

Transport Select Committee Inquiry:

Road Traffic Law Enforcement

October 2015



About PACTS

1. The Parliamentary Advisory Council for Transport Safety ([PACTS](#)) is an All-Party Parliamentary Group and a registered charity. PACTS' primary objective is to 'protect human life through the promotion of transport safety for the public benefit'. Its aim is to inform both the House of Commons and the House of Lords on air, rail and road safety. It brings together safety professionals, and legislators to identify research-based solutions to transport safety problems having a regard to cost, effectiveness, achievability and acceptability.
2. PACTS is a member of the Department for Transport (DfT's) Motorists Forum and its Road Safety Delivery Group. PACTS has long had an interest in road traffic law enforcement.¹

Evidence Summary

3. PACTS wishes to emphasise the following:
 - The present Government has yet to publish a road safety strategy or plan. The Coalition Government's Road Safety Framework placed considerable weight on road traffic law enforcement. However, the resources to carry it out were limited.
 - Road traffic law enforcement requires the active collaboration of several government departments. Greater input is needed from the Home Office and Ministry of Justice (MoJ) in support of road safety objectives set by DfT.
 - The purpose of road traffic law enforcement is to achieve compliance - not to reach target number of penalties or prosecutions. Road policing not only improves road safety but also contributes towards improved traffic flow and detection and prevention of criminality.
 - Technology has already automated many aspects of road traffic law enforcement. The Government needs to review to procedures, including Home Office Type Approval (HOTA), to enable wider application and efficiency.
 - Despite advances in enforcement technology, the need for a skilled and adequate road policing presence remains, not least to protect vulnerable road users.
4. This submission includes an annex by Dr Claire Corbett which summarises the findings of international research on the principles underpinning effective use of penalty points and disqualification orders in road traffic law enforcement.

¹ For example, we published a detailed report *Policing Road Risk: Enforcement, Technologies and Road Safety* in 2015.

Introduction

5. PACTS welcomes this Road Traffic Law Enforcement inquiry by the Transport Committee. Road traffic law enforcement is a crucial to the efficient operation of the road system, to road safety, and to wider crime prevention and law enforcement. We focus on the road safety aspects.
6. The traditional “three E’s” of road safety are education, engineering and enforcement. Although enforcement is often seen as the “last resort” the first two approaches do not work without some degree of actual or implied enforcement. The purpose of road traffic law enforcement is to achieve compliance - not to reach a target number of penalties or prosecutions.
7. The UK has developed some of the best road traffic law enforcement technology. Technical innovation, an exacting type approval process and legal challenges by “loophole lawyers” have set high standards of equipment performance, and technical and legal robustness. However, it is not clear that the UK has made full use of these technologies for road traffic law enforcement purposes.
8. Technology can do a great deal and will offer even more in future. However, some offences – such as detecting illegal mobile phone, use require the intervention of a police officer, suitably equipped and trained in roads policing. The public wants and expects a visible policing presence on our roads to ensure roads and to prevent criminality.

The Government’s priorities and leadership role in improving road safety through road traffic law enforcement

Policy and actions

9. The Government has a unique and vital leadership role in improving road safety in general and in particular with respect to road traffic law enforcement.
10. To some extent the previous (Coalition) Government recognised this in its [Road Safety Framework \(2011\)](#)² which focused on education and enforcement. The DfT’s accompanying Road Safety Action Plan (Appendix B) contained 16 measures, 9 of which were categorised as ‘enforcement’. Whilst various road safety groups, including PACTS, were critical of the Framework for its lack of targets, engineering and wider measures, the enforcement elements were recognised as valuable. The present Government has yet to publish a road safety strategy or plan.
11. In the DfT’s [Road Safety Action Plan – Final Progress Update 2013](#) 8 of the 9 action points were marked as completed and the remaining action was labelled as ‘ongoing’ (**Fig.1**). Progress has been made with enforcement actions: new offences have been created including drug-driving and causing serious injuries by dangerous driving; existing laws have been modified to facilitate easier enforcement (drink-driving and careless driving) and fixed penalty notices (FPNs) have been raised from £60 to £100 for existing offences.
12. Type approval of portable evidential breath testing equipment (targeted for completion in 2014), designed to improve the efficiency of drink-drive equipment has slipped. Type approval of the first devices is not anticipated until 2016 at earliest.

² DfT; *Strategic Framework for Road Safety*; 2011;
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8146/strategicframework.pdf

Figure 1: Progress with Road Safety Actions by the UK Government

Measure	Status	Completed?
Introduce a fixed penalty notice for careless driving (Enforcement)	Came into force in August 2013	Yes
Raise fines for road traffic fixed penalty notices (Enforcement)	Penalties raised to £100 in August 2013	Yes
Withdraw 'statutory option' for drink-drivers (Enforcement)	Came into force in April 2015	Yes
Create a new drug-driving offence (Enforcement)	Came into force in March 2015	Yes
Encourage greater use of the forfeiture of vehicles powers by courts (Enforcement)	DfT continuing to explore how to best encourage the use of these powers	Yes (according to DfT)
Introduce portable evidential breath testing equipment (Enforcement)	Home Office type approval testing underway	Ongoing (2016?)
Introduce drug screening devices (Enforcement)	Home Office completed type approval for a station-based drug screener and two portable screeners by March 2015	Yes
Include safety messages in driving theory tests (Education)	Trial did not achieve intended result and was discontinued	Discontinued
Provide increased educational offerings to offenders in place of fixed penalty notices (Education)	Courses for seatbelt wearing and careless driving developed	Yes
Develop a course in place of losing one's driving licence (Education)	Not progressed on account of expansion of National Driver Offender Retraining Scheme	Discontinued
Develop a course and assessment for offenders to regain their licence after a serious disqualification (Education)	Research about effectiveness of and alternatives to extended driving tests for disqualified motoring offenders underway (March 2015)	Ongoing
Develop a new post-test qualification to replace Pass Plus and improve the skills of inexperienced drivers (Education)	Exploratory work undertaken with the Driving Standards Agency and insurance industry but young driver safety Green Paper not published	No
Create a website for comparison of local road safety performance information (Information)	Website launched March 2013 but closed March 2015 (see http://road-collisions.dft.gov.uk)	Yes (but closed)
Develop a portal for road safety professionals to road safety research (Information)	Road Safety Observatory website launched March 2013 and extended subsequent years	Yes
Allow local authorities greater flexibility in setting local speed limits* (Enforcement)	Revised Speed Limit Circular and Speed Limit Appraisal Tool published January 2013	Yes
Create a new offence of causing serious injury by dangerous driving* (Enforcement)	Introduced in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and commenced May 2012	Yes

Source: PACTS, *Road Safety since 2010*, RAC Foundation 2015

Note: *New measure added – not in 2011 Action Plan

Outcomes

13. The DfT's *Road Safety Framework* contains 22 road safety indicators: three are based on enforcement (**fig.2**).
14. The proportion of drivers admitting to having driven while under the influence of an illegal drug at least once in the past 12 months are estimated by the Home Office in the Crime Survey for England and Wales. Between 2010/11 and 2014/15 the proportion has been around 1% - ranging between 1.3% and 0.5%.³
15. Comparing 2014 data with the 2005-9 average shows an improved compliance in the **proportion of vehicles within the 30 mph and 70 mph speed limits**. The proportion of cars exceeding the 30mph limit decreased from 49% to 45% and those exceeding 70mph on motorways decreased from 53% to 46%.⁴
16. The indicator for **number of motoring offences** includes a wide variety of offences but does not include any parking, waiting or road obstruction offences. The number of reported offences is calculated from the sum of fixed penalty notices and summons issued. The number of motoring offences has decreased every year since 2006 (**fig.3**). This is likely to be due to the introduction of diversion courses (NDORS) and a reduction in levels of roads policing. The reductions in speed, alcohol consumption and, to some extent, in traffic volumes during the economic recession will also have tended to reduce offending.
17. In terms of the overall impact in road safety, the total number of KSI casualties in Great Britain has reduced since 2005-09. However, almost all the reduction took place in the period 2007-2010, not subsequently. Since 2010 the decline has stagnated, and there were increases in 2011 and in 2014.

³ DfT, [Reported Road Casualties Great Britain 2014: Annual Report](#); RAS51104

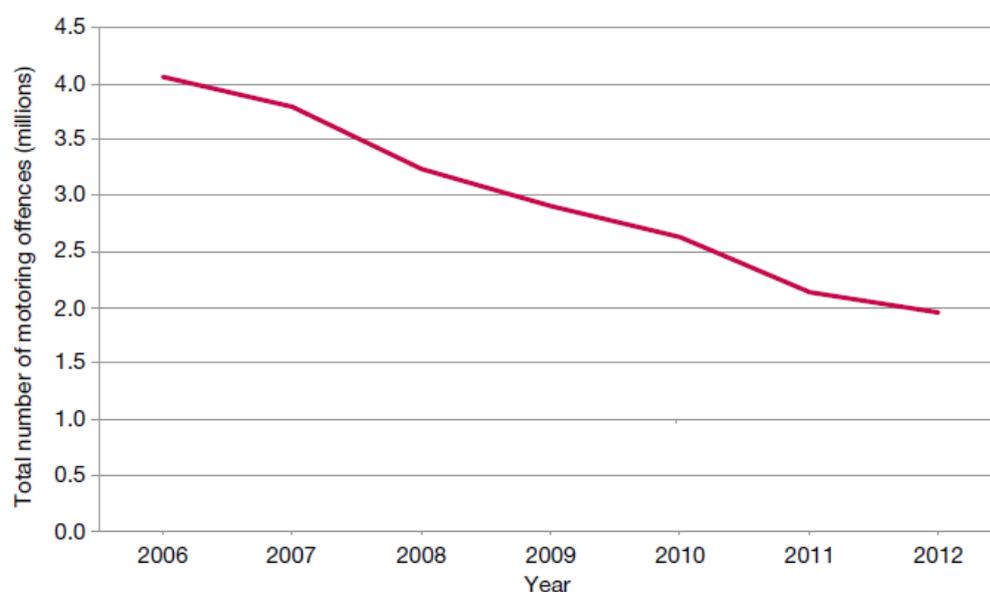
⁴ DfT, [Reported Road Casualties Great Britain 2014: Annual Report](#); RAS41001

Figure 2: Non-Casualty indicators in DfT's Road Safety Outcomes Framework

Indicator number	Area	Indicator
2.3	Learning to drive	Number and proportion of new drivers that pass their driving test on the first attempt
3.1	Remedial education	Number of people taking courses as a form of remedial penalty
4.4.2	Enforcement	Proportion of drivers admitting to have driven while under the influence of an illegal drug at least once in 12 months
4.6	Enforcement	Proportion of vehicles exceeding the speed limit
4.8	Enforcement	Number of motoring offences
6.1	Perceptions of road safety	Whether people feel safe cycling
6.2	Perceptions of road safety	Whether people feel safe walking

Source: DfT, *Reported Road Casualties Great Britain 2014: Annual Report*, RAS41001

Figure 3: Number of motoring offences (Great Britain, 2006-2012)



Source: DfT, *Reported Road Casualties Great Britain 2014: Annual Report*; RAS61001 (Note: the definition was changed in 2014 and figures have been revised downwards.)

Comment

18. The DfT has prioritised and introduced significant new or amended legislation to assist with road traffic law enforcement. There have been some notable achievements. However, the difficulty with a road safety strategy based on enforcement is that, to be effective it requires adequate policy and financial support from other government departments and agencies, including the Home Office, MoJ, Police, Traffic Commissioners, H&SE and motoring agencies.

19. In our view, greater efficiency and effectiveness could be achieved through closer working between government departments, particularly if departments other than DfT accorded this issue a higher priority. For example, the police estimate that approximately 420,000 vehicles were recovered by forces in 2014. In the interests of reducing bureaucracy and increasing efficiency, it is suggested that the Home Office and DfT review and harmonise the secondary provisions of the existing legislation which relate to the retention, return and disposal of vehicles once seized and the fees which are charged to cover the recovery, storage and disposal of them. The aim being to harmonise the provisions that differ dependant on the seizure power used.
20. The drug-driving legislation was a major step forward. However, this has not been matched by prioritisation or resources from the Home Office. Although legislation permitting use of roadside evidential breath test equipment was included in the Serious Organised Crime and Police Act 2005, HOTA has yet to be granted for any such device. This historic delay is unexplained. Testing is now underway but well behind the planned completion date of 2013 in the DfT's Framework (already a long-delayed action). Type approval for drug screeners, however, was been prioritised and has moved rapidly. Drink-driving accounts for far more road deaths than drug-driving (according to police road casualty records).
21. Roads policing levels have been cut back over the Framework period. In England the Home Office has left resourcing and prioritisation to Police & Crime Commissioners. Increased penalties, for example for driving while using a hand-held mobile phone, are not effective if drivers perceive they will not be caught (see below).
22. Safety cameras ("speed cameras") have become an essential component of road safety and traffic law enforcement, particularly in light of the reductions in roads policing officers. The Coalition Government immediately ended funding for safety cameras which caused the withdrawal of cameras in some areas and severe funding problems for local safety partnerships.
23. The ending of the "statutory option" for certain drivers to demand a blood test is welcomed. This should improve the efficiency of processing suspected drink-drive offenders, reduce police costs and increase the deterrent effect of drink-drive legislation.

Enforcement agencies' capacity to enforce DfT policy on dangerous and careless driving

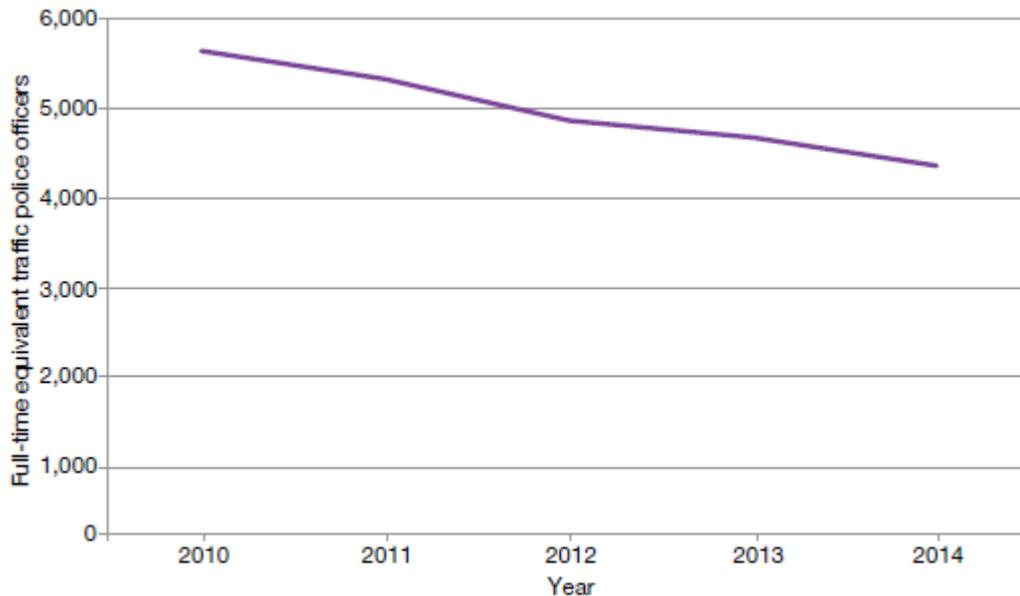
24. There has been a reduction in the funding available to enforce DfT policy on dangerous and careless driving. Overall resources for local road safety from central government have been reduced considerably which will have had some direct and indirect impacts on enforcement of dangerous and careless driving policy. The 2010 Emergency Budget resulted in a 27% reduction in the Road Safety Revenue Grant, reducing it from £77.3 million to £56.7 million. The Road Safety Capital Grant (£17.2million) was also abolished.
25. There has been a 23% reduction in the number of full-time traffic police officers from 5,635 in 2010 to 4,356 in 2014 (**fig.4**). Reductions have been reported in 41 of the 43 forces (Suffolk and Warwickshire have reported increases), ranging from 1% (Cheshire) to 76% (Devon and Cornwall).⁵ These statistics are backed by qualitative research by PACTS. According to one roads policing officer, the officers who remain no longer "*have the time to be as proactive*" as they once were and are often "*limited by resources*".⁶ Further costs in police budgets of around 25% are expected.

⁵ PACTS, [Road Safety Since 2010](#), RAC Foundation 2015

⁶ PACTS, [Road Safety Since 2010](#), RAC Foundation 2015

26. The National Driving Offender Retraining Scheme has also proved a source of funding for traffic law enforcement policing along and support for the surviving road safety partnerships.
27. London is, perhaps uniquely, the only part of the UK where roads policing levels have remained relatively high. Casualty reduction in London since 2005-9 has been far greater than in England outside London.

Figure 4: England and Wales Traffic Police (full-time equivalent numbers, 2010 to 2014)



Source: House of Commons Hansard 2 February 2015, Answer to Parliamentary Question from Jack Dromey MP, 2 February 2015

The introduction of fixed penalty notices for careless driving: how these powers are being used, and whether alternatives should be considered?

28. Although careless driving is a lesser offence than dangerous driving, the consequences of carelessness can be very serious, particularly for vulnerable road users – pedestrians, cyclists, motorcyclists, equestrians, children and others.
29. The introduction in 2013 of fixed penalty notices for careless driving has been welcomed by the police and has enabled a more efficient mechanism for enforcing this offence.
30. Enforcement of careless driving requires the presence and judgment of police officers which cannot – currently at least – be easily replaced by technology.
31. In the Annex to our submission, Dr Claire Corbett summarises the findings of international research on the principles underpinning effective use of penalty points. This shows the importance of active support by the Ministry of Justice and Home Office in making road traffic law enforcement effective.
32. The introduction of FPNs for careless driving is an example of amending legal procedures in order to achieve greater efficiency and effectiveness. We recommend that the DfT, MoJ and Home Office proactively consult the police, courts and other agencies to identify other opportunities. PACTS is aware of specific suggestions from the police, for example in relation to sections of the Road Traffic Offenders Act 1998.

33. Highways England has trialled the use of warning letters to drivers who fail to comply with Red X signals on motorways. The results appear promising in terms of deterring repeat behaviour, the acceptability of this method to the drivers and the opportunity to include educate drivers. There may be opportunities to extend this approach to other lesser traffic offences, such as yellow box blocking, where they can be detected automatically. However, it might not work so readily for careless driving where a repeat offence would require detection by a police officer.

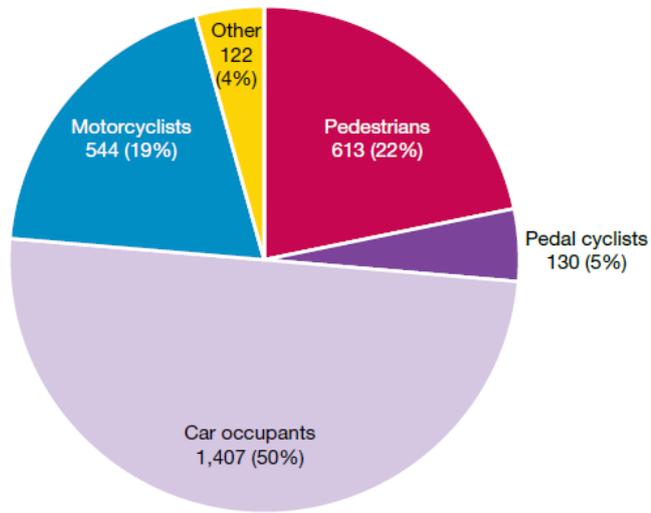
The impact of road traffic law enforcement on the safety of cyclists and pedestrians

34. It is, arguably, a duty of society in general and the police in particular to protect legitimate vulnerable road users (cyclist, pedestrians, children etc.) from the dangers imposed by other road users.
35. The number of cyclists and pedestrians killed on the roads between 2005-9 and 2014 has declined. However, car occupant casualties have declined at a faster rate and, as a result, cyclists and pedestrians made up 50% of total fatalities in 2014, up from 46% in 2005-9(**Fig 5 & 6**). The degree to which this can be attributed to changes in road traffic law enforcement is uncertain. Improved protection for vehicle occupants is likely to be a major factor. The increase in cyclist serious injuries is largely proportionate to the increase in cycling.
36. Excessive or inappropriate speed by motor vehicles is a particular concern to cyclists and pedestrians; this applies to some other vulnerable road user groups, including horde riders, children, older people and people with a mobility impairment. Higher speeds tend to lead to more frequent and more serious collisions. The 2015 ETSC report on walking and cycling emphasised the importance of speed enforcement in urban areas for the improved safety of these vulnerable road user groups.⁷
37. Enforcement should focus on high risk behaviours - notably the Fatal Four (Speed, Drink/Drugs, Distraction and Seat belts). Many would argue that fatigue should be added. Enforcement of offences committed by cyclists will also be appropriate at a certain level. This should be targeted at behaviours which involve significant risk of injury, not technicalities.
38. Lower speeds, including 20mph speed limits, can be beneficial to cyclists and pedestrians and other road users. 20mph *zones* (which are self-enforcing thought physical measures) have been proven to reduce casualties. There is less evidence of beneficial change where 20mph limits are introduced without physical measures. The police cannot consistently or meaningfully enforce 20mph limits where actual speeds are significantly in excess of the limit.
39. The spate of fatal cyclist casualties in London in late 2013 led to an increase in policing activity focused on cyclist safety in London, including Operation Safeway. This found a surprisingly high level of non-compliance with legal safety requirements by HGV drivers and drivers.
40. Video recorders (dashcams, headcams and highly sophisticated cameras fitted to trucks and coaches) are becoming common, even among equestrians. Head camera footage may now be permissible evidence in a civil or criminal court and can lead to resolution of the case.⁸ Clearer guidelines on its use would be helpful.

⁷ ETSC "Making Walking and Cycling on Europe's Road Safer". PIN Flash Report, June 2015

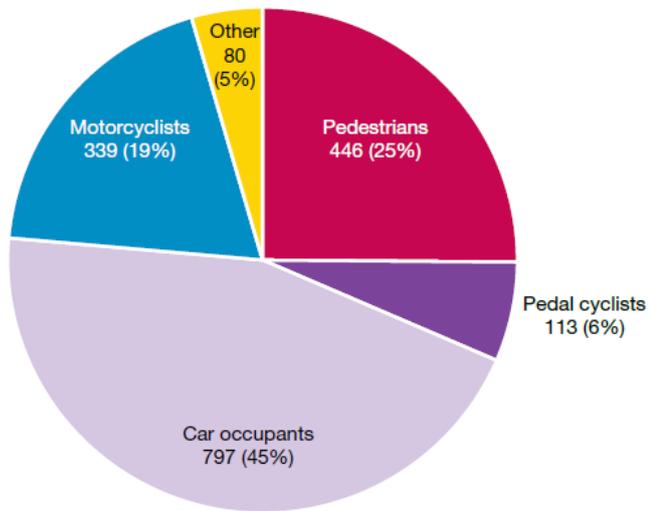
⁸ <http://www.horseandhound.co.uk/news/ian-thatcher-convicted-careless-driving-hat-camera-barkham-berkshire-511867>

Figure 5: Deaths by Road-User Group (2005-9 average)



Source: DfT (2014a: 156, Table RAS30060)

Figure 6: Road Deaths by Road-User Group (2014)



Source: DfT (2015b: 4, Chart 2)

The deployment of people and technology in enforcing traffic policy

41. Some careless or dangerous driving or riding behaviours are difficult to define in rigid terms and require the deployment of police officers and a degree of judgement or a more complex procedure, such as a breath test or eye sight test. Roads policing is a specialist area. It takes training and experience to be fully effective. An adequate and skilled roads police presence is required.
42. As we have seen, the number of road policing officers has reduced substantially. The police budgets may be cut by a further 25-40% in the November 2015 Spending Review. Intelligent transport systems can – potentially – be used for many purposes including safety, security, traffic management, detecting criminality, monitoring driving style and more. Enforcement technologies now offers wide ranging potential application and high standards of accuracy and reliability. It is therefore imperative that the Government (DfT, Home Office and MoJ) enable this technology to be developed and used more widely and efficiently.
43. Currently HOTA permits enforcement equipment to do only one thing at a time – i.e. an Automatic Number Plate Recognition (ANPR) camera used for average speed enforcement cannot simultaneously identify a wanted vehicle, or provide journey time information. This is a legislative impediment increases costs and stops better use being made of existing technology.
44. New technology is now making other driving offences easier to identify and to do something about. For example, advanced trials are underway for Highways England, with equipment looking at ‘close following’ and ‘poor lane discipline’. This uses a mixture of cameras and scanning radar, which allows identification of vehicles that are being driven badly along a 300m length of motorway. Systems that detect illegal mobile phone use or non-seat belt wearing are also under development. Technology will continue to develop, opening up other opportunities, but needs encouragement and support from highways authorities and central Government.
45. Average speed enforcement cameras are effective at reducing casualties over substantial lengths of road. In addition, traffic flows and journey reliability improve, emissions reduce and, importantly, drivers find it to be fairer and more acceptable than spot cameras. The 220km A9 scheme by Transport Scotland, though relatively new, is the most notable UK example.
46. It is important that any enforcement should be carried out for reasons that are immediately clear/transparent and acceptable to road users. Unclear justifications, hidden cameras and high numbers of tickets will all count against the fundamental reason the enforcement was put in place – if the public understand and accept why enforcement is taking place, it will be far more effective.

The impact of the introduction of HGV Road Users Levy on road traffic law enforcement against non-UK registered HGV drivers

47. At EU level this is governed by the “Eurovignette” legislation - http://ec.europa.eu/transport/modes/road/road_charging/charging_hgv_en.htm PACTS is not aware of any safety issues in relation to this question.

The impact of devolution of road traffic enforcement activities to local authorities

48. Road traffic enforcement powers (roads policing and road safety regulatory powers) are devolved to greater or lesser extent across the UK – almost entirely in Northern Ireland and to a lesser extent in Wales and London. Further devolution of powers looks inevitable. Trends in casualty reduction since 2005-9 vary considerably across the UK, with large reductions in London, Northern Ireland and Scotland but much smaller reductions in Wales and England outside London.⁹
49. The Coalition Government introduced Police & Crime Commissioners and followed a policy of localism towards local government. Policy and spending priorities were determined locally. The current Government is following the same approach. The introduction of localism to local authorities in England, unaccompanied by appropriate guidance or adequate resources, has led to reduced funding and loss of experience, resources and manpower in road safety enforcement.
50. According to the English Road Safety Comparison website, an official website established by the DfT, the total local authority capital spending on road safety across England reduced from £177million to £2million. However, the degree to which this financial data is reliable is questionable. Funds to local safety partnerships have increased in the past few years as a result of NDORS courses. Public health funds have also supplemented road safety budgets in some areas. This has enabled increases in enforcement activity in some areas.
51. Local authorities have greater flexibility in setting speed limits. This has resulted in a considerable increase in areas with 20mph speed limits. These have been backed by signs, publicity and some road engineering measures but little police enforcement. The actual reductions in speed or casualties still require evaluation.
52. It is too early to say how the additional powers under Cities and Local Government Devolution Bill (currently before Parliament) would affect traffic law enforcement by local authorities. Whilst additional powers might seem an advantage, they might not be used or be backed by funds. Localism does not seem to have delivered greater success in road casualty reduction in England.

The EU Cross-Border Enforcement Directive

53. PACTS supports the ETSC's policy position on enforcement within EU member states and across borders.¹⁰
54. We understand that the UK Government has agreed to begin transposition of the Directive and to make the necessary changes to facilitate inbound and outbound requests. This will fulfil the requirements of the Directive. However, there is a dilemma with UK legislation in relation to the driver/owner. The Government has not yet been able to resolve how best to make use of the information received about foreign drivers caught offending in the UK.
55. The police currently have difficulties in dealing with foreign registered vehicles (power to seize). A power to seize the vehicle of a suspect drink and drug driver would be valuable. Once the police have roadside evidential breath test instruments this power will be essential.

⁹ PACTS, [Road Safety Since 2010](#), RAC Foundation 2015

¹⁰ http://etsc.eu/wp-content/uploads/Enforcement-in-the-EU_Vision-2020_March-2015.pdf

Annex: Penalty Points and Disqualification Orders

Dr Claire Corbett, Brunel University Law School (adviser to PACTS)

Other than financial penalties, penalty points and disqualification ancillary orders are the main means of deterring and punishing motoring offenders and are aimed to have a salutary effect on offenders' future driving behaviour. How successful are they in achieving these aims? Do they tend to be feared or ignored?

- Responses to penalty points: Evidence suggests 'fear of penalty points' is greatest when speeding drivers at risk of disqualification at next prosecution. Compliance with traffic laws greater when drivers have 9 points rather than fewer (Broughton 2008, Corbett et al 2008), though there is evidence that some avoid points through illegal means.
Message: points do seem to modify drivers' behaviour either legitimately or illegitimately.
- Several major international reviews show that the introduction of points systems positively modifies driver behaviour until the realisation of a low detection risk (e.g. SWOV, 2010, Castillo-Manzano and Castro Nuno, 2012).
Message: The effect of points is short-lived unless there is effective visible enforcement to back up threat of points. Safety cameras one means of providing this, though dangerous and careless driving will not be captured by camera. Dedicated and visible traffic patrol vehicles most effective means of enforcement of non-speed offences.
- Research by BRAKE and Direct Line (2010) under the FOIA showed that 43% of drivers eligible for disqualification actually kept their licence, many pleading 'exceptional hardship'. Corbett et al (2008) found that such 'eligibles' had more positive road safety attitudes and were more likely to report speed reductions. Ken Clarke, then Justice Secretary, agreed the usefulness of research to explore the 43% figure.
Message: Research to explore the possible deterrent effect of the threat of disqualification could be fruitful.
- The recent implementation of powers for police to prosecute minor uncontested traffic cases and for the CPS to prosecute defendants in absence (and disqualified by the court) when having had every opportunity to appear are likely to have bolstered the effectiveness of court conviction processes. Research by Corbett (2012) showed that outstanding warrants for arrests of would-be evaders of justice reduced markedly in the Metropolitan Police Service when such a policy was introduced. Many more drivers were disqualified in absence too.
Message: Stronger prosecution procedures in summary courts are likely to encourage would-be evaders to attend court. More justice is seen to be done. However, unclear whether more are breaching their bans after disqualification in absence. Research would be useful.
- Internationally, well documented research shows high breach rates of driving suspensions/disqualifications (DeYoung 1997, Lenton et al 2009, Chang et al 2010). More breaches where longer bans imposed. Road collision risk is higher among disqualified drivers (DeYoung and Gebers 2004; Siskind, 1996; Blows et al 2005). Known that a strong correlation between offending on and off the road, especially between disqualified driving and mainstream offending (Rose, 2000; Knox et al 2003).
Message: Banned drivers have a higher collision risk even when driving less often and more likely to be involved in other types of offending. These links should be exploited via police

intelligence to facilitate offender detection. Evidence suggests more could be done by police here despite budget cuts.

- 'Driving whilst disqualified' is a serious offence often linked with collisions. Yet it was reassigned as a summary offence some while ago and is not on the 'Offences Brought to Justice' list.
Message: Currently no particular pay-off for police to focus on disqualified driving since arrests for this do not contribute towards OBJ targets. Recommended that these classifications change.
- Research shows some disqualified drivers do not reapply for their licence at the end of a ban (e.g. Pearce et al, 2002). Why not? Some may give up driving, but likely that others continue to drive fraudulently without a valid licence.
Message: Administrative loopholes and weaknesses in our licensing procedures need closing to remove opportunities for obtaining fake and fraudulent licences. It would be useful to investigate non-reapplications and the loopholes available.
- It appears risk of a breach may depend on reason for disqualification and previous experience of the criminal justice system. Drink-drivers reportedly have low breach rates and totters high breach rates (e.g. Knox et al 2003, 74. Rose, 2003.) Rehabilitation courses are available for drink-drivers, not for 'totters'.
- International research suggests it is better to keep drivers within formal licensing control systems to avoid their marginalisation rather than without, for their own and society's good. Exploratory research found that magistrates and police would support widening the eligibility criteria for remedial post-court retraining programmes to include all risky driving offenders with inappropriate attitudes for retraining (Beuret and Chorlton, 2010). Widening eligibility would help make such courses viable.
- **It is recommended that** the introduction of **post-court retraining programmes** as part of the court sentence is revisited for some groups of drivers. The aim would be to improve poor driving skills before or after disqualification for more drivers. These could include dangerous drivers given non-custodial sentences and 'totters' eligible for disqualification when 'exceptional hardship' is pleaded where an element of poor driving is evidenced. Completion of a course could either reduce the length of a ban (as now for drink-driving,) or could avoid disqualification as now where exceptional hardship claims are successful.
- As insurance offences may contribute to around 2/3 of all 'totting' disqualifications (Corbett 2012), it is worth continuing efforts to lower insurance premiums via incentives for drivers, on the basis that it is better on balance if disqualification is prevented.
- It is worth considering removing the practice of wiping clean all points from a totting disqualification on return of a licence. This can be an attraction in itself to some offenders on the brink of a points disqualification.

In sum, remedial courses should be available to courts for lesser offenders either eligible for a 'totting' disqualification or as a condition of sentence with a reduced length ban, to improve poor driving standards and to offer a 'last chance'. For the worst offenders, police enforcement efforts to keep dangerous and reckless drivers off the road should be encouraged (by including DWD to the OBJ list, and by exploiting mainstream and motoring offending links), and licensing loopholes should be removed.