

# **MEMORANDUM TO THE HOUSE OF COMMONS TRANSPORT COMMITTEE**

## **CONTENTS**

<b>LEGISLATING FOR ROAD SAFETY - BACKGROUND .....</b>	<b>2</b>
<b>SUPPORTING INNOVATION IN LOCAL ROAD SAFETY .....</b>	<b>4</b>
<b>SPEED .....</b>	<b>8</b>
<b>DRIVER RE-TRAINING .....</b>	<b>14</b>
<b>IMPROVING DRIVING STANDARDS.....</b>	<b>15</b>
<b>FATIGUE RELATED ACCIDENTS .....</b>	<b>17</b>
<b>SUPPORT FOR ENFORCEMENT - DRIVER AND VEHICLE LICENSING..</b>	<b>19</b>
<b>LOW RISK - SERIOUS CONSEQUENCES.....</b>	<b>23</b>
<b>FURTHER MEASURES TO PROMOTE ROAD SAFETY .....</b>	<b>25</b>
<b>ANNEX.....</b>	<b>27</b>

### Background Documents:

Tomorrow's Roads Safer for Everyone - The Government's road safety strategy and casualty reduction targets for 2010 (March 2000)

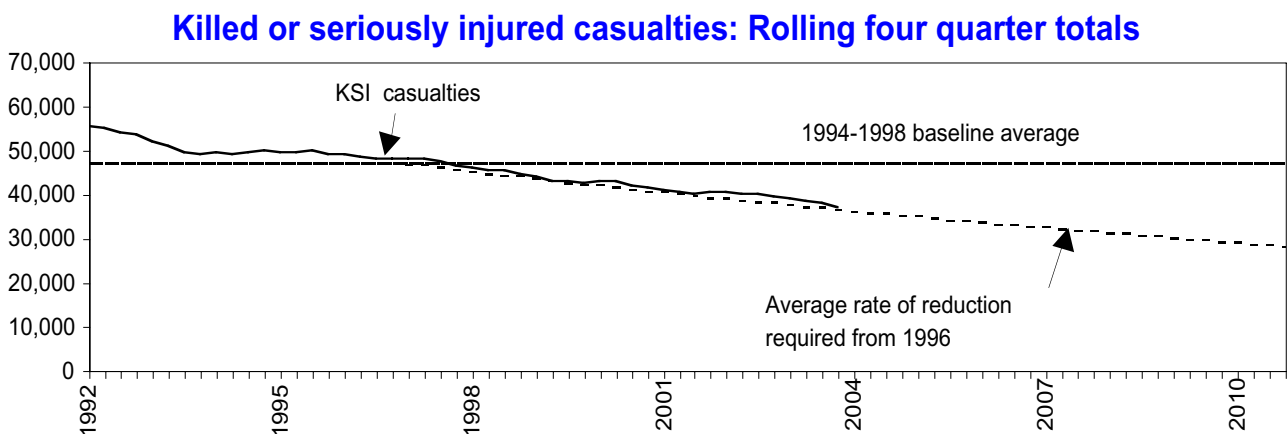
Tomorrow's roads - safer for everyone The first three year review (April 2004).

Road Traffic Penalties A Consultation Paper December 2000

Report on the Review of Road Traffic Penalties July 2002

## LEGISLATING FOR ROAD SAFETY - BACKGROUND

1. In March 2000 the Government published a ten year strategy for improving road safety - "Tomorrow's roads - safer for everyone" which included new challenging casualty reduction targets to be delivered by 2010.
2. In 2002 total deaths and serious injuries were 17% down compared with the baseline period (casualty averages over the 1994 to 1998 period). Child deaths and serious injuries were 33% down. And the risk of death or serious injury has reduced - the casualty rate per 100 million vehicle kilometres travelled has reduced for each road user group.
3. The latest provisional estimates of casualties for 2003 published on 6 May 2004 indicated that for total deaths or serious injuries we are now over half way towards our 40% target by 2010. And for child deaths or serious injuries - two-thirds of the way towards our more stringent 50% target by 2010.



4. However, there is no room for complacency. As the above table shows, we are still slightly above the notional trajectory which represents the average rate of reduction required each year in order to meet the 40% target by 2010. Deaths have also stopped falling in line with serious injuries. There are still, on average, 10 fatalities each day. The first three year Review of the Road Safety Strategy published in April has provided a timely reminder that road safety is about saving lives, reducing the number of road accident casualties and making our roads safer for everyone.
5. It is universally recognised that there is no single solution to the road safety challenge. But many road traffic injuries are preventable. The right approach relies on a combination of: better education, better engineering and better enforcement. The review confirmed a number of key areas that will contribute to further progress. They are: changes to driver and rider attitudes; driver and rider training, speed management and enforcement.

The review also referred to the vital role played by many road safety practitioners, particularly in local authorities.

- Driver behaviour is a key factor in about half of car fatalities. We are continuing to work with the driving instruction industry and other stakeholders to identify new ways to raise the quality and expertise of all driving instructors to that of the best, and to ensure best practice and procedures are extended to the professional driving categories. We also envisage an increased role for the re-training of drivers who have committed certain traffic offences.
  - On speed policy the Government's objective is to encourage and assist people to drive and ride at safe and legal speeds, including raising awareness of speed limits and helping people assess and adopt appropriate speed at all times, as well as dealing with the minority of people who deliberately break the law.
  - Better enforcement can be achieved through use of technology and improving procedures. But we also want to improve public understanding of road traffic law and use penalties as a deterrent.
  - Local authorities have vast influence on improving road safety and are delivering good casualty reductions on the ground through a wide range of education and engineering measures. But they need support and encouragement.
6. Developments are of course being made in all of these areas. But securing primary legislation for very specific measures in a range of areas is in itself an element of progress towards achievement of targets. The legislative package envisaged will not only implement legislative commitments made in the Road Safety Strategy but will also provide for a number of further measures which in totality will support the achievement of the casualty reduction targets set for 2010.
7. Legislation will demonstrate the Government's strong public commitments on road safety; including special consideration of disadvantaged road users, through measures which will lead to better and fairer enforcement, and will help local authorities, the police and other agencies in raising this country's road safety standards yet further.
8. The three year review indicated that the Department was seeking a suitable legislative opportunity to introduce a number of important legislative provisions. Such opportunities are, however, few and far between and as soon as parliamentary time is available a package of road safety measures will be introduced. This Memorandum describes the measures which the Government has in mind and for which the Committee's views would be welcomed.

## SUPPORTING INNOVATION IN LOCAL ROAD SAFETY

*Powers to provide road safety grant to local authorities for demonstration projects, and allow for a wide range of road safety related initiatives, tailored to address specific local circumstances.*

9. The development of road safety policy can require piloting at the local level, so that specific complex problems can be addressed by local authorities applying and developing innovative methods on the ground. This provides for accelerated learning for those authorities selected to take part, the results of which can be made available to other authorities to include in their toolkit. This is an efficient use of resources and participating local authorities need to be funded appropriately.
10. We are seeking powers to provide specific grant to local authorities for such demonstration projects, allowing scope for a wide range of road safety related initiatives, tailored to address specific local circumstances. The power is already available in Scotland but not in England and Wales. Without such clear unequivocal powers specific to road safety it is conceivable that initiatives with the potential to deliver the benefits we expect to achieve through, for example, the "Kerbcraft" and Neighbourhood Road Safety Initiative for deprived areas, could be compromised by an inability to fund them as required.
11. It has been possible to fund previous demonstration projects imperfectly through the usual funding methods (Gloucester Safer City - the predecessor system to Local Transport Plan funding for capital, and rate support grant for revenue); because the project has been principally research (Kerbcraft); or requiring special grant report to Parliament or Local Government Act powers (different phases of Dealing with Disadvantage).
12. With legislation in place we will be able to build on demonstration projects, such as the Inner City Demonstration project, and further phases of Dealing with Disadvantage, and similar successful ground-breaking innovative projects; with the certainty of being able to harness the full range of local initiative, without the risk of inhibition due to the nature of current powers.

### *Summary of proposed measures*

#### *Powers to provide road safety grant to local authorities*

## DRINK DRIVING

*Measures to improve breath-testing enforcement, to provide for severer penalties for repeat offenders, and to enhance effectiveness of sentencing options such as Drink Drive Rehabilitation Scheme, and possibly alcolocks*

13. Between 1979 and 1994 drink drive accidents fell from just under 20,000 to less than 10,000. Since then the number has risen to 13,000 with corresponding changes in casualty numbers. In 2002 drink driving accounted for 560 road deaths representing a sixth of the total.
14. The success of the policy over two decades was built on a combination of powerful information and publicity campaigns and effective enforcement by police and courts. The introduction of Drink Drive Rehabilitation Courses has also been shown to have reduced re-offending but can be improved. There is scope for improvement also in the efficiency of breath-testing enforcement, and it is still the case that around 20 per cent of drink drive convictions are repeat offenders. Legislation is needed to deal with these problems.

### *Roadside evidential breath testing*

15. Police time is at a premium and more efficient means of dealing with drink drivers could result in police catching more of them. By carrying out evidential breath testing at the roadside using the latest generation of compact portable breath testing equipment police will, where appropriate, secure the evidence of a driver's blood alcohol level at the scene rather than having to take the suspect to a police station. This has three major advantages:
  - first the evidence is not lost by a person's blood alcohol concentration (BAC) falling back below the legal limit in the time it takes to get the person to a designated police station;
  - second, police officers are not diverted from their roadside work to take a suspect to a station (the round trip can sometimes involve an hour off the road; and
  - third, in the event of the suspect being below the BAC limit he can be released immediately without the inconvenience of having to go to a station.
16. Obviously there will be circumstances where it is not appropriate to use such a procedure - if the driver: is extremely drunk or otherwise difficult, has a medical condition that means he could not use the breathalyser; and circumstances where it is not possible to do it: where the portable machine

is not available or defective. So the fallback of the present system must always remain. In practice roadside evidential breathalysers are not going to be available in every car. It will be a matter for individual forces to determine how much to avail themselves of the new powers and technology. We would envisage it to have greatest benefits relative to costs in rural areas.

#### *Retesting for repeat offenders*

17. Currently the minimum driving disqualification for committing two drink drive offences in a ten-year period is 3 years. In addition to this a driver so convicted has to satisfy the Driver and Vehicle Licensing Agency, by means of a medical examination, that he is not a persistent misuser of alcohol. We consider that this is still not a sufficient sanction or deterrent against the persistent repeat offender.
18. We propose to require a repeat offender to retake the driving test. As such he will come back on the road after a three year (or more) disqualification as a provisional licence holder able to drive only under supervision.
19. We are, however, also concerned that the restraint imposed by the medical examination is not always effective because, at the end of his disqualification, a driver who has submitted his application to get his licence back has, under current legislation, cover to drive while the necessary medical inquiries are taking place. We are considering how it might be possible to prevent this.

#### *Retention of drink drive offence data*

20. For the purposes of identifying repeat drink driver offenders it is necessary to retain such offences on the driver's record at the DVLA for a period of 11 years. However, equivalent provision was not made for this in respect of certain new drink drive offences created under the Police Reform Act 2002. These offences relate to a drink drive suspect in hospital who refuses to give permission for a blood sample to be analysed. The number of cases affected is small but we wish to bring the legislation into line.

#### *Drink Drive Rehabilitation Scheme*

21. The Drink Drive Rehabilitation Scheme which has operated nationally since 2000 has been successful in reducing reoffending. Research has shown that drivers who attend courses are between 2 and 3 times less likely to reoffend than those who do not. However the proportion of drink drivers who attend and complete such courses is around 30 per cent and we believe there is scope to increase this. Courses are offered to persons convicted of drink driving but they must meet the cost themselves and pay the whole fee before the course starts. Organisations that provide courses

have suggested that this could represent a barrier to acceptance and have indicated that more flexibility such as extending the payment period beyond the start of the course could improve take up rates.

22. Courts and course providers have also identified a procedural problem because of a distinction in existing legislation between a "sentencing court" and a "supervising court". In practice, this has entailed occasional confusion and an amount of paperwork between courts that is no longer considered necessary. We therefore propose to remove the distinction.

#### *Longer term - alcolocks*

23. The alcohol ignition interlock (alcolock) is a device that prevents a vehicle being driven by someone with alcohol in his or her blood. It has been used in North America within drink drive rehabilitation programmes and has had some effect in reducing repeat offending. The Department for Transport is currently undertaking research into the potential for using such devices in Great Britain. Before the courts could require a driver to follow a rehabilitation programme using an alcolock, they would need appropriate powers to impose a condition on a driving licence to limit him to driving a car fitted with an alcolock. We intend to seek these powers.

#### *Summary of proposed measures*

*Roadside evidential breath testing*

*Retesting for repeat offenders*

*Retention of drink drive offence data*

*Drive Drink Drive Rehabilitation Scheme*

*Longer term - alcolocks*

## SPEED

*Variable tier fixed penalties to reflect severity of offence, retraining to address poor knowledge or attitudes, support for successful camera strategy and clarification of speed exemptions*

### *Variable tier fixed penalties*

24. We believe there is a strong case for a more graduated structure of penalty points for speeding, taking better account of the severity of the crime and ensuring that the punishment reflects the degree of speeding.
25. For cases heard in the courts, Magistrates must impose between three and six penalty points, and may fine up to £1,000 (or £2,500 for a motorway offence). But the fixed penalty under which the great majority of offences are dealt, regardless of the degree of speeding, is at present £60 and three penalty points - the latter being determined by the minimum of the range of penalty points specified for the offence in Schedule 2 of the Road Traffic Act Offenders 1988.
26. Following the Home Office Review of Road Traffic Penalties, we made a commitment in July 2002 to create an aggravated offence to deal with people who exceeded speed limits by substantial amounts, with a new higher fixed penalty for such cases
27. At the same time many people feel that the present standard fixed penalty of three licence points is not necessarily appropriate to deal with the less severe cases of speeding. And it is important that we retain public confidence that the punishment fits the crime.
28. We therefore propose in future legislation to:
- amend the range of penalty points for speeding offences, from the present three to six, to two to six. This is necessary to enable the lower fixed penalty described below;
  - provide for powers under which the Secretary of State will be able to set the fixed penalty structure, including different level of points for different circumstances - e.g. on the basis of the level of speeding or other factors, through Statutory Order, which we propose should be subject to Affirmative Resolution procedure, and formal public consultation on proposals.
29. Whilst views are sought on the framing of primary legislation, details of the proposed graduated structure of penalties will then be subject to formal consultation and parliamentary scrutiny. But the Government would

welcome any more general comments which the Committee may wish to make.

#### *Driver retraining as a court disposal*

30. The more graduated range of penalties for speeding will be complemented by the development and use of speed awareness courses as an alternative 'police disposal', in lieu of prosecution. A number of police forces have been experimenting with such courses, the cost of which is met by the individual concerned. And the Association of Chief Police Officers is actively working on a national scheme, designed to ensure consistency in courses' content and rigour.
31. The Government welcomes this thinking, and shares the view that, appropriately used, speed awareness training can be an effective way to achieve the objective - people who learn to stop speeding, and drive or ride safely.
32. In addition, and as explained below under "Driver Re-training", we propose to make provision for magistrates to offer approved driver re-training courses to the more serious speed offenders which come to court, in return for a reduction in disqualification or penalty points - following the model of the current Drink Drive Rehabilitation Scheme. But these courses would be more demanding than the 'police disposal' courses described above for less serious speeding offenders.

#### *Penalty for failing to identify driver*

33. We recognise a problem with speeding drivers who evade punishment because the vehicle keeper is unwilling to identify them. This is currently an offence under Section 172 of the Road Traffic Offenders Act 1988 for which the penalty is a level 3 fine (Maximum £1,000) and an obligatory 3 point endorsement. We plan to raise the endorsement to 6 points which will correspond to the maximum available for a speeding offence.

#### *Speed enforcement detection and jamming devices*

34. In support of a successful camera strategy we also plan to outlaw devices that interfere with the operation of safety cameras. Devices are now commercially available that interfere with the operation of safety cameras and are clearly intended to allow the user to break the law. There are also other devices that enable drivers to detect the presence of functioning speed cameras or other enforcement equipment, enabling those drivers (who are otherwise exceeding speed limits) to slow down only where necessary to avoid detection. Such devices encourage speeding and increase the accident risk to other road users by alerting the speeding drivers.

35. These devices are banned in ten other member states of the European Union and shortly will be outlawed in the Netherlands.
36. Carriage and use of devices that rely solely on GPS technology and a digital map of fixed camera locations would not be illegal since the Government fully accepts that motorists should be aware of where the fixed camera sites are.
37. A ban on the use of the two unacceptable types of device can be achieved by secondary legislation, but primary legislation is required to prohibit their carriage in vehicles. A ban on use would not be sufficient, as it would be possible for a driver to evade prosecution by switching the device off before being stopped by the police. Without this action, there would be no legal restraint on vehicle suppliers fitting the devices as a standard accessory.

#### *Speed exemptions*

38. There is a need to clarify the law on certain speed exemptions. We therefore propose to allow the Secretary of State to grant exemptions on a case by case basis
39. At present, only vehicles used by the emergency services (fire brigade, police and ambulances) are permitted to exceed speed limits. It would be desirable to extend this exemption to a limited number of other vehicles when used in an emergency, particularly hospital vehicles which are not classed as ambulances, including those used for blood donor purposes or transporting organs for transplant. The proposal could also include Army bomb disposal vehicles not accompanied by a police escort and Customs officers carrying out police functions.
40. The current proposal relates to speed limits, but it would seem logical for similar exemptions to apply in respect of traffic lights and pedestrian crossings. The Department is giving further consideration to this issue, but would welcome views.
41. The complexities of the issue would make it difficult to amend the primary legislation to encompass all the requirements. We are therefore seeking an enabling power under which the Secretary of State would make an Order containing provisions about the types of vehicle which must be used and the conditions under which they must be used (e.g. driver training, livery and lighting).

*Summary of proposed measures*

*Variable tier fixed penalties*

*Driver re-training courses as a court disposal*

*Penalty for not identifying driver*

*Speed enforcement detection and jamming devices*

*Speed exemptions*

## OTHER BAD DRIVING

*Reviewing most serious driving offences and increasing or rationalising penalties for several specific offences*

### *Dangerous and careless driving*

42. Under powers taken in the Criminal Justice Act 2003 the maximum penalty for the offence of causing death by dangerous driving was increased from 10 to 14 years in February 2004. A change in the penalty for dangerous driving - from 2 to 5 years is still proposed but is related to a number of other proposals that will be the subject of further consultation by the Home Office during the summer following a recent Review of Road Traffic Offences. Depending on the outcome of this consultation there may be a need for further legislative measures.
43. Notwithstanding the consultation referred to above, we propose to increase the maximum penalty for the careless driving offence from level 4 (£2,500) to level 5 (£5,000) (Proposal 17 in Report on the Review of Road traffic Penalties, Home Office July 2002).

### *Mobile phones*

44. The offences of driving without having proper control and that of using a hand held mobile phone whilst driving will be made endorseable (Report on the Review of Road traffic Penalties, as above). These offences, which create real road safety risks, are contained within Construction and Use Regulations made under Section 42 of the Road Traffic Act 1988. To ensure that drivers are warned of the seriousness of such irresponsible behaviour, the effect of this will be for the fixed penalty to rise from £30 to £60 with 3 penalty points and for disqualification to be an option in the event of a case going to court.

### *Using a vehicle in a dangerous condition*

45. It is also proposed to introduce a mandatory disqualification for a second or subsequent offence of using a vehicle in a dangerous condition. (Proposal 20, as above). The Government views this as a serious offence and considers repeat offending particularly blameworthy. It recognises that responsibility also lies with the vehicle owner or consignor but the driver should also be accountable for taking an unsafe vehicle onto the road.

### *Non-use of rear seat belts by children*

46. We propose to remove a discrepancy between penalties for different offences with respect to the use of seat belts by children. Under Schedule 2 to the RTOA the offences of an adult not wearing a seat belt, or a child in a front seat not wearing a seat belt are punishable by a level 2 fine (Maximum £500) whereas the offence of a child not wearing a seat belt in a rear seat is punishable by a level 1 fine (maximum £200). We see no good reason for a different penalty as between adults and children in rear seats, nor with respect to children, between front and rear seats. The exceptionable child in a rear seat case will be raised to Level 2.

### *Summary of proposed measures*

*Dangerous driving and careless driving*

*Mobile phones*

*Using vehicle in dangerous condition*

*Non-use of rear seat belts by children*

## DRIVER RE-TRAINING

*Extending system to retrain and address poor knowledge and inappropriate attitudes amongst drivers that speed, drive carelessly or commit other offences*

### *Retraining courses for speeding, careless driving and other offences*

47. Powers will be taken to allow re-training courses for a wider range of offences and allow the courts to offer offenders a reduction in disqualification or in penalty points, on condition of the successful completion of the prescribed course or programme. It is envisaged that this would apply initially to cases of careless driving and speeding that come to court. As explained above in the section on Speed, the courses would be distinguished from the speed awareness courses offered by the police by being significantly more demanding to reflect the severity of the offence.

### *Summary of proposed measures*

#### *Courses for speeding, careless driving and other offences*

## IMPROVING DRIVING STANDARDS

*Improving driving standards by ensuring quality, extending supervision to other types of vehicle and empowering the consumer.*

48. We want to head off problems before they happen by improving the educational environment in which people learn to drive different types of motor vehicle. The public will benefit both as direct consumers of driver training services and as general road users — from improved road safety.
49. These new provisions will provide higher standards of professional instructor, better assessment processes for the instructors and the knowledge that will enable the public to make informed choices.

### *Improving standards of driving instructors and extending supervision*

50. The first part of this package contains provisions to improve the standards of professional driving instructors. It amends the current one-size fits all scheme for car driving instructors with an ability to introduce schemes targeted to meet the individual needs of particular sectors.
51. The *Road Safety Strategy* recognises that better driving skills and better driving behaviour would make an enormous difference to reducing the number of road casualties. Key to that is making learning to drive more relevant to today's road conditions and those of the future. Part of which is making sure that drivers and riders of all types of motor vehicles, and those who train them, are trained and tested using vehicles which are truly representative of modern vehicles, with all the necessary safety equipment.
52. The second part of this package will be a range of specific measures to ensure that vehicles used for compulsory training courses and for testing purposes meet more detailed minimum standards. By 2010, large goods vehicles and trailers used for practical driving tests will have to satisfy minimum European requirements for their real total mass (actual weight). This may involve a load being carried on the vehicle or trailer and, for safety reasons, there will have to be a certification procedure for the load.
53. The key elements are:
- modernising the existing statutory scheme for car driving instructors
  - allowing parallel statutory schemes to be introduced to quality assure professional instructors training other types of motor vehicle (e.g. lorry, bus and motorcycle)
  - a new raft of standards for driving schools, and the regulation of franchisees as well as employees.

- modernised provision of the qualifying exam for driving instructors so assessment is focused on the needs of the particular groups of instructors and is updated in the light of evidence.

#### *Information about instructor performance*

54. We also want to make sure the public has access to information about the performance of individual instructors. Powers will be taken for these purposes and to extend these arrangements to instructors for all types of motor vehicle (cars, motorcycles, lorries and buses) enabling customers to identify local trainers offering the services they require and provide information about their qualifications and performance, plus helping high quality instructors to sell their services.

#### *Modernising systems*

55. There will be more flexible powers to extend the user-pays principle to all forms of test and assessment, to reflect the more modern methods of booking and taking driving tests and current business procedures. For example, powers are sought to charge instructors a club subscription for travel agent type facilities that would allow them to book, re-arrange or cancel tests on behalf of their pupils, enabling them to put candidates forward for their test when they are properly prepared.

56. In addition, a power is sought to charge test applicants an administration fee when they re-arrange a test appointment. Around 65% of telephone calls to the practical test booking line are from customers seeking to re-arrange their test — often a candidate will rearrange their test date several times. This is an inefficient use of resources and the associated higher costs are shared by all candidates, including those who do not make changes to their test date. Charging a fee for re-arranging a test appointment would be fair to all and in line with best business practice.

#### *Summary of proposed measures*

*Improving standards of driving instructors and extending supervision*

*Information about instructor performance*

*Modernising systems*

## FATIGUE RELATED ACCIDENTS

*Reducing the risk of fatigue related accidents by piloting motorway rest areas, introducing digital tachographs and appropriately enforcing drivers' hours.*

57. Research has suggested that as many as one in five accidents on high speed roads may be sleep related. This difficult problem affects private motorists and professional drivers. The Government has attempted to tackle it in a number of ways notably by means of a publicity strategy to draw attention to the risks.

### *Motorway rest areas*

58. We are now considering the possibility of introducing rest areas (similar to the French "aires") which are directly accessed from the motorway network. These could represent a genuine alternative to conventional motorway service areas and thereby encourage motorists to "take a break" from driving.

59. The initial intention is to conduct a pilot exercise on a high volume holiday route at a site comprising about 4 acres with parking, toilets, and picnic tables. Legislation will be needed to amend s.112 Highways act 1980 to allow Secretary of State powers to include provision of such facilities on special roads". Section 112 of the Highways Act (1980), specifically clauses (1) & (5) prohibit the provision of a picnic site (1) and toilets (5) on land adjoining or in the vicinity of a special road.

### *Digital tachographs and enforcement of drivers' hours rules*

60. The Government wishes to strengthen and clarify enforcers' existing powers to inspect records relating to compliance with the EU drivers' hours rules.

61. The EU drivers' hours rules apply to most drivers of large commercial vehicles. They help to prevent sleep-related accidents. This is particularly important because accidents involving large vehicles tend to be the most serious.

62. In addition, there is a need for new legislation in connection with **EC Regulation 2135/98** which requires the fitting of digital tachographs - a device used to record drivers' hours. The EC Regulation has direct effect but it contains deficiencies that, if not corrected, would seriously threaten the enforcement of the drivers' hours rules. Attempts to correct the deficiencies at EU level have, thus far, failed.

63. The main deficiencies of the EC Regulation relate to the lack of a requirement to enter data about non-driving work and the lack of a requirement for operators to store data from the digital tachograph at their company premises. It may also be considered necessary or desirable to legislate on certain other matters relating to the introduction of digital tachographs at the same time.
64. If we do not ensure that the EU drivers' hours can be properly enforced, serious accidents may result. For example: if a coach driver falls asleep at the wheel, multiple fatalities may result.

*Summary of proposed measures*

*Motorway rest areas*

*Digital tachographs and enforcement of drivers' hours rules*

## SUPPORT FOR ENFORCEMENT - DRIVER AND VEHICLE LICENSING

*Support for enforcement against vehicle theft, uninsured driving and fraud concerning number plates, mileage recording and driving licences; measures to improve the security and administration of the driving licence.*

### *Mandatory Mileage Recording (MMR)*

65. Fraudulent activity involving the turning back of a vehicle's odometer to reduce its mileage, costs the industry £100 million net per annum. This is not the only problem. Vehicles that display an incorrect figure prejudice road safety and environmental initiatives, by emitting high fuel emissions and by providing a false indication of the condition of the vehicle. Faults and vehicle wear may not be identified in time to prevent accidents thereby threatening the safety of: the vehicle, its occupants and other road users.
66. To counter these problems, we propose to introduce the mandatory collection of vehicle mileage. This will complement and enhance systems already in place where information is already collected voluntarily and can be checked by purchasers prior to sale.
67. Powers to introduce MMR will also cover the sale of the collected information to independent data verification companies. The information gathered will help ensure that those buying a vehicle pay a realistic and appropriate price and are fully aware of the vehicle's history and roadworthiness in relation to its true mileage.

### *Registration of number plate suppliers*

68. We intend to strengthen the enforcement effort to tackle more effectively the illegal practice of using false number plates. Under the Vehicle Crime Act 2001 provision was made for the registration of all persons carrying on the business of supplying vehicle number plates in England and Wales. The register has succeeded in bringing a measure of control over the supply of number plates, but it has now become necessary to go further to deal with those who persist in breaking the law.
69. The fact that this registration arrangement does not extend to Scotland leaves a loophole in the administration system that has the potential to undermine enforcement of road traffic law.
70. The Scottish Executive has requested that this provision should be included in Westminster legislation. Under the terms of the Sewel Convention the Scottish Parliament will need to agree that the devolved

provision should be considered by the United Kingdom Parliament. This will be sought when the measure is laid at Westminster.

71. It has further been decided to extend the scheme to Northern Ireland, thus preventing fraudsters circumventing the provisions by being able to obtain, and indeed supply, registration plates in Northern Ireland without being subject to regulation. The subject matter is deemed to be reserved and therefore within the legislative competence of the Northern Ireland Assembly when not suspended. As the Assembly is suspended, the legislative function reverts to the UK Parliament.

72. In addition the opportunity will be taken to amend the 2001 Act as it applies in England and Wales to take account of the changes in responsibilities of local authorities. Specifically it should extend enforcement powers to the Secretary of State and to county councils in England and Wales. At present only the police and unitary or district councils can enforce the registration of number plate suppliers.

#### *Uninsured drivers' data*

73. Driving without insurance has been found to be a widespread problem and it is one for which there is a great deal of public concern. In support of the detection and enforcement process the police need access to information about drivers who might be at risk of breaking the law, for example because their insurance policy has expired. A motor insurance database is available from which the necessary information would be derived but in order to download it efficiently to the Police National Computer a legal power is needed to create a derived database that would otherwise be contrary to the Data Protection Act.

74. Professor David Greenaway has recently delivered his report on uninsured driving and we are currently considering the report and recommendations. The report has some recommendations which will require legislation, and if we agree them it is likely that we will want to include them in the next available legislative opportunity. We will of course keep the committee fully informed and I hope to be able to let you have details by the end of the month.

#### *Fixed penalties for drivers who have no current GB licence*

75. In the case of a driver who has committed an endorseable offence, such as speeding or having illegal tyres, it is always necessary under present law for a police officer to check the driver's licence before he can issue a Fixed Penalty Notice. The purpose of this is to ensure that the imposition of penalty points would not take the driver up to 12 points where he would be required to attend court. In the case of a foreign licence holder or a person driving without a licence this is not possible, however, we are investigating whether it is possible to improve on the present situation by

alternative arrangements that could allow for the use of a fixed penalty or similar sanction. Clearly, in the event of the person driving illegally unlicensed, the police might nevertheless be taking firmer action.

### *International exchange of driver and vehicle data*

76. Provision to exchange driver and vehicle data between countries helps to combat a range of vehicle crime and fraudulent use of driving licences. It can also be of assistance to British licence holders abroad.

77. Exchange of DVLA vehicle and driver information with foreign countries' registration authorities may take place in the context of a treaty negotiated under the 3<sup>rd</sup> pillar of the EU on the European Vehicle and Driving Licence Information System (EUCARIS). EUCARIS is designed to facilitate the exchange of driver and vehicle registration information between participating countries in order to prevent the sale of stolen vehicles and to identify stolen and fraudulent driving licences within the treaty area. An electronic system has been established to facilitate this data exchange. However, we would also wish for law to allow this exchange with other international registrars not necessarily EUCARIS signatories.

78. In order to become part of UK law Third Pillar treaties must in any case be enacted by Parliament. We wish to take the opportunity to do that and to extend the provisions to include non-EU states.

79. Treaty involves two actions: the acceptance of information from foreign registrars by DVLA and the reciprocal sending of information.

80. Benefits from the legislation include:

- comparison of driver information will ensure that motorists are entitled to drive in other countries, maintaining road safety standards
- will prevent use and exchange of false licences
- will aid recovery of cars stolen from UK and exported to other participating countries
- reduction in likelihood of purchasing stolen imported vehicles from participating countries
- discourage criminal importers from importing cars into treaty countries by regularly checking vehicle and driver databases of other EU countries

### *Recall of paper licences*

81. Photocard driving licences in the harmonised European format were phased in between July 1998 and March 2000. In comparison with the older model licence, photocards have significant security benefits for the individual and for the licensing system and hence the motoring public at large. Around half of the 38 million driving licences in circulation are

photocards. It is foreseen that an accelerated conversion to photocard licences would be desirable and it is therefore proposed to take a power to recall older format licences. This policy would complement current European thinking and fit in well with the Government's policy of combating identity fraud.

#### *Seizure of fraudulent licences*

82. There has been a problem with impersonation of licence holders at driving tests - both theory and practical. The Driving Standards Agency has asked that, in response to this, their examiners should have powers to confiscate any driving licence found to be false after security check at practical and theory tests, thus reducing driving licence and identity fraud.

#### *Charges for licence related services*

83. Two changes are proposed that will allow fees to be charged for driver licence related services. First a power will be required for DVLA to charge for the renewal of photocard licences. The fee would cover the handling costs resulting from an increase in driving licence applications and output following the profile of licences issued ten years previously. This would be in addition to issue of licences for other reasons, currently running at between 6m and 7m licences per year. Secondly, a power is required to rectify an anomaly whereby a holder of a Community licence for certain classes of vehicle, resident in Britain, can regain his licence after a period of disqualification without charge, whereas the holder of a British licence has to pay a fee.

#### *Summary of proposed measures*

*Mandatory mileage recording*

*Registration of number plate suppliers*

*Uninsured drivers' data*

*Fixed penalties for drivers with no current GB licence*

*International exchange of driver and vehicle data*

*Recall of paper licences*

*Seizure of fraudulent licences*

*Charges for licence related services*

## LOW RISK - SERIOUS CONSEQUENCES

*Strengthening powers of radioactive materials transport inspectors and improved regulation of conversions of vehicles to alternative fuels*

### *Transport of Radioactive materials*

84. The transportation of radioactive materials if carried out improperly carries with it the risk of serious consequences. This risk is exacerbated by the fact that the Department is hindered in its efforts to enforce the regulations. Powers under the Radioactive Material (Road Transport) Act 1991 and appropriate Regulations are insufficient for RMTD Inspectors to require answers to be given to important questions or inquiries. Effectively this means that we cannot require people to give us a formal statement acceptable in a court of law. This prevents the proper enforcement of these safety related regulations and it is proposed to take such a power to promote better enforcement.

### *Certification of alternative fuel conversions*

85. The number of vehicles using Liquefied Petroleum Gas (LPG) and other gasses and fuels (bioethanol etc) has increased significantly in the last few years. This is due, at least in part, to Government incentives through the Powershift programme. Most of these vehicles are aftermarket conversions. There are currently no effective controls to ensure that these vehicles are properly converted and subsequently maintained. As a result with increasing numbers of conversions there is a proportionally greater risk of a serious accident. Additionally improperly converted vehicles do not deliver the anticipated benefits in reduced emissions and in some instances may be worse than pre conversion.

86. Primary powers are needed to set up an effective monitoring regime. The scheme would have two ways of dealing with the problems of poor conversions. Converters or installers of alternative fuel equipment could opt for a system of self-certification whereby vehicles they converted would be issued with a certificate of satisfactory conversion. The Vehicle Certification Authority would most likely monitor this.

87. Recognising that many converters and installers operate on low volumes and it is believed that a significant minority of these are DIY conversions, an individual inspection regime could be set up. This would appoint competent persons and companies to carry out inspections and issue a certificate of satisfactory conversion. The Vehicle and Operator Services Agency would most likely control this scheme.

*Summary of proposed measures*

*Transport of radioactive materials*

*Certification of alternative fuel conversions*

## FURTHER MEASURES TO PROMOTE ROAD SAFETY

*Clarifying the legal definition of a private hire vehicle in London to include all private hire services except weddings and funerals*

### *Definition of a private hire vehicle in London*

88. Licensed private hire vehicle (PHV) drivers in London are subject to a criminal record check and a medical examination in addition to having the roadworthiness of their vehicle tested, prior to receiving a licence. Unlicensed minicabs on the other hand are not subject to any such controls and drivers may present a greater danger to the travelling public, particularly vulnerable people. Accordingly, an opportunity is sought to alter statutory powers to improve the level of safety associated with the PHV (minicab) trade in London. The proposal would bring all PHV operators, drivers and vehicles in London within the licensing system established under the Private Hire Vehicles (London) Act 1998.
89. Currently, a number of drivers are avoiding the licensing system because they provide a service to certain specified groups of people (e.g. those using schools or hospitals) whereas the Act requires licensing if a service is provided to the public. The definition of PHV would be amended such that all PHV services in London - whether provided to specific groups or to the public at large - would require licensing. The only exemptions from licensing would be for services used in connection with weddings and funerals.

### *Summary of proposed measures*

*Clarification of definition that may allow private hire vehicles in London to operate outside the existing regulatory regime*

## **CONCLUSION**

90. Whilst this Memorandum attempts to provide a comprehensive outline of the issues that are currently seen as requiring attention through primary legislation, it does not represent any form of commitment to precise details and timescales. It is possible that before a suitable legislative opportunity arises, other issues will emerge and some measures will be removed. The Department for Transport does, however, undertake to inform the Committee of any such developments.

**DEPARTMENT FOR TRANSPORT**

Date 14 June 2004

## ANNEX

### *SUMMARY OF PROPOSED MEASURES*

1. Powers to provide road safety grant to local authorities
2. Roadside evidential breath testing
3. Retesting for repeat offenders
4. Retention of drink drive offence data
5. Drive Drink Drive Rehabilitation Scheme
6. Longer term - alcolocks
  
7. Variable tier fixed penalties
8. Driver re-training courses as a court disposal
9. Penalty for not identifying driver
10. Speed enforcement detection and jamming devices
11. Speed exemptions
  
12. Dangerous driving and careless driving
13. Mobile phones
14. Using vehicle in dangerous condition
15. Non-use of rear seat belts by children
  
16. Courses for speeding, careless driving and other offences
  
17. Improving standards of driving instructors and extending supervision
18. Information about instructor performance
19. Modernising systems
  
20. Motorway rest areas
21. Digital tachographs and enforcement of drivers' hours rules
  
22. Mandatory mileage recording
23. Registration of number plate suppliers
24. Uninsured drivers' data
25. Fixed penalties for drivers with no current GB licence
26. International exchange of driver and vehicle data
27. Recall of paper licences
28. Seizure of fraudulent licences
29. Charges for licence related services
  
30. Transport of radioactive materials
31. Certification of alternative fuel conversions
  
32. Clarification of definition that may allow private hire vehicles in London to operate outside the existing regulatory regime