



Northern  
Ireland  
Office

**Northern Ireland Office**

**A Public Consultation on Road  
Traffic Provisions**

**December 2004**

# **Northern Ireland Office**

## **Consultation on Proposed Road Traffic Provisions**

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**Northern Ireland Office  
November 2004**

## 1. Introduction

1.1 Deaths and serious injuries on roads continue to be a major concern for Northern Ireland. Figures for 2003/4 reveal a total of over 10,000 casualties occurring as a result of road traffic collisions with 1258 resulting in serious injury and, tragically, 142 fatalities. Many of these collisions are attributable to driver behaviour. Police statistics show that the most frequent causes of road traffic collisions in Northern Ireland in 2003/4 were carelessness, speeding, and driving whilst under the influence of alcohol or drugs<sup>1</sup>.

1.2 The Northern Ireland Road Safety Strategy 2002-2012<sup>2</sup> sets out the Government's vision for safe road use to be achieved through a range of methods including education, enforcement and engineering. This consultation paper is primarily about aspects of enforcement and about ways in which the criminal law can reinforce standards of good driving. The proposals focus on powers to take blood samples, powers to stop and arrest, additional fixed penalties, powers to seize vehicles being driven whilst uninsured and more streamlined arrangements for the funding of automatic number plate recognition schemes. The proposals are aimed primarily at bringing the law in Northern Ireland more into line with that in England and Wales.

1.3 The Government believes that the proposals set out in this paper will enhance the ability of the police to deal with road traffic offences, improve the quality of justice dispensed in road traffic cases, increase public confidence in the criminal justice system, and more importantly, contribute to greater road safety in Northern Ireland. The Government remains committed to improving road safety in Northern Ireland and to this end we would welcome consideration of the eight additional proposals presented here.

<sup>1</sup> For a broader statistical picture visit the Police Service of Northern Ireland WebPage at <http://www.psnr.police.uk/stats/index>

<sup>2</sup> The Government's Northern Ireland Road Safety Strategy 2002-2012 is available on the Department of the Environment for Northern Ireland WebPage at <http://www.doeni.gov.uk>

## 2. Background

2.1 Over the past few years, Government has made considerable progress in improving road traffic law in Northern Ireland. In Spring 2003 a public consultation exercise was undertaken which set out a series of proposals aimed at reforming road traffic penalties in Northern Ireland. The consultation closed in June 2003 with a majority of respondents registering support for the Government's proposals. Since then the Northern Ireland Office has been working in tandem with the Department of the Environment and other Government departments to bring forward legislation in respect of these proposals.

2.2 Significant progress has already been made on the results of that consultation and a range of important measures have already been brought forward. These include:

- The maximum penalty for causing death or grievous bodily injury by dangerous driving increased to 14 years imprisonment<sup>1</sup>;
- The maximum penalty for causing death or grievous bodily injury by careless driving while under the influence of drink or drugs increased to 14 years imprisonment<sup>1</sup>;
- The maximum penalty for dangerous driving increased from two to five years<sup>2</sup>;
- The creation of the offence of aggravated vehicle taking to deal with what is often wrongly referred to as "joy-riding" attracting a maximum penalty of five years imprisonment<sup>3</sup>;
- The creation of the offence of causing death or grievous bodily injury by aggravated vehicle taking, attracting a maximum penalty of 14 years imprisonment<sup>3</sup>;
- The creation of a power of arrest for driving while disqualified<sup>4</sup>; and
- New regulations making it a specific offence to use a hand-held mobile phone while driving<sup>5</sup>.

<sup>1</sup> Section 285 Criminal Justice Act 2003

<sup>2</sup> Article 4 Criminal Justice (No.2) (Northern Ireland) Order 2004

<sup>3</sup> Article 5 Criminal Justice (No.2) (Northern Ireland) Order 2004

<sup>4</sup> Section 15 Justice (Northern Ireland) Act 2004

<sup>5</sup> Motor Vehicles(Construction and Use)(Amendment No.5)Regulations(Northern Ireland)2003

2.3 In addition to the work which has already been completed in implementing the proposals on road traffic penalties, work is ongoing to implement many of the remaining proposals. The Northern Ireland Office and the Department of the Environment are working together to bring forward legislation in 2005 in respect of several other measures from the original proposals. These measures relate to:

- Driver retraining and improvement courses where 6 or more penalty points have been awarded;
- Requalifying after disqualification;
- Procedures for permanent forfeiture of vehicles;
- Repeat drink driving offending;
- Graduated fixed penalties for speeding offences;
- Discretionary disqualification and penalties for exceeding a temporary speed limit;
- Penalties for fraud with parking tickets, deception with licences, MoT certificates and fraudulent use of documentation;
- Using vehicles in a dangerous or overloaded condition;
- Fixed penalty notices in respect of the illegal use of bus lanes;
- Penalty points for the offence of not wearing a seat belt;
- Police power to require motorists suspected of being impaired due to drugs to undertake a test of their impairment;
- Provision to allow road safety activity to be funded by revenue from speed and “red light running”; and
- Make the use of hand-held mobile phones while driving an endorsable offence.

2.4 Some of the proposals included in the 2003 consultation are still being considered but are not being pursued at this point in time largely because they would take the arrangements in Northern Ireland out of line with those for England and Wales.

2.5 Other, more immediate opportunities have arisen to allow Northern Ireland to come into line with road traffic law developments in England and Wales - measures which will greatly enhance road safety and the Police Service of Northern Ireland's capacity to deal with road traffic offenders. New powers for the police to test suspected drunk drivers; new powers to stop and arrest; new fixed penalties; new powers to seize vehicles being driven whilst uninsured; and new arrangements to release funding for the detection and pursuit of vehicle registration offences. These proposals are the focus of this current consultation.

### 3. Consultation proposals

3.1 The Government wishes to take the opportunity to consult on the potential application of eight new road traffic provisions to Northern Ireland. The intent of these proposals is to bring the arrangements in Northern Ireland into line with recent and latest developments in England and Wales; to promote road safety, in line with the Department of the Environment's *Road Safety Strategy 2002-2012* for Northern Ireland; and to provide the police with the powers they need to tackle road traffic and driving offences.

3.2 Specifically, the current proposals will provide police with a series of powers for the testing of blood in drink driving cases; new powers to stop and, if necessary, arrest; a power for Driver Vehicle and Testing Agency enforcement officers to stop cars for testing; a power to seize vehicles being driven whilst uninsured; and a series of additional fixed penalties. A proposal is also included for new arrangements to release funding for the detection and pursuit of vehicle registration offences.

3.3 These proposals are based on provisions already in place in England and Wales, largely under the Police Reform Act 2002, or on provisions currently proposed for England and Wales in the Serious Organised Crime and Police Bill. The proposals are grouped into four categories: taking of blood samples; powers to stop and arrest; offences and penalties; and funding arrangements. The detail of each individual proposal is provided in the following paragraphs.

3.4 For ease of reference, a summary of the proposals is provided at Annex A.

## Taking of blood samples

### Proposal 1: Taking blood from a suspect drunk driver

*There should be a power in Northern Ireland whereby a “registered healthcare professional” may obtain a specimen of blood from a suspect drunk driver.*

3.5 When investigating whether a driver has committed a drink driving offence a police constable may require the driver to provide a specimen of blood for testing in a laboratory. From this sample the level of alcohol present and whether the legal limit has been exceeded can be determined. The current position in Northern Ireland is that such intimate samples can be taken *only by a medical practitioner*. In England and Wales the Police Reform Act 2002 has provided that in routine cases a registered health care professional, instead of a medical practitioner, may take the specimen required. This provision aims to help prevent delays and removes the need to call on a medical practitioner unnecessarily. *The Government believes that an equivalent measure should be provided in Northern Ireland.*

### Proposal 2: Taking blood from an unconscious driver at hospital

*Police constables in Northern Ireland should be empowered to request specimens of blood to be taken by a medical practitioner from a person otherwise incapable of consenting to the taking of a sample of blood because of their condition following an accident.*

3.6 Under existing legislation in Northern Ireland a person must consent before a blood specimen can be taken. If consent is not given the person taking the specimen could be committing an assault and breaching medical ethics. As a result, if a person cannot give consent, e.g., because he is unconscious following a road traffic accident, there can be no specimen taken.

This can prevent an appropriate drink driving prosecution because evidence as to the amount of alcohol in the person's blood is not available.

3.7 Under the Police Reform Act 2002 provision has been made in England and Wales for a medical practitioner (but not a registered health care professional), to take a specimen without consent when, and only when, a person cannot give consent because of their condition following an accident. Once the person's condition has improved he is then asked if he consents to the analysis of the specimen. If he does not consent he is committing an offence but the sample will not be analysed.

3.8 *The Government considers that provision should be made for Northern Ireland whereby a specimen may be taken from someone incapable of giving consent without the person taking it becoming liable for assault.*

### **Powers to stop and arrest**

<b>Proposal 3: Failure to stop a vehicle for a police constable in uniform</b>
<i>There should be a statutory power of arrest without warrant for failing to stop when required to do so by a police constable in uniform.</i>

3.9 Under the Police Reform Act 2002 uniformed constables in England and Wales have a statutory power of arrest without warrant where there is reasonable cause to suspect a person has committed an offence of failing to stop a vehicle when required to do so by a constable in uniform. There is no such statutory power of arrest under Northern Ireland legislation and consequently *the Government proposes to provide for an equivalent power for this jurisdiction.*

<b>Proposal 4: Failure to stop after an accident causing personal injury</b>
<i>Failure to stop after a road traffic collision that causes personal injury should become an arrestable offence.</i>

3.10 Again, the existing legislation for Northern Ireland differs from that for England and Wales where, under the Police Reform Act 2002, failure to stop and report a road traffic collision which has caused personal injury has been made an arrestable offence.

3.11 *The Government proposes to bring Northern Ireland legislation in line with England and Wales and make failure to stop after such a road traffic collision an arrestable offence.*

<b>Proposal 5: Power to stop cars for testing</b>
<i>Driver and Vehicle Testing Agency (DVTA) enforcement officers should have the power to stop vehicles, including cars, for testing.</i>

3.12 In England and Wales the Police Reform Act 2002 has enabled Chief Officers of police forces to grant accreditation to certain persons to carry out certain functions of uniformed police officers. One of these functions is the power to stop vehicles, including cars, for testing. Accreditation for this has been granted to the Vehicle and Operator Services Agency (VOSA) which is the equivalent GB body to Northern Ireland, Driver and Vehicle Testing Agency (DVTA).

3.13 Under the Road Traffic (Northern Ireland) Order 1995, DVTA enforcement officers already have the power to stop goods vehicles, public passenger vehicles and public service vehicles, in order to check compliance with Construction and Use Regulations. However, DVTA staff do not currently

have the authority to stop cars for testing which is instead a function of uniformed police officers.

3.14 *The Government believes that extending DVTA authority to include powers to stop cars would improve efficiency and free up more police officers for front line duties.*

### **Offences and penalties**

<b>Proposal 6: Seizure of vehicles being driven whilst uninsured</b>
<i>Police should be given a specific power to seize a vehicle being driven by an uninsured driver.</i>

3.15 Uninsured driving is a significant problem with uninsured motorists imposing a significant financial burden on honest motorists. Uninsured drivers are also more likely to be involved in road traffic accidents (sometimes resulting in fatalities), to fail to comply with other road traffic requirements and obligations, and potentially to be involved in other criminal activity.

3.16 The Government is proposing to create powers for police forces in England and Wales to be able to seize a vehicle being driven by an uninsured driver. The vehicle would be released only on payment of prescribed charges and production of a valid insurance certificate. Release would be to the registered keeper of the vehicle or, if there was no registered keeper, to the person appearing to be the owner. Vehicles not claimed within a prescribed time would be open to disposal by the police.

3.17 *The Government wants to create equivalent powers of seizure in Northern Ireland.*

## Additional fixed penalties

### Proposal 7: Additional fixed penalties

*Additional fixed penalties should be made available for the offences of:*

- *No insurance;*
- *Failure to supply driver details; and*
- *No Vehicle Excise License (VEL) displayed;*
  
- *The fixed penalty for no MoT certificate to be increased from £30 to £60.*

3.18 The fixed penalty system provides a quick, simple and direct way of dealing with a wide range of relatively minor road traffic offences while preserving the right of individuals to challenge an alleged offence in court. Fixed penalties make enforcement easier for the police and reduce the number of cases brought before the courts. The police retain the discretion to seek a prosecution where they consider that to be the more appropriate course.

3.19 In deciding if an offence should be included in the fixed penalty system the main tests are whether:

- The offence is simple to prove;
- A fixed penalty is appropriate, provides a sufficiently severe penalty and is an adequate deterrent to further commission of the offence; and
- Road users will be prepared to accept the penalty in preference to going to court.

3.20 A fixed penalty cannot be more than half the maximum fine available for the offence and for those offences currently within the system, the fixed penalty levels are at present £30 or £60, although these figures can be varied and different penalties set for new offences.

3.21 Under this proposal the following offences should, if not prosecuted or otherwise dealt with, be subject to the fixed penalties indicated below:

- No insurance: 6 penalty points and a £200 penalty;
- Failure to supply details necessary to identify an offending driver: 6 penalty points and a £120 penalty; and
- No vehicle excise licence displayed: £60 penalty (non-endorsable).
- No MoT certificate: £60 penalty (This offence already attracts a fixed penalty notice of £30, although it is non-endorsable. This proposal would bring it into line with England and Wales.)

3.22 *The Government proposes to bring these three existing road traffic offences within the fixed penalty system, and increase the fixed penalty for the fourth offence, again in line with the proposed position in England and Wales.*

### **Funding Automatic Number Plate Recognition activity**

<b>Proposal 8: Hypothecation of revenue from ANPR activity</b>
<i>The Secretary of State should have a unified power to fund Automatic Number Plate Recognition (ANPR) units in Northern Ireland through hypothecated fixed penalty revenue.</i>

3.23 Automatic Number Plate Recognition (ANPR) units are deployed by the police to deal with the rise in vehicle related crime. ANPR is the procedure whereby roadside cameras linked to a computer read a number plate as a vehicle passes and checks it against sources such as the Police National Computer (PNC), DVLA and Customs and Excise databases. If the number plate is matched, for example with a stolen car, the ANPR equipment will sound an alert so that the car can be stopped. As many of the road traffic

infringements dealt with by ANPR units carry fixed penalties there is scope for the revenue from these offences to be used to fund ANPR units.

3.24 23 police forces in England and Wales have been participating in an ANPR pilot (“Project Laser”) for the hypothecation of fixed penalty revenue. The Government now intends to legislate for this ANPR scheme to be rolled out to the remaining police forces in England and Wales.

3.25 The netting-off of fixed penalty revenue has enabled ANPR activity in England and Wales to be part funded by “hypothecated” fixed penalty revenue, whereby funds raised by the ANPR scheme can be transferred more readily to the police to fund ANPR services. It has consequently minimised the diversion of resources from current policing priorities. The scheme is “ring-fenced” so that revenue from the court process is not available for hypothecation under ANPR.

3.26 *The Government believes that provision should be made for an equivalent scheme to operate in Northern Ireland as is being brought forward in England and Wales.*

## 4. Costs

4.1 As stated earlier in this paper, the Government believes that the proposals set out in this paper will enhance the ability increase police efficiency of the police to deal with road traffic offences, improve the quality of justice dispensed in road traffic cases, increase public confidence in the criminal justice system, and contribute to greater road safety in Northern Ireland.

4.2 In some cases the proposals in this consultation document will give rise to savings because of a redirection of effort. The extension of the fixed penalty system to additional offences will make enforcement easier and reduce the number of cases having to go before the courts. The ability of DVTA staff to stop cars will improve efficiency and free up more police officers for front line duties. And the proposed funding arrangements for Automatic Number Plate Recognition will provide a more streamlined approach to the system.

4.3 Under other proposals there are likely to be certain additional operational costs, although consultees should bear in mind that it is always difficult to predict the behaviour of drivers or the decisions of the courts. Nevertheless, the contribution to road safety through detection, prevention and deterrence as a result of these new powers will reduce accidents and injuries and will produce significant financial savings elsewhere.

## **5. Equality Screening**

5.1 Section 75 of the Northern Ireland Act 1998 requires public authorities to have due regard to the need to promote equality of opportunity in the nine categories set out in the statute. Section 75 also requires public authorities when exercising their functions to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

5.2 The provisions contained in this consultation document will have a direct effect only on those convicted or suspected of road traffic offences. Although these offenders might be expected to comprise disproportionately of young males, the policy will bear on them solely by virtue of the fact that they will have committed offences.

5.3 The provisions contained within the consultation document have been subject to an equality screening assessment during which no significant adverse impact was detected in relation to any of the nine categories.

## **6. Responding to this consultation**

6.1 Responses to the proposals and questions set out in this consultation document should be sent to:

**Road Traffic Law Consultation  
Criminal Law Branch  
Northern Ireland Office  
Massey House  
Stoney Road  
Belfast BT4 3SX**

**Fax: 028 9052 7507**

**E-mail: [clbranch@nio.x.gsi.gov.uk](mailto:clbranch@nio.x.gsi.gov.uk)**

**By: Monday 17th January 2005**

6.2 For analysis purposes it would be helpful if consultees could respond to individual proposals using the same numbering as that contained within this consultation document. A summary of the proposals and their numbers on which we invite views has been included at Annex A for ease of reference. Comments on the costings and Equality Screening assessment would also be welcome.

6.3 Unless confidentiality is requested, it will be assumed that responses can be made available to others. However, if comments are made publicly available, they will not be attributed to individual respondents. If you are responding on behalf of a group or organisation please make this clear.

6.4 An electronic version of this document is available at [www.nio.gov.uk](http://www.nio.gov.uk).

## Annex A: Summary of Proposals

The Government would welcome views on the following proposals for new road traffic laws for Northern Ireland.

***Proposal 1: Taking blood from a suspect drunk driver***

- There should be a power in Northern Ireland whereby a registered healthcare professional may obtain a specimen of blood from a suspect drunk driver.

***Proposal 2: Taking blood from an unconscious driver at hospital***

- Police constables in Northern Ireland should be empowered to request a medical practitioner to take a specimen of blood following an accident from a person otherwise incapable of consenting to the taking of such a sample because of their condition.

***Proposal 3: Failure to stop vehicle for a police constable in uniform***

- There should be a statutory power of arrest for failing to stop when required to do so by a police constable in uniform.

***Proposal 4: Failure to stop after an accident causing personal injury***

- Failure to stop after a road traffic collision that causes personal injury should become an arrestable offence.

***Proposal 5: Power to stop cars for testing***

- Driver and Vehicle Testing Agency (DVTA) enforcement officers should have the power to stop vehicles, including cars, for testing.

***Proposal 6: Seizure of vehicles being driven whilst uninsured***

- Police should be given a specific power to seize a vehicle detected whilst being used by an uninsured driver.

***Proposal 7: Additional fixed penalties***

- Additional fixed penalties should be made available for the offences of:
  - No insurance;
  - Failure to supply details of driver; and
  - No Vehicle Excise License (VEL).
- The fixed penalty for no MoT certificate to be increased from £30 to £60.

***Proposal 8: Hypothecation of revenue from ANPR activity***

- The Secretary of State should have a unified power to fund Automatic Number Plate Recognition (ANPR) units in Northern Ireland through hypothecated fixed penalty revenue.



Northern  
Ireland  
Office

# **Public Consultation on Road Traffic Provisions**

## **A Summary of Responses**

May 2005

## **1. Introduction**

- 1.1 Road Safety in Northern Ireland continues to be a major concern. Figures for 2003/4 reveal a total of over 10,000 casualties occurring as a result of road traffic collisions. Already this year there have been 39 fatalities on Northern Ireland's roads. Many of these accidents are directly attributable to driver behaviour with the most frequent causes of road traffic collisions in Northern Ireland being carelessness, speeding and driving whilst under the influence of alcohol or drugs.
- 1.2 The Government remains committed to improving road safety in Northern Ireland. The Northern Ireland Road Safety Strategy 2002-2012 set out the Government's vision for safer road use in the province. As part of this ongoing strategy the Northern Ireland Office recently concluded a public consultation into proposed new road traffic legislation. The consultation exercise was primarily about aspects of enforcement and about ways in which the criminal law can reinforce standards of good driving.
- 1.3 The intention is that the proposals made in the paper will enhance the ability of the police to deal with road traffic offenders, improve the quality of justice dispensed in road traffic cases, increase public confidence in the criminal justice system and most importantly contribute to greater road safety in Northern Ireland.
- 1.4 A total of 25 responses to the consultation were received the vast majority of them supportive of the proposals made in the consultation document. Respondents made a number of suggestions regarding specific proposals and more general recommendations regarding road traffic legislation as a whole. These suggestions are discussed in this document along with the Government's response.
- 1.5 Proposals are discussed individually with the suggestions received shown underneath in bold type. Suggestions are then responded to individually followed by the Government's overall response to the proposal.
- 1.6 A list of respondents is attached at Annex A.

**Proposal 1: Taking blood from a suspect drunk driver**

- There should be a power in Northern Ireland whereby a registered healthcare professional may obtain a specimen of blood from a suspect drunk driver.

**2.1 All PSNI Traffic Branch members should be provided with basic paramedic skills to obtain samples.**

Response: By extending the power to take blood to a wider range of healthcare professionals the PSNI will be able to ensure that samples are taken without unnecessary delay and without the need to call on a medical practitioner. This expansion of services available to the police improves current arrangements and focuses the powers on those already qualified to exercise them allowing constables to focus on policing duties.

**2.2 Definition of registered healthcare professional needs clarification.**

Response: The Government accepts that further definition of registered healthcare professional is required. For the purpose of this provision, a registered healthcare professional will be a person (other than a medical practitioner) who is either a nurse registered by the Nursing and Midwifery Council by virtue of qualifications in nursing.

**The Government has accepted Proposal 1 and will be legislating in due course.**

**Proposal 2: Taking blood from an unconscious driver at hospital**

- Police constables in Northern Ireland should be empowered to request a medical practitioner to take a specimen of blood following an accident from a person otherwise incapable of consenting to the taking of such a sample because of their condition.

**3.1 It should be statutory that blood samples from those injured in accidents are available for alcohol and drug testing.**

Response: Blood will only be able to be taken in circumstances where there is reasonable suspicion that the person concerned may have been under the influence of alcohol at the time of the accident. Any specimen of blood taken from a person at a time when they are incapable of consenting cannot be tested until the consent of the individual has been obtained. Failure to grant this consent may result in penalties for the individual concerned.

**3.2 The power breaches human rights and suggests the person concerned is guilty without any proof.**

Response: Although the Government does not accept that the proposed changes to the law in Northern Ireland will in any way breach human rights principles. Human rights are protected by preserving the principle by which a sample cannot be analysed until the condition of the individual concerned has improved and they have consented to its analysis. In this respect it is no more suggesting that a person is guilty without any proof than a request to give a sample of breath following a road traffic offence. In addition, the proposed changes are mirroring legislation that already exists in England and Wales in the Police Reform Act 2002.

**3.3 Proposal could have negative impact on certain religions.**

Response: Blood samples are routinely taken from unconscious patients on admittance to hospital. This proposal is consistent with this practice. In addition the British Medical Association has indicated that this proposal would not breach medical ethics.

**The Government has accepted Proposal 2 and will be legislating in due course.**

***Proposal 3: Failure to stop vehicle for a police constable in uniform***

- There should be a statutory power of arrest for failing to stop when required to do so by a police constable in uniform.

**4.1 There is a problem with police officers at vehicle checkpoints not wearing uniforms that immediately distinguish them as police officers. Recognition is needed for those driving on their own at night who are too frightened to stop.**

Response: The Government feels that uniformed police officers are already sufficiently distinguishable to prevent many such occurrences. Depending on the circumstances, the police need to have flexibility to allow them to mount vehicle checkpoints in differing ways and to deal with each case on its merits.

**The Government has accepted Proposal 3 and will be legislating in due course.**

**Proposal 4: Failure to stop following an accident causing personal injury**

- Failure to stop after a road traffic collision that causes personal injury should become an arrestable offence.

**5.1 There is a problem where subsequent claims of injury are made after driver has left the scene of an accident after nobody has claimed injury.**

Response: The Government notes this and is content that the proposal will go towards addressing this concern.

**5.2 A caution may be more reasonable in these circumstances.**

Response: Part of the reasoning behind many of these proposals is to afford Northern Ireland road users the same protection as exists in England and Wales. The power of arrest for this offence already exists in England and Wales and the Government is keen to see this power extended in Northern Ireland.

**The Government has accepted Proposal 4 and will be legislating in due course.**

**Proposal 5: Power to stop cars for testing**

- Driver and Vehicle Testing Agency (DVTA) enforcement officers should have the power to stop vehicles, including cars, for testing.

**6.1 Only police officers should have the authority to stop vehicles.**

Response: At present, DVTA enforcement officers already have powers to stop goods vehicles, public passenger vehicles and public service vehicles. The proposed legislation is merely extending this power to include all vehicles.

**6.2 DVTA should have this power only in extreme circumstances.**

Response: The Government feels that the power to stop and test vehicles is important in maintaining and improving the safety of vehicles using the roads which in turn contributes to making the roads themselves safer places. By extending the power of DVTA to include cars and other private vehicles the system of testing is maintained while freeing up more police officers for front line duties. Limiting this power to could defeat the purpose of increasing detection rates for unroadworthy vehicles.

**6.3 A uniformed policeman should be onsite as it would be otherwise difficult to ascertain whether it was a genuine inspection or a hijack.**

Response: Current procedures already clearly identify DVTA staff in the course of these duties. It is DVTA policy for enforcement staff to adhere to a dress code on enforcement operations. Officers stopping vehicles for testing wear fluorescent yellow coats clearly marked with DVTA. They also carry warrant cards for confirmation of their authority to stop vehicles. A requirement to have a uniformed police officer onsite would negate one of the principal reasons for this proposal which is to free up police officers to enable them to devote more time to front-line duties.

**6.4 Does this proposal include motorcycles?**

Response: Yes this proposal does include a power to stop and test motorcycles.

**6.5 Compensation should be available for loss of business or revenue caused by being stopped.**

Response: The law already provides for private cars to be stopped by Police Officers to enable DVTA staff to complete inspections. Any delays caused by testing have usually been minimal except when the vehicle is poorly maintained in which case an in-depth inspection and, where appropriate, prohibitive action has resulted. Government has no plans to introduce compensation in these circumstances.

**The Government has accepted Proposal 5 and will be legislating in due course.**

**Proposal 6: Seizure of vehicles being driven whilst uninsured**

- Police should be given a specific power to seize a vehicle being driven by an uninsured driver.

**7.1 Passengers knowingly travelling with an uninsured driver should also be arrested.**

Response: It is the responsibility of the driver to ensure that they are in possession of at least third-party insurance. The onus is not on the passenger to ensure the any driver is insured and in cases such as these it would often be quite difficult to ascertain whether the passenger in question was *knowingly* travelling with an uninsured driver. However, if the car in question has been stolen and the passenger has allowed himself to be carried in it then they will be guilty

of an offence under section 172 of the Road Traffic (Northern Ireland) Order 1981 and may therefore be arrested.

**7.2 There would be a problem with seizing a car when the driver was not the registered owner.**

Response: The procedure for seizure would not be different whoever is driving the car if they are doing so uninsured. However, in situations where the driver was not the registered owner, the registered owner would be spared the vehicle release charge normally payable on presentation of a valid insurance certificate providing he can satisfactorily demonstrate that he had not knowingly condoned the use of his vehicle by an uninsured driver.

**7.3 There are cases where a motorist needs to drive another vehicle in an emergency.**

Response: In cases such as these the police will be able to exercise discretion depending on the circumstances of the incident.

**7.4 Depriving person of mobility due to non-payment of insurance is simply supporting the insurance companies.**

Response: Driving without insurance is already a serious offence. This new provision is simply seeking to provide further powers in line with measures in England and Wales which will ensure that drivers cannot continue to break the law in the same vehicle. Once proof of insurance has been presented the driver may have his vehicle returned.

**The Government has accepted Proposal 6 and will be legislating in due course.**

<b><i>Proposal 7: Additional fixed penalties</i></b>
Additional fixed penalties should be made available for the offences of: <ul style="list-style-type: none"><li>• No insurance;</li><li>• Failure to supply driver details; and</li><li>• No vehicle excise license (VEL) displayed.</li></ul> Plus: <ul style="list-style-type: none"><li>• Fixed penalty for no MoT certificate to be increased from £30 to £60.</li></ul>

**8.1 How will whether a driver is insured or not be determined given that carrying an insurance certificate is not obligatory.**

Response: As is normal procedure for presenting documents drivers will have 7 days to produce the necessary documents at the police station.

**The Government has accepted Proposal 7 and will be legislating in due course.**

***Proposal 8: Hypothecation of revenue from ANPR activity***

- The Secretary of State should have a unified power to fund Automatic Number Plate Recognition (ANPR) units in Northern Ireland through hypothecated fixed penalty revenue.

**9.1 There were a number of concerns raised about the use of ANPR technology. Emphasis was placed on the need for human input and flexibility by those who enforce these laws.**

Response: The Government is committed to the use of ANPR technology in Northern Ireland to increase detection of people breaking the law. The consultation simply sought views on whether revenue gained from fixed penalties issued as a result of ANPR detection should be put back into funding ANPR units. The police will still retain the power of discretion over specific circumstances.

**The Government has accepted Proposal 8 and will be legislating in due course.**

**List of Respondents**

Alan Beggs  
Ballymena Borough Council  
Department of Education  
Department of the Environment  
Director of Public Prosecutions  
Down District Council  
Driver and Vehicle Licensing Agency  
Eastern Health and Social Services Board  
Freight Transport Association Northern Ireland  
Imelda Maguire  
Institute of Advanced Motorists  
Institution of Highways and Transportation  
Mike Nesbitt  
Motorcycle Action Group Northern Ireland  
Newtownabbey Borough Council  
Northern Ireland Ambulance Service  
Northern Ireland Court Service  
Northern Ireland Cycling Initiative  
Northern Ireland Policing Board  
Police Federation for Northern Ireland  
PSNI  
Superintendents' Association  
Thomas McCullough