

PACTS POLICY BRIEFING– COMBATting DRINKING AND DRIVING

Recommendations and Summary

- Government should give priority to responding to the findings of the [North Review](#) and publish a road safety strategy for beyond 2010 as soon as possible.
- The default Blood Alcohol Content limit for drivers should be reduced from 80 milligrammes to 50 milligrammes.
- ACPO should review their [policy on breath testing](#) following collisions to ensure that their powers are being used as widely and as effectively as possible.
- Evidential roadside breath testing devices should be approved as a priority.
- Police forces should be trained to similar standards in areas relating to drink and drug driving law enforcement.

The imposition of a legal limit on drivers' and riders' Blood Alcohol Content (BAC) was established in order to reduce the level of impairment whilst driving and thus reduce the numbers of people killed and injured on our roads. The current BAC limit for drivers and riders in the UK is 80 milligrammes.

1967 saw the introduction of the legal drink-drive limit and the introduction of the roadside breath tester (non-evidential). Both introductions have made significant contributions to the reduction in numbers of people killed on our roads. Between 1980 and 2007, all road death fell by around 50 per cent whilst drink-drive road death fell by around 71 per cent.^{1 2} The drink-drive message is widely comprehended in Britain, but legislation fails to support the educational and promotional messages. The BAC limit in the UK is among the most lenient in the world³ and the drink-drive problem in the UK is far from solved. It has been estimated that in 2008, 6 per cent of all reported road casualties and 17 per cent of all road deaths occurred when someone was driving over the legal limit. That's 13,020 injuries and 430 deaths.⁴

Based on the choices they make around drinking and driving, the motoring population can be divided into three broad groups: the Law Abiding, the Decidedly Defiant and the Wannabe Compliant. Looking at the behaviours within these groups allows for more effective legislative, research and educational actions.

The [Parliamentary Advisory Council for Transport Safety](#) (PACTS) makes three major proposals. Firstly, a reduction in the legal BAC limit for drivers and riders from 80 milligrammes to 50 milligrammes as part of a wider move to cut the number of deaths and injuries which occur on British roads every year. Secondly, evidential roadside breath testing devices should be approved as a priority. Thirdly, all fatalities and injuries should be tested for alcohol and drugs. A number of additional recommendations have also been made above. [On its own, a reduction in the BAC limit from 80 to 50 milligrammes is likely to save around 65 lives and 230 casualties⁵, or, in financial terms, £153 million. The combination of all three measures could have a much greater impact.](#)

Impact

¹ Reporting inequality and external influences will have affected the reliability of these numbers.

² <http://www.dft.gov.uk/pgr/statistics/datatablespublications/accidents/casualtiesgbar/>

³ http://www.drinkdriving.org/worldwide_drink_driving_limits.php

⁴ These figures are provisional and will be adjusted by DfT in August 2010.

⁵ This is the most recent public calculation. In recent private contact, professor Allsop has estimated that based on the same calculation, for 2008 data, the reduction would be closer to 43 deaths and 280 serious injuries.

In 2005, Professor Richard Allsop (UCL) prepared a [briefing](#) for PACTS which divided the motoring population into three groups based on their behaviours concerning drinking and driving. These groupings allow for a more sophisticated understanding of the differing behaviours and attitudes linking drinking and driving and have made it possible to assess both the most effective way to target certain groups and the potential life and casualty saving benefits.

Group one would never drive with a BAC of 50 or over. This majority group are aware of the message 'do not drink and drive' and comply. There are few people in this group who would be affected by a reduction in the BAC limit. In this briefing, group one have been referred to as 'The Law Abiding'.

Group two, estimated at 1 per cent of drivers on weekend evenings and nights, already drive with a BAC well over 80 milligrammes. This group are responsible for over 70 per cent of drink-drive deaths each year. Based on the behaviours already undertaken by this group, it is unlikely that a change in the BAC limit would be effective. Evidential roadside breath testing would have the greatest effect on this group and thus make the greatest reduction in numbers of KSI. In this briefing, group two have been referred to as 'The Decidedly Defiant.'

Group three, to whom a change in the limit is most relevant, are those people who try to stay within the limits (i.e. BAC of 30 – 100 milligrammes). This group make up around 2 per cent of drivers on weekend evenings and nights. In this briefing, group three have been referred to as 'The Intentionally Compliant'.

In 1998, the DETR showed that between 50mg and 80 mg drivers are 2 – 2.5 times more likely to be involved in a collision than drivers with no alcohol, and up to 6 times more likely to be involved in a fatal crash.⁶ The Intentionally Compliant group, who aim to stay within the law, are expected to continue to want to comply after a reduction in the legal limit. The risk they pose to themselves and to others would therefore be reduced by a change to 50 milligrammes.

Professor Allsop combined these groupings with 2005 data and TRL estimation processes from 1997⁷, concluding that around 65 lives and 230 serious injuries could be saved each year by a reduction in the BAC limit from 80 – 50 milligrammes. Although these figures do not include the potential life and injury saving impact of evidential roadside breath testing, the value of prevention, based on a reduction of the BAC limit to 50 milligrammes, is estimated to be around £153 million.⁸

Legislation

PACTS proposes an amendment to the 1988 Road Traffic Act⁹ (c.52) so that it reads:

In section 11(2) the meaning of "the prescribed limit" is amended as follows—

- (a) in (a) leave out "35" and insert "22";*
- (b) in (b) leave out "80" and insert "50"; and*
- (c) in (c) leave out "107" and insert "67".*

In section 8(2) leave out "50" and insert "35".

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.

⁶ Combating Drink Driving: Next Steps: A Consultation Paper, DETR, 1998

⁷ TRL Report 232, 1997

⁸ Based on DfT estimates <http://www.dft.gov.uk/pgr/statistics/datatablespublications/accidents/casualtiesgbar/>

⁹ http://www.opsi.gov.uk/Acts/acts1988/ukpga_19880052_en_2

This move would bring the UK more closely in line with other members of the EU27. It is also possible that a reduction in the BAC limit from 80 to 50 milligrammes would not only result in fewer road deaths and casualties in the UK but could also:

- Reduce the drivers' margin for discretion in relation to the advice not to drink alcohol at all before driving,
- Better prepare British drivers who drive in mainland Europe to comply with the law there.
- Remove temptation to drivers coming to Britain from mainland Europe to drink more before driving while in the UK.

Legal Blood Alcohol Limit in the EU 27

	BAC	BAC Public transport	BAC Commercial drivers	BAC Novice/probationary Drivers
Austria	0.5	0.1	0.1	0.1
Belgium	0.5	0.5	0.5	0.5
Bulgaria	0.5	0.5	0.5	0.5
Cyprus	0.5	0.2 (planned)	0.2 (planned)	0.2 (planned)
Czech Republic	0.0	0.0	0.0	0.0
Denmark	0.5	0.5	0.5	0.5
Estonia	0.2	0.2	0.2	0.2
Finland	0.5	0.5	0.5	0.5
France	0.5	0.2	0.5	0.5
Germany	0.5	0.5	0.0*	0.0
Greece	0.5	0.2	0.2	0.2
Hungary	0.0	0.0	0.0	0.0
Ireland	0.8	0.8	0.8	0.8
Italy	0.5	0.2	0.5	0.5
Latvia	0.5	0.5	0.5	0.2
Lithuania	0.4	0.4	0.4	0.4
Luxembourg	0.5	0.5	0.2	0.2
Malta	0.9	0.9	0.9	0.9
Netherlands	0.5	0.5	0.5	0.2
Poland	0.2	0.2	0.2	0.2
Portugal	0.5	0.5	0.5	0.5
Romania	0.0	0.0	0.0	0.0
Slovakia	0.0	0.0	0.0	0.0
Slovenia	0.5	0.0	0.0	0.0
Spain	0.5	0.3	0.3	0.3
Sweden	0.2	0.2	0.2	0.2
United Kingdom	0.8	0.8	0.8	0.8



10

*Dangerous goods vehicles only

Graduation of Limits by Responsibility

There is also a question as to whether penalties for drink-driving should be graduated by transport function and responsibility. There is a strong case for consistency across the modes for all involved in the carriage of passengers or goods. A number of employers already approach this issue through the implementation of in-house alcohol and drug policies for employees. PACTS would support the creation of a common legal structure of this kind across the modes. 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)¹¹ the 1992 Transport and Works Act ¹²(Chapter 1 covers those working on railways and

¹⁰ http://www.etsc.eu/documents/Fact_Sheet_DD.pdf

¹¹ http://www.opsi.gov.uk/Acts/acts1988/ukpga_19880052_en_2

¹² http://www.opsi.gov.uk/Acts/acts1992/ukpga_19920042_en_4

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.

Research

Evidence shows that re-offence rates for those people convicted of driving under the influence increased between 2000 and 2008.¹³ 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. ACPO should also review their [policy on breath testing](#) following collisions to ensure that their powers are being used as widely and as effectively as possible.

Elsewhere

In Ireland, The Road Traffic Bill 2009 is now for consideration before the Irish Parliament. The Bill provides for a reduced BAC limit for drivers to 50 milligrammes (20 for novice and professional drivers). It also introduces mandatory testing of all drivers involved in collisions. This builds on Ireland's mandatory alcohol testing introduced in July 2006 which led to a 22% drop in road deaths in the first 12 months. Public support in Ireland for the proposed reductions in the drink driving limit is high: 7 out of 10, polled by the Road Safety Authority in Ireland, support the Irish Government's move to lower the legal limit for driving from 0.8 mg/ml to 0.5 mg/ml.

As part of the Calman Commission's review of devolution to Scotland¹⁴, it was recommended that regulation-making powers relating to drink-driving limits should be transferred to Scottish Ministers.¹⁵ For many years, the Scottish government has clearly stated that these powers would be used to lower the BAC limit to 50 milligrammes.¹⁶

The North Review¹⁷

Sir Peter North was asked by the former Secretary of State to review current drink and drug driving legislation. PACTS was called to give evidence¹⁸ to the review which was carried out between December 2009 and March 2010. Sir Peter has now reported to the current Secretary of State. It is hoped that the Secretary of State will act with haste to apply his findings.

¹³ <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm091123/text/91123w0008.htm#09112330000004> 23^d
November 2009, Column 41W and 42W

¹⁴ <http://www.commissiononscottishdevolution.org.uk/uploads/2009-06-12-csd-final-report-2009fbookmarked.pdf>

¹⁵ Recommendation 5.15

¹⁶ <http://www.scotland.gov.uk/News/Releases/2010/01/22163744>

¹⁷ <http://northreview.independent.gov.uk/consultation>

¹⁸ <http://www.pacts.org.uk/docs/pdf-bank/NorthFollowup.pdf>