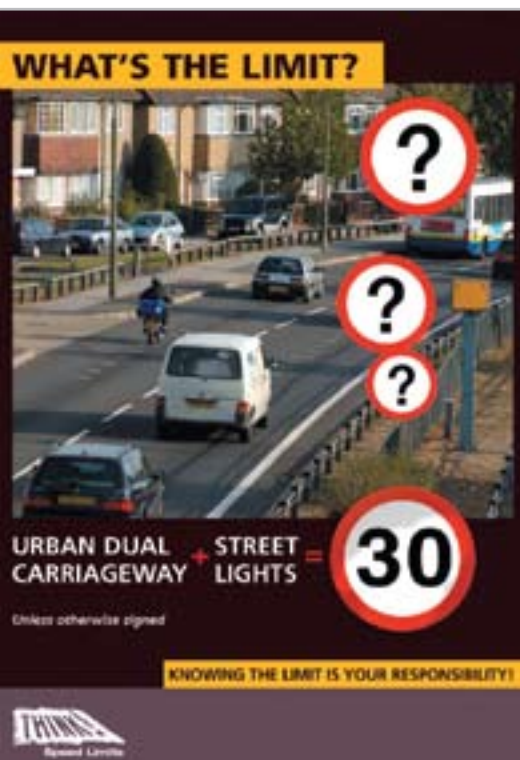


# Road Safety Compliance Consultation


**WHAT'S THE LIMIT?**



URBAN DUAL CARRIAGEWAY + STREET LIGHTS = **30**

Unless otherwise signed

**KNOWING THE LIMIT IS YOUR RESPONSIBILITY!**



Speed Limits

**DON'T  
DIE  
FROM  
A  
BROKEN  
HEART**



CRASH AT 30MPH WITHOUT A SEAT BELT AND THE IMPACT CAN TEAR THE MAIN ARTERY FROM YOUR HEART. WHAT'S STOPPING YOU? ALWAYS WEAR A SEAT BELT.



WHAT WILL YOUR  
LAST ORDER BE?

If you've enjoyed a drink tonight,  
then order a cab home.



Don't Drink and Drive

# Road Safety Compliance Consultation

November 2008

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Department for Transport  
Great Minster House  
76 Marsham Street  
London SW1P 4DR  
Telephone 020 7944 8300  
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# Foreword



In 2007 the number of people killed on Great Britain's roads fell below 3,000 for the time in more than 80 years. It was a landmark achievement for all those professionals working in road safety – police, highway authorities, emergency services, charities and many others – and confirmed that we are well on course to meet our target of cutting road deaths by 40 per cent over the ten years to 2010.

But 2,946 deaths last year is still too high; indeed, any death is one too many, in my view. To sustain the downward trend in casualties, we are determined to do even more to tackle the most dangerous drivers, the reckless minority who flout the laws of the road by driving under the influence of alcohol or drugs, or by speeding excessively.

By causing death and serious injury, their behaviour can have a catastrophic impact on innocent victims and their families. We are committed to tackling this without impinging on the majority of Britain's motorists, who drive responsibly and with care.

So this consultation sets out proposals to toughen the penalties for irresponsible driving, and to help the police crack down on the perpetrators. We want to send a very clear message to the irresponsible minority that, if they continue to ignore the rules of the road, they will be caught, and they will be punished in a way that fits the crime.

Some of the issues are complex. We want to be sure that new initiatives are soundly based on solid evidence, and that we can take account of all the implications. This is an important consultation and we hope this document will encourage as many people and organisations as possible to respond with their suggestions and comments.

A handwritten signature in black ink, appearing to be 'Jim Fitzpatrick', written in a cursive style.

Jim Fitzpatrick MP  
Parliamentary Under Secretary of State for Transport

November 2008

# About the consultation on compliance

This high-level consultation invites comments on a range of proposals relating to compliance with road traffic law.

The proposals are summarised at Annex A. The consultation questions are listed at Annex B.

Proposals in this paper (particularly those requiring primary or secondary legislation) will be subject to further consultation as details are worked out.

## How to respond

Please send your comments on the proposals to:

Consultation on Compliance  
Road User Safety Division 3  
Department for Transport  
2/13 Great Minster House  
76 Marsham Street  
London SW1P 4DR

Tel: 020 7944 2633

Email: [rscomplianceconsultation@dft.gsi.gov.uk](mailto:rscomplianceconsultation@dft.gsi.gov.uk)

The final date for responses is 27 February 2009.

All the comments received will be considered carefully. A report on the consultation will be published on the Department's website and a copy sent to all those who responded. As the Department may also be asked for copies of the individual replies it receives to this letter, please make clear in your response if you do not wish us to make copies of your response available on request.

The Freedom of Information Act 2000 requires public authorities to disclose information they hold if it is requested. This includes information contained in responses to consultations. The Department will generally publish subsequently the information it discloses under FOI on its website. If you ask for your response

to be kept confidential, this will only be possible if it is consistent with the Department's obligations under the Freedom of Information Act.

This consultation document is being sent to all those listed in Annex C. Please let us know if you think anyone else should receive copies. These documents may be freely reproduced if you wish to pass them on to others, such as local community groups. Further copies are available on request. Copies are also available to download from the Consultations section of the Department's website at [www.dft.gov.uk](http://www.dft.gov.uk).

If you are responding on behalf of an organisation, please make it clear who the organisation represents, and, if applicable, how members' views were assembled.

If you are not directly concerned with the effects of these proposed amendments within your council, interest group, or organisation, I would be grateful if you would forward it to the correct person.

The consultation is being conducted in line with the Code of Practice on Consultation, set out in Annex E or at:

[www.cabinetoffice.gov.uk/regulation/Consultation/Introduction.htm](http://www.cabinetoffice.gov.uk/regulation/Consultation/Introduction.htm)

Yours faithfully,

**Josh Fox**

# Executive summary

1. This consultation document seeks views on proposals for measures aimed at improving compliance levels with key road safety laws. Transgressions of these laws are the cause of many hundreds of deaths, and many thousands of serious injuries, each year. We will take a longer-term look at our approach to road safety when we publish a consultation paper on our post-2010 road safety strategy next year.
2. There were 2946 road users killed in 2007, and a nearly 28,000 more seriously injured. That is 36 per cent fewer serious injuries and 18 per cent fewer deaths than the 1994–98 baseline.<sup>1</sup> The Government's target is to achieve a 40 per cent reduction in the total number killed and seriously injured by 2010. We are currently on track to deliver that target, but the level of road death and injury remains unacceptably high.
3. Compliance with road traffic law is key to achieving further reductions. This consultation sets out a package of measures aimed at **helping the responsible majority of road users** and **cracking down on the reckless few**. The package covers five issues:
  - speeding;
  - drink driving;
  - seat belt wearing;
  - drug driving;
  - careless driving.
4. On each issue we have examined five different approaches towards securing greater compliance:
  - greater awareness;
  - effective enforcement;
  - penalties;
  - technology/incentivisation;
  - the legal framework.

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<sup>1</sup> Department for Transport (2008) *Road Casualties Great Britain: 2007 Annual Report*. TSO: London.



5. In addition, we are putting forward proposals to improve our suite of remedial training and testing schemes for driving offenders. Annex A summarises our proposals in each area and provides an indicative timetable for their delivery.
6. There are considerable differences in the nature of each problem, and we are targeting our proposals accordingly. For example, on drink driving, four decades of sustained effort have fundamentally changed what is socially acceptable. But the small minority who still refuse to comply with the social norm are responsible for 460 deaths a year. By contrast, on speeding, we are still in the early stages of changing public attitudes and behaviour; we have made considerable progress over the last decade, but we still have a long way to go.

## Speeding

7. Despite concerted enforcement, engineering and publicity efforts, around 50 per cent of vehicles still exceed the 30 mph speed limit, and there were 727 deaths where speed was recorded as a contributory factor in 2007. We continue to utilise an approach based on thoroughly-researched publicity combined with well-targeted enforcement. We are working to improve the effectiveness of both of these measures, while supporting emerging technology.
8. On enforcement and penalties, we will combine our continued support for safety cameras, including average speed cameras – backed by robust evaluation – with a better-targeted system of penalties. Extreme speeders are more likely to be involved in an accident and the consequences will be more severe when they are. And the evidence shows that the same drivers speed excessively across all speed limits. **We therefore propose to introduce a graduated fixed penalty of 6 penalty points for drivers who exceed the speed limit by a very large margin – 20 mph in most speed limits.**
9. We are helping compliant drivers to understand the effects of speed, and to make compliance easier through technology. We will refresh our THINK! speed campaign in 2009 with a continuing focus on 30 mph roads, where small changes in speed can make the difference between life and death for pedestrians and other vulnerable road users. We have published research showing the results of Intelligent Speed Adaptation (ISA) trials, which we think shows promise as a means for drivers to more easily comply with the law voluntarily. We will work with partners within and outside government to build on this research.

## Drink driving

10. On drink driving, we have seen dramatic decreases in casualties over the last forty years. And there was a very welcome reduction in drink drive fatalities in 2007, which we must maintain and reduce further. Our approach is to tighten up the enforcement regime, while working towards a better understanding of the issue through research and new data.
11. We believe that effective enforcement is the key to tackling drink driving. We will work to improve the efficiency and effectiveness of the enforcement process, by developing targeted checkpoint enforcement and through the introduction of evidential breath-testing equipment. At the same time, **we propose to make it easier for the police to enforce drink driving by seeking a legislative opportunity to remove the option for a blood or urine test, now rendered unnecessary by the proven reliability of the breath test, and look at ways to improve our High Risk Offenders scheme to ensure that these offenders complete medical examinations before they are allowed to start driving again.**
12. There have been calls for some years for a lower limit of 50 mg/100 ml, or less. We have said that we will keep the limit under review. A change in the prescribed limit would be a significant change of strategy. We want to have solid evidence on how many deaths and injuries could be avoided by a new limit, and we want to understand the wider social implications of a lower limit. **We are therefore asking respondents to say:**
  - **what priority they think should be given to a change in the prescribed alcohol limit for driving;**
  - **what evidence they are able to offer – and what further evidence do they consider should be obtained – to support a fully-considered decision whether or not to change the limit.**
13. We are working to improve our evidence base. The current introduction of digital breath-testers will provide detailed, accurate and timely data on the characteristics of drink drivers. We will combine this with a new roadside survey of drinking and driving in 2009. This research will support future policy and publicity on drink driving.

## Seat belts

14. We have achieved a very high overall level of seat belt wearing – as high as 95 per cent in the front seats of cars, but there are a lot of irregular wearers in cars and other vehicles, and rear seat belts are much less used than those in the front. We have used that research to develop a new, hard-hitting THINK! campaign which aired for the first time on 3 November. In addition, the Home Office is currently consulting on an increase in the penalty for failing to wear a seat belt from £30 to £60 in 2009.

## Drug driving

15. We have limited information on the scale of the drug driving problem. However, evidence suggests that it is serious and increasing. We will work to ensure that data are collected that will enable the true scale of the problem to be judged, while addressing the obstacles to enforcement and tackling the perception in some sections of the public that drug driving is acceptable.
16. The current law requires proof that a driver is impaired by drugs. The procedure is complex and, as a result, cases are few. In addition to working with the police to find ways of enforcing the existing law, we will explore whether a new offence needs to be created to enable the police to deal more effectively with drug drivers. There are both policy and practical issues involved, however, and we welcome views on this. We will back this improved enforcement with a substantial publicity and education campaign in 2009/10 to challenge the misconceptions about drug driving.
17. Going forward, we will work towards a better evidence base by refining data collection on drug driving and ensuring that a comprehensive investigation of drugs (and alcohol) is undertaken routinely following fatal accidents.

## Careless driving

18. Careless driving is a catch-all offence that covers general bad driving. Data collected by the police on the contributory factors to accidents suggest a substantial number of casualties result from this behaviour – at the extreme end, 408 deaths had ‘careless, reckless or in a hurry’ recorded as a contributory factor in 2007.
19. Levels of enforcement do not appear to match the scale of the problem. In 2006 there were fewer than 30,000 successful prosecutions for careless or dangerous driving, less than a third of the number for drink driving, and the number of prosecutions has dropped by nearly 75 per cent in the last two decades. With 79 per cent of careless driving prosecutions happening only after a collision, we need to tackle careless driving before it causes an accident.
20. **We are proposing to make careless driving a fixed penalty offence**, which will enable the police to enforce with a minimum of bureaucracy against careless drivers who admit their fault. This would reduce the costs of enforcement, as well as being simpler for drivers, and could free up police resources, allowing more police time to be spent on the road. The fixed penalty would be £60 and 3 penalty points.

## Driver retraining and re-assessment

21. There are a wide range of *remedial training* schemes for offenders, including speed awareness courses, the National Driver Improvement Scheme (for careless driving), and drink drive rehabilitation courses. Attendance is incentivised by reducing or (in some cases) avoiding the penalty for the offence committed. In addition, some offenders can be required to take a *retest* to recover their licence, either because of the severity of the offence or, if they are a new driver, because they have accumulated 6 penalty points in the first two years of driving.
22. **We are proposing a major review of remedial training and testing schemes.** We will work towards a common set of standards across these various training and testing regimes. Our aim is a consistent quality of content and professional instruction, quality-assured by the Driving Standards Agency. This will include ensuring the training and retesting are targeted on the offence committed and that, wherever there is training, there is assessment, and vice versa.

# 1 Introduction

## Context

- 1.1** The Government published its ten-year road safety strategy *Tomorrow's Roads: Safer for Everyone* in 2000, and has since reviewed it twice – most recently in 2007. We are now approaching the end of the period covered by the strategy. Next year, we plan to consult on a new strategy, which will take a wide-ranging look at road safety, considering the overall direction post-2010.
- 1.2** This document sets out a separate set of proposals for introduction over a shorter timeframe, aimed at improving compliance with and enforcement of the current suite of road safety laws. It takes a holistic look at our current strategy for achieving compliance with key elements of road traffic law, systematically examines each of the components of our approach to achieving compliance, and suggests ways in which we think this can be improved.
- 1.3** There were 2,946 road users killed in 2007, and a further 28,000 seriously injured. That is 36 per cent fewer serious injuries and 18 per cent fewer deaths than the 1994–98 baseline.<sup>1</sup> The Government's target is to achieve a 40 per cent reduction in the total number killed and seriously injured by 2010. We are currently on track to deliver that target, but the level of road death and injury remains unacceptably high.
- 1.4** Driver behaviour is a factor in 95 per cent of all road traffic collisions.<sup>2</sup> To the extent that road traffic laws proscribe behaviour that is unsafe, compliance with those laws is key to preventing road collisions and in reducing road casualties.
- 1.5** Our road safety strategy is much wider than the subject of this particular consultation – covering areas such as vehicle standards, road engineering and public education through the THINK! campaign. In addition to the measures set out in this consultation, we are already planning to encourage motorists to comply with the law through improving the way in which they learn to drive and reforming the driving test. The proposals in this document

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<sup>1</sup> Department for Transport (2008) *Road Casualties Great Britain: 2007 Annual Report*. TSO: London.

<sup>2</sup> Sabey, B. (1980) *Road Safety and Value For Money*. TRL 581. TRL Ltd

complement those that are being taken forward by the Driving Standards Agency consultation *Learning to Drive*, which has recently closed.

## Content of the consultation

- 1.6** The second three-year review of our road safety strategy *Tomorrow's Roads – Safer for Everyone* took a wide-ranging look at the factors that lead to serious road collisions. The issue can be looked at from a number of different perspectives, including by considering different types of road user, types of road, reasons for driving and by examining different road traffic offences. The parts of the review that covered offences focused on three as causing the most casualties: speed, drink driving and failure to wear a seat belt.
- 1.7** The evidence still supports focusing on these three offences.
- **Speed.** Whether exceeding the speed limit or driving too fast for conditions, speeding increases the risk of having a collision and the severity of any collision that does occur. There were 727 deaths in collisions where speeding was recorded as a contributory factor in 2007.
  - **Drink driving.** Driving while impaired by alcohol accounted for 460 deaths in 2007.
  - **Seat belt non-wearing.** Seat belt wearing rates are as high as 95 per cent in the front seats of cars, but there are a lot of irregular wearers in cars and other vehicles, and we estimate that nearly 400 lives each year could have been saved by wearing a seat belt.
- 1.8** This consultation will examine each of these offences in turn (Chapters 2–4), considering how improvements could be made to compliance.
- 1.9** In addition, the consultation looks at two other specific offences: drug driving and careless driving (Chapters 5–6):
- **Drug driving** is an offence that is clearly dangerous and seen as unacceptable by the public. Although our current regime is targeted at the right problem – impairment – the current framework is yielding a very low conviction rate.
  - **Careless driving** covers the range of bad driving behaviour. Since it is a qualitative question as to whether someone's driving was careless, it is hard to gauge the scale of the problem. However, statistical evidence suggests that our enforcement activity is very low compared to the impact of this offence.
- 1.10** Finally, we look at one cross-cutting issue in Chapter 7:
- **Driver retraining and re-assessment** is deployed as a way of rehabilitating offenders across a range of offences. However, the present

approach is inconsistent, and standards vary. We propose to address these issues so that we can extend the range of offenders dealt with in this way.

## Compliance – our approach

- 1.11** Road traffic law serves two purposes. It provides a framework within which everybody – including vulnerable groups – can make safe use of shared space. It also permits legitimate enforcement and sanctions to be directed at the minority who choose to behave dangerously and without consideration for others.
- 1.12** On this basis, our current legal framework is largely fit for purpose. For the most part it is complied with by consensus without the need for any intervention or enforcement. Most drivers refrain from bad driving voluntarily – even if their driving standards could be improved – and most serious road casualties are a result of people acting outside the current laws in some way.
- 1.13** In line with the reasoning set out above, the starting point we are working from is that the fundamentals of the legal framework – the behaviours that the law targets – are in the right place. We have evidence to show that each of the offences that the consultation looks at is responsible for a large number of deaths. The one exception to this is drug driving, where the offence is to be impaired by drugs, which is by definition dangerous. For the most part we therefore seek to find ways of improving compliance within the basic legal framework, rather than rewriting the framework itself.
- 1.14** With that in mind, our compliance strategy has two major strands:
- **helping the responsible majority of road users;** and
  - **cracking down on the reckless few**
- 1.15** Compliance is sometimes seen as synonymous with enforcement. But we intend to take a much broader view. We want to encourage people to comply with the law, not just through the threat of being penalised for non-compliance. We intend to improve education and awareness-raising, and we want to make it as easy and simple as possible for people to comply with the law.
- 1.16** In developing this consultation we have examined our activities in terms of five themes. We aimed to identify where our current activities fit in with those themes, and to what extent we were successful in our actions under each theme. Where there were gaps, or where our activities were not achieving the desired goal, we have made proposals to address that. Of course, every area of road safety compliance is different, and we have not attempted to force everything into this framework, but we have found it a useful way to think about the issues.

1.17 The themes are:

- **Greater awareness.** We shall seek to ensure that people are aware of what the law is, how they can comply with it, and to ensure that it is easy to tell when one is breaking the law. This, for example, might be achieved through education programmes, marketing or publicity campaigns. It also covers such things as vehicle-activated signs, to allow drivers to easily tell when they have exceeded the speed limit, or similar.
- **Effective enforcement.** High-profile, visible enforcement is useful to deter people from breaking the law in the first place. When the law is broken, it allows appropriate sanctions to be brought to bear and, in the more serious cases, for drivers to be taken off the roads through disqualification or a custodial sentence. We want to ensure that enforcement is adequate to catch offenders and deter potential offenders, is well-targeted, and is efficient and effective. We will ensure that our enforcement is joined up with our publicity, so that the maximum deterrent effect is achieved.
- **Penalties.** Where the law does get broken, it is the penalty for doing so that will act to deter the offender from breaking the law again. We will ensure that our penalties are proportionate to the crime committed, both to achieve a deterrent effect, but also to ensure that offenders are appropriately punished.
- **Technology/incentivisation.** Technology, potentially coupled with the use of incentives to encourage take-up, can help achieve behavioural change. This covers a range of measures, from enforcement technologies such as safety cameras, to informational technologies such as Intelligent Speed Adaptation (ISA) and technologies to support compliance, such as alcohol ignition interlocks.
- **The legal framework.** We seek to ensure that we have the right framework of laws in place. This means ensuring that our road traffic offences target behaviour that is dangerous on the road, whether through changing which activities are proscribed or changing the boundaries of existing offences – the drink drive limit, or speed limits, for example. Changes in this area require very careful consideration, as they change the very rules under which road users operate.

## Working in partnership

1.18 Enforcement of traffic offences by the police is a key element in improving compliance. We work closely with the Home Office, which is responsible for policing, and the Association of Chief Police Officers (ACPO) in developing and implementing our policies. The joint Roads Policing Strategy, published in 2005, makes clear that policing the roads is a key area of activity. The Roads Policing Strategy covers a wide range of objectives, including:

- denying criminals use of the roads by enforcing the law;



- reducing road casualties;
- tackling the threat of terrorism;
- reducing anti-social use of the roads;
- enhancing public confidence and reassurance by patrolling the roads.

**1.19** The Roads Policing Strategy focuses on the three biggest causes of death and injury on our roads – drink and drug driving, speeding, and failure to wear seat belts, together with ‘driving which is dangerous, careless or threatening to other road users’.

**1.20** The National Community Safety Plan 2008–11 reiterated the Government’s commitment to roads policing and casualty reduction.

**1.21** The Home Office introduced in 2008 a new performance framework for the police and other local delivery partners, APACS (Assessments of Policing and Community Safety). The framework included performance indicators on road casualties. APACS continues to develop, in particular following the Home Office’s Policing Green Paper<sup>3</sup> in July, and we are working closely with the Home Office to ensure that the relevant indicators reflect the key areas of concern for road safety. The Home Office will be publishing more detail on its response to the Green Paper shortly. We will continue to work with ACPO and other key partners to encourage the police to focus on the offences that cause the most death and injury on our roads, including drink and drug driving, speeding and failure to wear seat belts.

**1.22** We are working to ensure that the valuable resource of skilled police officers is used to maximum effect. We are achieving this through:

- progressive decriminalisation (through the Traffic Management Act) of traffic offences that cause inconvenience or congestion (eg parking in bus lanes) but do not threaten life and limb;
- civilianisation of traffic management, eg Highways Agency Traffic Officers on the trunk road network;
- the use of alternative agencies to address more specialised areas of road crime, such as VOSA dealing with HGV offenders, also frees up the time of police officers;
- making efficient use of technology to detect road traffic offences (eg speeding offences detected by cameras, run by largely civilian staffed back offices with high-level police oversight) so as to make the best possible use of the time of highly trained and skilled police officers.

**1.23** The vast majority of road safety improvements are delivered through local action, whether it is the day-to-day work of local agencies or specific projects. The Government’s approach is to act as a promoter of partnership

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<sup>3</sup> Home Office (2008) *From the Neighbourhood to the National: Policing Our Communities Together*. TSO: London

working, to assist in sharing knowledge, and to provide funding for new approaches, so that emerging best practice can be brought into the mainstream as quickly as possible.

- 1.24** We are co-ordinating this through the Road Safety Delivery Board, which we established earlier this year. The Board is a forum of the partners who deliver road safety on the ground – the police, local authorities, the Fire and Rescue Service, DSA and devolved administrations – hosted by the DfT. The objective of the Board is to identify and share best practice, and identify and tackle obstacles to delivery. It will be addressing the three leading causes of death covered in this consultation, as well as other road safety topics.
- 1.25** Other initiatives that contribute to local delivery are the yearly partnership grant scheme, which provides funds to a small number of projects every year for promoting partnership working and innovation, and the rural safety demonstration projects, which fund trailblazing approaches to rural road safety – including compliance – in four local authority areas.
- 1.26** The recent demonstration projects on ten mixed priority routes showed how local authorities can initiate and deliver improvements to shopping streets on major traffic routes. Ensuring that traffic speeds are appropriate, including through engineering measures, was a key component of these projects which, besides improving road safety, helped regenerate local economies and improved the public realm.
- 1.27** *A Mixed Priority Routes Practitioners' Guide* and the *High Street Renaissance* summary brochure were published<sup>4</sup> in October 2008. They review the experience from the ten schemes involved in the Mixed Priority Route (MPR) Demonstration Project, presenting the lessons learned through the project to assist other authorities in developing similar successful schemes. Further detailed scheme reports will be published shortly.
- 1.28** The Department's Rural Road Safety Demonstration Project involves four county councils in rural areas (Devon, Lincolnshire, Norfolk, Northamptonshire). The project is at an early stage, but interventions across engineering and enforcement will include a range of approaches to tackle non-compliance with speed limits, and to look at low-cost interventions to make the roads more readable and forgiving. Specific education measures to address key groups in rural collisions will also be carried out.

## Deposit scheme

- 1.29** In addition to the proposals set out in this document, we are also working on a scheme to deliver more effective enforcement against offences committed by drivers who do not have a satisfactory UK address.

<sup>4</sup> [www.dft.gov.uk/pgr/roadsafety/dpp/mpr/](http://www.dft.gov.uk/pgr/roadsafety/dpp/mpr/)

- 1.30** In July 2008, the Department published a consultation document on the graduated fixed penalties, financial penalty deposit and immobilisation schemes (GFP/DS) to seek views from stakeholders on the draft Statutory Instruments to implement the schemes.
- 1.31** In a nutshell, the GFP/DS provisions in the Road Safety Act 2006 will, when implemented, enable police officers and VOSA examiners to:
- issue fixed penalties to non-UK-resident offenders – in respect of both non-endorsable and endorsable offences;
  - request immediate financial deposits from non-UK-resident offenders (equivalent to an on-the-spot fine) – either in respect of a fixed penalty or as a form of surety in respect of an offence that is to be prosecuted in court; and
  - immobilise vehicles in any case where a driver or vehicle has been prohibited from continuing a journey or in any case where a driver declines to pay the requested deposit.
- 1.32** Implementation of these provisions will mean that non-UK-resident offenders can be ‘brought to book’ more readily for road traffic and vehicle roadworthiness offences committed in Great Britain. The provisions will also allow fixed penalties to be graduated according to the seriousness of the offence (though graduation will initially only be principally applied to drivers’ hours and overloading offences).
- 1.33** These schemes are a key priority for the Department and they will be implemented as soon as practicable. The intention is that the schemes will be brought into force by spring 2009.

## 2 Speed

### The scale of the problem

- 2.1** Speed is probably the area of road traffic law where we face the biggest challenge in shaping the public view. While 80 per cent of people think that driving above the speed limit is dangerous, almost 70 per cent of people admit to having done it. And although – as set out below – there is a clear and demonstrable relationship between how quickly people are driving and both the probability and impact of a collision, too many people are convinced that their own speeding behaviour is entirely safe.
- 2.2** The term ‘speeding’ in fact covers two types of behaviour: exceeding the speed limit and driving too fast for the conditions. The latter generally means that the driver is travelling at a speed lower than the speed limit, but that is nevertheless too high, perhaps because of some feature of the road, or the presence of pedestrians or other road users, or even the weather. Our data suggest that both types of behaviour are major contributors to death on the roads.
- 2.3** The best evidence we have about the safety impact of speed comes from contributory factor data recorded as part of police investigations of road collisions. Contributory factor data records the interpretation of what has happened made by the police after a collision has taken place. We understand that the police only cite speed as a factor where it is very clear that this has been an issue (with evidence that would meet the test of ‘beyond reasonable doubt’ in court). So the figures produced from this source are likely to be an understatement. But, even on this basis, our data suggest that in 2007 there were around 350 accidents caused by exceeding the speed limit, and more than 400 caused by driving too fast for conditions.
- 2.4** We know that there is an underlying public appetite to tackle speeding – 45 per cent of people say it is a very/fairly big problem in their area, substantially more than any other kind of anti-social behaviour.<sup>5</sup> We need to work harder to persuade the public that speeding is dangerous, to make it easier for people to comply with speed laws, and to take effective enforcement action when they do not.

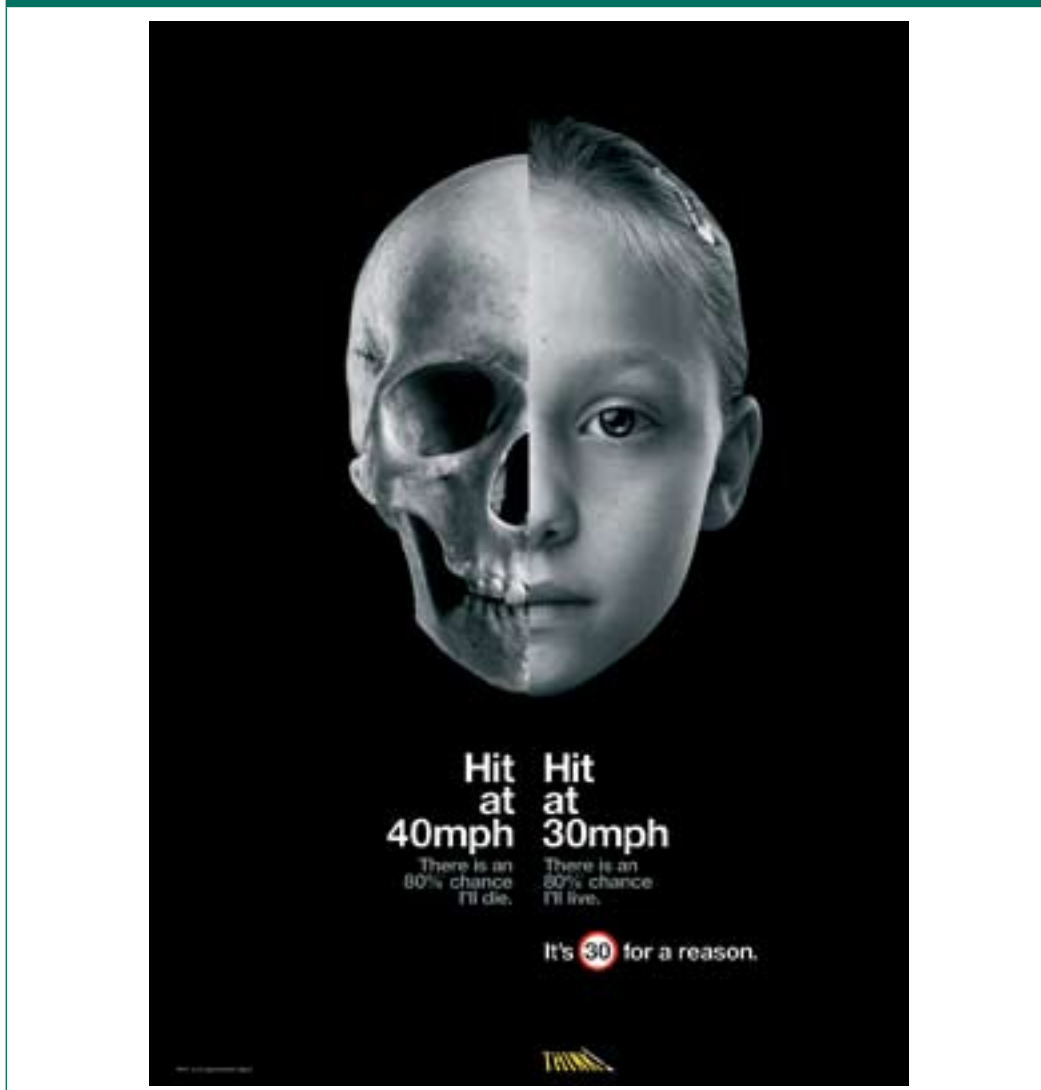
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<sup>5</sup> British Crime Survey 2004/05.

## Speed as a cause of death and injury

- 2.5** There is a well-understood relationship between speed and the impact of a collision. The force of an impact increases dramatically as speed increases from 30 mph to 40 mph, with a corresponding increase in casualties, as our THINK! campaign has highlighted (Figure 1).
- 2.6** Moreover, speed is related to accident frequency. Broadly speaking, a 1 mph reduction in *average* traffic speed would be expected to produce a 3–6 per cent reduction in collisions, depending on the type of road (the benefits tend to be greatest on 30 mph urban roads). Within this overall picture, the greatest benefits could be secured by reducing the speeds of the very fastest drivers – those who exceed the speed limit by a large margin – who are involved in substantially more collisions than others.

Figure 1 THINK! poster highlighting that the outcome is affected by the speed on impact



## Where do people exceed the speed limit?

- 2.7** Although we have seen improvements over the last ten years, especially in towns and cities, driving above the speed limit is still extremely common. The average number of vehicles that, in free-flow conditions, were exceeding the limit in a range of speed limits is shown in Table 2.1.

**Table 2.1 Percentage of vehicles exceeding speed limit on different road types.**

		1996	2007
30 mph limit	Over 30 mph	72%	49%
	Over 35 mph	37%	19%
40 mph limit	Over 40 mph	25%	24%
	Over 45 mph	8%	9%
60 mph limit	Over 60 mph	10%	10%
	Over 70 mph	2%	2%
Dual carriageway	Over 70 mph	48%	45%
	Over 80 mph	12%	12%
Motorway	Over 70 mph	57%	53%
	Over 80 mph	19%	18%

Source: Transport Statistics Bulletin – Road Statistics 2007: Traffic Speeds and Congestion

- 2.8** Table 2.1 shows that, while speeding is relatively common on all types of road, the roads that have the highest proportion of vehicles exceeding the speed limit are the 30 mph roads and the 70 mph roads.
- 2.9** These roads raise very different safety issues. 70 mph roads are exclusively dual carriageways and motorways – highly controlled environments where all unseparated traffic is travelling in the same direction and there are few or no pedestrians. These roads are – relatively speaking – our safest roads, although in 2006 there were still more than 400 people killed on them.
- 2.10** Meanwhile, 30 mph roads are complex environments with unseparated traffic moving in different directions and large numbers of pedestrians. As explained above, when a vehicle hits a pedestrian, the outcome is hugely influenced by the speed of impact.

## Rural roads and inappropriate speed

- 2.11** On rural roads, the risks from speed are as much from drivers who drive too fast for conditions, as from the minority who routinely exceed the speed limit.

- 2.12** Rural roads accounted for 1973 deaths in 2007 – nearly two-thirds of fatal collisions, and over 80 per cent of deaths among car occupants. Speeding is a large part of that. Yet, many of these roads operate at the national speed limit – 60 mph – which for the most part is considerably higher than the maximum safe speed dictated by the characteristics of these roads.
- 2.13** Drivers appear to recognise this: only 10 per cent of vehicles exceeded the speed limit on roads with a 60 mph limit in 2007. Yet, given that these roads are often relatively narrow, with unpredictable bends and junctions, 10 per cent is still a high number. And it is not just exceeding the limit, but travelling at speeds that, while below the speed limit, are inappropriate for the conditions, which can lead to collisions on these roads. In addition, given these are the fastest roads in the country where contra-flow traffic is present, any resulting collision can be that much more deadly than elsewhere.
- 2.14** The proportion of fatal collisions where speed – inappropriate or excessive – was recorded as a contributory factor on rural roads was 30 per cent – slightly above the average for all roads.

## Who speeds?

- 2.15** In order to influence peoples' decisions to drive above the speed limit or too fast for conditions, we need to understand in detail where and when they speed, and why they do it. This section describes our work on this in more detail.

**Table 2.2 Frequency with which the average driver in each category exceeds the following speed**

	<b>Frequency with which the average driver in each category exceeds the following speeds...</b>			
	<b>35mph in 30mph limit</b>	<b>40mph in 30mph limit</b>	<b>70mph on Single Carriageway A road</b>	<b>80mph on Dual Carriageway</b>
<b>Compliant (52%)</b>	Rarely	Never	Rarely/never	Rarely/never
<b>Moderate speeders (33%)</b>	3–5 times a week	Rarely/once a month	Rarely/once a month	Rarely/once a month
<b>Excessive speeders (14%)</b>	Most days/3–5 times a week	1–2 times a week	3–5 times a week	1–2/3–5 times a week

Source: Stradling et al.<sup>6</sup>

- 2.16** Recent research<sup>6</sup> identifies three different clusters of drivers, each with different speeding behaviour (Table 2.2). While a majority of drivers (52 per

<sup>6</sup> Stradling et al. (2008) *Understanding Inappropriate High Speed: A Quantitative Analysis*. Road Safety Research Report 93. Department for Transport: London.

cent) normally comply with speed laws on all classes of road, around a third of drivers speed occasionally on all classes of road – and frequently on 30 mph roads. Finally, a sizable minority – 14 per cent – routinely speed on all classes of road.

- 2.17** These data draw out two very specific problems. First, there is an issue with people speeding in 30 mph limits – even moderate speeders (who are otherwise fairly compliant) show a very high level of non-compliance with the 30 mph limit, while excessive speeders largely tend to exceed it by a wide margin.
- 2.18** Second, the excessive speeders are a particular problem. This group represents 14 per cent of drivers. They normally exceed 35 mph, and frequently 40 mph, on 30 mph limited roads. These speeds present a very serious risk to life and limb for pedestrians in particular. The same drivers regularly exceed 70 mph on single carriageway A roads. This group appears to be consistently flouting the law across a range of speed limits.

## Enforcement

- 2.19** If enforcement is to improve road safety, it needs to be effectively targeted. The majority of speed enforcement is carried out using spot cameras, which target one location and enforce against vehicles that pass that point travelling over the speed limit. This is highly effective in reducing speeds and the resultant casualties. The four-year evaluation of our national safety camera programme, which consisted of 5,500 camera sites, over 99 per cent of which were spot cameras, showed that, on average, the number of vehicles speeding at safety camera sites reduced by 31 per cent and the number of vehicles exceeding the speed limit by 15 mph by 51 per cent. At the same time, deaths and serious injuries at camera sites reduced by an average of 42.6 per cent.
- 2.20** However, spot cameras affect just one location. They are ideal for tackling accident ‘black spots’, but have a limited effect in situations where casualties have been scattered along a route. This is where time-over-distance, or average speed cameras, can be useful.
- 2.21** Time-over-distance cameras have been used at a relatively small number of sites. Early evidence from those sites is that such cameras are very effective at reducing vehicle speeds and road casualties. We have seen KSI (killed and seriously injured) reductions from 23 to 100 per cent, typically around 50 per cent, and substantial reductions in speeds in the areas covered (not including roadworks sites, which are not representative of roads generally).



## Speed awareness courses

- 2.22** As survey data make clear, there is a real problem with drivers who do not accept that exceeding the speed limit is dangerous. Targeted education can help here. The police are able to offer remedial training for low-level speeders, paid for by the offender, as an alternative to a fixed penalty notice.
- 2.23** We are collecting baseline data on driving behaviour and the intention to speed of people who have been caught speeding, and who in theory would have been eligible to take part in a pre-court speed awareness course if it had been available in their area. This data will be used as a control set for a wider evaluation on the effectiveness of speed awareness courses in future.

## Intelligent Speed Adaptation (ISA)

- 2.24** It is not always easy for even the most responsible driver to comply with the speed limit, because they may not know what it is. There may be some ways in which technology can help with this.
- 2.25** Intelligent Speed Adaptation (ISA) is an in-vehicle system that ‘knows’ the speed limit and can be used to display the current speed limit to the driver, provide warnings when the vehicle is exceeding the speed limit, or even intervene to keep the vehicle below the speed limit. Clearly, ISA has the potential to improve compliance with speed limits. Voluntary ISA – ie ISA that simply warns the driver of the speed limit – is already entering the market.
- 2.26** In September we published research into ISA, the main aim of which was to examine the potential road safety benefits of using ISA systems.<sup>7</sup> The results of the study confirm that ISA has the potential to be an attractive road safety feature for drivers who wish to use it. The trial found that ISA has the potential to reduce the number of deaths and injuries on our roads.
- 2.27** We think that voluntary ISA could usefully be offered to vehicle purchasers as a valuable safety feature. **We will be working with motor manufacturers, local authorities, road safety groups and others to consider how future development of ISA technology should be encouraged. We will also be, in consultation with highway authorities, developing a new speed limit data standard, which is a necessary step towards the creation of a national speed limit data set, on which future ISA applications can be based.**

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<sup>7</sup> Carsten et al. (2008) *Intelligent Speed Adaptation*. Series of project reports available online at [www.dft.gov.uk/pgr/roads/vehicles/intelligentspeedadaptation/](http://www.dft.gov.uk/pgr/roads/vehicles/intelligentspeedadaptation/)

## Speed – our priorities

- 2.28** Three clear areas of concern emerge from the above analysis:
- 30 mph urban roads, where exceeding the limit places pedestrians in particular at risk;
  - rural roads, where a minority of drivers exceeding the national speed limit and many more driving at inappropriate speeds have contributed to a very high number of deaths especially among car occupants;
  - excessive speeders, who flout the law across a range of speed limits.
- 2.29** On 30 mph urban roads, there is evidence of a consistent decrease in the proportion of vehicles exceeding the speed limit between 1997 and the present. This can be attributed to a range of measures, including road engineering and increased enforcement. The THINK! campaign has been a key plank in achieving this reduction, and will continue to focus in on 30 mph urban roads.
- 2.30** Rural roads present a challenge. Casualties on these roads tend to be more scattered, making targeted engineering or enforcement less effective, and there is no clear call to action we can deploy in our communications messages. In contrast, time over distance cameras, which affect a long stretch of road, can be an effective tool here.
- 2.31** Excessive speeders have clearly ignored our publicity and are prepared to exceed the speed limit consistently, and often by substantial margins. Although there is a role for using publicity to tackle these drivers, it is key to make maximum use of penalties as a deterrent to these drivers and, where necessary, to take them off the road. We are therefore proposing to use the powers set out in the Road Safety Act 2006 to ensure that the worst speeders are appropriately penalised.
- 2.32** We will continue to use publicity to maintain support among compliant drivers and to continue to encourage moderate speeders to slow down – as we have successfully done with our 30 mph campaign.

## Greater awareness

### The THINK! campaign

- 2.33** We are in the process of developing a new publicity campaign on speed, which will launch in early 2009. As the above evidence has shown, the area where we can most effectively influence drivers, and where our messages are clearest, is 30 mph urban roads. **We will continue to target our publicity on 30 mph roads.**

- 2.34** We will continue to ensure our publicity is based on the latest available evidence. At the same time, we will bring forward research that can effectively support our communications messages for both 30 mph urban roads and rural roads.

### **Speed awareness campaigns**

- 2.35** We will continue to support speed awareness courses. They identify and address the needs of moderate speeders who have the potential to benefit from additional training. **We will work with the police and course providers to make the content of the course and those who deliver it more effective.** More details of our proposals on remedial training are in Chapter 7.

## Effective enforcement

### **Average speed cameras**

- 2.36** Average speed cameras have a clear potential to reduce casualties, and may be especially suitable for use on rural roads. However, they are not yet in wide use. Early evidence suggests they have major casualty reduction benefits. **We will work to promote good evaluation of the latest generation of time-over-distance cameras and share the results with road safety stakeholders.**

## Penalties

### **Graduated fixed penalty points**

- 2.37** As we have seen, there is a group of drivers – excessive speeders – who consistently drive over the speed limit, often by wide margins. We know that it is the fastest drivers who are most likely to be involved in collisions, and that these collisions are typically the most severe. As such, excessive speeders represent a threat to life and limb on the road, especially on 30 mph urban roads where, despite the presence of vulnerable road users such as pedestrians, they frequently drive well over the safe maximum speed. These drivers appear to have ignored our road safety messages. One way to tackle them is through increased penalties and, ultimately, by taking them off the road through disqualification.
- 2.38** Research shows that drivers who already have penalty points on their licence as a result of one driving conviction are as likely to be convicted again as a driver with a clean licence, while drivers who have penalty points from two convictions – and are therefore approaching the 12-point threshold, which would lead to disqualification – are about half as likely to

be subsequently convicted as either group.<sup>8</sup> This seems to indicate that, when drivers get 6–9 points on their licence, they begin to slow down.

**2.39** Over 90 per cent of speeding offences are dealt with by fixed penalty notice. At present, the fixed penalties for speeding are a flat rate of 3 penalty points and a £60 fine, regardless of the extent to which the speed limit has been exceeded.

- **We propose to increase the number of penalty points for fixed penalties issued for the most extreme speeding offences to 6 penalty points.** This will effectively target excessive speeders, and move them more quickly to the 6–9 point threshold where the evidence shows they will slow down.

**Table 2.3 Graduated fixed penalty points proposals**

Limit	ACPO charging threshold <sup>1</sup>	6 point threshold <sup>2</sup>	% of vehicles above 6-point threshold
20 mph	24 mph	35 mph <sup>3</sup>	N/A <sup>4</sup>
		40 mph <sup>2</sup>	
30 mph	35 mph	45 mph <sup>2</sup>	1.5%
		50 mph <sup>2</sup>	0.4%
40 mph	46 mph	60 mph	N/A <sup>3</sup>
50 mph	57 mph	70 mph	0.4%
60 mph	68 mph	80 mph	0.4%
70 mph	79 mph	90 mph <sup>5</sup>	2.2%
		95 mph <sup>4</sup>	0.9%

1 ACPO guidance is that fixed penalties should not be issued below this threshold.

2 A standard 3-point penalty would apply to fixed penalties issued between the ACPO charging threshold and the 6-point threshold.

3 The lower number represents a stricter threshold, which would reflect the disproportionate effects of speeding in 20/30 mph limits.

4 No data available for this speed limit.

5 The higher number represents a less strict threshold, which would reflect the comparatively low casualty rates on 70 mph roads.

**2.40** Our proposals for graduated fixed penalty points are set out in Table 2.3, based on the following principles:

- it should be clear and simple, so that it can be readily understood by road users, especially where the higher 6 penalty point threshold begins;
- a high threshold for 6 points, so that graduation primarily affects only excessive speeders.

<sup>8</sup> Broughton (2007) *Recent Trends for Speeding Convictions and Totting-up Disqualifications*.

- 2.41** We are considering whether, in view of the disproportionate effects of speeding in 20/30 mph limits and, conversely, the relatively low level of casualties on 70 mph roads, there should be special treatment for these roads. **We have presented two possible thresholds for these roads, and welcome comments on which would be most appropriate.**
- 2.42** **We are not proposing to introduce graduation for speeding** fines. Research suggests that penalty points are a more effective deterrent for these offences than higher fines.<sup>9</sup> The £60 fine covers the cost to the police of processing cases, with only a very small surplus, so we are content to leave the financial element of the fixed penalty unchanged.
- 2.43** In addition to the ‘upward graduation’ discussed above, the question of ‘downward graduation’ – lower penalty points in certain circumstances – has been considered. However, ACPO guidelines suggest that enforcement will normally occur when a driver exceeds the speed limit by a margin – normally 10 per cent over the speed limit plus 2 mph. This means that, on the faster roads, a driver will have to be exceeding the speed limit by a substantial margin before enforcement occurs, making it undesirable to then reduce the penalty for doing so. Meanwhile, in 20 mph and 30 mph limits, research shows that the rate of pedestrian survival from a collision falls sharply as speeds increase, even by slight amounts. In addition to these considerations, we would be reluctant to send a ‘mixed message’ on speed, particularly in view of the emphasis placed in the THINK! campaign on the potentially deadly effects of small increases in speed. **We are therefore not proposing to introduce downward graduation.** The police will continue to have discretion over when they penalise drivers, and the option to give a warning or offer a speed awareness course in lower-level cases.

## Technology/incentives

### Intelligent Speed Adaptation (ISA)

- 2.44** Our research has shown that Intelligent Speed Adaptation (ISA) has clear potential to help reduce speeding. To allow the motor industry to respond to any future consumer demand for ISA, we are keen to work with vehicle manufacturers, local authorities, insurance companies and others to consider what steps should be taken to support the future availability of the technology so that drivers who wish to use ISA are able to.
- 2.45** Availability of accurate speed limit data is important for ISA. We will develop, consult on and publish a voluntary framework for local authorities to use in collecting electronic speed limit information. We will also consider, through the next round of the road safety partnership grant system, offering financial support to local authorities who wish to conduct voluntary ISA trials within their areas.

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<sup>9</sup> Corbett et al. (2008) *Does the Threat of Disqualification Deter Drivers from Speeding?* Road Safety Research Report No. 96. Department for Transport: London.

# 3 Drink driving

## Introduction

- 3.1** Our work to prevent drink driving dates back over 40 years. A strategy combining effective enforcement of heavy penalties backed by high-profile advertising has reduced drink drive related fatalities by two-thirds. After ten years of little change, provisional 2007 figures showed a welcome further 18 per cent reduction compared with the previous year.
- 3.2** Our success has changed the nature of the problem. We have persuaded drivers generally, and the wider public, that drink driving is socially unacceptable, dangerous behaviour, and the deterrent penalties it attracts are strongly supported. But there is still a minority of irresponsible drivers who persist in drink driving more or less habitually, and who are involved in many fatal accidents. To be successful, our work on road safety enforcement needs to focus on this minority of drivers, and to tackle the danger they pose to themselves, their passengers, and the vast majority of responsible road users.

## The facts and figures

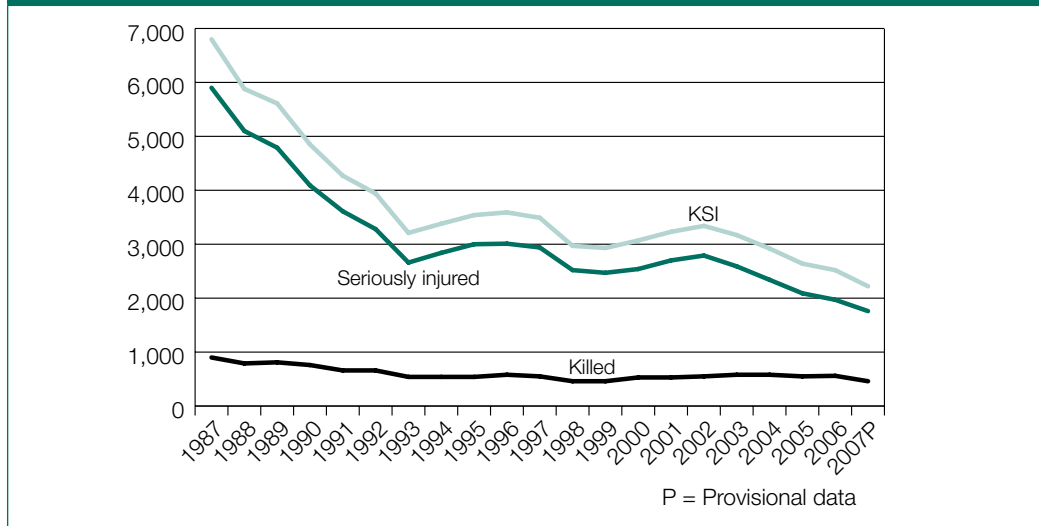
- 3.3** In 1967, nearly a quarter (22.4 per cent) of road fatalities were associated with drink driving – that is, 1640 out of a total of 7319.<sup>10</sup> In 2007, the comparable figure is a sixth. Figure 3.1 shows estimates of killed and serious casualties resulting from accidents involving illegal alcohol levels for Great Britain since 1987. Provisional estimates for drink driving casualties in 2007<sup>11</sup> show that fatalities in these collisions fell by 18 per cent from 560 in 2006 to 460 in 2007, while serious injuries fell by 11 per cent from 1,970 to 1,760. In the same period, fatal collisions involving alcohol fell by 16 per cent from 490 to 410.

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<sup>10</sup> Department of the Environment (1976) *Drinking and Driving*. TSO Ltd. (para 1.3)

<sup>11</sup> Published on 7 August 2008, available online at [www.dft.gov.uk/pgr/statistics/datatablespublications/accidents/rcgbq12008](http://www.dft.gov.uk/pgr/statistics/datatablespublications/accidents/rcgbq12008)

**Figure 3.1 Numbers killed and seriously injured (KSI) between 1987 and 2007**



Source: STATS19

- 3.4** We estimate that almost a quarter of all drivers killed in road accidents, and 13 per cent of motorcyclists killed, were over the prescribed limit. About 60 per cent of all those killed in an accident in which at least one person was over the prescribed limit were over that limit themselves. Of these, coroners' and procurators' fiscal data show that 90 per cent had a BAC (blood alcohol concentration) over 100 mg/100 ml, and 37 per cent were over 200 mg/100 ml – two and a half times the prescribed limit.
- 3.5** The most recent figures show that 84 per cent of driver and rider fatalities who were over the limit were male. Twenty per cent of drink drive fatal accidents involved a driver over the limit aged 20–24, 16 per cent aged 25–29. Fifty-four per cent of fatal drink drive accidents involved only the vehicle whose driver was over the limit. Thirty per cent involved two vehicles, and 13 per cent more than two vehicles. Twenty-two per cent of those caught by breath tests were aged 20–24, 16 per cent were 25–29, and 15 per cent were 40–49. Notably, the latest police figures on their summer 2008 campaign show a substantial increase in the numbers of breath tests, and a substantial reduction in the number of drivers found to be over the limit – with particularly positive changes for young drivers.
- 3.6** Table 3.1 shows Ministry of Justice figures for roadside screening breath tests in England and Wales by outcome from 1996 to 2006. We welcome the increased breath testing in the last two years, compared to preceding years.
- 3.7** Table 3.2 is based on coroners' and procurators' fiscal data for 2006, using a sample accounting for around 60 per cent of all road accident fatalities in that year. It shows percentages testing at various blood alcohol levels, and proportions of fatalities exceeding 80 mg/100 ml by time of day.

**Table 3.1 Ministry of Justice figures for roadside screening breath tests in England and Wales by outcome from 1996 to 2006**

Thousands											
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
<b>Number of tests</b>	781	800	816	765	715	624	570	534	578	607	602
<b>of which:</b>											
<b>positive/refused<sup>1</sup></b>	101	103	102	94	95	100	104	106	103	104	106
<b>% of total tests</b>	13	13	13	12	13	16	18	20	18	17	18
<b>Convictions</b>	96	100	93	89	86	85	90	94	96	94	92

1 Includes persons unable to provide a breath test specimen

**Table 3.2 Percentage exceeding various blood alcohol levels; and proportion of fatalities exceeding 80 mg/100ml by time of day**

	Percentage blood alcohol levels (mg/100ml) in each band					Sample size	Percentage over 80mg/100ml at time shown		
	200+	150-200	100-150	80-100	50-80		22:00-03:59		04:00-21:59
<b>Motorcycle riders</b>	4	5	2	1	1	447	40		9
<b>Cumulative</b>	4	9	11	13	14				
<b>Other vehicle drivers</b>	11	8	6	2	1	848	53		17
<b>Cumulative</b>	11	19	25	26	28				

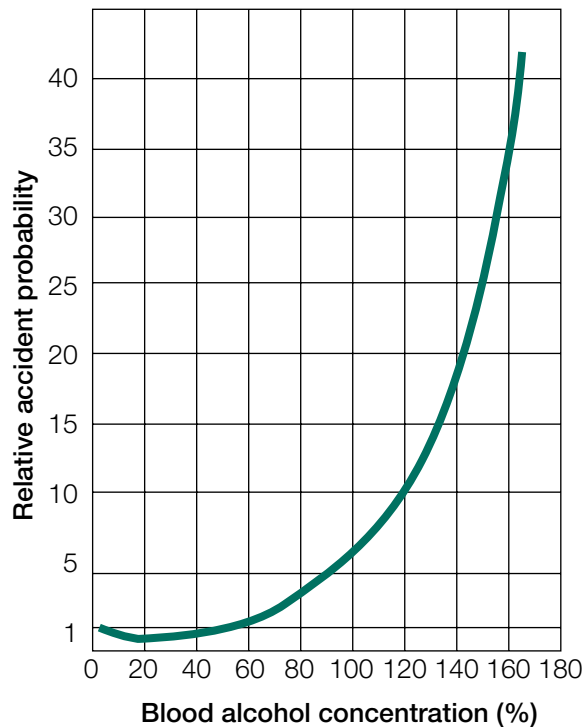
**3.8** The data show that almost all fatalities over the present limit had a blood alcohol concentration over 100 mg/100 ml; about 75 per cent of these were over 150 mg/100 ml, and over 40 per cent of them were over 200 mg/100 ml. The proportion at these highest levels is notably higher than the 2005 estimate (19 per cent and 11 per cent against 16 per cent and 9 per cent).

### Evidence on impairment

**3.9** The present UK prescribed alcohol limit for driving (80 mg/100 ml) was based on research evidence – illustrated by Figure 3.2 – that road accident involvement rises sharply, with injury accident liability considerably elevated, at and above that level.



**Figure 3.2 Relative probability of causing an accident in relation to blood alcohol concentration**



**3.10** Drivers cannot estimate a safe level of alcohol consumption – least of all once they have started drinking. There is no simple relationship between consumption of alcohol and resulting blood alcohol concentration, because the way in which the body absorbs and eliminates alcohol is complex. Drivers who exceed the prescribed limit – and especially the great majority of those arrested, or killed in drink drive accidents – have drunk a lot and will be clearly impaired.

**3.11** There is evidence that drivers are impaired to some extent at levels below the present limit. There is no BAC above zero that is free from any association with impairment. We cannot know how many drivers would fail if tested now at a lower limit. Nor, with the exception of the coroners’ information about fatalities, do we have any way of knowing how many casualties on our roads are associated with accidents involving such drivers.

**Who is drinking and driving?**

**3.12** There is certainly a group of hardened drink drivers who are either alcohol dependent, or persistently incapacitated by drinking episodes. Some of these may be almost habitual drinkers accustomed to the associated illusions of well-being and loss of inhibition. There may well be other inconsistent drivers who expose themselves and other people to danger

in spite of accepting that their behaviour is socially unacceptable and dangerous.

## Surveys

- 3.13** The Department has undertaken drink drive surveys in the past to provide an indication of the frequency of drinking and driving at peak times, and – in the case of repeated surveys – an indication of national trends. Surveys have given a consistent picture that, at these times, 1 per cent of all drivers were over the limit. They have not given enough information to quantify the overall proportion of drivers who may at some time have been over the prescribed limit – or indeed at other levels. Other surveys from time to time report proportions of respondents who admit to drinking and driving. These drivers have no way of knowing – without being tested – how they rated against the limit.
- 3.14** We have learned valuable lessons from recent research described elsewhere in this paper on those who are not consistent seat belt wearers. This has demonstrated the value of combining qualitative and quantitative techniques to get insights into driver behaviour. We contemplate a similar approach on drink driving, using the results of qualitative work alongside, and informing, roadside survey exercises.

## THINK! campaign research

- 3.15** A new drink drive advertising strategy was launched in summer 2007 after extensive research over almost a year. It concluded that young men up to age 30 remain the key target, but that we must not be seen to miss a range of other drivers, including a cohort of older drivers with entrenched drinking habits. Target groups see themselves as moderate drinkers, and believe that previous campaigns were aimed at ‘drunk drivers’ who are assumed to be worse than themselves. Most appear to be very aware of the chances of being caught – and many have a lot to lose, but they are still taking risks.

## The challenge on drink driving

- 3.16** The success of our drink drive strategy has brought a new challenge: how to deal with the minority of drivers who have not been persuaded to refrain from this dangerous, anti-social behaviour. The analysis set out above suggests that the most serious road safety problems are being caused by drivers who are well in excess of the current limit, rather than those who are moderate drinkers within the current limit. Our future action plan therefore focuses on this minority of drivers. However, we have undertaken to keep the limit under review, and this section describes steps to collect evidence on which that question can be properly decided.

**3.17** Our approach has three main strands:

- improve compliance with the present limit, with more effective enforcement and management of high-risk offenders – to abate the danger presented by drivers who are willing to exceed the limit;
- continue ‘don’t drink and drive’ advice – to encourage people to separate drinking and driving altogether; and other forms of advice – including high quality rehabilitation training;
- collect evidence about all drink drivers – to inform all the measures we take, and further discussion about the prescribed limit.

## Greater awareness

**3.18** Our central message to drivers is to drink no alcohol at all if they intend to drive. This tackles a range of issues:

- every driver is safer not drinking at all – any alcohol consumption is associated with impairment;
- people cannot estimate a safe level of consumption – and drinkers generally do not understand the process of alcohol elimination;
- those who exceed the prescribed alcohol limit will incur the tough penalties and severe personal consequences.

**3.19** We spend about £3.25 million a year on drink drive publicity. The THINK! team works closely with the Association of Chief Police Officers (ACPO) and their Scottish counterparts (ACPOS) to co-ordinate their campaigns.

**3.20** We have made drink driving socially unacceptable behaviour, and the public generally, and motorists in particular, see tackling drink driving as a top priority. The THINK! annual survey in 2007 found that an overwhelming majority of respondents (90 per cent) strongly agreed that driving over the legal alcohol limit was dangerous. **We will continue thoroughly researched, high profile advertising campaigns against drink driving**, aimed at maintaining the public aversion previous campaigns have developed, and at deterring drivers – especially new drivers – from risking drink driving.

**3.21** Publicity against drink driving has hitherto concentrated on drivers, but passengers are being killed who must have been in a position to know that their driver was under the influence of alcohol. We will explore in future how we can engage with these (typically young) people as a new potential way of saving casualties.

## Effective enforcement

**3.22** We believe that effective enforcement is the key to any laws against drink driving. Drivers who contemplate it must recognise that there is a real prospect of being caught and suffering severe consequences, even if they think their driving is not obviously bad. We have stringent penalties and better enforcement than many countries with lower limits. This paper identifies measures to improve enforcement and help target those who persist in drinking and driving.

### Targeted checkpoint testing

**3.23** The object of all testing activity is to make enforcement visible, to deter potential drink drivers, as well as to catch offenders. In some other countries, all drivers are likely to have been tested at road blocks in the course of a few years – including all those who never drink and drive. Since our aim is to detect and deter a minority, we do not propose to shift to this approach. It is unnecessary to create this sort of public perception to persuade the great majority of motorists.

**3.24** But we do accept that targeted testing involving random stopping of motorists has a place in the enforcement armoury. North Wales police conducted a high profile campaign over Christmas 2007, with road and van-side notices advertising ‘drink drive checks’. They used existing powers to stop vehicles and found strong public support. They concluded that it is an effective approach.

**3.25** We believe that policing must always be intelligence-led, and that proper consideration should always be given to the likelihood of catching offenders at any location chosen for a testing exercise. Other forces in south east England have been working on an analysis of the drink drivers they detect: this will help to guide the future use of checkpoints. Drink drive checkpoints will be used in other force areas in the coming months. We will work with ACPO and ACPOS through the Road Safety Delivery Board to develop effective practice for this approach to enforcement, and to collect evidence on its effectiveness. Although this is principally a matter for the police, consultees may comment on this issue.

### Better breath testing

**3.26** Roadside devices hitherto used by the police have been for screening purposes only. A driver who may be over the limit may be arrested and taken to a police station for a further, evidential test, which may be of breath, blood or urine, and which is admissible in court as evidence of exceeding the prescribed limit.

**3.27** The Department has funded every police force in England and Wales to buy newly-approved memory-equipped roadside screening devices capable of

collecting data electronically on the age and gender of driver; the date, time, day of the week of the test; the reason for test and the test result. All this has hitherto been recorded manually. The Department will receive better data monthly, including for the first time details on drivers who are below the current limit, and their involvement in accidents. **These instruments are now coming into use, and data from enough forces to be meaningful will start to be available by the end of 2008.**

- 3.28** The police now have powers<sup>12</sup> to require evidential breath specimens elsewhere than at a police station. This will allow the possibility of evidential breath testing at hospitals, at the roadside or even, where the circumstances are right, in a person's house. This will help speed up the procedure, remove the need for police surgeons to attend all hospital cases and avoid the necessity in appropriate cases of having to take all such drivers to a police station. Home Office experts are currently developing the design specification that instruments will be required to satisfy for 'type approval' and use under the Road Traffic Act 1988. The availability of specific devices will nevertheless still be dependent on manufacturers submitting devices for testing and approval. **The devices are expected to be in use in 2010.**

### **Blood and urine tests**

- 3.29** A driver with a breath alcohol concentration (BrAC) reading in excess of 35 mcg (equivalent to a BAC of 80 mg/100 ml) will normally be arrested and subjected to an evidential breath test. If the evidential BrAC reading is in excess of the prescribed limit but no more than 50 mcg, the law allows a driver facing a charge to ask for a blood or urine specimen to replace the breath test. This concession was introduced in the early days of breath testing to provide confidence in evidential breath tests. In the event, they have proved reliable and accurate. Other countries using them do not allow a right to provide an alternative specimen. It usually works in the driver's favour, because the inevitable delay for a doctor to do the blood test allows elimination of alcohol that was present when he or she was driving. So some drivers avoid being charged, even though they were in fact driving above the limit. Any person exercising this right will take away the advantage of evidential roadside testing. **We invite comment on whether this right should be withdrawn when a legislative opportunity arises.** We do not propose to withdraw blood or urine tests to be used where a valid evidential breath test cannot be obtained.

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<sup>12</sup> See sections 2, 2A and 2B RTA 1988, as amended by section 154 Serious Organised Crime and Police Act 2005 and as read with section 6(5) RTA 1988 as amended by Schedule 7 of the Railways and Transport Safety Act 2003.

## Better management of offenders

- 3.30** We have plans to improve the management of convicted drink drivers:
- we are taking steps to streamline the procedure for high risk offenders;
  - we are working with the providers to raise professional standards for drink drive rehabilitation courses;
  - we will require drink drive offenders caught with high BACs, and all repeat drink drive offenders, to retake the driving test.

### Improving the high-risk offender (HRO) scheme

- 3.31** The high risk offender (HRO) scheme<sup>13</sup> provides special measures to deal with drivers who have a high risk of drink driving, including those who are alcohol dependent and others who commit repeat offences. The aim is to identify those who cannot be trusted to drive because they misuse alcohol. The scheme is one means of implementing Annex III of the Second Directive on Driver Licensing,<sup>14</sup> which provides that driving licences should not be issued or renewed to those who are dependent on alcohol or are unable to refrain from drinking and driving.
- 3.32** A disqualified drink driver can be refused a licence on medical grounds if the DVLA is satisfied that he or she has a relevant medical condition.<sup>15</sup> For these purposes a 'relevant medical condition' includes persistent misuse of alcohol (or drugs), whether or not this leads to dependency.<sup>16</sup> Reapplicants almost never declare a history of alcohol problems, even if they have recently undergone detoxification. Alcohol dependent drivers are relatively straightforwardly diagnosed. Their licences will be revoked, as they may be unable to exercise control or to make conscious rational decisions not to drink and drive. It is much less straightforward to establish persistent misuse of alcohol.
- 3.33** There were about 40,000 HROs in both 2005 and 2006. Half were convicted at or above one and a half times the prescribed limit. The others divide about equally between reoffenders and those who have failed to provide a specimen. About two-thirds of high risk offenders' licences are returned after a medical examination, and a further 10 per cent get a restricted licence. Only approximately 5 to 7 per cent of licences are withheld as a result of the medical examination. The remainder never reapply.

<sup>13</sup> The scheme operates under *Section 94(4) and (5) of the Road Traffic Act 1988 (ch 52), and the Motor Vehicles (Driving Licences) Regulations 1999 (Regulation 74) (SI 1999 No 2864)*. An explanatory leaflet is available online [http://www.dft.gov.uk/think\\_media/241033/241066/publications\\_highrisk.pdf](http://www.dft.gov.uk/think_media/241033/241066/publications_highrisk.pdf)

<sup>14</sup> Annex III of the second EC Directive on the Driving Licence (91/439/EEC).

<sup>15</sup> See *Motor Vehicles (Driving Licences) Regulations 1999 (paragraph 71) (SI 1999 No 2864)*.

<sup>16</sup> See section 92(2) Road Traffic Act 1988.

## Speeding up cases

**3.34** Currently, following the end of their disqualification period, an HRO normally has cover to drive while a decision is being made on a valid reapplication for a licence. We are concerned that many reapply too late to complete the medical procedures before the end of their disqualification and take advantage of this cover without first satisfying the DVLA that they are fit to drive. We have powers in the Road Safety Act 2006 to take away from HROs the cover to drive while the medical procedures are being carried through. We want to make sure that we do this as fairly as we can, however. HROs are already notified when they are disqualified that they will have to take a medical examination, and the DVLA have instituted additional reminders, including issuing reminders to offenders at court to notify the DVLA of any change in address. However, a pilot study found that nearly 50 per cent of HROs still fail to complete the procedures in time, even when given ample notice. We are therefore minded to put in place further provisions – which might be in a Legislative Reform Order – either to require or give HROs the option to submit a medical report with their reapplication for a licence. It would be possible for us to defer implementing the Road Safety Act powers to take cover away, pending putting these further provisions in place, or else to move straightaway to implement the Road Safety Act powers and follow this up later with these additional provisions.

### **3.35 We invite comment on three options:**

- **we move now to implement the change provided for in the Road Safety Act 2006 on the basis that we are satisfied that existing procedures allow ample time for medical examinations before a disqualification expires,**
- **we develop further powers either to require an HRO to submit a medical report with their reapplication for a licence or to give them that option, to be implemented probably after we have removed the cover to drive;**
- **we defer implementing the change provided for in the Road Safety Act until we also have powers either to require HROs to submit a medical report with their reapplication for a licence or give them that option.**

## Covering the cost

**3.36** The HRO scheme is administratively costly. Examinations under the scheme are conducted by doctors registered for the purpose with the DVLA, but their fees, payable by the offender,<sup>17</sup> fail to reflect the true costs. The DVLA is examining ways of addressing this issue.

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<sup>17</sup> Payable under Section 94(9) of the Road Traffic Act 1988 (ch 52).

## Drink driver rehabilitation courses

- 3.37** We have used rehabilitation training for drink drivers nationally since 2000.<sup>18</sup> The scheme offers those who complete an approved course a reduction in their disqualification<sup>19</sup> of up to 25 per cent. Research shows that the training works. We have work in hand to make it even more effective. The Magistrates Association sentencing guidelines advise offering referral to a course as the default option.<sup>20</sup> **We will work with the courts – including the Sheriff Courts in Scotland – to achieve a consistently high level of referrals.**
- 3.38** Some 30,000 drink driving offenders attended courses in 2007. In Great Britain 60–65 per cent of drink drive offenders are referred to courses, although there are wide variations among courts – the rate is much lower in Scotland than in England and Wales. About 30 per cent of drink drive offenders in any year complete a course.
- 3.39** **We are working on new guidance on course provision and standards for course facilitators.**

## Review of course providers

- 3.40** Course providers require approvals from the Secretary of State. Providers have hitherto had a degree of flexibility in the design of courses, subject to guidance on the minimum requirements.<sup>21</sup> A two-year evaluation of the scheme<sup>22</sup> showed that courses are effective at reducing reoffending. The research showed variations in individual courts and course providers.<sup>23</sup> We are undertaking an independent audit of the current course provision to ensure that all courses fully comply with our current guidance, and identify issues that new guidance will need to address. Our aim is to make the drink drive scheme a model on which other remedial training schemes are developed.
- 3.41** The Road Traffic Offenders Act gives power to issue guidance to course providers about the conduct of approved courses, and they will have to have regard to any guidance given to them under this subsection. Approvals will in future be limited to a specified period, not exceeding seven years. **We are consulting providers on new guidance, and aim to publish a new version by the end of 2008.**

18 See sections 34A–34C Road Traffic Offenders Act 1988 (previous temporal and geographical restrictions on the use of this power were lifted in 2000 under the Courses for Drink Drive Offenders (Experimental Period) (Termination of Restrictions) Order 1999 (SI 1999/3130).

19 Section 34A(2) of the Road Traffic Offenders Act 1988 (ch 53).

20 [www.jsboard.co.uk/downloads/acbb/section2a.pdf](http://www.jsboard.co.uk/downloads/acbb/section2a.pdf)

21 [www.dft.gov.uk/pgr/roadsafety/drs/drinkdriverehabilitation/](http://www.dft.gov.uk/pgr/roadsafety/drs/drinkdriverehabilitation/)

22 Smith, L.R. et al. (2004) *The drink/drive rehabilitation scheme: evaluation and monitoring* (TRL 613) TRL Ltd.

23 See Section 35, which replaces Sections 34A4 to 34C4 of the Road Traffic Offenders Act 1988 (ch 53).



### Professional skills for drink drive rehabilitation facilitators

**3.42** The effectiveness of a training intervention is highly dependent upon good quality facilitation. **We aim to promote professional standards for facilitators working on drink drive rehabilitation courses.** We have commissioned a competence framework and recruitment good practice guide, which will become part of the framework for new approvals. We are working with the providers on the detailed content of these documents. This project is expected to be completed by the spring of 2009. We will provide for a transitional period within which all those delivering this training are qualified to an agreed national standard.

### Retesting disqualified drink drivers

**3.43** The Road Traffic Offenders Act 1988 allows the Secretary of State to designate offences for mandatory retesting<sup>24</sup>. We consider it appropriate to apply this requirement to all disqualifications of two years or more, on the grounds that it is sensible to check the competence of a person who has not driven for such a period. This involves retesting a wider range of offenders, including serious first drink driving offenders, and repeat drink drive offenders, who now get a minimum three-year disqualification. **We propose to implement this as part of our new approach to reassessment (section on Driver retraining and re-assessment, below) and invite views on the proposal to apply retesting to anyone disqualified for two or more years.**

## Penalties

### Tough penalties for drink driving

**3.44** The penalty for exceeding the legal alcohol limit or being unfit to drive through drink is a mandatory minimum disqualification of 12 months; offenders may also be fined up to £5,000 and sent to prison for up to 6 months. A second offence within ten years attracts a minimum three-year disqualification. These offences therefore attract an 11-year licence endorsement. The disqualification penalties are the same for failing to allow a specimen to be subjected to a laboratory test,<sup>25</sup> Causing death by careless driving when under the influence of drink or drugs attracts a maximum 14 years' imprisonment, disqualification for at least two years, an unlimited fine and a requirement to take an extended driving test.

**3.45** We have more stringent penalties for drink driving, and better enforcement, than many countries with lower limits, some of which apply serious criminal penalties only to drivers with an alcohol level exceeding our limit – the lower limit is used only as a threshold for modest administrative sanctions.

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<sup>24</sup> See section 36 as most recently amended by section 37(2) of the Road Safety Act 2006.

<sup>25</sup> See sections 34 and 45 of the Road Traffic Offenders Act 1988, as amended.

**3.46** The draft Law Reform, Victims and Witnesses Bill contains proposals that will ensure that the length of disqualifications imposed will reflect any concurrent custodial sentence. This should ensure that offenders do not use up their disqualification while in prison. These provisions will have particular benefit for drink driving.

### **Failure to provide specimens after fatal accidents**

**3.47** A driver responsible for a death through careless driving who fails to provide a specimen for analysis may be charged with causing death by careless driving when under the influence of drink or drugs.<sup>26</sup> The police may have a medical practitioner take a blood sample from a suspect drink driver incapable for medical reasons of consenting.<sup>27</sup> Unreasonably failing to give subsequent consent to testing is a summary offence with a maximum penalty of six months, imprisonment. Such a person may also be prosecuted for causing death by careless driving when under the influence of drink or drugs.<sup>28</sup>

### **Sentencing guidelines**

**3.48** The independent Sentencing Guidelines Council (SGC) published new guidelines in July 2008 on sentencing for 'causing death' offences.<sup>29</sup> These cover the two existing offences of causing death by dangerous driving and causing death by careless driving when under the influence of drink or drugs. The existing offence of causing death by careless driving when under the influence of drink or drugs will continue to attract a significant custodial sentence.

## **Technology and incentivisation**

**3.49** We have already described above the new technology being made available to the police to improve enforcement against drink drivers.

### **Alcohol ignition interlocks**

**3.50** Breath alcohol ignition interlocks are used in most parts of North America and have been trialled in Australia. Programmes are generally used for repeat offenders, either as an alternative to disqualification or to follow a disqualification. Even mandatory interlock programmes suffer from low participation rates. Experience suggests that devices are effective while in use, but that drivers revert to offending once they are removed. Better

26 See Section 3A(1)(c) Road Traffic Act 1988 (ch 52) – the full range of penalties for that offence apply, including up to 14 years' imprisonment.

27 See Section 7A Road Traffic Act 1988 (ch 52).

28 See Section 3A Road Traffic Act 1988 as amended by section 31 Road Safety Act 2006 (ch 49) – the same penalties also apply in this case.

29 Sentencing Guidelines Council (2008) *Causing Death by Driving – Definitive Guideline* available online at [www.sentencing-guidelines.gov.uk/docs/causing\\_death\\_by\\_driving\\_definitive\\_guideline.pdf](http://www.sentencing-guidelines.gov.uk/docs/causing_death_by_driving_definitive_guideline.pdf)

results have been experienced where a programme is closely supervised and supplemented by educational interventions including counselling.

- 3.51** The Department has undertaken research into the practicalities of a judicial programme, which is being published at the same time as this consultation.<sup>30</sup> **We invite views on our conclusion from this research that the costs of implementing and enforcing a scheme are likely to be disproportionate.** We are also concerned that a scheme might give those who could afford to take part the benefit of a discounted disqualification without evidence that participation achieves a long-term change in a drink driver's behaviour.
- 3.52** Fleet interlocks programmes also operate through conditions of employment in several countries. They do not suffer the complications with monitoring offenders. We will seek opportunities to promote fleet schemes as part of the driving for work programme.

## The legal framework

### The prescribed limit

- 3.53** The present prescribed blood alcohol limit for drivers has been the basis of a sustained and successful effort over 40 years to abate the toll of drink drive casualties. It was set at 80 mg/100 ml on strong evidence of a serious increase in accident involvement at and above that level. The strategy has worked because it is backed by effective enforcement of heavy penalties and high-profile advertising. By the end of the late 1990s, it had reduced drink drive fatalities by two-thirds. After ten years of static fatality figures, provisional figures for 2007 brought a further 18 per cent reduction.
- 3.54** We have not eradicated drink driving, but a very large responsible majority of drivers have been persuaded to avoid this dangerous behaviour. There is a minority we have yet to deter. Many of those caught – or killed – are well over the present limit, and very much more dangerous even than somebody with a BAC at that level. Against this background, our policy has been to keep the present limit under review, but to give priority to identifying ways in which it can be more effectively enforced.
- 3.55** There have been calls for many years for a lower limit of 50 mg/100 ml, or less. This has already been adopted in many other countries. A change in the prescribed limit would be a significant change of strategy. Our aim to date has been to persuade as many drivers as possible to join the responsible majority complying with the law as it is now, and to catch and deter those who flout it.

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<sup>30</sup> Beirness, D.J., Clayton, A. and Vanlaar, W. (2008) *An Investigation of the Usefulness, the Acceptability and Impact on Lifestyle of Alcohol Ignition Interlocks in Drink-Driving Offenders*. Road Safety Research Report 88. Department for Transport: London

- 3.56** Any change must be based on adequate evidence that driving above a new limit is indeed dangerous and linked to significant numbers of casualties. An assessment will be needed of various ways of achieving the benefits that a new limit might be expected to bring, and their associated impacts. We would need to focus on a re-engagement with the responsible majority, to persuade them to change their perception of acceptable behaviour.
- 3.57** We do not know how many drivers would fail if tested now at 50 mg/100 ml. With the exception of coroners' information about fatalities, we do not know how many casualties are associated with accidents involving a driver with a BAC between any given lower level and the present limit.
- 3.58** There is no evidence that changing the limit will reduce the numbers who exceed the present one and present the greatest danger. It is probably not possible to predict the changes in drivers' drinking behaviour that would follow a change, or how far a new limit would be complied with. We do not at present have enough information about those who drink and drive – whether within the law now or not, or their lifestyle.
- 3.59** Attempts have been made to estimate the casualties a lower limit might save, assuming that it would lead to a general reduction in drivers' drinking roughly corresponding to the reduction in the limit. These estimates make a number of important assumptions and exclusions, which necessarily lead to uncertainty in the results. Other countries that have lowered limits do not have conclusive evidence of casualty savings, partly because any effect has been obscured by other measures – such as better enforcement.
- 3.60** We will keep the present limit under review and have work in hand to improve available evidence considerably in the near future. New equipment for the police is about to deliver comprehensive data on all screening breath tests. We are embarking on a pilot for a new survey to establish the prevalence of drink driving, which will be started by mid-2009. This will include qualitative work to understand the kind of people who continue to drink and drive, and when they choose to do so. We will hope to use data from these sources to repeat earlier studies that demonstrated the relationship between relative accident liability and alcohol concentrations. Our intention is to review the new evidence in the course of finalising our road safety strategy beyond 2010.

### **Practical issues**

- 3.61** The police have wide powers, but they must have clear evidence of impairment when they stop drivers for testing. People who are obviously impaired are the easiest to detect, which may explain why 90 per cent of those caught are well over the prescribed limit. Focusing enforcement on these drivers remains an effective way of reducing casualties. If the limit was no longer associated with obvious impairment, the police would have to invest in other procedures to identify lower-level offenders.

- 3.62** New screening equipment, rolling out now, will enable the police to record breath alcohol concentrations for all drivers tested, including those below the present limit. But evidential testing equipment is only type-approved for the present limit. New type approval guidelines would be required for a new limit, and present police equipment would need to be replaced.
- 3.63** Our publicity does not attempt to give guidance about the level of drinking likely to infringe the limit. Our message is simply, 'Don't drink and drive'. We have persuaded a large majority of drivers to take a highly precautionary approach. It is suggested that a lower limit would be clearer: drivers could be advised not to have more than one unit of alcohol. This is not in fact a simple rule, for a variety of reasons – for example, a driver's BAC changes all the time as an alcoholic drink is absorbed and eliminated. Changing the prescribed limit would beg questions that do not have a simple answer about what drinking would be permissible – a limit of 50 mg/100 ml would not proscribe all drinking.
- 3.64 In the light of the foregoing, respondents are asked to say:**
- **what priority they think should be given to a change in the prescribed alcohol limit for driving;**
  - **what evidence they are able to offer – and what further evidence they consider should be obtained – to support a fully-considered decision whether or not to change the limit.**

### **A special limit for young/new drivers**

- 3.65** The Transport Select Committee has proposed<sup>31</sup> a 20 mg/100 ml limit for new drivers. Such restrictions exist elsewhere, for example the Netherlands. Inexperienced drivers may be more affected by the adverse affects of alcohol, and at lower levels. However, evidence points to risk associated with a minority of male drivers up to around the age of 30. Mileage increases the longer a driver has been qualified, and the risk of involvement in a drink drive accident is high until well beyond any conceivable probationary period. Assuming we could discriminate against drivers of a given age, allowing more drinking once they cease to be 'novices' would convey the wrong message at the wrong time.

### **Social responsibility standards**

- 3.66** In 2005, the Government worked with organisations concerned with the production and sale of alcoholic drinks to produce Social Responsibility Standards<sup>32</sup> to help promote the broader social responsibilities that go with the sale of alcohol. They include avoiding actions that encourage or condone drink driving and promoting designated driver schemes. The

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31 Available online at [www.publications.parliament.uk/pa/cm200607/cmselect/cmtran/355/35502.htm](http://www.publications.parliament.uk/pa/cm200607/cmselect/cmtran/355/35502.htm)

32 Copy available on-line at [www.wsta.co.uk/images/stories/social\\_responsibility.pdf](http://www.wsta.co.uk/images/stories/social_responsibility.pdf)

Home Office has recently undertaken a review of the impact of these.<sup>33</sup> The Department for Health has subsequently published a consultation document about how to respond to this review,<sup>34</sup> and the Government will announce its proposals in due course.

- 3.67** Various organisations in the alcoholic drinks industry are active supporters of THINK! drink driving campaigns, taking copies of advertising material and providing other partnership marketing opportunities – not only during our special summer and Christmas campaigns, but throughout the year. We welcome this significant contribution to our drink driving publicity.
- 3.68** The Department has agreed with alcoholic drinks representatives to establish a working group to consider how we can work with them to combat drink driving more effectively.

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<sup>33</sup> KPMG (2008) *Review of the Social Responsibility Standards for the Production and Sale of Alcoholic Drinks* – available online at <http://drugs.homeoffice.gov.uk/publication-search/alcohol/alcohol-industry-responsibility/>

<sup>34</sup> [www.dh.gov.uk/en/Consultations/Liveconsultations/DH\\_086412](http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_086412)

# 4 Seat belts

## Introduction

- 4.1** Seat belts have had to be fitted in vehicles since the 1960s, and wearing has now been compulsory for 25 years. Seat belts have proved to be one of the biggest life-savers of all road safety measures. Overall wearing rates are now very high, but too many fatalities and serious injuries are still happening that might have been avoided if the casualty had been using a seat belt. We have to persuade more people to use a seat belt on every journey if we are to reduce this toll. We have undertaken extensive new research into the reasons why people do not wear a seat belt, and this will underpin our work in the coming months.

## The history

- 4.2** Since 1965, new cars in the UK have had to be fitted with front seat belts by law. Rear seat belts were required to be fitted to new cars from 1987. On 31 January 1983, it became compulsory for drivers and front seat passengers to wear seat belts. Wearing rear seat belts became compulsory for children under 14 in 1989 and for adults in 1991. An exemption for goods vehicle drivers undertaking deliveries was curtailed in 2005. In 2006, new rules required children to travel in the appropriate child restraint. At the same time, passengers aged 14 and above on buses and coaches were required to use seat belts where available.
- 4.3** The Department has sponsored a long succession of successful seat belt wearing campaigns, beginning in the 1970s with Jimmy Savile's message, 'clunk-click every trip'. This campaigning has undoubtedly contributed to rising wearing rates – an advertisement aimed at rear seat passengers in 1998 was particularly effective.

## The figures

- 4.4** The fitting of seat belts, and campaigns to persuade people to use them, achieved wearing rates of around 40 per cent for drivers and front seat passengers before legal requirements were introduced. Front seat wearing

rates jumped to over 90 per cent when wearing was made a legal requirement, and these levels have continued ever since.

- 4.5** Rear seat wearing rates rose from 17 per cent to about 40 per cent in 1991 when this too became a requirement. They rose slowly to 48 per cent 1998. In that year, the Department's campaign was aimed at rear passengers, and their wearing rates rose in response to nearly 60 per cent. This rate has continued to increase, reaching 70 per cent for the first time in 2007. The rate has always been higher for children in rear seats – with figures comparable to those for front seat passengers.<sup>35</sup>
- 4.6** Overall compliance with seat belt laws in Britain is high at 90 per cent, though some of our European comparators are achieving in excess of 95 per cent. An assessment was made in 2003 that seat belts had saved about 50,000 road deaths over the previous 21 years. But our research indicates that about 565 fatalities a year were not wearing their seat belt, and that over 300 might have survived in 2007 if they had been belted.<sup>36</sup>
- 4.7** The peak age among fatally injured occupants for not wearing a seat belt is 21–25. However, about 20 per cent of fatally injured people aged 60 years and older are unbelted.

## Why make people belt up?

- 4.8** Rules were introduced because fewer than half of vehicle occupants had chosen to do so voluntarily. Not wearing a seat belt – or carrying children who are not correctly restrained – is dangerous, because it risks avoidable death and serious injury in a collision. The rules were vindicated by an immediate increase in wearing rates and reduction in road casualties, which we have maintained and improved in the 25 years since the rules were made.

## Is the law on seat belts and child seats clear?

- 4.9** The law on seat belts is almost universally known. Our recent research has found that practically nobody has a principled objection to using a seat belt. It is unlikely that those who do not use seat belts seriously believe that there is no requirement to do so, but instead choose not to travel restrained.
- 4.10** There may be some examples where people mistakenly believe that there is an exemption. For example, some pregnant women believe they need not use a seat belt, although in fact the biggest risk to an unborn baby is injury

<sup>35</sup> Great Britain's car and van seat belt wearing rates can be found on the THINK! website at [http://think.dft.gov.uk/pdf/332982/332986/0711seat belt](http://think.dft.gov.uk/pdf/332982/332986/0711seat%20belt)

<sup>36</sup> Ward, H., et al. (2007) *Trends in Fatal Car Occupant Accidents*. DfT, London.



to the mother. We have published special advice for pregnant women explaining the need to use a seat belt and how to minimise the discomfort.<sup>37</sup>

- 4.11** The rules on child restraints are more complex, because these have to fit children of all sizes and ages, but in reality the right one for any given child is practically obvious, because the child has to 'fit' whatever restraint is used. Child restraints all have to be marked with the weight range of child for which they have been approved. Manufacturers have produced a wide range of products to meet the requirements, including some products that are suitable for more than one weight range.

## Is the reason for seat belts laws clear?

- 4.12** The most recent THINK! annual survey told us that 81 per cent of adults think not wearing a seat belt is extremely unacceptable, and 78 per cent agree completely that not to use one is dangerous. Not wearing a seat belt is dangerous because of the forces that are transferred to anything – or anyone – in a vehicle when it is involved in a collision. Potentially fatal injuries to the ribs, pelvis, neck, head and internal organs are much more probable without a seat belt, even at moderate speeds. An unrestrained occupant is also liable to kill other occupants.<sup>38</sup>
- 4.13** We have published advice explaining why it is important to use the right child seat or booster.<sup>39</sup> Child restraints are needed because seat belts are designed for adults, and children will not get the full benefit of the belt unless they use the correct restraint for their weight. Baby seats are specially designed to face to the rear to protect the youngest children from fatal neck and spinal injuries.

## The risk of being caught

- 4.14** About 235,000 fixed penalty notices were issued in 2006 to vehicle occupants not using a seat belt. About 4,000 cases went to court, some of which would have been linked to other offences. The police also give warnings and advice to many more non-users instead of prosecuting them.

## Is the penalty proportionate?

- 4.15** The maximum fine for all seat belt offences is a level 2 fine of £500, and the offence is not endorsable. The vast majority of cases are dealt with by a

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<sup>37</sup> *Buckle Up for Baby and You* – available online at [www.thinkroadsafety.gov.uk/campaigns/seatbelts/pregnant.htm](http://www.thinkroadsafety.gov.uk/campaigns/seatbelts/pregnant.htm)

<sup>38</sup> We estimate that between 8 and 15 front car occupants are killed annually by an unbelted rear occupant – see TRL Report 562 (published 2002) available online at [www.trl.co.uk/store/report\\_list.asp?pid=211&pno=7&searchtext=&advancedsearch=&allwords=&submitted=1](http://www.trl.co.uk/store/report_list.asp?pid=211&pno=7&searchtext=&advancedsearch=&allwords=&submitted=1) .

<sup>39</sup> See [www.thinkroadsafety.gov.uk/advice/childcarseats.htm](http://www.thinkroadsafety.gov.uk/advice/childcarseats.htm)

fixed penalty of £30. **The Home Office has proposed<sup>40</sup> to raise the fixed penalty to £60, because the present penalty is now outdated. They will complete consultation on this by the end of 2008 and aim to implement by June 2009.**

- 4.16** The police can use other offences to deal with serious cases. It is an offence attracting a fine at level 4 to use a vehicle when the manner in which somebody is carried involves a danger of injury to any person.<sup>41</sup> It is also a requirement that passengers are not to be carried in a manner that causes or is likely to cause a danger to any person.<sup>42</sup> Examples include passengers exceeding the number of seats or a child being carried in a lap.
- 4.17** In Northern Ireland, where wearing rates have been lower, the offence of not wearing a seat belt is now endorsable for drivers only. The Northern Ireland Department of the Environment will monitor the effects of this decision. It would be problematic to make an offence by passengers endorsable. Penalties need to be on the same basis for all offenders, and passengers might not have a licence to endorse.

## Is there more we should do?

- 4.18** The main focus of our efforts in the coming months will be new publicity, based on recent research, aimed at persuading everybody to use a seat belt on every journey. We will also be completing the implementation of new rules about children travelling on buses and coaches.

## Greater awareness

### A new THINK! campaign

- 4.19** The Department has undertaken substantial new research to understand overall reported wearing rates, and fatalities and serious injuries attributable to not wearing a seat belt. The overall conclusion is that, while almost nobody any longer has a principled objection to using a seat belt, a substantial minority (estimated by research at about 14 per cent of adults) are more or less inconsistent about using a seat belt. Whether they do or not depends on the type of journey, and also on the company in which they travel.
- 4.20** The Department has used the research as a basis for developing a major new THINK! campaign on seat belt wearing, which we aired on 3 November. We will review the impact of this campaign on the use of seat

40 Available online at [www.homeoffice.gov.uk/documents/cons-2008-increase-fixed-penalty](http://www.homeoffice.gov.uk/documents/cons-2008-increase-fixed-penalty)

41 Section 40A Road Traffic Act 1988 (ch 52) (inserted by Section 8 Road Traffic Act 1991 (ch 40)).

42 The Road Vehicles (Construction and Use) Regulations 1986 (Regulation 100) (SI 1986 No 1078) – not available online.

belts generally and among the target audience of those who use a seat belt inconsistently.

## Technology and incentivisation

### Child seat standards

- 4.21** Currently, child seats sold in the UK must satisfy European Standards of safety, prescribed in UN-ECE Regulation.<sup>43</sup> This provides a minimum level of safety performance and includes a dynamic frontal impact test. The regulation does not contain requirements for side impact performance and contains very little assessment of the ease of use and misuse.
- 4.22** The Department is actively involved in European discussions on modified regulatory requirements to address these issues, and is also considering options to improve child restraint consumer information.

## The legal framework

### Child passengers on buses and coaches

- 4.23** We published a consultation document in September 2007<sup>44</sup> about requiring children aged three and over to use the safety systems provided while they are seated in a bus or coach. The main concerns relate to organised transport for children – including school transport – which is procured by adults and organisations.
- 4.24** We proposed to place the responsibility for child passengers on the operator of a bus or coach; and to consider special arrangements in relation to home to school transport. We will publish a more detailed document by the end of 2008, setting out how we will be proceeding with this. We will discuss with the education departments the use of statutory guidance to cover home to school transport.

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43 [www.unece.org/trans/main/wp29/wp29regs41-60.html](http://www.unece.org/trans/main/wp29/wp29regs41-60.html)

44 Available online at [www.dft.gov.uk/consultations/closed/consuldirective200320ec/](http://www.dft.gov.uk/consultations/closed/consuldirective200320ec/)

# 5 Drug driving

## Introduction

- 5.1** There is growing public concern – which we have picked up from periodic public attitude surveys – about people who are unfit to drive through drugs, and we need a clear approach to address this issue. This chapter sets out for consultation a range of measures that might be taken to improve the controls we already have, and to make it easier for the police to prosecute those who are unfit to drive through drugs.

## The Government's road safety strategy and drug driving

- 5.2** Our strategy against drug driving shares objectives with the strategy on drink driving. We aim to achieve these objectives by co-ordinated publicity, enforcement and education.
- 5.3** The report of the three-year review of the Department's road safety strategy,<sup>45</sup> published in February 2007, says that our strategy is first to understand the effects of potentially impairing factors, and then to set standards or limits in parallel with publicity and, if necessary, enforcement campaigns. The report acknowledges progress made in raising awareness of the dangers of drug driving and the severe penalties associated with it. It notes a need for further technological developments to support better enforcement of the current law. The report of the review includes a commitment – delivered in this document – to begin a consultation process to establish whether the current process of police enforcement for drug impairment could be made more effective.

### **The nature and extent of the drug driving problem**

- 5.4** Drugs are predominantly used to treat medical conditions, but some are also used for 'recreational purposes', mostly because of their psychoactive properties. Irrespective of the reasons for taking a drug, many drugs can impair a person's ability to drive. Impairment includes adverse effects on judgement and self-confidence, and after-effects – such as the extreme

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<sup>45</sup> Department for Transport (2007) *Tomorrow's Roads – Safer For Everyone; The Second Three-Year Review* – available online at [www.dft.gov.uk/pgr/roadsafety/strategytargetperformance/2ndreview](http://www.dft.gov.uk/pgr/roadsafety/strategytargetperformance/2ndreview)

tiredness experienced in some cases – when the drug itself is no longer active. These impairing effects can be increased if any drug is misused and if drugs are used in combination with each other.

- 5.5** ‘Recreational’ drugs that can impair driving are by and large illegal in so far as they are controlled under the Misuse of Drugs Act 1971.<sup>46</sup> Evidence clearly supports measures to deter people from driving under the influence of illegal drugs. Research shows that the incidence of drugs that impair in driver fatalities increased substantially between the mid-1980s and late 1990s, and there is no reason to think that this has changed. Police reports confirm this, and also point to increasing illegal use of impairing drugs amongst drivers in combination with each other and with alcohol.
- 5.6** We must also ensure that those who use medicines that are prescribed or bought over the counter understand and avoid resulting risks, including those associated with driving. These medicines include drugs that are controlled under the 1971 Act, but are ‘legal’ when prescribed by a healthcare professional for legitimate medical purposes, such as opiates, methadone and benzodiazepines. Some of these drugs are also available over the counter when in low-strength forms.

## Prevalence of drug driving

- 5.7** We do not collect statistics specifically for drug driving offences, because the records relate to impairment due to drink or drugs and the two are not distinguished. It is also common practice not to pursue enquiries about drug impairment in cases where both drugs and alcohol are suspected, because it is much simpler to prove the same offence from evidence linked to alcohol. So, published Ministry of Justice figures on motoring convictions, and the Department’s casualty statistics, are not reliable indicators of drug use by drivers, or the involvement of drugs in casualty accidents.

## TRL analysis of road accident fatalities

- 5.8** Between 1985 and 1987 the Transport Research Laboratory carried out a study published in 1989 to measure the incidence of drugs that impair in fatal road accident casualties (not just drivers). This showed that the incidence of prescription drugs and illegal drugs was relatively low in comparison to alcohol – a ratio of about 1:5.
- 5.9** A further similar study was published in 2001,<sup>47</sup> using a sample of 1,184 fatalities, including 533 drivers and 246 riders. Results from this study show that at least one impairing prescription or illegal drug was detected in

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<sup>46</sup> c38

<sup>47</sup> Tunbridge, R.J. et al. (2001) *The Incidence of Drugs and Alcohol in Road Accident Fatalities*. TRL Report 495 available online at [www.trl.co.uk/store/report\\_list.asp](http://www.trl.co.uk/store/report_list.asp)

22.9 per cent of the drivers in the sample and 20.3 per cent of the riders. These figures are not much lower than the proportion (24.1 per cent) in the total sample of road users, including passengers and pedestrians. Alcohol was present in 31.5 per cent of the overall sample, although quantities were not measured. The incidence of such drugs had increased by about three times since the previous study. Also, 17.7 per cent of the drivers and 13.4 per cent of riders tested positive for a single drug, with 5.6 per cent of drivers and 6.9 per cent of riders tested positive for multiple drug presence – a material increase from the previous survey.

- 5.10** The 2001 study identified cannabis as the drug most frequently found among casualties, and a substantial increase in the incidence of cannabis in fatal road casualties from 2.6 per cent to 11.9 per cent over the period between the two studies. This study used a wider range of markers than drivers would be tested for now. Tests should take into account that the effect of cannabis on driving is probably limited to a few hours at most after it is taken and therefore set aside inactive metabolites of cannabis, which remain well after it is taken by regular users.
- 5.11** The great majority of multiple drug use involved a combination of two or more illegal drugs. Prescription drugs such as benzodiazepines are also often misused, and the high incidence of these drugs in multiple drug use combinations would suggest that at least some of this use was illegal rather than medicinal.
- 5.12** The pattern of drugs found suggests that users of illegal drugs tended to be younger and male, and users of impairing prescription drugs older and female. The vast majority of cannabis users were aged under 40, and the relatively small incidence of cocaine was predominantly in males. Drug use was highest among those fatalities reported as being unemployed, with a particularly high incidence of cannabis and multiple drug use.

## Other profiling research on drug drivers

- 5.13** Research for the THINK! campaign suggests that many who take illegal drugs and drive do so regularly, with a hard core of frequent drug drivers who are primarily males aged between 25 and 35. These drivers are more likely to feel confident and in control while driving and do not worry about safety. As a result, they do not believe they are impaired by the drugs they use.
- 5.14** Almost all those who take illegal drugs and drive also report knowingly being passengers of drug drivers, with most of these trips involving travelling home from clubs and parties and driving to buy supplies, including alcohol, cigarettes and illegal drugs. They report cannabis, cocaine, amphetamines and ecstasy as the most common drugs taken on these

occasions. Frequent drug drivers have social circles where this behaviour is accepted and considered much less serious than drink driving.

## What do drug drivers take?

- 5.15** National and international evidence suggests that cannabis and benzodiazepines (a group of medicines that includes Valium) are the most common drug driving substances in Europe.<sup>48</sup> A study conducted in 1997–99<sup>49</sup> examined the presence of drugs in blood samples provided by a sample of those arrested for suspicion of drink driving. Further research since this project has refined the list of cannabinoids that should be analysed for to ensure detection of only those cannabinoids that are attributed to drug impairment and not long-term use markers. Five per cent of drink drivers in the study also had a single other drug present other than cannabis (with opiates, benzodiazepines and antidepressants most common) and 1 per cent tested positive for multiple drugs that did not include cannabis.
- 5.16** A 2004 Glasgow-based roadside survey<sup>50</sup> estimated the prevalence of drug use amongst motorists by analysing oral fluid samples and using self-completion questionnaires. This found positive results of 4.1 per cent for ecstasy, 3.1 per cent for cannabis, 1.3 per cent for codeine and 1 per cent for cocaine, with other drugs present to a lesser degree. A study in 2001–03 which examined enforcement practice in the UK reported that 63 per cent of those arrested on suspicion of drug driving by the participating police forces had multiple drugs in their biological samples.<sup>51</sup> The most common drug groups were benzodiazepines and opiates (including methadone), with cannabis next.

## Is the law clear?

- 5.17** The law on drug driving is very clear. Sections 4(1) and (2) of the Road Traffic Act 1988 ('the 1988 Act') say that a person who, when driving or attempting to drive – or in charge of – a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence. Despite this clarity, there are difficulties with enforcement, which are discussed later in this document.

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48 EMCDDA 2007 selected issue: *Drugs and Driving* (available online at [www.emcdda.europa.eu/html.cfm/index41163EN.html](http://www.emcdda.europa.eu/html.cfm/index41163EN.html))

49 Tunbridge, R.J. et al. (2001) *The Incidence of Drugs and Alcohol in Road Accident Fatalities*, TRL Report 495. TRL Ltd. Available online at [www.trl.co.uk/store/report\\_detail.asp?srid=2650&pid=211](http://www.trl.co.uk/store/report_detail.asp?srid=2650&pid=211)

50 This study was co-funded by the Department and the European Commission as part of the IMMORTAL project, available at [www.immortal.or.at](http://www.immortal.or.at)

51 Oliver, J.S. et al. (2006) *Monitoring the Effectiveness of UK Field Impairment Tests*. Road Safety Research Report No. 63, Department for Transport: London, available online at [www.dft.gov.uk/pgr/roadsafety/research/rsrr/theme3/monitoringtheeffectiveness.pdf](http://www.dft.gov.uk/pgr/roadsafety/research/rsrr/theme3/monitoringtheeffectiveness.pdf)

- 5.18** Section 3A of the 1988 Act<sup>52</sup> says that, if a person causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and he is, at the time when he is driving, unfit to drive through drink or drugs, he is guilty of an offence. For the purposes of this section a person shall be taken to be unfit to drive at any time when his ability to drive properly is impaired.
- 5.19** All driving licence holders, or applicants, with a medical condition likely to be a source of danger when driving are under a legal obligation to notify the Driving and Vehicle Licensing Agency (DVLA).<sup>53</sup> This applies to those who are dependent upon and addicted to either legal or illegal medication. Persistent misusers of drugs that impair driving who come to the attention of the DVLA by this or other means are liable to lose their entitlement to hold a UK driving licence. The DVLA undertakes an assessment of medical fitness to hold a licence where there are reasonable grounds<sup>54</sup> for believing that the person has a relevant or prospective disability. Relevant disabilities include the persistent misuse of drugs, whether or not amounting to dependence.<sup>55</sup> Where there is evidence of persistent drug misuse, a driver holding a Group 1 licence (for cars, etc) will have the licence withdrawn, refused or revoked until he or she is able to demonstrate a six-month period free from misuse. This period is extended to one year where Group 2 entitlements are held (for driving a large commercial or passenger vehicle). If the DVLA finds evidence compatible with drug dependence, then a driver will need to demonstrate that he or she has abstained for one year (for a Group 1 licence) or three years (for a Group 2 licence).

## The risk of being caught

- 5.20** The procedure for catching a drug driver is less straightforward than it is for a drink driver, because there is a simple offence of exceeding the prescribed blood alcohol limit for drink driving for which evidence can be obtained using a simple breath test. Drug driving cases are initially detected where impaired driving is observed by a police officer, or the officer has some other reason for suspicion. The officer must then proceed to establish grounds for suspecting that drugs may be the cause of the driving impairment. A Field Impairment Test (FIT) may be conducted – if the officer is trained to conduct one – to help him or her assess whether to arrest or not.
- 5.21** A driver arrested on suspicion of driving while impaired by drugs is brought to a police station, where a Forensic Medical Examiner (FME) is asked to certify whether a condition that may be caused by drink or drugs is present.

<sup>52</sup> Inserted by the Road Traffic Act 1991 (c40)

<sup>53</sup> See Section 92(2) of the 1988 Act

<sup>54</sup> See Section 94(4) of the 1988 Act

<sup>55</sup> Regulation 71(1)(e) of The Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999 No 2869)



A sample from the driver can only be taken for toxicological analysis if that is certified. A decision on whether or not to prosecute follows a positive result from this analysis and consideration of all the other evidence. The driver is released if the FME does not agree to certify. The police officer's evidence in court will need to cover the nature of the impaired driving – the result of the analysis alone is not sufficient to convict a driver.

## Being more effective against drug driving

- 5.22** There is enough evidence to suggest that drug driving is a significant and possibly increasing road safety problem, but information about it is limited, and, although the offence is clear, it is difficult for the police to enforce. Our priorities must therefore be:
- to continue to raise public awareness about the risks in driving under the influence of drugs;
  - to help the police to enforce the present law;
  - to focus on illegal drugs, but continue to assess whether the use of prescribed medication that may impair driving is effectively managed by health professionals' advice; and
  - to seek more information about the extent of the problem and associated casualties.
- 5.23** Available figures show that very few drivers are convicted of driving while unfit through drugs. In cases where the driver is also over the prescribed blood alcohol limit for driving, it will always be expedient to rely on that evidence – because the penalties are the same as for drug driving. As explained above, this may mean that evidence of drug driving is simply set aside in many cases.
- 5.24** Not all police officers are trained to administer a FIT, and those who are trained conduct very few tests each year. This affects the practical value of this assessment.
- 5.25** FMEs are not always available to see a driver immediately after an arrest – one study reported an average delay of over two hours. The FME must in effect clear the collection of biological samples and, as the effects of many drug groups are short-lived, evidence may in practice be lost through delay. There is no consistent basis for assessing whether a condition that may be caused by drink or drugs is present – each FME has to make his or her own judgement.
- 5.26** The DVLA's medical licensing procedure, described above, depends upon receiving reports from – or about – those who are driving under the influence of drugs because they are either persistent misusers or drug-dependent. It is unrealistic to expect such drivers to report themselves.

## Is there more we should do?

- 5.27** We have a series of new proposals to streamline measures available to tackle drug driving:
- we will support Home Office work to make drug screening devices available to the police;
  - we will support work by police forces to train officers in the use of field impairment testing;
  - we will streamline the procedures when a driver has been arrested on suspicion of drug driving, so that samples can be taken without requiring a FME to agree first;
  - we will develop a new THINK! campaign on drug driving for 2009, and we will look for ways of improving drivers' understanding of the risks associated with medicines prescribed for them or bought over the counter;
  - we will work with drug rehabilitation course providers to ensure that issues related to drug driving are included in their curricula;
  - we will consider a programme of roadside surveys of changes in the prevalence of drug driving;
  - we will discuss with the Coroners' Association the scope for regular analysis of drugs present in road fatalities.
- 5.28** In the light of the difficulties we have identified in enforcing the existing law, we could also explore whether a change to the law, or a new offence of drug driving, might be desirable. One possibility would be to create an offence that would apply if certain drugs – known to impair driving – are present in the body. The implications of this are discussed below, and we recognise that there will need to be significant work to develop this proposal with further consultation required before any changes to the law were made. For now, we have set out the broad principles that would guide our thinking.

## Roadside surveys

- 5.29** We need information about trends in the prevalence of driving while unfit through drugs, so that we can monitor the scale of the problem and measures we take to abate it. It would also be an aim to identify the most prevalent drug groups among drivers to allow enforcement to be efficiently planned. We propose to conduct a programme of roadside surveys to collect similar information on drink driving. **We will explore whether it is practicable to include drug driving in roadside drink drive surveys.** There are practical questions to address, including a means of collecting and analysing biological samples – which can be done using a standard screening breath-test device for drink drive purposes.

## Coroners' analysis of drugs present in road fatalities

**5.30** It is a routine procedure for coroners to obtain alcohol measurements in post-mortem cases, and the Department's statistics on drink drive related road casualties use this source, among others. **We will discuss with the Coroners' Association the scope for regular analysis of drugs present in road fatalities.** The object would be the same as for the proposed roadside surveys.

## Greater awareness

### New THINK! campaign on drug driving

**5.31** The Department uses the THINK! programme to target users of illegal drugs with information about the effects should a driver use drugs. THINK! has been promoting the 'Don't drug drive' message since 2003, based around summer music festivals and over the Christmas and New Year party season. The primary audience is young men aged between 17 and 29 who are most at risk of driving while on illegal drugs, with a secondary audience of passengers who may be able to influence such drivers. There is a key message not to drug drive and that illegal drugs make people do stupid things – the audience is urged not to make driving one of them. The campaigns are supported by a dedicated website, [www.drugdrive.co.uk](http://www.drugdrive.co.uk), and a successful awareness campaign at music festivals, linked in some cases with online viral messages.

**5.32** In 2007 and for the fifth year running, THINK! advertised at the V festival and also went for the first time to Global Gathering. The campaign was run at the Glastonbury festival. Advertising included promoting the 'Don't do drugs and drive' message in the car parks and at the entrances to the festival sites. The 2007 Christmas drug driving campaign was aimed at raising awareness of the dangers of drug driving among clubbers over Christmas and New Year. The campaign was carefully planned to place advertising on media channels and in areas popular with young male clubbers. The main media areas were:

- online advertising with a variety of websites;
- print advertising in the music press; and
- flyers and posters distributed in clubs and universities.

**5.33** Research shows that over the years there has been a gradual increase in the number of people who think it is dangerous to take illegal drugs and drive. However, there are still widespread misconceptions about the effect of certain drugs – such as cannabis – on driving ability, and many people are still unclear about drug driving laws and police methods of testing for drug use. **We will launch a major drug driving campaign in 2009/10, with a provisional budget of £2,000,000.**

- 5.34** We have commissioned a research project to consider how well people understand the risks of driving when taking prescription and over-the-counter drugs, and the sources of advice and information they rely upon. When we have the results of this project, we will look at how this information can be improved and made more effective.

## Drug rehabilitation course providers

- 5.35** The Department does not currently promote any remedial training for drug drivers. Drug rehabilitation programmes are available for those most at need, but these are not linked to driving. **We propose to work with providers of drug rehabilitation courses to help them to include issues related to drug driving in their curricula.**

## Effective enforcement

### Drug screening devices

- 5.36** The Home Office has been working for some time to develop a specification for drugs screening devices. It appears that such a device for use in the detection of certain drugs in a controlled environment, such as a police station, is technically feasible.
- 5.37** **We will support the Home Office in finalising as soon as possible a specification for a police station-based drug screening device.** The aim will be to have a device that can be used to provide an initial screening for as many impairing substances as possible; and if we decide to go forward with a new offence (see below), to focus on those substances to which the new offence would apply. Once a specification has been finalised, it will be for equipment manufacturers to come forward with proposals for type-approval. Procurement would be a decision for individual police forces.

### Field impairment testing

- 5.38** The Association of Chief Police Officers has a priority to support police forces in their efforts to train officers in the use of Field Impairment Testing (FIT), and **we support them in this work.**

### Streamlined procedures for arrested drivers

- 5.39** In parallel with these measures, we aim to streamline procedures involving the FME. **We propose to legislate so that a police officer is able to require a biological sample for analysis from a driver suspected of being unfit through drugs.** The sample would be taken by an FME or any other suitably qualified person. As with drink drivers, it would become an offence to fail to provide such a sample. We will also revise the procedures

so that FMEs examining suspects will in future document any evidence of alternative medical explanations where drug use is suspected.

## Penalties

### Penalties for drug driving

- 5.40** The penalties for drug-driving generally correspond to those for drink-driving – described elsewhere in this paper. As noted in the previous section, persistent misusers of drugs that impair driving, and those who are dependent on such drugs, are liable to lose their entitlement to hold a UK driving licence.
- 5.41** The current stringent penalties for drug-driving are generally considered to be appropriate and we do not propose to change them.

## The legal framework

### Better enforcement

- 5.42** The advent of breath-testing for drink driving 40 years ago greatly simplified the evidence required to prosecute offenders. The offence of driving with a blood alcohol concentration in excess of the prescribed limit only requires evidence – from a simple test – that a driver was over that limit. This is accepted as sufficient proof that he or was impaired. There is no equivalent procedure for drug driving. The prosecution requires evidence of impaired driving and that the driver was unfit through drugs.

### A proposed new offence

- 5.43** It is well recognised that a variety of drugs, and classes of drugs, are liable to impair a user's ability to drive. Where they are legally prescribed or obtained, health professionals can already advise patients on any risks, and to warn them against driving if this might be unsafe. We will look for ways to improve the provision of information in this way. Users are liable to commit an offence if they drive while unfit through drugs, but our aim is to persuade them not to through advice from health professionals. The existing offence of driving while unfit to drive through drink or drugs will still be available to courts.
- 5.44** We could explore the viability of creating a new offence to target those who drive after taking illegal drugs – those that are controlled by the Misuse of Drugs Act 1971 – which can impair a user's ability to drive. The public rightly perceive users of these drugs who drive as a danger to road safety. As this paper has shown, it is difficult for the police to deal with these offenders. The nature of the effects of the drugs they take mean it is

inappropriate to regulate the use of impairing illegal drugs using a prescribed limit based on the same principles as the limit for alcohol, even if it was acceptable to do so.

- 5.45** Such an offence could be framed in such a way that a driver could be convicted of a new offence if an appropriate test showed such an illegal drug in their body. The effects of particular drugs on different individuals are complex, and, as set out below, there would be a lot of further work to do to develop this possibility, but our ultimate aim would be to treat in this way any illegal drug that is capable of impairing driving.
- 5.46** As we set out paragraph 5.5 above, all drugs controlled under the Misuse of Drugs Act 1971 are illegal (to possess etc), except if prescribed for legitimate medical purposes. Consistent with our position on prescribed drugs, where evidence is adduced that the person had taken the drugs under prescription and had not obtained them illegally, the new offence would not apply (although, as mentioned above, in such cases the existing drug driving offence would continue to apply where impairment was proven).
- 5.47** The Misuse of Drugs Act 1971 currently controls in excess of 500 ‘illegal’ drugs. While it is our aim to treat in the same way any illegal drug that is capable of impairing driving, it is not practical to incorporate all these drugs under the proposed new offence. In any event, those drugs that are subject to any new offence will be incorporated by virtue of clear evidence of their impairing effect and the availability of a reliable and appropriate test. Equally, by focusing on those drugs that are illegal with no recognised medical use – which are set out in Schedule 1 of the Misuse of Drugs Regulations 2001 and include cannabis, LSD and ecstasy – evidential difficulties associated with whether the drug was prescribed and therefore taken legitimately may be avoided.
- 5.48** We accept that much more work will be needed to develop a workable solution to a complex problem. For example, in the case of cannabis, we will have to consider how to ensure that the possible new offence is limited to cases where particular markers are present (see paragraph 5.10).
- 5.49** The penalties for drivers exceeding the prescribed limit for alcohol are the same as for those convicted of the alternative offence of driving while unfit through drink or drugs. We therefore envisage that penalties for the possible new offence should be the same as for the existing offence of driving while unfit through drugs, which is a mandatory minimum disqualification of 12 months; offenders may also be fined up to £5,000 and sent to prison for up to 6 months.

**5.50 We invite comment on the possibility of a new offence on these lines, or if there are other ways in which the law might be strengthened to deal with the problem of drug driving. In particular, respondents are asked:**

- **whether they think that a new offence of this sort would help to make the regulation of drug driving more effective;**
- **whether a new offence should apply to illegal drugs only, and not those that have been legally prescribed or obtained, whether or not they are controlled under the Misuse of Drugs Act 1971;**
- **how those drugs that are to be the subject of the offence should be identified, offer any expert views on which drugs are a particular concern for road safety and the mechanism by which new drugs could be incorporated under the new offence; and**
- **to identify other practical questions which will need to be addressed if the proposal is taken forward.**

# 6 Careless driving

## Introduction

- 6.1** Bad driving – even when it doesn't immediately cause a collision – is an issue of concern to many road users. It places risks both on the driver, their passengers and on others on or around the road network. That is why road traffic law contains the offences of 'driving without due care and attention' and 'driving without due consideration', or, in shorthand, 'careless driving'. (See the box below for more detail.)
- 6.2** Because careless driving takes a number of different forms, it is difficult to quantify precisely how many deaths and injuries are caused by such driving. However, police accident investigation records include data on the contributory factors that led to the accident, from which we can gain an idea of the scale of the impact that bad driving has.
- 6.3** The fact that bad driving behaviour has been recorded as a contributory factor does not mean that it would necessarily have been serious enough to qualify as a 'careless driving' offence. On the other hand, there are also a great many instances of careless driving that do not result in a collision and so are not recorded. Overall, these numbers confirm that careless driving is a serious road safety issue.



### **What is careless driving?**

Careless driving is a catch-all offence covering the sort of general bad driving that wouldn't fall under specific offences such as speeding. It is defined in law as driving that 'falls below what would be expected of a competent and careful driver.' (Road Traffic Act 1988, Section 3ZA).

In all cases, it is not just the specific behaviour, but the circumstances in which it happened that define whether or not someone drove carelessly. Thus, it is not possible to simply list behaviours that are covered by careless driving, only behaviours that in some circumstances would be considered careless driving.

### **Some examples of careless driving**

Below are real examples of cases where a driver was found guilty of careless driving in court.

The defendant drove on the hard shoulder to avoid a traffic jam. The penalty was a £150 fine and £200 costs.

The defendant reversed across a motorway junction. This would have been considered more serious if the slip road had been busier at the time. The defendant pleaded guilty and the penalty was 3 points and a £100 fine.

- The defendant failed to stop for a school crossing officer. The officer tried to talk to the defendant, who drove off. The penalty was 3 penalty points, a £200 fine and £75 costs.
- The defendant failed to stop at the junction of a crossroads and drove into the path of another vehicle. The victim suffered whiplash and extensive damage to his vehicle. The penalty was 4 points plus a £200 fine and £60 costs.
- The defendant pulled out of a minor road into the path of another vehicle, which had no time to take evasive action. The two vehicles collided. The defendant pleaded guilty and the penalty was 5 penalty points, £135 fine and £65 costs.
- The defendant drove into the back of a car that was stationary at traffic lights, then reversed and drove off at speed, crossing an adjacent footpath to do so. The victim sustained neck and back injuries, and his car was written off. The defendant pleaded guilty and the penalty was 5 penalty points, a £300 fine and £42 costs.
- The defendants were taking part in an organised race at an industrial estate at night. When the police arrived, the defendants accelerated away at speed. The two admitted guilt and were fined £250 and £75 costs, as well as being disqualified for 56 days and 90 days respectively.

## Contributory factor data

**6.4** Contributory factor data recorded by the police give an idea of what sorts of bad driving contribute the most to road collisions. Table 6.1 summarises all contributory factors that could be classified as careless driving. We have omitted those for which there is a specific offence (such as disobeying a traffic signal), though in some circumstances these could qualify as careless driving. Table 6.1 shows a wide range of behaviours, many of which individually account for a large number of casualties.

<b>Table 6.1 Contributory factors that could qualify as careless driving</b>		
<b>Contributory factor reported in accident</b>	<b>Fatal accidents</b>	<b>All accidents</b>
<b>Injudicious action</b>		
Travelling too fast for conditions	417	13,856
Following too close	28	8,853
Vehicle travelling along pavement	4	398
<b>Driver/rider error or reaction</b>		
Junction overshoot	46	3,349
Junction restart (moving off at junction)	16	2,354
Poor turn or manoeuvre	301	19,424
Failed to signal or misleading signal	17	2,659
Failed to look properly	546	49,533
Failed to judge other person's path or speed	319	26,671
Passing too close to cyclist, horse rider or pedestrian	28	1,823
Sudden braking	72	9,990
Swerved	175	5,360
<b>Impairment or distraction</b>		
Fatigue	85	2,014
Not displaying lights at night or in poor visibility	11	420
Distraction in vehicle	75	3,003
Distraction outside vehicle	25	2,064
<b>Behaviour or inexperience</b>		
Aggressive driving	178	5,548
Careless, reckless or in a hurry	432	23,354

## Public attitudes to bad driving

- 6.5 Public opinion appears to recognise the importance of dealing with bad driving. Table 6.2 suggests that the public rank bad driving issues on a par with speed and mobile phone offences in terms of their importance to improving road safety.

**Table 6.2 Public attitudes to bad driving – based on BMRB THINK! Road Safety annual survey 2007**

<b>Most important issue for government to address to improve road safety</b>	
Drink Drive	33%
<b>Bad Driving*</b>	<b>16%</b>
Speed	15%
Mobile phones	14%
Drug drive	7%
Driver not fully concentrating	7%
Child road awareness	7%
Tail gating	4%
Not wearing seat belts	3%
Road rage	3%
Driving while tired	3%
Not using child restraints	2%
Motorcycle accidents	1%
No licence insurance etc	0%
None	1%

\* Careless driving was not given as an option, but by adding up the numbers who responded Driver not fully concentrating, Tail gating, Road rage, or Driving while tired – the offence for any of which would be careless driving – we get a proxy measure.

## Driver training

- 6.6 Some bad driving is due to a failure of the driver's skills rather than a conscious decision to drive badly. We are committed to ensuring that newly qualified drivers are fully prepared to drive safely and responsibly on our roads and have continuing opportunities to learn and develop their skills throughout their driving careers.
- 6.7 We already have in hand a major overhaul of the system of driver training and testing. As set out in our consultation document *Learning to Drive*,<sup>56</sup>

<sup>56</sup> The consultation has now closed, but the text is available online at [www.dsa.gov.uk/Category.asp?cat=545](http://www.dsa.gov.uk/Category.asp?cat=545)

we want to improve the driving test itself as well as the learning process and bring forward appropriate training for young people before they start learning to drive, as well as after they have passed the test. One important part of this is to widen the focus of the practical test from vehicle control to a look at attitude and assessment of risk and interaction with other road users – which are critical to safe driving.

- 6.8** Learning does not have to stop after the driving test. For some drivers, the police are able to offer remedial training for low-level cases of careless driving, paid for by the offender, in lieu of prosecution. This option is used where a driver's mistake, rather than intent or danger, has led to a collision and the offender is deemed suitable for training to improve their basic driving skills.
- 6.9** Courses consist of classroom sessions on driving theory and on-road practical driving under the supervision of an instructor. Discussion sessions cover such aspects as hazard recognition and avoidance, how accidents happen and might be prevented, and knowledge of traffic rules.
- 6.10** There is evidence of a modest improvement in attitudes towards safe driving for those who attend the course, but no reliable evidence that this translates into improved driving performance on the road.<sup>57</sup> The NDIS is one of a number of remedial training schemes examined in Chapter 7.

## Enforcement

- 6.11** There were 25,400 convictions for careless driving in 2006. A survey of drivers convicted of careless driving showed that 57 per cent of them reported that at the time of the incident they had been driving as they often or normally drove. This suggests that, in many cases, careless drivers are not exhibiting a mere temporary deviation from an otherwise exemplary record. Drivers who consistently drive badly are a risk to other road users, and it is clearly important to deter this sort of driving.
- 6.12** Yet 79 per cent of careless driving convictions result from a road accident. Despite the fact that many careless drivers habitually drive badly, it appears they are not getting caught until after they have caused an accident. Table 6.3 suggests that this may be due to a generally low level of enforcement for careless driving. The number of penalties issued for careless driving is dramatically lower than for other major motoring offences, even though the impact – represented here by the number of fatal accidents caused – appears to be on a similar scale.

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<sup>57</sup> Broughton et al (2005) *The Effects of the National Drivers Improvement Scheme on Re-offending rates*. TRL Ltd

**Table 6.3 Penalties issued for different offences**

Offence	No. of fatalities	Convictions	FPNs	Courses
Careless/dangerous	480+	28,900	NA	25,000
Drink drive	540	92,700	NA	35,000*
Speeding	400	154,400	17,830,00	357,000**
Mobile phones	28	2,700	164,900	NA

\* But drink drive courses are only offered to people who are convicted.

\*\* Incomplete data – covering 60% of forces we know of that are running them.

## Careless driving – our priorities

**6.13** Table 6.4 shows that the number of convictions for bad driving has reduced in number by 77 per cent over the past two decades. This is mainly due to a large fall in the number of proceedings brought, although there has also been a steady fall in the rate of conviction. There is a similar pattern for written warnings, of which there were 4,500 in 2006. It seems unlikely that any improvements in driving standards over this period could account for a drop on this scale. So the level of enforcement is steadily dropping, and it seems likely that this means an increasing number of cases of careless driving are going unenforced.

**Table 6.4 Bad driving (careless, dangerous, death by dangerous) convictions 1985–2006**

Offence type	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Proceedings (thousands)	77.4	75.4	70.8	64.7	59.6	56.3	53.9	52.5	49.7	46.3	42.5
Findings of guilt	59.3	57.8	54.7	48.1	43.6	39.5	37.6	35.3	33.1	31.2	28.9
Rate of conviction	0.77	0.77	0.77	0.74	0.73	0.70	0.70	0.67	0.67	0.67	0.68
Casualties (thousand KSIs)	48	47	44	45	42	41	39	37	34	32	32
Offence type	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
Proceedings (thousands)	142.1	128.7	106.5	104.8	107.9	110.1	110.1	104.0	91.3	87.9	83.4
Findings of guilt	125.2	111.0	88.8	87.4	89.6	89.3	86.2	79.9	69.2	67.1	64.2
Rate of conviction	0.88	0.86	0.83	0.83	0.83	0.81	0.78	0.77	0.76	0.76	0.77

**Table 6.4 Bad driving (careless, dangerous, death by dangerous) convictions 1985–2006**

Casualties (thousand KSIs)	76	74	69	69	69	66	56	53	49	50	49
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- 6.14** Our analysis suggests that careless driving represents a wide range of bad driving behaviour, which no simple measure could easily solve. However, there are two obvious broad areas for improvement: education, and enforcement.

## Greater awareness

### Driver education

- 6.15** On education we will seek to improve driver training and testing, as detailed in our consultation, *Learning to Drive*.
- 6.16** We continue to support the National Driver Improvement Scheme. It identifies and addresses the needs of drivers who drive carelessly by mistake through improving their skills rather than simply punishing them. **We will work with the police and course providers to make the content of the course, and those who deliver it more effective.** More details of our proposals on remedial training are in chapter 7.

## Effective enforcement

### Fixed penalties for bad driving

- 6.17** Currently, careless driving is triable in a magistrates court. The penalties include 3–9 penalty points, discretionary disqualification and a level 5 fine. In addition, in less serious cases of careless driving, many police forces offer the option of a driver improvement course as an alternative to prosecution. For fatal collisions, there is the new offence introduced in August 2008 of causing death by careless driving, with higher penalties, including mandatory disqualification and the option of a custodial sentence.
- 6.18** The process of charging a driver with careless driving involves a heavy burden of paperwork and is resource-intensive for the police, the Crown Prosecution Service and, where a case reaches trial, the Courts Service. This leads to a heavy financial cost for careless driving, for which in the majority of cases the offender pleads guilty. In addition, there is anecdotal evidence that the heavy resource implications lead to police not charging drivers in the first place. This would suggest that there are careless drivers who are currently ‘getting away with it’, an idea that is supported by a steady downward trend in the prosecution of careless driving.

- 6.19** We propose to make **careless driving** (but not dangerous driving or any of the ‘causing death’ offences) **a fixed penalty offence**. This would mean that, instead of going to court, drivers could be given the option of accepting a fixed penalty of £60 and 3 penalty points. The driver would still retain the option instead to challenge the offence in court.
- 6.20** Creating a fixed penalty offence could have two clear benefits. First, we think that the simpler process would increase the chances of enforcement action being taken against demonstrably bad driving, before this results in a serious accident. Second, by improving the efficiency of police and wider law enforcement operations, we would be releasing resource that could be used for the enforcement of the full range of dangerous driver behaviours.
- 6.21** We expect this proposal to be widely welcomed, especially by the police themselves. A survey of road traffic professionals in 2002 found that 63 per cent of police officers would like to see fixed penalty notices for some minor careless driving offences. In addition, seven out of eleven magistrates and six out of ten judges surveyed were in favour of the idea.
- 6.22** Although this proposal would mean that a fixed penalty notice could be legally offered for any instance of careless driving, it would clearly not be desirable for fixed penalties to be issued for more serious examples of careless driving. We are therefore proposing to work with the police to set out very clear guidance on the use of the new process. This will include advice on the circumstances in which it would be most appropriate to give a warning, offer a course, issue a fixed penalty, or prosecute.

# 7 Driver retraining and re-assessment

## Introduction

- 7.1** On 7 May, we published proposals for fundamental reform of driver education, training and testing.<sup>58</sup> The heart of this reform is a new competence framework that sets out the knowledge, skills and attitudes that support safe and responsible driving. That framework underpins our proposals for improved learning and assessment arrangements for initial licence acquisition, and also to subsequent knowledge and skills maintenance and development linked to lifelong learning. This chapter describes a new approach to re-education and re-assessment for certain road traffic offenders, linked to that framework.
- 7.2** There are various existing arrangements under which driving offenders:
- can be offered re-education as an alternative to prosecution;
  - can get reductions on penalties in return for undergoing re-education; and
  - have to pass a driving test again before recovering their full licence.
- 7.3** The latter include drivers who have been disqualified following conviction for dangerous driving, motor manslaughter, and causing death by dangerous driving or whilst under the influence of drink or drugs, drivers who have had their licences to drive buses, coaches and lorries revoked and new drivers with licences revoked under the New Drivers Act,<sup>59</sup> We are consulting separately about revocation of licences on medical grounds.
- 7.4** At present, none of the training provided to driving offenders is validated concerning its effects on the driver and nobody is required to re-qualify by passing our driving tests must take any training first.
- 7.5** Re-educating and re-assessing offenders offers significant opportunity for effective and targeted interventions to improve driving standards and driver safety. It is a positive approach, giving motorists an opportunity to improve, and so to be safer and less likely to re-offend. We have provision in the

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<sup>58</sup> *Learning to Drive* – available at [www.dsa.gov.uk](http://www.dsa.gov.uk)

<sup>59</sup> Road Traffic (New Drivers) Act 1995 (c13)



Road Traffic Offenders Act 1988<sup>60</sup> to extend the present re-education and re-assessment schemes. We also have measures in hand to raise the standard of this training, and to recognise the skills of those who deliver it.

- 7.6** A variety of bespoke training products will make it easier to match offenders with suitable training providers. A person guilty of one minor speeding offence needs a different sort of training to a more serious offender, for example a driver disqualified under ‘totting-up’ (ie a series of convictions resulting in 12 penalty points), or someone causing death by dangerous driving.
- 7.7** The Road Traffic Offenders Act 1988<sup>61</sup> provided for courts to offer a reduced disqualification for drivers convicted of drink driving who complete a remedial training course. Section 35 of the Road Safety Act 2006 provides for this scheme to be modernised and similar provisions to be extended to other specified offences.
- 7.8** We have recently published research into the optimal type of training for this group of offenders<sup>62</sup>. We are commissioning research into the characteristics of these groups and their implications for the design of tailored remedial training.
- 7.9** Our overall aim is to win a road safety dividend from remedial training that is valued by the drivers concerned, and recognised by insurers and other interests. We plan a structure in which, as a rule, remedial education and training are assessed, and where retests are properly linked to suitable training. We believe that the Driving Standards Agency are well-placed to oversee and quality assure this new regime.

## Retraining driving offenders

- 7.10** There are currently three national remedial training schemes – considered elsewhere in this paper. None is linked to a re-assessment requirement:
- the drink drive rehabilitation scheme;
  - the National Driver Improvement Scheme;
  - speed awareness courses, currently being rolled out by the Association of Chief Police Officers (ACPO).

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60 Section 36 Road Traffic Offenders Act 1988, as most recently amended by section 37 Road Safety Act 2006 (c49) and 117 Road Traffic Act 1988 and also sections 30A – D RTOA88 (as inserted by section 34 RSA2006) and section 34A – C RTOA (prospectively substituted by section 35 RSA2006).

61 c53

62 Wright, G, et al. (2007) *Interventions for Convicted Traffic Offenders: Recommendations of a Judgement and Decision-making Working Group*. Road Safety Research Report 71 , Department for Transport: London

**7.11** We have taken powers to be able to extend the scope of re-education training schemes – so that, where training is successfully completed, a court is able to offer:

- a reduction of penalty points;<sup>63</sup> and
- a reduction of a period of disqualification.<sup>64</sup>

Such schemes may be introduced by regulation and piloted in particular court areas.

**7.12** Powers were also taken,<sup>65</sup> in earlier amendments to the Road Traffic Act 1988, to allow regulations to be made to require offenders to take a training course before, say, applying for a provisional or full licence or applying for a test. These powers have yet to be activated. The implementation of compulsory training courses can be geographically limited.

**7.13** Therefore we propose to investigate the circumstances when re-education and retraining are likely to be most effective – when either:

- participation is a choice of the offender and participation is incentivised by adjusting the penalties otherwise imposed; or
- participation is a requirement for any offender who wishes to continue driving

and design our new arrangements accordingly.

## Disqualification and retesting

**7.14** The Road Traffic Offenders Act 1988 says when a driver may be disqualified and for how long. This is based on the threat to road users. Changes were made in the Road Safety Act 2006, following a review.<sup>66</sup> **The Government sees no need for any further wholesale review of road traffic penalties at this stage.**

**7.15** The courts have powers to require drivers who have committed certain offences to be retested – by disqualifying them from holding a (full) licence until test passed.<sup>67</sup> The courts must disqualify-until-test-passed for four very serious offences:

- motor manslaughter;
- causing death by dangerous driving;
- dangerous driving; and

63 New sections 30A to 30D Road Traffic Offenders Act 1988 as inserted by section 34 Road Safety Act 2006 (c49).

64 Section 35 Road Safety Act 2006.

65 Inserted by section 257 of the Transport Act 2000.

66 Published by the Home Office and the Department on 24 July 2002, and available online at <http://police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/traffic.pdf>

67 Under Section 36 of the Road Traffic Offenders Act 1988 (as amended).

- causing death by careless driving when under the influence of drink or drugs.
- 7.16** Drivers who are disqualified-until-test-passed must pass an ‘appropriate driving test’ in order to recover a full licence. An ‘appropriate driving test’ has two forms:
- an ‘extended test’, which is defined in regulations to mean the current theory test (including the Hazard Perception Test) to be passed for initial licence acquisition and a double-length practical test based on the test to be passed for initial licence acquisition but of longer duration; and
  - an ordinary test of competence to drive – the normal theory and practical tests that must be passed for initial licence acquisition.
- 7.17** If the order to retest arises from an offence subject to compulsory endorsement, the retest is an extended test, and in other cases the retest is an ordinary test.
- 7.18** The Driving Standards Agency does not record data on the numbers of ordinary retests conducted. The Agency does, however, compile data on the numbers of extended tests, and in 2007/08 the DSA conducted about 5,600 of them.
- 7.19** The Secretary of State may designate other offences involving obligatory endorsement to which mandatory retesting would apply.<sup>68</sup> During the passage of the Road Safety Bill, Ministers undertook to introduce a requirement for mandatory testing to apply to all disqualifications of two or more years, on the grounds that it is sensible to check the driving competence of a person who has not been driving for such a period. This would mean retesting to a wider range of more serious offences, including serious first drink driving offences, and repeat convictions for drink driving offences, which now carry a minimum three-year disqualification.  
**We propose to implement the new provision on this basis alongside our new approach to re-assessment** (see below).

## Vocational driving licences

- 7.20** The Secretary of State may also, on the advice of the Traffic Commissioners, revoke a vocational licence on the grounds of conduct and make its recovery subject to passing standard theory and practical driving test for those categories of vehicle.<sup>69</sup> Currently this retest power is used infrequently – typically in fewer than 50 cases annually.
- 7.21** For the future, we could also consider using the power mentioned in paragraph 7.12 above to specify a retraining course that would be available

<sup>68</sup> Section 36(2) Road Traffic Offenders Act 1988.

<sup>69</sup> Section 117 of the Road Traffic Act 1988.

in cases where Traffic Commissioners thought completion of such a course would be appropriate before a vocational licence be restored. **We welcome comment on this suggestion.**

## A new approach to re-assessment

- 7.22** Drivers who have to be retested are not currently required to do any remedial training first. **We invite responses on whether this should change, and whether any new form of assessment should be used to ensure that remedial training has been undertaken.**
- 7.23** Our aims are to:
- promote remedial education and training aimed at these offenders; and
  - replace the current driving tests which have to be passed to recover a licence with special assessments designed, among other things, to validate the effect of remedial education.
- 7.24** The Secretary of State has powers<sup>70</sup> to determine in regulations the detailed nature of particular kinds of test used for particular offenders. With provision to extend training as an alternative to penalties, we can create a more sophisticated system for dealing with bad driving. **Our strategy is to have a special training regime for offenders subject to mandatory re-assessment and for that re-assessment to be designed to test offenders on that training as well as the offender's general standard of driving.** We therefore propose to use the powers to extend mandatory testing described in paragraph 7.20 at the same time as a new re-assessment regime is put in place.
- 7.25** The DSA has expertise in designing and delivering assessments and can play a central role in designing and providing ways to re-educate and re-assess drivers, in addition to evaluating the impact of new education and assessment processes.
- 7.26** There is also the potential for the modernised quality assurance arrangements for driver trainers to include the registration of persons specialising in providing remedial training.
- 7.27** **We propose to give the Driving Standards Agency a standard-setting role on all driver re-education and re-assessment.**

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<sup>70</sup> Section 89 of the Road Traffic Act 1988

## Treatment for drivers with more than one category of entitlement

- 7.28** The powers relating to retesting allow for regulations to be made that provide that passing driving tests relating to one category of vehicles lift the disqualification-until-test-passed for other categories.
- 7.29** Currently the retest regulations<sup>71</sup> provide that passing an appropriate driving test for driving a car lifts a disqualification-until-test-passed for driving lorries buses and coaches, regardless of what vehicle was being driven when the offence took place. This arrangement was adopted when the retest regulations were made in the early 1990s. It was felt that, to require a driver to take a series of retests to recover each category of entitlement, would be over-burdensome, particularly where the Road Traffic Offenders Act required that the test for each category had to be an extended test. Also, as explained in paragraph 7.21 above, the Traffic Commissioners have separate powers to act regarding vocational drivers where further action is appropriate.
- 7.30** It would, however, be possible to provide instead:
- that drivers have to pass a retest for each category they wish to obtain, but – where the appropriate test was an extended test – only pass an extended test for the first category.
  - that drivers have to pass a retest in the category of vehicle in which the offence was committed to lift the disqualification from that category.
- 7.31** On the other hand, if we decided that the new assessments we needed to develop for driving offenders were much more concerned with understanding, attitudes and motivations rather than vehicle control, we might wish to retain an arrangement like the current one, where lifting the disqualification for one category of entitlement deems spent the disqualification in respect of other categories of entitlement.
- 7.32** **We welcome views on the approach we should adopt.**

## A new approach to the New Drivers Act

- 7.33** Under the New Drivers Act,<sup>72</sup> a driver who reaches 6 penalty points within two years of passing their first driving test must have his licence revoked and take all the parts of the driving test again to recover a full licence. There are some 16,000 revocations annually under the Act. We estimate that some 50 per cent of the drivers concerned re-pass the test relatively soon. But as many as 30 per cent appear not to return to the licensing system. An analysis of recent cases suggests that ‘driving without insurance’

<sup>71</sup> Regulation 46 (as amended) Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999/2864)

<sup>72</sup> The Road Traffic (New Drivers) Act 1995 c13.

dominates the offences for which licences are revoked under the Act. This offence is subject to 6 to 8 point penalties – so a new driver’s licence can be revoked for just one offence.

- 7.34** Newly qualified drivers in general seem to be well aware of the Act and its 6-point rule, and a responsible majority are no doubt positively influenced by it. However, the Act has failed to deter too many novices from driving uninsured, and revocations under the Act appear to lead others, who behaved responsibly by passing a test when they initially qualified, to choose when their licence is revoked to drive unlicensed rather than to go through the process again. To this extent, the threat in the Act of losing a licence is not proving effective for a minority of potentially high risk drivers. We are also concerned about the evidence that unlicensed drivers in general have high accident rates.
- 7.35** Our aim must be to direct as many legitimate new drivers as possible towards positive remedial action to avoid a licence revocation. Remedial training can be made to work with better coverage of driver behaviour in the basic driver training syllabus. It is more effective and proportionate to focus this extra education and training at those who commit offences rather than to burden the whole population of newly qualified drivers with extra training requirements post-qualifications or impose a raft of post-test restrictions on all newly qualified drivers.
- 7.36** We propose that the **DSA will develop a course specially tailored for people who incur penalties while subject to the New Drivers Act, linked to a new assessment for the recovery of a revoked licence, which would be taken instead of another standard test.**
- 7.37** The proposed course could be made available in a variety of ways, some of which would require further legislation:
- it could be a mandatory step to recovering a revoked licence;
  - it could be offered as an alternative to revocation – a driver accepting remedial training would be allowed not to incur points for the offence which would otherwise trigger a revocation (this option would require primary legislation);
  - it could be available to other new drivers incurring points that were not of sufficient number to trigger revocation.
- 7.38** The aim of the second and third options would be to create an incentive to attend remedial training by allowing those who did so to avoid – or hold off – the prospect of revocation. We have to strike a proper balance between the benefits of remedial training and the deterrent intentions in the Act. **We welcome comment on our approach to these options.**

## Licences issued outside the European Economic Area (EEA)

- 7.39** The New Drivers Act applies to drivers for two years after they first pass a UK driving test. Licences issued in other European Community and European Economic Area (EC/EEA) countries, the Isle of Man, the Channel Islands or Gibraltar are treated in the same way as a UK licence for this purpose, so that the test passed in one of these countries serves as a first pass for the purposes of the Act.
- 7.40** In addition, drivers may exchange a driving licence issued in a designated country<sup>73</sup> for a GB driving licence. However, a test passed in a designated country does not count as a first pass for the purposes of the Act. If such a driver passes another driving test in this country (which may be for another type of vehicle, eg a heavy goods vehicle (HGV)), the Act is written so that this test is treated as a first driving test for the purposes of the Act. If such a driver then incurs 6 penalty points within two years of that test pass, the Act will apply to revoke all his or her licence entitlements. Some of these drivers have argued that this is unfair, and that they ought to be treated in the same way as those with EC/EEA licences.
- 7.41** Different treatment of designated countries is explicit in the Act. We do not believe the rules can be changed without creating anomalies. We have, however, enhanced the guidance on this matter issued with test certificates, in the Highway Code, and in our online advice on the Act.<sup>74</sup> **We invite comment on whether – and if so what – changes should be considered here.**

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<sup>73</sup> The designated countries are: Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland and Zimbabwe.

<sup>74</sup> [www.direct.gov.uk/en/Motoring/LearnerAndNewDrivers/NewlyQualifiedDrivers/DG\\_4022566](http://www.direct.gov.uk/en/Motoring/LearnerAndNewDrivers/NewlyQualifiedDrivers/DG_4022566)

# Annex A

## Summary of proposals

	<b>Greater awareness</b>	<b>Effective enforcement</b>	<b>Penalties</b>	<b>Technology/ incentives</b>	<b>The legal framework</b>
<b>Speed</b>	New THINK! campaign – early 2009	Average speed camera evaluation – ongoing	Graduated fixed penalty points regulations – spring 2010	Intelligent Speed Adaptation work – ongoing	
<b>Drink drive</b>	New THINK! campaign – late 2009	Targeted (checkpoint) testing – ongoing Digital breath-testers – rolling out now Evidential roadside testing – equipment available 2010 Eliminate blood/urine test option – 2011/12 Fix loophole in HRO licence return arrangements – mid-2009		Alcohol ignition interlocks work with employers – ongoing	Keep drink drive limit under review
<b>Seat belts</b>	New THINK! campaign – November 2008			Improved child seat standards – ongoing	New arrangements for child passengers on buses and coaches – proposals late 2008



	<b>Greater awareness</b>	<b>Effective enforcement</b>	<b>Penalties</b>	<b>Technology/ incentives</b>	<b>The legal framework</b>
<b>Remedial Training and Testing</b>	Professional and quality standards – new guidance starting with drink drive rehabilitation, mid 2009				
<b>Drug Drive</b>	New THINK! campaign – 2009	Change rules to enable sample to be taken more easily – 2011/12			New offence – 2011/12
<b>Careless Driving</b>		Fixed penalty – early 2010			

# Annex B

## Consultation questions

### Speed

1. Do you agree that extreme speeders should receive a 6-point fixed penalty?
2. Do you think that 20/30 mph limited roads should have a lower threshold for a 6-point penalty?
3. Do you think that 70 mph limited roads should have a higher threshold for a 6-point penalty?
4. Do you agree that we should not graduate speeding fines?
5. Do you agree that we should not offer 2-point fixed penalties for marginal breaches of the speed limit?

### Drink driving

6. Do you have any comments on the use of targeted checkpoint testing for drink drivers?
7. Do you think we should withdraw the statutory right to a blood or urine test as an alternative to a breath test?
8. Please comment on three options in respect of the proposal to take away cover for High Risk Offenders (HROs) to drive after submitting a re-application for a licence, while medical procedures are being carried out:
  - we move now to implement the change provided for in the Road Safety Act 2006 on the basis that we are satisfied that existing procedures allow ample time for medical examinations before a disqualification expires; or
  - we develop further powers either to require an HRO to submit a medical report with their re-application for a licence or to give them that option, to be implemented probably after we have removed the cover to drive; or

- we defer implementing the change provided for in the Road Safety Act until we also have powers either to require HROs to submit a medical report with their re-application for a licence or give them that option.
9. Do you agree that the costs of implementing and enforcing a judicial alcohol ignition interlock scheme would be disproportionate?
  10. What priority do you think should be given to a change in the prescribed alcohol limit for driving?
  11. What evidence are you able to offer – and what further evidence do you consider should be obtained – to support a fully-considered decision whether or not to change the limit?

## Drug driving

12. Do you agree that a new offence of driving with an illegal drug in the body is required to make the regulation of drug driving more effective?
13. Do you think that such a new offence should apply to illegal drugs only, and not those that have been legally prescribed or obtained?
14. How do you think we should identify the drugs that would be the subject of the proposed offence? How should we incorporate new drugs under the proposed offence?
15. Do you have any other comments about the proposed new offence?
16. Do you have any other comments about our drug driving proposals?

## Careless driving

17. Do you agree that we should make careless driving a fixed penalty offence?
18. Do you agree that the fixed penalty for careless driving should be £60 and 3 penalty points?
19. Do you have any further comments about our careless driving proposals?

## Driver retraining and re-assessment

20. Do you think we should specify a retraining course for cases where a vocational licence has been revoked on the advice of the Traffic Commissioners?

21. Do you think that disqualified drivers who are subject to a re-test should be required to take remedial training first?
22. Do you agree that we should develop a course for people who incur penalties while subject to the New Drivers Act, linked to a new assessment for the recovery of a revoked licence?
23. Please comment on the three options for the proposal in question 22:
  - it could be a mandatory step to recovering a revoked licence;
  - it could be offered as an alternative to revocation – a driver accepting remedial training would be allowed not to incur points for the offence which would otherwise trigger a revocation (this option would require primary legislation);
  - it could be available to other new drivers incurring points that were not of sufficient number to trigger revocation
24. Do you think we should change the rules relating to designated countries in the New Drivers Act? If so, how?
25. Do you have any further comments on our proposals on driver retraining and re-assessment?

# Annex C

## List of those consulted

Accident Investigation Unit  
ADDAPT  
The Albert Centre (Middlesbrough)  
Alcohol Concern  
Alcohol Support Ltd (Aberdeen)  
Allsop, Prof. Richard (University of London)  
Ambulance Service Association  
Aquarius Drive (Birmingham)  
Approved Driving Instructors National Joint Council  
Association of British Insurers  
Association of British Drivers  
Association of British Motor Clubs  
Association of Chief Police Officers  
Association of Chief Police Officers (Scotland)  
Association of Industrial Road Safety Officers  
Association of International Courier and Express Services  
Association of Local Bus Company Managers  
Association of London Government  
Association of Magisterial Officers  
Association of Metropolitan Authorities  
Association of Road Traffic Safety Management  
Association of Road Transport Lawyers  
Association of Vehicle Recovery Operators  
Automobile Association  
Automotive Distribution Federation

Brake  
British Beer and Pub Association  
British Chambers of Commerce  
British Chauffeurs Guild  
British Horse Society  
British Industrial Truck Association  
British Medical Association  
British Motorcyclists Federation  
British Road Federation  
British Standards Institution  
British Transport Police  
British Vehicle Rental and Leasing Association

Campaign Against Drinking and Driving  
Camping & Caravanning Club  
Centre for Transport Studies  
Central Motorways Patrol Group  
Chartered Institute of Logistics and Transport  
Chief Fire Officers Association  
Commission for Integrated Transport  
Communication Workers Union  
Confederation of British Industry  
Confederation of Passenger Transport (England)  
County Councils Network  
County Surveyors Society  
Crown Prosecution Service  
CTC

Defensive Driver Training  
Department of Health  
Despatch Association  
Disabled Drivers Association  
Disabled Motorists Federation  
Drink Driver Education (Berks)  
Drinkaware Trust  
Driver's SEAT  
DriveWise (Keston) Ltd (Beckenham)  
Driving Instructors Association  
DSA  
DVLA

Environmental Transport Association

Federation of Licensed Victuallers Associations  
Fleet Safety Association  
Freight Transport Association

Glasgow Drink Drive Offenders Programme  
Government Departments  
Government Offices  
Guild of British Coach Operators

HAPAS (Welwyn)  
Health and Safety Executive  
Heavy Transport Association  
Historic Commercial Vehicle Society  
Honda (UK)

Institute of Advanced Motorists  
Institute of Alcohol Studies  
Institute of Automotive Engineers  
Institute of Directors  
Institute of Logistics and Transport  
Institute of the Motor Industry  
Institute of Occupational Safety and Health  
Institute of Risk Management  
Institute of Road Safety Officers  
Institute of Road Transport Engineers  
Institute of Transport Administration  
Institute of Vehicle Recovery Operators  
Institution of Civil Engineers

Justices Clerks Society

Kent Probation Service (Canterbury)

Lincolnshire Road Safety Partnership (Lincoln)  
Living Streets  
Local authorities  
Local Authority Road Safety Officers Association  
Local Government Association

Magistrates Association  
Motor Caravanners Club  
Motorists Forum  
Motor Industry Research Association  
Motor Insurers Bureau

National Association of Local Councils  
National Council on Inland Transport  
National Courier Association  
National Farmers Union  
National Federation of the Blind of the UK  
National Federation of Self-employed and Small Business  
National Freight Consortium  
National Playbus Association  
National Probation Service (London)  
National Union of Rail, Maritime and Transport Workers Union  
Northamptonshire Drink Drive Rehabilitation Course (Northampton)  
North East Council on Addictions (Newcastle)

Ogwr DASH (Bridgend)

Parliamentary Advisory Committee on Transport Safety  
Passenger Transport Executive Group  
Police authorities

Police Federation of England and Wales  
Portman Group  
PRISM/Clearway (Carmarthen)

RAC Foundation  
RAC Motoring Services  
RCA Trust (Paisley)  
ReForm (2000) Ltd (Sheffield)  
Retailer Motor Industry Federation  
Road Haulage Association Ltd  
Road Haulage and Distribution Training Council  
Road Operators Safety Council  
Road Rescue Recovery Association  
Roadsafe  
Royal Society for the Prevention of Accidents  
Road Transport Association  
Road Transport Industry Training Board  
Royal Mail

Sense With Roads  
Slower Speed Initiative  
Small Business Service  
Society of Motor Manufacturers & Traders  
Society of Operations Engineers

TNT Express Worldwide Ltd  
Trades Union Congress  
Transport & General Workers Union  
Transport Policy Executive  
Transport Policy Unit  
Transport Research Laboratory  
Transport Select Committee  
Transport 2000  
TTC 2000 (Telford)

United Road Transport Union  
UNISON  
UPS House

Vehicle Certification Agency  
VMCL (Swindon)  
VOSA

Wine and Spirit Association



# Annex D

## Impact Assessments

## Summary: Intervention & Options

<b>Department/Agency:</b> <b>Department for Transport</b>	<b>Title:</b> <b>Impact Assessment of graduated fixed penalties and fixed penalty points for speeding offences</b>	
<b>Stage:</b> Consultation	<b>Version:</b>	<b>Date:</b> 1 October 2008
<b>Related Publications:</b> Consultation on Graduated Fixed Penalties and Fixed Penalty Points for Speeding Offences		

### Available to view or download at:

<http://www.dft.gov.uk>

**Contact for enquiries:** Josh Fox

**Telephone:** 020 7944 2633

### What is the problem under consideration? Why is government intervention necessary?

Enforcement of speed limits is an important method of achieving appropriate vehicle speeds and reducing casualties as part of the Government's integrated road safety strategy. The great majority of speeding offences are dealt with through the fixed penalty procedure. The fixed penalty for speeding at present is a flat rate of three penalty points and a £60 fine, regardless of the extent to which the speed limit has been exceeded. It is the Government's view that the punishment should be more equitable and take better account of the level of offending.

### What are the policy objectives and the intended effects?

The proposals are designed to make the penalty for speeding offences more equitable and ensure greater respect for and compliance with speed limits, which will in turn continue to reduce the number of road traffic collisions, injuries and deaths in which excessive speed is a contributory factor. Greater compliance will also reduce the risk to more vulnerable road users and improve the quality of life for local communities.

### What policy options have been considered? Please justify any preferred option.

Option A – maintain the status quo. Option B – introduce only higher graduation of fixed penalties for speeding offences. Option C – introduce both lower and higher graduation of fixed penalties. Action is required in order to ensure that the punishment for speeding is more equitable and reflects the extent of non-compliance.

**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?** There will be a full post-implementation review after the provisions have been brought into force by way of Order and two full years of appropriate data are available.

### **Ministerial Sign-off** For consultation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister:

.....Date:

## Summary: Analysis & Evidence

**Policy Option:**

**Description: Introduce only higher graduation of fixed penalties**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups'
	<b>One-off</b> (Transition) <b>£ 1m</b>	<b>Yrs</b> 1	
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 0</b>		<b>Total Cost (PV)</b>
Other <b>key non-monetised costs</b> by 'main affected groups'			
Costs of increased disqualifications to drivers who exceed speed limits excessively.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups'
	<b>One-off</b> <b>£ 0</b>	<b>Yrs</b>	
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ 19-32m</b>		<b>Total Benefit (PV)</b>
Other <b>key non-monetised benefits</b> by 'main affected groups'			
Reduction in road accidents.			

**Key Assumptions/Sensitivities/Risks** Impacts depend on the extent of change in driver behaviour, and the extent to which the police choose to divert cases away from court proceedings. There is also a risk that more drivers are disqualified through the 'totting' up process, leading to costs to these offenders.

Price Base Year 2007	Time Period Years 10	<b>Net Benefit Range</b> (NPV) <b>£ 164-274</b>	<b>NET BENEFIT</b> (NPV Best estimate) <b>£ 219m</b>
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What is the geographic coverage of the policy/option?		Great Britain		
On what date will the policy be implemented?		1 April 2009		
Which organisation(s) will enforce the policy?		Police		
What is the total annual cost of enforcement for these organisations?		£ 1m (additional)		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)				(Increase - Decrease)
Increase of	£ 0	Decrease of	£ 0	<b>Net Impact</b> <b>£ 0</b>

Key:	Annual costs and benefits: Constant Prices	(Net) Present Value
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## Summary: Analysis & Evidence

**Policy Option: C**

**Description: Introduce both lower and higher graduation of fixed penalties.**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups'
	<b>One-off</b> (Transition) <b>£ 1m</b>	<b>Yrs</b> 1	
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 0</b>		<b>Total Cost (PV)</b> <b>£ 1m</b>
Other <b>key non-monetised costs</b> by 'main affected groups'			
Costs of increased disqualifications to drivers who exceed speed limits excessively.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups'
	<b>One-off</b> <b>£ 0</b>	<b>Yrs</b>	
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ 19-32m</b>		<b>Total Benefit (PV)</b> <b>£ 165-275m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups'			
Reduction in road accidents, more equitable treatment of offenders further encouraging compliance with speed limits.			

**Key Assumptions/Sensitivities/Risks** Impacts depend on the extent of change in driver behaviour, and the extent to which the police choose to divert cases away from court proceedings. There is also a risk that more drivers are disqualified through the 'totting' up process, leading to costs to these offenders.

Price Base Year 2007	Time Period Years 10	<b>Net Benefit Range (NPV)</b> <b>£ 164-274</b>	<b>NET BENEFIT (NPV Best estimate)</b> <b>£ 219m</b>
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What is the geographic coverage of the policy/option?		Great Britain		
On what date will the policy be implemented?		1 April 2009		
Which organisation(s) will enforce the policy?		Police		
What is the total annual cost of enforcement for these organisations?		£ 1m (additional)		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)				(Increase - Decrease)
Increase of	£ 0	Decrease of	£ 0	<b>Net Impact</b> <b>£ 0</b>

Key: Annual costs and benefits: Constant Prices (Net) Present Value

## Evidence Base (for summary sheets)

**[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]**

### Background

This IA relates to the proposals to introduce graduated penalties for speeding offences as part of the strategy to improve driver compliance with road traffic law. Further information is provided in the accompanying consultation paper.

### Preparation of IA

This IA has been prepared by updating an initial IA which was produced in December 2007.

It has been prepared to accompany a consultation to invite comments on a range of proposals relating to driver compliance with road traffic law.

The evidence base will be updated following the consultation period to take account of any further evidence which emerges.

The following analysis assesses the costs and benefits of the two policy options compared to the baseline scenario, where there is no graduation of fixed penalty points (i.e. the current status quo). However, it should be noted that the impacts anticipated in future years would be affected by trends in speed enforcement activity, driver behaviour and traffic levels. It has not been possible to fully account for these trends at this stage, and so the actual impacts occurring in future years may differ from those stated here.

### Options

Option A: Do nothing – this would involve maintaining the current status quo. This would not meet the objective of creating a more equitable system which is based on the extent of non-compliance and so would not contribute to the overall strategy to improve driver compliance with road traffic law. However, for the purpose of the impact assessment all ‘do something’ options should be assessed against the status quo.

Option B: Introduction of higher graduation of fixed penalties.

Option C: Introduction of both lower and higher graduation of fixed penalties.

## Groups affected

### Drivers

The Department for Transport's Road Statistics 2007: Traffic, Speed and Congestion (July 2008) shows that the proportion of vehicles exceeding speed limits varies by vehicle type and road. For example, on roads subject to a 30 mph speed limit, approximately half of cars were found to be in excess of this speed, while on 40 mph-limit roads the proportion speeding was around one quarter. Table 1 shows the percentage of cars exceeding speed limits on a range of road types. The proportion exceeding limits by wider margins (e.g. 20 mph over the speed limit) is generally low. Therefore the proposal to increase the number of fixed penalty points imposed for more serious speeding offences is unlikely to affect a significant number of drivers.

**Table 1: Speeding in Great Britain 2007**

Road type	30 mph speed limit			40 mph speed limit			Single carriageway			Dual carriageway		Motorway		
	30+	40+	50+	40+	50+	60+	60+	65+	70+	70+	80+	70+	80+	90+
Vehicle speed	30+	40+	50+	40+	50+	60+	60+	65+	70+	70+	80+	70+	80+	90+
Cars ( per cent)	50	5	0	25	2	0	10	4	2	45	12	54	18	3

NB: Further differentiation of vehicle speeds for single and dual carriageway was not possible due to the limitations of published data.

For those speeding offences which the police and the Crown Prosecution Service (the Crown Office and Procurator Fiscal Service (COPFS) in Scotland) judge to be sufficiently serious to warrant a Court hearing, the system provides a significant degree of flexibility. Magistrates or judges may deal with speeding offenders in a number of ways, according to their judgement of the seriousness of the offence. They may endorse by between three and six penalty points, or disqualify outright, and may additionally fine up to £1,000 (or £2,500 for a motorway offence).

However, the great majority of speeding offences are dealt with through the fixed penalty procedure. The fixed penalty for speeding is at present a flat rate of three penalty points and a £60 fine, regardless of the extent to which the speed limit has been exceeded.

Based on the most recent figures, police deal with 1.96m speed offences per year in England and Wales, (Ministry of Justice, *Motoring Offences and Breath Test Statistics England and Wales 2006*) and 164,000 in Scotland. At current levels around 9 per cent of these offences are processed in magistrates' courts each year (equivalent to 191,000 cases per year), and many of these will reflect cases where speed limits have been exceeded by what the authorities deem exceptional margins. For the following analysis, the number of offences detected per year is assumed to remain at this current level. This may not be the case, as the evidence suggests that the number of speed related offences have decreased over recent

years (for example, total speed limit offences fell by 8 per cent between 2005 and 2006 in England and Wales) but the number of offences processed in a magistrates court has fallen by a smaller proportion and it is possible that the introduction of graduated penalties (and recalibrated enforcement equipment) may increase the number of cases being processed. Therefore, in the absence of further evidence, the assumption that the number of offences will remain the same is considered reasonable.

#### *Police/CPS/Courts Service*

The police are responsible for enforcement of speeding law, while the CPS and Courts Service have a role in prosecution of offenders.

#### *Government*

Government would be responsible for amending legislation.

## Option B – Analysis of impact

### **Costs**

#### *Set-up costs*

The primary cost of the proposal will fall to the police, who will be upgrading their Fixed Penalty System to accommodate the graduation. This requirement is being incorporated into the police's new Penalty Notice Processing system, which is already under development. To coincide with the graduation of fixed penalty points, it is also proposed that speed enforcement equipment is recalibrated so that devices record the lowest possible speed at which a vehicle could have been travelling. All equipment is already required to be submitted for an annual calibration check. The overall implementation costs to the police are unlikely to exceed £1m; work is being undertaken by ACPO to determine these costs more precisely, but these findings are not yet available.

#### *Costs of disqualifications*

Under this option, with more points received for excessive speeding, it is possible that there would be an increase in the number of drivers/riders reaching the threshold of points at which they face disqualification. This is particularly relevant to new drivers, where a licence is revoked should they reach 6 points within two years of having gained their licence, under the Road Traffic (New Drivers) Act 1995. The proposals mean that such drivers could be disqualified following the issuing of a fixed penalty notice after committing only one speeding offence. The number of conversions from provisional to full licences per year was reported by the DVLA to be 820,000 in 2007/08, equating to around 2.3 per cent of total licences (circa 35m), indicating that the proportion of drivers who could be at increased risk of being disqualified under the proposals is around 5 per cent of the

driving population (this is based on the total number of drivers who have qualified in the past two years).

An increase in disqualifications from driving will increase the number of individuals having to pay to take part in the Driving Standard Agency's testing procedures and reapplying to DVLA for licences. There would also be costs for the offenders in diverting to other forms of transport, and a potential loss of earnings in cases where they were required to drive for work purposes. However, such costs incurred by individuals, who are breaking existing laws, as a result of better enforcement are not quantified as part of the impact assessment process.

The processing of additional disqualifications through the courts system will also create costs.

However, it can be argued that new drivers, as well as those with enough points to be at risk of revocation, are already aware that they could be disqualified for a single excessive speeding offence, and so many of these disqualifications would take place with or without the proposals as the courts are already able to endorse 6 penalty points for serious speeding offences. Each year there are around 5,000 revocations under the Road Traffic (New Drivers) Act 1995 triggered by speed offences. It is also possible that the proposals will improve adherence to speed limits, particularly for those at risk of instant disqualification, implying that the number of offences will decrease overall.

The change in the number of disqualifications, and associated costs to both drivers and enforcement agencies, brought about by the move to graduated penalties will depend on the level of behavioural change that occurs amongst drivers who are potentially non-compliant with speed restrictions. It is possible that the introduction of higher graduated penalties will lead to an increase in the number of drivers being disqualified but also possible that the new system will deter this form of non-compliance and lead to no change, or even a reduction, in the number of disqualifications. In the absence of further evidence, the extent and direction of this change has not been quantified.

Drivers caught committing a speeding offence will also be required to pay a fine – this represents a cost to the driver, but for the purposes of the impact assessment is considered to be a transfer from the driver to the enforcement authorities.

## **Benefits**

### *Prevention of road accidents*

It has not been possible to quantify the extent to which the graduation of fixed penalties for speeding offences would reduce accidents, but it is possible that the proposals would bring an improved respect for and compliance with speed limits, which in turn should bring road safety benefits through reduced risk of death or injury to road users. Evidence has suggested that the greatest reductions in casualties would arise from interventions which reduce the speed of the faster



drivers.<sup>1</sup> Recent evaluations of the National Safety Camera Programme for England and Wales have shown that enforcement of speed limits through safety cameras can significantly reduce vehicle speeds at camera sites. In particular, it has been found that the number of vehicles exceeding speed limits by 15 mph fell by 51 per cent at camera sites after the introduction of cameras.<sup>2</sup> There was also a reduction of 42 per cent in the numbers of people killed or seriously injured at camera sites. This indicates that camera enforcement of speed limits is effective in reducing casualties at camera sites, and increasing the certainty of receiving a higher penalty for exceeding speed limits to the extent outlined in the consultation document is likely to have a beneficial impact on road safety.

In 2006, exceeding the speed limit was cited as a contributory factor in 5 per cent of all road traffic accidents, 7 per cent of those involving serious injuries and 14 per cent of those resulting in fatality: this equates to 381 fatal accidents, 1,519 serious injury accidents and 7,258 accidents overall.<sup>3</sup> These are likely to be under-estimates, as other contributory factors, such as 'loss of control', or 'careless, reckless or in a hurry' may in some cases be an indication of exceeding the speed limit. Based on these accident figures, and the values given in Table 3 of the Department for Transport's *Highways Economic Note No. 1*, these accidents would be estimated to cost the economy £1.1bn, including loss of output, human costs and health service costs associated with road casualties, as well as accident-related costs, including police time, insurance administration and property damage. Improving the deterrent to speeding will have greatest impact where speed limits are enforced. It is estimated that the annual economic benefits of the National Safety Camera Programme in 2004 was £258m in 2004 prices. These research findings show that an improvement in driver compliance with speed restrictions has potential to yield significant benefits if it translates into a reduction in accidents. However, the potential reduction in accidents depends on the extent of behavioural change that results from the introduction of graduated penalties and so has not been quantified at this time.

### *Reduced costs of court referrals*

The introduction of a higher fixed penalty for those exceeding speed limits to the extents outlined in the consultation document could create a more efficient process for dealing with those exceeding speed limits who the authorities may previously have chosen to prosecute, potentially reducing the number of cases that are referred to court. As well as saving court and offender related costs, this would also reduce the amount of Crown Prosecution Service and police time spent compiling prosecution files for these offences. The average cost of a magistrates' court proceeding has been estimated at £707.<sup>4</sup> This includes the cost

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1 Taylor M., Lynam D. and Baruya A, (2000) 'The effects of drivers speed on the frequency of road accidents' Transport Research Laboratory TRL Report 421, Crowthorne

2 PA Consulting (2005), 'The National Safety Camera Programme – Four Year Evaluation Report' [http://www.dft.gov.uk/pgr/roadsafety/speedmanagement/nscp/nscp/coll\\_the nationalsafetycameraprogram/the nationalsafetycameraprogram4598](http://www.dft.gov.uk/pgr/roadsafety/speedmanagement/nscp/nscp/coll_the nationalsafetycameraprogram/the nationalsafetycameraprogram4598)

3 Department for Transport (2007), 'Road Casualties Great Britain 2006' <http://www.dft.gov.uk/162259/162469/221412/221549/227755/contributoryfactorstoroadacc1802>

4 Home Office Research, Development and Statistics Directorate (1999), 'The cost of criminal justice' <http://www.homeoffice.gov.uk/rds/pdfs/r103.pdf>, updated to 2007 prices.

of police attendance, prosecution, legal aid and probation service pre-sentence reports, in addition to the cost of running the courts themselves. Paid fixed penalty notices cost around £36 each to enforce.<sup>5</sup> This indicates a net saving per case of £671.

The extent to which these costs could be saved depends upon the number of extra cases which the police choose to deal with through the fixed penalty system. This is largely at their discretion, but the potential scale for savings can be illustrated. With around 191,000 cases processed through the courts per year, diverting only 15–25 per cent of these to fixed penalty notices would create savings of between £19.2m and £32.0m per year. These savings will potentially increase, should the proportion of cases dealt with by fixed penalties increase over time.

#### *Reduced numbers of fixed penalties*

To the extent that the proposals improve compliance with speed limits, there may be a reduction in the overall number of fixed penalty offences, and correspondingly in the work carried out by the police. This depends on the extent to which the introduction of graduated penalties provides a deterrent effect and engenders behavioural change (i.e. improved compliance) therefore it has not been possible to accurately estimate this effect at this time.

## Option C: Analysis of impacts

This option would entail the same impacts of Option B, but with the additional effects of offering lower penalty points to those breaking speed limits by lesser amounts.

### **Costs**

#### *Set-up costs*

As in Option B, the initial cost of the proposal will fall to the police who will be upgrading their Fixed Penalty System to accommodate the graduation. To coincide with the graduation of penalties, it is also proposed to recalibrate speed enforcement equipment so that devices record the lowest possible speed at which a vehicle could have been travelling. These costs are not expected to exceed £1m; work is being undertaken by ACPO to determine these costs more precisely but these findings are not yet available.

5 PA Consulting (2005), 'The National Safety Camera Programme – Four Year Evaluation Report' [http://www.dft.gov.uk/pgr/roadsafety/speedmanagement/nscp/nscp/coll\\_the\\_national\\_safety\\_camera\\_prog/the\\_national\\_safety\\_camera\\_prog\\_r4598](http://www.dft.gov.uk/pgr/roadsafety/speedmanagement/nscp/nscp/coll_the_national_safety_camera_prog/the_national_safety_camera_prog_r4598), updated to 2007 prices.

### *Costs of disqualifications*

As with Option B, there is a possibility that, compared to the baseline, more drivers, particularly those affected by the Road Traffic (New Drivers) Act 1995, will be disqualified each year. However, the impact under this will be less pronounced as a result of the introduction of lower penalty points for exceeding speed limits by the margins indicated in the consultation document, meaning that drivers can commit more minor speeding offences before being disqualified under the penalty points system. Extra disqualifications would incur costs in loss of output, time costs for offenders, licensing and driver retesting costs, and in additional burdens on courts. However, as noted above, costs incurred by individuals, who are breaking existing law, as a result of better enforcement are not quantified as part of the impact assessment process.

As above, it can also be argued that new drivers, as well as those with enough points to be at risk of revocation, are already aware that they could be disqualified for a single speeding offence, should it be deemed sufficiently serious, and so many of these disqualifications would take place with or without the proposals. The courts are already able to endorse 6 penalty points for such offences. Each year there are around 5,000 revocations under the Road Traffic (New Drivers) Act 1995 triggered by speeding offences. It is also possible that the proposals will improve adherence to speed limits, particularly for those at risk of instant disqualification, implying that the number of offences could decrease overall.

Ultimately, the change in the number of disqualifications, and associated costs to both drivers and enforcement agencies, brought about by the move to graduated penalties will depend on the level of behavioural change which occurs amongst drivers who are potentially non-compliant with speed restrictions. It is possible that the introduction of higher graduated penalties will lead to an increase in the number of drivers being disqualified but also possible that the new system will deter this form of non-compliance and lead to no change, or even a reduction, in the number of disqualifications. In the absence of further evidence, the extent and direction of this change has not been quantified.

Drivers caught committing a speeding offence will also be required to pay a fine – this represents a cost to the driver but for the purposes of the impact assessment is considered to be a transfer from the driver to the enforcement authorities.

### *Potential costs of increases in lower level speeding*

There may be a risk that reducing the fixed penalty points for relatively minor speeding offences, as defined in the consultation document, on roads with speed limits of 40 mph and above may increase the proportion of vehicles that exceed the speed limit by small amounts on these roads. However, it is thought that even a two point penalty will present a similar deterrent against these offences, particularly for those who have an otherwise clean driving licence. Therefore this impact is not thought to be significant.

## Benefits

### More equitable treatment of offenders

Introducing full graduation, as opposed to only raising the penalty points for excessive speeding, will make the penalty for speeding offences more equitable, with more severe offences attracting more penalty points. In particular, those who comply with the law would benefit from a more effective deterrent against excessive speeders and those who breach the limit by a relatively small amount through lapses of concentration would receive a lower penalty. This may improve perceptions of the fairness of speed enforcement, improving respect for speed limits. In theory, this may further improve compliance, and therefore provide additional savings in accident costs, although it is not clear whether this effect would be significant.

### *Prevention of road accidents*

The proposals involving full graduation of penalties would bring road safety benefits similar to those outlined for Option B by reducing the speed of the fastest drivers and therefore the risk of death or injury road users. Research findings show that an improvement in driver compliance with speed restrictions has potential to yield significant benefits if it translates into a reduction in accidents. However, the potential reduction in accidents depends on the extent of behavioural change which results from the introduction of graduated penalties and so has not been quantified at this time.

### *Reduced costs of court referrals for serious speed offences*

These benefits would be similar to those outlined under Option B, with a number of cases each year diverted from court proceedings to the fixed penalty notice system. The extent to which these costs could be saved depends upon the number of extra cases which the police choose to deal with through the fixed penalty system. This is largely at their discretion but the potential scale for savings can be illustrated. With around 191,000 cases processed through the courts per year, diverting only 15–25 per cent of these to fixed penalty notices would create savings of between £19.2m and £32.0m per year. These savings will potentially increase should the proportion of cases dealt with by fixed penalties increase over time.

### *Reduced numbers of fixed penalties*

To the extent that the proposals improve compliance with speed limits, there may be a reduction in the overall number of fixed penalty offences, and correspondingly in the work carried out by the police. This depends on the extent to which the introduction of graduated penalties provides a deterrent effect and engenders behavioural change (i.e. improved compliance) therefore it has not been possible to accurately estimate this effect at this time.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	No	Yes
Small Firms Impact Test	No	Yes
Legal Aid	Yes	Yes
Sustainable Development	No	No
Carbon Assessment	No	Yes
Other Environment	Yes	Yes
Health Impact Assessment	Yes	Yes
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	Yes
Rural Proofing	No	Yes

## Annexes

### Specific impact tests

#### Competition assessment

These proposals do not have any competition impacts.

#### Consultation with small business: the small firms' impact test

None of the respondents to the 2004 Discussion Note indicated that they were small businesses. However, the principle of a graduated structure was supported by the Freight Transport Association, whose membership consists of companies of all sizes.

Other main commercial vehicle trade associations and The Small Business Service have been consulted through the public consultation started on 27 November 2007. We encourage small firms to participate in this consultation.

#### Environment

It is unlikely that there will be any significant and quantifiable environmental impacts from any of the options. However, graduation of fixed penalty points for speeding is designed to help achieve appropriate vehicle speeds and this will also reduce associated emissions and therefore we would expect some positive qualitative benefits. In particular, it is anticipated that the higher graduation will reduce the level of excessive speeding, with associated environmental benefits.

#### Carbon assessment

It is unlikely that there will be any significant and quantifiable environmental impacts from any of the options. However, graduation of fixed penalty points for speeding is designed to help achieve appropriate vehicle speeds, and this will also reduce associated emissions, and therefore we would expect some positive qualitative benefits. In particular, it is anticipated that the higher graduation will reduce the level of excessive speeding, with associated environmental benefits.

#### Health

The proposals are designed to ensure greater respect for and compliance with speed limits, which will in turn continue to reduce the number of road traffic collisions, injuries and deaths in which excessive speed is a contributory factor. Greater compliance will also reduce the risk to more vulnerable road users and improve the quality of life for local communities. More detail on the potential for health benefits are provided in the evidence base.

### **Race equality assessment**

There are no race equality impacts to these proposals.

### **Disability impact assessment**

These proposals do not have any disability impacts.

### **Gender impact assessment**

There are no specific gender impacts to these proposals. However, Ministry of Justice statistics, *Motoring Offences and Breath Tests, England and Wales*, show that around 80 per cent of the people found guilty of speeding offences at Court are male. An element of these cases would be referrals to Court as a result of refusal to declare the driver at the time of an alleged offence. However, it is generally the more serious speeding offences that proceed to Court, which implies that male drivers are more likely to exceed speed limits by excessive amounts. It follows that male drivers are therefore also more likely to be affected by the higher graduation.

### **Human rights**

There are no human rights impacts to these proposals. A ruling by the Grand Chamber of the Human Court of Human Rights in June 2007 confirmed that cars have the potential to cause grave injury and that certain responsibilities therefore come with owning or driving a vehicle.

### **Rural proofing**

The majority of 30 mph speed limits are on urban roads, whilst the majority of higher speed limit roads are in rural areas. The available evidence indicates that, overall, the proposals to graduate the fixed penalty point structure for speeding offences are likely to have a broadly similar impact in urban and rural areas.

### **Legal aid**

These proposals will affect the number of speed offence cases that are referred to court. While allowing some more serious offences to be processed with a fixed penalty notice rather than court proceedings, a possible increase in disqualifications might create some additional burdens on the legal aid system. The net effect is uncertain at this stage.

## Summary: Intervention & Options

<b>Department/Agency:</b> <b>Department for Transport</b>	<b>Title:</b> <b>Impact Assessment of Measures to Increase Driver Compliance – Drink Driving</b>	
<b>Stage:</b> Consultation	<b>Version:</b> 1	<b>Date:</b> October 2008
<b>Related Publications:</b>		

**Available to view or download at:**

<http://www.dft.gov.uk>

**Contact for enquiries:** Andrew Burr

**Telephone:** 020 7944 2037

**What is the problem under consideration? Why is government intervention necessary?**

The Government has previously instigated a number of measures that have generated some success in tackling drink driving. The number of fatalities and serious injuries resulting from drink driving has decreased in recent years but there are still a significant number of needless casualties which could be reduced by achieving improved compliance from drivers. Government intervention is required in order to make further inroads into the problem and meet the objectives of the Government's drink drive strategy.

**What are the policy objectives and the intended effects?**

The overarching policy objective is to minimise casualties resulting from non-compliance with road traffic law. The specific aim of proposals considered in this Impact Assessment is to improve compliance with drink driving law in order to impact positively on road user safety and further reduce the number of casualties that occur as a result of drink driving.

**What policy options have been considered? Please justify any preferred option.**

Option A is to maintain the status quo. Option B involves improving enforcement through a package of measures. Option C involves reviewing the high-risk offender scheme. Option D is a combination of B and C. Options involving changes in the prescribed blood alcohol limit are not included in this assessment, as further work is being undertaken in this area, and this issue will be considered in at a later stage once a better evidence base is available.

**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? DfT to confirm.**

**Ministerial Sign-off** For consultation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister:

.....Date:



## Summary: Analysis & Evidence

Policy Option: B

Description: Improved enforcement

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' One-off costs will be incurred as a result of the need for new screening equipment. There will be ongoing costs to the justice system and drivers as a result of increased detection.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 4m</b>	2	
	<b>Average Annual Cost</b> (excluding one-off)		
<b>£ 1.5-4.6m</b>		<b>Total Cost (PV)</b>	<b>£ 17.1-43.4m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' None			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' None at this stage.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
<b>£ unknown</b>		<b>Total Benefit (PV)</b>	<b>£ NA</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' Benefits of a reduction in casualties as a result of improved compliance.			

**Key Assumptions/Sensitivities/Risks** There is uncertainty around how drivers will respond to the measures and so how they will impact on behaviour with regards to drink driving, and therefore improved compliance.

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range</b> (NPV) <b>£ NA<sup>i</sup></b>	<b>NET BENEFIT</b> (NPV Best estimate) <b>£ NA<sup>i</sup></b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		2009/10		
Which organisation(s) will enforce the policy?		Police/justice system		
What is the total annual cost of enforcement for these organisations?		£ 7.8-23.4m		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)				(Increase – Decrease)
Increase of	£ 0	Decrease of	£ 0	<b>Net Impact</b> <b>£ 0</b>

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Summary: Analysis & Evidence

**Policy Option: C**

**Description: Better management of offenders**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' Estimated cost of undertaking a review of the current HRO scheme.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 30,000</b>	1	
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 0</b>		<b>Total Cost (PV)</b> <b>£ 30,000</b>
Other <b>key non-monetised costs</b> by 'main affected groups' None			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' None at this stage.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ unknown</b>		<b>Total Benefit (PV)</b> <b>£ NA<sup>i</sup></b>
Other <b>key non-monetised benefits</b> by 'main affected groups' There are potential safety benefits from ensuring that medical assessments are completed before a HRO's licence is returned. There may also be potential benefits as a result of the review of the HRO scheme.			

**Key Assumptions/Sensitivities/Risks** There are potential safety benefits from ensuring that medical assessments are completed before a HRO's licence is returned. There may also be potential benefits as a result of the review of the HRO scheme.

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range</b> (NPV) <b>£ NA<sup>i</sup></b>	<b>NET BENEFIT</b> (NPV Best estimate) <b>£ NA<sup>i</sup></b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		2009/10		
Which organisation(s) will enforce the policy?		DVLA		
What is the total annual cost of enforcement for these organisations?		£ 0 (additional)		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)				(Increase – Decrease)
Increase of	£ 0	Decrease of	£ 0	<b>Net Impact</b> <b>£ 0</b>

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Summary: Analysis & Evidence

**Policy Option: D**

**Description: Improved enforcement and better management of offenders**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' One-off costs will be incurred as a result of the need for new screening equipment and the review of the HRO scheme. There will be ongoing costs to the justice system and drivers as a result of increased detection.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 4,030,000</b>	2	
	<b>Average Annual Cost</b> (excluding one-off)		
<b>£ 1.5–4.6m</b>		<b>Total Cost (PV)</b>	<b>£ 17.1–43.5m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' None			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' None at this stage.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
<b>£ unknown</b>		<b>Total Benefit (PV)</b>	<b>£ NA<sup>i</sup></b>
Other <b>key non-monetised benefits</b> by 'main affected groups' There are potential safety benefits from ensuring that medical assessments are completed before a HRO's licence is returned. There may also be potential benefits as a result of the review of the HRO scheme. Benefits of a reduction in casualties as a result of improved compliance.			

**Key Assumptions/Sensitivities/Risks** There is uncertainty around how drivers will respond to the measures and so how they will impact on behaviour with regards to drink driving, and therefore improved compliance.

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range (NPV)</b> <b>£ NA<sup>i</sup></b>	<b>NET BENEFIT (NPV Best estimate)</b> <b>£ NA<sup>i</sup></b>	
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		2009/10		
Which organisation(s) will enforce the policy?		Justice System/DVLA		
What is the total annual cost of enforcement for these organisations?		£ 7.8-23.4m		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)				(Increase – Decrease)
Increase of	£ 0	Decrease of	£ 0	<b>Net Impact</b> £ 0

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Evidence Base (for summary sheets)

**[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]**

### Background

This Impact Assessment (IA) relates to proposals to improve driver behaviour in respect of drink driving.

It is part of the review of DfT's overarching strategy for achieving compliance with road traffic law which has the aim of the minimising casualties resulting from non-compliance. Driver behaviour has been found to be a factor in a significant proportion of all road traffic collisions. To the extent that road traffic laws proscribe behaviour that is unsafe, compliance with those laws is key to preventing road collisions and in reducing road casualties.

The Government's strategy against drink driving has five objectives as follows:

- To reduce drink-related casualties to the minimum possible level.
- To make drink driving socially unacceptable.
- To deter as many potential drink drivers as possible.
- To catch those who do drive impaired and keep them away from driving.
- To abate re-offending by influencing convicted drink driver's behaviour.

The current blood alcohol limit for drivers is a blood alcohol concentration (BAC) of 80 mg/100ml. The latest provisional statistics published by the Department show that the number of fatalities from drink-related collisions was 460 in 2007, while the number of seriously injured casualties was 1,760. This is a reduction on the figures recorded in 2006 (560 fatalities and 1,970 serious injuries), but the numbers for 2007 still show a significant number of casualties which could be reduced by improved behaviour from drivers.

The Government has been successfully tackling drink driving for many years, but it is recognised that further intervention is required in order to make further inroads into the problem and achieve the objectives set out above. The aim of the current proposals is to facilitate a further reduction in the number of casualties from drink-related collisions.

## Preparation of the IA

This initial IA has been prepared on the basis of a review of existing evidence and discussions with key stakeholders.

It has been prepared to accompany a consultation to invite comments on a range of proposals relating to compliance with road traffic law.

The evidence base will be updated following the consultation period to take account of any further evidence which emerges.

## Options

Option A: Do nothing – this would involve maintaining the status quo. However, this would not address the issues identified above, meaning that the opportunity to improve driver behaviour in respect of drink driving will not be realised. Therefore to do nothing would not contribute to the overall strategy to improve driver compliance with road traffic law. However, for the purpose of the impact assessment all ‘do something’ options should be assessed against the status quo.

Option B: Improve enforcement through the use of better breath testing equipment, drink drive checkpoints, withdrawal of the right for drivers who produce a positive breath test result to request a subsequent blood or urine test, and endorsement for failure to provide a specimen for analysis.

Option C: Take steps to better manage offenders through a review of the effectiveness of the high-risk offender scheme and speeding up medical examinations to ensure that such individuals do not recover their licence without a medical decision that they are fit to drive.

Option D: Combination of both options B and C.

Discussions are ongoing about the possibility of a change to the prescribed blood alcohol limit. At present there is not enough evidence to make a robust assessment of the impact of such a change – the assumptions and exclusions which have been made in existing research are felt to introduce too much uncertainty into the estimates that have been produced – however, it is expected that the use of digital breath testing equipment will allow more detailed data to be collected. At present, policy is focused on improving enforcement of the existing limit while keeping the value of the limit under review. Once a more robust evidence base is available, the issue of a change to the limit will be considered in more detail.

## Sectors and groups affected

### *Drivers at risk of committing the offence*

The latest statistics show that 602,000 roadside breath tests were carried out in 2006 in England and Wales; of this figure 106,000 were positive (or the driver refused to provide a sample) and 93,000 convictions resulted (for driving under the influence of alcohol or drugs). In Scotland, there were a further 14,000 breath tests carried out, of which 495 were positive.

However, the statistics only show the number of drivers who were recorded as being stopped by the police – which may not capture all stops actually made – and also are unable to indicate how widespread the problem is among the general population.

Around 40 per cent (40,000) of those convicted each year are classed as high-risk offenders and as a result are required to pass a medical examination before recovering their licence.

In addition, around one-third of those convicted attend rehabilitation courses (measures to improve such courses are considered in the section of the consultation which deals with remedial training and re-assessment).

### *Police*

The police are responsible for enforcement of drink driving law and as a result would be affected by any changes to legislation or enforcement requirements.

### *Driving and Vehicle Licensing Agency (DVLA)*

The DVLA is responsible for the re-licensing of offenders who have been disqualified from driving.

### *Government*

Government will be responsible for introducing any new legislation required by the proposed measures and for undertaking a review of the current high-risk offender scheme.

## Costs and benefits – overview

The options proposed aim to generate improved driver compliance in respect of drink driving law, which would be expected to translate into a reduction in drink-related collisions (and associated casualties), thereby creating improved safety for all road users. The extent of this impact will largely depend on the change in driver behaviour that occurs as a result of the measures, which will to a large extent be influenced by how drivers perceive the change in the risk of being caught. Improved enforcement and/or a public awareness campaign would be expected

to impact on the perception of risk, although the likely extent of this impact is not known and so the analysis which follows presents indicative estimates that highlight the potential benefits which would result from a decrease in the number of casualties caused by drink driving.

Views from consultees on the likely impact of the proposals on driver behaviour and perceptions of risk would be welcomed.

The proposed options will generate costs to enforcement authorities as a result of the additional resources required to implement them. Costs will also be incurred by additional drivers who are caught committing the offence, although these are not included in the impact assessment, as they are incurred by individuals who are committing an offence and may otherwise have gone undetected.

## Risks and uncertainty

A key area of uncertainty relates to how the measures will impact on behaviour with regard to drink driving, and therefore improved compliance. At this stage it has not been possible to quantify the likely benefits that would result in terms of the likely reduction in offences.

Therefore, in the absence of further evidence, instead of providing an estimate of the benefits associated with each individual option, we have chosen to provide a range that shows the potential monetary impact caused by an assumed reduction in the number of casualties (with that number calculated based on various percentage reduction scenarios using current baseline data). This approach serves to highlight the benefits that could result if the objective of improved compliance is achieved.

## Option B – Analysis of impacts

### Costs

The current proposals suggest the introduction of four measures designed to improve enforcement.

The first is the introduction of better roadside testing equipment. The devices currently in use are for screening purposes only. If they indicate that a driver may be over the limit, the driver will then be taken to a police station so that a further evidential breath test can be undertaken. However, in 2005 the police were given powers to require evidential specimens at locations other than a police station (including the roadside). This will help the police to speed up the procedure. The Home Office is undertaking work to enable type approval testing of new equipment. Following this, it is hoped that manufacturers will submit new devices for approval. Police forces can then be equipped with new devices that will enable evidential specimens to be provided away from the police station.

At this stage it is estimated that the costs associated with this process will be in the region of £4m. This is based on the £2m cost incurred previously, when police in England and Wales were provided with new screening equipment, plus allowances for the fact that new equipment is likely to be more expensive. There are also costs associated with the type approval process, and forces in Scotland will also need to be equipped with the new devices. This is a one-off cost that will be spread over a number of years. At present there is uncertainty about this time period, as it depends to a large extent on manufacturers developing new equipment that meets the type approval. In the absence of further evidence, we have assumed that development costs of £1m will be incurred in year 1, followed by upgrade costs of £3m in year 2. It has further been assumed that there will be no change in running costs associated with the new devices.

The second measure is to encourage police forces to make more use of targeted roadside checkpoint testing. This is a high visibility form of enforcement and so has a dual role in terms of catching offenders but also deterring potential drink drivers by demonstrating that there is a real possibility of them being caught. North Wales police conducted such a campaign around Christmas 2007. They found the campaign received strong support from the public and concluded that it was an effective approach to enforcement of drink driving law. The proposal is to encourage police forces to undertake high-profile checkpoint campaigns but to leave it to individual forces to decide on the extent of such operations. It is assumed that there are no additional costs associated with this, as the measure allows the police flexibility as to the level of checkpoint activity and so will be funded out of existing resources.

Thirdly, it is proposed that there will be a withdrawal of the right for drivers who produce a positive breath test result to request a subsequent blood or urine test. The right to provide an alternative specimen was introduced many years ago in order to provide confidence that breath testing would be fair. However, breath testing devices have proved to provide reliable and accurate readings, therefore this concession is no longer required. Exercising this right also generally works in favour of the driver, because of the inevitable delay in waiting for a doctor to undertake the test. Maintaining this concession would also negate the advantages of the better breath testing equipment proposed above. Again, it is assumed that there will be no additional costs associated with this measure, but it will help to streamline the process of dealing with drink drive suspects. There is also likely to be a cost saving as a result of the reduced requirement for laboratory tests. Between August 2007 and July 2008 the FSS laboratory handled 8,094 blood samples from 37 police forces (which extrapolated would imply a total of 9,406 from all forces), the large majority of which would be from those exercising the Statutory Option. In addition, this may be an underestimate if some police forces had switched to the LGC laboratory for testing at some point over the year. We have assumed that any cost savings made as a result of this change will be re-invested into further enforcement activity.

Finally, endorsements on driving licences are applied to anyone who fails to provide a specimen for analysis. It is proposed that the offence would be widened



to include those who had a sample taken when unfit to give consent and then refuse to have it analysed. The numbers and costs involved here are assumed to be insignificant.

There will also be costs involved in terms of the prosecution and detention of additional offenders detected by increased enforcement. It is assumed that the number of offences detected by the police will rise by between 1 per cent and 3 per cent as a result of the policy. Although not strictly comparable, evidence from the US indicates that the percentage of total drink driving offences that are detected is small – it is estimated that, while there were 1.5m arrests, 2bn driving trips were undertaken within two hours of drinking alcohol. It is assumed that the proportion of total offences detected in the UK is likewise small, and that any reduction the overall number of incidences of drink driving as a result of increased enforcement (and associated perceptions of risk) will not reduce the number of offences currently detected by the police, and also allow for a potential increase. However, evidence from the US also indicates that heightened perceptions of being caught resulted in a lower incidence of drink driving. We have therefore conservatively assumed a small potential increase – between 1 and 3 per cent, which would imply an increase in the number of offences detected of between 1,060 and 3,180.

Offenders would go to proceedings in a magistrates court; it is assumed that 65 per cent of offenders will plead guilty (in line with the average for all cases, Crown Prosecution Service Annual Report, 2007/08); that 87 per cent of offenders will be found guilty by the court (in line with the average conviction rate for drink and drug driving offences). In 2006, of the 93,000 findings of guilt in relation to drink and drug related driving offences, 4,400 received a custodial sentence (5 per cent), while 87,000 drivers were disqualified (60,900 for more than one year) – 95 per cent of total offenders found guilty. It is assumed that these averages will apply to the additional offences detected by the police.

*The Cost of Criminal Justice* (Home Office, 1999/00), indicates an average of cost of £550 (£680 in 2007/08 prices) to take proceedings in relation to a motoring offence to a magistrates court with a guilty plea, and £1,700 (£2,100 in 2007/08 prices) for a not guilty plea. The average cost of a custodial sentence in a magistrates court was estimated at £4,900 (£6,100 in 2007/08 prices).

In 2006, the average fine for those not given a custodial sentence was £231 (£240 in 2007/08 prices) – this was treated as a transfer payment from the individual to the courts. A survey of drivers by Churchill Insurance in 2006 found that disqualified drivers also spent an additional £2,700 on alternative forms of transport over a 10 month period and an extra 148 hours of travel time – the average duration of disqualification (£3,300 per annum, in 2007/08 prices, and 177 hours of additional travel time). However, such costs to offenders (who may otherwise have gone undetected) are not considered within the impact assessment.

**Table 1 Scenarios for 1 and 3 per cent increases in drink driving offences detected by police**

	1 per cent increase in drink driving offences detected by police	3 per cent increase in drink driving offences detected by police
Increase in offences	1,060	3,180
Number of guilty pleas	689	2,067
Number of not guilty pleas	371	1,113
Cost of proceedings in the Magistrate's Court (£)	1,247,620	3,742,860
Number found guilty	930	2,790
Number of custodial sentences	47	140
Number of disqualifications	884	2,651
Number of fines issued (to those not receiving custodial sentences)	884	2,651
Cost of custodial sentencing (£)	283,650	850,950
Cost to individuals in commuting costs as a result of disqualifications (£)	3,578,175	10,734,525
Cost to individuals in lost leisure time as a result of disqualifications (£)	2,697,546	8,092,639
Total costs	1,531,270	4,593,810

This assumed scenario provides an indicative cost estimate of between £1.5m and £4.6m.

## Benefits

It is intended that increased enforcement will reduce incidences of drink driving for two reasons: an increased detection rate, and a reduction in the incidence of drink driving. This change in drink driving behaviour results from the perception that there is an increased risk of being caught, the cost of which outweighs any possible benefits that might be gained from committing the offence.

Evidence is mixed on the impact of increased enforcements on the incidence of drink driving. A US study, *Detering Drinking and Driving in Theory and Practice: Evidence from the American States* found evidence that heightened perceptions of being caught resulted in lower incidence of drink driving.

Any improvement in enforcement and/or compliance would help to improve safety for all road users, potentially resulting in a reduction in accidents in which impairment due to alcohol is a contributory factor. However, there is currently no basis on which to estimate the extent to which the introduction of this measure would impact on driver behaviour and the resulting casualty numbers. There is also uncertainty around the change in the detection rate and number of prosecutions that would result from such a measure. Given the uncertainty surrounding the scale of the benefits that are likely to be generated, we have not provided a quantified estimate of the impact of this option.

### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by improving compliance with regard to drink driving, thereby helping to improve driving standards, and safety for all road users.

## **Option C – Analysis of impacts**

### **Costs**

This option relates to better management of high-risk offenders. The current high-risk offender scheme provides special measures to deal with drivers who are classified as high risk, for example those who have been disqualified from driving and are alcohol dependent, those who have committed repeat offences and where the proportion of alcohol was equal to or higher than two and a half times the prescribed limit. In 2006, 40,000 drivers were disqualified and classified as high risk

The current scheme is seen as a preventative measure. It is estimated that around two-thirds of those on the scheme get a full licence returned, a further 10 per cent are given a restricted licence and the remainder either have their licence withdrawn or do not reapply. Only approximately 5–7 per cent of licences are withheld as a result of the medical examination. The fees for renewal of the licence and the required medical assessment are paid by the offender and are not expected to change as a result of this proposal. However, the medical assessment fee does not reflect the full cost of the examination. The scheme as a whole is also viewed as being administratively costly and burdensome.

Therefore it is proposed that a review of the scheme is undertaken in order to assess the impact on high-risk offenders and consider its cost-effectiveness – the DfT estimates that this review will result in a one-off cost of £30,000 (the equivalent of one FTE post for one year).

Further to this it is also proposed that the undertaking of medical assessments will be speeded up to ensure that high-risk offenders are unable to recover their licence until the outcome of this assessment is known. This is a change from the current situation, which allows high-risk offenders to recover their licence at the end of their disqualification period, even if their application for a medical assessment is pending. It is proposed that legislation is amended to ensure that high-risk offenders are required to take a medical assessment before they submit an application to regain their licence. A pilot study undertaken by the DVLA has shown that, by introducing additional procedures to remind offenders about the medical assessment, there is adequate time to complete the procedure before the end of the disqualification period. It is also likely that any additional costs resulting from the new process will be offset by cost savings made by eliminating the need to 'chase up' assessment results for those who have already recovered their licence. It is therefore assumed that no additional costs will be incurred by the

DVLA. It is also assumed that the change in timing will not affect the outcome of medical assessments and so there will be no significant additional costs to drivers.

### **Benefits**

The proposed changes to the procedure for medical assessments will mean that no high-risk offenders are allowed to drive before being declared fit to do so. Statistics show that only around 5–7 per cent of licences are withheld as a result of the outcome of the medical assessment – around 2,500 per year based on an average of 40,000 high-risk offenders being admitted to the scheme each year. The DVLA estimates that two-thirds recover their licence and a further 10 per cent recover a restricted licence. The remainder either are considered to be persistently misusing alcohol or do not reapply for a licence. While just 1 per cent of ordinary offenders reoffend within four years of committing, 11.5 per cent of high-risk offenders reoffend within four years, indicating a high rate of recidivism in this group. Improving the procedure for medical assessments is likely to reduce recidivism.

The proposed review of the present high-risk offender scheme has potential to identify cost savings and/or means to improve the effectiveness of the scheme. However, these benefits cannot be identified until the review has been undertaken.

### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by improving compliance with regard to drink driving, thereby helping to improve driving standards, and safety for all road users.

## **Option D – Analysis of impacts**

### **Costs**

The costs associated with this option would be the sum of those incurred under Options B and C.

### **Benefits**

Any improvement in enforcement and/or compliance would help to improve safety for all road users, potentially resulting in a reduction in accidents in which impairment due to alcohol is a contributory factor. However, there is currently no basis on which to estimate the extent to which the introduction of this measure would impact on driver behaviour and the resulting casualty numbers. There is also uncertainty around the change in the detection rate and number of prosecutions that would result from such a measure. Given the uncertainty surrounding the scale of the benefits that are likely to be generated, we have not provided a quantified estimate of the impact of this option.

In addition, the review of the high-risk offender scheme has potential to yield benefits in future years if improvements are identified and acted upon.

#### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by improving compliance with regard to drink driving, thereby helping to improve driving standards, and safety for all road users.

## Impact tests

#### *Race, gender and disability equality*

There are no race, gender or disability equality impacts to these proposals.

#### *Competition assessment*

The proposal is intended to improve the compliance of drivers as individuals and so is not expected to have any business impacts.

#### *Small Firms Impact Test*

The proposal is intended to improve the compliance of drivers as individuals and so is not expected to have any direct business impacts. However, there may be indirect impacts caused by any resulting change in driver behaviour, for example some reduction in the sales of alcoholic drinks in pubs and bars, with resulting business viability impacts.

#### *Legal Aid*

There are no Legal Aid implications.

#### *Sustainable development*

The proposals do not conflict with any of the five principles of sustainable development.

#### *Carbon assessment*

The proposals would not be expected to generate a significant impact on carbon emissions.

#### *Other environmental implications*

It is considered that there will be no significant other environmental implications.

### Health impact assessment

It is considered that the proposals will not impact significantly on health and wellbeing, or health inequalities, as defined by the screening criteria for this test; therefore a full assessment is not necessary.

### Human rights

There are no human rights implications.

### Rural proofing

The proposals are not expected to have a differential impact on rural areas.

## Summary and next steps

The proposed measures aim to improve behaviour with regards to drink driving.

The estimated cost impacts of the proposed changes are summarised in Table 2.

**Table 2 Estimated cost impacts of the proposed changes**

Area of impact	Size of Impact	Notes
Option B		
Enforcement costs	£4m – one-off (spread over two years)	Cost incurred by Home Office.
Cost of increased detection	£7.8–23.4m pa	Includes estimate of cost to justice system and offenders.
Option C		
Review of HRO scheme	£30,000 – one-off	Cost to Department. Estimate based on cost of one staff post for one-year period.
Option D		
Enforcement costs	£4m – one-off (spread over two years)	Cost incurred by Home Office.
Cost of increased detection	£7.8–23.4m pa	Includes estimate of cost to justice system and offenders.
Review of HRO scheme	£30,000 – one-off	Cost to Department. Estimate based on cost of one staff post for one year period.

As noted, at present there is no firm basis for estimating the impact of any of the options on the number of casualties. However, the Table 3 shows the estimated benefits that would be associated with a casualty reduction of 3, 10 and 20 per cent, calculated using current estimates of drink drive casualties as a baseline figure. In the past considerable reductions in drink drive related casualties have been achieved by a range of measures, although it is likely that a proportion of those drivers that continue to drink and drive are more resistant to behavioural change, given that they have been impervious to previous efforts. In addition, there is some evidence that drinking behaviour is changing, evidenced by increases in

alcohol sales from supermarkets and reductions in sales in pubs, suggesting that more people are choosing to drink at home, therefore bypassing the need to drive. This suggests that a conservative estimate of potential reductions is appropriate. In addition, a larger reduction of 20 per cent has been included, as this approximates the reduction in fatalities that was recorded between 2006 and 2007. The value of these reductions has been estimated using the DfT's estimate of the value of preventing a fatality (estimated at £1,652,000 in 2008) and associated weightings for major injuries (10) and reportable minor injuries (200).

**Table 3 Illustrative benefits – 3 per cent, 10 per cent and 20 per cent casualty reduction scenarios**

Type of casualty	3 per cent			10 per cent			20 per cent		
	Fatality	Serious injury	Slight injury	Fatality	Serious injury	Slight injury	Fatality	Serious injury	Slight injury
Number avoided	14	53	37	46	176	123	92	352	246
Benefits (£)	23.1m	8.8m	0.3m	76.0m	29.1m	1.0m	152.0m	58.2m	2.0m
Total benefits (£)	32.2m			106.1m			212.2m		

As a result of the uncertainty surrounding the likely scale of benefits which would be associated with any of the 'do something options', present value calculations have not been undertaken at this stage.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No



## Summary: Intervention & Options

<b>Department/Agency:</b> <b>Department for Transport</b>	<b>Title:</b> <b>Impact Assessment of Measures to Increase Driver Compliance – Drug Driving</b>	
<b>Stage:</b> Consultation	<b>Version:</b> 1	<b>Date:</b> October 2008
<b>Related Publications:</b>		

### Available to view or download at:

<http://www.dft.gov.uk>

**Contact for enquiries:** Andrew Burr

**Telephone:** 020 7944 2037

### What is the problem under consideration? Why is government intervention necessary?

The Government recognises the serious risk to road safety posed by drivers who are impaired by drugs. Evidence suggests that the use of illegal drugs by drivers may be increasing. Another issue is that the current procedure for proving the offence is not as straightforward as for drink driving offences. Government intervention is required to encourage improved compliance from drivers both by continuing to increase public awareness of the dangers of drug driving, and the associated penalties, and taking steps to streamline the enforcement process.

### What are the policy objectives and the intended effects?

The overarching policy objective is to minimise casualties resulting from non-compliance with road traffic law. The specific aim of proposals considered in this IA is to improve compliance with drug driving law in order to impact positively on road user safety.

### What policy options have been considered? Please justify any preferred option.

Option A is to maintain the current regime with regards to drug driving. Option B involves introduction of a new offence which is intended to streamline the process of enforcement of drug driving law. Option C would result in the undertaking of a new THINK! public awareness campaign designed at conveying a 'don't drug drive' message, particularly aimed at those who research suggests are most at risk of committing the offence. Option D – the preferred option – is a combination of both B and C.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? DfT to confirm.

### **Ministerial Sign-off** For consultation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister:

.....Date:

## Summary: Analysis & Evidence

Policy Option: B

Description: Creation of a new offence

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' One-off cost of type approval and sourcing of new equipment.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 4m</b>	3	
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 0</b>		<b>Total Cost (PV)</b> <b>£ 3.8m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' Ongoing costs to police, justice system and offenders resulting from any increase in detection rate.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' None at this stage.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ unknown</b>		<b>Total Benefit (PV)</b> <b>£ NA<sup>i</sup></b>
Other <b>key non-monetised benefits</b> by 'main affected groups' Benefits of a reduction in casualties as a result of improved compliance.			

**Key Assumptions/Sensitivities/Risks** The level of ongoing costs and benefits generated by this measure depends on the increase in detection rate and behavioural change (improved compliance resulting from a perceived increased risk of being caught).

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range</b> (NPV) <b>£ NA<sup>i</sup></b>	<b>NET BENEFIT</b> (NPV Best estimate) <b>£ NA<sup>i</sup></b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		2009/10		
Which organisation(s) will enforce the policy?		Police		
What is the total annual cost of enforcement for these organisations?		£ unknown		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)	
Increase of	£ 0	Decrease of	£ 0
		<b>Net Impact</b>	<b>£ 0</b>

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Summary: Analysis & Evidence

Policy Option: **C**

Description: **THINK!** public awareness campaign

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' Cost of campaign is assumed to be a one-off cost to the Department.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 2.75m</b>	1	
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 0</b>		<b>Total Cost (PV)</b> <b>£ 2.75m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' None			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' None at this stage.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ unknown</b>		<b>Total Benefit (PV)</b> <b>£ NA</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' Benefits of a reduction in casualties as a result of improved compliance.			

**Key Assumptions/Sensitivities/Risks** The level of benefits generated by this measure depends on the behavioural change which results from the campaign in the form of improved compliance.

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range</b> (NPV) <b>£ NA<sup>i</sup></b>	<b>NET BENEFIT</b> (NPV Best estimate) <b>£ NA<sup>i</sup></b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		2009/10		
Which organisation(s) will enforce the policy?		n/a		
What is the total annual cost of enforcement for these organisations?		£ n/a		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)	
Increase of	£ 0	Decrease of	£ 0
		<b>Net Impact</b>	<b>£ 0</b>

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Summary: Analysis & Evidence

**Policy Option: D**

**Description: Creation of new offence and THINK! public awareness campaign**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' One-off cost associated with new screening equipment and public awareness campaign.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 6.75m</b>	3	
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 0</b>		<b>Total Cost (PV)</b> <b>£ 6.6m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' Ongoing costs to police and justice system resulting from any increase in detection rate.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' None at this stage.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ unknown</b>		<b>Total Benefit (PV)</b> <b>£ NA<sup>i</sup></b>
Other <b>key non-monetised benefits</b> by 'main affected groups' Benefits of a reduction in casualties as a result of improved compliance.			

**Key Assumptions/Sensitivities/Risks** The level of ongoing costs and benefits generated by this measure depends on the increase in detection rate and behavioural change (improved compliance resulting from a perceived increased risk of being caught and public awareness campaign).

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range (NPV)</b> <b>£ NA<sup>i</sup></b>	<b>NET BENEFIT (NPV Best estimate)</b> <b>£ NA<sup>i</sup></b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		2009/10		
Which organisation(s) will enforce the policy?		Police		
What is the total annual cost of enforcement for these organisations?		£ tbc		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)	
Increase of	£ 0	Decrease of	£ 0
		<b>Net Impact</b>	<b>£ 0</b>

Key: Annual costs and benefits: Constant Prices (Net) Present Value

## Evidence Base (for summary sheets)

**[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]**

### Background

This Impact Assessment relates to proposals to improve the effectiveness of compliance with drug driving laws.

It is part of the review of DfT's overarching strategy for achieving compliance with road traffic law which has the aim of the minimising casualties resulting from non-compliance. Driver behaviour has been found to be a factor in a significant proportion of all road traffic collisions. To the extent that road traffic laws proscribe behaviour that is unsafe, compliance with those laws is key to preventing road collisions and in reducing road casualties.

The Government's strategy against drug driving has the following objectives, which will be achieved by a coordinated programme of publicity, enforcement and education:

- To make drug driving socially unacceptable.
- To deter as many potential drivers as possible from driving under the influence of drugs.
- To catch those who drive impaired and keep them away from driving.
- To abate re-offending by influencing convicted driver's behaviour.

The proposed measures aim to reduce drug driving offences. The report of the three year review of the Department's Road Safety Strategy (February 2007) acknowledged that progress has been made in raising awareness of the dangers of drug driving and the associated penalties but also notes scope for further progress to be made, particularly around more effective enforcement.

Data on the incidence of driver impairment due to drugs in England and Wales are limited, given that specific statistics are not collected for drug drive offences (instead, such offences are grouped into a category that covers impairment by both drink and drugs). However, of the 11,000 impaired driving offences recorded in Scotland in 2006, 770 were for driving under the influence of drugs (7 per cent). Assuming that a similar pattern of drug driving applies in England and Wales, this would imply that around 7,100 of the 101,400 recorded offences would be related to drug driving (Source: Ministry of Justice Statistical Bulletin – Table B: Motoring

offences dealt with by official action for the offence of driving after consuming alcohol or taking drugs, 2006). This gives an estimated total of 7,900 for Great Britain as a whole.

Research published in 2001 investigated the incidence of impairing drugs in fatal road accident casualties and found that at least one impairing medicinal or illicit drug was detected in around 24 per cent of the sample (not all of these drugs would be defined as a 'controlled substance'). Compared to the findings of a previous study (undertaken between 1985 and 1987), the incidence of impairing drugs appears to have substantially increased over time. Research undertaken for the THINK! campaign suggests that many people who take illegal drugs and then drive do so regularly. Those who do so frequently are likely to be male and aged between 25 and 35. Drivers impaired by drugs often feel confident and in control and so do not worry about safety. This research evidence highlights a need for continuing efforts to highlight the dangers of drug driving, particularly amongst those groups most likely to commit the offence.

The law on drug driving is considered to be very clear. However, the procedure for proving the offence is less straightforward than it is for drink driving, given that the driver must undergo a Field Impairment Test (FIT) administered by a trained officer and then be seen by a Forensic Medical Examiner (FME), who may not be immediately available, to authorise the samples. As a result of the current difficulties in enforcement, the Department has worked to develop new proposals which streamline this process.

## Preparation of the Impact Assessment

This initial Impact Assessment has been prepared on the basis of a review of existing evidence and discussions with key stakeholders.

It has been prepared to accompany a consultation to invite comments on a range of proposals relating to compliance with road traffic law.

The evidence base will be updated following the consultation period to take account of any further evidence which emerges.

### Options

Option A: Do nothing – this would involve maintaining the status quo. However, this would not address the issues identified above, meaning that the opportunity to increase driver compliance with drug driving laws will not be realised. Therefore to do nothing would not contribute to the overall strategy to improve driver compliance with road traffic law. However, for the purpose of the Impact Assessment, all 'do something' options should be assessed against the status quo.

Option B: The creation of an offence to be driving with an illicit drug in the body – the list of drugs to be covered by this offence is to be based on relevant provisions in the Misuse of Drugs Act 1971.

Option C: The undertaking of a THINK! public awareness campaign.

Option D: A combination of both Option B and Option C.

## Sectors and groups affected

### *Drivers*

The measures are aimed at improving compliance with drug driving law. Unfortunately, data on the current extent of the drug driving problem are limited, given that the Department does not currently collect statistics specifically for drug drive offences (impairment due to drink or drugs is recorded in the available figures for England and Wales). In addition, in cases where both drugs and alcohol impairment are suspected, it is common practice to pursue the offence relating to alcohol (given that this is more straightforward to prove). Therefore published statistics relating to the extent of the presence of drugs may not be a reliable indicator of the extent of the problem. As shown above, we have estimated that there were approximately 7,900 offences related to driving while impaired by drugs in 2006. In addition, DfT statistics indicate that, in 2007, there were 71 fatal casualties in accidents where impairment due to illicit or medicinal drugs was a contributory factor, 261 serious injuries, and 790 slight injuries. However, as noted above, research suggests that the incidence of impairing drugs in road accident fatalities is likely to be higher than these statistics would indicate. Research undertaken in 2001 found that 24 per cent of a sample of road accident fatalities had at least one impairing drug present in their system. Even accounting for the fact that some of these drugs would not fall within the definition of a controlled substance, these findings indicate that the number of drug drive related fatalities could be significantly higher than the contributory factors data suggest – perhaps even approaching the level of fatalities caused by drink driving (estimated as being 460 in 2007)

### *Police*

Police are directly responsible for enforcement of drug driving law. The introduction of a new offence is aimed at streamlining processes and facilitating more effective enforcement.

### *Government*

The Government is ultimately responsible for enforcement of drug driving law and the financing of related public awareness campaigns. Under Option B, Government will incur costs in relation to the production of legislation, purchase of screening equipment and training of police officers. While under Options C and D, Government would be responsible for the proposed THINK! campaign.

## Costs and benefits – overview

The options proposed aim to generate improved driver compliance in respect of drug driving law, which would be expected to translate into a reduction in accidents (and associated casualties) caused by driver impairment due to drugs, thereby creating improved safety for all road users. The extent of this impact will largely depend on the change in driver behaviour that occurs as a result of the measures, and which will to a large extent be influenced by how drivers perceive the change in the risk of being caught. Improved enforcement and/or a public awareness campaign would be expected to impact on the perception of risk, although the likely extent of this impact is not known and so the analysis that follows presents indicative estimates that highlight the potential benefits which would result from a decrease in the number of casualties caused by drug driving.

Views from consultees on the likely impact of the proposals on driver behaviour and perceptions of risk would be welcomed.

The proposed options will generate costs to enforcement authorities as a result of the additional resources required to implement them. Costs will also be incurred by drivers who are caught committing the offence as a result of the new measures, although these costs are not included in the impact assessment, as they are incurred because the individual is breaking the law.

## Risks and uncertainty

As noted, a key area of uncertainty relates to how the measures will impact on compliance with drug driving law, and the resulting driving behaviour of the target group. At this stage it has not been possible to quantify the likely benefits that would result in terms of the likely reduction in offences.

There is also uncertainty around the extent of the problem (and so the extent of reductions that may be possible), given that offences and accidents involving drug impairment are classified along with those involving alcohol. It should be noted that there is much less clarity about the prevalence of offending behaviour in terms of drug driving than there is for drink driving.

Therefore, in the absence of further evidence, instead of providing an estimate of the benefits associated with each individual option, we have chosen to provide a range that shows the potential monetary impact caused by an assumed reduction in the number of casualties (with that number calculated as a percentage reduction in the range formed by current casualty numbers from contributory factors data and an upper value generated by the current number of drink drive casualties). This approach serves to highlight the benefits that could result if the objective of improved compliance is achieved.



## Option B – Analysis of impacts

### Costs

Costs will be incurred by both Government and police forces as a result of the introduction of the new offence.

The additional costs associated with preparing the required new legislation (both relating to the new offence and that to enable a police officer to require a biological sample for analysis from a driver suspected of being unfit through drugs) are considered to be negligible.

More significant costs would be incurred in relation to the work required to produce a specification for a police station-based drug screening device and undertake subsequent type approval based on proposals from equipment manufacturers. This work will be led by the Home Office. Although it is still at an early stage, it is estimated, based on the costs of obtaining type approval, developing and equipping police forces with new alcohol screening equipment, that this would result in a one-off cost of around £4m across England, Wales and Scotland, which we have assumed would be spread over a period of three years. In addition, costs may be incurred by police forces if officers require training to enable them to use the new equipment, but the decision to undertake this procurement would be made by individual police forces. Therefore the potential costs associated with training are not included in the Impact Assessment. It should also be noted that the likely operating cost of such equipment is unknown at this early stage of development.

The Department is committed to supporting the Association of Chief Police Officers to encourage an increase in the number of officers trained to use FIT. However, for the purposes of the Impact Assessment we have not allocated any additional costs to this item, given that the Department intends to undertake a supporting role in efforts that were already planned.

Any increase in the number of drug driving offences detected would result in additional costs to the police and justice system. However, these costs have not been quantified at this time, given the uncertainty that exists around the current extent of drug driving, the potential to increase enforcement that would result from this measure and the likely penalties for offenders. Any fines paid by offenders can be viewed as a transfer between the individual and the State.

### Benefits

The main benefit is that the introduction of a new offence would be expected to improve enforcement of drug driving law. It is also possible that this might have a deterrent effect on those who may otherwise have driven while under the influence of drugs but decide not to do so as a result of the change, thereby improving compliance.

Any improvement in enforcement and/or compliance would help to improve safety for all road users, potentially resulting in a reduction in accidents in which drug impairment is a contributory factor. However, there is currently no basis on which to estimate the extent to which the introduction of this measure would impact on driver behaviour, particularly given the uncertainty around the number of accidents in which drug impairment is a factor, and the resulting casualty numbers; and the uncertainty around the change in number of prosecutions and extent of behavioural change that would result from such a measure. However, given the uncertainty surrounding the scale of the benefits that are likely to be generated, we have not provided a quantified estimate of the impact of this option.

### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by improving compliance with drug driving law, thereby helping to improve driving standards amongst the target group, and safety for all road users.

## **Option C – Analysis of impacts**

### **Costs**

The only cost directly associated with this option is the one-off cost to the Department resulting from the proposed public awareness campaign. Based on the cost of previous campaigns of this type, this cost has been estimated at up to £2.75m.

### **Benefits**

The campaign would convey a ‘don’t drug drive’ message, primarily targeted at those who research suggests are most at risk of committing the offence. It is hoped that this will influence the behaviour of drivers and as a result improve compliance with drug drive law. This would help to improve safety for all road users, potentially resulting in a reduction in accidents in which drug impairment is a contributory factor. However, at present there is no basis on which to quantify this potential impact, particularly given the limited availability of data on the number of accidents in which drug impairment is a factor and the uncertainty around the extent of behavioural change that would result from such a campaign. The Department should consider undertaking an evaluation of the campaign in order to provide ex-post evidence as to the positive impacts generated. Qualitative research undertaken previously for the THINK! campaign has demonstrated that, particularly in relation to recreational drugs, there is a failure to appreciate the problem or recognise that drug driving might be socially unacceptable. Therefore it could be assumed that a major public awareness campaign would be expected to have a greater impact on behavioural change than improved enforcement alone, given the potential to change attitudes towards drug driving. However, given the uncertainty surrounding the scale of the benefits that are likely to be generated, we have not provided a quantified estimate of the impact of this option.

### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by improving compliance with drug driving law, thereby helping to improve driving standards amongst the target group, and safety for all road users.

## Option D – Analysis of impacts

### **Costs**

The costs associated with this option are the sum of those associated with Options B and C.

### **Benefits**

Any improvements in enforcement and/or compliance would be expected to result in a reduction in accidents in which drug impairment is a contributory factor. However, at present there is no firm basis on which to quantify this potential impact, particularly given the uncertainty around the reduction in non-compliance that would potentially be achieved by such a measure. Given the uncertainty surrounding the scale of the benefits that are likely to be generated, we have not provided a quantified estimate of the impact of this option.

### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by improving compliance with drug driving law, thereby helping to improve driving standards amongst the target group and safety for all road users.

## Impact tests

### *Race, gender and disability equality*

There are no race, gender or disability equality impacts to these proposals.

### *Competition assessment*

The proposal is intended to improve the compliance of drivers as individuals and so is not expected to have any business impacts.

### *Small Firms Impact Test*

The proposal is intended to improve the compliance of drivers as individuals and so is not expected to have any business impacts.

## Legal Aid

There are no Legal Aid implications.

## *Sustainable development*

The proposals do not conflict with any of the five principles of sustainable development.

## *Carbon assessment*

The proposals would not be expected to generate a significant impact on carbon emissions.

## *Other environmental implications*

It is considered that there will be no significant other environmental implications.

## *Health impact assessment*

It is considered that the proposals will not impact significantly on health and wellbeing, or health inequalities, as defined by the screening criteria for this test; therefore a full assessment is not necessary.

## *Human rights*

There are no human rights implications.

## *Rural proofing*

The proposals are not expected to have a differential impact on rural areas.

## Summary and next steps

The proposed measures aim to increase compliance with drug driving law.

The estimated cost impacts of the proposed changes are summarised in Table 1 (note transfer impacts are excluded from this summary table).

**Table 1 Estimated cost impacts of the proposed changes**

Area of impact	Size of impact	Notes
Option B		
Enforcement costs	£4m – one-off (spread over three years)	Cost incurred by Home Office.
Cost to police/justice system	Not quantified	Not quantified given uncertainty around increased detection rate/ behavioural change.
Option C		
Public awareness campaign	£2.75m – one-off	Cost to Department. Estimate based on cost of previous campaigns.
Option D		
Enforcement costs	£4m – one-off (spread over three years)	Cost incurred by Home Office.
Cost to police/justice system	Not quantified	Not quantified given uncertainty around increased detection rate/ behavioural change.
Public awareness campaign	£2.75m – one-off	Cost to Department. Estimate based on cost of previous campaigns.

As noted, at present there is no firm basis for estimating the impact of any of the options on the number of casualties. However, Table 2 shows the estimated benefits that would be associated with a casualty reduction of 10 per cent, calculated using a range formed by DfT's contributory factors data (relating to drug impairment) and current data on fatalities resulting from drink driving (this figure being several times higher, but reflecting the fact that the presence of drug impairment is thought to go undetected in many cases). The value of these reductions has been estimated using the DfT's estimate of the value of preventing a fatality (estimated at £1,652,000 in 2008) and associated weightings for major injuries (10) and reportable minor injuries (200).

**Table 2 Illustrative benefits – 10 per cent casualty reduction scenario**

Type of casualty	Lower			Upper		
	Fatality	Serious injury	Slight injury	Fatality	Serious injury	Slight injury
Number avoided (based on 10 per cent reduction)	7	26	79	46	176	123
Benefits (£)	11.6m	4.3m	0.7m	76.0m	29.1m	1.0m
Total benefits (£)	16.6m			106.1m		

As a result of the uncertainty surrounding the likely scale of benefits that would be associated with any of the 'do something' options, present value calculations have not been undertaken at this stage.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

## Summary: Intervention & Options

<b>Department/Agency:</b> <b>Department for Transport</b>	<b>Title:</b> <b>Impact Assessment of Measures to Increase Driver Compliance – Careless Driving</b>	
<b>Stage:</b> Consultation	<b>Version:</b> 1	<b>Date:</b> October 2008
<b>Related Publications:</b>		

**Available to view or download at:**

<http://www.dft.gov.uk>

**Contact for enquiries:** Josh Fox

**Telephone:** 020 7944 2633

**What is the problem under consideration? Why is government intervention necessary?**

The potentially significant problem of careless driving and the inadequacies of the current system for securing a conviction mean that there is a strong case for Government intervention to improve driver compliance with expected driving standards.

**What are the policy objectives and the intended effects?**

The overarching policy objective is to minimise casualties resulting from non-compliance with road traffic law. The specific aim of proposals relating to careless driving is to improve driver compliance with expected driving standards and, in doing so, improve road safety.

**What policy options have been considered? Please justify any preferred option.**

Option A is to maintain the status quo. Option B involves the introduction of fixed penalties for careless driving. Option C involves the production of guidance for the Courts Service/CPS. Option D would result in increased enforcement. Option E is a combination of Options B and D.

**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? DfT to confirm.**

**Ministerial Sign-off** For consultation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister:

.....Date:

## Summary: Analysis & Evidence

Policy Option: B

Description: Introduce fixed penalties for careless driving

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' Cost saving as a resuction of the introduction of fixed penalties.	
	<b>One-off</b> (Transition)	<b>Yrs</b>		
	<b>£ 0</b>			
	<b>Average Annual Cost</b> (excluding one-off)			
	<b>£ -4.6 to -5.0m</b>		<b>Total Cost (PV)</b>	<b>£ -39.2m to -42.6m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' None				

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' Indicative estimate of potential benefits which could occur from a 1 to 5 per cent reduction in casualties as result of improved enforcement.	
	<b>One-off</b>	<b>Yrs</b>		
	<b>£ 0</b>			
	<b>Average Annual Benefit</b> (excluding one-off)			
	<b>£ 17.7-88.7m</b>		<b>Total Benefit (PV)</b>	<b>£ 152m to 763m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' None				

**Key Assumptions/Sensitivities/Risks** The level of ongoing costs and benefits generated by this measure depends on the increase in detection rate and behavioural change (improved compliance resulting from a perceived increased risk of being caught).

Price Base Year 2007	Time Period Years 10	<b>Net Benefit Range</b> (NPV) <b>£ 195 to 803m</b>	<b>NET BENEFIT</b> (NPV Best estimate) <b>£ 499m</b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		tbc		
Which organisation(s) will enforce the policy?		Police		
What is the total annual cost of enforcement for these organisations?		£ tbc		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro <b>0</b>	Small <b>0</b>	Medium <b>0</b>	Large <b>0</b>
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)				(Increase - Decrease)
Increase of	£ 0	Decrease of	£ 0	<b>Net Impact</b>
				<b>£ 0</b>

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value



## Summary: Analysis & Evidence

Policy Option: **C**

Description: **Improve guidance for courts/CPS**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' One-off cost of producing guidance and ongoing cost of additional prosecutions.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 3m</b>	1	
	<b>Average Annual Cost</b> (excluding one-off)		
<b>£ 0.5–1.5m</b>		<b>Total Cost (PV)</b>	<b>£ 7 –16m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' None			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' Indicative estimate of potential benefits which could occur from a 0.5 to 1% reduction in casualties as result of improved enforcement.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
<b>£ 8.9–17.7m</b>		<b>Total Benefit (PV)</b>	<b>£ 77–152m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' None			

**Key Assumptions/Sensitivities/Risks** The level of ongoing costs and benefits generated by this measure depends on the increase in detection rate and behavioural change (improved compliance resulting from a perceived increased risk of being caught).

Price Base Year 2007	Time Period Years 10	<b>Net Benefit Range</b> (NPV) <b>£ 69–136m</b>	<b>NET BENEFIT</b> (NPV Best estimate) <b>£ 103m</b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		tbc		
Which organisation(s) will enforce the policy?		n/a		
What is the total annual cost of enforcement for these organisations?		£ n/a		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro <b>0</b>	Small <b>0</b>	Medium <b>0</b>	Large <b>0</b>
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)
Increase of	£ 0	<b>Net Impact</b> £ 0
Decrease of	£ 0	

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Summary: Analysis & Evidence

Policy Option: **D**

Description: **Improved enforcement**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' The grant funding for additional officers has been assumed to last for a 10 year period. There will be also be an ongoing cost of additional prosecutions.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 3.5m</b>	10	
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 0.5–1.5m</b>		<b>Total Cost (PV)</b> <b>£ 34–43m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' None			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' Indicative estimate of potential benefits which could occur from a 0.5 to 1 per cent reduction in casualties as result of improved enforcement.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ 8.9–17.7m</b>		<b>Total Benefit (PV)</b> <b>£ 77–152m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' None			

**Key Assumptions/Sensitivities/Risks** The level of ongoing costs and benefits generated by this measure depends on the increase in detection rate and behavioural change (improved compliance resulting from a perceived increased risk of being caught).

Price Base Year 2007	Time Period Years 10	<b>Net Benefit Range</b> (NPV) <b>£ 42–109m</b>	<b>NET BENEFIT</b> (NPV Best estimate) <b>£ 76m</b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		tbc		
Which organisation(s) will enforce the policy?		Police		
What is the total annual cost of enforcement for these organisations?		£ tbc		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro <b>0</b>	Small <b>0</b>	Medium <b>0</b>	Large <b>0</b>
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)	
Increase of	£ 0	Decrease of	£ 0
		<b>Net Impact</b>	<b>£ 0</b>

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Summary: Analysis & Evidence

Policy Option: E

Description: Introduction of fixed penalties and improved enforcement

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' Cost of grant funding for additional officers plus cost saving from introduction of FPNs.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 3.5m</b>	10	
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ -4.4 to -5.0m</b>		<b>Total Cost (PV)</b> <b>£ -7.3 to -12.5m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' None			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' Indicative estimate of potential benefits which could occur from a 1 to 7% reduction in casualties as result of improved enforcement.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ 17.7–124.2m</b>		<b>Total Benefit (PV)</b> <b>£ 152–1,069m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' None			

**Key Assumptions/Sensitivities/Risks** The level of ongoing costs and benefits generated by this measure depends on the increase in detection rate and behavioural change (improved compliance resulting from a perceived increased risk of being caught).

Price Base Year 2007	Time Period Years 10	<b>Net Benefit Range</b> (NPV) <b>£ 165–1.076m</b>	<b>NET BENEFIT</b> (NPV Best estimate) <b>£ 621m</b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		tbc		
Which organisation(s) will enforce the policy?		Police		
What is the total annual cost of enforcement for these organisations?		£ tbc		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro <b>0</b>	Small <b>0</b>	Medium <b>0</b>	Large <b>0</b>
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)
Increase of	£ 0	<b>Net Impact</b> <b>£ 0</b>
Decrease of	£ 0	

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Evidence Base (for summary sheets)

**[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]**

### Background

This Impact Assessment relates to proposals to improve driver behaviour in respect of careless driving.

It is part of the review of DfT's overarching strategy for achieving compliance with road traffic law, which has the aim of the minimising casualties resulting from non-compliance. Driver behaviour has been found to be a factor in a significant proportion of all road traffic collisions. To the extent that road traffic laws proscribe behaviour that is unsafe, compliance with those laws is key to preventing road collisions and in reducing road casualties.

Careless driving is defined in the Road Safety Act 2006 as driving 'below the standard expected of a careful and competent driver.' It includes a wide variety of behaviours such as tailgating, sudden braking and driving too fast for the road conditions – i.e. instances where bad driving rather than breach of a specific regulation leads to a collision (or potential collision). It is considered that most bad driving is due to a failure of the driver's skills rather than a conscious decision to drive badly. It is also recognised that most bad driving is committed by people who have passed a driving test. Such careless driving is covered by the general offence of 'driving without due care and attention' or in extreme cases the offence of 'dangerous driving.' Further offences may also apply where a fatality results.

Given that careless driving covers a great many behaviours, it is difficult to identify the extent of the problem based on available statistics. In 2006, there were 233,000 recorded instances of careless driving being dealt with by the authorities in England and Wales, and a further 10,000 in Scotland. Of these, 38,000 led to proceedings in magistrates courts in England and Wales, and this resulted in almost 28,500 findings of guilt (including those cases which were committed to Crown Court). The category 'careless driving' covers a range of offences, so narrowing this down to those found guilty of driving without due care and attention gives a total of 25,400 guilty findings (Ministry of Justice, 2008). In addition, a survey of drivers convicted of careless driving showed that 57 per cent reported that at the time of the incident they were driving as they often or normally drove, indicating that the majority of careless drivers are not simply exhibiting a temporary diversion from acceptable driving behaviour.

DfT statistics indicate that in 2007 there were 432 fatal accidents (leading to 480 fatalities) where 'careless, reckless or in a hurry' was identified as a contributory factor, accounting for 17 per cent of all fatal accidents. 'Careless, reckless or in a hurry' also contributed to 3,700 serious accidents, 4,460 serious casualties, and 29,670 slight casualties. This is likely to be an underestimate of the number of incidents involving careless driving, given that the term may also span other contributory factor categories such as 'aggressive driving' or 'failing to look properly'.

Anecdotal evidence suggests that the prosecution rate for careless driving is low, given the heavy burden of paperwork involved, which means that many potential offenders are not prosecuted or even charged, and so there is a potentially significant number of offences that are going unpunished. Given the problem of careless driving, which is likely to be higher than available data suggest and the inadequacies of the current system for securing a conviction, there is a strong case for Government intervention to improve driver compliance with expected driving standards, and, in doing so, improve road safety.

## Preparation of the Impact Assessment

This initial Impact Assessment has been prepared on the basis of a review of existing evidence and discussions with key stakeholders.

It has been prepared to accompany a consultation to invite comments on a range of proposals relating to compliance with road traffic law.

The evidence base will be updated following the consultation period to take account of any further evidence that emerges.

## Options

Option A: Do nothing – this would involve maintaining the status quo. However, this would not address the issues identified above, meaning that the opportunity to reduce careless driving would not be realised. Therefore to do nothing would not contribute to the overall strategy to improve driver compliance with road traffic law. However, for the purpose of the impact assessment, all 'do something' options should be assessed against the status quo.

Option B: Introduction of fixed penalties for careless driving (less serious instances only).

Option C: Provision of improved guidance for the Courts Service/Crown Prosecution Service (CPS) relating to prosecution of careless driving.

Option D: Improved enforcement of careless driving through the introduction of additional resources.

Option E: Introduction of fixed penalties coupled with improved enforcement.

## Sectors and groups affected

### *Drivers*

As noted, in 2006, almost 25,400 drivers were convicted of driving without due care and attention. However, this is considered to be a lower estimate of the incidence of the problem, given that it only relates to the number who were identified and subsequently convicted.

### *Police/CPS/Courts Service*

The police are responsible for enforcement of careless driving law, while the CPS and Courts Service have a role in prosecution of offenders.

### *Government*

Government would be responsible for amending legislation and issuing guidance in respect of enforcement.

## Costs and benefits – overview

The options proposed aim to generate improved driver compliance in respect of careless driving law, which would be expected to translate into a reduction in accidents (and associated casualties) where careless driving is a contributory factor, thereby creating improved safety for all road users. The extent of this impact will largely depend on the change in driver behaviour that occurs as a result of the measures, and which will be influenced by how drivers perceive the change in the risk of being caught. Improved enforcement (either through additional resources or improved processes) would be expected to impact on the perception of risk, although the likely extent of this impact is not known and so the analysis which follows presents indicative estimates that highlight the potential benefits which would result from a small decrease in the number of casualties caused by careless driving.

The proposed options will generate costs to enforcement authorities as a result of the additional resources required to implement them, but there is also potential for cost savings as a result of improved processes. Costs will also be incurred by additional drivers who are caught committing the offence, but these are not included within the Impact Assessment.

## Risks and uncertainty

As noted, a key area of uncertainty relates to how the measures will impact on behaviour with regards to careless driving. At present there is no basis on which to construct an estimate of the reduction in casualties that might be expected to occur as a result of any of the four proposed options. In the absence of further evidence, we have chosen to provide a range that shows the potential monetary impact caused by an assumed reduction in the number of casualties (with the number calculated as a percentage reduction in current casualty numbers). This is further assumed to be an ongoing benefit, given that the number of casualties attributed to careless driving by contributory factors data is thought to be an underestimate of the full extent of the problem. This approach serves to highlight the benefits that could result if the objective of improved compliance is achieved.

## Option B – Analysis of impacts

### Costs

The introduction of careless driving as a fixed penalty offence would improve the ability of the police to enforce the law in respect of careless driving.

It is assumed that there would be no additional costs incurred by the police as a result of this change, as enforcement through the use of fixed penalties would be undertaken as part of routine patrols and so covered by existing resources. It could also be argued that the introduction of careless driving as a fixed penalty offence will help to free up police time that would otherwise be taken up in processing offenders under the existing system. However, any time saved would be expected to be absorbed by undertaking other duties.

When issued with a fixed penalty notice, a driver has the option of either accepting the fine and endorsements or going to court to challenge the offence. Where a driver accepts the fixed penalty, there would be a reduction in costs for the police, CPS and Court Service.

A survey of drivers convicted of careless driving reveals that the majority pleaded guilty to the offence – this suggests that around 18,500 of those convicted in 2006 would have pleaded guilty in court. It is estimated that the average cost of a guilty plea to an indictable motoring offence in a magistrates court was £550 in 1998/99 (*The Cost of Criminal Justice*, Home Office, 1999) – equivalent to £680 in 2007/08 prices. If these drivers had been issued with, and accepted, a fixed penalty notice, a significant saving would have been made, as the cost of enforcing a fixed penalty notice is estimated at £36 (PA Consulting, 2004 – updated to 2007 prices). This potential saving is estimated at around £12m (assuming that the introduction of fixed penalties has no impact on the likelihood of a driver to plead guilty). However, some of these cases may have related to more serious instances of careless driving (for example where the driver was subsequently disqualified), and it is intended that these more serious cases would still be dealt with in court.

Evidence from the introduction of fixed penalties for speeding offences suggests that, in the four years after the introduction of fixed penalties, the number of prosecutions in court dropped by around one-third compared to the level for four years before the introduction.

Applying this assumption to the total number of instance where drivers were found guilty of driving without due care and attention (25,400) provides a conservative estimate of a potential saving of almost £5.5m in court costs per annum.

In the case of speeding, the number of offenders being charged increased after the introduction of fixed penalties, i.e. the number of fixed penalties issued exceeded the reduction in the number of cases taken to court. A potential benefit of the introduction of fixed penalties for careless driving is that it would enable offenders who currently go unpunished to be issued with a fixed penalty notice. Any increase in the number of careless driving cases that occur would be assumed to be attributable to the introduction of fixed penalties; therefore this increase does not represent a cost saving against the baseline level of court costs. However, such an increase would represent a cost to enforcement authorities in terms of issuing and processing fixed penalties. Based on evidence on the impact of introducing fixed penalties for speeding, we have assumed a potential increase in the number of cases of careless driving of between 50 and 100 per cent. Based on current data relating to convictions, this suggests a potential increase in careless driving cases enforced against of between 12,700 and 25,400 – all of which would be dealt with by fixed penalty notice – resulting in an additional average cost of between £0.5 and £0.9m per annum (although in reality the number of additional cases would be dependent on a number of other factors, such as driver behaviour).

Those who receive, and accept, fixed penalties would be required to pay a fine. However, the cost of this payment is a transfer between the driver and the State and therefore does not result in a net impact for inclusion in the Impact Assessment. Costs incurred as a result of endorsements depend on the circumstances of the driver (e.g. the number of existing/future endorsements and whether their job involves driving). Given that careless driving does not involve breach of a specific regulation (e.g. speeding or failure to wear a seat belt), we have assumed that, in the majority of cases that are dealt with by the issue of a fixed penalty notice, the driver is unlikely to have any other endorsements and that the issue of three penalty points will not result in the driver incurring any significant financial costs (e.g. as a result of disqualification). However, even if costs were incurred by individuals, they would not be included in the Impact Assessment, as they result from committing a criminal offence.

## **Benefits**

The introduction and use of fixed penalties would send a signal to drivers that careless driving is unacceptable and has an increased likelihood of being punished. Over time this may lead to a reduction in careless driving as drivers seek to correct unacceptable driving behaviour in order to avoid punishment. Such a



reduction may be expected to lead to a fall in the number of cases of careless driving and a corresponding fall in the number of related casualties. In 2007, there were over 400 fatal collisions in which ‘careless, reckless or in a hurry’ was identified as a contributory factor. However, there is currently no basis on which to estimate the extent to which the introduction of fixed penalties would impact on driver behaviour.

Constructing an estimate of the potential benefits in terms of reduced casualties is further complicated by the wide range of behaviours that might be classed as careless driving and the lack of a definitive data set that shows the number of accidents which occur as a result of this behaviour. In order to provide an indicative estimate of potential benefits, it has been assumed that the introduction of fixed penalties would lead to between a 1 and 5 per cent reduction in casualties associated with careless driving – these reductions have been estimated on the basis of the number of casualties where ‘careless, reckless, or in a hurry’ was the contributing factor. The value of these reductions has been estimated using the DfT’s estimate of the value of preventing a fatality (estimated at £1,652,000 in 2008) and associated weightings for major injuries (10) and reportable minor injuries (200). On this basis, the value of the potential benefits could range between £17.7m and £88.7m. In the absence of further evidence, this estimate should be viewed as indicative only but shows the potential benefits which could result from a small reduction in the casualties caused by careless driving.

**Table 1 Estimated reductions in types of injury, given 0.5 and 1 per cent reductions in casualties**

Type of injury	1 per cent reduction in casualties		5 per cent reduction in casualties	
	Reduction in casualties	Value (£)	Reduction in casualties	Value (£)
Fatality	5	7,929,600	24	39,648,000
Serious injury	45	7,367,920	223	36,839,600
Slight injury	297	2,449,586	1,484	12,253,710
Total	346	17,747,106	1,731	88,741,310

### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by tackling the problem of careless driving thereby helping to improve driving standards, and safety for all road users.

## Option C – Analysis of impacts

### **Costs**

This option would involve the production of guidance for the CPS and Courts Service, which would be designed to result in more effective enforcement of

careless driving laws. The costs of producing such guidance would be met by Government and, at this stage, have been estimated at a one-off cost of £3m (indicative estimate).

Taken in isolation from the introduction of fixed penalties, the production of such guidance would be expected to increase the number of prosecutions, resulting in increased costs. However, the introduction of such guidance would do nothing to address the administrative burden currently faced by police. In 2006, 37,000 cases of careless driving (from a total of 233,000) were prosecuted by magistrates courts in England and Wales, and resulted in 25,400 findings of guilt.

There is no way of estimating the impact of guidance on the number of prosecutions, so an indicative range of 1 per cent to 3 per cent has been assumed for the percentage increase in prosecutions (an increase of between 370 and 1110). In line with evidence from 2006, 70 per cent of these prosecutions are assumed to result in a finding of guilt. Seventy-five per cent of those found guilty are assumed to plead guilty (in line with survey evidence cited above), while all those found not guilty are assumed to plead not guilty. The cost of a guilty plea to a motoring offence in a magistrates court is estimated at £680 in 2007/08 prices, and a non-guilty plea is estimated at £2,100 (*Cost of Criminal Justice*, Home Office, 1999, uprated to 2007/08 prices using the GDP deflator).

Successful prosecutions are assumed to lead to a magistrate's fine, which, for the purposes of the impact assessment, is treated as a transfer payment from the individual to the courts. Average fines for findings of guilt in cases relating to careless driving were £164 (data for 2006 uprated to 2007/08 prices, Ministry of Justice 2008).

Total indicative costs are estimated to range between £497,000 and £1,492,000.

**Table 2 Scenarios associated with 1 and 3 per cent increases in prosecutions**

	1 per cent increase in prosecutions	3 per cent increase in prosecutions (£)
Increase in prosecutions	370	1110
Increase in findings of guilt	263	788
Number of guilty pleas	197	591
Number of not guilty pleas	173	519
Cost associated with guilty pleas (£)	133,977	401,931
Cost associated with pleas of not guilty (£)	363,248	1,089,743
Total costs	497,225	1,491,674

There would also be additional costs incurred by the individuals who are prosecuted. The extent of such costs would depend on the plea and the verdict. However, such costs incurred by individuals who have broken the law are not considered by the Impact Assessment.

## Benefits

As noted, the production of guidance would be expected to result in more effective enforcement of careless driving law. This would send a signal to drivers that careless driving is unacceptable and has an increased likelihood of being punished. Over time this may lead to a reduction in careless driving as drivers seek to correct unacceptable driving behaviour in order to avoid punishment. Such a reduction may be expected to lead to a fall in the number of cases of careless driving and a corresponding fall in the number of related casualties. In 2006, there were over 400 fatal collisions in which ‘careless, reckless or in a hurry’ was identified as a contributory factor. There is currently no basis on which to estimate the extent to which the introduction of new guidance would subsequently impact on driver behaviour. Constructing an estimate of the potential benefits in terms of reduced casualties is further complicated by the wide range of behaviours that might be classed as careless driving and the lack of a definitive data set that shows the number of accidents which occur as a result of this behaviour.

However, given the estimated relative impact on enforcement, it has been assumed that the introduction of guidance would lead to between a 0.5 and 1 per cent reduction in casualties associated with careless driving – these reductions have been estimated on the basis of the number of casualties where ‘careless, reckless, or in a hurry’ was the contributing factor. The value of these reductions has been estimated using the DfT’s estimate of the value of preventing a fatality (estimated at £1,652,000 in 2008) and associated weightings for major injuries (10) and reportable minor injuries (200). On this basis, the value of the potential benefits could range between £8.9m and £17.7m. In the absence of further evidence, this estimate should be viewed as indicative only but shows the potential benefits that could result from a small reduction in the casualties caused by careless driving.

**Table 3 Estimated reductions in types of injury, given 0.5 and 1 per cent reductions in casualties**

Type of injury	0.5 per cent reduction in casualties		1 per cent reduction in casualties	
	Reduction in casualties	Value (£)	Reduction in casualties	Value (£)
Fatality	2	3,964,800	5	7,929,600
Serious injury	22	3,683,960	45	7,367,920
Slight injury	148	1,224,793	297	2,449,586
Total	172	8,873,553	346	17,747,106

### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by tackling the problem of careless driving, thereby helping to improve driving standards, and safety for all road users.

## Option D – Analysis of impacts

### Costs

This option would encourage increased enforcement activity related to careless driving by providing funds (e.g. via a dedicated grant that forces could apply for) to enable an increase in the number of traffic police. Details of such a scheme have yet to be finalised, so at this stage it has been assumed that a total budget of £3.5m would be made available by the Department each year for a 10-year period (based on data from ASHE, the median gross annual wage of a police officer of the rank of sergeant and below is £36,300; allowing for other costs such as training suggests that the actual cost per officer may be closer to £50,000 – therefore the indicative budget would be expected to provide for around 70 officers, which is an increase of approximately 10 per cent of the stock of traffic police in England and Wales as recorded in 2004/05). It is assumed that there would be no additional costs to police forces.

There is no way of estimating the impact of this increased activity on the number of offences detected. An increase in traffic policing resources may be expected to result in an increase in the detection rate. However, it is also possible that the additional resources will act as a deterrent that increases driver compliance with careless driving law.

An increase in the detection rate would also be expected to increase the number of prosecutions, resulting in an increase in court costs. There is currently no basis on which to estimate the potential increase in the number of prosecutions therefore we have presented an indicative range of 1 per cent to 3 per cent (an increase of between 370 and 1110). In line with evidence from 2006, 70 per cent of these prosecutions are assumed to result in a finding of guilt. 75 per cent of those found guilty are assumed to plead guilty (in line with survey evidence cited above), while all those found not guilty are assumed to plead not guilty. The cost of a guilty plea to a motoring offence in a magistrate court is estimated at £680 in 2007/08 prices, and a non-guilty plea is estimated at £2,100 (Cost of Criminal Justice, Home Office, 1999, uprated to 2007/08 prices using the GDP deflator).

Successful prosecutions are assumed to lead to a magistrate's fine, which, for the purposes of the impact assessment, is treated as a transfer payment from the individual to the courts. Average fines for findings of guilt in cases relating to careless driving were £164 (data for 2006 uprated to 2007/08 prices, Ministry of Justice 2008).

Total indicative costs are estimated to range between £497,000 and £1,492,000.

**Table 4 Scenarios associated with 1 and 5 per cent increases in prosecutions**

	<b>1 per cent increase in prosecutions (£)</b>	<b>3 per cent increase in prosecutions (£)</b>
Increase in prosecutions	370	1110
Increase in findings of guilt	263	788
Number of guilty pleas	197	591
Number of not guilty pleas	173	519
Cost associated with guilty pleas (£)	133,977	401,931
Cost associated with pleas of not guilty (£)	363,248	1,089,743
Total costs	497,225	1,491,674

There would also be additional costs incurred by the individuals who are prosecuted. The extent of such costs would depend on the plea and the verdict. However, such costs incurred by individuals who have broken the law are not considered by the Impact Assessment.

## Benefits

An increase in enforcement would be expected to result in more effective detection of careless driving. This would send a signal to drivers that careless driving is unacceptable and has an increased likelihood of being punished. Over time this may lead to a reduction in careless driving as drivers seek to correct unacceptable driving behaviour in order to avoid punishment. Such a reduction may be expected to lead to a fall in the number of cases of careless driving and a corresponding fall in the number of related casualties. In 2006, there were over 400 fatal collisions in which 'careless, reckless or in a hurry' was identified as a contributory factor. There is currently no basis on which to estimate the extent to which the introduction of new guidance would subsequently impact on driver behaviour. Constructing an estimate of the potential benefits in terms of reduced casualties is further complicated by the wide range of behaviours that might be classed as careless driving and the lack of a definitive data set that shows the number of accidents which occur as a result of this behaviour.

However, given the estimated relative impact on enforcement, it has been assumed that the introduction of this measure would lead to between a 0.5 and 1 per cent reduction in casualties associated with careless driving – these reductions have been estimated on the basis of the number of casualties where 'careless, reckless, or in a hurry' was the contributing factor. The value of these reductions has been estimated using the DfT's estimate of the value of preventing a fatality (estimated at £1,652,000 in 2008) and associated weightings for major injuries (10) and reportable minor injuries (200). On this basis, the value of the potential benefits could range between £8.9m and £17.7m. In the absence of further evidence, this estimate should be viewed as indicative only but shows the potential benefits that could result from a small reduction in the casualties caused by careless driving.

**Table 5 Estimated reductions in types of injury, given 0.5 and 1 per cent reductions in casualties**

Type of injury	0.5 per cent reduction in casualties		1 per cent reduction in casualties	
	Reduction in casualties	Value (£)	Reduction in casualties	Value (£)
Fatality	2	3,964,800	5	7,929,600
Serious injury	22	3,683,960	45	7,367,920
Slight injury	148	1,224,793	297	2,449,586
Total	172	8,873,553	346	17,747,106

### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by tackling the problem of careless driving, thereby helping to improve driving standards, and safety for all road users.

## **Option E – Analysis of impacts**

### **Costs**

The costs associated with this option would be the sum of the costs of providing a grant to fund additional traffic police plus the estimated reduction in court costs brought about by the introduction of fixed penalty notices plus the costs associated with issuing fixed penalty notices to additional offenders. In relation to Option B, we assumed an increase of between 50 and 100 per cent of current levels, based on evidence relating to the impact of fixed penalty notices for speeding. Option E also involves the introduction of additional policing resources. Therefore we have assumed a potential increase in the number of offenders of between 60 and 120 per cent (all to be dealt with by fixed penalty notices). Based on current data relating to convictions, this suggests a potential increase in careless driving cases enforced against of between 15,240 and 30,480 – all of which would be dealt with by fixed penalty notice – resulting in an additional average cost of between £0.5 and £1.1m per annum (although this should be viewed as an indicative estimate, as in reality the number of additional cases would be dependent on a number of other factors, such as driver behaviour).

### **Benefits**

The introduction and use of fixed penalties alongside increased enforcement activity would send a signal to drivers that careless driving is unacceptable and has an increased likelihood of being punished. Over time this may lead to a reduction in careless driving as drivers seek to correct unacceptable driving behaviour in order to avoid punishment. Such a reduction may be expected to lead to a fall in the number of cases of careless driving and a corresponding fall in the number of related casualties. As noted, in 2006, there were over 400 fatal collisions in which ‘careless, reckless or in a hurry’ was identified as a contributory factor.

There is currently no firm basis on which to estimate the impact on driver behaviour which would result from the introduction of fixed penalties along with increased enforcement activity. Option E represents a combination of Options B and D so would be expected to generate an equal or greater reduction in casualties than either of the two options in isolation. For this reason, and given the expected increase in enforcement, we have presented an indicative range showing the potential benefits resulting from between a one and seven per cent reduction in casualties associated with careless driving – these reductions have been estimated on the basis of the number of casualties where ‘careless, reckless, or in a hurry’ was the contributing factor. The value of these reductions have been estimated using the DfT’s estimate of the value of preventing a fatality (estimated at £1,652,000 in 2008) and associated weightings for major injuries (10) and reportable minor injuries (200). On this basis, the value of the potential benefits could range between £17.7m and £124.2m. In the absence of further evidence, this estimate should be viewed as indicative only but shows the potential benefits that could result from a small reduction in the casualties caused by careless driving as a result of the combination of two measures.

**Table 6 Estimated reductions in types of injury, given 0.5 and 1 per cent reductions in casualties**

Type of injury	1 per cent reduction in casualties		7 per cent reduction in casualties	
	Reduction in casualties	Value (£)	Reduction in casualties	Value (£)
Fatality	5	7,929,600	34	55,507,200
Serious injury	45	7,367,920	312	51,575,440
Slight injury	297	2,449,586	2,077	17,155,194
Total	346	17,747,106	2,423	124,237,834

### *Environmental and social impacts*

No significant environmental impacts are expected to result from this proposal.

The proposals would be expected to generate positive social impacts by tackling the problem of careless driving thereby helping to improve driving standards, and safety for all road users.

## Impact tests

### *Race, gender and disability equality*

There are no race, gender or disability equality impacts to these proposals.

### *Competition assessment*

The proposal is intended to improve the compliance of drivers as individuals and so is not expected to have any business impacts.

### *Small Firms Impact Test*

The proposal is intended to improve the compliance of drivers as individuals and so is not expected to have any business impacts.

### *Legal Aid*

There are no Legal Aid implications.

### *Sustainable development*

The proposals do not conflict with any of the five principles of sustainable development.

### *Carbon assessment*

The proposals would not be expected to generate a significant impact on carbon emissions.

### *Other environment*

It is considered that there will be no significant other environmental implications.

### *Health impact assessment*

It is considered that the proposals will not impact significantly on health and wellbeing, or health inequalities, as defined by the screening criteria for this test; therefore a full assessment is not necessary.

### *Human rights*

There are no human rights implications.

### *Rural proofing*

The proposals are not expected to have a differential impact on rural areas.

## **Summary and next steps**

The proposed measures aim to improve behaviour with regards to careless driving.

The estimated cost impacts of the proposed changes are summarised in Table 7 (note that transfer impacts are excluded from this summary table).



**Table 7 Estimated cost impacts of the proposed changes**

Area of impact	Size of impact	Notes
Option B		
Increased detection – fixed penalties	£0.5–0.9m pa	Number of cases of careless driving likely to increase.
Court costs	-£5.5m pa	Cost saving due to fact that some cases will be dealt with by fixed penalty notices.
Option C		
Production of guidance	£3m – one-off	Indicative estimate.
Increased court costs	£0.5–1.5m pa	Due to fact that number of prosecutions likely to increase.
Option D		
Grant funding for additional police resources	£3.5m pa	Indicative estimate pending further details of scheme.
Increased court costs	£0.5–1.5m pa	Due to fact that number of prosecutions likely to increase.
Option E		
Increased detection – fixed penalties	£0.5–1.1m pa	Number of cases of careless driving likely to increase.
Court costs	-£5.5m pa	Cost saving due to fact that some cases will be dealt with by fixed penalty notices.
Grant funding for additional police resources	£3.5m pa	Indicative estimate pending further details of scheme.

As noted, at present there is no firm basis for estimating the impact of any of the options on the number of casualties. However, Table 8 shows the estimated benefits that would be associated with a casualty reduction of 1, 3 and 5 per cent.

**Table 8 Estimated benefits associated with a casualty reduction of 1, 3 and 5 per cent**

	1 per cent reduction in casualties	5 per cent reduction in casualties	7 per cent reduction in casualties
Benefits (£ ongoing)	£17.7m	£88.7m	£124.2m

Present value calculations, based on a standard 3.5 per cent discount rate over a 10-year period, have been undertaken and are summarised in Table 9. The calculations include an indicative allowance for potential benefits as outlined in the description of impact for each option.

**Table 9 Present value calculations, based on a standard 3.5 per cent discount rate over a 10-year period**

	Option B	Option C	Option D	Option E
Net Present Value (mid-point)	£499m	£103m	£76m	£621m

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

## Summary: Intervention & Options

<b>Department/Agency:</b> <b>Department for Transport</b>	<b>Title:</b> <b>Impact Assessment of Measures to Increase Driver Compliance - Remedial Training and Reassessment</b>	
<b>Stage:</b> Consultation	<b>Version:</b> 1	<b>Date:</b> October 2008
<b>Related Publications:</b>		

### Available to view or download at:

<http://www.dft.gov.uk>

**Contact for enquiries:** Andrew Burr

**Telephone:** 020 7944 2037

### What is the problem under consideration? Why is government intervention necessary?

Evaluation evidence suggests that remedial training courses are an effective means of reducing subsequent reoffending but also that there are variations in the quality of provision. In addition, at present those offenders who need to be retested are not required to undertake remedial training prior to this and so are not benefiting from the potential reduction in the propensity of reoffending that these courses appear to provide. Government intervention is required to ensure that providers meet the required standards and to ensure that an appropriate regime is in place.

### What are the policy objectives and the intended effects?

The overarching policy objective is to minimise casualties resulting from non-compliance with road traffic law. The specific aim of proposals relating to remedial training and reassessment is to improve the effectiveness of the current retraining and retesting regimes in order to maximise the positive impact on the driving behaviour of participants which will, in turn, be expected to impact positively on road user safety.

### What policy options have been considered? Please justify any preferred option.

Option A is to maintain the current retraining arrangements. Option B involves improving the standard of remedial training by providing new guidance to providers and promoting the professional development of facilitators. Option C involves those offenders who are subject to retest being also required to undergo some form of retraining. Option D is a combination of both B and C and is the preferred option, as there is a need to both raise standards and make sure that training is mandatory for those who are required to take a retest.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? DfT to confirm.

### **Ministerial Sign-off** For consultation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister:

.....Date:

## Summary: Analysis & Evidence

Policy Option: B

Description: Improved standards and courses

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' There is a cost to the DSA in terms of the quality assurance role and a cost to providers as a result of the need to improve standards (likely to be passed on to participants in the form of increased fees).
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 4.5m</b>		<b>Total Cost (PV)</b> <b>£ 39.0m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' None			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' Indicative estimate of the saving in court costs resulting from a reduction in reoffending.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ 119,000–238,000</b>		<b>Total Benefit (PV)</b> <b>£ 1.0–2.0m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' Potential reduction in casualties.			

**Key Assumptions/Sensitivities/Risks** The cost to organisations depends on the number of tutors employed, but a lack of information about the industry means that an average cost per firm has not been calculated. A key area of uncertainty relates to how the measures will impact on the effectiveness of training and the driving behaviour of participants.

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range (NPV)</b> <b>£ -36.9 to -38.0m<sup>i</sup></b>	<b>NET BENEFIT (NPV Best estimate)</b> <b>£ -37.4m<sup>i</sup></b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		tbc		
Which organisation(s) will enforce the policy?		DSA		
What is the total annual cost of enforcement for these organisations?		£ 30,000 (add.)		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)				(Increase - Decrease)
Increase of	£ 0	Decrease of	£ 0	<b>Net Impact</b> <b>£ 0</b>

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Summary: Analysis & Evidence

**Policy Option: C**

**Description: Mandatory retraining for those subject to retesting**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' Cost of mandatory training (course fees) for those who are required to take a retest.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 0.9–1.6m</b>		<b>Total Cost (PV)</b> <b>£ 7.7–13.8m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' Other costs to participants e.g. lost earning and travel expenses.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' None at this time.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ tbc</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ tbc</b>		<b>Total Benefit (PV)</b> <b>£ tbc</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' Potential reduction in casualties.			

**Key Assumptions/Sensitivities/Risks** A key area of uncertainty relates to how the measure will impact on driving behaviour and how this will translate into improved road safety.

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range (NPV)</b> <b>£ -7.7m to -13.8m<sup>i</sup></b>	<b>NET BENEFIT (NPV Best estimate)</b> <b>£ -10.8m<sup>i</sup></b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		tbc		
Which organisation(s) will enforce the policy?		DSA		
What is the total annual cost of enforcement for these organisations?		£ 0 (additional)		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)				(Increase - Decrease)
Increase of	£ 0	Decrease of	£ 0	<b>Net Impact</b> <b>£ 0</b>

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Summary: Analysis & Evidence

Policy Option: D

Description: Improved standards and mandatory retraining

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' Cost to the DSA in terms of the quality assurance role, cost to providers as a result of the need to improve standards (likely to be passed on to participants in the form of increased fees) and cost of mandatory training (course fees) for those who are required to take a retest.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ 5.4–6.1m</b>		<b>Total Cost (PV)</b> <b>£ 46.7–52.8m</b>
Other <b>key non-monetised costs</b> by 'main affected groups' Other costs to those subject to retest who would have to undertake training as a result of the measure, e.g. lost earning and travel expenses.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' Indicative estimate of the saving in court costs resulting from a reduction in reoffending.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ 119,000–238,000</b>		<b>Total Benefit (PV)</b> <b>£ 1.0–2.0m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups' Potential reduction in casualties.			

**Key Assumptions/Sensitivities/Risks** The cost to organisations depends on the number of tutors employed but a lack of information about the industry means that an average cost per firm has not been calculated. A key area of uncertainty relates to how the measures will impact on the effectiveness of training and the driving behaviour of participants.

Price Base Year 2008	Time Period Years 10	<b>Net Benefit Range (NPV)</b> <b>£ -45.7 to -50.7m</b>	<b>NET BENEFIT (NPV Best estimate)</b> <b>£ -48.2m<sup>i</sup></b>
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		tbc		
Which organisation(s) will enforce the policy?		DSA		
What is the total annual cost of enforcement for these organisations?		£ 30,000 (add.)		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)				(Increase - Decrease)
Increase of	£ 0	Decrease of	£ 0	<b>Net Impact</b> <b>£ 0</b>

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

## Evidence Base (for summary sheets)

**[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]**

### Background

This Impact Assessment relates to proposals to improve the effectiveness of remedial training for road traffic offenders.

It is part of the review of DfT's overarching strategy for achieving compliance with road traffic law, which has the aim of the minimising casualties resulting from non-compliance. Driver behaviour has been found to be a factor in a significant proportion of all road traffic collisions. To the extent that road traffic laws proscribe behaviour that is unsafe, compliance with those laws is key to preventing road collisions and in reducing road casualties.

Retraining and reassessment of offenders provide an opportunity to improve driving standards and road user safety. It is a positive approach that gives drivers the opportunity to improve and become less likely to reoffend.

At present, there are three schemes under which driving offenders can get reductions in penalties awarded in return for undergoing re-education: the drink drive rehabilitation scheme, the National Driver Improvement Scheme and speed awareness courses. There are also circumstances under which offenders have to undergo reassessment (i.e. have to pass a driving test again before recovering their full licence), including drivers who have been disqualified-until-test passed, had a licence to drive buses, coaches or lorries revoked, and new drivers with licences revoked under the New Drivers Act 1995.

Research conducted in relation to drink driver rehabilitation courses showed that courses are effective in reducing subsequent drink drive convictions, but it has also shown variation in both referral rates between courts and quality among individual providers, potentially meaning that the effectiveness of retraining is not as high as it could be. In addition, under current arrangements, offenders required to undertake reassessment in order to recover their licence are not required to undertake training prior to retaking the test and therefore do not benefit from any re-education that would be expected to improve their driving behaviour. The Department therefore intends to take steps to address these issues by improving the quality of remedial training provision and also introducing a retraining regime for those offenders subject to reassessment.

## Preparation of the Impact Assessment

This initial Impact Assessment has been prepared on the basis of a review of existing evidence and discussions with key stakeholders.

It has been prepared to accompany a consultation to invite comments on a range of proposals relating to compliance with road traffic law.

The evidence base will be updated following the consultation period to take account of any further evidence which emerges.

## Options

Option A: Do nothing – this would involve maintaining the status quo. However, this would not address the issues identified above, meaning that the full potential of remedial training and reassessment is not being realised. Therefore to do nothing would not contribute to the overall strategy to improve driver compliance with road traffic law. However, for the purpose of the impact assessment, all ‘do something’ options should be assessed against the status quo.

Option B: Improve standards of remedial training by providing guidance to course providers and promoting professional standards for those who work as facilitators.

Option C: Introduce mandatory retraining for those subject to retest (because they have been disqualified or had their licence revoked) in order that they can benefit from remedial education.

Option D: Combination of both Option B and Option C.

## Sectors and groups affected

### *Drivers*

In 2007, records show that 30,000 offenders attended drink drive rehabilitation courses. An evaluation of this scheme (Transport research Laboratory (TRL), 2007) found that, over the long term, non-attendees were about 1.75 times as likely as attendees to be convicted of a subsequent drink drive offence (based on monitoring of subsequent convictions over five years). It is further estimated that around 25,000 drivers take part in the National Driver Improvement Scheme each year. Currently, speed awareness courses are not offered in all parts of the country. However, all police forces are expected to offer the scheme by April 2009 and (based on a grossing-up of current attendance figures) it is estimated that around 400,000 drivers per year will take part.

Data from the Driving Standards Association (DSA) show that in 2007/08 it conducted 5,600 extended tests for those subject to reassessment. However,



figures for the number of ordinary retests conducted are not available. The type of retest required is dependent on the offence that has been committed.

Offenders bear the cost of retraining and retesting. Any increased cost incurred by providers is likely to be passed on to participants in the form of higher fees (although it should be noted that the Department is also proposing to specify a maximum fee that a person may be required to pay).

### *Providers*

Providers of drink drive remedial courses require approval from the Secretary of State, which is given on the advice of an expert panel to organisations with relevant experience and training skills.

The National Driver Improvement Scheme and speed awareness courses are run under contracts between providers and local police forces. Providers vary and include private companies, public sector organisations and charities. Police forces will only contract with organisations that are members of ANDISP (Association of National Driver Improvement Scheme Providers). Providers currently have a degree of flexibility in respect of how they run remedial courses but are subject to guidance on the minimum requirements for course content, delivery and administration. Course providers will bear the costs of any required improvements in standards (including professional development for facilitators) but will be able to pass these costs on to participants in the form of increased course fees (although it should be noted that the Department is also proposing to specify a maximum fee that a person may be required to pay).

There are currently 42 providers who are all members of ANDISP. It is thought that the majority of private sector providers are SMEs.

### *Driving Standards Agency (DSA)*

The DSA currently provides tests for those offenders who require reassessment in order to recover their licence. However, it is able to recover this cost via a fee that must be paid by the individual being tested.

It is proposed that the DSA will take a quality assurance role on all remedial training and reassessment and so will incur costs as a result of this new responsibility.

## **Option B – Analysis of impacts**

### **Costs**

DSA will incur a cost as a result of the new quality assurance responsibilities. It is estimated that this will involve the creation of one new post and that this individual will be responsible for providing support to, and undertaking audits of, providers.

An assumed annual salary of £25,000 plus an allowance for on-costs (such as National Insurance) results in an ongoing cost of around £30,000.

Providers are likely to incur some costs relating to the improvement of standards. The extent of this cost will vary according to the individual provider and the standards that they currently maintain. It is considered that in the majority of cases the costs of improving provision will be insignificant, as in many areas the new guidance will just provide clarity around what was already expected and that any required changes can be implemented as part of routine development and review activity. However, there will be more substantial costs associated with the professional development of facilitators. In the absence of further evidence on the number of facilitators this would impact on, we have assumed that this cost would be passed on to participants and translate into an average increase in fees of £10 per client. We would welcome comments from providers on the likely costs involved in implementing the required professional development arrangements for facilitators.

Participants will incur costs in the form of increased fees. This results from the ability of providers to transfer the burden of their cost increase to participants. We have assumed that the required increase will not exceed the maximum fee rate that is due to be specified by the Department. Based on the assumptions set out above, the costs incurred as a result of the proposed increase in standards is: 450,000 course participants experiencing an average increase of £10 results in an additional cost of £4.5m per annum.

## **Benefits**

Evaluation of the drink drive rehabilitation scheme undertaken by TRL concluded that the scheme is effective in reducing subsequent drink drive convictions, as measured by the lower drink drive reconviction rates of attendees. In the absence of evaluation evidence relating to the National Driver Improvement Scheme and speed awareness courses, we have assumed that they are similarly successful. Improvements in these remedial training schemes would be expected to result in an increase in their success (in terms of a greater gap between the reconviction rate amongst participants and non-participants). TRL's findings suggest that overall 7.8 per cent of drink drive rehabilitation course attendees had been convicted of a subsequent drink drive offence up to five years after their original offence, compared with 13.8 per cent of non-attendees. The difference between the two groups is statistically significant and suggests that attendees are 44 per cent less likely to be reconvicted within five years. However, it should be noted that reoffending data only record those who have been caught and convicted, not the actual level of reoffending behaviour. Based on these findings, 35,100 (7.8 per cent of the 450,000 annual participants) would be expected to reoffend within five years. Even a relatively small (5–10 per cent) change would potentially generate a reduction of 175–350 reoffences, which would in turn generate a saving in terms of court costs. The estimated cost of a guilty plea in relation to a motoring offence heard at a magistrates court is £680 (in 2007/08 prices). This suggests a potential cost saving of between £119,000 and £238,000 per annum.

Any reduction in reoffending also has potential to lead to a reduction in casualties from accidents where alcohol is a contributory factor. However, there is no basis to estimate the link between reoffending and casualties, so this potential impact has not been quantified at this time.

### *Environmental and social impacts*

No significant environmental impacts are expected to result from the proposals. In the absence of further evidence, we have assumed that any improvements in the effectiveness of remedial training would not impact significantly on car use, and therefore there will be no associated impact on air quality and carbon emissions.

The proposals would be expected to generate positive social impacts by improving the effectiveness of remedial training, thereby helping to improve subsequent driving standards and ultimately road safety.

## Option C – Analysis of impacts

### **Costs**

This proposal would require all of those who have been disqualified or had their licence revoked to undertake mandatory remedial training prior to their retest. The cost of undertaking this training would be met by participants. It is assumed that the fee charged to participants covers the costs to providers.

Depending on the offence committed, drivers are required to take either an ordinary test or an extended test. Data from the DSA show that in 2007/08 it conducted 5,600 extended tests for drivers looking to regain their licence. However, the number of ordinary tests that are provided as retests is not recorded separately. For the purposes of creating an indicative estimate, 5,600 has been used as a lower boundary number of participants and 10,000 has been used as an upper boundary. In addition, the cost of remedial training varies depending on the type of course and the provider; speed awareness courses appear to cost around £60–70, while driver improvement courses cost around £200, and drink drive rehabilitation courses fees are in the region of £250. For the purposes of analysis we have adopted a mid-point figure of £160. On this basis the additional costs to drivers has been estimated at between £0.9m and £1.6m. This should be considered a lower boundary estimate of the costs to individuals, as it only reflects the direct financial costs of participation and does not include any allowance for other potential costs such as travel to the venue and lost earnings.

### **Benefits**

This measure has the potential to generate benefits in terms of a reduction in reoffending (TRL found a reduced rate of reoffending amongst drink drive rehabilitation course participants compared to non-participants) and a reduction in casualties from accidents where alcohol is a contributory factor. However, there is

no basis to estimate the link between this measure and reoffending or casualties, so this potential impact has not been quantified at this time.

#### *Environmental and social impacts*

No significant environmental impacts are expected to result from the proposals. In the absence of further evidence, we have assumed that any improvements in the effectiveness of remedial training would not impact significantly on car use, and therefore there will be no associated impact on air quality and carbon emissions.

The proposals would be expected to generate positive social impacts by improving the effectiveness of remedial training, thereby helping to improve subsequent driving standards and ultimately road safety.

## Option D – Analysis of impacts

### **Costs**

The costs associated with this option are the sum of those associated with both Option B and Option C.

### **Benefits**

This measure has the potential to generate benefits in terms of a reduction in reoffending (TRL found a reduced rate of reoffending amongst drink drive rehabilitation course participants compared to non-participants) and a reduction in casualties from accidents where alcohol is a contributory factor. However, there is no basis to estimate the link between this measure and casualties so this potential impact has not been quantified at this time. An indicative estimate of the potential reduction in court costs has been provided in relation to Option B.

#### *Environmental and social impacts*

No significant environmental impacts are expected to result from the proposals. In the absence of further evidence, we have assumed that any improvements in the effectiveness of remedial training would not impact significantly on car use, and therefore there will be no associated impact on air quality and carbon emissions.

The proposals would be expected to generate positive social impacts by improving the effectiveness of remedial training, thereby helping to improve subsequent driving standards and ultimately road safety.

#### *Risks and uncertainty*

A key area of uncertainty relates to how the measures will impact on the effectiveness of the training and the subsequent driving behaviour of those who participate.

## Impact tests

### *Race, gender and disability equality*

There are no race, gender or disability equality impacts to these proposals.

### *Competition assessment*

The proposal is intended to improve the effectiveness of remedial training. It does not place direct restrictions on the number/range of suppliers which can tender to provide remedial training. Therefore the proposal is unlikely to raise any significant competition concerns.

### *Small Firms Impact Test*

The requirement to improve courses is driven by the need to ensure that current standards are met. It is considered that providers should already meet these standards, although recognised that some may require further guidance to ensure that this is the case. As the measure primarily relates to ensuring standards are met, it is considered that it does not place any undue burdens on small firms. Any increase in costs will be proportional to the number of tutors employed, and it is likely that this increase can be passed on to participants.

### *Legal Aid*

There are no Legal Aid implications.

### *Sustainable development*

The proposals do not conflict with any of the five principles of sustainable development.

### *Carbon assessment*

The proposals would not be expected to generate a significant impact on carbon emissions. As noted, we have assumed that any improvements in the effectiveness of remedial training would not impact significantly on car use or resulting carbon emissions.

### *Other environmental implications*

It is considered that there will be no significant other environmental implications.

### *Health impact assessment*

It is considered that the proposals will not impact significantly on health and wellbeing, or health inequalities, as defined by the screening criteria for this test; therefore a full assessment is not necessary.

*Human rights*

There are no human rights implications.

*Rural proofing*

The proposals are not expected to have a differential impact on rural areas.

## Summary and next steps

The proposed measures aim to increase the effectiveness of remedial driver training.

The estimated cost impacts of the proposed changes are summarised in Table 1.

**Table 1 The estimated cost impacts of the proposed changes**

Area of impact	Size of impact	Notes
Option B		
Quality assurance role	£30,000 pa	Cost to DSA
Increase in course fees	£4.5m pa	Resulting from increase in costs to providers. Assuming no change in the number of participants.
Option C		
Costs of training	£0.9–1.6m pa	Additional training cost paid by offenders.
Option D		
Quality assurance role	£30,000 pa	Cost to DSA
Increase in course fees	£4.5m pa	Resulting from increase in costs to providers. Assuming no change in the number of participants.
Costs of training	£0.9–1.6m pa	Cost of training paid by offenders.

As noted, at present there is no firm basis for estimating the impact of any of the options on the rate of reoffending and the number of casualties. However, we have constructed an indicative estimate of the potential reduction in court costs, relevant to Option B and Option D, of £119,000 to £238,000 per annum.

Present value calculations, based on a standard 3.5 percent discount rate over a 10 year period, have been undertaken and are summarised in Table 2. Net present value (NPV) figures are negative, as it has not been possible to estimate the resulting reduction in casualties, which, if this could be quantified, would be expected to offset the costs of the proposed measures, thereby resulting in an improved NPV position.

**Table 2 Present value calculations, based on a standard 3.5 percent discount rate over a 10 year period**

	Option B	Option C	Option D
Net Present Value (mid-point)	-£37.5m	-£10.8m	-£48.2m

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

# Annex E

## Code of practice on consultation

The Government has adopted a Code of Practice on consultations. The Code sets out the approach Government will take to running a formal, written public consultation exercise. While most UK departments and agencies have adopted the Code, it does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law). The Code contains seven criteria. They should be reproduced in all consultation documents. Deviation from the Code will at times be unavoidable, but the Government aims to explain the reasons for deviations and what measures will be used to make the exercise as effective as possible in the circumstances. The seven consultation criteria are:

- 1. When to consult:** Formal consultation should take place at a stage when there is scope to influence the policy outcome.
- 2. Duration of consultation exercises:** Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
- 3. Clarity of scope and impact:** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- 4. Accessibility of consultation exercises:** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
- 5. The burden of consultation:** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
- 6. Responsiveness of consultation exercises:** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
- 7. Capacity to consult:** Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.



If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Lec Napal  
Department for Transport  
Zone 1/33 Great Minster House  
76 Marsham Street  
London, SW1P 4DR  
email: [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)

A full version of the Code of Practice is available on the Better Regulation Executive website at: [www.berr.gov.uk/files/file47158.pdf](http://www.berr.gov.uk/files/file47158.pdf)

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