

Road Safety Bill Briefing Notes

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Introduction to Road Safety Bill briefing notes

Britain has one of the best road safety records in the world and the Government is committed to reducing the numbers of people killed and seriously injured on our roads by 40 per cent by 2010. In 2003 the number of people killed and seriously injured in accidents fell to 37,215 - which is 22% below the 1994-98 average. The number of children killed or seriously injured fell to 4,100 and was 40% below the 1994-98 average. However, in 2003, 3508 people were killed on the roads and reducing death and injury remains a priority.

The Road Safety Bill was introduced to the House of Commons on 30 November 2004 and contains a raft of measures designed to help achieve those targets and improve safety on Britain's roads. The full text of the Bill and the Explanatory Notes are available on the Parliament website:
<http://www.publications.parliament.uk/pa/cm200405/cmbills/010/2005010.htm>

However, the following notes provide an overview of the Bill broken down into individual policy areas. For detailed analysis of the Bill's contents we recommend reading the [Explanatory notes](#).

Road Safety Bill note 1: Drink driving

Between 1979 and 1994 drink drive accidents fell from just under 20,000 to less than 10,000. Since then the number has risen to 13,000 with corresponding changes in casualty numbers. In 2002 drink driving accounted for 560 road deaths representing a sixth of the total.

The success of the policy over two decades was built on a combination of powerful information and publicity campaigns and effective enforcement by police and courts. There is scope for improvement and the following measures in the Bill address this.

Proposals

- roadside evidential breath testing
- mandatory re-testing for repeat offenders
- Drink Drive Rehabilitation Scheme (improvements)
- Alcohol Ignition Interlock Programmes
- changes to the High Risk Offenders (HROs) Scheme

Roadside evidential breath testing

Introduction of roadside evidential breath testing will enable police to capture evidence of the Blood Alcohol Content level (BAC) at the roadside and use it in evidence in court. This will improve enforcement by ensuring that drivers whose BAC levels fall below the legal limit while they are being taken to a police station will not escape punishment. It also has potential to save police time but for the innocent driver it also means he can be released quicker without first being taken to a police station.

Mandatory re-testing for repeat offenders

Mandatory re-testing for repeat offenders will ensure that they undergo re-training and keep them from driving until they can demonstrate safer driving habits. The Bill will modify the order making power of the Secretary of State to designate offences and prescribe particular circumstances where a re-test may be required. At present mandatory re-testing is limited to dangerous driving and other causing death offences, and requires the offender to take the extended re-test. It is envisaged it could be applied to anyone disqualified for two years or more but the target would be repeat drink drive offenders who must be disqualified for at least three years.

Drink Drive Rehabilitation Scheme

Improvements to the existing Drink Drive Rehabilitation Scheme are intended to encourage greater take up of courses and improve administration. There would be provision for more flexible payments of fees where course providers were willing to offer it. Administrative changes will streamline the way in which courts handle the scheme with the court in which the conviction is heard administering cases. This replaces the previous cumbersome system whereby in all cases where the offender lived outside the petty sessional division area of the court where the conviction was heard, a supervising court was appointed in the petty sessional division area in which the offender resided or was about to reside.

New provisions for course approval include a regulatory regime to monitor, grant approval and withdraw approval from course providers and courses. It also provides for appeal to the Transport Tribunal for an applicant whose approval is denied or withdrawn.

Alcohol Ignition Interlock Programmes

The Bill allows for the future use of Alcohol Ignition Interlock Programmes (AIIPs). Research and experience in North America and Australia have shown that these are effective in discouraging re-offending. Courts would have the power to order that, following an initial period of disqualification of not less than a year, an offender would be able to drive during the latter part of his disqualification period under AIIP conditions providing the offender is in agreement and willing to pay the cost. Drivers may not be offered both a drink drive rehabilitation course and an AIIP and they would not be required to take a re-test if they successfully completed the AIIP.

The AIIP requires the offender to comply with certain conditions. These include elements of education and counselling but a central feature is that the offender may drive only a car that is fitted with a alcohol interlock device that is designed to prevent the vehicle being driven until a specimen of breath has been given in which the proportion of alcohol does not exceed a specified amount. If a person interferes with the device to try to prevent it working he commits a new offence, and any failure to comply with the conditions of the programme will result in restoration of the full original disqualification period. The interlock device will be type approved by the Secretary of State and will be set at 9 microgrammes of alcohol in 100 millilitres of breath but that may be changed by regulations.

The Bill will allow for an experimental period to test the scheme as was the case for Drink Drive Rehabilitation courses.

High Risk Offenders (HROs) Scheme

The Bill provides for two changes to the High Risk Offenders (HROs) Scheme. The first prevents HROs who have submitted a qualifying application for a new licence from resuming driving until appropriate medical enquiries have been satisfactorily concluded. The second corrects an omission in earlier legislation (Police Reform Act 2002) by providing that where a person is guilty of failing to allow a specimen to be submitted to a laboratory test the endorsement will remain effective for a period of 11 years. This brings the offence into line with other drink drive offences.

Road Safety Bill note 2: Speeding

Speeding is an unnecessary contributor to many road casualties and deaths. Promoting safe and considerate driving on our roads is a significant part of the work of the Department for Transport. Encouraging motorists to adopt appropriate speeds at all times is key to this.

Proposals:

- create graduated fixed penalties in range of 2-6 points
- retraining courses for speeding offenders
- ban speed camera jammers and detectors
- increase penalty for not identifying driver and
- power to grant exemptions from speed limits.

Create graduated fixed penalties in range of 2-6 points

The Government will adapt the basic penalty point system, which covers a range of offences, to allow a graduated approach to speeding. With the advent of safety cameras there are many more speeding offences being detected, and there are considerable differences in the degree of excess speeding by motorists. The Government therefore feels it is appropriate that the penalty point system is altered so that punishment takes a better account of the level of offending. The Bill introduces the principle of graduation and extends the range of penalty points which may be given in respect of speeding offences from '3-6 or 3 (fixed penalty)' to '2-6 or appropriate penalty points (fixed penalty)'. The precise details of the level of fixed penalty (points and fine) to be applied and the circumstances to be taken into account will be the subject of future regulations and consultation.

Re-training courses for speeding offenders

The Bill will also enable the courts to offer persons convicted of speeding the opportunity to pay for and undertake a retraining course in certain circumstances. These re-training courses will be available to those offenders who once convicted of a speeding offence have 7-11 points on their licence (including the sentence for the offence in question), which will mainly be serious repeat offenders. The offender will then be able to participate on a retraining course at his or her own expense, successful completion of which will mean that 2 or 3 points (depending upon the offence in question) will no longer be taken into account. Effectively these points, but not the record of the endorsement, will be wiped from the licence 12 months after sentencing.

Courses will be modelled on the successful Drink Drive Rehabilitation Scheme courses, which for example require at least 16 hours participation over 3 weeks. Courses will not be available to those who have successfully completed a similar course in the last three years.

Ban speed camera jammers and detectors

Safety Cameras form an integral part of a successful road safety strategy, strict rules govern the positioning of cameras to ensure that they are sited only where there is a demonstrable risk and danger to road users. There is overwhelming evidence from both UK and international literature that speeding results in more collisions and more severe casualties. Furthermore the evidence from the independent review of the safety camera programme by University College London and PA Consulting found that cameras significantly reduced the number of people killed or seriously injured at camera sites.

The Government believes that devices which interfere with or detect the proper functioning of such cameras have only one purpose: to tell drivers when they can break speed limits and get away with it.

This is unacceptable. It prevents the police from carrying out their duties, and is a danger to other law-abiding road users.

The Government will not be prohibiting those devices that rely on Global Positioning System (GPS) technology to warn drivers of published camera sites or posted speed limits, as these compliment the Government's policy to ensure that camera sites are visible and conspicuous to drivers, and so help deter excessive and inappropriate speeds on the roads. However, the provisions of the Bill mean it will be possible to prohibit a vehicle being fitted with, or a person using a vehicle carrying "speed assessment equipment detection devices" under the Construction and Use Regulations (SI 1986/1078).

Increase penalty for not identifying driver

Currently the maximum penalty for failing to provide information about the identity of a driver is less than the maximum for a speeding offence. This creates the situation where for serious breaches of the law offenders may find it better not to reveal the identity of the driver and accept the lesser penalty of failing to identify the driver. The Government wishes to remove any incentive to evade prosecution for speeding and will bring the maximum penalties for both offences into line with each other.

Power to grant exemptions from speed limits

Currently vehicles being used for fire brigade, ambulance or police purposes are not subject to any statutory provision imposing a speed limit if observance of the limit would be likely to hinder their use for the purpose for which they are being used on that occasion. The Bill will enable the Secretary of State to prescribe other purposes, in addition to those relating to fire brigade, ambulance and police purposes, for which vehicles may be exempt from speed limits. The Bill will also enable training for any of the purposes (fire, ambulance or police purposes or any prescribed purposes) to be exempt from speed limits. The provisions within the Bill also mean that it will now be a requirement for all cases of exemptions from speed limits that the drivers of such vehicles must be trained in driving vehicles at high speeds.

Road Safety Bill note 3: Penalties

The Home Office, Department for Transport (DfT) and Department of Constitutional Affairs (DCA) 'Report on the Review of Road Traffic Penalties (2002)' recommended a number of changes to existing penalties. The Bill provides a suitable opportunity to take these forward by:

- raising the maximum fine for careless driving from a level 4 (£2,500) to level 5 (£5,000) on the standard scale
- making the offences of driving without having proper control and that of using a hand held mobile phone endorseable
- introducing a mandatory disqualification for a second or subsequent offence of using a vehicle in a dangerous condition
- removing a discrepancy between penalties for different offences with respect to the use of seat belts by children
- create speeding variable fixed penalties in range of 2-6 points
- increase penalty for not identifying driver
- create system of graduated fixed penalties.

Careless driving

The issue of careless driving also involves wider consideration of the dangerous and careless driving offences and the possible creation of a new offence of bad driving where death or serious injury is caused. This is being examined in the context of a Home Office Review on which there will be consultation.

Proper control / mobile phone

Currently it is illegal to drive on a road without having proper control of the vehicle or having a full view of the road and traffic ahead. It is also illegal to drive whilst using a hand-held mobile telephone or similar device. (Regulation 104 & 110 respectively of the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078). The Bill increases the penalties in respect of these offences by providing for obligatory endorsement of 3 penalty points with disqualification remaining at the court's discretion.

Using a vehicle in a dangerous condition

Using a vehicle in a dangerous condition is a serious offence that merits a severer penalty for persistent abuse. The Bill provides for obligatory disqualification of a person convicted of using a vehicle in a dangerous condition if the offence is committed within three years of a previous conviction for the same offence. The mandatory disqualification would be for a minimum of six months.

Use of seat belts by children

The Bill harmonises the penalty for a seat belt wearing offence in respect of a child sitting in a rear seat with that in respect of a child occupying a front seat (i.e. a level 2 fine on the standard scale (£500)).

Create graduated fixed penalties in range of 2-6 points

The Government will adapt the basic penalty point system, which covers a range of offences, to allow a graduated approach to speeding. With the advent of safety cameras there are many more speeding

offences being detected, and there are considerable differences in the degree of excess speeding by motorists. The Government therefore feels it is appropriate that the penalty point system is altered so that punishment takes a better account of the level of offending. The Bill introduces the principle of graduation and extends the range of penalty points which may be given in respect of speeding offences from '3-6 or 3 (fixed penalty)' to '2-6 or appropriate penalty points (fixed penalty)'. The precise details of the level of fixed penalty (points and fine) to be applied and the circumstances to be taken into account will be the subject of future regulations and consultation.

Not identifying the driver

Currently the maximum penalty for failing to provide information about the identity of a driver is less than the maximum for a speeding offence. This creates the situation where for serious breaches of the law offenders may find it better not to reveal the identity of the driver and accept the lesser penalty of failing to identify the driver. The Government wishes to remove any incentive to evade prosecution for speeding and will bring the maximum penalties for both offences into line with each other.

Create system of graduated fixed penalties

The existing fixed penalty system provides for a single fixed penalty for a given offence. This means that the fixed penalty cannot take account of the severity of the offence in any particular case. The provisions will enable graduated levels of fixed penalties to be set, in order to allow the fixed penalty in a particular case to take account of the severity of what happened. As with graduated fixed penalties for speeding, these provisions will enable the punishment to take a better account of the level of offending. This should lead to more efficient, consistent and proportionate enforcement. Enforcers will still have the ability to prosecute offenders in the Courts if the circumstances merit it.

Road Safety Bill note 4: Retraining courses

There is broadly based evidence that for road traffic offenders some form of rehabilitation or retraining is appropriate for a court disposal in addition to or in lieu of conventional penalties. The current Drink Drive Rehabilitation Scheme has proven very effective with successful participants 2-3 times less likely to re-offend than non-participants.

Proposals

- improvements to Drink Drive Rehabilitation courses
- new re-training courses for certain offences
- alcohol ignition interlock programmes.

Drink Drive Rehabilitation

Improvements to the existing Drink Drive Rehabilitation Scheme are intended to encourage greater take up of courses and improve administration. There would be provision for more flexible payments of fees where course providers were willing to offer it. Administrative changes will streamline the way in which courts handle the scheme with the court in which the conviction is heard administering cases. This replaces the previous cumbersome system whereby in all cases where the offender lived outside the petty sessional division area of the court where the conviction was heard, a supervising court was appointed in the petty sessional division area in which the offender resided or was about to reside.

New provisions for course approval include a regulatory regime to monitor, grant approval and withdraw approval from course providers and courses. It also provides for appeal to the Transport Tribunal for an applicant whose approval is denied or withdrawn.

Re-training courses for other offences

These provisions will extend the principle of the Drink Drive Rehabilitation scheme to certain other offences. Courts will have the power to offer offenders the opportunity to pay for and undertake a re-training course, successful completion of which will reduce the period of the offender's disqualification by an amount specified in the court order. In addition to those for whom this option is currently available, re-training courses will be available for those persons who are disqualified for 12 months or more on conviction of failing to allow a specimen to be subjected to a laboratory test in the course of an investigation into certain drink drive offences. Courses will also be available for those persons convicted of certain other specified offences, including careless and inconsiderate driving, failing to comply with traffic signs or speeding.

Retraining courses will also be available where the driver is not to be disqualified but is to have his licence endorsed with penalty points. The circumstances are that there should be at least 7 and no more than 11 points to be taken into account at the time of sentence. Upon successful completion of a course within ten months of the date of the order 3 points (or fewer if the court endorsed fewer) relating to the conviction will cease to be taken into consideration under section 29 of the Road Traffic Offenders Act 1988 (RTOA) (penalty points to be taken into account on conviction) twelve months after sentencing. Effectively this would mean that the points were no longer to be considered for the purposes of the 'totting-up' provisions of section 35 of the RTOA. (Where the total number of points on the licence is 12 or more the licence holder is liable to disqualification under section 35 of the RTOA (disqualification for repeated offences)).

These courses will not be offered to someone who has successfully completed an approved retraining course in the past 3 years, nor to a person who is within his probationary period under the Road Traffic (New Drivers) Act 1995. However the Secretary of State may by regulations change this three

year period and may change the minimum number of points to be taken into account for an offender to be eligible for a course.

Alcohol Ignition Interlock Programmes

The Bill allows for the future use of Alcohol Ignition Interlock Programmes (AIIPs). Research and experience in North America and Australia have shown that these are effective in discouraging re-offending. Courts would have the power to order that, following an initial period of disqualification of not less than a year, an offender would be able to drive during the latter part of his disqualification period under AIIP conditions providing the offender is in agreement and willing to pay the cost. Drivers may not be offered both a drink drive rehabilitation course and an AIIP and they would not be required to take a re-test if they successfully completed the AIIP.

The AIIP requires the offender to comply with certain conditions. These include elements of education and counselling but a central feature is that the offender may drive only a car that is fitted with a alcohol interlock device that is designed to prevent the vehicle being driven until a specimen of breath has been given in which the proportion of alcohol does not exceed a specified amount. If a person interferes with the device to try to prevent it working he commits a new offence, and any failure to comply with the conditions of the programme will result in restoration of the full original disqualification period. The interlock device will be type approved by the Secretary of State and will be set at 9 microgrammes of alcohol in 100 millilitres of breath but that may be changed by regulations.

The Bill will allow for an experimental period to test the scheme as was the case for Drink Drive Rehabilitation courses.

Road Safety Bill note 5: Driver training and testing

New provisions in the Bill will provide for higher standards of professional instructors, better assessment processes and the availability of information that will enable the public to make informed choices. All of which will contribute to an improvement in driving standards.

Proposals

- extend regulation to other motor vehicle types
- modernise driving instruction
- publish performance data of driving instructors.

Extend regulation to other motor vehicle types

The Bill provides for the existing provision regarding paid driving instruction in the driving of motor cars to be extended, by regulation, to other motor vehicle types in addition to motor cars, for example, driving instruction in respect of lorries, buses and motorcycles. The first part of this package contains powers to improve the standards of professional driving instructors and extend supervision to cover other types of vehicle. It amends the current 'one-size fits all' scheme for car driving instructors with an ability to introduce schemes targeted to meet the individual needs of particular sectors - i.e. cars, motorcycles, lorries, buses etc. This should ensure quality and improve driving standards across all sectors of driving.

Modernise driving instruction

The Bill proposes more flexible charging powers to extend the user-pays principle to all forms of test and assessment, to reflect the more modern methods of booking and taking driving tests and current business procedures. For example it will facilitate the use of modern payment methods such as credit cards and direct debit and enable the Driving Standards Agency (DSA) to pass on the extra costs associated with certain administrative activities, such as re-arranging a test appointment, to those that incur the cost rather than spreading the cost across all those who pay the test fee.

The Bill would also facilitate the introduction of a 'club subscription' charge for driving schools in return for 'travel agent' type facilities. These would allow instructors, for example, to book and cancel test appointments via direct input to DSA's theory and practical test booking systems.

Publish performance data of driving instructors

The Government also wants to make sure the public has access to information about the performance of individual instructors and training providers. The information provided would be designed to enable consumers to make an informed choice but would not discriminate unfairly against instructors. It is envisaged that information such as qualifications, check test scores, sectors served, specialisms as well as contact details would be supplied, but not data such as raw pass rates. Exact details will be finalised after consultation with instructors.

Road Safety Bill note 6: Driver fatigue

As many as one in five accidents on high speed roads may be sleep related. This type of crash is particularly dangerous and likely to result in serious injury because the driver will not have woken in time to brake before impact.

Proposals:

- introduce a pilot motorway rest area (similar to French 'aires')
- strengthen and clarify enforcers' powers relating to the enforcement of the Drivers' Hours rules, including the use of new digital tachographs.

Motorway Rest Areas

Following regular correspondence from the public requesting more informal rest areas on motorways, and discussions to consider ways of addressing the problem of driver fatigue, we intend to provide a pilot rest area directly accessed from the motorway network.

By providing a genuine alternative to conventional motorway service areas motorists should be encouraged to stop and rest when they need to do so. Once the pilot has been fully evaluated, consideration will be given as to how further provision should be made.

The pilot area will consist of a parking area, toilet facilities, a picnic area and CCTV. Consideration is being given to the possible provision of very limited food and drink sales on the site, though no decisions have been taken yet.

Drivers' Hours

The drivers' hours rules apply to most heavy goods vehicles and about half the bus and coach operations in the UK. They place limits on continuous and daily driving time and require drivers to take minimum breaks and rest periods. Tachographs are used to enforce the EU drivers' hours rules.

The measures included in the Bill are intended to improve enforcement and compliance with the rules. If the UK cannot enforce the drivers' hours rules effectively, it would lead to an increased risk of drivers of large commercial vehicles breaking the rules and therefore being involved in fatigue related accidents

Road Safety Bill note 7: Foreign drivers

Currently it is not possible to give foreign drivers (non-GB licence holders) an endorseable fixed penalty notice. In addition where foreign drivers are summonsed or issued with a non-endorseable fixed penalty notice, there is no mechanism to ensure that they simply do not evade punishment by leaving the country.

Proposals

- a new system of endorsement of driving licences
- a deposit scheme to ensure that drivers without a UK residence or other satisfactory UK address do not escape penalties for a specific range of offences
- enable disclosure of driver and vehicle data to foreign authorities.

A new system of endorsement

As the law currently stands it is only possible to issue a fixed penalty notice in respect of an endorseable offence to a person holding a driving licence and counterpart issued in Great Britain. European Community licence holders who are resident in Great Britain can apply for a counterpart, which would allow them to take advantage of the fixed penalty system. However, Community Licence holders who have not obtained a counterpart and have committed an endorseable road traffic offence have to be prosecuted in Court, which exposes them to the risk of a higher fine and imposition of Court costs. A complaint about the fixed penalty system has been upheld by the European Commission and the Government is therefore obliged to make the necessary changes to put an end to the discrimination.

It is intended to introduce this alternative system in two stages. The first stage introduces the system of endorsement of driving records for unlicensed and foreign drivers (other than Community and Northern Ireland licence holders who have been issued with counterparts) and allows them to be given fixed penalty notices. The second stage will introduce this new system of endorsement of driving records for all drivers with the result that counterparts will no longer have any function.

A deposit scheme

Foreign drivers are at least as likely to offend as their UK counterparts. This is corroborated by VOSA statistics which show that drivers' hours offences are detected in 3.7% of the UK drivers they check yet this rises to 12.8% for overseas drivers. However they cannot, in practice be prosecuted. The Criminal Justice (International Co-operation) Act 1990 makes it clear that failure to comply with a warrant served at an overseas address does not constitute contempt of any court nor is it a ground for issuing a warrant to secure the attendance of the person in question.

The deposit scheme will be similar to arrangements which already exist in many EU countries and will ensure parity of treatment and penalties between UK and non UK resident offenders. The deposit would be immediately payable at the roadside. The amount of the deposit will be set by order, later. At the moment it is proposed that it would be equal to the sum which would have been payable if it had been a fixed penalty or, in more serious cases which warrant prosecution, the sum of the likely court fine. It will still be open for drivers to contest in court the charge of committing an offence. Should the court decide in their favour, the deposit would be returned. If the court decided against them, the deposit would be retained as all, or part, of the fine, dependent upon the ruling of the court.

Enable disclosure of driver and vehicle data to foreign authorities,

Current legislation does not provide for the disclosure of driver and vehicle registration information to foreign registrars. The Bill will provide statutory authority for the DVLA in Great Britain and Driver

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and Vehicle Licensing Northern Ireland in Northern Ireland to disclose driver licensing and vehicle registration information to their foreign counterparts. This will help bring about the reduction in the import/export of stolen and/or illegally tampered with vehicles, and to reduce the number of drivers 'banned' in other countries from driving in the UK.

Road Safety Bill note 8: Support for enforcement

Uninsured drivers are 6-9 times more likely to have a collision, unlicensed drivers are 3-9 times more likely to be involved in a crash when compared to legal drivers, 'clocking' fraud costs approximately £100m per annum and prevents safety problems from being detected; these are just examples of some areas that relate to the driver and vehicle licensing and insurance mechanisms that support enforcement and ensure drivers and vehicles meet required safety related standards. The Bill will make several small but incremental changes and improvements to the administrative systems that govern these processes.

Proposals:

- improve security of driving licence
- extend regulation of number plate supply to Scotland & Northern Ireland
- enable disclosure of driver and vehicle data to foreign authorities
- combat clocking and improve accuracy of vehicles database
- give VOSA officers more powers to enforce.

Allow police to use insurance industry data to target uninsured drivers

Uninsured driving costs each insured motorist on average £30 per annum. To help tackle uninsured driving and improve enforcement, the Bill will allow the police to use data from the insurance industry in conjunction with Automatic Number Plate Recognition technology to better target those driving without insurance.

Improve security of driving licence

The Bill contains an order making power that provides for the compulsory surrender of old-form driving licences. Although the first licences to be surrendered are likely to be paper ones a recall of first generation photocard format driving licences may be necessary in the future. A recall of older format, in particular paper, licences would improve the security of the licence and lead to more accurate records being held. Thereby delivering the associated road safety and security benefits.

The cost of such an exercise may need to be recouped and the fairest way to do so is by applying the user pays principle, ensuring that those who benefit from a service bear the costs and are not subsidised by those who do not benefit.

The Bill allows the Secretary of State, by regulations, to require the driving test candidate to surrender his licence to the examiner in prescribed circumstances (for example, if it does not pass the necessary security checks). This will further help ensure that the person obtaining a driving licence, taking a driving test and gaining a full licence is one and the same and meets the required standards to do so.

Extend regulation of number plate supply to Scotland & Northern Ireland

The objective is to make it more difficult to use number plates to disguise the identity of stolen vehicles or vehicles used in criminal activity across the UK by extending the current successful scheme in England and Wales to Scotland and Northern Ireland. The scheme will also be further improved by granting enforcement powers to DVLA.

Enable disclosure of driver and vehicle data to foreign authorities,

Current legislation does not provide for the disclosure of driver and vehicle registration information to foreign registrars. The Bill will provide statutory authority for the DVLA in Great Britain and Driver

and Vehicle Licensing Northern Ireland in Northern Ireland to disclose driver licensing and vehicle registration information to their foreign counterparts. This will help bring about the reduction in the import/export of stolen and/or illegally tampered with vehicles, and to reduce the number of drivers 'banned' in other countries from driving in the UK.

Combat clocking and improve accuracy of vehicles database

Fraudulent activity such as 'clocking' i.e. the turning back of a vehicle's odometer to increase its sale value not only costs the unsuspecting over £100 million each year, it also threatens road safety by disguising the distance travelled by a vehicle and the possible defects. The Bill will enable the Secretary of State to make it obligatory for vehicle mileage to be supplied to the DVLA. DVLA will also have the power to extract/verify particulars supplied to the Vehicle Operator & Services Agency (VOSA) during Goods Vehicle Testing (as it now does for MoT), thus further improving the accuracy of the Agency's records. Consumers will then be able to verify certain details relating to the vehicle through third party vehicle checking companies, to ensure the vehicle they wish to purchase is as described.

Give VOSA officers more powers to enforce

Vehicle and Operator Services Agency (VOSA) officers carry out a wide range of duties in enforcing the traffic and roadworthiness rules. However, their current enforcement penalty powers are limited to prohibition of the vehicle or prosecution through the Court system. The Bill will bring VOSA into line with the police by allowing both enforcement agencies to issue fixed penalty notices to UK and non-UK resident drivers. Fixed penalties applied by VOSA would relate, principally, to infringements which they currently enforce such as overloading, drivers' hours, and tachograph record offences. VOSA will not be empowered to issue fixed penalty notices for moving traffic offences, such as speeding, which will remain the domain of the police.

Road Safety Bill note 9: Miscellaneous road safety issues

The Bill also includes a number of miscellaneous provisions in support of road safety:

Proposals

- Extend existing road safety grant funding powers so as to include local authorities.
- Establish an effective monitoring regime of vehicles modified to run on fuel stored under pressure.
- Improve enforcement of the Transport of Radioactive Materials.
- Amend the definition of a private hire vehicle in London so that all PHV services would require licensing and pass the relevant safety checks.

Road Safety Grants

The development of road safety policy can require piloting at the local level, so that specific complex problems can be addressed by local authorities applying and developing innovative methods on the ground. This provides for accelerated learning for those authorities selected to take part, the results of which can be made available to other authorities to include in their toolkit. This is an efficient use of resources and participating local authorities need to be funded appropriately.

The Bill provides powers to enable the Secretary of State (for England) or the National Assembly for Wales (for Wales) to make payments to local authorities, as well as other authorities and bodies, for meeting the whole or part of the capital or running costs of any measure for promoting road safety.

Vehicles modified to run on fuel stored under pressure

The number of vehicles using Liquefied Petroleum Gas (LPG) and other pressurised gases and fuels has increased significantly in the last few years. There is, however, no method to ensure that vehicles are converted properly. As a result, with increasing numbers of conversions there is a proportionally greater risk of a serious accident. Additionally improperly converted vehicles may not deliver the anticipated benefits in reduced emissions and in some instances may be worse than pre-conversion.

By establishing an inspection and monitoring regime for vehicles converted to run on fuels stored under pressure the Bill will ensure that vehicles are properly converted and subsequently maintained, leading to an improvement in safety and environmental standards.

Powers to regulate the transport of radioactive material

Regulations made under the Radioactive Material (Road Transport) Act 1991 provide for the safe transportation of radioactive materials. Whilst there is no direct risk to public safety the Department is hindered in the effective enforcement of these Regulations because Radioactive Materials Transport Division (RMTD) Inspectors have insufficient powers to require assistance and answers to questions when conducting an investigation. The amendments to the 1991 Act will permit regulations to be made so that RMTD inspectors will be provided with powers to bring about the better enforcement of these safety related regulations.

Definition of a Private Hire Vehicle in London

For reasons of safety and public protection, private hire vehicles (sometimes called 'minicabs' but covering a wider range of services, which include limousines and hired chauffeured cars) in London are in the process of being licensed under the Private Hire Vehicles (London) Act 1998 (the 1998 Act) by the licensing authority, Transport for London (TfL).

A significant problem has arisen as a result of the definition of 'private hire vehicle' (PHV) in the 1998 Act which states that a PHV must be licensed if it is made available to the public. Some PHV operators who provide their services on a contract basis to local authorities, schools, hospitals etc have argued that they are not making their services available to the public at large and therefore their vehicles do not fall within the definition of 'private hire vehicle'.

Consequently, there are no suitability checks being carried out by the licensing authority on such vehicles, e.g. various quality and environmental standards, or their drivers, particularly criminal record and medical checks. By deleting 'to the public' from the definition of a PHV in the 1998 Act, those currently avoiding the PHV licensing system would be brought within it and thereby the essential checks needed for the protection of the public would have to be completed satisfactorily before a PHV vehicle or driver licence could be issued to them.