

Proposed changes to penalties for motoring offences

Personal details

Q1. What is your name?

Justin Ward

Q2. What is your email?

technical@ciht.org.uk

Q3. Are you responding on behalf of an organisation?

Yes

Organisation details

Q4. What is the name of your organisation?

Chartered Institution of Highways & Transportation (CIHT)

Proposals

Q5. In your view, should the legal alcohol limit for drink and drive offences in England and Wales:

be lowered

Lowered

Q6. What legal limit do you think is appropriate?

50 milligrams (mg) of alcohol per 100 millilitres (ml) of blood as in Scotland and many other nations.

Q7. Why do you think this legal limit is appropriate?

While there is limited evidence from Scotland for direct causal effect for a numerical level change, it remains important in terms of communications about road safety messages, to deter the widespread perception that 'some drink with driving' is legal and therefore acceptable. If people perceive they can have a couple of pints of beer or equivalent and still drive legally/safely, it increases the potential for people having that and then, with the disinhibition effect of alcohol, drinking more. That means people who don't identify as drink-drivers may still end up drinking and driving. Dropping the level to match other nations supports a change in the narrative to 'if you're driving, don't drink at all'.

Novice drivers: alcohol limit

Q9. In your view, should the legal alcohol limit for drink and drive offences in England and Wales be lower for novice drivers than for other drivers?

Yes

Lower limit

Q10. What legal limit do you think is appropriate for novice drivers?

As close to zero as practicable

Q11. Why do you think this legal limit is appropriate?

For all novice drivers of all ages, risk is exceptionally high in the very early period post-test (ref <http://www.trl.co.uk/uploads/trl/documents/PPR673.pdf>). This reflects the inexperience of all novice drivers.

Novice drivers who are also younger (under 25), typically also have incomplete brain maturation especially pre-frontal cortex so their assessment and acceptance of risk can be impaired compared to an adult in their late 20s.

The above report gives examples of nations applying this approach and their better performance compared with those, like the UK, with no graduated driver licencing

High risk offender (HRO) criteria

Q13. In your view, if the legal alcohol limit for drink and drive offences in England and Wales is lowered, should the criteria for being considered a high-risk offender be lowered accordingly?

Don't know

Drink and drug offence

Q15. In your view, should a person suspected of committing a:

	have their driving licence suspended until attendance at court	have their driving licence suspended until guilty plea	have their driving licence suspended until bailed pending forensic analysis being undertaken	not have their driving licence suspended
drink offence:	X			
drug offence:	X			

Why did you give this answer?

Providing there is an evidential basis for proceedings – which is assumed to be the case – drivers still driving may be more likely to keep offending. Suspension of licence aligns with an approach of offending by impairment being associated with the loss of the privilege of driving

Q16. In your view, should a person who is under investigation for a serious driving offence that leads to a:

	Yes	No	Don't know
fatality have their driving licence suspended	X		
serious injury have their driving licence suspended	X		

Why did you give this answer?

Serious injuries often result from high-speed driving, loss of control, reckless overtaking, or distraction—behaviours indicating a high-risk offender. Allowing such individuals to drive poses significant danger to the public. Providing there is an evidential basis for proceedings – which is assumed to be the case – drivers still driving may be more likely to keep offending. Suspension of licence aligns with an approach of offending by impairment being associated with the loss of the privilege of driving.

Licence suspension is akin to remand pending trial. It is not an automatic consequence, nor a presumption of guilt, but a power that exists and is used only where necessary for public protection

Q17. Do you think the current minimum disqualification period for the offence causing death by careless driving while under the influence of:

	Yes	No	Don't know
drink of 5 years with compulsory extended retest is appropriate			X
drugs of 5 years with compulsory extended retest is appropriate			X

Why did you give this answer?

We are not sure of the extent to which that penalty is applied in practice

Q18. Do you think the current minimum disqualification period for the offence:

	Yes	No	Don't know
driving a motor vehicle while under the influence of drink is appropriate		X	
driving a motor vehicle while under the influence of drugs is appropriate		X	
being in charge of a motor vehicle while under the influence of drink is appropriate		X	
being in charge of a motor vehicle while under the influence of drugs is appropriate		X	

Why did you give this answer?

The high reoffending rates reported suggests insufficient deterrent but we would need expert psychologist/human factors input to find out the underlying reasons including likelihood/perception of detection, as well as actual application of the penalty and follow up

Q19. Do you think the current minimum disqualification period for the offence:

	Yes	No	Don't know
driving a motor vehicle with alcohol concentration above the prescribed limit is appropriate		X	
being in charge of a motor vehicle with an alcohol concentration above the prescribed limit is appropriate		X	

Why did you give this answer?

The high reoffending rates reported suggests insufficient deterrent but we would need expert psychologist/human factors input to find out the underlying reasons including likelihood/perception of detection, as well as actual application of the penalty and follow up

Q20. In your view, should new powers be created to allow the seizure of vehicles of a person arrested for drink and drug driving?

Yes

Seizure reasoning

Q21. Why did you give this answer?

This measure could be useful to prevent re-offending as we know these crimes are among the most recidivist related. Similarly, it would need to be justified/documentated on a case-by-case basis e.g. not to prevent others who use the car from undertaking their own journeys

Alcolocks

Q22. In your view, should alcohol ignition locks (alcolocks) be allowed to be used as part of a drink drive rehabilitation process?

Yes

Alcolocks reasoning

Q23. Why did you give this answer?

The alcohol ignition lock will not inhibit freedom of movement but will prevent further drink driving

Analysis

Q24. In your view, should oral fluid and other samples (such as saliva and sweat) be used in drug driving forensic analysis?

Don't know

Hospital procedures

Q26. In your view, could hospital procedures for drink and drug driving suspects be improved?

Don't know

Law and practice

Q28. Are there any other changes to current law and practice regarding drink and drug testing that you would like to suggest?

Don't know

Random breath testing

Q30. In your view, should random breath testing (mirroring the powers in Northern Ireland) be introduced in England and Wales?

Yes

Random breath testing reasoning

Q31. Why did you give this answer?

This would act as a deterrent - at present there is a need to demonstrate just cause which can impede checks

Other evidence

Q32. Provide any other evidence or comments you have about the current penalty framework for drink and drug driving offences.

Comment:
none

Not wearing a seat belt

Q33. In your view, should drivers receive 3 penalty points if they fail to wear their own seat belt?

Yes

Agreement seat belt reasoning

Q34. Why did you give this answer?

It helps to enforce safety and responsibility and helps to support broader safety goals.

Q35. Why do you think this number of penalty points is appropriate?

3 penalty points should be the minimum as there is disproportionate injury (over-representation in fatality occurrence given small non-wearing rates) so a higher penalty may be appropriate

Children seatbelts

Q37. In your view, should drivers receive penalty points if they fail to ensure that children under 14 wear seat belts and child restraints?

Yes

Children seatbelts and reasoning

Q38. Why did you give this answer?

Due to Disproportionate injury (over-representation in fatality occurrence given small non-wearing rates). This is compounded as children cannot consent to being put at risk and cannot understand the risk.

Q39. Why do you think this number of penalty points is appropriate?

Due to Disproportionate injury (over-representation in fatality occurrence given small non-wearing rates). This is compounded as children cannot consent to being put at risk and cannot understand the risk.

Failure to stop and report

Q41. In your view, should the maximum penalties for the offence of failure to stop and report be increased?

Yes

Failure to stop and report reasoning

Q42. Why did you give this answer?

Links to high level of illegal vehicles/drivers (uninsured/licenced etc)

New offence

Q43. In your view, should a new offence be created to cover situations in which a person could reasonably be assumed to have known that a collision resulted in:

	Yes	No	Don't know
death but failed to stop at the scene and report the collision			X
serious injury but failed to stop at the scene and report the collision			X

Why did you give this answer?

Unsure if other charges could cover this instead

Q44. In your view, should a person be required to switch off their engine if stopped by the police?

Yes

Switch off engine reasoning

Q45. Why did you give this answer?

There are safety reasons, and to mitigate temptation of driving away out of anger. This measure reduces the potential for driving away and evading enforcement and a serious risk to the officer/others present and public.

Failure to stop

Q46. In your view, should drivers receive 5 to 10 penalty points if they fail to stop for police?

Yes

Failure to stop penalty

Q47. Why did you give this answer?

Reduce the potential for driving away and evading enforcement and a serious risk to the officer/others present and public

Q48. Why do you think this number of penalty points is appropriate?

Need for strong deterrent to both offending (that is the subject of the stop) and for unsafe behaviour at the stop

Statutory time limit

Q50. In your view, in cases where:

	Yes	No	Don't know
death has occurred, should the statutory time limit (STL) for the offence of failing to stop be extended to 18 months from the current 6 months			X
serious injury has occurred, should the STL for the offence of failing to stop be extended to 18 months from the current 6 months			X

Why did you give this answer?

Need specialist input, specifically the relationship between deterrence relating to detection versus the penalty, and of impact on proceeding.

Failure to stop and report offences

Q51. Provide any other evidence or comments about the current penalty framework for failure to stop and report offences.

Comment:
None

Tackling those seeking to evade justice and avoid their financial obligations

Q52. In your view, should we introduce penalty points for the offence of:

	Yes	No	Don't know
driving a motor vehicle vehicle with no current keeper			X
being in charge of a motor vehicle vehicle with no current keeper			X

Why did you give this answer?

Not aware of relevant effect/need

Q53. In your view, should we introduce vehicle seizure for the offence of:

	Yes	No	Don't know
driving a motor vehicle vehicle with no current keeper	X		
being in charge of a motor vehicle vehicle with no current keeper	X		

Why did you give this answer?

Seizure appears to have a greater deterrent effect than prohibition because people can drive without a licence/insurance etc but removal of the vehicle will in many cases impede driving.

Q54. In your view, should we introduce penalty points for the offence of being in charge of a motor vehicle with:

	Yes	No	Don't know
an incorrect number plate	X		
an altered number plate	X		
a false number plate	X		

Why did you give this answer?

Reported incidence of these issues is very high and impedes enforcement. This is not currently taken seriously by many drivers - need deterrence of *both* detection and enforcement.

Q55. In your view, should we introduce vehicle seizure for the offence of being in charge of a motor vehicle with:

	Yes	No	Don't know
an incorrect number plate	X		
an altered number plate	X		
a false number plate	X		

Why did you give this answer?

Might be seen as over-kill but scale of offending calls for sufficient deterrent by *both* detection and penalty

Q56. In your view, should we introduce penalty points for the offence of:

	Yes	No	Don't know
driving a vehicle with no current MOT	X		
using a vehicle with no current MOT			X

Why did you give this answer?

We are not sure about using a vehicle with no current MOT as it is hard to prove knowledge of status in most cases but driving needs a deterrent effect for offending

Q57. In your view, should we introduce vehicle seizure for the offence of:

	Yes	No	Don't know
driving a vehicle with no current MOT	X		
using a vehicle with no current MOT			X

Why did you give this answer?

We are not sure about using a vehicle with no current MOT as it is hard to prove knowledge of status in most cases but driving needs a deterrent effect for offending

Q58. In your view, should we introduce penalty points for the offence of:

	Yes	No	Don't know
driving a vehicle with no current vehicle excise duty (vehicle tax)			X
using a vehicle with no current vehicle excise duty (vehicle tax)			X

Why did you give this answer?

Not aware of evidence base to support

Q59. In your view, should we introduce vehicle seizure for the offence of:

	Yes	No	Don't know
driving a vehicle with no current vehicle excise duty (vehicle tax)			X
using a vehicle with no current vehicle excise duty (vehicle tax)			X

Why did you give this answer?

Not aware of evidence base to support

Q60. In your view, should we introduce penalty points for the offence of false declaration in order to obtain motor vehicle insurance?

Yes

False declaration reasoning

Q61. Why did you give this answer?

Deterrence needed through both detection and penalty

False declaration disqualification

Q62. In your view, should we introduce driving disqualification for the offence of false declaration in order to obtain motor vehicle insurance?

Yes

False declaration disqualification reasoning

Q63. Why did you give this answer?

Deterrence needed through both detection and penalty

Electronic contact

Q64. In your view, should we consider allowing:

	Yes	No	Don't know
suspects to be contacted via electronic means of communication			X
witnesses to be contacted via electronic means of communication			X

Why did you give this answer?

Not aware of evidence base to support

Q65. In your view, should the STL be changed to one of 6 months from when the details of the driver are provided to the authorities?

Don't know

STL for death and serious injury

Q67. In your view, in cases where:

	Yes	No	Don't know
death has occurred, should the STL for the offence of driving unlicensed be extended to 18 months from the current 6 months			X
serious injury has occurred, should the STL for the offence of driving unlicensed be extended to 18 months from the current 6 months			X
death has occurred, should the STL for the offence of driving uninsured be extended to 18 months from the current 6 months			X
serious injury has occurred, should the STL for the offence of driving uninsured be extended to 18 months from the current 6 months			X
death has occurred, should the STL for the offence of driving disqualified be extended to 18 months from the current 6 months			X
serious injury has occurred, should the STL for the offence of driving disqualified be extended to 18 months from the current 6 months			X

Why did you give this answer?

Not aware of evidence base to support

Q68. In your view, should the maximum penalties be increased for the offence of:

	Yes	No	Don't know
unlicensed driving			X
driving not in accordance with a licence			X

Why did you give this answer and, if relevant, if this is an appropriate sentence?

Not aware of evidence base to support

Q69. In your view, should the minimum penalties for the offence of driving uninsured be increased?

Yes

Agree offence of driving uninsured should be increased reasoning

Q70. Why did you give this answer?

Currently, driving a vehicle without motor insurance can result in:

- up to an unlimited fine
- between 6 to 8 penalty points on a licence
- a potential disqualification from driving

However, the fixed penalty fine for this offence is £300 with an additional 6 penalty points if this fixed penalty is accepted. We agree with those who say that the level of the fixed penalty and the points on the licence do not reflect the seriousness of driving uninsured, or act as a deterrent to driving uninsured

Q71. What do think is an appropriate sentence?

Not familiar with current penalties and not aware of evidence base to support

Evidence

Q73. Provide any other evidence or comments about the proposed introduction of new penalties for certain motoring offences and other road traffic matters set out in this consultation?

Comment:

None

Q74. Provide any other evidence or comments to make about other areas of the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988.

Comment:

None

Final comments

Q75. Any other comments?

None