



Northern  
Ireland  
Office

# **Review of Road Traffic Offences: Northern Ireland**

## **Summary of Consultation Responses and Way Forward**

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# Summary of responses to the Road Traffic and Driver Disqualification consultation

## ***Background***

The Northern Ireland Office consultation on *Road Traffic and Driver Disqualification* was launched on 20<sup>th</sup> November, 2006 and concluded on 15<sup>th</sup> January, 2007. The consultation was on 15 proposals for modifying the law relating to motoring offences, and to court powers to disqualify drivers. The proposals in the consultation were designed to replicate measures already in place in England and Wales, including those introduced in the recent Road Safety Act 2006, which received Royal Assent last November.

This document summarises the responses received, and sets out how the Government intends to proceed in relation to the proposed road traffic and driver disqualification measures.

## **Summary of responses**

The Northern Ireland Office received a total of 16 responses to the consultation. A full list of the respondents is included at Annex A. Some comments were on the package of proposals as a whole, while others engaged with specific proposals. A number of issues not included in the consultation proposals were also raised.

### **General Responses**

6 respondents made general comments on the package as a whole.

2 responses supported all the proposals designed to improve road safety. Both responses also supported the strengthening of the framework for dealing with road traffic offenders.

1 response supported all the proposals on the grounds of parity with GB driving legislation.

2 responses supported the replication of all the proposals introduced in England and Wales in the Road Safety Act 2006.

1 response offered general support for all the proposals.

1 response was concerned that the package implied that driving was a luxury rather than a necessary and significant skill for many people.

### **Responses on specific proposals**

#### Proposal 1: Statutory definition of “careless driving”

*In order to define driving which falls below the standard of the competent and careful driver, the Government proposed that the offence of driving without due care or reasonable consideration (“careless driving”) should be defined in more detail in statute.*

7 responses specifically addressed this proposal.

- 6 responses supported the proposal

- 1 response questioned whether the statutory definition was necessary, given that the courts already have practice at providing judgements on “careless driving”.

### Proposal 2: Causing death or grievous bodily injury by careless driving

*There should be a new offence of causing death or grievous bodily injury by careless driving; triable either on indictment or summarily and carrying a maximum of 5 years imprisonment on indictment.*

8 responses specifically addressed this proposal.

- 7 responses supported the proposal:
  - 2 responses thought the maximum penalty was still too lenient, while one response thought the maximum penalty was appropriate;
  - 1 response specifically highlighted that many families experienced distress when a defendant was charged with “careless driving” and no mention of the death of a relative was made in court.
- 1 response expressed concern that the proposed penalty may lead to a sentence of imprisonment in cases where the offender’s driving was not dangerous and thus not obviously culpable.

### Proposal 3: Alternative verdicts to manslaughter

*When the offence of manslaughter is charged in a case of bad driving, provision should be made to allow for alternative verdicts when the manslaughter offence is not proved.*

7 responses specifically addressed this proposal.

- All 7 responses supported the proposal.
- However, 1 response thought that the only available alternative to manslaughter should be “death by dangerous driving”, and that the proposed penalty of “death by careless driving” should not be available as an alternative to manslaughter. This was argued on the grounds that too many alternative verdicts could make it difficult for a judge to decide how to sentence an offender.

#### Proposal 4: Wanton and furious driving

*To allow disqualification and endorsement penalties to apply following conviction for the offence of “wanton and furious driving”.*

6 responses specifically addressed this proposal.

- All 6 responses supported the proposal.

#### Proposal 5: Causing death by driving – unlicensed, disqualified or uninsured drivers

*Anyone convicted of driving while disqualified, unlicensed or uninsured, whose vehicle was involved in a collision that resulted in death, should be guilty of a new offence carrying a maximum penalty of 2 years imprisonment.*

7 responses specifically addressed this proposal.

- 6 responses supported the proposal.
- 1 response had reservations about the proposed offence because it provided for a sentence of imprisonment for an offence involving death where the death is unrelated to the manner of driving of the accused. As an alternative, the respondent recommended increasing the maximum permissible penalty for the current offence of driving whilst unlicensed, disqualified or uninsured.

#### Proposal 6: Driving disqualification for any offences

*To allow a convicting court for any offence to disqualify a driver, in addition to or instead of dealing with him in any other way.*

6 responses specifically addressed this proposal.

- 3 responses supported the proposal.
- 2 responses partially supported the proposal, but only in so far as the driving disqualification might be applied to offences where driving is part of the offence.
- 1 response criticised the proposal on the grounds that the disqualification could be for “unrelated offences”.

### Proposal 7: Driving disqualification for fine defaulters

*To allow courts dealing with a person who has defaulted on the payment of a fine or other sum of money to disqualify him from driving instead of committing him to custody.*

6 responses specifically addressed this proposal.

- 3 responses supported this proposal.
- 1 response partially supported the proposal, but argued that courts should have discretion to use it only in appropriate circumstances.
- 2 responses were concerned by the proposal:
  - 1 response criticised the proposal on the grounds that the disqualification could be for “unrelated offences”
  - 1 response argued that there were already alternative disposals available and that the new proposal may contribute to “social exclusion” rather than reduce it.

### Proposal 8: Power of police to stop a vehicle

*To increase the penalty for failure to stop when required by a constable, from a level 3 fine to a level 5 fine.*

4 responses specifically addressed this proposal.

- All 4 responses supported this proposal.
- One response stated that the tougher penalty recognises the serious risk posed by drivers who try to evade the police or avoid detection.

### Proposal 9: Failure to allow a specimen to be tested

*To extend the offence of failing, without reasonable excuse, to give permission for a specimen to be subjected to a laboratory test, to include cases where death or grievous bodily injury has been caused by careless driving while under the influence of drink or drugs.*

5 responses specifically addressed this proposal.

- All 5 responses supported the proposal

#### Proposal 10: Breath specimens at the roadside.

*To provide the police with additional powers to require specimens of breath at the roadside or in hospital.*

5 responses specifically addressed this proposal.

- All 5 responses supported the proposal.

#### Proposal 11: Vehicles causing alarm, distress or annoyance

*To provide the police with the power to seize motor vehicles causing alarm, distress or annoyance.*

5 responses specifically addressed this proposal.

- All 5 responses supported the proposal.
- However, 1 respondent was concerned that careful limits would be put on the power, to make sure that it wasn't abused. The respondent specifically questioned what the definition of "nuisance" would be.

#### Proposal 12: Road Freight Operators' Licences

*To ensure that any civil penalties or road traffic fixed penalties are taken into account when considering the "good repute" of road freight operators.*

5 responses specifically addressed this proposal.

- All 5 responses supported the proposal.
- However 2 responses expressed concerns that the proposed power could make it difficult for individuals trying to "go straight" to gain employment. They noted that the expression "good repute" would have to be carefully defined.

#### Proposal 13: High Risk Offenders: Medical enquiries following disqualification

*To ensure that high risk offenders are not permitted to drive again until the Department is satisfied that they do not have a medical condition amounting to a relevant or prospective disability.*

4 responses specifically addressed this proposal.

- All 4 responses supported the proposal.

## Proposal 14: Speed Assessment Equipment Devices

*To make it an offence to carry certain Speed Enforcement Detection Devices in a motor vehicle.*

4 responses specifically addressed this proposal.

- All 4 responses supported the proposal.

## Proposal 15: Alcohol Ignition Interlocks

*To allow the courts the power to offer those offenders convicted of drink driving offences the opportunity to participate in 'alcohol ignition interlock' programmes.*

1 response specifically addressed this proposal.

- The response supported the proposal.

## **Other issues raised**

2 respondents would have liked a proposal to reduce the maximum alcohol level for drivers.

2 respondents argued that more engineering work needed to be carried out to make roads safer.

2 respondents called for the following to be considered:

- An amendment to the Railways and Transport Safety Act 2003, allowing the Secretary of State to sign type approval certificates for Northern Ireland;
- A provision for the police to hand out conditional offer fixed penalty notices
- A provision to ensure that where a company-owned car is caught speeding, the company has a legal responsibility to try and identify the driver.

1 respondent wished for the government to take further action on emphasising the wearing of seatbelts, and on finding new ways to prevent drivers from stopping at dangerous locations.

1 respondent called for:

- The law to be amended to clearly permit the police to stop vehicles at random for the purposes of conducting breath tests;
- More research to establish appropriate drug testing devices

- More Government action to raise awareness of the impact of both legal and illegal drugs on driving ability.

1 respondent expressed disappointment that a proposal wasn't included to introduce a 20mph default speed limit for community streets.

1 respondent wrote that serious consideration should be given to providing police with powers to impound the vehicles of anyone caught driving whilst disqualified or with no valid licence.

1 respondent called for powers to ensure that cases be dealt with more efficiently through the court service.

1 respondent called for an attempt to standardize driving law not only with the rest of Great Britain but also with the Republic of Ireland.

1 respondent called for the power to endorse GB licences for offences committed in Northern Ireland, and *vice-versa*.

## **Responses to the impact assessments**

### Equality impact

No equality concerns were raised.

### Regulatory impact

One respondent commented upon proposal 12 (Road Freight Operators' Licences). The response noted that "consideration must be given to ensure that the additional administrative resource that will be required is budgeted for".

## **The way forward**

Having considered all of the responses from the consultation exercise, and in light of the restoration of the Northern Ireland Assembly Government, Northern Ireland Office Ministers have decided to bring forward legislation in regards of 12 of the 15 proposals.

### The measures that the Government have chosen to adopt

#### *Tackling bad driving*

- a more detailed statutory definition of “careless driving”;
- a new offence of “causing death, or grievous bodily injury by careless driving”;
- amendments to allow alternative verdicts in manslaughter cases;
- proposals to tighten the law on “wanton and furious driving”;
- more severe penalties for unlicensed, disqualified or uninsured drivers who cause death by driving;

#### *Drink driving*

- tighter laws on the offence of failing to allow a specimen to be tested,
- tighter laws on police powers to requiring breath specimens;
- regulations regarding ‘alcohol ignition interlock’ programmes;

#### *Vehicle control*

- increasing the penalty for failing to stop when required to do so by a constable;
- police powers to seize vehicles causing alarm, distress or annoyance;
- legislation to regulate the use of Speed Enforcement Detection Devices;

#### *Driver disqualification*

- a court power to give a driving disqualification for any offence.

### Those not being adopted at this stage

- Courts dealing with a person who has defaulted on the payment of a fine or other sum of money should be able to disqualify him from driving, for a maximum of 12 months, instead of committing him to custody.

This proposal would be more appropriately considered in an ongoing and wider review of ways of improving the payment rate on fines and reducing fine default. This will therefore be taken forward separately and in that wider context.

- Provisions relating to goods vehicle licences and medical enquiries following disqualification. Devolution to the NI Assembly means that the Northern Ireland Office no longer has policy responsibility for this topic. Policy responsibility now falls to the Department of the Environment.

Draft legislation will be prepared and published for consultation.

## **Annex A List of respondents**

Ards Borough Council

British Medical Association (NI) (BMA(NI))

Larne Borough Council

Limavady District Policing Partnership

Lord Chief Justice's Office

M Henderson

North Down District Policing Partnership

Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO)

Northern Ireland Cycling Initiative (NICI)

Northern Ireland Fire & Rescue Service (NIFRS)

PSNI

Road Haulage Association (NI)

Mr Julian Sandford

Southern Health and Social Services Board (SHSSB)

Mr Richard Spencer

The Superintendents' Association of Northern Ireland (SANI)