

Dear Sir Peter,

Further to our meeting of Wednesday 27th January 2010, please find below a summary of the key points which the Parliamentary Advisory Council for Transport Safety would like to make towards the North Review of Drink & Drug Driving Law.

The Parliamentary Advisory Council for Transport Safety (PACTS) is a registered charity and an associate Parliamentary Group. Its charitable objective is "**To protect human life through the promotion of transport safety for the public benefit**". Its aim is to advise and inform members of the House of Commons and of the House of Lords on air, rail and road safety issues.

Although your team took substantial notes from the meeting, the points highlighted below outline those areas which are deemed by PACTS to be of greatest importance.

General Comments

For the purposes of research, statistical analysis and further evidence-led approaches to drink and drug driving law, it is vital that all fatalities and serious injuries are tested for alcohol and drugs. This development should be undertaken as part of a wider synthesization of police force activity and ability. Police forces should be trained to similar standards in areas relating to drink and drug driving law enforcement. More consistent working approaches will not only reduce the risk to society, but also allow for more consistent data and an improved evidence base. Including drink-drive enforcement on the list of Offences Brought to Justice would contribute to a more consistent police force approach.

Any alterations made to legislation and any subsequent Education, Training and Publicity measures should be carried out as part of a whole government approach, working with the Alcohol Misuse¹ and Drug Misuse² strategies from the Department for Health. This will ensure that messages to citizens and to the media are clear and concise.

¹ <http://www.dh.gov.uk/en/Publichealth/Healthimprovement/Alcoholmisuse/index.htm>

² <http://www.dh.gov.uk/en/Publichealth/Healthimprovement/Drugmisuse/index.htm>

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Drink Driving Law

Legislation

PACTS proposes an amendment to the 1988 Road Traffic Act³ (Part 1, section 11(2)(b)) so that it reads:

“The prescribed limit” means, as the case may require...

(b) 50 milligrammes of alcohol in 100 millilitres of blood

From the wording of the Act, it would appear that the Secretary of State may make this change (Part 1, 8 (3)) by Regulation rather than through Primary legislation. It would clearly be preferred that any change should be the subject of public consultation.

Graduation of Limits

There is a question as to whether penalties for drink-driving should be graduated by function. Such a move would be supported by PACTS in the following context. If the current BAC limit for road users is to be reduced to 50mg, three further pieces of legislation will need to be amended to avoid anomaly.

PACTS proposes an amalgamation and alteration of the 1998 Road Traffic Act (Part 1, Section 11 covers road users including drivers/those in charge of buses, coaches, Hackney carriages and other private hire vehicles)⁴ the 1992 Transport and Works Act⁵ (Chapter 1 covers those working on railways and tramways) and the 2003 Railways and Transport Safety Act (Section 81 covers shipping and Section 93 covers aviation).

Such an amalgamation would bring the BAC limit for those in charge of rail, shipping, buses, coaches, Hackney carriages and other private hire vehicles in line with the BAC relating to those working in the aviation function outlined in 94(1)(a-g):

*(a) in the case of breath, 9 microgrammes of alcohol in 100 millilitres,
(b) in the case of blood, 20 milligrammes of alcohol in 100 millilitres, and
(c) in the case of urine, 27 milligrammes of alcohol in 100 millilitres.*

This would reflect their responsibilities as providers of public transport.

All categories not covered by this legislation would otherwise be subject to the 50mg BAC limit.

Penalties

PACTS recognises that this is the most contentious part of the consultation. There would appear to be a strong case for a graduated approach to penalties as the new legislation is introduced.

³ http://www.opsi.gov.uk/Acts/acts1988/ukpga_19880052_en_2

⁴ http://www.opsi.gov.uk/Acts/acts1988/ukpga_19880052_en_2

⁵ http://www.opsi.gov.uk/Acts/acts1992/ukpga_19920042_en_4

Offenders falling within the 50mg-80mg bracket should be subject to a penalty equal to half the penalty currently applied when drivers are confirmed to have exceeded 80mg. The according 6 penalty points should remain with the individual for 6 years, with any similar offence within that period resulting in an automatic ban for 1 year. In addition, offenders should be required to take a targeted educational course which aims to reduce re-offence rates.

Evidence shows that re-offence rates for those people convicted of driving under the influence increased between 2000 and 2008.⁶ DfT research into the types, functions, journeys and BAC limits of those re-offenders would provide useful information on the behaviour types and patterns which are being dealt with.

Drug Driving Law

Research Body

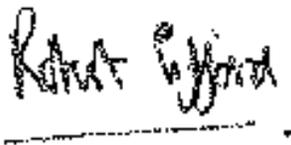
As discussed, there is a limited body of evidence regarding the effects of legal and illegal drugs on driving. As a result, much closer working with the medical profession, locally and nationally, will improve our understanding of this area. Furthermore, it is essential that Great Britain is represented in some capacity within the DRUID study which aims to give scientific support to the EU transport policy by establishing guidelines and measures to combat impaired driving.⁷

Impairment and Enforcement

Enforcement of Drug Driving Offences should focus on identifying impairment, rather than identifying the presence of drugs in the body. A further simplification of the system could involve the carrying out of blood tests by nurses rather than requiring the often lengthy and costly presence of a doctor.

For further information regarding any of the issues raised in our meeting or in this letter, please do not hesitate to contact me.

Yours Sincerely



Robert Gifford
Executive Director
The Parliamentary Advisory Council for Transport Safety

⁶<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm091123/text/91123w0008.htm#09112330000004> 23rd November 2009, Column 41W and 42W

⁷http://www.druid-project.eu/clin_007/nn_112422/Druid/EN/partner/partner-node.html?_nnn=true