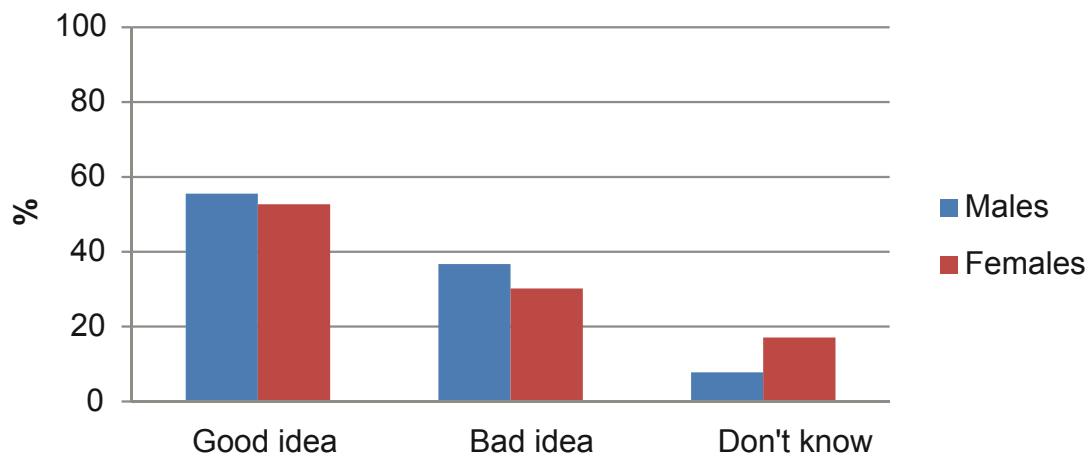
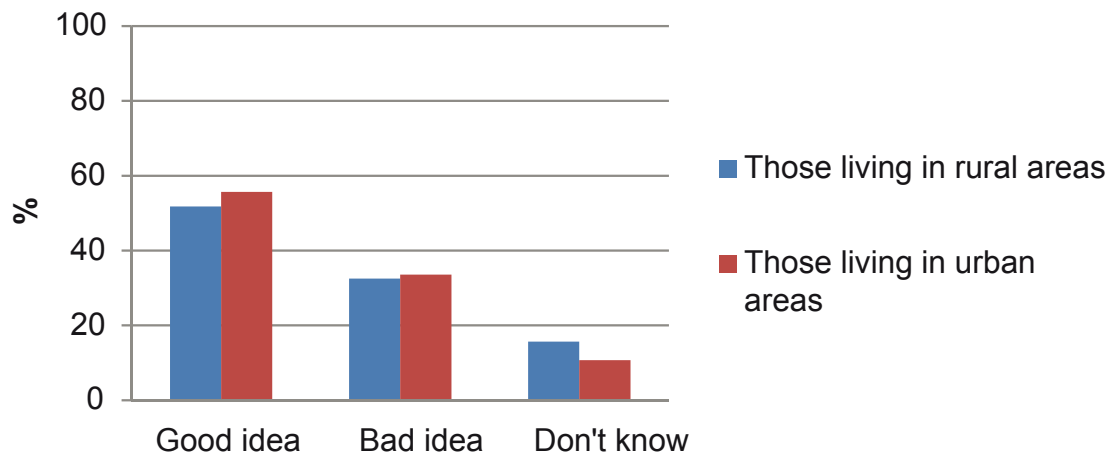


Fig. 41: Views on the proposal that, for a period of two years, young people could lose their licence with six or more penalty points



5.4a Reasons young people think this is a good idea

The main reasons young people said they think the proposal that, for a period of two years, young people could lose their licence with six or more penalty points is a good idea are because it would improve driver behaviour and road safety:

"It would make people aware that they might have their licence taken away if they are not sensible on the roads."

"It would mean the roads would be safer."

5.4b Reasons young people think this is a bad idea

The main reasons young people said they think the proposal that, for a period of two years, young people could lose their licence with six or more penalty points is a bad idea are because it is too low and because it's unfair:

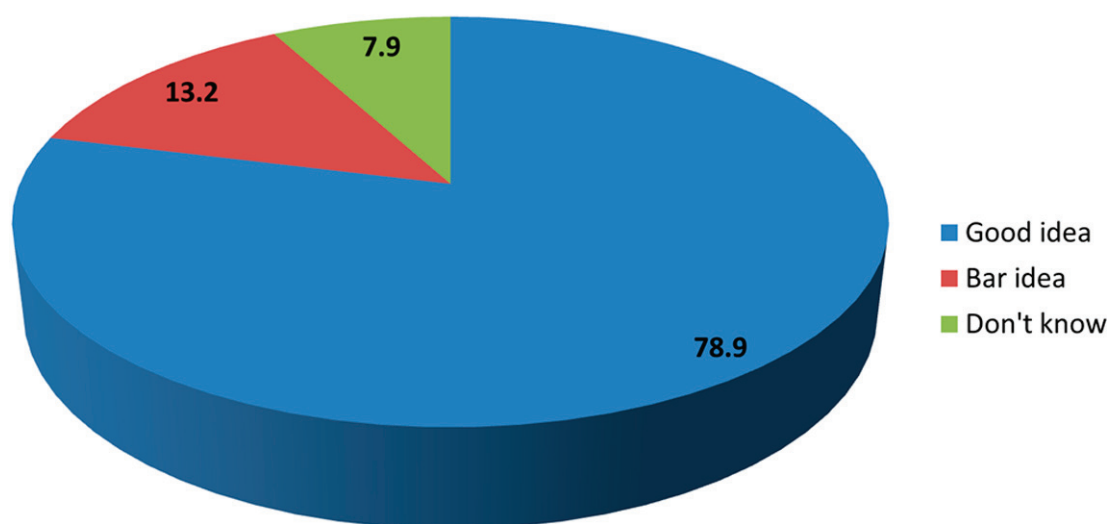
"I think that 6 penalty points is too low a number as (for example) 2 very minor infractions could result in an unjust removal of the licence."

"It isn't fair to give more points to a young driver because a qualified driver could be just as dangerous on the roads."

5.5 Views on proposal that young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points

The majority of young people who participated in the online survey (78.9%) said they think that it is **good idea** that young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points; 13.2% said they think this is a bad idea and the remaining 7.9% said they don't know.

Fig. 42: Views of young people on the proposal that young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points (%)



When the data [on the course option] was analysed further, it was found that:

- A slightly higher proportion of young people who do not have a full driving licence (80.1%) said they think this is a good idea;
- A slightly lower proportion of young people aged under 17 years (78.5%) said they think this is a good idea compared with 17-24 year olds (79.8%);
- A lower proportion of males (77.2%) than females (79.1%) said they think this is a good idea;
- A higher proportion of people living in urban areas (80.1%) said they think this is a good idea when compared with those living in rural areas (75.2%);
- Youth organisations (82.2%) are more likely to say they think this is a good idea when compared with young people; and,
- There is little difference in the proportion of all respondents and the proportion of young people who said they think that this is a good idea (78.3% compared with 78.9%).

Fig 43: Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points

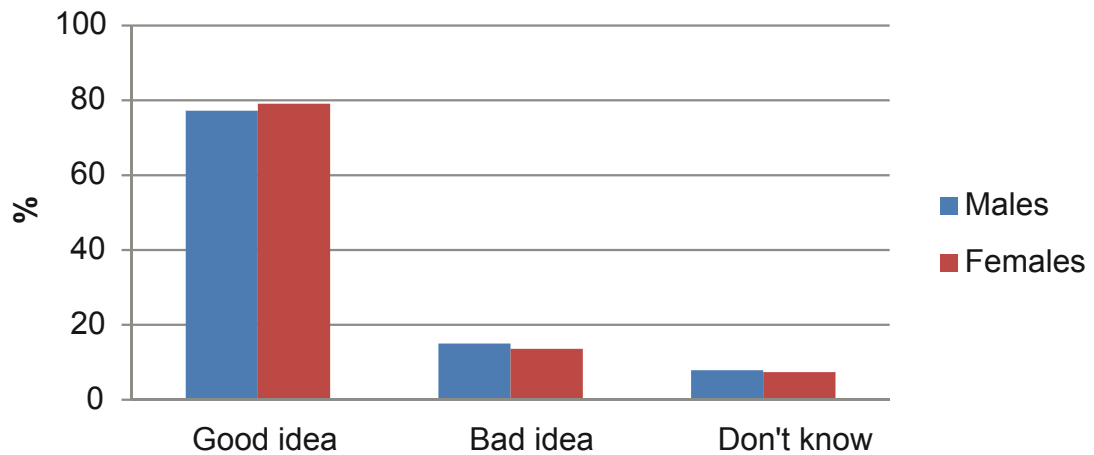


Fig. 44: Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points

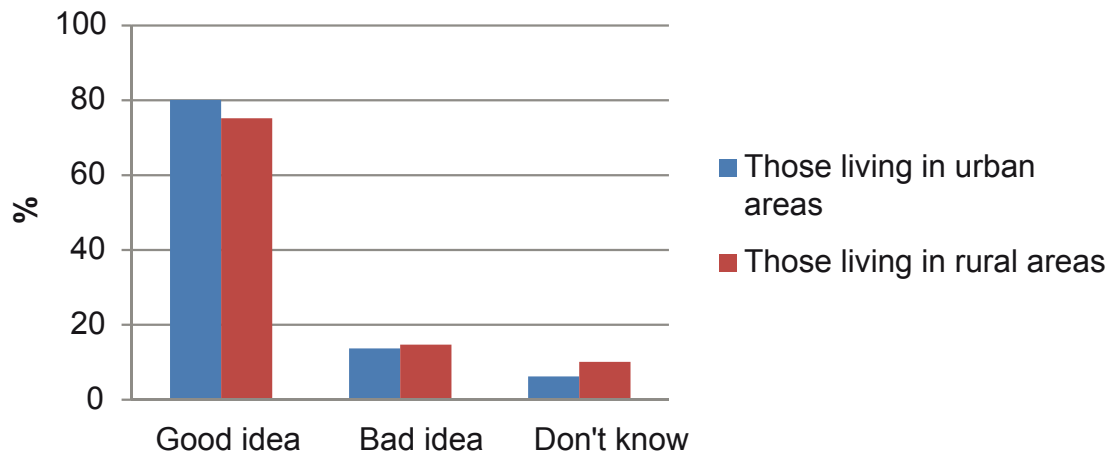
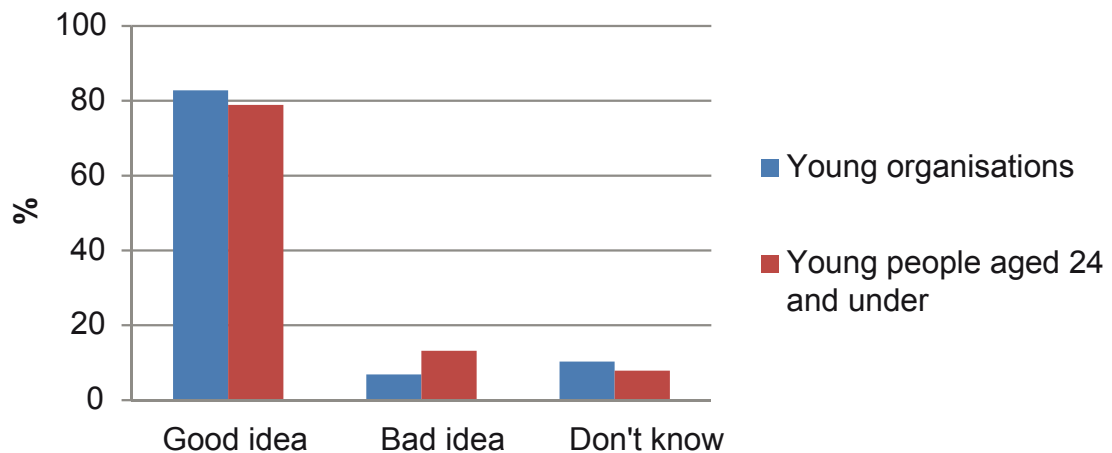


Fig. 45: Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points



5.5a Reasons young people think this is a good idea

The main reasons young people said they think the proposal that young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty

points is a good idea are because young drivers are still learning and to teach them a lesson without them losing their licence:

“Young drivers are still learning so they are more likely to make more mistakes therefore the opportunity to participate in a course rather than lose their licence so soon after getting it.”

“Going to a course instead of getting their licence taken off them because it will teach them a lesson without going too far.”

5.5b Reasons ‘other’ think this is a good idea

One other said they *“think it’s fair for people to have a second chance on taking a course instead of losing their licence especially for new drivers, cause they are only getting started.”* Another said that the course should be long and that drivers should only be given this opportunity once.

5.5c Reasons young people think this is a bad idea

The main reasons young people said they think the proposal that young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points is a bad idea are because it is too lenient and because it might be difficult to enforce:

“If young people are given the option to take a course instead of losing their licence if they have 6 or more points I think they will abuse this, their licence should be taken off them in my opinion because having 6 points is not something to be proud of, it’s disgraceful.”

“I feel it would be hard for the government to keep up with people who don’t go to the course, because I feel there would be a lot of young people who would not turn up.”

6 Views on Student Logbook Experience

Young people were asked for their views on two aspects of the student logbook experience – who the driving experience should be with and whether this experience should be based on the number of lessons or the number of hours.

6.1 Views on who student logbook driving experience should be with

With regards to who the student logbook driving experience should be with, respondents were given three options:

- A qualified driver only;
- An approved driving instructor only; or,
- Both an approved driving instructor and qualified driver.

The majority of young people who participated in the online survey (63.9%) indicated that the driving experience should be with both an approved driving instructor and qualified driver. Just over a quarter of young people (27.4%) indicated that it should be with an approved driving instructor only. Less than one in ten young people (8.7%) thought it should be with a qualified driver only.

6.1a Reasons experience should be with an experienced driver only

The main reason young people thought the driving experience should be with an experienced driver only was because of the cost. Secondly, it was considered that experienced drivers would know enough about driving to fulfil this role:

“Why charge young people even more money when families are struggling enough in the current times.”

“Not everyone can afford to get an instructor, making it unfair to those who are less financially secure.”

“This will allow more young people to learn to drive and get more experience as it will be easier and cheaper for them to get experience with, for example, their parents than a driving instructor.”

“Requiring an ADI’s time will make it extremely expensive for young people to learn, forcing them to potentially forgo things that would require them to drive such as certain educational or job opportunities that are not easily accessible by public transport. When young people reach 18, it is currently expected that they will be able to drive, especially in more rural areas, so making it very expensive to do so could be very damaging to the independence and development of young people in those areas.”

“They have taken their test and know what to do.”

“I don’t think you should have to pay for a driving instructor, people who are qualified know enough about driving.”

6.1b Reasons experience should be with an approved driving instructor only

The main reasons young people said they think the driving experience should be with an approved driving instructor only are because they are fully trained and will teach young people how to drive correctly and will know the rules of the road. Some young people are concerned that experienced drivers may pass on any bad habits they have picked up or not correct learners when they make a mistake. Others said they think that learning with a driving instructor would be less stressful or off putting than learning from an experienced driver such as a parent:

"I think an approved driving instructor because they know their stuff and know how to drive well but also know driving and road safety and know more about cars maybe and have been in practice a lot longer than a qualified driver."

"Because they know what they are doing."

"A qualified instructor can teach the more technical parts of the course."

"Learn properly not others bad habits."

"I think an approved driving instructor should teach people how to drive because if a qualified driver like a family member taught you how to drive you might get a bit stressed with them in the car."

"I think it would be better with a driving instructed because you wouldn't feel so awkward and you would feel calmer around them."

"You are more likely to listen to a driving instructor who you do not know and you would take him/her more seriously but with a parent you might not get much done."

"I think it should only be with an approved driving instructor because you might be put off by the other person in the car."

6.1c Reasons experience should be with both an approved driving instructor and qualified driver

The main reason young people said they think the driving experience should be with both an approved driving instructor and a qualified driver is because of the cost of approved driving instruction. This is also seen as a way of gaining more experience and getting the opinions of more than one person. It also gives young people more choice, allowing them to decide who they are more comfortable learning to drive with. This would also allow more flexibility, particularly if proposals around driving in different conditions are adopted. It is also argued that young people will learn with qualified drivers and this experience should not be ignored. It was, however, recognised that this approach is open to abuse:

"I think both because having a driving instructor is important but some people just do not have the money."

"Driving lessons can be very expensive and a lot of people won't be able to afford it. But they might be taught better by an instructor."

"Driving lessons are expensive; a combination of driving Instruction and re-enforcing each lesson with a parent or older brother and sister would help develop experience."

"Because it gives you more experience."

"I think this because you would get more experience with both rather than just one."

"The driver should be able to decide which, a driving instructor or a qualified driver, they're more comfortable with."

"It gives a wider choice of people to choose from."

"Because it's good to have a good opinion for more than one person about driving on the road."

"Because you could be sitting in the house and it could start to rain heavily and if you want experience driving in that weather condition at least with a qualified driver i.e. a family member you could take this opportunity."

"When driving with a qualified driver, you may encounter different situations and different locations than those seen with an instructor."

“Many people drive with other qualified drivers than their instructor when learning - doesn’t make sense to ignore this time.”

“Forgery is possible if not properly regulated however.”

6.2 Views on whether driving experience should be based on the number of lessons or the number of hours

Young people were asked if the required driving experience should be based on the number of lessons or the number of hours of experience. The majority of young people (72.9%) felt that this experience should be based on the number of hours driving experience.

6.2a Reasons experience should be based on the number of lessons

The main reasons young people felt that the required driving experience should be based on the number of lessons were that some people learn faster than others and that the number of lessons is easier to keep track of:

“Some people find driving easier than others, so it is not fair to ask a confident driver to spend certain amount of time on the roads.”

“Some people learn faster than others.”

“More important to learn than count the hours.”

“The number of lessons are easier to keep track of, plus the lessons would be properly driving with an approved driving instructor.”

6.2b Reasons experience should be based on the number of hours

The main reasons young people felt that the required driving experience should be based on the number of hours were in order to build up experience and because its fairer:

“Because it would be more experience and you would be taught better.”

“Because it doesn’t matter how many lesson you get you have to have a certain amount of driving experience.”

“The length of lessons can vary depending on the driving school. There’s no point in having a required number if one person has only had half the amount of driving practice as someone else who has taken the same amount of lessons.”

“Clearly, 10 lessons taking 30 minutes isn’t as much experience as 10 lessons taking 90 minutes. If required driving experience was based on the number of hours, the rules would be stricter and lead to safer conditions on the roads.”

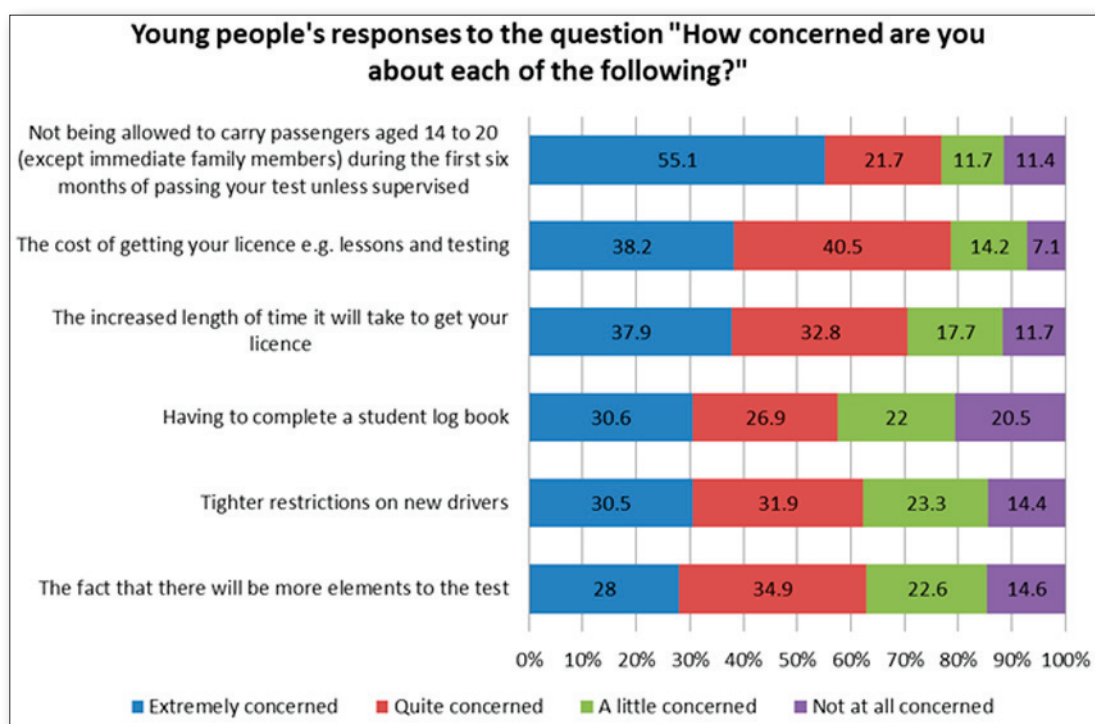
“People’s driving instructors may have different amounts of time for lessons for example one person could have one lesson for one hour and another person could have one lesson for 30 minutes so the number of lessons isn’t a fair requirement.”

7 Levels of concern with planned driving licensing law changes

Young people were asked how concerned they are about:

- The cost of getting a licence e.g. lessons and testing;
- The increased length of time it will take to get a licence;
- The fact that there will be more elements to the test;
- Having to complete a student logbook;
- Tighter restrictions on new drivers; and,
- Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised

The majority of young people who participated in the online survey were either extremely concerned or quite concerned about these. Young people were most concerned about the cost of getting a licence and restrictions on carrying passengers aged 14 to 20 years. Young people were least concerned about having to complete a student logbook.



8 Views on suggestions that were rejected

Young people were asked whether the following suggestions that had been considered for inclusion in the Bill but were rejected should have been included or if it was right to reject them. These suggestions were:

- Make learners and new drivers have training in what to do if the car goes into a skid;
- Don't allow learner or new drivers to drive cars that are built to go very fast;
- Don't allow new drivers to drive at night; and,
- An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences.

8.1 Views on the suggestion regarding skid training

The majority of young people who participated in the online survey (79.8%) said they think that the suggestion to make learners and new drivers have training in what to do if the car goes into a skid should have been kept in. Less than one ten (8.5%) said they think it was right to reject this suggestion and 11.7% said they don't know.

"The proposals that were rejected by the Minister should have been kept in, training in skidding is vital (as what you should do is not what we think we should do)."

"Make it compulsory to go to e.g. skid pan to give the learners a feel for what it may be like to lose control of the car and how to react."

"Situation training such as what to do if your car skids."

8.2 Views on the suggestion regarding around learner or new drivers driving cars that are built to go fast

Just over half of young people who participated in the online survey (52.7%) said they think that it was right to reject the suggestion not to allow learner or new drivers to drive cars that are built to go very fast. Just under three in ten (28.1%) said they think this should have been kept in and 19.2% said they don't know. One young person who was against this proposal commented:

"Driving in a fast car is also dangerous and should have been kept in as it is ridiculous to let young people drive fast cars as this will undoubtedly lead to more accidents."

8.3 Views on the suggestion regarding driving at night

The majority of young people who participated in the online survey (77.1%) said they think it was right to reject the suggestion not to allow new drivers to drive at night (12.2% said they think this should have been kept in and 10.7% said they didn't know. One young person commented:

"We shouldn't be allowed to drive at night (or there should at least be restrictions, i.e. 11pm-6am as everyone should have night-time experience) as this is increasingly dangerous."

8.4 Views on the suggestion of an offence free period before restrictions are removed

Young people who participated in the online survey were split on whether it was right to reject the suggestion of an offence-free period before restrictions are removed (meaning new drivers would have to complete 6 full months of driving without any offences). There was little difference in the proportion of young people who said they think that this should have been

kept in (34.8%) and the proportion who said they think it was right to reject this (35.7%). One young person commented:

“An offence-free period is a great idea and the Minister was wrong in rejecting this as no-one wants a driver on the road who has offended in the first 6 months of having a licence.”

The majority of youth organisations (55.6%) also felt that the proposal of an offence free period before restrictions are removed should have been kept in.

9 Other ideas about how the law could be changed to make our roads safer

Respondents were asked whether if they have any other ideas about how the law could be changed to make our roads safer.

9.1 Learning to drive

Below are ideas and views young people put forward regarding learning to drive.

Push the driving age up to 20.
New Drivers should have basic skills prior to be taken on the road by an existing driver.
Obligatory practical experience of driving on flooded or obstacle-filled roads.
What to do if you witness an accident or are involved in one. Also car maintenance, currently this is taught just before the test and I struggle to remember most of it. We need to know how to look after and maintain our cars Be taught how to apply for insurance, tax, book MOTs etc.).
Encourage new driver to learn to actually drive, too many manage to rush to pass there test and are involved in an accident cause they were not properly prepared.
Increase awareness of how the car actually works, how to fix a car or who to bring it too when it requires a fix. What to do if you have an accident and therefore, promote the need for insurance. Have lessons about the seasons affect the car. How long-distance driving requires special checks etc.
Young people get a bad stick for driving but I feel this boils down to how they are perceived and the fact their lessons teach them how to park and turn corners, but don't tell them how to drive on motorways and carriageways which is what you do most of the time. You should also learn about how to know when to use fog lights and full beam lights and how to drive in severe weather conditions (all in theory, none in practice which is dangerous!). People don't want to study a theory book, they will take more in if they are taught it kinetically (with movement and visual aids from an instructor).
Should make roads that learners could practice on with other learners like America, they have roads that they can learn on.
Better training rather that training to pass the test.
Learners should undertake at least 2 lessons on night driving to prepare them for actual life - Learners should be allowed to drive on the motorway at a reduced speed (50mph).
I think you should be able to drive when you get your provisional.
Think young drivers should have a government learner scheme through colleges/schools like they have in many high schools USA. They used to have moped lessons.....now it's a rip-off to have to pay a guy £200 to get a CBT.

9.2 The driving test

Below are ideas and views young people put forward regarding the driving test.

Don't pass someone if they make at least one mistake that could be considered major.
Have to redo your test every 5 years.
People that have their test could also sit another theory test on road safety and what they would do if there was an accident etc.
Have check-up tests every few months for the first year or two.
The cost of taking driving tests and applying for your licence is currently far too high for what is to many people an essential skill to obtain.

Ideas from youth organisations are that:

- All drivers should *“take a free ‘refresher’ course on road safety every five years. They would have to complete a smaller scale theory and practical.”*
- *“To get your provisional licence you should have to do your theory first like in ‘the south’ of Ireland.”*
- The government should make the cost of driving licences and car tax cheaper.
- *“Once you reach a certain age you should be made resit your test and do a reactions test, as there are many older drivers unable to drive the way they used to on the roads.”*

9.3 New drivers

Below are ideas and views young people put forward regarding new drivers.

Restrict the size of car an R driver can buy.
Bring it into line with of the UK, R plates are highly counterproductive and compromise new driver training of higher speeds.
It would also be worth running a government campaign informing qualified drivers about the appropriate etiquette in how they treat ‘R’ drivers.
Keep the insurance down then put it up if they are dangerous for new drivers.
keep insurance costs down .
Make it essential to have a car speed monitor in the car for 6 months after you past your test and if you speed on more than x occasions then you shouldn’t have a driving licence.
Black boxes or dash board cameras so that evidence is provided.

Below are ideas and views ‘others’ put forward regarding new drivers.

New drivers have a car that’s not very fast.

9.4 Speed limits, speeding, detection and penalties

Below are ideas and views young people put forward regarding speed limits, speeding, detection and penalties.

Make people to not go as fast on the road if you have children in the car.
Drive 40 mph instead 45 mph.
Lower the speed on most roads.
Enforce tractors, lorries and slow moving vehicles to move into the hard shoulder when holding other road users back. Enforce the law against drivers moving inappropriately slowly. (I understand the most unsafe roads are where users are doing a wide range of speeds. Hence vehicles moving very slowly or very fast are both hazardous).
Reduce some speed limits especially outside schools.
Cut the speed limits to only 60mph on motorways.
Reduce the speed limits around schools.
Reduce some speed limits drivers.
Reduce speed limits.

Increase speed limits, Replace 30mph zones with 40mph or 50mph zones unless it is absolutely necessary for it to be a 30mph. Increase the speed limits on the Motorway to 80 immediately with a view to making them speed limitless.
There is a lot of speeding where I live and no one does anything about it so more speeding cameras or police guards on duty must complete at least 20 hours of lessons before taking the practical.
Install more ramps in dangerous places. More traffic lights.
Speed ramp outside school.
More speed cameras and CCTV cameras to see how accidents are caused.
More speed cameras - tighter penalty rules.
Smaller speed limit in town.
Make it a criminal offence and 3 penalty points for anyone who does without good reason in a car 30 or 40mph on a good 60mph road.
Remove all speed cameras.

Below are ideas and views 'others' put forward regarding speed limits, speeding, detection and penalties.

More traffic lights slows down traffic.
Increase the speed limit.
Make the lights change more often to slow down the traffic after a certain time, so it is not a free road for people to drive fast up.
A low speed limit in residential areas.
To drive slowly be more careful.
There should be more speed bumps provided on the roads and there should be more speed cameras / men along the roads.

9.5 Drink driving

Below are ideas and views young people put forward regarding drink driving.

I think they/you should take more responsibility in the low price of alcohol and raise the price so there are less accidents and less drunk drivers cause that's the thing that scares me the most.
Make alcohol limits in the blood stream to be at 0%.
Have stricter drink driving rules for all ages
I think their needs to be really tight laws on young people who are caught driving under the influence of drink/drugs.
Reduce the drink drive limit and make the test more detailed.
Stricter laws on drink drivers and drugged drives, proper and more fair justice.
If someone is caught drink-driving, instead of giving them points on their licence , take it away for a year or more and make them re-do the test!
Lower drink driver limits.
Significantly lower the alcohol limits for young people up to age 24.
Lower the drinking and driving limit of alcohol for all people.
0% limit on drink driving, so no drink would be allowed .

The alcohol limit should be replaced with an outright ban. People have different levels of tolerance to alcohol and it affects people in different ways. Setting an alcohol unit level does not help. Anything above small trace of alcohol (morning after the night before within reason) should be penalised with points. If it is over a certain limit, suspension on driving.

Zero alcohol limit for drivers.

Zero tolerance on drink driving. Designated driver bonuses at bars etc. Cheaper insurance for those who have never been caught drink driving or no penalty points.

Limit the drink drive age also reduce speed limits.

Two youth organisations suggested that there should be a zero alcohol drink drive limit for all while one suggested there should be lower drink drive limits for all.

Below are ideas and views 'others' put forward regarding drink driving.

Make sure people have IDs if they want to have a drink- less drunk drivers.

I think anyone who has been drinking should call a taxi instead of risking his life and drivers on the road.

9.6 Smoking in vehicles

Below are ideas and views young people put forward regarding smoking in vehicles.

You're not allowed to smoke in the car with a child in it cause they may cough.

Don't let people smoke in a car with a child.

Make smoking while driving illegal.

9.7 Other driver awareness and behaviour

Below are other ideas and views young people put forward regarding driver awareness and behaviour.

Ensure the drivers are aware of all the dangers; this is the only way to make sure our roads are safe.

Road rage is also an issue. My R plates are clearly displayed in my front and rear windscreens, yet when driving at 45 mph where applicable, other drivers feel the need to drive incredibly close behind. This is extremely intimidating and pressurised to drive faster than I feel comfortable. I highly doubt I am the only R driver to experience such behaviour on a regular basis.

HEY. DRIVERS. LEAVE US KIDS ALONE.

Have a bonus scheme to encourage safe/penalty free drivers.....would work out cheaper than investigating fatal accidents.

Mobile phones people still use while driving.

JUST BECAUSE YOU ARE ON THE ROAD DOES NOT MEAN YOU OWN IT! This should be a sticker on the back of every single road vehicle.

More laws and restrictions too be made so people would take more caution on the roads so they don't cause any accidents etc.

And more adverts on television or in magazines etc. about road safety.

9.8 Policing and penalties

Below are other ideas and views young people put forward regarding about policing and penalties.

Have a tighter watch on what happens on the roads. Bring down the cost of insurance.
Although very subjective, police should be allowed to issue warnings/penalties to drivers who failed to make use of indicator signals when required, potentially endangering others including pedestrians. This could perhaps be classified as a form of dangerous driving.
Longer periods of time not driving for driving offenders.
Higher punishment for offences such as driving over the legal limit.
If you get three points on your licence you have to resit ur test.
A mix of restrictions and more lenient approaches to the licensing law is the way forward. Allow more development and freedom of driving during the learning period and severe restrictions in the first 6 months with a probationary 24 month period where bad driving is penalised with a harsher punishment.
Remove the road traffic branch of the PSNI.

9.9 Roads and signage

Below are ideas young people put forward regarding roads and signage.

When it is evening, when the light is not bright, cars should have headlights on, as there were a few occasions where there were white or grey cars that did not have their lights on and it was difficult to see them.
More road gritters in the countryside when the bad weather hits.
There should be a bus lane and emergency lane.
Don't allow young drivers on motorways for the first six months.
More lay-bys on country roads.
Make motorbike and moped lanes so that there is less accidents.
I think all roads need to be maintained to the highest standards to enable drivers to have the best and most safe driving experience. If the white lines, cat's eyes and unlit walkways are not in good condition then more accidents are likely to happen.
Remove roadside advertisements.
Footpath bars to stop people from walking out on the road it would stop loads of kills and if a car was to skid it wouldn't hit the kerb instead it would hit the bars and if the car still goes through it would slow the power or force down and it could save someone life.
Make speed limit signs more obvious.
Also more safety road signs.
To put more speed signs up and reduce speed on some roads.
Make country roads safer with less bends and bumps, if possible, or place more warning signs. Remove pot holes.
Road surfaces are worsening in Northern Ireland, making our roads increasingly dangerous not just for cars but motorcyclists and cyclists who are already more vulnerable.

One youth organisation suggested that the government should “*make roads better and easier to drive on i.e. white lines and properly maintained roads.*” Another suggested salting the roads.

Below are ideas 'others' put forward regarding roads and signage.

More light on the roads to make them more safe.
Put more lights on the roads to make the roads more visible at night.
Make bigger roads.

9.10 Older drivers

Below are ideas and views young people put forward regarding older drivers.

Test older drivers eyesight.
Make older people redo their test when they hit a certain age therefore this means that they have not forgotten certain parts.
Old people should be made to take there test again after a certain age.
Stop old people driving.
Also, make all drivers at the age of 65 take another driving test!
I think you should take drivers which are far too old off the road to allow new learners to experience it, therefore would not be as much traffic as it would flow quicker and calmer as younger drivers are more alert and concentrated.
There are a substantial number of drivers on our roads which have never completed a theory test or practical test, never mind at the same level that young people are expected to at the moment. This makes our roads unsafe. Any near accidents I have had have been due to older drivers who never took a test or received appropriate lessons. I would like to see compulsory testing for all drivers who have never taken a driving test and retesting for those of retirement age every 10 years.
It is worth noting that, whilst restrictions on young people could be perceived as increasing, there is still no effort made to address the driving skills of those who have been on the road for 20,30, 40 years or more. Surely these individuals, qualified to drive throughout a period where road safety concerns and the Highway Code have changed significantly, are a greater risk to other drivers and should have to undertake some form of refresher course? Obviously the cost to government would be too great, but courses are not the only option.
Make all people over the age of 50 retake a driving test as the older generation can be a danger.
Make older people (say at the age 50) retake their test.

Below are ideas and views 'others' put forward regarding older drivers.

Make elderly people retake there driving test.
There is currently no provision for 're-testing' after, perhaps, 20 years. Drivers who have been on the road for 20 years will likely have forgotten the ins and outs of the Highway Code and have developed significant bad habits - do we propose placing an 'O' plate on their windows to indicate that they are an old driver and therefore a potential safety hazard? No - despite the fact that they are almost certainly a greater danger to other drivers.

9.11 Cyclists

Below are ideas and views young people put forward regarding cyclists.

Build cycle lanes for cyclists because they are at risk.
Cyclists should have to apply for a licence and follow the rules of the road or be fined.

More training about how to deal with cyclists on the road - many drivers behave very dangerously around cyclists.

9.12 Public transport and car-pooling

Below are ideas and views young people put forward regarding transport and car-pooling.

If public transport was better and cheaper and more reliable not as many would need to drive.

Cheaper bus and train fares to stop people driving at night, also more services later at night.

Making public transport easier to access for young people would encourage many more young people to use it rather than drive. Most people I have spoken to at university and in my community would much rather get public transport than drive, but from where I live to university, I have a 5 minute drive to the bus stop, then a 45-minute bus that only runs once an hour, then a mile-long walk to class, and the bus costs £7 a day to get to and from university. It would take about 40 minutes less to drive and the only reason I don't drive is that I can't afford my own car and my parents need theirs during the day. At the minute young people are being forced to drive early regardless of how much experience they have because there are few other options and the options that are there are inaccessible, unreliable, inefficient and expensive - rather than make it more expensive for young people to drive, make it easier for them to not drive.

Companies to set up car-pooling schemes up.

10 Other comments

Respondents were given the opportunity to make any other comments.

10.1 Comments in favour of the proposed changes

Adding extra elements to the test is a great Idea! Young drivers could have more caution on the road, plus they would know more, especially if they'd had experience driving in different conditions.
I think the new suggestions are excellent, some minor adjustment needed, but it would increase the preparation a new driver has, after all a new driver lacks experience and some things are learnt the hard way but with extra learning time, new drivers would be able to be more cautious on the road and more prepared.
[With regards to proposals on after passing the test] These are all good ideas, as they will inspire caution among drivers, the course is particularly good as it will give drivers a second chance if it was a mistake.

10.2 Comments against the proposed changes

Stop making unnecessary road laws.
This new bill is a joke, Step back and look at the real problems instead of angering the future generation, idiotic.
The ramifications of any decisions made should be considered in respect of the effect on young people living in rural areas who depend on a car for socialising and getting to work etc.
The purpose of this bill seems to be the limiting of new drivers. This is nobly intended, but it has started to interfere with the ability of people to get from a to b. As someone who has spent several years relying on rural public transport, I can tell you know that I cannot wait to get my licence, and to further restrict my driving would be a devastating blow.
All in all I think these changes are ridiculous and will do nothing to help driving in Northern Ireland and the relationship between politicians and young drivers because young drivers will despise these changes if implemented.
DO NOT PUT THESE PROPOSED PLANS IN.
The law is fine the way it is.
I believe that young people's needs and why they learn to drive need to be considered before changing the law. These changes may have a serious and detrimental effect on young people's lives. Driving gives young people independence and they can use this skill to gain employment or continue learning. I myself would have not been able to travel to work or college if I had not learnt to drive as my parents did not have the means to drive me there and the buses were not at appropriate times.
These new changes are absurd. I cannot see how this will benefit anyone.

10.3 Other comments from young people

You should understand that it is hard for young people to get a licence who are in full time education because of costs. I think insurance companies take advantage of young people because of the stigma that all new drivers are bad and there should be an inquiry into how insurance companies justify their fees.
Please don't put all of us "young ones" in the same basket! Not all of us are idiots that would misuse a car!
I think this website is really good to allow young people to say what they think and I have enjoyed doing this thank you xxxx

If there is an overwhelming negative reaction to these proposed changes, will they be taken into account, or is this survey just to tick boxes? :)

10.4 Comments from 'others'

I hope that you will read and take my opinions into a serious matter because these laws will affect more of the young people and as well as the future generation.

I think these ideas are valid as people these days just learn enough to pass the test quickly and do not learn about problems that could occur and they take advantage of passing their test and drive fast to look cool. I don't like the idea of 'crash courses' where people learn in a short time as it does not make them equipped to deal with all problems. Therefore I think these new laws make sure people learn in all conditions and can deal with problems as they occur.

I think the laws should be approved.

Survey of Young People's Views on Planned Changes to Driving Licensing Laws

The Environment Committee is currently considering the Road Traffic Bill, which will change the way young people learn to drive. It wants to hear the views of 13 to 24 year olds and organisations representing them on these changes. The Bill was introduced to the Assembly on 12 May 2014 by the Minister for the Environment and, following a debate in the Chamber on 27 May, the Assembly voted to consider the Bill further. It is now the job of the Environment Committee to examine the Bill in detail, to consult experts and the public, and to suggest any changes or 'amendments' to the law that the Committee thinks would improve it. We would be very grateful if you could take a few minutes to complete this survey on the planned changes by **24 November 2014**.



Q1. Are you completing this questionnaire on behalf of an organisation?

Yes ☐

No ☐

If yes, which organisation? _____

About You (if answered no to question 1)

Q2. What age are you? _____

Q3. Are you male or female?

Male ☐

Female ☐

Q4. Where do you live?

In a city or on the outskirts of a city ☐

In a town ☐

In a country village ☐

On a farm in the countryside ☐

In the countryside but not on a farm ☐

Q5a. If you are over 17, which one of these statements describes you?

I do not have any driving licence ☐

I have a provisional licence ☐

I have held my full driving licence for less than six months ☐

I have held my full driving licence between six months and less than one year ☐

I have held my full licence between one year and less than two years ☐

I have held my full licence two years or more ☐

Q5b. If you do not have a licence, do you intend to apply for your driving licence?Yes ☐ No ☐**Q5c. If yes, how will you pay for this?**My parents/guardians will pay for all of it ☐I will pay for it with the help of my parents/guardians ☐I will pay for it myself e.g. through savings or a job ☐

Other, please specify _____

Q6. How do you usually travel to school /college/university/work?

	Always	Often	Sometimes	Seldom	Never
Walk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cycle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Taxi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A lift from a parent or other adult aged 24 or older	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A lift from a friend aged under 24 who passed their test in the last 6 months	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A lift from a friend aged under 24 who passed their test more than 6 months ago	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I drive by myself or with family members	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I drive and give my friends, including 14-20 year olds, a lift	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (please specify) _____

Q7. How do you usually travel when you are going out with friends e.g. shopping, to the cinema or to an evening or sporting event?

	Always	Often	Sometimes	Seldom	Never
Walk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cycle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Taxi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A lift from a parent or other adult aged 24 or older	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Always	Often	Sometimes	Seldom	Never
A lift from a friend aged under 24 who passed their test in the last 6 months	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A lift from a friend aged under 24 who passed their test more than 6 months ago	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I drive by myself or with family members	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I drive and give my friends, including 14-20 year olds, a lift	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) _____					

Provisional Driving Licences

Q8. What do you think about the following planned changes to the law about provisional driving licences?

	Good Idea	Bad Idea	Don't Know
Young people would be able to get a provisional licence at age 16 and a half instead of 17.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why do you think these planned changes to the law about provisional driving licences are a good or bad idea? How, if at all, do you think they might affect you or other young people?

Driving lessons and tests

Q9a. What do you think about the following planned changes to the law about driving lessons and tests?

	Good Idea	Bad Idea	Don't Know
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The driving test would include driving on a wider range of roads and in different conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why do you think these planned changes to the law about driving lessons and tests are a good or bad idea? How, if at all, do you think they might affect you or other young people?

Student logbook

Q9b. With regards to the suggested student logbook, who do you think the driving experience should be with?

An approved driving instructor only	<input type="checkbox"/>
A qualified driver only	<input type="checkbox"/>
Both an approved driving instructor and qualified driver	<input type="checkbox"/>

Please explain your answer here

Q9c. Should the required driving experience be based on the number of lessons or the number of hours?

The number of lessons

☐

The number of hours of driving experience

☐

Please explain your answer here

After you pass your driving test**Q10. What do you think about the following planned changes to the law about after you pass your driving test?**

	Good Idea	Bad Idea	Don't Know
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
That in the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For a period of two years instead of one, young people would have a lower drink drive limit than experienced drivers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For a period of two years instead of one, young people could lose their licence with six or more penalty points.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why do you think these planned changes to the law about driving lessons and tests are a good or bad idea? How, if at all, do you think they might affect you or other young people?

Q11. How concerned are you/young people about each of the following?

	Extremely concerned	Quite concerned	A little concerned	Not at all concerned
The cost of getting your licence e.g. lessons and testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The increased length of time it will take to get your licence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The fact that there are more elements to the test	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Having to complete a student logbook	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tighter restrictions on new drivers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other suggestions that were rejected**Q12. The following are suggestions that had been considered for inclusion in the Bill but were rejected by the Government Minister. Do you think any of these should have been included in the Bill or was the Government right to reject them?**

	Should have been kept in	Was right to reject this	Don't know
Make learners and new drivers have training in what to do if the car goes into a skid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Don't allow learner or new drivers to drive cars that are built to go very fast	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Don't allow new drivers to drive at night	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q13. Do you have any other ideas about how the law could be changed to make our roads safer?

Q14. If you would like to make any other comments, please do so in the below box.

Thank you for taking the time to complete this survey.

Annex B

Breakdown of responses to the online survey

What age are you?

	No.	%
Under 16	159	34.3
16	127	27.4
17-24	158	34.1
Over 24	20	4.3

Are you male or female?

	No.	%
Male	181	37.2
Female	306	62.8

Where do you live?

	No.	%
In a city or on the outskirts of a city	160	32.9
In a town	150	30.8
In a country village	70	14.4
On a farm in the countryside	34	7.0
In the countryside but not on a farm	73	15.0

Which one of these statements describes you?

	No.	%
I do not have any driving licence	268	61.8
I have a provisional licence	79	18.2
I have held my full driving licence for less than six months	23	5.3
I have held my full driving licence between six months and less than one year	11	2.5
I have held my full licence between one year and less than two years	11	2.5
I have held my full licence two years or more	42	9.7

If you do not have a licence, do you intend to apply for your driving licence?

	No.	%
Yes	336	96.6
No	12	3.4

If yes, how will you pay for this?

	No.	%
My parents/guardians will pay for all of it	104	28.3
I will pay for it with the help of my parents/guardians	185	50.3
I will pay for it myself e.g. through savings or a job	78	21.2
Other (please specify)	1	0.3

How do you usually travel to school /college/university/work? (%)

	Always	Often	Sometimes	Seldom	Never
Walk	13.8	11.1	11.4	9.3	54.3
Cycle	0.0	1.2	3.5	4.3	91.1
Bus	32.1	24.0	9.5	8.4	26.0
Taxi	2.0	2.3	3.5	9.0	83.2
A lift from a parent or other adult aged 24 or older	30.9	21.9	20.8	14.9	11.5
A lift from a friend aged under 24 who passed their test in the last 6 months	0.8	8.0	9.5	12.1	69.7
A lift from a friend aged under 24 who passed their test more than 6 months ago	0.8	7.6	7.3	11.8	72.5
I drive by myself or with family members	11.7	5.5	5.5	4.4	72.9
I drive and give my friends, including 14-20 year olds, a lift	2.0	4.3	3.9	3.5	86.3

How do you usually travel when you are going out with friends e.g. shopping, to the cinema or to an evening or sporting event? (5)

	Always	Often	Sometimes	Seldom	Never
Walk	6.4	24.7	28.8	14.0	26.1
Cycle	0.4	2.1	5.8	7.8	84.0
Bus	10.7	30.0	25.6	15.8	18.0
Taxi	2.3	12.2	17.5	17.1	51.0
A lift from a parent or other adult aged 24 or older	20.7	47.6	20.2	5.8	5.8

	Always	Often	Sometimes	Seldom	Never
A lift from a friend aged under 24 who passed their test in the last 6 months	2.9	16.5	18.0	14.0	48.5
A lift from a friend aged under 24 who passed their test more than 6 months ago	4.0	23.0	20.1	11.7	41.2
I drive by myself or with family members	5.6	14.2	7.5	3.4	69.3
I drive and give my friends, including 14-20 year olds, a lift	3.8	10.4	5.0	3.1	77.7

Views of all young people aged 24 and under on proposed driving licensing law changes (%)

	Good idea	Bad idea	Don't know
Young people would be able to get a provisional licence at age 16 and a half instead of 17	67.7	23.1	9.1
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	36.6	51.2	12.3
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	70.7	17.3	12.0
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	61.4	26.0	12.6
The driving test would include driving on a wider range of roads and in different conditions.	83.5	6.1	10.4
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	42.8	37.5	19.7
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	30.7	52.4	16.9
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	25.6	67.7	6.7
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	74.6	16.5	8.9
For a period of two years, young people could lose their licence with six or more penalty points.	53.4	31.8	14.8
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	78.9	13.2	7.9

Responses of all young people aged 24 and under to the question ‘How concerned are you/young people about each of the following?’ (%)

	Extremely concerned	Quite concerned	A little concerned	Not at all concerned
The cost of getting your licence e.g. lessons and testing	38.2	40.5	14.2	7.1
The increased length of time it will take to get your licence	37.9	32.8	17.7	11.7
The fact that there will be more elements to the test	28.0	34.9	22.6	14.6
Having to complete a student logbook	30.6	26.9	22.0	20.5
Tighter restrictions on new drivers	30.5	31.9	23.3	14.4
Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised	55.1	21.7	11.7	11.4

Responses of all young people aged 24 and under to the question ‘The following are suggestions that had been considered for inclusion in the Bill but were rejected by the Government Minister. Do you think any of these should have been included in the Bill or was it right to reject them?’

	Should have been kept in	Was right to reject this	Don’t know
Make learners and new drivers have training in what to do if the car goes into a skid	79.8	8.5	11.7
Don’t allow learner or new drivers to drive cars that are built to go very fast	28.1	52.7	19.2
Don’t allow new drivers to drive at night	12.2	77.1	10.7
An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences.	34.8	35.7	29.4

Views of young people who do not have a licence on proposed driving licensing law changes (%)

	Good idea	Bad idea	Don’t know
Young people would be able to get a provisional licence at age 16 and a half instead of 17	72.4	16.6	11.0
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	41.0	45.1	13.9

	Good idea	Bad idea	Don't know
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	67.3	18.2	14.5
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	58.4	26.4	15.2
The driving test would include driving on a wider range of roads and in different conditions.	81.9	6.4	11.7
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	43.8	34.7	21.5
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	32.5	51.0	16.5
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	28.0	66.1	5.9
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	75.2	15.0	9.8
For a period of two years, young people could lose their licence with six or more penalty points.	50.4	34.1	15.5
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	80.1	12.0	8.0

Responses of young people who do not have a licence to the question 'How concerned are you/young people about each of the following?' (%)

	Extremely concerned	Quite concerned	A little concerned	Not at all concerned
The cost of getting your licence e.g. lessons and testing	32.5	43.4	16.5	7.6
The increased length of time it will take to get your licence	35.3	33.3	19.3	12.0
The fact that there will be more elements to the test	28.2	37.5	22.6	11.7
Having to complete a student logbook	29.4	28.6	22.4	19.6
Tighter restrictions on new drivers	30.9	34.1	21.5	13.4

	Extremely concerned	Quite concerned	A little concerned	Not at all concerned
Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised	52.0	23.0	13.7	11.3

Responses of young people who do not have a licence to the question ‘The following are suggestions that had been considered for inclusion in the Bill but were rejected by the Government Minister. Do you think any of these should have been included in the Bill or was it right to reject them?’ (%)

	Should have been kept in	Was right to reject this	Don't know
Make learners and new drivers have training in what to do if the car goes into a skid	77.4	10.3	12.3
Don't allow learner or new drivers to drive cars that are built to go very fast	28.6	52.3	19.1
Don't allow new drivers to drive at night	15.2	72.6	12.2
An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences.	32.5	35.4	32.1

Views of young people aged under 17 years on proposed driving licensing law changes (%)

	Good idea	Bad idea	Don't know
Young people would be able to get a provisional licence at age 16 and a half instead of 17	72.0	16.8	11.2
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	37.7	48.1	14.2
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	67.7	18.1	14.2
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	58.3	27.2	14.6
The driving test would include driving on a wider range of roads and in different conditions.	81.3	6.8	12.0
Young people would have to complete a new ‘Learning to Drive’ course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	42.0	36.8	21.2

	Good idea	Bad idea	Don't know
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	31.1	51.9	17.0
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	27.1	65.8	7.1
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	72.9	16.7	10.4
For a period of two years, young people could lose their licence with six or more penalty points.	49.2	35.7	15.1
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	78.5	13.1	8.4

Responses of young people aged under 17 years to the question 'How concerned are you/young people about each of the following?' (%)

	Extremely concerned	Quite concerned	A little concerned	Not at all concerned
The cost of getting your licence e.g. lessons and testing	32.5	43.2	17.1	7.3
The increased length of time it will take to get your licence	36.8	32.5	18.4	12.4
The fact that there will be more elements to the test	28.8	36.5	21.9	12.9
Having to complete a student logbook	31.3	27.4	21.3	20.0
Tighter restrictions on new drivers	31.6	33.3	22.5	12.6
Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised	54.1	21.9	13.7	10.3

Responses of young people aged under 17 years to the question 'The following are suggestions that had been considered for inclusion in the Bill but were rejected by the Government Minister. Do you think any of these should have been included in the Bill or was it right to reject them?' (%)

	Should have been kept in	Was right to reject this	Don't know
Make learners and new drivers have training in what to do if the car goes into a skid	77.3	10.5	12.2
Don't allow learner or new drivers to drive cars that are built to go very fast	26.9	54.2	18.9
Don't allow new drivers to drive at night	15.2	72.2	12.6

	Should have been kept in	Was right to reject this	Don't know
An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences.	32.6	34.8	32.6

Views of young people aged 17-24 years on proposed driving licensing law changes (%)

	Good idea	Bad idea	Don't know
Young people would be able to get a provisional licence at age 16 and a half instead of 17	59.0	35.8	5.2
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	34.4	57.3	8.4
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	76.6	15.6	7.8
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	67.7	23.6	8.7
The driving test would include driving on a wider range of roads and in different conditions.	87.9	4.8	7.3
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	44.4	38.9	16.7
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	30.0	53.3	16.7
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	22.7	71.4	5.9
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	78.0	16.1	5.9
For a period of two years, young people could lose their licence with six or more penalty points.	61.7	24.2	14.2
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	79.8	13.4	6.7

Responses of young people aged 17-24 years to the question 'How concerned are you/young people about each of the following?' (%)

	Extremely concerned	Quite concerned	A little concerned	Not at all concerned
The cost of getting your licence e.g. lessons and testing	49.6	35.0	8.5	6.8
The increased length of time it will take to get your licence	40.2	33.3	16.2	10.3
The fact that there will be more elements to the test	26.5	31.6	23.9	17.9
Having to complete a student logbook	29.3	25.9	23.3	21.6
Tighter restrictions on new drivers	28.2	29.1	24.8	17.9
Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised	57.3	21.4	7.7	13.7

Responses of young people aged 17-24 years to the question 'The following are suggestions that had been considered for inclusion in the Bill but were rejected by the Government Minister. Do you think any of these should have been included in the Bill or was it right to reject them?' (%)

	Should have been kept in	Was right to reject this	Don't know
Make learners and new drivers have training in what to do if the car goes into a skid	84.8	4.5	10.7
Don't allow learner or new drivers to drive cars that are built to go very fast	30.6	49.5	19.8
Don't allow new drivers to drive at night	6.2	86.7	7.1
An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences.	39.4	37.6	22.9

Views on proposed driving licensing law changes by gender (%)

	Good idea		Bad idea		Don't know	
	M	F	M	F	M	F
Young people would be able to get a provisional licence at age 16 and a half instead of 17	73.4	60.9	21.4	26.3	5.2	12.8
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	38.5	36.8	49.3	50.5	12.2	12.6

	Good idea		Bad idea		Don't know	
	M	F	M	F	M	F
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	67.1	72.5	20.0	16.8	12.9	10.6
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	67.6	56.8	21.6	28.2	10.8	15.0
The driving test would include driving on a wider range of roads and in different conditions.	80.6	84.3	7.2	7.1	12.2	8.6
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	46.7	42.2	32.1	38.5	21.2	19.3
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	38.6	29.3	46.5	54.4	15.0	16.3
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	27.6	26.1	62.2	69.0	10.2	5.0
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	73.8	74.3	16.7	16.1	9.5	9.6
For a period of two years, young people could lose their licence with six or more penalty points.	55.5	52.7	36.7	30.2	7.8	17.1
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	77.2	79.1	15.0	13.6	7.9	7.4

M = male, F = Female

Responses to the question 'How concerned are you/young people about each of the following? by gender' (%)

	Extremely concerned		Quite concerned		A little concerned		Not at all concerned	
	M	F	M	F	M	F	M	F
The cost of getting your licence e.g. lessons and testing	36.4	39.5	36.4	41.1	19.8	11.6	7.4	7.8
The increased length of time it will take to get your licence	40.5	36.4	29.8	33.3	18.2	16.7	11.6	13.6
The fact that there will be more elements to the test	21.5	30.4	38.0	33.1	19.0	23.0	21.5	13.6
Having to complete a student logbook	29.4	31.8	29.4	23.9	21.8	22.0	19.3	22.4

	Extremely concerned		Quite concerned		A little concerned		Not at all concerned	
	M	F	M	F	M	F	M	F
Tighter restrictions on new drivers	34.7	28.6	25.6	33.3	20.7	23.5	19.0	14.5
Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised	46.7	57.4	26.7	19.0	14.2	11.2	12.5	12.4

M = male, F = Female

Responses to the question ‘The following are suggestions that had been considered for inclusion in the Bill but were rejected by the Government Minister. Do you think any of these should have been included in the Bill or was it right to reject them?’ by gender (%)

	Should have been kept in		Was right to reject this		Don't know	
	M	F	M	F	M	F
Make learners and new drivers have training in what to do if the car goes into a skid	75.0	80.2	9.5	8.3	15.5	11.5
Don't allow learner or new drivers to drive cars that are built to go very fast	23.5	30.7	57.4	48.6	19.1	20.7
Don't allow new drivers to drive at night	11.2	11.7	79.3	75.0	9.5	13.3
An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences.	36.5	34.1	39.1	33.3	24.3	32.5

M = male, F = Female

Views on proposed driving licensing law changes by urban/rural (%)

	Good idea		Bad idea		Don't know	
	U	R	U	R	U	R
Young people would be able to get a provisional licence at age 16 and a half instead of 17	68.0	60.4	23.1	27.3	8.9	12.3
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	39.1	33.8	49.8	51.3	11.1	14.9
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	71.2	69.9	15.7	21.9	13.1	8.2
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	61.4	58.6	26.2	25.5	12.4	15.9

	Good idea		Bad idea		Don't know	
	U	R	U	R	U	R
The driving test would include driving on a wider range of roads and in different conditions.	83.0	83.0	6.8	7.8	10.2	9.2
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	45.8	40.7	35.5	37.9	18.7	21.4
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	32.9	31.1	50.4	54.5	16.7	14.4
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	24.5	30.5	69.6	61.1	5.8	8.4
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	73.5	74.6	17.1	15.4	9.3	10.0
For a period of two years, young people could lose their licence with six or more penalty points.	51.8	55.7	32.5	33.6	15.7	10.7
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	80.1	75.2	13.7	14.7	6.2	10.1

M = male, F = Female

Responses to the question 'How concerned are you/young people about each of the following?' by urban/rural (%)

	Extremely concerned		Quite concerned		A little concerned		Not at all concerned	
	U	R	U	R	U	R	U	R
The cost of getting your licence e.g. lessons and testing	41.2	32.6	42.0	35.7	10.4	21.7	6.4	10.1
The increased length of time it will take to get your licence	38.8	35.7	32.8	31.0	15.6	19.4	12.8	14.0
The fact that there will be more elements to the test	27.3	27.9	34.5	34.9	24.5	16.3	13.7	20.9
Having to complete a student logbook	28.2	36.4	27.3	22.5	21.6	22.5	22.9	18.6
Tighter restrictions on new drivers	32.3	28.1	31.0	29.7	20.2	26.6	16.5	15.6
Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised	56.6	48.8	19.7	24.8	12.0	12.4	11.6	14.0

Responses to the question ‘The following are suggestions that had been considered for inclusion in the Bill but were rejected by the Government Minister. Do you think any of these should have been included in the Bill or was it right to reject them?’ by urban/rural (%)

	Should have been kept in		Was right to reject this		Don't know	
	U	R	U	R	U	R
Make learners and new drivers have training in what to do if the car goes into a skid	80.0	75.8	7.3	11.3	12.7	12.9
Don't allow learner or new drivers to drive cars that are built to go very fast	26.0	33.9	52.9	48.4	21.1	17.7
Don't allow new drivers to drive at night	12.4	9.8	74.3	79.7	13.3	10.6
An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences.	33.3	38.0	36.7	31.4	30.0	30.6

Views of youth organisations on proposed driving licensing law changes (%)

	Good idea	Bad idea	Don't know
Young people would be able to get a provisional licence at age 16 and a half instead of 17	73.5	26.5	-
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	39.4	51.5	9.1
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	84.8	12.1	3.0
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	61.8	32.4	5.9
The driving test would include driving on a wider range of roads and in different conditions.	97.0	-	3.0
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	33.3	42.4	24.2
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	46.4	35.7	17.9
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	35.7	60.7	3.6

	Good idea	Bad idea	Don't know
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	71.4	21.4	7.1
For a period of two years, young people could lose their licence with six or more penalty points.	50.0	35.7	14.3
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	82.8	6.9	10.3

Responses of youth organisations to the question 'How concerned are you/young people about each of the following?' (%)

	Extremely concerned	Quite concerned	A little concerned	Not at all concerned
The cost of getting your licence e.g. lessons and testing	55.6	33.3	3.7	7.4
The increased length of time it will take to get your licence	19.2	50.0	15.4	15.4
The fact that there will be more elements to the test	26.9	30.8	26.9	15.4
Having to complete a student logbook	44.4	7.4	33.3	14.8
Tighter restrictions on new drivers	34.6	42.3	11.5	11.5
Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised	61.5	11.5	11.5	15.4

Responses of youth organisations to the question 'The following are suggestions that had been considered for inclusion in the Bill but were rejected by the Government Minister. Do you think any of these should have been included in the Bill or was it right to reject them?' (%)

	Should have been kept in	Was right to reject this	Don't know
Make learners and new drivers have training in what to do if the car goes into a skid	88.5	3.8	7.7
Don't allow learner or new drivers to drive cars that are built to go very fast	38.5	50.0	11.5
Don't allow new drivers to drive at night	19.2	76.9	3.8
An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences.	55.6	18.5	25.9

Views of all respondents on proposed driving licensing law changes (%)

	Good idea	Bad idea	Don't know
Young people would be able to get a provisional licence at age 16 and a half instead of 17	66.0	25.3	8.7
Young people would have their provisional licence for at least a year before they could sit their first practical test, meaning the youngest they could get their full driving licence is at age 17 and a half	39.5	49.2	11.3
Young people could take lessons on motorways when accompanied by an Approved Driving Instructor in a dual-controlled car (at the minute learners are not allowed to drive on the motorway).	71.5	18.0	10.5
Young learners or new drivers would be allowed to drive up to the speed limits instead of at or below 45 mph.	61.2	26.3	12.5
The driving test would include driving on a wider range of roads and in different conditions.	84.5	6.8	8.7
Young people would have to complete a new 'Learning to Drive' course and produce a student logbook of driving experience, signed by an Approved Driving Instructor (ADI) or qualified driver, before sitting the practical test.	43.7	36.3	20.0
Young people would have to display N (for 'New' driver/rider) plates for two years instead of an R plate for one year.	36.3	48.4	15.3
In the first 6 months, new drivers aged under 24 would not be allowed to carry passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. This would not apply to family members.	27.8	65.0	7.2
For a period of two years, young people would have a lower drink drive limit than experienced drivers.	71.8	19.1	9.1
For a period of two years, young people could lose their licence with six or more penalty points.	51.8	34.0	14.2
Young people may be given the opportunity to take a course instead of losing their licence if they had six or more penalty points.	78.3	13.4	8.3

Responses of all respondents to the question ‘How concerned are you/young people about each of the following?’ (%)

	Extremely concerned	Quite concerned	A little concerned	Not at all concerned
The cost of getting your licence e.g. lessons and testing	38.7	38.9	14.0	8.4
The increased length of time it will take to get your licence	35.4	33.5	17.9	13.2
The fact that there will be more elements to the test	25.8	35.4	22.6	16.3
Having to complete a student logbook	30.9	25.4	22.8	20.8
Tighter restrictions on new drivers	30.1	32.1	21.8	15.9
Not being allowed to carry passengers aged 14 to 20 (except immediate family members) during the first six months of passing your test unless supervised	53.7	21.0	12.3	13.0

Responses of all respondents to the question ‘The following are suggestions that had been considered for inclusion in the Bill but were rejected by the Government Minister. Do you think any of these should have been included in the Bill or was it right to reject them?’ (%)

	Should have been kept in	Was right to reject this	Don’t know
Make learners and new drivers have training in what to do if the car goes into a skid	79.0	8.4	12.6
Don’t allow learner or new drivers to drive cars that are built to go very fast	29.8	51.4	18.7
Don’t allow new drivers to drive at night	13.5	74.4	12.1
An offence free period before restrictions are removed. This would mean new drivers would have to complete 6 full months of driving without any offences.	37.2	34.7	28.2



Northern Ireland
Assembly

Appendix 6

Other papers submitted to the Committee

Departmental briefing paper on Road Traffic Amendment Bill

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Telephone: 028 9025 6022

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Your reference:

Our reference: COR/402/2014

Date: 2 May 2014

Sheila Mawhinney
Clerk to the Environment Committee
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Sheila

Briefing On Road Traffic (Amendment) Bill

I can confirm that the following officials will be in attendance to provide oral briefing on the Road Traffic Amendment Bill on Tuesday 13 May 2014: Iain Greenway, Desi McDonnell, Nicola McEvoy and John McMullan.

The Committee Chair has already received a copy of the Bill, Explanatory and Financial Memorandum, Summary of Main Provisions and the Delegated Powers Memorandum. An updated version of the Delegated Powers Memorandum along, with briefing on the main elements of the Bill, is now attached. The updates to the Memorandum are to correct a small number of typographic and referencing errors.

I trust this information is of assistance, should you require anything further please contact me directly.

Yours sincerely,

Helen Richmond

DALO

[by e-mail]

Road Traffic (Amendment) Bill – Committee Briefing

The Bill will provide the necessary powers to establish a new drink driving regime, introduce a system of Graduated Driver Licensing and make mandatory the wearing of helmets on quad bikes on public roads. These three main themes are explained below.

Drink Driving

Limits

- The current drink drive limit in Northern Ireland is 80mg of alcohol per 100ml of blood. This is applicable to all drivers, regardless of licence status.
- The Bill will introduce two new limits, each applicable to different categories of licence holder:
 - 50mg of alcohol per 100ml of blood applies to a typical driver.
 - 20mg of alcohol per 100ml of blood applies to what is expressed as a 'specified person'.
- A 'specified person' is

A learner driver who holds a provisional licence;

A novice driver who is subject to the two year probationary period under the New Driver's Order 1998; or

A professional driver who holds a licence entitling him/her to drive a category of bus or lorry as well as the holder of a taxi driver's licence if he is driving, attempting to drive or in charge of such a vehicle at the time of the alleged offence.

Fixed Penalties - New Lower Limits

- For the first time Fixed Penalties will be made available for drink drive offences but only for first offences at the new lower limits. There is currently no offence triggered at these levels.
- If the person accepts a Fixed Penalty Notice (FPN), the offence will not result in a criminal conviction and a criminal record. There is no automatic disqualification for first offences at the new lower limits.
- Repeat offenders will not be able to avail of this option but will face prosecution and court.
- If, at the time of detection, a driver agrees to complete a Course for Drink Drive Offenders, the Fixed Penalty will be a fine of £100 and 3 Penalty Points (but offender must pay to attend the course). If the driver fails to complete the course, a further Fixed Penalty of £100 and 3 Penalty Points will be issued.
- If, at the time of detection, a driver does not agree to complete a course, the fixed penalty will impose a fine of £200 and 6 Penalty Points. As with FPNs for other offences, the person has a time limit to take this option or opt for a court hearing.

Graduated Penalties

- For first time offenders penalties will be graduated into four bands to ensure that those who drive with higher levels of alcohol are dealt with appropriately.
- The lowest - a new minimum disqualification period of 6 months and a fine that exceeds the fixed penalty - applies to a driver detected at the new lower limits, who refuses a FPN and is convicted in court.
- The remaining 3 bands will deal with drivers above the current limit of 80mg and impose minimum disqualification periods of 12, 18 and 24 months depending on the BAC

level. There is no lessening of any current penalties but this strikes a balance between proportionality and punishment.

- No change to the current periods of imprisonment or levels of fines and the court will continue to use its discretion in deciding the appropriate action in each case.

Repeat Offenders

- All repeat offenders (detected for a second or subsequent time within 10 years), regardless of the alcohol level, will face a minimum 3 year disqualification.

Police Powers

- Currently police can only breathalyse a driver if they have 'reasonable cause to suspect' that the driver has consumed alcohol.
- Drivers over the new lower limits might not display such clear signs of impairment – e.g. weaving across the road – therefore police need to be able to breathalyse without 'reasonable cause to suspect'.
- Also, the perception amongst the general public is that they are unlikely to be stopped and tested.
- The Bill provides power for police to establish, under controlled circumstances, roadside check-points where a person in charge of a vehicle can be required to take a breath test.
- Authorisation to establish a check-point must be made in writing, signed off by an officer at Inspector rank or above, and include the date, place, start and finish time of the check-point.
- The power for police to stop and breathalyse a driver whom they reasonably suspect has consumed alcohol will remain.
- The introduction of highly visible check-point testing will send a strong message to drivers that testing will become more likely.

The Statutory Option

- One change since the Committee last saw the drink drive part of the Bill is that it is now drafted to retain the 'statutory option' whereas previously we had proposed removing it.
- The 'statutory option' is the right to ask for a blood or urine sample to replace a breath sample where a person has marginally failed two evidential breath tests.
- This right was introduced when breath testing equipment was a new technology, to boost public confidence in cases where a person was only marginally over the limit.
- One of the consequences of the statutory option is a delay in getting a doctor to take a blood or urine sample. The blood or urine / alcohol levels are likely to have reduced and this could result in some drivers who were over the limit at the time of driving and detection, dropping below by the time of testing and thereby evading prosecution.
- There are also consequences in that police officers will have to take the driver to a police station for the test, taking officers away from roadside duties.
- In light of the evidence, it was decided that there was no compelling argument for the retention of the statutory option and a clause was included to remove the option from legislation.
- However, on further consideration of this point it was deemed that removal of the statutory option could raise issues in relation to ECHR compliance which would affect the legislative competence of the Bill.
- Given these concerns, as well as the relatively small numbers involved, the statutory option clause was, therefore, removed from the Bill.

- There is nothing similar in any other EU Member State and the UK Government is planning to remove the statutory option from legislation in Britain through the Deregulation Bill.
- Accordingly, the statutory option does now apply at the new lower legal limits.

Graduated Driver Licensing

- A combination of inexperience and youth lies at the heart of Northern Ireland's new driver problem.
- The stark fact is that, although young drivers comprise only 10% of full licence holders, between 2008 and 2012, 43% of fatal collisions on our roads for which car drivers were responsible were caused by drivers aged 17-24.
- Inexperience is a key contributory factor in collisions, with almost a fifth of all new drivers having some kind of collision within their first six months of driving.
- The scale of the problem necessitates fundamental changes to how new drivers are trained, tested and gain experience once they have obtained their full licence, and this is what this part of the Bill addresses.

Age – Minimum Learning Period

- The Bill makes provision for lowering the age at which someone can obtain a licence from 17 to 16½ but requires that they hold a provisional licence for a minimum period of 12 months before taking a test. The combined effect of these provisions will raise the full licence age to 17½.
- Learning to become a safe driver takes time - it should not be rushed and it should never be seen as a race as to who can get their licence first. Provisional licence holders need to be encouraged to focus on learning to drive and not simply learning to pass the test.
- Requiring learners to take more time when learning has the potential to reduce casualties in two ways. First, simply by raising the age at which they can obtain a full licence; and second, by allowing them time to take more training and to practise on a variety of roads, traffic environments and weather and light conditions.
- The involvement of accompanied learners in collisions tends to be very low and it is beneficial for learners to gain experience under such low-risk conditions. In addition, the more practice learners undertake, the less likely they are to be involved in a collision when they start to drive unaccompanied. Evidence of this has been witnessed in Sweden where an extension of their learning period from 6 months to 2 years was associated with a net reduction in collisions of 15%.

Logbooks

- It will be a requirement that a person produces a logbook that will show their progress through a programme of training before being able to take a practical test. The Department will make Regulations as regards the approved training that must be completed.
- The programme of training will ensure that new drivers follow a structured learning programme over a sustained period of time, with a mix (at the learner's choice) of professional tuition and supervised driving practice with family or friends. It will ensure that young people's driving experience can cover the full range of driving conditions.

45 mph Restriction/Motorway Driving

- The Bill will remove the present 45mph restriction for L and R drivers and enable learners to gain experience on motorways if accompanied by an Approved Driving Instructor and in a dual controlled car
- Removing the restriction will allow learner drivers and riders to be taught to understand, judge and – above all – respect speed, and its potentially devastating effects.

- There is a lack of evidence that the current 45mph speed restriction does anything to improve road safety and there is a concern that speed restrictions may actually be associated with higher collision rates among new drivers and riders. This is because they prevent learners from practising certain manoeuvres under tuition, gaining experience and being tested while driving at higher speeds.
- Under the current system, drivers cannot be trained or tested at speeds higher than 45mph before they receive their full licence. This allows for drivers to drive at the posted speeds, for the first time and alone, immediately after their period of restriction ends - despite not having undergone any relevant training or testing.
- Removal of the speed restriction will allow learner drivers to be taught how to drive at speeds appropriate to the conditions and ensure they understand, and can cope with, the requirements of driving safely at up to posted speed limits.
- Allowing learner drivers to take lessons on motorways and appropriately revising driving test routes to include a broader variety of road types will only be feasible if the 45mph restriction is removed.
- Learners will be able to fully appreciate, and put into practice, the extensive guidance in the Highway Code on adopting the appropriate speed for the conditions, maintaining control of the vehicle and on safe braking distances.
- Very few other countries impose speed limits on new or learner drivers. Ireland and Britain have never had such speed restrictions. In Britain, the majority of driving tests already incorporate a section of driving on a road with a 60mph limit.

Replacing the current R plate

- The Bill differentiates newly qualified drivers from those more experienced, making it obligatory for newly qualified drivers to display a plate for a period of 2 years.
- The 2 year period matches the New Drivers Order probationary period and the length of the period for which new drivers/riders would be subject to a lower BAC limit.
- Research shows that the higher collision risk for new drivers only levels out after the first two years of solo driving. Extending the post-test 'plate display' period reinforces the message to new drivers and riders (and other road users) that they are at greater risk of being involved in a collision during their first 2 years of driving.
- The type of plate and specifications will be dealt with in Regulations subject to affirmative resolution, requiring a debate in the Assembly.

Passenger Restrictions

- A restriction on newly qualified drivers is in relation to the carrying of passengers. It is proposed that young drivers (up to age 24) will be restricted to carrying one young passenger (aged 14 to 20) during their first 6 months after they have passed their driving test and obtained their first full licence.
- The restriction will not apply if there is a supervising driver (aged 21 years or older and who has held a full driving licence for 3 years) in the front seat. There will be exemptions for emergency services drivers with appropriate training, for carers, and for young passengers in the following relationships: spouse or civil partner, a (half) brother, (half) sister, a child of the family.
- It will be a defence for the driver if he can show that he exercised all due diligence to avoid contravening the passenger restriction.
- Police powers have also been extended to enable the police to ask drivers and passengers for their names, addresses, ages and relationship to the driver and they may request the driver to produce evidence of this to a police station within 7 days. Again there

is a defence if the person can show that he used all due diligence to avoid committing an offence when giving this information to the police.

Helmet Wearing on Quads

- At present the Department only has power to make Regulations requiring motorcyclists to wear protective headgear.
- The Bill extends this power to cover all 'motor vehicles' and it is intended to use this power to make Regulations requiring quad drivers and passengers to wear helmets when using such vehicles on the public road.
- The detail will therefore be in Regulations rather than the Bill. The Committee saw the outcome of the public consultation on this in 2012 and was content with the policy proposals at that time.

Training and Education

- An important underlying theme in the Bill is training and education of young drivers and offenders. It is viewed as being just as important as some of the 'headline' provisions and may perhaps be as or more effective in changing attitudes and correcting driver behaviours.
- Graduated Driver Licensing is about ensuring that new drivers are properly trained and prepared before obtaining a full licence and being able to drive unrestricted. Studies in the US show that GDL reduces the involvement of new drivers in collisions by 20 and 40%; this GDL package could result in similar reductions.
- As regards drink driving, introducing fixed penalties for first offences at the new limits is as much about retraining as penalising. These offenders will be offered a reduction of 3 penalty points and £100 on their fine if they complete a drink driving course. Persons attending such courses are less likely to reoffend than those who do not attend. By providing the opportunity and incentive to attend such courses it is hoped that many more people will benefit from a course and this will reduce reoffending or prevent an offence with a higher level of alcohol.
- At present courts have discretion to refer offenders who have been disqualified to attend a course for drink drive offenders. The Bill will make referral onto a course automatic unless the court thinks it would be inappropriate in the circumstances. It will still be left to the individual to choose whether or not to attend. The existing incentive of a reduction in the disqualification period, it is hoped, will continue to encourage that decision to attend.
- At present, a young driver who accumulates 6 penalty points during their 2 year probationary period has their licence revoked. The Bill will introduce an alternative of attending a course rather than revocation of the licence and it is hoped that this will have the effect of correcting bad behaviour at an early stage.

Road Safety and Vehicle Regulation Division
May 2014

Road Traffic (Amendment) Bill

Delegated Powers Memorandum

Clauses	Purpose	Assembly Control
Clause 2(3) new Article 13A(4)	This is a carry forward of the existing power in Article 13(2) of the Road Traffic (NI) Order 1995 and will enable the Department, by subordinate order, to specify different proportions of alcohol to breath, blood and urine to any of those specified in the Bill.	This power will only be exercised by an order subject to affirmative resolution in accordance with Clause 3(3).
Clause 2(3) new Article 13A(7)	The new lower drink drive limit of 20/100 blood alcohol content will apply to 'specified persons' including those holding a licence to drive motor vehicles in 'specified categories'. This power will enable the Department to make changes to the specified persons and categories by subordinate order.	In accordance with Clause 3(3) such orders will be subject to affirmative resolution.
Clause 8(2)	This extends the present power for the Department to make an order under Article 59(1) of the Road Traffic Offenders (NI) Order 1996 to include circumstances where an offender satisfactorily completes an approved course. It will be used to create graduated fixed penalties amounting to £100 if a person completes a course or £200 if he fails to do so.	An order made under Article 59(1) will continue to be subject to negative resolution in accordance with Article 91(2) of the Road Traffic Offenders (NI) Order 1996.
Clause 8(5) new Article 64B(1)	This extends the present power for the Department to make an order under Article 30(3A) of the Road Traffic Offenders (NI) Order 1996 to include circumstances where the offender satisfactorily	An order made under Article 30(3A) will continue to be subject to negative resolution in accordance with Article 91(2) of completes an approved course. It will be used to create graduate penalty points amounting to 3 if a person completes a course and 6 if he fails to do so. the Road Traffic Offenders (NI) Order 1996.
Clause 15 new Article 54A(1)	This is a new regulatory power to enable the Department to recoup costs reasonably incurred by it from providers of courses that will result in a reduction of penalty points under Article 32A and drink drive offenders courses under Article 36 of the Road Traffic Offenders (NI) Order 1996.	Any such regulations will be subject to negative resolution in accordance with the new Article 54(A).

Clauses	Purpose	Assembly Control
Clause 17 new Article 5(2ZC)	This clause will make it a requirement for anyone holding a provisional licence to drive a category B motor vehicle to have held it for 12 months before being permitted to take a practical driving test. The power in new Article 5(2ZC) will enable the Department, by subordinate order, to change the category of vehicles or the period of time to which the requirement applies. This will allow the Department to keep these new provisions under review and, if necessary, to make changes by way of subordinate legislation.	This power will only be exercised by an order subject to affirmative resolution in accordance with new Article 5(2ZD).
Clause 17 new Article 5(4A).	Specific exemptions to the above requirement are provided in the new Article 5(2ZB) but again to keep the provisions under review and to provide flexibility a more general regulatory power for exemptions is contained in new Article 5(4A). It is envisaged that this power will be used to exempt drivers who are entitled to a carer's allowance and need to obtain a licence sooner than 12 months to assist with their duties as a carer.	As this power is inserted into the Road Traffic (NI) Order 1981 the form of control of any such regulations will be by way of negative resolution in accordance with Article 218(2) of that Order.
Clause 18(2) new Article 5A(3)	This clause will 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 permitted to undertake a practical driving test in the driving of a category B motor vehicle or motor bicycle. The power in new Article 5A(3) will enable the Department, by subordinate order, to change the category of vehicles to which the requirement applies. This will allow the Department to keep these new provisions under review and, if necessary, to make changes by way of subordinate legislation.	This power will only be exercised by an order subject to affirmative resolution in accordance with new Article 5A(4).
Clause 18(2) new Article 5A(6) and (7)	These provisions provide the Department with a general regulatory power to exempt persons from the above requirements. This gives the new provisions a degree of flexibility and again it may be used to exempt drivers entitled to a carer's allowance. [Please note that new Article 5A(5)-(7) is a repositioning of the existing law at Article 5(2A) and (5A) of the Road Traffic (NI) Order 1981 and, therefore, incorporates some existing regulatory powers].	As this power is inserted into the Road Traffic (NI) Order 1981 the form of control of any such regulations will be by way of negative resolution in accordance with Article 218(2) of that Order.
Clause 18(2) new Article 5A(8)	This power will allow the Department by regulations to make reasonable charges in relation to the discharge of its functions in connection with logbooks.	As this power is inserted into the Road Traffic (NI) Order 1981 the form of control of any such regulations will be by way of negative resolution in accordance with Article 218(2) of that Order.

Clauses	Purpose	Assembly Control
Clause 18(3) new Article 13A	The detail of the actual programmes of training and As this power is inserted into the associated provisions will be set out in Regulations rather than making extensive provision within the Bill and, particularly, as training can be subject to frequent change it is more appropriate to subordinate legislation. These powers enable the Department to make such Regulations.	Road Traffic (NI) Order 1981 the form of control of any such regulations will be by way of negative resolution in accordance with Article 218(2) of that Order.
Clause 18(3) new Article 13B	New Article 13B is a repositioning of the existing law at Article 13(3A) of the Road Traffic (NI) Order 1981 and, therefore, these are not new regulatory powers but a replication of existing powers.	As this power is inserted into the Road Traffic (NI) Order 1981 the form of control of any such regulations will be by way of negative resolution in accordance with Article 218(2) of that Order.
Clause 20 new Article 19AB(3)	This clause introduces specified restrictions on newly qualified drivers in relation to the display of a distinguishing mark and a passenger restriction. The power in new Article 19AB(3) allows the Department to prescribe the class of vehicles to which the restrictions will apply. This is identical to the present power in Article 19A(3) of the Road Traffic (NI) Order 1981 as exercised in SR1998/380. It is envisaged that this new power will be exercised in the same way.	As this power is inserted into the Road Traffic (NI) Order 1981 the form of control of any such regulations will be by way of negative resolution in accordance with Article 218(2) of that Order.
Clause 20(3) new Article 19AB(5)(a)	This power enables the Department to prescribe the nature of the distinguishing mark (this will be a new plate to replace the existing R-plate) and to prescribe the manner in which it should be displayed. It is identical to the existing power in Article 19A(5) (a) of the Road Traffic (NI) Order 1981 as exercised in SR1998/380. It is envisaged that this new power will be exercised in the same way	These Regulations will be subject to affirmative resolution in accordance with new Article 19AC(11)..
Clause 20(3) new Article 19AB(11) (c) and (d)	These powers enable the Department to exempt certain persons from the specified restrictions. They are identical to existing powers in Article 19A(8)(b) and (c) of the Road Traffic (NI) Order 1981 as exercised in SR1998/380. It is envisaged that these new powers will be exercised in the same way.	As this power is inserted into the Road Traffic (NI) Order 1981 the form of control of any such regulations will be by way of negative resolution in accordance with Article 218(2) of that Order.

Clauses	Purpose	Assembly Control
Clause 20(3) new Article 19AC(9)	New Article 19AB(7) provides that the passenger restriction will not apply to vehicles being used for emergency purposes. New Article 19AC(9) describes what is meant by “used for emergency purposes” and includes the power “or such other purposes as may be prescribed”. This may be used in the future to include other ‘search and rescue’ type vehicles if the Department is satisfied that the training of their drivers is comparable to the other emergency services. This is not the case at the moment and, therefore, it is appropriate to make possible provision for this by way of subordinate legislation rather than within the Bill.	As this power is inserted into the Road Traffic (NI) Order 1981 the form of control of any such regulations will be by way of negative resolution in accordance with Article 218(2) of that Order.
Clause 20(3) new Article 19AC(12)	The Bill introduces one of the first graduated driver licensing schemes in Europe. As regards the passenger restrictions the Department will, in time, wish to review its effectiveness, particularly, in regard to the category of vehicles to which it applies, the age of the young driver, the length of the ‘new driver period’, the ages of passengers and the age of the ‘relevant accompanying person’. The powers in new Article 19AC(12) will enable the Department, by subordinate order, to make changes to these provisions if evidence suggests that this is necessary	This power will only be exercised by an order subject to affirmative resolution in accordance with new Article 19AC(13).
Clause 21(3) new Article 5A (2)	Clause 21 will allow 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. These new courses will need to be developed and as such training is always subject to change it is appropriate to provide for these in subordinate legislation that will be made under the power in new Article 5A(2).	Regulations under this power will be subject to negative resolution in accordance with new Article 5A(3).
Clause 22	Clause 22 extends the present powers in Articles 27 and 28 of the Road Traffic (NI) Order 1995 to enable the Department to make regulations on wearing protective headgear to drivers of “motor vehicles”. At present this power only applies to motor cyclists as exercised in SR1999/170 and SR2001/147. The intention is to use the power to require quad drivers and passengers to wear helmets and the powers will be exercised in a similar way as presently for motor cyclists.	In accordance with Article 110(3) of the Road Traffic (NI) Order 1995 these regulations will be subject to negative resolution.

Clauses	Purpose	Assembly Control
Clause 23	This clause will enable the Department, by subordinate order, to make such supplementary, incidental and consequential etc provision for giving full effect to the Act. It includes a 'Henry VIII power' in clause 23(2) to amend the Act by subordinate legislation. It is envisaged that this power will only be used to make minor corrections to the Act rather than any substantive change. Such power appears in other Road Traffic Orders and has only been exercised on one occasion to amend an incorrect number sequencing and is an example of how this power may be used, if at all.	In accordance with clause 23(5) any order made under this power will be subject to affirmative resolution.
Clause 26	This power is commonly found in Bills and allows the Department to commence sections of the Act on such day or days as it may by order appoint.	Such commencement orders will not be subject to any Assembly control.

Departmental response to request for further information on the Road Traffic (Amendment) Bill

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Belfast
BT1 4NN

Telephone: 028 9025 6022
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Your reference: COR/517/14
Our reference:

Date: 13 June 2014

Sheila Mawhinney
Clerk to the Environment Committee
Northern Ireland Assembly
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Stormont
Belfast
BT4 3XX

Dear Sheila

I refer to the Committee's request for further information following a presentation by Departmental officials on the Road Traffic (Amendment) Bill at the Committee meeting of 13 May 2014.

As part of the discussion following the presentation, officials agreed to provide the Committee with additional information in relation to (1) statistics on the number and percentage of 17-24 year olds in possession of a driving licence and (2) further information on the amount of alcohol found in common foods and medicinal products.

(1) Breakdown of the proportion of full licences held by 17-24 year olds

The Committee queried whether it was really the youngest drivers who posed the greatest risk on the roads and wondered whether it was perhaps more those aged 20 to 24 who generate a lot of the collisions due to their degree of confidence coupled with relative inexperience.

As you will see from the table below, both of these age groups are over-represented in being responsible for fatal collisions, but the younger age group (of 17-19 year olds) is proportionately more so:

Age	Proportion of current driving licence holders	Proportion of fatal collisions where the driver is deemed responsible	Proportion of serious collisions where the driver is deemed responsible
17-19	4%	20%	15%
20-24	9%	22%	17%
Other	86%	58%	68%

Officials also offered to provide some further information on the proportions of people holding full licences in relation to the population. In 2012, 35% of all 17-19 year olds, and 67% of all 20-24 year olds, held a full licence.

(2) Alcohol Content in Common Foods and Medicinal Products

Discussion on drink driving focused on the proposed new 20mg limit for learner, novice and professional drivers. A question was raised as to why this limit was being introduced rather than a zero limit. Officials advised that a 20mg limit is seen as a practical zero drink drive limit and represents a practical minimum limit, allowing for a range of scenarios – for example, where alcohol naturally occurs in the gut as part of the digestive process, when small amounts of alcohol are taken as part of a religious ceremony, as well as when certain foodstuffs, medicines, mouthwashes or other products containing alcohol are consumed or used. In other words a 20mg limit would help ensure, insofar as possible, that it is only people who knowingly and deliberately take drink and drive that are processed and convicted and not those who consume alcohol in some innocent and unintentional way.

The Committee indicated that a demonstration of the relationship between the alcohol levels in some common food stuffs and medicinal products and drink drive limits would be helpful. By way of example, it was queried how much alcohol was contained in a portion of sherry trifle and where this might place a driver in terms of a new 20mg limit?

It is very difficult to translate any drink drive limit into the type and quantity of drinks as there are many variables, not least that people metabolise alcohol differently. This is also the case with foods, as there will be variables such as alcohol content, portion sizes and whether the food is cooked. The following is provided as a guide on the potential amount of alcohol in a portion of sherry trifle, as this was discussed by the Committee, and is based on a recipe from the BBC Food Recipes. A trifle containing 150ml (equivalent to a small wine glass) of sweet sherry (18% ABV) could contain approximately 2.7 units. If the trifle is equally served between 6 people, this would equate to approximately 0.45 units per serving¹. Using the estimations set out in Annex A, a serving of sherry trifle could therefore result in a 7.2mg reading for a male, and a 12.2mg reading for a female. While this would keep a driver below a 20mg limit it could, depending on how soon he or she drives afterwards, register a reading above zero.

Further examples of common foods and medicinal products and how these relate to the lower drink drive limits proposed in the Road Traffic (Amendment) Bill can be found at **Annex A**. This information has been provided by TTC 2000, the company which currently delivers the Courses for Drink Drive Offenders in Northern Ireland under contract to the Department. TTC 2000, as part of the course, seeks to develop an understanding among participants of the impacts of alcohol use in relation to driving, including the law. TTC 2000 would be happy to make a presentation to the Committee if this would be helpful to members in their scrutiny of the drink drive provisions in the Bill. Please could you advise if you wish officials to help in organising this.

(3) Drink Drive Limits in EU Member States

As part of its 2009 policy consultation on the drink drive limit, penalties and police powers in Northern Ireland, the Department provided a list of the BAC limits in each of the EU Member States. In preparation for introduction of the Road Traffic (Amendment) Bill, that list was updated. Officials felt it might be helpful to provide the updated list for the Committee's information (**Annex B**).

In examining the list, the Committee may be interested to note that:-

- **12** EU states (including Ireland) have two limits, one for general drivers and a lower limit for commercial and novice drivers. Typically, the first, for general drivers, is 50mg/100ml

1

http://www.esure.com/media_centre/a_trifle_too_tipsy_to_drive.html

(one is 40mg/100ml and one is 20mg/100ml). The lower limits - for commercial and/or novice drivers - range from 0mg/100ml to 30mg/100ml.

- **7** EU states have a 50mg/100ml limit for all drivers.
- **4** EU states have a 0mg/100ml limit for all drivers.
- **3** EU states have a 20mg/100ml limit for all drivers.
- **2** EU states (the UK and Malta) have an 80mg/100ml limit for all drivers.

Turning that another way:

- For **General** Drivers: 17 states have 0.5 mg/100ml, 4 have 0.2 mg/100ml, 4 have 0 mg/100ml, 2 have 0.8 mg/100ml, and 1 has 0.4 mg/100ml
- For **Novice** drivers: 8 states have 0.2 mg/100ml, 8 have 0 mg/100ml, 7 have 0.5 mg/100ml, 2 have 0.8 mg/100ml, 2 have 0.1 mg/100ml and 1 has 0.3 mg/100ml
- For **Commercial drivers**: 8² states have 0.2 mg/100ml, 8 have 0 mg/100ml, 7 have 0.5 mg/100ml, 2 have 0.8 mg/100ml, 2 have 0.1 mg/100ml and 1 has 0.3 mg/100ml.

In the EU limits table, out of a total of 56 limits: 0.5mg/100ml appears 31 times, 0.2mg/100ml² appears 20 times, 0mg/100ml appears 20 times, 0.8mg/100ml appears 4 times, 0.1mg/100ml appears 4 times, 0.3mg/100ml appears 2 times and 0.4mg/100ml appears once.

2. In France, only bus drivers fall into the 0.2mg/100ml limit.

I trust this information is of assistance, should you require anything further please contact me directly.

Yours sincerely,

Helen Richmond

DALO

[by e-mail]

2 In France, only bus drivers fall into the 0.2mg/100ml limit.

Annex A

TTC 2000 information on the Effect of Common Foods and Medicinal Products on Lower Legal Limits

The current UK legal limit on our roads is 35mcg of alcohol in 100 ml of breath, 80mg in 100 ml of blood or 107mg in 100ml of urine.

For an average **man**, this equates to about **5 units of alcohol** and **3 units of alcohol** for an average **female**.

From this, it can be seen that **1 unit of alcohol** produces a reading of about:

7 in breath, 16 in blood or 21 in urine for a man, or:

12 in breath, 27 in blood or 35 in urine for a woman.

1 unit is the amount of alcohol in:

Half a pint of ordinary beer (3.5%)

A single whisky (25ml) at 40% or

80ml of wine at 12%

However, in practical terms, looking at everyday drinks in Northern Ireland:

A **pint of Guinness** contains 2.3 units.

A **single whisky** at 35ml contains 1.4 units and

A **175ml glass of wine** at 12% contains 2.1 units.

If the legal limit was set at **50mg in 100ml / blood**, then the number of units to get to the legal limit would be **3 units for a man**, and a little less than **2 units for a woman**.

If the legal limit was set at **20mg in 100ml/blood**, then the number of units to get to the legal limit would be **1 ¼ units for a man** and **¾ unit for a woman**. In this case, a man drinking a single whisky would be over the legal limit, and a woman drinking only a half pint of Guinness would be almost 50% over the limit.

Food Stuffs / Medicines

There are, however, other ways in which alcohol can get into the body. This can be through food, such as sherry trifle, Christmas cake and pudding, although cooking would evaporate most of the alcohol. Many cakes and puddings, however, are fortified and preserved through pricking and then pouring spirit over them after cooking, and this alcohol content would still be present.

Medicines can be another source of alcohol. A report produced by *The Loughborough Sleep Research Institute* a number of years ago stated that there were over 100 medications with the ability to cause drowsiness. Specifically in relation to alcohol, common medicines contain alcohol, shown on their labels. You will see that some of them state 'non-drowsy', which could attract a person considering driving:

Benylyn non drowsy 5% ABV 10ml dose = 0.05 unit alcohol

Covonia Chesty Cough 7.7% ABV 10ml dose = 0.077 unit alcohol

Meltus non drowsy (alcohol content not stated, says 'see insert') – 9% ABV 10ml dose = 0.09 unit alcohol

Covonia Cold and Flu 19% ABV 20ml dose = 0.38 unit alcohol

Beechams All in One 19% ABV 20ml dose = 0.38 unit alcohol

You will see from the last two that a single dose of these would put a female at 50% of the legal limit at 20mg / 100ml blood, reducing the amount of alcohol she could consume to negligible amounts.

The effect of a reading of zero as the legal limit.

It will be seen that medicines alone could then result in the loss of a person's licence. Furthermore, some people have naturally occurring alcohol produced by bacteria in their gut. This is often found in diabetics and vegetarians, where background readings of 1-2 or 2-3 on a breath test for combined effects have been found (this is the equivalent of a reading of up to 7 on a blood sample). This can lead to false positives if there is a zero limit. An allowance could be made for people known to have these conditions, but it would be very unfortunate for a person to lose their licence on a minimal reading, only to find out 3 months later that they had undiagnosed diabetes at the time of being tested.

When alcohol is taken into the body, it is absorbed quickly, and the elimination process starts by the liver secreting enzymes to break it down, usually after about half an hour. It is then broken down at the rate of about 1 unit per hour for a casual drinker. This applies to men and women. This can be affected by a variety of factors, including if food has been consumed before drinking (which can delay elimination) or if medication has been taken that can have an effect on the liver (such as paracetamol).

At present, with the legal limit of **80mg**/100ml blood, a man could drink two pints of Guinness (4.6 units) in half an hour and probably not be over the legal limit. With a limit of **50**, again both pints drunk in half an hour, it would take about 1.7 hours after he stopped drinking before he would be under the limit. With a limit of **20**, it would take 3.1 hours before he would be under the limit. With a **zero** limit, it would be 4.6 hours before he would be under the limit.

All those figures, of course, depend on a person not having another drink within that time. The lower the legal limit, the easier it would be for a person to put themselves back over the limit.

There is a lower limit in England for train drivers, aircraft pilots and those associated with safety on those forms of transport. This is covered by The Railways and Transport Safety Act 2003. It sets the legal limit as being 20ml/100ml blood or 9mcg/100ml for breath. When The Railways and Transport Safety Act 2003 was being researched, a long debate took place about having a zero limit, but this was found to be impracticable and a minimal limit was set, whilst stressing that there should be zero tolerance to alcohol in those workplaces.

The rationale for setting a limit, whilst saying 'no alcohol' was for the reasons given above for naturally occurring alcohol and medications, plus the problem that below 9mcg/100ml for a breath sample the manufacturers of the type approved devices used could not guarantee the accuracy of them.

It must be taken into account that, for these distinct groups of people that the Railways and Transport Safety Act 2003 applies, there are training opportunities to educate them about alcohol and how long it remains in the body as a part of normal awareness for their roles. This does not currently apply to ordinary road users.

Annex B

Current BAC limits in force in the 28 EU Member States (May 2014)³

	Standard	BAC for commercial drivers	BAC for novice drivers
Austria	0.5	0.1	0.1
Belgium	0.5	0.5	0.5
Bulgaria	0.5	0.5	0.5
Croatia	0.5	0.0	0.0
Cyprus	0.5	0.5	0.5
Czech Republic	0.0	0.0	0.0 ⁴
Denmark	0.5	0.5	0.5
Estonia	0.2	0.2	0.2
Finland	0.5	0.5	0.5
France	0.5	0.5 (0.2 bus driver)	0.5
Germany	0.5	0.0	0.0
Greece	0.5	0.2	0.2
Hungary	0.0	0.0	0.0
Ireland	0.5	0.2	0.2
Italy	0.5	0.0	0.0
Latvia	0.5	0.5	0.2
Lithuania	0.4	0.2	0.2
Luxembourg	0.5	0.1	0.1
Malta	0.8	0.8	0.8
Netherlands	0.5	0.2	0.2
Poland	0.2	0.2	0.2
Portugal	0.5	0.5	0.5
Romania	0.0	0.0	0.0
Slovakia	0.0	0.0	0.0
Slovenia	0.2	0.0	0.0
Spain	0.5	0.3	0.3
Sweden	0.2	0.2	0.2
UK	0.8	0.8	0.8

3 Source of main table - ETSC Towards Zero Tolerance April 2012. Croatia became a member of the EU in July 2013. Source of Croatia BAC limit – Alliance Internationale de Tourisme/Federation Internationale de l'Automobile

4 While this lower limit tends toward zero tolerance for such drivers, in practice it is often set at 0.2 mg/ml (Deshapriya & Iwase, 1996) in order to reduce the possibility that other variables could confound the BAC reading.

Departmental letter re focus groups

As part of the consultation process for Graduated Driver Licensing, in June 2011, The Human Resource Consultancy Branch (HRCS) of the Northern Ireland Statistics and Research Agency (NISRA) was commissioned to carry out a separate qualitative research project in support of the consultation, to inform the way forward. This involved obtaining the views of young people of different ages via focus groups in urban, semi-rural and rural areas.

In total, 9 focus groups were held with young people during the two week period 27th July to 10th August 2011. The aim of this qualitative research was to explore young people's views on the proposed changes to the 'L' and 'R' Driver Schemes and on Graduated Driver Licensing. The research specification gave clear parameters for the study. It was to include 9 groups of young people across 3 age groups (14-16 years, 17-19 years and 20-25 years) living in 'rural', 'semi-rural' and 'urban' locations. Focus group participants were recruited mainly through working with local projects, clubs and associations.

In total, 84 young people participated in the study. Given the intention of engaging in a small scale to explore views qualitatively, these numbers were considered reasonable. The breakdown of the 84 attendees by age and location is shown in the table below.

	14-16 years	17-19 years	20-25 years	Total
Rural	18	9	9	36
Semi-rural	15	6	3	24
Urban	6	8	10	24
Total	39	23	22	

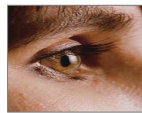
A detailed report on the outcome of the focus groups can be downloaded from the Department website at <http://www.doeni.gov.uk/report-changes-to-lr-schemes-and-graduated-driver-licensing-consultation-2011.pdf>.



Young People's Views on Proposed Changes to the Learner and Restricted Driver Schemes and on Graduated Driver Licensing

Focus Group Report

August 2011



Focus Group Report

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Focus Group Report

1 About this report

- In June 2011, the Human Resource Consultancy Services (HRCS) branch of the Northern Ireland Statistics and Research Agency (NISRA) was commissioned by the Department of the Environment (DOE) to undertake a series of focus groups to gather the views of young people on proposed changes to the Learner and Restricted Driver Schemes and on Graduated Driver Licensing.
- The focus groups were in support of a consultation exercise organised by the Road Safety and Vehicle Regulation Division (RSVRD) of DOE, which ended on 19th July 2011.
- This research was set against the following key objectives defined by RSVRD:
 - To recruit, conduct and report on a total of 9 focus groups involving children, young people and young adults in a range of urban and rural locations across Northern Ireland.
 - To investigate the views of the focus group participants about the process of learning to drive and on 12 proposed consultation measures.
 - To present a written report analysing the findings from the focus groups.
- This report outlines the context, scope, methodology, findings and conclusions from the focus group research.



Acknowledgements

We would like to record our thanks to all of the young people who gave us their views in a frank and genuine manner and this report is based on what they told us.

Focus Group Report

1

2 Executive Summary

Background

The Road Safety and Vehicle Regulation Division (RSVRD) of the Department of the Environment (DOE) recently carried out a consultation on how it should reform the current Learner and Restricted Driver Schemes and the possible introduction of Graduated Driver Licensing (GDL). The consultation paper and associated documents are available to read and download at www.roadsafetyni.gov.uk/new-drivers. This consultation process closed on 19th July 2011.

The consultation paper set out 12 potential measures (see p.7 of report) many of which have been judged to have had a positive impact on new driver safety in other parts of the world, and which could have similar success here.

In June 2011, The Human Resource Consultancy Branch (HRCS) of the Northern Ireland Statistics and Research Agency (NISRA) was commissioned to carry out a separate qualitative research project in support of the consultation, to inform the way forward document in relation to this review.

This project involved obtaining the views of young people of different ages via focus groups in urban, semi-rural and rural areas. The aim was to gather a broad range of views on changes which have the potential to have a significant impact on the way people in Northern Ireland learn to drive and gain experience in driving.

Methodology

The researchers were required to recruit, conduct and report on a total of 9 focus groups set in a range of rural, semi-rural and urban areas, with groups comprised as follows: 3 groups of children aged 14 to 16 years, 3 groups of young people aged 17 to 19 years and 3 groups of young adults aged 20 to 25 years. All 9 focus groups took place during the two week period 27th July to 10th August 2011 and a total of 84 young people participated in the discussions. In the main, research participants were identified through networking with young people's clubs and associations. All sessions lasted 1 hour 30 minutes and took place in a range of venues (e.g. council offices, youth clubs, sports halls etc).

Key Findings

The findings across all the focus groups were analysed and the key outcomes are summarised below.

General Views

When considering what makes a good driver, qualities such as being 'steady', 'safe' and 'sensible' were frequently cited and having a lot of experience was seen as a key factor. The main thought that sprang to mind when participants thought about learning to drive was the financial cost involved in terms of a) learning – licence, driving lessons, theory and practical test and b) passing the test – car, insurance, fuel. Secondly, participants tended to associate learning with being very stressful. Whether anticipating learning in the future or reflecting back on the experience it was seen as a 'nerve wracking' experience. Others however associated it with positive emotions such as 'excitement' about gaining 'independence' and 'freedom'.

The 12 Measures

In terms of overall views on the 12 proposed measures, participants were most in favour of allowing learners on motorways, introducing an offence free period, amending/ removing speed limits and encouraging skid training. The least favoured options among the young people were raising the minimum licensing age, introducing night time driving and passenger restrictions and increasing the duration of the Restricted period. The key points arising from the discussions on each of the measures are provided on the following pages.

Focus Group Report

2

2 Executive Summary

(1) Raise the minimum licensing age.

The vast majority of participants were in favour of keeping the minimum age for both a provisional and full car driving licence at 17 years. In ranking the effectiveness of the 12 measures, raising the minimum licensing age was consistently at the bottom of the list across the groups. The main reasons given related to relying on parents/ others for lifts for longer, the perceived higher cost of public transport compared to a car, and a potential increase in the number of young people driving illegally. As may be expected, the impact of any increase was seen as greatest for young people living in rural areas.

(2) Require learners to take a minimum number of lessons and/ or hours/ miles of supervised practice.

There were mixed views on this proposal with approximately half of participants opting to keep things as they are now and half in favour of introducing a minimum requirement. Some felt that any requirement for paid lessons created an unnecessary barrier to many young people in learning to drive due to the financial outlay expected. Arguments against a minimum number of hours/ miles of supervised driving practice included dependency on the availability of an accompanying driver and the potential for the learner to pick up bad habits from the experienced driver. Some also felt that this option would be difficult to enforce and audit. While some suggestions were put forward, most of the young people found it difficult to quantify what the minimum requirements should be in terms of either lessons or hours/ miles of supervised practice. Participants in the 20-25 years age category tended to be noticeably more in favour of introducing minimum requirements than their younger peers.

(3) Set a minimum mandatory learning period.

In terms of introducing a minimum mandatory learning period, the majority felt that things should be left as they are now whereby people can take as long as they think they need to learn to drive. It was emphasised that the pace at which a person develops competence in driving varied considerably from one person to another. The potential financial implications of any compulsory learning period were also a key theme. Some highlighted that just having a minimum mandatory learning period without specifying how many lessons and/or supervised practice should be required within that timeframe was ineffective. Others felt that it may be difficult to audit and verify a specified period. In general it was seen as the role of the driving instructor and the individual to determine when the learner was ready to take their test. On the other hand, a minority of participants were keen on a mandatory period and felt that some of their peers had passed the test before they were quite ready and would be better drivers if they had a longer learning period.

(4) Encourage/ require skid training for learner or restricted drivers.

The majority of participants were in favour of encouraging or requiring learners and new drivers to have skid training. However, the majority felt that it should be encouraged rather than be mandatory and 'making them aware of it' and 'pointing them in the right direction' was sufficient. Several groups cited the extremely adverse weather conditions last Winter and felt that any measure to improve car control would be a good idea in dealing with difficult and challenging driving conditions. The popularity of skid training seemed largely to stem from safety reasons rather than for entertainment. In general, females were more in favour of skid training than males. In terms of age, 17-19 year olds were most in favour of skid training whereas those in the youngest group (14-16 years) were less keen.

Focus Group Report

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2 Executive Summary

(5) Amend or remove speed limits for learner and restricted drivers.

In general, participants were strongly in favour of amending or removing the current speed limits for learners and new drivers. Many felt that it was dangerous to drive at lower speeds and it made them a 'hazard' on the roads. Some drivers within the groups also reported that it was quite a 'frightening' experience to drive at 45mph with other vehicles driving past at significantly higher speeds. Joining the motorway from slip roads was an area of particular concern. Those in the 20-25 years age group were more likely to favour amending or removing the speed restrictions. Many drivers in this category had been through the experience of driving with restrictions and then without, whereas those in the other groups tended to be non-drivers or learners. Young people from urban locations were also more likely to opt for changing the speed limits.

(6) Allow learner drivers to drive on motorways.

There was strong support for allowing learners to drive on motorways although the majority felt that they should be accompanied by professional instructors in dual controlled cars. The main reason for this viewpoint was to alleviate the fear and panic that many reported experiencing when they first drove on a motorway as they had no experience of this type of road. A minority opted for keeping things as they are now as they felt that it was too dangerous and driving practice on dual carriageways gave learners general experience of that type of road.

(7) Revise the practical driving test.

In terms of revising the practical driving test, some were in favour of reviewing test route coverage to include higher speed dual- and single-speed carriageways and busy town centres. It was suggested that the practical test should be of longer duration to ensure that the person is assessed driving on a range of quieter and busier roads. There was not widespread support for the use of driver records/ student workbooks. It was highlighted that many young people may be pursuing their studies and sitting exams at the same time they are embarking on driving lessons and taking their test. Due to other academic commitments they may find it difficult to find time to complete a workbook as well. There were concerns about what checks could be put in place to ensure that learners are completing it correctly and honestly. Those who thought workbooks were a good idea felt they might build the learners confidence by encouraging them to keep track of their progress and accumulated experience. However, the general consensus was that completion of workbooks should not be compulsory.

(8) Introduce night-time driving restrictions for restricted drivers.

A large majority of participants were against introducing any restrictions on driving at night. It was viewed as too restrictive and many practical difficulties were cited in terms of the impact on young people's employment and social lives. If restrictions were to be introduced most felt there should be exemptions as any approach that was too rigid was seen as unworkable. Potential difficulties with enforcing this measure were highlighted. However, a minority of participants were in favour of introducing some level of night-time restriction due to their belief that it would directly impact on reducing the number of accidents among young drivers.

Focus Group Report

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2 Executive Summary

(9) Introduce passenger restrictions for restricted drivers.

The vast majority of participants were not in favour of restricting new drivers taking passengers. Many advocated that it should be the drivers own choice if they wish to take passengers and how many. Others highlighted the difficulties caused if the new driver was the only driver within a household and others were relying on them. Some of the reasons given by the small minority of participants in favour of restricting passengers for 6 months included minimising the number of casualties in the event of an accident and reducing distractions for the new driver. As with some of the other suggested measures, many felt that this 'rule' may be difficult to enforce and young drivers may simply claim their passengers are family members.

(10) Introduce restrictions on high-performance vehicles for learner and restricted drivers.

While the majority of participants thought there should be no restrictions on learner or restricted drivers driving high performance cars, there was a general perception that the high cost of insurance premiums prevented them doing so anyway. Many also felt that if a new driver wanted to drive fast then they would speed regardless of the specification of their vehicle. Improved safety in larger cars was highlighted while others felt that any restrictions on vehicle type could be potentially problematic for those who only had access to a higher specification car (e.g. their parents car). The main reason given by the participants favouring restrictions was safety concerns relating to new drivers not being able to handle the vehicle properly and responsibly.

(11) Introduce an offence-free period before restrictions are lifted.

A large minority of participants felt that an offence-free period before restrictions are lifted should be introduced. They felt that having 'to prove yourself' was a good idea and if you did get points within the first months of driving then the restricted period should be extended. The general view was that 6 months would be the most appropriate timescale, however, others believed that this may be too long and a shorter time scale such as three months would be more appropriate. Concerns were raised by one group who felt that this measure sent out the wrong message to young drivers as it may inadvertently suggest that you have to drive safely for one year and then it didn't matter so much after that. Some felt that a fundamental flaw of this measure was that they knew new drivers who had not driven at all in the year following their test or just a couple of times. Consequently they were out of the Restricted period without proving that they could drive safely. It was suggested that having to prove you had driven a specific number of miles or hours without breaking any laws was a better indicator of safe driving.

(12) Increase the duration of the restricted period.

The majority of participants felt that the current restriction period should be retained with new drivers carrying an R plate for 12 months. Reasons given included enabling other drivers to identify and make allowances for inexperienced and slower drivers, particularly on motorways. Some participants thought that 12 months was an appropriate timeframe as it gave new drivers experience during all seasons. However participants in one group suggested retaining the R scheme but reducing it to six months as they felt new drivers would have had enough experience by then. A sizable minority of participants felt that the restricted period should be removed completely. Some thought that the scheme was not effective as they knew many R drivers who routinely drove faster than 45mph. Others felt that driving at 45mph, especially on motorways and dual carriageways, was a hazard and could actually contribute to road accidents. Only a few participants were in favour of increasing the duration of the restricted period to two years. Reasons given included allowing more time to gain driving experience at reduced speeds and helping young drivers stay safe.

Focus Group Report

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3 Objectives, Background and Context

Background

Road Safety and Vehicle Regulation Division (RSVRD) within the Department of the Environment (DOE) is responsible for the creation of Northern Ireland's Road Safety Strategy to 2020. The Strategy which was published in March 2011 sets targets* (measured against the baseline of the 2004-2008 average):

- To reduce the number of people killed in road collisions by at least 60% by 2020;
- To reduce the number of people seriously injured in road collisions by at least 45% by 2020;
- To reduce the number of children (aged 0 to 15) killed or seriously injured in road collisions by at least 55% by 2020; and
- To reduce the number of young people (aged 16 to 24) killed or seriously injured in road collisions by at least 55% by 2020.

In light of these targets and amid concerns at the continuing over-representation of young, often inexperienced, drivers in fatal and serious road collisions the DOE has carried out a review of the Learner (L) and Restricted (R) driver schemes to assess the potential effectiveness of Graduated Driver Licensing (GDL).

The DOE consulted on proposals to reform the L and R schemes and on the introduction of a system of GDL. The consultation ran for 18 weeks from 15 March to 19 July 2011.

*The strategy and associated papers are available to read and download at www.doeni.gov.uk/roadsafety/index/road_safety_strategy.htm

Aims

New drivers – and particularly new drivers who are under 25 – are disproportionately involved in road traffic collisions. Almost a fifth of new drivers have a collision within their first six months of driving and between 2004 and 2008, 17 to 24 year old drivers were responsible for 163 deaths and 1,237 serious injuries on our roads. 118 of those who died were young drivers and young passengers.

The primary aim of the consultation was to reduce road deaths and serious injuries by improving how drivers in Northern Ireland are trained and tested to drive and by ensuring that newly qualified drivers gain experience in low risk conditions in which they are less likely to crash.

Because the majority of restricted drivers are aged under 25 and this group is also disproportionately represented in road traffic collisions, the options for changes to the learner and restricted driver schemes and the potential introduction of a GDL will mainly affect younger people. Similarly, due to the high proportion of new driver collisions that will happen on rural roads – coupled with the extent to which young people in rural areas may rely more heavily on travelling by car – the measures may have a greater impact on young people living and working in rural areas.

Therefore in support of the consultation, which ran until 19th July 2011, RSVRD commissioned NISRA to carry out a series of focus groups to gather the views of young people from ages 14 to 25 years, living in 'rural', 'semi-rural' and 'urban' locations.

Focus Group Report

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3 Objectives, Background and Context

The 12 Measures

The consultation paper sets out 12 potential measures proposed by DOE, many of which are judged to have had a positive impact on new driver safety in other parts of the world, and which could have similar success here.

1. Raise the minimum licensing age.
2. Require learner drivers to take a minimum number of driving lessons and/ or hours/ miles of supervised practice.
3. Set a minimum mandatory learning period (starting potentially from age 16).
4. Encourage/ require skid training for learner or restricted drivers.
5. Amend or remove speed limits for learner and restricted drivers.
6. Allow learner drivers to drive on motorways.
7. Revise the practical driving test.
8. Introduce night-time driving restrictions for restricted drivers.
9. Introduce passenger restrictions for restricted drivers.
10. Introduce restrictions on high-performance vehicles for learner and restricted drivers.
11. Introduce an offence-free period before restrictions are lifted.
12. Increase the duration of the restricted period.



Focus Group Report

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4 Approach and Methodology

Focus Groups Aims and Methodology

In total, 9 focus groups were held with young people during the two week period 27th July to 10th August 2011. The aim of this qualitative research was to explore young people's views on the proposed changes to the 'L' and 'R' Driver Schemes and on Graduated Driver Licensing.

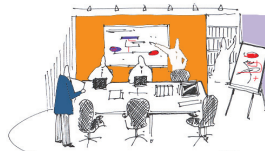
The research specification gave clear parameters for the study. It was to include 9 groups of young people across 3 age groups (14-16 years, 17-19 years and 20-25 years) living in 'rural', 'semi-rural' and 'urban' locations.

Focus group participants were recruited mainly through working with local projects, clubs and associations. Although many groups and projects were closed for the summer, potential participants were still identified.

The aim was to gather a broad range of representative views and the fieldwork matrix is shown below. Focus groups are traditionally composed of between 8 and 10 people. This number of participants ensures a manageable discussion and allows everyone to have their say. The target was therefore to hold 9 groups with 8-10 participants. In total, 84 young people participated in this study. Given the intention of engaging in a small scale to explore views qualitatively, these numbers are reasonable.

The breakdown of the 84 attendees by age and location is shown in the table on the left and the gender composition is presented in the table on the right.

Group Age & Location	14-16 years	17-19 years	20-25 years	Total
Rural	18	9	9	36
Semi-rural	15	6	3	24
Urban	6	8	10	24
Total	39	23	22	84



Gender	Number
Male	44
Female	40
Total	84

In agreement with DOE, attendance at the focus groups was incentivised with £15 of high street shopping vouchers per participant*. This is common practice in conducting research with the general public. Light refreshments were offered at the groups.

*On 5 occasions, the intermediary preferred an overall donation to be paid to the club or association to purchase equipment or contribute towards a group social event.

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4 Approach and Methodology

Focus Groups Aims and Methodology Continued ...

An age appropriate discussion guide was developed and agreed with RSVRD to investigate:

- the views of the participants generally on their knowledge, attitudes and experience in relation to learning to drive;
- specifically their views on the 12 consultation measures.

Participative exercises were used to stimulate discussion amongst the group and gather as much information as possible. The format for the focus groups is outlined on the right.

Participants were each asked to complete a short questionnaire to gather their views on the 12 measures. This questionnaire provided a vehicle for the facilitator to introduce the 12 measures and then use the collated findings as a discussion aid to explore the reasons why individuals had selected particular options. The tabular questionnaire findings can be found in Appendix A.

A prioritisation technique was also employed where participants were asked to work in smaller groups and rank the 12 measures in terms of their perceived effectiveness. This encouraged debate and discussion and provided a useful indicator of general attitudes towards each proposal.

Each focus group lasted 90 minutes. This allowed time to explore the issues in depth without participants becoming less focussed or disengaged.

The first focus group acted as a pilot. This was to test out the discussion guide in terms of length and clarity. Following the group the researchers were content that the schedule was appropriate and only some very minor changes were made.

Two researchers attended each focus group – one to facilitate the group, and one to act as a scribe. Following each of the groups, the scribe completed a write up of the group, complete with quotes. The scribe and the facilitator from each focus group discussed the write ups to ensure that they fully captured the discussions.

The following pages present the key findings from the discussions. Where appropriate variations in findings are highlighted based on age, location and gender. However, given the small numbers, these should be interpreted with care.

Focus Group Outline

Introduction

Overview of the research project

Outline of the discussion

Series of discussion themes/
interactive exercises:

- "Road Trip" Icebreaker
- General views on learning to drive
- Questionnaire
- Views on the 12 proposed measures
- Ranking the 12 measures
- Ideas and suggestions for improvement

Final discussions/ close



Focus Group Report

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5 Focus Group Findings: A. Road Trip Ice-breaker

Road Trip Ice-Breaker – What makes a good driver?

Participants were asked to imagine they were going on a road trip. The facilitator set the scene and the route. They were given a 'car' handout and asked to work in pairs with the following brief:

"You can bring 3 people with you on the trip and they can be anyone you want. They can be family, friends, famous actors, musicians etc...the choice is yours. One will be the driver and you will sit up front with them in the front passenger seat. Your two other passengers will sit in the back but will not do any driving. Please write your choices in the spaces provided in the handout."

The group then discussed their choice of passengers and in particular why they have chosen one over the other two as the driver. The purpose of the exercise was to warm up the group and as a projective technique to explore their attitudes regarding what makes a good driver.

Drivers

Many participants chose a relative or close friend to be the designated driver for the trip. Reasons given included:

- being a 'good' driver
- being a 'sensible', 'steady' driver
- having a lot of driving experience
- being a 'safe' driver
- having a 'nice car'
- being 'good company'.

Presenters from the TV programme 'Top Gear' were also popular choices mainly due to driving fast – "It's a coast road so [named presenter] would get there nice and fast". 'The Stig' was mentioned several times due to his driving skills – "He's a brilliant driver". Formula One drivers also featured frequently due to their car handling ability e.g. "He can take the turns really well."



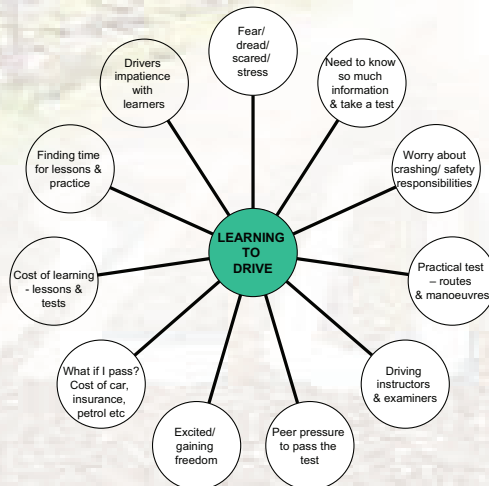
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5 Focus Group Findings: B. General Views on Learning to Drive

What thoughts, associations and images spring to mind when I mention 'learning to drive'?

The researcher posed this question to the group and recorded all responses on a flipchart. The main themes to emerge are shown in the chart below and described in more detail on the next page.



"If your friend passes the test in 3 months then you think you should do the same."

"It's a brutal amount of money."

"A lot of information you need to take in. Motorways – you can't drive on them but you need to know all the details about them."

"You get laughed at by the insurance companies."

"I scared the living daylight out of the instructor."

"Some of the stuff you learn when learning to drive you don't use again. Some manoeuvres are useless."

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5 Focus Group Findings: B. General Views on Learning to Drive

What thoughts, associations and images spring to mind when I mention 'learning to drive'? Continued ...

The main thought that sprang to mind when participants thought about learning to drive was the financial costs involved in terms of a) learning – licence, driving lessons, theory and practical test and b) passing the test – car, insurance, fuel.

Secondly, participants tended to associate learning to drive with feeling scared and stressed. Whether anticipating learning to drive or reflecting back on the experience it was seen as a 'nerve wracking' experience which filled individuals with a certain degree of 'fear' and 'dread'. Some however associated it with more positive emotions such as 'excitement' and looking forward to the 'independence' and 'freedom' it would bring.

Concerns about driving instructors were also raised. Some in the 14-16 year old age groups worried about not getting on with their driving instructor. Those in the older age groups tended to recall negative experiences they had with their instructors.

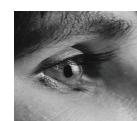
Participants had concerns about the behaviour of other drivers on the roads in terms of them being angry and impatient with learners. Safety issues also sprang to mind including wearing seatbelts, keeping within the speed limits, drinking and driving and some concern over having an accident. For a small minority of respondents the association was driving at speed and 'go fast racing'.

Many associated the whole process with being difficult and complicated such as having to know about road signs, hazards, the different parts of the car, gears etc. It was generally felt that there was a lot of information to absorb and some felt that a certain amount of the information that you were required to know for the test would not be used again.

The test itself was strongly associated with learning to drive. Some felt that the theory test was too difficult and many were worried and nervous about taking the practical part. Others reported feeling peer pressure to pass the test within a certain amount of time while some were also worried about how many times they might have to take it to pass.

Manoeuvres also came to mind for a few participants and they questioned the usefulness of some of them as they reported not using them again after taking their test. Others highlighted that, in terms of which manoeuvres they had to perform during the test itself, some were more difficult than others.

A few thought of the process as 'time consuming' and causing 'hassle' and found it difficult to make time in their everyday lives for lessons and practice.



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5 Focus Group Findings: C. Views on the 12 Measures

Participants were each given a short questionnaire to gather their views. The facilitator introduced the 12 proposed measures and gave a brief overview of the background to each one. Participants were then asked to 'tick' their preferred response/ option. The researchers collected the completed surveys and collated the findings while participants worked on the next group exercise. The combined findings provided the basis for a discussion exploring the reasons why individuals had selected particular options. The key points emerging from these discussions are outlined below and on the following pages. The tabular questionnaire findings can be found in Appendix A.

1) Raise the minimum licensing age.

The vast majority of participants were in favour of keeping the age at 17 years. In general males were more likely than females to advocate keeping it at 17.

It was seen as important to gain independence through learning to drive at this age. Some pointed out that at 16, young people get GCSE results and they may start employment or pursue further education at locations further away from home. Therefore their transportation needs increase. Others felt that 17 was a better age for young people to focus on learning to drive because at 18 they tend to start going out to clubs and drinking which would be a distraction.

Only a small number opted to increase it. Those who said 18 felt that 'some people take longer to mature' and that until this age there wasn't a great need to be able to drive. Others thought there was no real difference whether you were 17 or 18 years old so it was best to keep it at 17. Most felt that it should be the individual's choice when they start to learn to drive and they did not need to start until they were ready.

When asked what the impact of increasing the age might be, a number of points were raised. Firstly, it would mean relying on parents for lifts for longer which places an additional burden on them. Some commented that public transport was too expensive compared to a car. Others felt that the frustration of having to wait longer could result in an increase in the number of 'joy riders'. As may be expected, the potential impact was greatest on young people living in rural areas. In one rural group it was reported that the only public transport provision in the locality was a bus service every 6 hours.

Comments

"I couldn't wait to get a car. Increasing the age would only be depressing."

"It's when you feel comfortable. You don't need to do it until you are ready."

"At 17 you might get a new job and need to get there. Some don't like buses and taxi fares are too expensive."

"You would be raging if you were waiting from when you were 14 to start at 17 thinking I can now learn but then they change it to 18. Raging."

"You should be older. 17 to 18 year olds just spin around in their cars and are not in real jobs."

"I don't think age makes a difference. Whether 17 or 18, it's a sense of being alone and feeling I'm in control."

"It's your only way of getting about when you live out in the country."

Focus Group Report

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5 Focus Group Findings: C. Views on the 12 Measures

2) Require learners to take a minimum number of lessons and/ or hours/ miles of supervised practice.

There were mixed views on this proposal with over half of participants opting to keep things as they are and the remainder opting for learners to take a minimum number of paid lessons or spend a minimum number of miles/ hours with another driver. Those in the 20-25 age group were most in favour of this measure with over two thirds advocating introducing a minimum requirement.

Participants were asked how many paid lessons or hours/ miles with an experienced driver should be required. The majority found it very difficult to quantify this and perhaps somewhat contradictorily suggested this was because it depends so much on the individual. One of the participants mentioned 100 hours, however, the group in general thought this would be far too much. In terms of paid lessons, one suggestion was to take 24 sessions, 12 lessons on the main road and 12 on the back roads. This was met with approval within the particular group.

However, any requirement for paid lessons was seen as a barrier to many young people learning to drive as the financial outlay may be too high. Lessons were reported across the groups to cost £25 to £30 per hour. Many of those who opted for 'keep as is' did so due to the expense of lessons. Some felt that this idea could end up as 'just a money racket.'

In terms of learners having to spend so many hours or drive so many miles with an experienced driver, one person suggested driving a certain number of miles within a six month period split between towns and rural roads. Other suggestions ranged from 4 to 10 hours.

It was noted that the time demands on the driver accompanying the learner should be considered. Moreover the restrictions on the learner due to their dependence on the experienced drivers availability were also important. One downside of making learners spend time with an experienced driver rather than an instructor was that they might pick up their bad driving habits.

Some felt that the idea of having to spend so many hours with an experienced driver would be difficult to regulate as young people may just get their friends and family to say they had been practising with them when this had not been the case.

Comments

"The money aspect is important and it's a big cost. Why pay when you feel comfortable with your mummy teaching you?"

"The person taking you out is likely to be a parent or older sibling. You're restricted because they are working all day and can only take you out in the evening. You might be lucky to only get one hour per day."

"If you go out with someone you know ... you can pick up a good bit from them although you can also pick up bad habits."

"Lessons are getting dear and young people don't have the money for it these days. Just getting EMA [Educational Maintenance Allowance] so having to pay for extra lessons when they may not be needed just to make the minimum is unfeasible."

"It would give you more experience and there wouldn't be as many crashes."

"If they can work out how many hours you need before you are qualified to fly a plane then they can work out how many hours are needed for a car."

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5 Focus Group Findings: C. Views on the 12 Measures

3) Set a minimum mandatory learning period.

In terms of making learners spend a set amount of time learning to drive, the majority proposed that things should be left as they are and let people take whatever time they need to learn. Females tended to be more in favour of introducing this measure than their male counterparts. In terms of location, young people from rural areas were most keen on this idea compared with those in the semi-rural and urban categories.

Again it was emphasised that the pace at which a person develops driving competence varied considerably from one individual to another. Examples were given of young people in rural areas passing their test quickly as they had been driving around fields for years before they were 17. Some participants thought this measure would penalise them.

The potential financial implications were also a strong theme across the groups. Some felt that it was the role of the driving instructor and the individual to determine when the learner was ready for their test. However, it was highlighted that by purely making learners take driving lessons for 6 months or 12 months, there was no specification of how many lessons and/ or how much practice they should undertake during that timeframe.

Those opting for introducing a mandatory minimum learning period felt that some of their friends who are 17 and have full licences maybe should have taken a while longer so that they 'really make the grade.' Again participants found it difficult to quantify exactly how long the set period of time should be. One suggested that a 12 month period may be most appropriate as this would guarantee that the learner had practice in all weather conditions throughout the year.

Questions were raised regarding how to check or audit that a person had spent a specified period learning. One solution offered was for a record to be kept of the first and last lessons with the driving instructor.

Comments

"The time doesn't matter. If you have shown that you can drive then it doesn't matter."

"Everybody learns differently. One person may have the knack for driving after 15 lessons and another may take 30."

"There is no [minimum] given for the actual number of lessons so while the time limit may be twelve months you might only take one lesson per month before you pass your test."

"It costs far too much already. I've heard of people spending £1400 learning to drive by the time you pay for the licence, lessons and the test."



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5 Focus Group Findings: C. Views on the 12 Measures

4) Encourage/ require skid training for learner or restricted drivers.

Most participants were not familiar with 'skid training' and a brief explanation was provided by the facilitator. The vast majority were in favour of skid training for learners and new drivers. However, the general consensus was that it should be encouraged rather than be mandatory and 'making them aware of it' and 'pointing them in the right direction' was sufficient.

In general, females were more in favour of skid training than males. In terms of age, 17-19 years were most in favour of it whereas those in the youngest group (14-16 years) were less keen.

Several comments were made about the extremely adverse weather last winter and the daunting and challenging driving conditions faced by drivers. In light of this, the general view was that 'anything that improves car control is a good idea.' Conversely, others felt that the weather in Northern Ireland was not extreme enough to warrant compulsory skid training.

Some felt that it would be good to have this training so they knew how to handle slurry, grit and oil spill conditions they encounter on the road. Overall there was general agreement that it was a good idea to give learners and new drivers as much experience as possible before going out on the roads alone.

Only one participant across all the groups had taken a skid training course and his assessment was that, while it had been extremely enjoyable, he did not feel that it was particularly useful in terms of ordinary day to day driving.

In one of the rural groups it was highlighted that drivers did their own skid training for free on certain stretches of local road in the early hours of the morning.



Comments

"It's something I would definitely look into to be prepared."

"With the winter weather it is essential. It gives you extra safety."

"In Norway you have to do skid training as part of the test. I saw it on Top Gear."

"I think it's a good idea because you never know where you could end up driving. It was an awful winter last year, you would need it."

"Skid training should be optional. 'Help' not 'must' is definitely the best way."

"It can be scary when you hit ice. If you don't know what you should do, you'll hit the brakes the first time you are on ice."

"If it's free alright but not if it costs too much. If it came with your lessons then ok."

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5 Focus Group Findings: C. Views on the 12 Measures

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Several comments were made about the extremely adverse weather last winter and the daunting and challenging driving conditions faced by drivers. In light of this, the general view was that 'anything that improves car control is a good idea.' Conversely, others felt that the weather in Northern Ireland was not extreme enough to warrant compulsory skid training.

Some felt that it would be good to have this training so they knew how to handle slurry, grit and oil spill conditions they encounter on the road. Overall there was general agreement that it was a good idea to give learners and new drivers as much experience as possible before going out on the roads alone.

Only one participant across all the groups had taken a skid training course and his assessment was that, while it had been extremely enjoyable, he did not feel that it was particularly useful in terms of ordinary day to day driving.

In one of the rural groups it was highlighted that drivers did their own skid training for free on certain stretches of local road in the early hours of the morning.



Comments

"It's something I would definitely look into to be prepared."

"With the winter weather it is essential. It gives you extra safety."

"In Norway you have to do skid training as part of the test. I saw it on Top Gear."

"I think it's a good idea because you never know where you could end up driving. It was an awful winter last year, you would need it."

"Skid training should be optional. 'Help' not 'must' is definitely the best way."

"It can be scary when you hit ice. If you don't know what you should do, you'll hit the brakes the first time you are on ice."

"If it's free alright but not if it costs too much. If it came with your lessons then ok."

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5 Focus Group Findings: C. Views on the 12 Measures

6) Allow learner drivers to drive on motorways.

This proposed measure was strongly supported across the groups although the majority felt that learners should be with a qualified driving instructor in a car with dual controls.

The main view was that new drivers 'panic' and are 'terrified' when they first drive on a motorway as they have no experience of this type of road as a learner.

A minority of participants were against allowing learner drivers on motorways. Their main reason was they felt it was too dangerous and that driving practice on dual carriageways was 'essentially the same as motorways'.

Again the financial implications tended to be at the forefront of learners minds. While many were in favour of driving with an instructor, others felt that it would result in more lessons being required and therefore add to the already substantial financial burden on learners.

There was noticeable variation across the three age groups with 14-16 year olds being most in favour of allowing learners on motorways and 20-25 year olds being least in favour. Participants from rural areas indicated noticeably more support for this measure than the urban and semi-rural groups.



Comments

"Slip roads are very scary for someone who has just passed their test. Some slip roads are very short for joining. Even now I'm still really cautious joining the motorway."

"The first time my friend went out on the motorway by herself she had the rosary beads hanging from the mirror. Absolutely terrified."

"You need to learn how to drive on the motorway. It's more dangerous not to allow learners on it."

"It's shocking and daunting driving on the motorway for the first time because you have no experience of ever being there."

"Definitely need to be shown or would be dangerous. It freaks you out, you try to recall the theory but can't because you're freaking out."



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5 Focus Group Findings: C. Views on the 12 Measures

7) Revise the practical driving test.

There were mixed views on revising the practical driving test. Some were in favour of reviewing the test, in particular coverage of test routes so that more of them include higher speed dual and single carriageways and busy town centres.

The reader however should note that a number of participants felt that the current driving test should not be changed at all. In the questionnaire, however, there was no box to tick to reflect this view. Therefore some people selected a response option but they actually thought that the driving test was fine as it is and should stay the same.

Regarding the practical test some suggestions were put forward including making it longer to allow better coverage of roads so that driving on a range of busy and quieter roads could be assessed.

As a general point, it was highlighted that instructors often take learners out for driving lessons between 6 and 9pm in the evening when traffic tends to be quiet. It was suggested that it should be compulsory to have lessons both during the day and at night to show you can cope with different conditions. Participants also emphasised that it was particularly challenging to drive in dark and rainy conditions.

Comments

"The test doesn't need changed it has just been changed."

"The test is all about mirrors. You really need to exaggerate it for the test. It should be more about technique."

"Everybody gets different ones [manoeuvres] and it's not fair. I don't use reversing around a corner but I do use parallel parking."

"The test format puts you under lots of pressure. People fail because they are nervous. Is there a way of doing it without making it into a big deal?"

"It's dated; should try to find a new way."

"Make it more relevant. Parallel parking and reversing into a parking space are not used."

"There should be more conditional weather driving and less manoeuvres."

"Independent driving is good so you know where you are going yourself."

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5 Focus Group Findings: C. Views on the 12 Measures

7) Revise the practical driving test continued...

In general participants were not in favour of driver records or student workbooks and the consensus was that if they were introduced they should not be compulsory.

It was highlighted that many young people start taking lessons from 17 years old and they may be taking their driving test around the same stage as sitting their A' Levels or when they start university. Due to these other study commitments they may find it difficult to find time to complete a student workbook/driver record as well.

If workbooks were to be introduced it was felt that the demands on the learner should be kept to a minimum. Moreover, there were concerns about what checks could be put in place to ensure that learners were completing the records correctly and honestly.

Those who thought workbooks were a good idea felt it would be useful for learners to record details of their accumulating experience of driving in a wide range of conditions (e.g. day, night, rainy weather etc). They proposed that this could help build the learner's confidence and allow them to keep track of their progress.



Comments

"When my friends were learning some of their instructors had a log and it was useful to see how much still had to be covered."

"More confidence for the driver. They can work on it and work on it so they get it right."

"It's a good idea but don't make it compulsory."

"The workbooks would annoy me. I don't see the point in them."

"You could make it up [the workbook responses] before the test."

"You don't have time to fill it out correctly. You could just say you were all wearing seatbelts. It's too confusing."

"Most instructors now will let you know where you are and what you still need to do anyway."

"Forget about the workbook, the main thing is to show that you can go out and drive."

"How would you know it is legit? Need checks to formalise it."

"I would just write a pile of [swears] in it [the workbook] to get it passed."

"I don't think workbooks should be compulsory but it would be good to keep a record of what you've done."

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5 Focus Group Findings: C. Views on the 12 Measures

8) Introduce night-time driving restrictions for restricted drivers.

The vast majority of participants were not in favour of introducing any restrictions on driving at night. As may be expected, participants from rural locations were least keen on these restrictions.

In general it was seen as too restrictive and some said 'it feels like big brother'. Some examples were given of the difficulties arising from having night time 'curfews'. For example, 'what happens if your mother is taken into hospital at 11pm and you can't get to the hospital because of the night time driving rule?' or 'What if you stay at a friends house until 9.05pm, can you chance going home?'. In terms of employment, it was highlighted that many young people may work evening jobs which require driving such as fast food delivery where some establishments do not close until 3am. Moreover if young people work in retail, they may not even have finished work by 9pm.

If restrictions on night time driving were introduced it was felt that some exclusions would be needed, for example, in emergency situations such as being on your way to the hospital. It was also suggested that licences should indicate if you need to drive for certain occupations (e.g. emergency services such as the police force and ambulance crews). Overall any approach that was too rigid was seen as unworkable.

As with some of the other suggested measures, many felt that this 'rule' would be very difficult to enforce. The younger age groups (14-16 year olds) pointed out that they are not allowed out after midnight anyway so there was no real impact for them. The few who opted for introducing some form of restrictions believed it would directly impact on reducing road accidents among young drivers.



5 Focus Group Findings: C. Views on the 12 Measures

8) Introduce night-time driving restrictions for restricted drivers continued...

Comments

"It's an imposed curfew for no reason."

"I don't see the point in the suggestions regarding passengers and night time driving. If you are driving at night then you aren't drinking so that you can drive your friends home."

"If you are working night shift and not home to 2am, there are no buses and taxis can be unreliable."

"You need to drive at night as you might only be going home at 3am."

"If you couldn't drive at night it would defeat the purpose of having a car."

"If you are picking up your drunken mates after a night out they will be too rowdy and distract you and cause an accident."

"If you keep things as they are then the night time accidents will continue so you need to do something."

"Restricting driving at night won't make any difference. You need to drive at night at some stage."

"There would be an impact on socialising. The whole craic about getting a car is out spinning about at night."

"It's handy for your parents if an extra person can drive."

"That's when people our age go out. I'd still go out at night and take the R plates down."

5 Focus Group Findings: C. Views on the 12 Measures

9) Introduce passenger restrictions for restricted drivers.

In general, there was limited support for this idea across the groups with the vast majority proposing to keep things as they are at present. Some did not support the rationale for making changes and advocated that it should be the drivers own choice if they wish to take passengers and how many. Others highlighted the difficulties caused if the new driver was the only driver within a household.

Some groups said that their sports clubs rely on the team members for transportation to away games to save money on hiring buses. This restriction would have a negative impact in this respect.

Some of the reasons given by the small minority of participants in favour of restricting passengers for 6 months included minimising the number of casualties in the event of an accident and reducing distractions for the new driver.

One person was strongly in favour of restrictions for 12 months as they felt if young people were driving their friends home after a night out they may be drunk and very distracting passengers. Examples were given of front passengers trying to operate the car controls. It was suggested that rather than restrict passengers altogether you should be able to carry passengers but not in the front passenger seat.

As with some of the other suggested measures, many felt that this measure could be very difficult to enforce. Several said that young drivers would simply claim that their passengers were family members.

Comments

"Your family members could be rowdies but your friends could be like wee pensioners."

"If you were pulled over by the police you would just say they are family members. How do they prove it?"

"If a mate is stuck in the early hours you would go get him."

"It's hard on the environment if there is only one person in the car."

"If you have a crash you only injure yourself; not others."

"People under 17 can be a bit distracting."

"Maybe for six months to have less distraction. When I first passed I didn't even like having the radio on because it was too distracting."

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5 Focus Group Findings: C. Views on the 12 Measures

10) Introduce restrictions on high performance vehicles for learner and restricted drivers.

While the majority of participants thought that new drivers should be allowed to drive any car that they wanted to, there was a general perception that the high cost of insurance premiums and vehicles themselves prevented young and new drivers from driving fast cars anyway.

Some participants thought that having a 45mph restriction for new drivers was enough as it prevented them from going fast in any type of vehicle. In contrast others suggested that the type of vehicle was irrelevant for those individuals who wanted to drive fast as they would speed regardless of the vehicle specification.

Improved safety in larger cars was also highlighted and one participant in particular said that her recent accident could have had more serious consequences had she been in a smaller vehicle. For some there was a perception that new drivers might be less complacent and take more care when driving a fast car than someone who had been driving it for some time.

Restricting the type of car a new driver could use was seen as potentially problematic for learners and new drivers who only had access to a higher specification vehicle (e.g. their parents car). They felt that it could make learning to drive pointless.

Reasons provided by those who thought that learners and new drivers should be stopped from driving fast cars included safety concerns relating to not being able to handle the vehicle properly and responsibly.

In terms of variation by age group, 20-25 year olds were most in favour of restrictions on high performance vehicles.

Comments

"Everyone can drive fast. What exactly is a fast car?"

"There's no way an insurance company will touch a seventeen year old [in a fast car] unless daddy is very rich."

"Someone new driving a fast car will be more careful than someone who has driven it for a while."

"I would have been crushed to death if I was in a smaller car."

"If you have a fast car you're going to go faster."

"It's difficult to define what a fast car is. The speed differs between cars."

"If a family has just one car and it is too high a specification there is no point learning to drive as you won't be able to drive the car."

"You can't go over the speed limit anyway."



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5 Focus Group Findings: C. Views on the 12 Measures

11) Introduce an offence-free period before restrictions are lifted.

A sizable minority of participants felt that an offence-free period before restrictions are lifted should be introduced. They felt that having 'to prove yourself' was a good idea and if you did get points within the first months of driving then the restricted period should be extended. The general view was that 6 months would be the most appropriate timescale, however, others believed that this may be too long and a shorter time scale such as three months would be more appropriate.

Concerns were raised by one group who felt that this proposed measure sent out the wrong message by inadvertently suggesting that you had to drive safely for one year and then it didn't matter so much after that. Another group felt that at times restricted drivers were blamed for accidents that were not their fault and consequently the measure had the potential to penalise.

Several participants suggested that the measure could be fundamentally flawed as examples were given of young people who had not driven at all or only a couple of times in the first year after passing their test. Consequently the Restricted period ended without them proving that they could drive safely. It was suggested that driving a specific number of miles/ hours without breaking any laws was a better indicator of safe driving.

Participants aged 20-25 years old were noticeably more in favour of introducing an offence free period compared with those in the younger age groups.

Comments

"I'm driving nearly four years and have a full clean licence. If you get points within six months you shouldn't be on the road."

"You should have a three month offence free period."

"It should be more about mileage than time. I have a friend who has driven twice but is off their R plates."

"If you have proven you can drive then you have proven you can drive."

"Having to show you've no offences makes sense. Should be easy enough to enforce."

"Problem is if you commit a minor offence or if something happens which isn't your fault and the other driver tries to blame you because you're an R driver."

"If you get a warning there should be something on your record."



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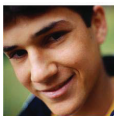
5 Focus Group Findings: C. Views on the 12 Measures

12) Increase the duration of the restricted period.

A majority of participants felt that things should be left as they are with new drivers carrying R plates for 12 months. Reasons given included enabling other drivers to identify and make allowances for inexperienced and slower drivers, particularly on motorways. Some participants thought that 12 months was a realistic timeframe as it gave new drivers experience during all seasons and weather conditions. One group however suggested keeping the R scheme but reducing it to 6 months as new drivers would 'know what they were doing by then'.

A sizable minority of participants thought that R plates should be abolished. Some felt that they were pointless as they knew many R drivers who routinely drove faster than 45mph. Driving at 45mph, especially on motorways and dual carriageways, was seen by some as a hazard. In terms of age variations, 20-25 years old were noticeably more in favour of removing the restricted period completely than their younger counterparts.

Only a few young people thought that the restricted period should be extended to 2 years. Reasons given included providing extra time to gain experience and as a means of keeping speed down to help young drivers stay safe.



Comments

"If it was increased to two years you would have more experience."

"Some people take the [swears] out of L drivers, stuck at 45mph. People are not comfortable after one year. It would be even worse after two years."

"Should be able to do the same as you do in England and put up plates if you want to."

"The police see an R plate and pull you over straight away."

"Make it last longer because it makes you safer and keeps your speed in check. You don't want to be stopped by the police."

"If both your R plates have fallen down then you get three points for each and lose your licence."

"Maybe six months instead of a year as you know what you're doing after six months."

"Twelve months gives you experience in all seasons."

"The sticker doesn't make the car go any slower. The speed is on the back roads anyway and the police aren't there."

"Don't see the point of R plates anyway as some people just take them down."

"The police only stop you if you do something wrong so it's only then that they would know you should have R plates up."

"It should be scrapped."

"It's a good idea to keep R plates even just so other drivers will see this and make some allowances for them, in terms of making mistakes and driving slowly, particularly on motorways."

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5 Focus Group Findings: D. Ranking the 12 Measures

Overall Ranked Lists

The next focus group exercise employed a prioritisation technique where participants were asked to work in 2 smaller groups and rank the 12 measures in terms of their perceived effectiveness. This encouraged debate and discussion and provided a useful indicator of general attitudes towards each proposal.

For this interactive exercise, each group was given a whiteboard and 12 magnetic strips (with one of the measures on each). The groups then worked together to rank the 12 proposed measures on the board in terms of what they thought would be most effective to least effective in terms of reducing accidents and road deaths among young drivers.

The table below provides a tally of the number of groups who rated each measure. The most effective list relates to measures that were ranked one to three and the least effective list relates to measures that were ranked ten to twelve. Note that none of the groups ranked 'Stop new drivers from driving at night' and 'Stop new drivers from taking passengers' as 1 to 3. Moreover, none of the groups ranked 'Allow learners on motorways' and 'Change or take away speed limits for learners and new drivers' as 10 to 12.

Most Effective	Least Effective
1. Allow learners on motorways (11)	1. Being older before you can get a licence (10)
2. Make new drivers show they can drive safely (10)	=2. Stop new drivers from driving at night; Stop new drivers from taking passengers (8 each)
=3. Change or take away speed limits for learners and new drivers; Skid training for learners or new drivers (7 each)	4. Make the Restricted 'R' scheme last longer (7)
5. Change the driving test (6)	5. Stop learners and new drivers using fast cars (6)
=6. Make learners spend longer learning to drive; Make learners take a minimum number of lessons (3 each)	=6. Change the driving test; Make learners spend longer learning to drive (3 each)
8. Stop learners and new drivers driving fast cars (2)	=8. Make learners take a minimum number of lessons; Skid training for learners and new drivers; Make new drivers show they can drive safely (2 each)
9. Make the restricted 'R' scheme last longer (1)	
10. Being older before you can get a licence (1)	



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5 Focus Group Findings: D. Ranking the 12 Measures

Rankings by Location and Age

Rankings by location and age are provided below. As before, a tally of the number of groups ranking each measure as one of their top three is provided in brackets. A further analysis of the rankings broken down by age and location can be found in the tables in Appendix B.

Location & Effectiveness	Rural	Semi-rural	Urban
Most Effective	■ Make new drivers show they can drive safely (5)	■ Allow learners on motorways (4)	■ Allow learners on motorways; ■ Make new drivers show they can drive safely (4 each)
Least Effective	■ Stop new drivers from driving at night; ■ Being older before you can get a licence; ■ Stop new drivers from taking passengers (4 each)	■ Being older before you can get a licence (3)	■ Being older before you can get a licence; ■ Stop learners and new drivers using fast cars (3 each)

Age & Effectiveness	14-16 years	17-19 years	20-25 years
Most Effective	Allow learners on motorways (5)	Make new drivers show they can drive safely (5)	Change the driving test (4)
Least Effective	Being older before you can get a licence (5)	Being older before you can get a licence; Stop new drivers from taking passengers (4 each)	Make the Restricted 'R' scheme last longer (4)

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5 Focus Group Findings: E. New Ideas & Suggestions

If the task of reducing the number of casualties among young and new drivers was left to you, have you any other suggestions as to how you might go about it?

This question was posed to each of the groups and the suggestions put forward are presented, in no particular order, below and on the following page.

You should have at least one driving lesson at night covering, for example, how to use dipped headlights. *[Semi-rural 14-16 years] [Urban 20-25 years] [Urban 17-19 years]*

You should have a driving lesson on the motorway before you go out on your own. *[Semi-rural 14-16 years] [Semi-rural 20-25] [Urban 17-19 years]*

Reduce the cost of lessons and car insurance to make it feasible for young people to drive. Insurance quotes of between £2k to £4k were mentioned. *[Rural 17-19 years] [Semi-rural 14-16 years]*

Make tractors pull over when there are a certain number of cars behind them. *[Semi-rural 14-16 years]*

Fix potholes and improve the general condition of roads. *[Semi-rural 14-16 years] [Urban 20-25 years] [Rural 14-16 years] [Rural 20-25 years]*

Install more speed bumps. *[Urban 20-25 years] [Rural 14-16 years]*

Clean up oil spills – 'not just throw a bit of sawdust on them.' *[Semi-rural 14-16 years]*

Provide a grant to help young people pay for driving lessons. *[Urban 20-25 years]*

Provide facilities where learners could go to practice e.g. airfields. *[Urban 20-25 years]*

More training for learner drivers in different conditions e.g. range of weather conditions, day and night etc. *[Semi-rural 20-25 years] [Urban 20-25 years]*

More speed vans and cameras and greater police presence. *[Urban 20-25 years] [Semi-rural 17-19 years] [Rural 14-16 years]*

One participant completed a GCSE in Road Traffic Studies and recommended it. *[Urban 17-19 years]*

All cars should have 'seatbelt beepers' for front and back seats to prevent deaths and injuries on the roads. *[Rural 14-16 years]*

"If the generations above us did the test again then about half would fail. People just sink into bad habits. You should make people take their test again after they have been driving a certain period of time, e.g. every 10 years."

"There should be a compulsory night time lesson that concentrates on driving on A and B roads. My mum didn't know about the full beam in the car until I started taking lessons. She said 'Where did you get those lights from?' and she has been driving for 30 years."



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5 Focus Group Findings: E. New Ideas & Suggestions

Better signage (e.g. speed limits) and road markings (e.g. repainting white lines regularly). *[Rural 14-16 years]*

More grit for rural roads as people cannot get out at all in snowy conditions. *[Rural 14-16 years]*

In adverse weather conditions there should be more signs, alerts and pre warnings on the radio etc so drivers are aware of the conditions. *[Rural 14-16 years]*

Introduce a separate safety test as part of the driving test to include areas such as changing tyres, correct seatbelt usage etc. *[Urban 14-16 years] [Semi-rural 20-25 years]*

Make new drivers do a rally car driving course as it teaches how to control a car. *[Urban 14-16 years]*

Improve and regulate the quality of driving instructors – needs to be someone the young person can relate to. *[Urban 14-16 years] [Rural 14-16 years]*

Make it compulsory for all drivers, particularly older drivers, to re-sit their test every 10 years. *[Urban 14-16 years] [Urban 17-19 years]*

Restrict driving when people reach a certain age. *[Rural 17-19 years] [Urban 14-16 years] [Urban 17-19 years]*

Increase the duration of lessons (e.g. 1 hour 15 mins) as 1 hour is too short. *[Urban 17-19 years]*

One make and model of car should be identified that all learners learn to drive in as it was reported that some cars were easier to drive than others. *[Urban 17-19 years]*

Make learners take a speed awareness course before they take their test. Example given of a car that had been involved in a crash being brought into local schools. The PSNI, Fire Service and a car crash victim who was now a wheelchair user all took part and it was viewed as very effective. *[Rural 17-19 years]*

Raise awareness of the impact of drinking and driving. *[Rural 17-19 years]*

Be stringent regarding keeping cars roadworthy e.g. brakes, lights fixed etc. *[Rural 14-16 years]*

More footpaths in rural areas. *[Rural 14-16 years]*

It was seen as potentially dangerous to not drive for a significant amount of time after taking the test and if this is the case, some refresher lessons should be compulsory. *[Rural 20-25 years]*



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5 Focus Groups: F. Summary of Feedback

The table below summarises the feedback on the 12 proposed consultation measures throughout the focus group activities.

Proposal	Strongly supported	Supported	Mixed response	Not supported
1. Raise the minimum licensing age.				✓
2. Require learner drivers to take a minimum number of driving lessons and/or hours/ miles of supervised practice.			✓	
3. Set a minimum mandatory learning period (starting potentially from age 16).				✓
4. Encourage/ require skid training for learner or restricted drivers.		✓		
5. Amend or remove speed limits for learner and restricted drivers.	✓			
6. Allow learner drivers to drive on motorways.	✓			
7. Revise the practical driving test.			✓	
8. Introduce night-time driving restrictions for restricted drivers.				✓
9. Introduce passenger restrictions for restricted drivers.				✓
10. Introduce restrictions on high-performance vehicles for learner and restricted drivers.				✓
11. Introduce an offence-free period before restrictions are lifted.			✓	
12. Increase the duration of the restricted period.				✓

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6 Appendix A – Questionnaire Findings*

1: Being older before you can get a licence.	%
Keep it at 17 years.	89%
Raise the age to 17½.	4%
Raise the age to 18 years.	7%

2: Making learner drivers take a minimum number of lessons.	%
Keep things as they are now.	55%
Make learners have so many paid lessons.	11%
Make learners have to spend so many hours (or drive so many miles) with someone who has already passed their test.	35%

3: Make learners spend longer learning to drive.	%
Leave things as they are.	85%
Make people take lessons for at least 6 months.	12%
Make people take lessons for at least 12 months.	4%

*The reader should note that the percentages presented in the tables may not sum to 100% due to rounding.

4: Skid training for learners and new drivers.	%
Leave things as they are.	19%
Help learner drivers to have skid training.	39%
Help new drivers to have skid training.	18%
Tell learner drivers that they must have skid training.	16%
Tell new drivers they must have skid training.	8%

5: Speed limits for learners and new drivers.	%
Leave things as they are (keep a 45mph speed limit).	11%
Raise the speed limit for these drivers to 50mph.	12%
Raise the speed limit for these drivers to 55mph.	8%
Raise the speed limit for these drivers to 60mph.	7%
Allow learners and new drivers to drive within the same speed limits as all drivers on motorways and dual carriageways only.	37%
Allow learners and new drivers to keep to same speed limits as all other drivers.	25%

6: Allowing learner drivers on motorways.	%
Leave things as they are.	19%
Allow learners on motorways as long as they are with a qualified driving instructor in a car with dual controls.	51%
Allow learners on motorways as long as there is another driver who is over 21 and has been driving for 3 years.	30%

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6 Appendix A – Questionnaire Findings*

7: The Driving Test.	%
Change the practical driving test so that learners are taken out on busier roads.	62%
Help learners to fill out student workbooks or 'driver records'.	25%
Make learners fill out a student workbook or 'driver record'.	13%

8: Stopping new drivers from driving at night.	%
Leave things as they are and let new drivers drive at night if they want to.	82%
Stop all new drivers from driving between 9pm and 5am for the first 6 months after they take their driving test unless there is another driver in the car who is over 21 and has been driving for 3 years .	4%
Stop all new drivers from driving between 9pm and 5am for the first 12 months after they take their driving test unless there is another driver in the car who is over 21 and has been driving for 3 years .	1%
Stop all new drivers from driving between midnight and 5am for the first 6 months after they take their driving test unless they have someone who has passed the driving test with them.	12%
Stop all new drivers from driving between midnight and 5am for the first 12 months after they take their driving test unless they have someone who has passed the driving test with them.	1%

9: Stopping new drivers from taking passengers.	%
Leave things as they are, so that new drivers can take passengers if they want to.	89%
Stop all new drivers from taking passengers under 17, except members of their family, for the first 6 months after they pass the test unless there is another driver in the car who is over 21 and has been driving for 3 years.	10%
Stop all new drivers from taking passengers under 17, except members of their family, for the first 12 months after they pass the test unless there is another driver in the car who is over 21 and has been driving for 3 years.	1%

*The reader should note that the percentages presented in the tables may not sum to 100% due to rounding.

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6 Appendix A – Questionnaire Findings*

10: Stopping learners and new drivers from using very fast cars.	%
Leave things as they are and let learners and new drivers use any car they want to.	81%
Stop learners and new drivers from using fast cars.	19%

11: Making new drivers show they can drive safely.	%
Leave things as they are, so new drivers do not have to show they can drive safely by not breaking any motoring laws.	61%
Make new drivers show that they can drive safely by not breaking any motoring laws for 6 months before they get their full licence.	33%
Make new drivers show that they can drive safely by not breaking any motoring laws for 12 months before they get their full licence.	6%

12: Make the Restricted 'R' scheme last longer.	%
Leave things as they are so people only have to carry an R plate for 12 months .	62%
Make new drivers carry an R plate for 2 years .	8%
Get rid of R plates for new drivers.	30%

*The reader should note that the percentages presented in the tables may not sum to 100% due to rounding.

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6 Appendix B – Ranking Exercise: 3 Most Effective Measures

Age and Location	14-16 years	17-19 years	20-25 years
Rural	<p><u>Group A</u></p> <ol style="list-style-type: none"> 1. Make learners spend longer learning to drive. 2. Make new drivers show they can drive safely. 3. Speed limits for learners and new drivers. <p><u>Group B</u></p> <ol style="list-style-type: none"> 1. Skid training for learners or new drivers. 2. Allow learners on motorways. 3. Make new drivers show they can drive safely. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 1. Make new drivers show they can drive safely. 2. Change or take away speed limits for learners and new drivers. 3. Allow learners on motorways. <p><u>Group B</u></p> <ol style="list-style-type: none"> 1. Allow learners on motorways. 2. Make new drivers show they can drive safely. 3. Skid training for learners or new drivers. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 1. Change the driving test. 2. Make new drivers show they can drive safely. 3. Make learners spend longer learning to drive. <p><u>Group B</u></p> <ol style="list-style-type: none"> 1. Make learners spend longer learning to drive. 2. Make learners take a minimum number of lessons. 3. Change the driving test.
Semi-rural	<p><u>Group A</u></p> <ol style="list-style-type: none"> 1. Allow learners on motorways. 2. Stop learners and new drivers driving fast cars. 3. Make learners take a minimum number of lessons. <p><u>Group B</u></p> <ol style="list-style-type: none"> 1. Skid training for learners or new drivers. 2. Make learners take a minimum number of lessons. 3. Allow learners on motorways. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 1. Make new drivers show they can drive safely. 2. Make the restricted 'R' scheme last longer. 3. Speed limits for learners and new drivers. <p><u>Group B</u></p> <ol style="list-style-type: none"> 1. Change the driving test. 2. Stop learners and new drivers driving fast cars. 3. Allow learners on motorways. 	<ol style="list-style-type: none"> 1. Allow learners on motorways. 2. Change or take away speed limits for learners and new drivers. 3. Skid training for learners and new drivers.
Urban	<p><u>Group A</u></p> <ol style="list-style-type: none"> 1. Allow learners on motorways. 2. Make new drivers show they can drive safely. 3. Skid training for learners and new drivers. <p><u>Group B</u></p> <ol style="list-style-type: none"> 1. Change or take away speed limits for learners and new drivers. 2. Allow learners on motorways. 3. Make new drivers show they can drive safely. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 1. Make new drivers show they can drive safely. 2. Change the driving test. 3. Allow learners on motorways. <p><u>Group B</u></p> <ol style="list-style-type: none"> 1. Change or take away speed limits for learners and new drivers. 2. Skid training for learners or new drivers. 3. Make new drivers show they can drive safely. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 1. Being older before you can get a licence. 2. Change the driving test. 3. Speed limits for learners and new drivers. <p><u>Group B</u></p> <ol style="list-style-type: none"> 1. Skid training for learners or new drivers. 2. Allow learners on motorways. 3. Change the driving test.

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6 Appendix B – Ranking Exercise: 3 Least Effective Measures

Age and Location	14-16 years	17-19 years	20-25 years
Rural	<p><u>Group A</u></p> <ol style="list-style-type: none"> 12. Being older before you can get a licence. 11. Stop new drivers from driving at night. 10. Make the Restricted 'R' scheme last longer. <p><u>Group B</u></p> <ol style="list-style-type: none"> 12. Being older before you can get a licence. 11. Make the Restricted 'R' scheme last longer. 10. Stop new drivers from driving at night. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 12. Being older before you can get a licence. 11. Stop new drivers from driving at night. 10. Stop new drivers from taking passengers. <p><u>Group B</u></p> <ol style="list-style-type: none"> 12. Being older before you can get a licence. 11. Make learners take a minimum number of lessons. 10. Stop new drivers from taking passengers. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 12. Make the Restricted 'R' scheme last longer. 11. Stop learners and new drivers driving fast cars. 10. Stop new drivers from taking passengers. <p><u>Group B</u></p> <ol style="list-style-type: none"> 12. Stop learners and new drivers driving fast cars. 11. Stop new drivers from taking passengers. 10. Stop new drivers from driving at night.
Semi-rural	<p><u>Group A</u></p> <ol style="list-style-type: none"> 12. Being older before you can get a licence. 11. Stop new drivers from driving at night. 10. Skid training for learners and new drivers. <p><u>Group B</u></p> <ol style="list-style-type: none"> 12. Stop learners and new drivers driving fast cars. 11. Make learners spend longer learning to drive. 10. Make the Restricted 'R' scheme last longer. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 12. Stop new drivers taking passengers. 11. Skid training for learners and new drivers. 10. Change the driving test. <p><u>Group B</u></p> <ol style="list-style-type: none"> 12. Being older before you can get a licence. 11. Stop new drivers from taking passengers. 10. Show that new drivers can drive safely. 	<ol style="list-style-type: none"> 12. Being older before you can get a licence. 11. Make the Restricted 'R' scheme last longer. 10. Change the driving test.
Urban	<p><u>Group A</u></p> <ol style="list-style-type: none"> 12. Stop learners and new drivers using fast cars. 11. Being older before you can get a licence. 10. Stop new drivers from taking passengers. <p><u>Group B</u></p> <ol style="list-style-type: none"> 12. Being older before you can get a licence. 11. Change the driving test. 10. Stop learners and new drivers using fast cars. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 12. Stop learners and new drivers using fast cars. 11. Stop new drivers from driving at night. 10. Make learners spend longer learning to drive. <p><u>Group B</u></p> <ol style="list-style-type: none"> 12. Make learners spend longer learning to drive. 11. Being older before you can get a licence. 10. Make learners take a minimum number of lessons. 	<p><u>Group A</u></p> <ol style="list-style-type: none"> 12. Make the Restricted 'R' scheme last longer. 11. Make new drivers show they can drive safely. 10. Stop new drivers from driving at night. <p><u>Group B</u></p> <ol style="list-style-type: none"> 12. Stop new drivers from driving at night. 11. Make the Restricted 'R' scheme last longer. 10. Stop new drivers from taking passengers.

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Departmental briefing paper re Graduated Driver Licencing

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Date: 21 November 2014

Sheila Mawhinney
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Dear Sheila

The Committee completed informal scrutiny of Parts 1 and 2 of the Road Traffic (Amendment) Bill at its meeting on 20 November and is due to consider the remaining Parts on 27 November 2014.

Part 3 of the Bill includes six clauses on learner and new drivers. The Department recognises that these clauses have been the subject to a range of comments during the Committee Stage to date and would therefore like to offer a paper that may assist the Committee in its consideration.

The paper outlines the rationale behind graduated driver licensing and describes how different approaches and models have been implemented internationally and the results that have been achieved in terms of reducing collisions and ultimately saving lives.

The paper is attached at Annex A.

I trust this information is of assistance, should you require anything further please contact me directly.

Yours sincerely,

Helen Richmond
DALO
[by e-mail]

Introduction

The Department looks forward to engaging with the Committee on the provisions included within the Road Traffic (Amendment) Bill relating to GDL. Prior to doing so, officials thought it would be useful to provide a written brief outlining the rationale behind GDL, how different approaches and models have been implemented internationally and the results it has achieved in terms of reducing collisions and ultimately saving lives.

What is Graduated Driver Licensing (GDL) and how does Application/Delivery Vary?

GDL can be considered as a package of measures designed to provide new drivers with driving experience and skills gradually, over time, in lower risk environments.

There are typically three stages within GDL:

1. Training/Practice – this begins with learners applying for a provisional driving licence and then acquiring training and practice, under supervision, in preparation for moving to the next stage of driver licensing and solo driving.

There are many different ways of delivering this element and various schemes have been used internationally. What is common though across all jurisdictions is:

- i. A minimum age for learning to drive - this ranges from 14 in certain states of America to 18 in a number of European countries (Cyprus, Greece, Kosovo, Malta and the Netherlands).
- ii. The existence of an official curriculum/Programme of Training – the purpose of this is to provide a structured approach to learning. Again there are different ways this can be delivered: some countries opt for a voluntary training programme, others make it mandatory.

Within the mandatory training, countries take varying approaches: some verify training through a logbook which can only be authorised by an Approved Driving Instructor; some allow verification by a supervising driver; and some countries base all tuition within a driving school environment with training delivered through a mix of classroom based learning followed by practical on-road tuition.

- iii. A Mandatory Minimum Learning Period or Required Practice – the intention of this requirement is to encourage provisional licence holders to focus on learning to drive and not simply passing the practical driving test. The mandatory learning period provides learners with time to take additional training, to practise and to gain experience on a variety of roads, traffic environments, weather and light conditions. This experience better prepares learners for solo driving after passing the test. There are a range of ways in which minimum learning can be delivered, these include:
 - Minimum learner period during which a Programme of Training is followed – this sets a period of time between obtaining a provisional licence and being eligible to apply for a full licence. During this time, learners are required to follow a programme of training. Internationally this period can range up to two years.
 - Minimum required practice – dependent on the jurisdiction, this is delivered by supervised practice in hours or by miles covered. As of 2011, 46 US states required a minimum number of hours supervised practice, with 50 hours being the most common requirement.
 - Combination of minimum learning period and mandatory minimum required practice - in Victoria, Australia, a minimum 12 month learning period and a minimum 120 hours of on-road supervised practice (including 10 hours at night) is required for all learners under 21 years of age. In Ireland, learners must hold a learner permit for six months and complete

Essential Driver Training which is composed of 12 one-hour lessons; both these elements must be completed before a practical test can be taken.

2. Testing (full licensing age) – this second stage covers the composition of the driving test, the age at which theory and practical tests can be taken and ultimately, therefore, the full licensing age.

The composition of the driving test in European countries is heavily influenced by its compliance with European legislation but, whilst all elements included in the practical test are covered under such legislation, the Directive does not specify how tests are assessed and what standard is acceptable, meaning that this is for Member States to determine.

Internationally, a number of approaches are adopted in terms of delivering this element. These include variations on a theory test, practical test, hazard perception and vision test. The natural consequence of the mandatory learning period is its impact on the age at which learners can apply for the practical test and therefore achieve a full driving licence. A rise in full licensing age is often viewed as a positive outcome of a learning period, given the neurological and psycho-social reasons for the effect of age on collision risk. There is a strong evidence base which demonstrates that delayed licensure leads to collision reduction as part of a GDL system. Full licensing age varies widely across individual countries; it averages around 16 years old in America but is 18 for all but 5 European countries (Austria, Hungary, Iceland, Ireland and the UK).

3. Post test/Restrictions – the final stage of a GDL regime encompasses a restricted period in which the increased collision risk of a new driver is recognised and certain restrictions are imposed in order to protect them and others during an initial period of solo driving.

As many as one in five drivers are involved in a collision in the first 6 months post test; this heightened collision risk associated with a new driver doesn't even out until around two years post test although it does start to decline after six months.

This post test stage, sometimes referred to as an intermediate stage within GDL packages, includes key components that add to the effectiveness of the regime. Various models have been implemented across the world but most encompass some of the following restrictions with varying levels of stringency:

- i. Passenger Restrictions – these restrictions are applied in most GDL schemes but different models are used. Within the United States, 45 of the 50 states (along with Washington DC) have passenger restrictions; and in New Zealand, such restrictions have been in place since 1987. Examples of deviations from a pure passenger prohibition include:
 - Restrictions applied only to new drivers up to a certain age – for example, in many states of America, the passenger restriction only applies to new drivers under the age of 18; whilst in New South Wales, Australia, passenger restrictions apply to novice drivers up to the age of 25. In contrast, the majority of Canadian jurisdictions apply the restriction to novice drivers of all ages. In most cases, the restriction is waived if the new driver is accompanied by a supervising driver of a certain age.
 - The period for which the restriction applies – across the USA, passenger restrictions apply for only six months post test, whilst in New South Wales, the restriction applies until the novice driver reaches the upper age threshold (25).
 - The number of passengers permitted – the risk of a collision increases with each additional passenger. The risk is particularly evident when young drivers carry teenage passengers. Most countries operating a GDL regime do permit one passenger within the age category as the additional risk of one passenger is much less than that of two or more. Compared to driving alone, the fatality risk increases by 44% when carrying one passenger, doubles when carrying two passengers and quadruples when carrying three or more passengers.

- ii. Night time restrictions – these aim to reduce the exposure of novice drivers to times when they are more likely to be involved in a collision. This component of GDL is one of the most effective, and consequently the most commonly used within such regimes. Night time restrictions apply in at 48 states and Washington D.C. and are also in place in New Zealand, parts of Australia and in provinces within Canada. Where implemented, significant reductions (in the order of 40% to 60%) in teenage collisions during restricted hours have been found. The restrictions applied vary widely but include:
 - The breadth of the restricted hours – this varies from “sunset to sunrise” in some of the most restrictive US states, to 1am to 5am in the least restrictive. Most, however, apply between midnight and 5 or 6 am.
 - Restrictions applied only to new drivers up to a certain age – similar to passenger restrictions, night time restrictions may be applied: only where the new driver is a teenager; up to the age of 25; or to all new drivers irrespective of age. In most cases, the restriction is waived if the new driver is accompanied by a supervising driver of a certain age.
 - High performance vehicle restrictions – Both New Zealand and some states of Australia impose high performance vehicle restrictions as part of a GDL scheme. Historically, however, there is little evidence of the effectiveness of this component, as the risk taking is likely to be a characteristic of the driver rather than a direct response to the power of a vehicle (although such power could be argued to influence driver behaviour).
- iii. Alcohol limits – some jurisdictions set lower alcohol limits for new drivers as part of a GDL system. Usually these take the form of a zero tolerance approach. Variations occur on the length of time for which the lower limit applies, and the age at which the restrictions are applied.

How Effective is GDL?

Evidence from the countries where GDL has been implemented is consistent in demonstrating that it is effective in reducing collisions. Overall effectiveness of GDL systems is linked to the number of components implemented and the strictness of these. US research indicates that GDL reduces collisions involving new drivers by 20-40%. Annex A provides a GDL rating scale which was developed by the Insurance Institute for Highway Safety and considers a set of criteria for a threestage licensing system. The criteria are designed to guide states on the strength and likely effectiveness of their GDL systems.

Commonly Cited Barriers To GDL

The most commonly cited barriers to GDL are employability and mobility; but in countries where GDL has been introduced, significant casualty savings have been achieved without reports of major impacts on travel or youth employment. Approval ratings often increase for GDL following implementation.

Compliance and enforcement of GDL is commonly perceived as challenging. Evidence, however, suggests that compliance with GDL is higher than is often assumed and that even where GDL is not strongly enforced, it still demonstrates effectiveness.

Is there a need for GDL in Northern Ireland?

The ultimate aim of a GDL system is to save lives. It focuses on new drivers who are at an increased risk of being involved in or responsible for a collision. Over the period 2008 to 2013, R drivers (who account for 1% of licence holders) were responsible for 7% of fatalities and serious injuries. This over-representation of new drivers demonstrates the need to

consider how we better prepare new drivers for the challenges of solo driving. Many of these new drivers are young, and over representation is again evident in KSI statistics in relation to this 17 to 24 year old age group. The stark fact is that between 2008 and 2012, although such drivers only accounted for 1 in 10 current licence holders, they accounted for 4 in 10 fatalities and almost a third of all serious injuries on our roads for which car drivers were deemed responsible.

Provisions Included Within The RTA Bill

The provisions within the RTA Bill have been developed with key themes in mind. These themes are primarily that GDL should be: fair and equitable; reduce offending; align with other relevant legislation; and be accompanied by appropriate enforcement and public information campaigns. At the same time, the package of measures strives to strike a balance between:

- requirements and restrictions;
- permissions and incentives; and
- improving road safety and retaining mobility.

Annex A

Insurance institute for Highway Safety (IIHS) GDL Rating Scale

GDL Legislation	Requirement	Points
Provisional (Learner) licence	16 or older	1
	Less than 16	0
Minimum learner period	6 or more months	2
	3-5 months	1
	Less than 3 months	0
Required practice	30 hours or more	1
	Less than 30 hours	0
Night time restriction	10pm or earlier	2
	After 10pm	1
	No restriction	0
Passenger restriction	1 or fewer passengers	2
	2 passengers	1
	3 or more passengers	0
Duration of night time restriction	12 months from licence acquisition	1
	Less than 12 months from licence acquisition	0

GDL rating: Optimal = 9 points or more; Good = 6-8 points; Fair = 4-5 points;

Marginal = 2-3 points; Poor = Less than 2 points

Departmental letter re clauses 3 and 7 of the Road Traffic (Amendment) Bill



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Email: Private.office@doeni.gov.uk

Your reference:
Our reference:

Date: 28 November 2014

Dear Sheila

At the 20 November 2014 meeting of Committee, Members requested further information on clauses 3 and 7 of the Road Traffic (Amendment) Bill. I have provided further information below.

Clause 3

Clause 3 relates to the statutory option – that is, the right for a driver to ask for a blood or urine specimen to replace a breath specimen if that breath specimen is marginally over the limit. The clause applies the statutory option to the new lower prescribed limits.

The department had originally proposed to remove the statutory option from the legislative framework. However it received a legal opinion that removal might constitute a Human Rights infringement (Article 6) - in that it would deny the individual the opportunity to challenge the reading provided by the breath testing device - and thereby to establish his innocence.

Given the potential for legal challenge, the department decided to retain the statutory option. However it has requested a second legal opinion on the matter, and will keep the Committee informed of developments.

Clause 7

Clause 7 enables the introduction of new administrative fixed penalties including penalty points. Graduated penalty points and a fine will apply at Blood Alcohol Content levels below the existing limit where there is no existing offence.



The court will be able to attribute between 3-11 penalty points and the police will be able to issue a fixed penalty of 6 points, or 3 points on completion of a course for drink drive offenders.

During a wide ranging discussion on clause 7, the department agreed to provide data that it holds on sentences handed down by courts for first-time and repeat offenders. It also agreed to provide data on casualties caused by, and convictions for, drink driving.

In response to a previous Committee request (CQ/334/12), my letters of 22 February and 8 March 2013 provided an analysis of repeat drink drive offenders that included data up to the end of 2011.

The department subsequently updated this material with data for 2012 and expanded the analysis to a more comprehensive statistical brief. It also completed a second statistical brief that examined first time drink drive offenders.

A copy of each statistical brief is attached. I have also attached a further document (at **Annex A**) which may be of interest to Committee; this provides some key statistics on drink driving.

I trust this information is of assistance, should you require anything further please contact me directly.

Yours sincerely,

Helen Richmond
DALO
[by e-mail]

Annex A

Key Statistics on Drink Driving

Killed or Seriously Injured – Drink or Drugs	<p>During the period 2009-2013, 58 people killed and 387 seriously injured by drivers impaired by drink or drugs;</p> <p>Over the last 5 years, driver / rider alcohol or drugs was responsible for 17% of all road fatalities.</p> <p>The impact of drink/drug driving is most keenly felt in rural communities – 79% of fatalities and 51% of serious injuries caused by drink/drug driving happen on rural roads.</p>			
Drink Driving in 2013	<p>Drink driving in 2013 was the third principal cause of deaths and serious injuries on our roads with driver/riders under the influence of <u>alcohol or drugs</u> being responsible for 50 people killed or seriously injured (KSIs).</p> <p>These KSIs accounted for six per cent of all KSIs in 2013, a decrease of two percentage points when compared to 2012.</p>			
17 – 24 year olds	<p>During the period 2009-2013, drivers of all motorised vehicles aged 17-24 were responsible for 96 deaths and 935 serious injuries in Northern Ireland.</p> <p>Of those, driver/rider drink or drugs was the cause of 26 deaths (27%) and 149 serious injuries (16%).</p> <p>Over those 5 years, drivers aged 17-24 were responsible for almost half (45%) of all deaths and 39% of all serious injuries where driver or rider alcohol/drugs was the cause.</p>			
Drivers responsible for KSI collisions (alcohol/drugs)	<p>Number of drivers deemed responsible (by driver age bands) for KSI collisions where alcohol/drugs driver/rider was the principal collision factor</p>			
By age band	2010	2011	2012	2013
Under 25	35	34	18	10
25 – 29	11	14	12	10
30 – 39	18	18	11	9
40 – 49	5	8	7	7
50+ (includes unknowns)	5	3	4	8
Total	74	77	52	44

Number of KSI casualties (Alcohol/drugs)	Number of KSI casualties where a driver was deemed responsible (in age bands specified) for a KSI collision where alcohol/drugs driver/rider was the principal collision factor				
		2010	2011	2012	2013
	By driver age band				
	Under 25	44	40	28	14
	25 – 29	23	20	13	13
	30 – 39	20	24	12	9
	40 – 49	5	9	8	8
	50+ (includes unknowns)	5	3	5	9
	Total	97	96	66	53
Convictions	Convictions for Drink Driving Related Offences :				
		2010	2011	2012	2013
	Convicted	2473	2350	2214	1950
Convictions by gender		2010	2011	2012	2013
	Male	2041	1950	1784	1591
	Female	432	400	430	359
	Total	2473	2350	2214	1950
Convictions by age band		2010	2011	2012	2013
	Under 25	546	490	440	392
	25 – 29	372	360	327	308
	30 – 39	565	574	483	439
	40 – 49	521	472	490	393
	50 – 59	337	315	308	282
	60 & over	132	139	166	133
	Not known	-	-	-	3
	Total	2473	2350	2214	1950

Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

2013

Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007- 2012

This statistical brief originates from a DOE Committee request in 2012 for analysis of drink drive repeat and first time offenders 2007 to 2012. A separate report on repeat drink drive offenders was produced in November 2013.

Analytical Services Branch
DOE/DVA
December 2013



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Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

Key Findings

- The number of drink drive first offenders fell by almost half (44.2%) from 2,681 in 2007 to 1,495 in 2012;
- Of the 1,495 drink drive first offenders in 2012, almost 3 in 10 (27.4%) were disqualified for 36 months or longer, with no one receiving a lifetime ban; this is double the proportion in 2007, when 366 (13.7%) of 2,681 first offenders received similar bans;
- 1,080 (72.2%) first drink drive offenders received disqualifications ranging from one month up to 35 months in 2012, compared with 2,315 (86.3%) in 2007; Trend in first time offenders is detailed from 2007 to 2012 in the chart below;
- The number of first offenders who, in addition to being banned, were also fined for drink driving offences has declined rapidly from 2,433 (90.7%) of all offenders in 2007 to almost none in 2012 (0.1%);
- From 2007 to 2012, the proportion of first offenders with at least one offence where the level of alcohol was above the legal limit ranged from 75.9% in 2007 to 79.8% in 2012, and remained relatively stable at 78%-79% over the period from 2008 to 2012;
- From 2007 to 2012, the proportion of first offenders disqualified until tested (DUT) increased from 56.5% to 85.5% respectively;
- The proportions disqualified until tested has fluctuated from 70% in 2009 to a high of 84% in 2012 for those disqualified for 36 months or longer (including life bans), but has been increasing steadily for those disqualified for periods less than 36 months, to a six year high of 86% in 2012;
- Laganside-Belfast accounted for just over almost 1 in 5 (18.2%) of all sentencing activity from 2007 to 2012, followed by Antrim (7.5%) and Newry (6.8%);
- Just below 7 in 10 first time offenders were disqualified for between 13 to 35 months, with 2 in 10 (20%) disqualified for 36 months or longer, and almost 1 in 10 disqualified for periods below 12 months;
- For courts with over 100 cases, disqualifications of 36 months or longer ranged from 12.4% in Castlereagh to 26.7 % in Coleraine (orange line shows all court average);

Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

Table 1 Drink Drive First Offenders 2007 - 2012

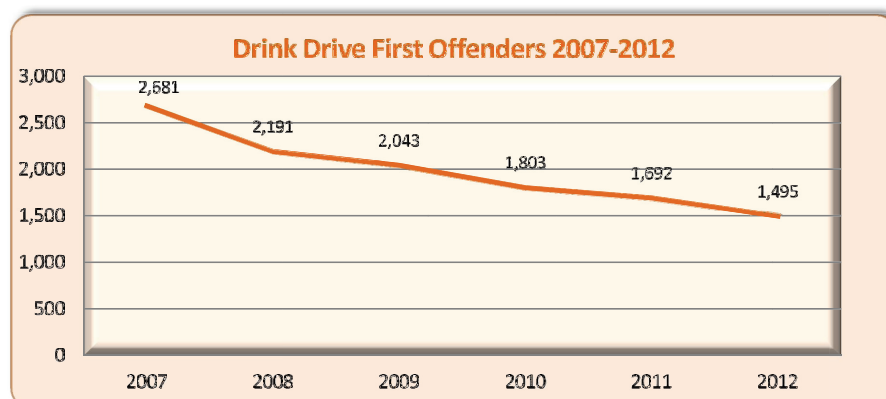
Disqualified Period (Months)	Year						Total
	2007	2008	2009	2010	2011	2012	
Unknown	4	10	7	9	10	6	46
1 - 11	181	105	229	309	128	125	1,077
12 - 23	2,029	1,570	1,286	1,086	1,016	885	7,872
24 - 35	105	93	95	96	87	70	546
36 - 47	98	86	70	60	65	58	437
48 - 59	11	24	16	8	17	10	86
60+	253	302	340	235	369	341	1,840
Lifetime	0	1	0	0	0	0	1
Total	2,681	2,191	2,043	1,803	1,692	1,495	11,905

Notes:

1. Table 1 details the numbers of First Offenders from 2007 to 2012;
2. First Offenders are counted once only during the period from 2007 to 2012;
3. Disqualification Period relates to drivers' first and only conviction during this period and includes any sentence reduction already applied following completion of relevant courses/programmes.
4. Unknown relates to drivers where the Disqualification Periods have been recorded as blank or 'Interim'.
5. Includes drivers with more than one conviction on the same date reporting maximum penalty.

Key Points

- The number of first offenders fell by almost half (down by 44.2%) from 2,681 in 2007 to 1,495 in 2012;
- Of the 1,495 first offenders in 2012, almost 3 in 10 (27.4%) were disqualified for 36 months or longer, with no one receiving a lifetime ban; this is double the proportion in 2007, when 366 (13.7%) of 2,681 first offenders received similar bans;
- 1,080 (72.2%) first drink drive offenders received disqualifications ranging from one month up to 35 months in 2012, compared with 2,315 (86.3%) in 2007; Trend in first time offenders is detailed from 2007 to 2012 in the chart below;



Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

Table 1a Drink Drive First Offenders by Recorded Monetary Fine 2007 - 2012

Recorded Fine (£)	Year						Total
	2007	2008	2009	2010	2011	2012	
Offenders with No recorded fine %	248 9.3%	207 9.4%	225 11.0%	419 23.2%	1,239 73.2%	1,494 99.9%	3,832 32.2%
1 - 99	58	62	40	44	5	0	209
100 - 199	732	518	481	343	107	0	2,181
200 - 299	1,015	973	892	642	223	1	3,746
300 - 399	362	275	278	233	81	0	1,229
400 - 499	124	65	55	52	20	0	316
500 - 599	121	77	59	60	15	0	332
600 - 699	15	7	11	6	2	0	41
700 - 799	4	7	1	3	0	0	15
900 - 999	0	0	0	0	0	0	0
1000+	2	0	1	1	0	0	4
Offenders with recorded fine %	2,433 90.7%	1,984 90.6%	1,818 89.0%	1,384 76.8%	453 26.8%	1 0.1%	8,073 67.8%
Total	2,681	2,191	2,043	1,803	1,692	1,495	11,905

Notes:

1. Table (1A) details the numbers of First Offenders from 2007 to 2012.
2. Recorded Fine refers to Monetary Fines issued to the First Offender.
3. Disqualification Period relates to drivers' only conviction and includes any sentence reduction already applied following completion of relevant courses/programmes.
4. Includes drivers with more than one conviction on the same date reporting maximum penalty.

Key Points

- The number of first offenders who, in addition to being banned, were also fined for drink driving offences has declined rapidly from 2,433 (90.7%) of all offenders in 2007 to almost none in 2012 (0.1%);

Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

Table 1b: Drink Drive First Offenders by 'In-Excess' Offences 2007 – 2012

In-Excess Offences	Year						Total
	2007	2008	2009	2010	2011	2012	
None	646	463	450	373	367	302	2,601
One or more	2,035	1,728	1,593	1,430	1,325	1,193	9,304
Total	2,681	2,191	2,043	1,803	1,692	1,495	11,905

Notes:

1. Table (1b) details the numbers of First Offenders from 2007 to 2012.
2. 'In-Excess' Offences relates to drivers involved an 'In-Excess' Offences, i.e. above the legal drink drive limit.
3. First Offenders are counted once only during the period from 2007 to 2012;
4. Includes drivers with more than one conviction on the same date reporting maximum penalty.

Percentages

In-Excess Offences	Year						Total
	2007	2008	2009	2010	2011	2012	
None	24.1%	21.1%	22.0%	20.7%	21.7%	20.2%	21.8%
One or more	75.9%	78.9%	78.0%	79.3%	78.3%	79.8%	78.2%
Total	100%	100%	100%	100%	100%	100%	100%

Key Points

- From 2007 to 2012, the proportion of first offenders with at least one offence where the level of alcohol was above the legal limit ranged from 75.9% in 2007 to 79.8% in 2012, and remained relatively stable at 78%-79% over the period from 2008 to 2012;

Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

Table 1c: Drink Drive First Offenders by Disqualification Period (Disqd) and Disqualified Until Tested (DUT) 2007 – 2012

Disqualified Period (Months)	2007		2008		2009		2010		2011		2012		Total	
	Disqd	DUT	Disqd	DUT	Disqd	DUT	Disqd	DUT	Disqd	DUT	Disqd	DUT	Disqd	DUT
Unknown	1	3	2	8	1	6	3	6	7	3	3	3	17	29
1 - 11	38	143	20	85	62	167	80	229	42	86	25	100	267	810
12 - 23	1004	1025	743	827	493	793	354	732	268	748	120	765	2,982	4,890
24 - 35	46	59	30	63	26	69	26	70	11	76	2	68	141	405
36 - 47	24	74	17	69	8	62	7	53	1	64	3	55	60	377
48 - 59	2	9	3	21	1	15	3	5	2	15	0	10	11	75
60+	52	201	73	229	118	222	49	186	113	256	64	277	469	1,371
Lifetime	0`	0	0	1	0	0	0	0	0	0	0	0	0	1
Total	1,167	1,514	888	1,303	709	1,334	522	1,281	444	1,248	217	1,278	3,947	7,958

Notes:

1. First Offenders are counted once only during the period from 2007 to 2012;
2. Disqualification Period relates to drivers' one and only conviction and includes any sentence reduction already applied following completion of relevant courses/programmes;
3. Unknown relates to drivers where the Disqualification Periods have been recorded as blank or 'Interim';
4. Includes drivers convicted of one more offences on the same date reporting maximum penalty;

Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

Summary Including Percentages

Disqualified Period (Months)	2007		2008		2009		2010		2011		2012		Total	
	Disq	DUT	Disq	DUT	Disq	DUT	Disq	DUT	Disq	DUT	Disq	DUT	Disq	DUT
Unknown	1	3	2	8	1	6	3	6	7	3	3	3	17	29
1-35	1088	1227	793	975	581	1029	460	1031	321	910	147	933	3390	6105
%	47%	53%	45%	55%	36%	64%	31%	69%	26%	74%	14%	86%	36%	64%
36+ ¹	78	284	93	320	127	299	59	244	116	335	67	342	540	1824
%	22%	78%	23%	77%	30%	70%	19%	81%	26%	74%	16%	84%	23%	77%
Lifetime	1	3	2	8	1	6	3	6	7	3	3	3	17	29
Total	1,167	1,514	888	1,303	709	1,334	522	1,281	444	1,248	217	1,278	3,947	7,958
%	43.5%	56.5%	40.5%	59.5%	34.7%	65.3%	29.0%	71.0%	26.2%	73.8%	14.5%	85.5%	33.2%	66.8%

Notes: ¹ 36+ group includes Lifetime Bans;

Key Points

- From 2007 to 2012, the proportion of first offenders disqualified until tested (DUT) increased from 56.5% to 85.5% respectively;
- The proportions disqualified until tested has fluctuated from 70% in 2009 to a high of 84% in 2012 for those disqualified for 36 months or longer (including life bans), but has been increasing steadily for those disqualified for periods less than 36 months, to a six year high of 86% in 2012;

Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

Table 2: Drink Drive First Offenders Disqualification Period (months) 2007-2012 by Sentencing Court (excludes rehab reductions)

Sentencing Court	2007			2008			2009			2010			2011			2012			2007-2012		
	<12	13-35	36+	<12	13-35	36+	<12	13-35	36+	<12	13-35	36+	<12	13-35	36+	<12	13-35	36+	<12	13-35	36+
Laganside-Belfast	0	1	0	1	262	32	1	198	28	2	196	19	0	150	21	0	98	18	4	905	118
Antrim	2	361	34	0	40	4	0	28	2	0	30	7	2	22	1	0	13	3	4	494	51
Armagh	1	65	2	1	42	4	0	36	6	1	32	0	0	19	5	0	27	2	3	221	19
Ballymena	0	39	6	0	25	2	1	38	3	0	12	1	0	7	0	0	11	0	1	132	12
Banbridge	1	49	2	0	6	2	0	15	0	0	11	2	0	6	1	0	5	0	1	92	7
Bangor	0	34	1	0	54	3	0	27	4	0	27	2	0	23	1	0	10	5	0	175	16
Castlereagh	1	57	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	57	1
Craigavon	0	1	0	0	71	9	0	51	9	0	44	11	0	35	8	0	21	8	0	223	45
Downpatrick	0	80	7	0	43	10	1	41	3	0	29	1	0	25	2	0	10	2	1	228	25
Dungannon	1	70	9	0	103	6	0	74	8	0	54	8	0	48	5	1	54	10	2	403	46
Larne	0	124	13	0	9	1	0	3	0	0	8	0	0	6	1	0	10	0	0	160	15
Limavady	0	22	1	0	27	2	0	20	0	0	12	3	0	22	1	0	12	3	0	115	10
Lisburn	0	29	1	0	48	7	0	44	10	0	18	3	0	24	8	0	28	3	0	191	32
Londonderry	0	63	2	0	47	8	0	43	5	0	34	1	0	33	9	0	23	8	0	243	33
Magherafelt	0	74	5	1	41	0	0	20	3	0	10	1	1	13	0	0	5	0	2	163	9
Newcastle	0	42	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	43	1
Newry	0	0	0	0	158	11	0	95	5	0	58	6	0	55	11	0	41	5	0	407	38
Newtownards	0	155	16	1	69	0	0	36	6	0	33	3	0	47	2	0	25	2	1	365	29
Omagh	2	89	6	0	56	10	0	42	2	0	18	2	0	15	5	0	18	4	2	238	29
Strabane	0	69	3	0	20	3	0	23	0	0	14	0	0	17	0	0	13	2	0	156	8
Enniskillen	0	38	1	0	60	8	1	65	4	0	43	3	1	33	3	0	21	4	2	260	23
Coleraine	1	76	4	0	54	5	0	41	5	0	27	3	0	27	3	0	27	3	1	252	23
All Courts	9	1538	115	4	1236	127	4	940	103	3	710	76	4	627	87	1	472	82	25	5523	590

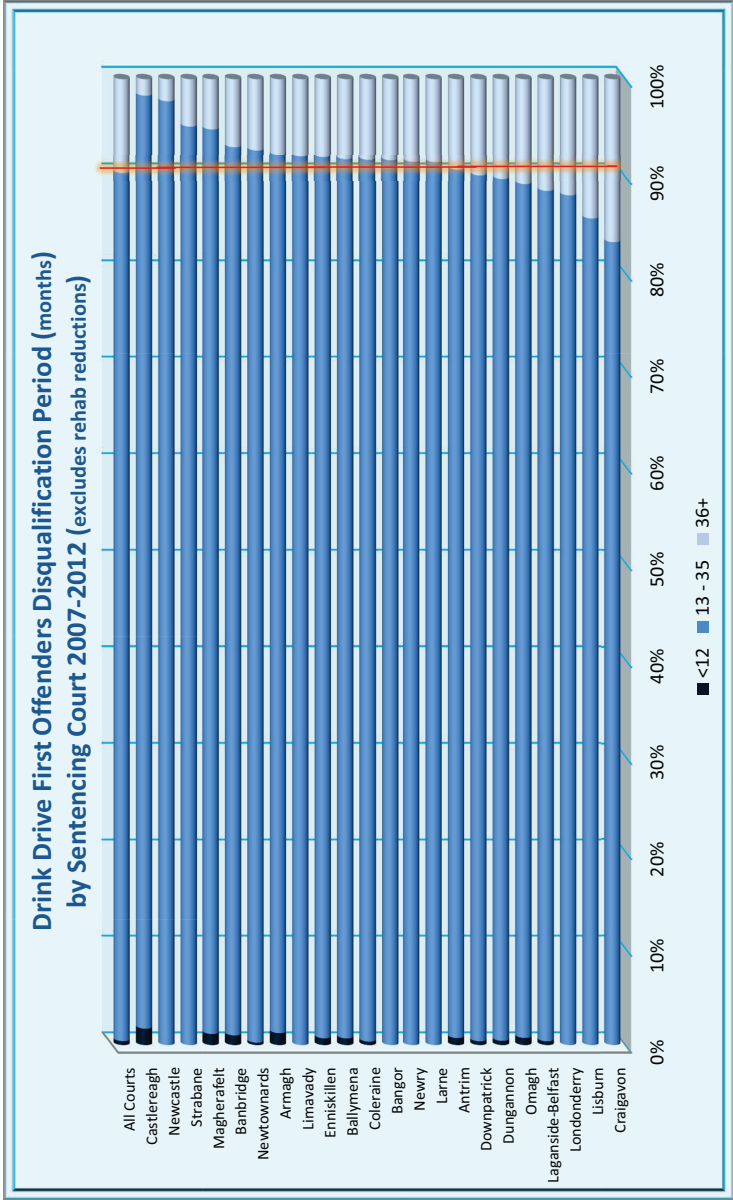
1. Sentencing Period is in Months.

2. EXCLUDES cases where the disqualification period or sentencing court were unknown.

3. EXCLUDES cases where completion of a rehabilitation course may have led to a 25% reduction in the individual's period of disqualification.

Key Points

- Lagan-side-Belfast accounted for just over 16% of all sentencing activity from 2007 to 2012, followed by Antrim (8.9%) and Dungannon (7.3%);
- 9 in 10 first time offenders were disqualified for between 13 to 35 months, with 9.6% disqualified for 36 months or longer;
- For courts with over 100 cases, disqualifications of 36 months or longer ranged from 4.9% in Strabane to 16.8% in Craigavon (orange line shows all court average);



Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

Table 2a: Drink Drive First Offenders Disqualification Period (months) 2007-2012 by Sentencing Court (includes rehab reductions)

Sentencing Court	2007			2008			2009			2010			2011			2012			2007-2012		
	<12	13 - 35	36+	<12	13 - 35	36+	<12	13 - 35	36+	<12	13 - 35	36+	<12	13 - 35	36+	<12	13 - 35	36+	<12	13 - 35	36+
Laganside-Belfast	0	1	0	17	351	100	47	293	93	84	303	85	31	270	106	37	211	102	216	1429	486
Antrim	32	461	86	3	51	14	10	35	18	15	46	15	8	33	12	7	21	11	75	647	156
Armagh	8	77	14	8	48	8	8	44	14	10	40	6	3	28	15	2	38	11	39	275	68
Ballymena	6	46	12	2	36	16	16	54	16	7	24	7	2	15	8	5	30	24	38	205	83
Banbridge	12	66	12	1	10	3	2	23	9	9	24	7	4	6	1	0	10	3	28	139	35
Bangor	1	40	5	3	85	17	10	50	19	11	44	8	5	48	21	2	35	14	32	302	84
Castlereagh	12	87	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	87	14
Craigavon	0	1	0	3	98	17	18	85	15	13	85	18	7	69	22	11	55	13	52	393	85
Downpatrick	10	101	19	5	70	17	15	65	17	11	54	15	5	42	14	5	27	23	51	359	105
Dungannon	10	95	16	9	122	17	13	96	25	21	75	20	10	74	20	6	72	19	69	534	117
Larne	11	141	27	1	12	8	6	8	4	1	13	4	3	7	4	2	15	2	24	196	49
Limavady	2	27	6	3	29	7	4	30	8	7	24	6	0	25	9	0	21	6	16	156	42
Lisburn	1	40	7	7	82	24	16	82	23	14	48	13	9	69	25	3	65	19	50	386	111
Londonderry	11	96	14	4	68	20	3	74	11	5	56	5	5	54	25	0	52	16	28	400	91
Magherafelt	3	110	11	4	47	12	3	31	24	5	13	12	2	27	14	4	21	11	21	249	84
Newcastle	7	53	7	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	7	54	7
Newry	0	0	0	4	200	36	12	113	17	22	88	21	12	96	42	16	78	34	66	575	150
Newtownards	14	202	23	6	99	18	6	77	32	14	77	11	4	89	19	3	56	24	47	600	127
Omagh	9	143	20	3	75	26	4	48	17	10	30	12	2	23	20	5	24	12	33	343	107
Strabane	10	79	21	5	26	6	6	28	9	8	26	6	5	28	11	7	25	8	41	212	61
Enniskillen	3	46	6	6	78	21	13	83	25	21	64	11	8	51	32	7	43	16	58	365	111
Coleraine	4	87	10	11	75	26	17	62	30	21	48	21	3	49	31	3	56	41	59	377	159
All Courts	166	1999	330	105	1663	413	229	1381	426	309	1182	303	128	1103	451	125	955	409	1062	8283	2332

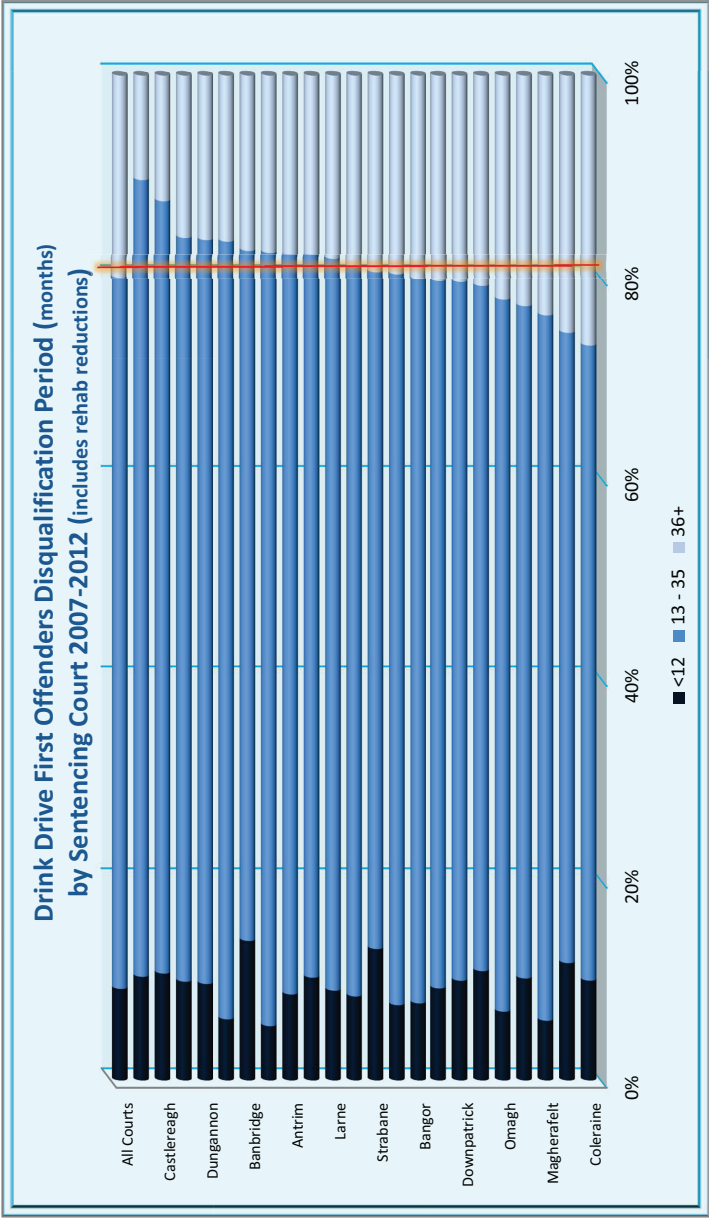
1. Sentencing Period is in Months.

2. EXCLUDES cases where the disqualification period or sentencing court were unknown.

3. INCLUDES cases where completion of a rehabilitation course may have led to a 25% reduction in the individual's period of disqualification.

Key Points

- Lagan-side-Belfast accounted for just over almost 1 in 5 (18.2%) of all sentencing activity from 2007 to 2012, followed by Antrim (7.5%) and Newry (6.8%);
- Just below 7 in 10 first time offenders were disqualified for between 13 to 35 months, with 2 in 10 (20%) disqualified for 36 months or longer, and almost 1 in 10 disqualified for periods below 12 months;
- For courts with over 100 cases, disqualifications of 36 months or longer ranged from 12.4% in Castlereagh to 26.7 % in Coleraine (orange line shows all court average);



Analytical Services Branch, DOE Statistical Brief: Drink Drive First Offenders 2007-2012

Explanatory Notes

- In this report, drink drive first offenders refers to those convicted of one drink drive offence in the last ten years, and includes drivers convicted of more than one offence on the same day;
- Drink drive repeat offenders are excluded from these analyses;
- Recorded Fine refers to Monetary Fines issued to the First Offenders;
- Disqualification Period relates to periods during which offenders are banned/disqualified from driving;
- DUT refers to Disqualified Until Tested where offenders can only drive again following the successful completion of a driving test;
- 'In-Excess' Offences relates to drivers involved in 'In-Excess' Offences, i.e. above the legal drink drive limit

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2013

Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

This statistical brief originates from a DOE Committee request in 2012 for analysis of drink drive offenders/offences from 2007 to 2011. This has been updated to include data for 2012.

Analytical Services Branch
DOE/DVA
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Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

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Key Findings

- The number of repeat drink drive offenders fell year on year by over one-third (37.6%) from 711 in 2007 to 433 in 2012;
- Of the 443 repeat drink drive offenders in 2012, almost 4 in 5 (79.0%) were disqualified for 36 months or longer, 1 receiving a lifetime ban; this is a similar proportion to 2007 when 569 (80.0%) received bans of this length;
- 88 (19.8%) repeat drink drive offenders received disqualifications ranging from one month up to 35 months in 2012, an identical proportion to 2007 when 141 offenders were banned for periods of less than 3 years;
- The number of repeat offenders who, in addition to being banned, were also fined for drink driving offences has declined steadily from 456 (64.1% of all repeat offenders) in 2007 to none in 2012;
- From 2007 to 2011, the proportion of repeat offenders with at least one offence where the level of alcohol was above the legal limit, ranged from 81.4% (2010) to 86.8% (2011); this dropped to 79.2% in 2012, its lowest level in six years;
- From 2007 to 2012, the proportion of repeat offenders disqualified until tested (DUT) increased from 72.4% to 97.1% respectively;
- The proportions disqualified until tested was over 90% from 2009 for those disqualified for 36 months or longer (including life bans), and reached similar levels for the first time in 2012 for those disqualified for periods less than 36 months (98%);
- As with the numbers of repeat offenders, which fell by 37.6% from 2007 to 2012, repeat offences also reduced in this same period, although by a slightly larger proportion (41.1%) from 1,209 to 708;
- For the 1,209 offences committed in 2007, over four-fifths (81.3%) carried disqualification periods of 36 months or longer, compared with three-quarters (75.4%) in 2012. Laganside-Belfast accounted for almost a third (31.9%) of all sentencing activity from 2007 to 2012, followed by Newry and Newtownards, both accounting for a much smaller 4.9%;
- For second and subsequent offences, over the entire period from 2007 to 2012, the proportion resulting in a disqualification of 36 months or longer ranged, from a low of 59% in Ballymena to a high of 82% in Limavady (excludes courts with fewer than 60 offences);

Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

Table 1: Ten Year Rule Repeat Offenders 2007 – 2012

Disqualified Period (Months)	Year						Total
	2007	2008	2009	2010	2011	2012	
Unknown	1	3	0	2	1	5	12
1 - 11	3	1	4	3	1	1	13
12 - 23	85	63	45	48	43	49	333
24 - 35	53	45	44	31	32	38	243
36 - 47	353	246	226	212	239	209	1,485
48 - 59	69	75	48	45	81	58	376
60+	147	129	104	90	70	82	622
Lifetime	0	1	3	0	1	1	6
Total	711	563	474	431	468	443	3,090

Notes:

1. Table 1 details the numbers of Repeat Offenders from 2007 to 2012, where one or more drink driving offences were committed within ten years of the most recent offence.
2. Repeat Offenders may be counted once or more across each year, but once only within specific years.
3. Disqualification Period is for the most recent conviction and includes any sentence reductions applied following the completion of relevant courses/programmes.
4. Unknown relates to drivers where the Disqualification Periods were blank or 'Interim'.
5. Excludes drivers convicted of one or more convictions on the same date.

Key Points

- The number of repeat drink drive offenders fell year on year by over one-third (37.6%) from 711 in 2007 to 433 in 2012;
- Of the 443 repeat drink drive offenders in 2012, almost 4 in 5 (79.0%) were disqualified for 36 months or longer, 1 receiving a lifetime ban; this is a similar proportion to 2007 when 569 (80.0%) received bans of this length;
- 88 (19.8%) repeat drink drive offenders received disqualifications ranging from one month up to 35 months in 2012, an identical proportion to 2007 when 141 offenders were banned for periods of less than 3 years;

Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

Table 1a: Ten Year Rule Repeat Offenders by Recorded Monetary Fine 2007 – 2012

Recorded Fine (£)	Year						Total
	2007	2008	2009	2010	2011	2012	
No recorded fine	255	227	203	200	390	443	1,718
1 - 99	13	8	6	6	1	0	34
100 - 199	91	67	58	38	11	0	265
200 - 299	185	110	106	92	31	0	524
300 - 399	85	78	50	57	18	0	288
400 - 499	32	34	18	13	4	0	101
500 - 599	29	29	27	21	9	0	115
600 - 699	10	5	3	3	4	0	25
700 - 799	7	4	2	1	0	0	14
900 - 999	0	1	0	0	0	0	1
1000+	4	0	1	0	0	0	5
Total	711	563	474	431	468	443	3,090

Notes:

1. Table 1a details the numbers of Repeat Offenders from 2007 to 2012.
2. Recorded Fine refers to any Monetary Fines that were issued to the Repeat Offender.
3. Excludes drivers convicted of one more convictions on the same date.

Key Points

- The number of repeat offenders who, in addition to being banned, were also fined for drink driving offences has declined steadily from 456 (64.1% of all repeat offenders) in 2007 to none in 2012;

Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

Table 1b: Ten Year Rule Repeat Offenders by 'In-Excess' Offences 2007 – 2012

In-Excess Offences	Year						Total
	2007	2008	2009	2010	2011	2012	
None	127	102	68	80	62	92	531
At least one	584	461	406	351	406	351	2,559
Total	711	563	474	431	468	443	3,090

Notes:

1. Table (1B) details the numbers of Repeat Offenders from 2007 to 2012.
2. 'In-Excess' Offence relates to drivers where either of their last two offences involved an 'In-Excess' Offence, i.e. [above the legal drink drive limit](#).
3. Repeat Offenders may be counted once or more across each year, but once only within specific years.
4. Excludes drivers convicted of one more convictions on the same date.

Percentages

In-Excess Offences	Year						Total
	2007	2008	2009	2010	2011	2012	
None	17.9%	18.1%	14.3%	18.6%	13.2%	20.8%	17.2%
At least one	82.1%	81.9%	85.7%	81.4%	86.8%	79.2%	82.8%
Total	100%	100%	100%	100%	100%	100%	100%

Key Points

- From 2007 to 2011, the proportion of repeat offenders with at least one offence where the level of alcohol was above the legal limit ranged from 81.4% (2010) to 86.8% (2011); this dropped to 79.2% in 2012, its lowest level in six years;

Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

Table 1c: Ten Year Rule Repeat Offenders by Disqualification Period (Disq) and Disqualified Until Tested (DUT) 2007 – 2012

Disqualified Period (Months)	2007		2008		2009		2010		2011		2012		Total	
	Disq	DUT	Disq	DUT	Disq	DUT	Disq	DUT	Disq	DUT	Disq	DUT	Disq	DUT
Unknown	0	1	1	2	0	0	0	2	0	1	3	2	4	8
1 - 11	2	1	0	1	2	2	0	3	1	0	0	1	5	8
12 - 23	32	53	24	39	17	28	13	35	6	37	3	46	95	238
24 - 35	16	37	10	35	10	34	4	27	1	31	1	37	42	201
36 - 47	106	247	53	193	32	194	3	209	2	237	1	208	197	1,288
48 - 59	21	48	12	63	0	48	1	44	3	78	2	56	39	337
60+	19	128	5	124	0	104	2	88	1	69	3	79	30	592
Lifetime	0	0	0	1	0	3	0	0	0	1	0	1	0	6
Total	196	515	105	458	61	413	23	408	14	454	13	430	412	2,678

Notes:

1. Repeat Offenders may be counted once or more across each year, but once only within a specific year.
2. Disqualification Period relates to drivers' most recent convictions and will include any sentence reduction which may already have been applied following completion of relevant courses/programmes.
3. Unknown relates to drivers where the Disqualification Periods have been recorded as blank or 'Interim'.
4. Excludes drivers convicted of one or more offences on the same date.

Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

Summary Including Percentages

Disqualified Period (Months)	2007		2008		2009		2010		2011		2012		Total	
	Disqsd	DUT	Disqsd	DUT	Disqsd	DUT	Disqsd	DUT	Disqsd	DUT	Disqsd	DUT	Disqsd	DUT
Unknown	0	1	1	2	0	0	0	2	0	1	3	2	4	8
1-35	50	91	34	75	29	64	17	65	8	68	4	84	142	447
%	35%	65%	31%	69%	31%	69%	21%	79%	11%	89%	5%	95%	24%	76%
36+ ¹	146	423	70	381	32	349	6	341	6	385	6	344	266	2223
%	26%	74%	16%	84%	8%	92%	2%	98%	2%	98%	2%	98%	11%	89%
Lifetime	0	0	0	1	0	3	0	0	0	1	0	1	0	6
Total	196	515	105	458	61	413	23	408	14	454	13	430	412	2,678
%	28%	72%	19%	81%	13%	87%	5%	95%	3%	97%	3%	97%	13%	87%

Notes: ¹ 36+ group includes Lifetime Bans;

Key Points

- From 2007 to 2012, the proportion of repeat offenders disqualified until tested (DUT) increased from 72.4% to 97.1% respectively;
- The proportions disqualified until tested has was over 90% from 2009 for those disqualified for 36 months or longer (including life bans), and reached similar levels for the first time in 2012 for those disqualified for periods less than 36 months (98%);

Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012
Table 2: Total Offences Committed (under 10 year rule) with convictions between 2007– 2012

Disqualified Period (Months)	Year						Total
	2007	2008	2009	2010	2011	2012	
Unknown	3	9	1	4	5	11	33
1 - 11	4	2	5	4	2	3	20
12 - 23	149	135	110	106	113	106	719
24 - 35	70	68	61	55	50	54	358
36 - 47	517	378	326	310	341	294	2,166
48 - 59	122	132	83	70	98	89	594
60+	344	258	203	179	139	146	1,269
Lifetime	0	9	4	1	7	5	26
Total	1,209	991	793	729	755	708	5,185

Notes:

1. Table 2 details the numbers of Repeat Offences committed under the 10 year rule showing convictions each year from 2007 to 2012.
2. Disqualification Period relates includes any sentence reduction already applied following completion of relevant courses/programmes.
3. Unknown relates to drivers where Disqualification Periods have been recorded as blank or 'Interim'.
4. Excludes drivers convicted of one or more offences on the same date.

Key Points

- As with the numbers of repeat offenders, which fell by 37.6% from 2007 to 2012, repeat offences also reduced in this period, although by a slightly larger proportion (41.1%) from 1,209 to 708;
- For the 1,209 offences committed in 2007, over four-fifths (81.3%) carried disqualification periods of 36 months or longer, compared with three-quarters (75.4%) in 2012;

Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

Table 3: Disqualification Period for Second and Subsequent Offences 2007 – 2012 by Sentencing Court
 includes cases where completion of a rehabilitation course may have led to a 25% reduction in the individual's period of disqualification

Sentencing Court	2007			2008			2009			2010			2011			2012			Total		
	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+
Laganside-Belfast	0	74	334	0	69	253	2	62	197	1	54	184	1	46	171	1	57	150	208	362	1,289
Newry	1	16	48	0	13	39	0	10	35	0	9	32	0	18	49	0	15	37	52	81	240
Downpatrick	0	13	37	0	12	35	0	7	35	0	12	17	0	7	23	0	2	21	23	53	168
Newtownards	0	10	54	0	11	50	0	10	28	1	9	29	0	11	49	0	7	48	55	58	258
Ballymena	0	16	30	0	7	26	0	7	9	0	9	8	0	3	14	0	7	13	20	49	100
Dungannon	0	13	34	0	12	30	0	6	38	0	7	25	0	4	32	0	4	27	31	46	186
Antrim	1	7	43	0	7	18	0	12	26	0	7	15	0	8	21	0	2	16	18	43	139
Bangor	0	4	42	0	11	36	0	8	12	0	9	15	0	8	19	1	5	16	22	45	140
Lisburn	1	4	45	0	7	39	0	6	40	0	5	32	2	12	41	0	6	29	35	40	226
Armagh	0	7	30	0	7	14	0	7	18	0	2	12	0	8	12	0	3	14	17	34	100
Coleraine	0	9	47	0	7	41	2	3	20	0	7	33	0	5	30	0	8	22	30	39	193
Craigavon	0	4	34	0	9	37	1	0	25	0	7	47	0	7	24	1	9	37	47	36	204
Magherafelt	0	5	21	0	6	12	0	6	14	1	5	7	0	5	8	0	3	10	13	30	72
Omagh	0	7	24	0	3	36	0	3	18	0	4	24	0	9	30	0	4	8	12	30	140
Londonderry	0	8	37	0	2	28	0	5	28	0	4	25	0	4	16	0	15	30	45	38	164
Enniskillen	0	7	20	1	4	29	0	5	21	1	4	17	0	2	18	0	5	19	24	27	124
Larne	0	3	5	0	3	5	0	4	5	0	2	8	0	1	2	0	1	4	5	14	29
Strabane	0	4	18	0	2	20	0	3	8	0	0	15	0	1	10	0	4	9	13	14	80
Limavady	0	2	52	0	3	16	0	3	14	0	0	5	0	1	13	0	1	14	15	10	114
Banbridge	0	3	9	0	1	1	0	1	9	0	2	5	0	1	6	0	1	5	6	9	35
Castlereagh	0	1	8	0	1	5	0	2	7	0	1	6	0	1	0	0	1	2	3	7	28
Cookstown	1	0	6	0	5	5	0	1	5	0	0	1	0	0	2	0	0	0	0	6	19
Newtownabbey	0	1	1	0	2	2	0	0	1	0	0	0	0	0	0	0	0	0	0	3	4
Hillsborough	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	1	1
Kilkeel	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Clogher	0	0	1	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	3
Newcastle	0	0	2	0	0	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0	5
Total	4	219	983	1	204	779	5	171	616	4	160	562	3	162	591	3	160	531	694	1,076	4,062

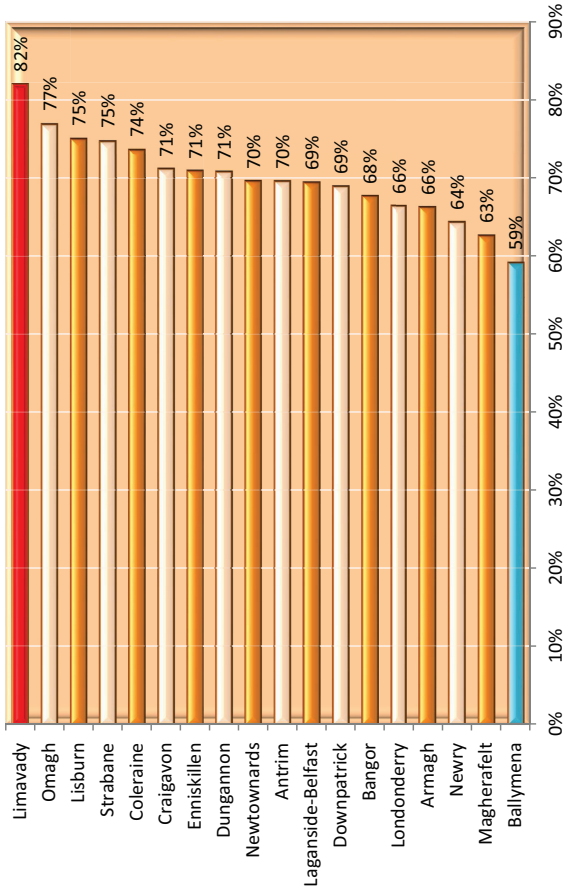
Notes:

- 1. Sentencing Period is in Months.
- 2. EXCLUDES first offences.
- 3. EXCLUDES cases where the disqualification period or sentencing court were unknown.
- 4. INCLUDES cases where completion of a rehabilitation course may have led to a 25% reduction in the individual's period of disqualification.

Key Points

- Laganside-Belfast accounted for almost a third (31.9%) of all sentencing activity from 2007 to 2012, followed by Newry and Newtownards, both accounting for a much smaller 4.9%.
- For second and subsequent offences, over the entire period, the proportion resulting in a disqualification of 36 months or longer ranged as detailed below (excludes courts with fewer than 60 offences), from a low of 59% in Ballymena to a high of 82% in Limavady;

Proportion of offences with disqualifications of 36 months or longer 2007 - 2012



Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

Table 3a: Disqualification Period for Second and Subsequent Offences 2007 – 2012 by Sentencing Court
(excludes cases where completion of a rehabilitation course may have led to a 25% reduction in the individual's period of disqualification)

Sentencing Court		2007				2008				2009				2010				2011				2012				Total			
		<12	12 - 35	36+		<12	12 - 35	36+		<12	12 - 35	36+		<12	12 - 35	36+		<12	12 - 35	36+		<12	12 - 35	36+		<12	12 - 35	36+	
Laganside-Belfast		0	47	251	0	47	193	0	39	156	0	39	147	0	32	138	0	41	129	0	41	129	0	245	12	35	36+	1,014	
Newry		1	15	42	0	12	38	0	5	30	0	6	31	0	11	45	0	10	30	1	10	30	1	59	216				
Downpatrick		0	12	32	0	11	27	0	4	30	0	8	17	0	7	18	0	1	18	0	1	18	0	43	142				
Dungannon		0	12	34	0	9	30	0	6	38	0	7	24	0	4	30	0	6	40	0	6	40	0	44	196				
Antrim		0	6	35	0	7	14	0	9	23	0	6	11	0	6	18	0	4	8	0	4	8	0	38	109				
Bangor		0	4	33	0	10	31	0	4	12	0	5	15	0	4	13	0	4	27	0	4	27	0	31	131				
Ballymena		0	8	22	0	5	20	0	3	7	0	7	6	0	2	6	0	2	15	0	2	15	0	27	76				
Armagh		0	5	25	0	5	14	0	7	17	0	1	10	0	6	11	1	1	15	1	1	15	1	25	92				
Craigavon		0	3	32	0	8	37	0	0	23	0	6	43	0	7	24	0	4	28	0	4	28	0	28	187				
Londonderry		0	8	33	0	2	28	0	5	25	0	3	20	0	4	15	0	3	14	0	3	14	0	25	135				
Coleraine		0	7	42	0	5	30	0	0	16	0	4	28	0	3	24	0	5	16	0	5	16	0	24	156				
Lisburn		1	4	31	0	4	31	0	1	30	0	3	26	0	6	37	0	7	37	1	7	37	1	25	192				
Magherafelt		0	4	18	0	5	9	0	3	7	0	4	6	0	2	5	0	2	7	0	2	7	0	20	52				
Newtownards		0	3	44	0	8	40	0	6	22	0	0	0	0	0	0	0	3	8	0	3	8	0	20	114				
Newtownabbey		0	1	0	0	1	1	0	0	0	0	1	6	25	0	8	41	0	14	28	1	14	28	1	30	95			
Omagh		0	4	17	0	2	29	0	0	14	0	2	17	0	7	30	0	3	16	0	3	16	0	18	123				
Enniskillen		0	6	15	1	3	26	0	5	19	0	0	15	0	1	18	0	0	4	1	0	4	1	15	97				
Larne		0	2	5	0	2	4	0	1	4	0	2	7	0	1	1	1	0	8	0	2	8	0	10	29				
Limavady		0	2	47	0	3	15	0	3	9	0	0	4	0	0	12	0	1	13	0	1	13	0	9	100				
Banbridge		0	3	8	0	1	1	0	0	8	0	2	4	0	0	5	0	1	4	0	1	4	0	7	30				
Cookstown		1	0	4	0	4	3	0	1	2	0	0	1	0	0	1	0	1	1	1	1	1	6	12					
Strabane		0	2	10	0	1	13	0	1	8	0	0	10	0	0	8	0	0	1	0	0	1	0	4	50				
Castlereagh		0	0	1	0	0	1	0	0	4	0	0	2	0	1	0	0	0	0	0	0	0	0	1	8				
Hillsborough		0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1					
Newcastle		0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2					
Total		3	158	782	1	155	637	0	103	504	1	111	469	0	112	500	1	115	467	6	754	3,359							

Notes:

1. Sentencing Period is in Months.

2. EXCLUDES first offences.

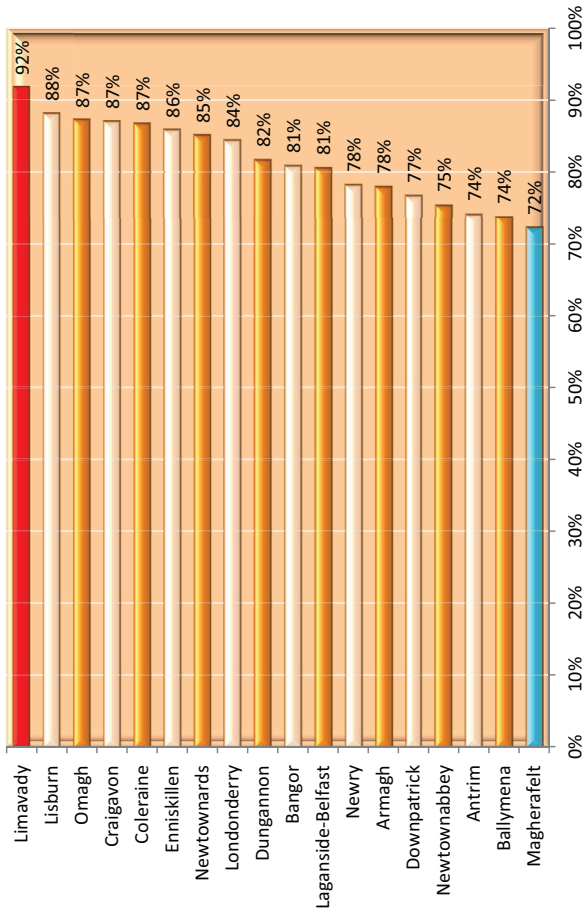
3. EXCLUDES cases where the disqualification period or sentencing court were unknown.

4. EXCLUDES cases where completion of a rehabilitation course may have led to a 25% reduction in the individual's period of disqualification.
- Laganside-Belfast accounted for 30.6% of all sentencing activity from 2007 to 2012 (5,832), followed by Newry and Dungannon at 6.7% and 5.8% respectively;

➤ For second and subsequent offences the proportion resulting in a disqualification of 36 months or longer ranged as detailed below (excludes courts with fewer than 60 offences), ranging from a low of 72% in Magherafelt to a high of 92% in Limavady;

Key Points

Proportion with disqualifications of 36 months or longer 2007 - 2012



Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

Table 3b: Disqualification Period for Second and Subsequent Offences 2007 – 2012 by Sentencing Court

Sentencing Court	2007			2008			2009			2010			2011			2012			Total		
	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+	<12	12 - 35	36+
Laganside-Belfast	0%	16%	84%	0%	20%	80%	0%	20%	80%	0%	21%	79%	0%	19%	81%	0%	24%	76%	0%	19%	81%
Newry	2%	26%	72%	0%	24%	76%	0%	14%	86%	0%	16%	84%	0%	20%	80%	0%	25%	75%	0%	21%	78%
Downpatrick	0%	27%	73%	0%	29%	71%	0%	12%	88%	0%	32%	68%	0%	28%	72%	0%	5%	95%	0%	23%	77%
Dungannon	0%	26%	74%	0%	23%	77%	0%	14%	86%	0%	23%	77%	0%	12%	88%	0%	13%	87%	0%	18%	82%
Antrim	0%	15%	85%	0%	33%	67%	0%	28%	72%	0%	35%	65%	0%	25%	75%	0%	33%	67%	0%	26%	74%
Bangor	0%	11%	89%	0%	24%	76%	0%	25%	75%	0%	25%	75%	0%	24%	76%	0%	13%	87%	0%	19%	81%
Ballymena	0%	27%	73%	0%	20%	80%	0%	30%	70%	0%	54%	46%	0%	25%	75%	0%	12%	88%	0%	26%	74%
Armagh	0%	17%	83%	0%	26%	74%	0%	29%	71%	0%	9%	91%	0%	35%	65%	6%	6%	88%	1%	21%	78%
Craigavon	0%	9%	91%	0%	18%	82%	0%	0%	100%	0%	12%	88%	0%	23%	77%	0%	13%	88%	0%	13%	87%
Londonderry	0%	20%	80%	0%	7%	93%	0%	17%	83%	0%	13%	87%	0%	21%	79%	0%	24%	76%	0%	16%	84%
Coleraine	0%	14%	86%	0%	14%	86%	0%	0%	100%	0%	13%	88%	0%	11%	89%	0%	16%	84%	0%	11%	88%
Lisburn	3%	11%	86%	0%	11%	89%	0%	3%	97%	0%	10%	90%	0%	14%	86%	0%	16%	84%	0%	11%	88%
Magherafelt	0%	18%	82%	0%	36%	64%	0%	30%	70%	0%	40%	60%	0%	29%	71%	0%	22%	78%	0%	28%	72%
Newtownards	0%	6%	94%	0%	17%	83%	0%	21%	79%	0%	0%	100%	0%	0%	100%	0%	0%	100%	0%	0%	100%
Newtownabbey	0%	100%	0%	0%	50%	50%	0%	0%	100%	0%	19%	81%	0%	16%	84%	0%	33%	67%	1%	24%	75%
Omagh	0%	19%	81%	0%	6%	94%	0%	0%	100%	0%	11%	89%	0%	19%	81%	0%	16%	84%	0%	13%	87%
Enniskillen	0%	29%	71%	3%	10%	87%	0%	21%	79%	0%	0%	100%	0%	5%	95%	0%	0%	100%	1%	13%	86%
Larne	0%	29%	71%	0%	33%	67%	0%	20%	80%	0%	22%	78%	0%	50%	50%	0%	20%	80%	0%	26%	74%
Limavady	0%	4%	96%	0%	17%	83%	0%	25%	75%	0%	0%	100%	0%	0%	100%	0%	7%	93%	0%	8%	92%
Banbridge	0%	27%	73%	0%	50%	50%	0%	0%	100%	0%	33%	67%	0%	0%	100%	0%	20%	80%	0%	19%	81%
Cookstown	20%	0%	80%	0%	57%	43%	0%	33%	67%	0%	0%	100%	0%	0%	100%	0%	50%	50%	5%	32%	63%
Strabane	0%	17%	83%	0%	7%	93%	0%	11%	89%	0%	0%	100%	0%	0%	100%	0%	0%	100%	0%	7%	93%
Castlereagh	0%	0%	100%	0%	0%	100%	0%	0%	100%	0%	0%	100%	0%	100%	0%	N/A	N/A	N/A	0%	11%	89%
Hillsborough	#	#	#	0%	0%	100%	#	#	#	#	#	#	#	#	#	#	#	#	#	0%	100%
Newcastle	0%	0%	100%	0%	0%	100%	#	#	#	#	#	#	#	#	#	#	#	#	0%	0%	100%
Total	0%	17%	83%	0%	20%	80%	0%	17%	83%	0%	19%	81%	0%	18%	82%	0%	20%	80%	0%	18%	82%

Analytical Services Branch, DOE Statistical Brief: Drink Drive Repeat Offenders 2007-2012

Notes:

1. Sentencing Period is in Months.
2. EXCLUDES first offences.
3. EXCLUDES cases where the disqualification period or sentencing court were unknown.
4. EXCLUDES cases where completion of a rehabilitation course may have led to a 25% reduction in the individual's period of disqualification.

Departmental letter re learning to driver time period and consequential amendment to clause 23

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Email: Private.office@doeni.gov.uk
Your reference: COR/1303/14
Our reference:

Date: 11 December 2014

Sheila Mawhinney
Clerk to the Environment Committee
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Sheila

The Committee completed informal scrutiny of Parts 3, 4 and 5 of the Road Traffic (Amendment) Bill at its meeting on 4 December. They have since sent a follow up request for the following information:

- data on the length of time between obtaining a provisional and a full driving licence for learners in rural areas, as compared with the average figures outlined in the briefing; and
- details of the consequential amendment to clause 23 of the Bill.

With regard to the additional information on the time taken to learn to drive, the average figures outlined at the Committee session of 4 December were taken from a Department for Transport (DfT) funded Cohort Study on Learner and New Drivers. The six-year study provides an overview of 'cohorts' of learners in Britain undertaking driver training and testing. A cohort of 8,000 practical driving test candidates was sent postal questionnaires on a three-monthly basis. The sample initially comprised 42,851 learner drivers, however not all of these respondents passed their driving test. Each person who did pass the practical test and responded to the original survey was subsequently followed for a period of up to three years through further postal questionnaires.

The findings of the report show that a total of 62% of respondents took their practical test within 12 months of starting to learn to drive and, as detailed in the briefing session, it was most common overall for respondents to take their practical test within seven to nine months of starting to learn to drive. Some additional findings which the Committee may find of interest include:

- Almost every respondent (99%) received some professional driving instruction;
- Just over half (55%) of respondents availed of some practice with friends or relations;
- 14% of candidates came to the test without any experience of driving in the dark.

Due to the nature of this study, analysis is not possible at a Northern Ireland level. Officials have spoken with colleagues in the Driver and Vehicle Agency (DVA) with regards to collating NI specific rural data in relation to the length of time between the issue of a provisional licence and upgrade to full licence as the next best proxy to time taken to learn to drive. Unfortunately, the Northern Ireland Driver Licensing System (NIDLS) – which retains information on provisional and full licence holders – has no functionality to produce this type of report or analysis. While the system initially captures the date on which the provisional licence is first issued, this date is subsequently overwritten with the date of full licence issue whenever the test is passed and a full licence is applied for. The work to replace NIDLS is addressing statistical reporting issues and it is hoped that future system upgrades will enable the capture and reporting of this information, including at sub-regional level. These system upgrades are not anticipated until 2016 and will require time to bed in before any meaningful data can be extracted in relation to time between obtaining a provisional and a full driving licence.

In relation to the proposed Departmental amendment to clause 23 of the Bill, this would read as follows:

“Clause 23, page 28, line 11

Leave out ‘a statutory provision’ and insert ‘Northern Ireland legislation or an Act of Parliament’.”

This is a technical amendment to clarify that the ‘draft affirmative’ procedure will apply to any subordinate order made under clause 23 which amends primary legislation. The amendment of clause 3 and new clause 22A, as previously explained to Committee, will also adopt the ‘draft affirmative’ procedure in line with the advice of the Examiner of Statutory Rules.’

I trust this information is of assistance, should you require anything further please contact me directly.

Yours sincerely,

Helen Richmond

DALO

[by e-mail]

Departmental letter re Road Traffic (Amendment) Bill amendments

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Email: Private.office@doeni.gov.uk
Your reference:
Our reference: COR/40/2015

Date: 20 January 2015

Sheila Mawhinney
Clerk to the Environment Committee
Northern Ireland Assembly
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BT4 3XX

Dear Sheila

At its 15 January meeting, the Committee agreed to ask the Minister to consider the following amendments:

- The removal of the statutory option
- Removal of Clause 16 which lowers the minimum age for a provisional licence to 16½ years
- Reduction of the minimum period for holding a provisional licence to 6 months (rather than 12 months)

Officials had previously advised Committee that the Minister was actively considering the case for removal of the statutory option, and had sought legal opinion on the matter. The Minister had also indicated that he would consider any Committee proposals to amend the Bill's provisions relating to learners and new drivers.

I can confirm that the Minister is agreeable to making these amendments. Officials will contact OLC to arrange the drafting requirements.

The precise nature of the re-drafting will of course be determined by OLC. However, for the statutory option we anticipate that it will entail redrafting of the existing Clause 3, and will effectively provide for the removal of the statutory option from the Road Traffic (Northern Ireland) Order 1995.

With regard to GDL, the required changes will entail the removal of Clause 16 and the amendment of Clause 17 to reflect a 6 month mandatory learning period – with consequential changes to Part 2 of Schedule 1.

As mentioned during Committee briefing sessions, the Department also proposes making a number of technical amendments to the Bill. One of these entails a minor numbering

amendment to Clause 18. The others are being made in response to a request by the Examiner of Statutory Rules. They entail an amendment to Clause 3, the insertion of a new Clause 22A and an amendment to Clause 23. Collectively, these are designed to ensure that, where subordinate legislation requires approval by resolution of the Assembly, this should be subject to draft affirmative procedure. This means that they are laid in draft form before the Assembly, and are not made until after the Assembly debate.

Officials will attend the Committee meeting on 22 January and will be able to provide more detail on any of the above issues, as the Committee may require.

I trust this information is of assistance, should you require anything further please contact me directly.

Yours sincerely,

Helen Richmond
DALO
[by e-mail]

Departmental letter re formal clause-by-clause scrutiny on 22 January 2015

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Your reference:
Our reference: COR/40/2015

Date: 3 February 2015

Sheila Mawhinney
Clerk to the Environment Committee
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Sheila

Formal Committee Scrutiny of Road Traffic Amendment Bill – Correction to Official Report
Dated 22 January 2015

At its 22 January meeting, the Committee welcomed the Minister's decision to table three substantive amendments to this Bill at Consideration Stage.

Officials outlined the effect of these amendments and also of a number of technical amendments. They also emphasised that the final drafting and re-numbering of the Bill will be determined by OLC, rather than the Department.

The Committee agreed that it was content to accept these amendments without sight of the precise wording. I will, of course, provide the Committee with the precise text of all of the amendments as soon as it is received from OLC.

In the meantime I would draw your attention to an inaccuracy on the final page of the Official Report. The relevant section is headed Schedule 2 (Repeals), and the text refers to "... a consequential amendment to Part 2 of Schedule 2"

In fact, this section should be headed Schedule 1 (Transitional and Saving Provisions) and the text should read: "... a consequential amendment to Part 2 of Schedule 1".

There will also be consequential changes to Schedule 2 of the Bill (Repeals) to reflect the repeal of the statutory option.

This means that the Questions put to the Committee – in relation to both Schedule 1 and Schedule 2 – are incorrect. In seeking to remedy this for the record, it may be sufficient for the Committee to agree that implementation of the approved policy amendments will require some consequential changes to both Schedules.

It might be helpful therefore if the Committee Report on the Road Traffic (Amendment) Bill could reflect the fact that:

- (i) the precise numbering and detail of the amendments will be determined by OLC; and
- (ii) officials will provide Committee with the precise wording of the amendments in advance of Consideration Stage of the Bill

Yours sincerely,

Helen Richmond

DALO

[by e-mail]

TTC Group - Limits for Drink Driving



Report on alcohol and the effect of food and medicines on lower legal limits for drink driving

The current UK legal limit on our roads is 35mcg of alcohol in 100 ml of breath, 80mg in 100 ml of blood or 107mg in 100ml of urine.

For an average man, this equates to about 5 units of alcohol and 3 units of alcohol for an average female. Size, food consume, general health and medicines ingested can all have an effect on this. The variable for gender and size is known as The Widmark Factor and is described (in technical detail) in this link from Dundee University.

<http://www.dundee.ac.uk/forensicmedicine/notes/alcohol.pdf>

From this, it can be seen that 1 unit of alcohol produces a reading of about:

7 in breath, 16 in blood or 21 in urine for a man, or:

12 in breath, 27 in blood or 35 in urine for a woman.

1 unit is the amount of alcohol in:

Half a pint of ordinary beer (3.5%) $284 \text{ ml} \times 3.5 = 994$

A single whisky (25ml) at 40% or

80ml of wine at 12%

However, in practical terms, looking at everyday drinks in Northern Ireland:

A pint of Guinness contains 2.3 units.

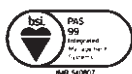
A single whisky at 35ml contains 1.4 units and

175ml glass of wine at 12% contains 2.1 units.

If the legal limit was set at 50mg in 100ml / blood, then the number of units to get to the legal limit would be 3 units for a man, and 2 units for a woman.

If the legal limit was set at 20mg in 100ml/blood, then the number of units to get to the legal limit would be $1 \frac{1}{4}$ units for a man and $\frac{3}{4}$ unit for a woman.

In this case, a man drinking a single whisky would be over the legal limit, and a woman drinking only a half pint of Guinness would be almost 50% over the limit.



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There are, however, other ways in which alcohol can get into the body. This can be through food, such as sherry trifle, Christmas cake and pudding, although cooking would evaporate most of the alcohol. (many cakes and puddings, however, are fortified and preserved through pricking and then pouring spirit over them after cooking, and this alcohol content would still be present)

Example: Sherry Trifle (serves 6)

The new limit of **20mg** means that a man could approximately consume **1¼ units of alcohol** while a woman could consume **¾ unit of alcohol**.

Based on a recipe from the BBC Food Recipes - a trifle containing 150 ml sweet sherry (based on 20% ABV will equate to approximately 3.0 units. If the trifle serves 6 people then this equates to 0.50 units per serving^[1].

Even a single manufacturer makes Sherry in varying strengths; take Harveys, a well-known Sherry company.

Their name Sherries vary between 15 and 20% abv, according to the type that is bought. (and used in the kitchen) See here:

<http://www.thedrinkshop.com/products/nlpdetail.php?prodid=6762>

Medicines can be another source of alcohol. A report produced by The Loughborough Sleep Research Institute a number of years ago stated that there were over 100 medications with the ability to cause drowsiness. Specifically in relation to alcohol, common medicines contain alcohol, shown on their labels. You will see that some of them state 'non-drowsy', which could attract a person considering driving:

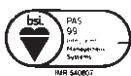
Benlynn non drowsy 5% ABV 10ml dose = .05 unit alcohol

Covonia Chesty Cough 7.7% ABV 10ml dose = .077 unit alcohol

Meltus non drowsy (alcohol content not stated, says 'see insert') – 9% ABV 10ml dose = .09 unit alcohol

Covonia Cold and Flu 19% ABV 20ml dose = .38 unit alcohol

Beechams All in One 19% ABV 20ml dose = .38 unit alcohol



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You will see from the last 2 that a single dose of these would put a female at 50% of the legal limit at 20mg / 100ml blood, reducing the amount of alcohol she could consume to negligible amounts.

I have been asked to comment on the effect of a reading of zero as the legal limit.

It will be seen that medicines alone could then result in the loss of a persons' licence. Furthermore, some people have naturally occurring alcohol produces by bacteria in their gut. This is often found in diabetics and vegetarians, where background readings of 1-2. Or 2-3 on a breath test for combined effects have been found. (this is the equivalent of a reading of up to 7 on a blood sample) This can lead to false positives if there is a zero limit.

When alcohol is taken into the body, it is absorbed quickly, and the elimination process starts by the liver secreting enzymes to break it down, usually after about half an hour. It is then broken down at the rate of about 1 unit per hour for a casual drinker. This applies to men and women. This can be affected by a variety of factors, including if food has been consumed before drinking (which can delay elimination) or if medication has been taken that can have an effect on the liver. (such as paracetamol)

At present, with the legal limit of 80mg/100ml blood, a man could drink 2 pints of Guinness (4.6 units) in half an hour and probably not be over the legal limit. With a limit of 50, again both pints drunk in half an hour, it would take about 1.7 hours after he stopped drinking before he would be under the limit.

With a limit of 20, it would take 3.1 hours before he would be under the limit.

With a zero limit, it would be 4.6 hours before he would be under the limit.

All those figures, of course, depend on a person not having another drink within that time. The lower the legal limit, the easier it would be for a person to put themselves back over the limit.

There is a lower limit in England for train drivers, aircraft pilots and those associated with safety on those 2 forms of transport. This is covered by The Railways and Transport Safety Act 2003

It sets the legal limit as being 20ml/100ml blood or 9mcg/100ml for breath.



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When The Railways and Transport Safety Act 2003 was being researched, a long debate took place about having a zero limit, but this was found to be impracticable and a minimal limit was set, whilst stressing that there should be zero tolerance to alcohol in those workplaces.

The rationale for setting a limit, whilst saying 'no alcohol' was for the reasons given above for naturally occurring alcohol and medications, plus the problem that below 9mcg/100ml for a breath sample the manufacturers of the type approved devices used could not guarantee the accuracy of them.

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Correspondence from Association of British Insurers re Insurance Premiums

The Road Traffic (Amendment) Bill and Young Driver Insurance Premiums in NI High motor insurance premiums for young drivers are the direct result of their poor road safety record and a result of the statistically higher risk that they will cause themselves, their passengers, or other road users severe and life-changing injuries. This briefing paper aims to outline the potential for a reduction in the level of premiums for young drivers based on the full implementation of the ABI's proposals around Graduated Driver Licensing, which will serve to increase the safety of young drivers on Northern Ireland's roads.

ABI Proposals

The full implementation of the ABI's proposals around Graduated Driver Licensing could be instrumental in leading to a reduction in premiums for young drivers. The Road Traffic (Amendment) Bill seeks to introduce a number of the components contained in our proposed scheme, including a reduction in the minimum age for holding a license to 16 and a half, a mandatory learning period of one year and a restriction on the number of passengers carried.

However, international evidence clearly shows that GDL needs to be introduced in full in order to have the biggest road safety benefits.¹ It is impossible to base premium reductions on individual elements of GDL given that it is intended to operate as a holistic package of measures.

The Road Traffic (Amendment) Bill currently does not contain any restrictions around solo night time driving which is a significant component of the full GDL scheme for novice drivers so this means that reductions in premiums will not be as great as implementing a full GDL model. There will, however, be a reduction in premiums for young drivers and a short analysis of this can be found below.

Immediate Impact of the Proposals

The ABI's GDL proposals may lead to an immediate impact on insurance premiums. Some insurers may use the length of time that a provisional licence is held as a rating factor and as a result, an initial discount may be applied as all young drivers will be required to hold a provisional licence for a minimum of one year.

Furthermore, the international evidence clearly shows that factors such as night time driving and distractions from passengers are key contributing factors in catastrophic claims and insurers will therefore welcome the inclusion of a six month restricted period post qualification. Many insurers may offer immediate discounts to take into account the fact that a young driver will be exposed to less risk. However, caution will need to be exercised around the impact of these restrictions as any reduction in premiums is dependent on GDL being introduced in full, which it will not be in Northern Ireland as currently proposed by the bill.

In addition, another impact of the potential introduction of the ABI's proposals will be to stimulate increased insurer interest in the young driver market. By making young drivers statistically less likely

Estimated Figures

It is important to point out that individual insurers will price their policies in differing ways and will have differing appetites for accepting the risk posed by young drivers.

1 Transport Research Laboratory, Novice drivers - evidence review and evaluation, N Kinnear, L Lloyd, S Helman, P Husband, J Scoons, S Jones, S Stradling, F McKenna, J Broughton, 2013

Insurers estimate that a large proportion of a Young Driver's premium is allocated to covering the cost of catastrophic claims. The introduction of GDL could see a reduction of around 19 per cent in the number of crashes that cause fatalities and serious injuries.

Based on these factors and the international experience, the ABI estimates that young driver premiums could reduce by 15-20 per cent on the introduction of GDL in full. Given their potential to prevent more crashes resulting in catastrophic claims, the most significant reduction in premium is attributed to the passenger and night-time restriction.

There are also other factors which contribute to the ABI's estimate of 15-20 per cent and these include a minimum learning period, lower blood alcohol content and greater confidence in underwriting young driver premiums, all of which may be impacted depending on the extent of the reforms. However, in order to achieve these potential savings, GDL must be implemented in full as only using parts of the scheme will not have the same impact on reducing young driver deaths and consequently will not have the same impact on premiums.

Finally, insurers want to see premiums for young drivers come down to more affordable levels but the only way this can happen is to make them safer drivers. If young driver road traffic crashes decrease, the risk they pose to an insurer decreases and insurance premiums for young drivers will follow. Action is needed to ensure young driver motor insurance becomes affordable and more importantly, by putting into place a GDL scheme, the Assembly will make sure that fewer young people are killed and injured on Northern Ireland's roads.

Association of British Insurers

22 December 2014

Email from Stratagem re Irish Times articles

From: Grainne Walsh [mailto:grainne@stratagem-ni.com] Sent: 11 December 2014 09:55 To: +Comm Environment Public Email Cc: McQuade, Mark; Sedgewick, Neil Subject: anatomy of a car crash

Shelia,

I am not sure if you saw this series in the Irish Times. At 4.40am on January 1st two men died in the first fatal road crash of 2014, near Ballina, Co Mayo. This series of articles by Peter Murtagh is now published in full on irishtimes.com - investigates the collision and asks why it occurred. I think that it's a really powerful and informative piece of work. It would be interesting to see how the NI experience compares.

Regards

Gráinne

http://www.irishtimes.com/news/ireland/irish-news/anatomy-of-a-car-crash-part-1-1.2025739?utm_source=morning-digest&utm_medium=email&utm_campaign=digests

<http://www.irishtimes.com/news/social-affairs/anatomy-of-a-car-crash-part-2-the-victims-1.2027498>

<https://www.irishtimes.com/news/social-affairs/anatomy-of-a-car-crash-part-3-the-investigation-1.2030238>

<http://www.irishtimes.com/news/social-affairs/anatomy-of-a-car-crash-part-4-the-verdict-1.2031924>



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