



## ***The Road Safety Bill***

### **Abstract**

This paper provides briefing on the *Road Safety Bill*, as introduced into the House of Lords on 24 May 2005.

The Bill proposes a range of measures to improve road safety. These include variable fixed penalties for speeding and other offences, a ban on speed camera jammers and harsher penalties for using a mobile 'phone while driving. The Bill also proposes evidential roadside breath testing, the wider availability of driver retraining schemes, and pilot schemes to test alcolocks and motorway rest areas.

The majority of the Bill's provisions will apply in Wales.

September 2005





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## Executive Summary

A Road Safety Bill was introduced in the 2004-05 parliamentary session but failed to achieve Royal Assent before the dissolution of Parliament for the General Election.

The *Road Safety Bill* (HL Bill 39)<sup>1</sup> was re-introduced into the 2005-06 parliamentary session and reached the House of Lords on 9 March 2005, after its third reading in the House of Commons on 8 March 2005.

The majority of the Bill's provisions will apply in Wales.

Key elements of the Bill are:

- ◆ Reform of the current speeding laws allowing greater flexibility of punishment and a gradation of penalty points and fines
- ◆ Closer monitoring of drink-driving offenders with proposed reforms in rehabilitation, reapplication for driving licences and fitting of the alcolock (alcohol ignition interlock)
- ◆ General proposed increase in flexibility of penalties such as retraining for certain offenders and graduated fixed penalties for roadworthiness offences; also, deposits to be paid by foreign nationals convicted of road traffic offences
- ◆ Reform of the tuition regulations for industrial drivers e.g. lorry, bus and fleet drivers etc.
- ◆ Proposed roll out of pilot road rest areas in a bid to combat driver fatigue
- ◆ Tightening up of current licensing procedures for both drivers and vehicles in a bid to prevent clocking fraud and improved co-operation with foreign authorities to combat licensing fraud
- ◆ Provisions to ensure funding for local authorities to create road safety projects<sup>2</sup>

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<sup>1</sup> The Bill can be tracked using the UK Parliament's Bill Index, at:

<http://bills.ais.co.uk/AC.asp>

<sup>2</sup> A full copy of the Bill and various explanatory documents can be accessed at:

*Road Safety Bill*: [http://www.publications.parliament.uk/pa/ld200506/ldbills/005/06005\\_1-7.html#2001](http://www.publications.parliament.uk/pa/ld200506/ldbills/005/06005_1-7.html#2001)

*Explanatory notes*: <http://www.publications.parliament.uk/pa/ld200506/ldbills/005/en/06005x--.htm>

Regulatory Impact Assessment (RIA):

[www.dft.gov.uk/stellent/groups/dft\\_rdsafety/documents/page/dft\\_rdsafety\\_033069.pdf](http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_033069.pdf)

Westminster Road Safety Bill Research paper: <http://www.parliament.uk/commons/lib/research/rp2004/rp04-091.pdf>



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# The Road Safety Bill

## 1 Background

In March 2000, the UK Government published *Tomorrow's Roads, Safer for Everyone*<sup>3</sup>, the UK Road Safety Strategy. The Strategy outlines road safety targets for 2010, including a 40% reduction in people killed or seriously injured on the roads, and a 50% reduction in the number of children killed or seriously injured compared with the mid-1990s.<sup>4</sup>

The *Road Safety Bill* forms a key part of the UK Government's plans to meet these targets.

The UK Secretary of State for Transport said at the Bill's second reading, in January 2005, that:

"... in 2003, we saw a 6 per cent fall in the number of people killed or seriously injured—the biggest annual drop since the road safety strategy was launched four years ago. By 2003, the number of people killed or seriously injured had fallen by 20 per cent., which means we are about halfway towards our 40 per cent. target for 2010, and the number of children killed or seriously injured had fallen to just over 4,100, which is more than three quarters of the way towards achieving the 50 per cent. reduction target for children. Despite that welcome progress, too many people are killed or seriously injured"<sup>5</sup>.

In Wales, the *Road Safety Strategy for Wales*<sup>6</sup> outlines the Assembly Government's plans in this area. The headline targets in the Strategy are the same as those for the UK. The Welsh Strategy focuses in particular on road safety for children (including links between child safety and social deprivation), speed management and other areas such as drink or drug-driving, safety for horse riders, and protecting pedestrians and cyclists.

Sue Essex AM, then Assembly Government Environment Minister with responsibility for road safety, stated in 2003 that:

"For far too long, road safety has been seen as someone else's problem. But as road users each and every one of us is responsible for our safety and that of others. Our behaviour on the road means that we are all part of the road safety problem and solution"<sup>7</sup>.

## 2 Road safety and devolution

### 2.1 Assembly powers

The National Assembly for Wales has a number of powers with regards to the planning and implementation of transport policy within Wales. The *Transport (Wales) Bill*<sup>8</sup> is expected to grant the National Assembly for Wales greater powers with the aim of promoting a better integrated transport system across Wales.

<sup>3</sup> *Tomorrow's Roads: Safer for Everyone*, Department for Transport, 2000:

[http://www.dft.gov.uk/stellent/groups/dft\\_rdsafety/documents/page/dft\\_rdsafety\\_504644.hcsp](http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_504644.hcsp)

<sup>4</sup> Ibid.

<sup>5</sup> HC deb 11 January 2005 c7-21

[http://www.publications.parliament.uk/pa/cm200405/cmhansrd/cm050111/debtext/50111-21.htm#50111-21\\_head1](http://www.publications.parliament.uk/pa/cm200405/cmhansrd/cm050111/debtext/50111-21.htm#50111-21_head1)

<sup>6</sup> Road Safety Strategy for Wales, Welsh Assembly Government, 2003:

<http://www.wales.gov.uk/subtransport/content/road-safety-e.htm>

<sup>7</sup> Foreword to Road Safety Strategy for Wales 2003

<sup>8</sup> *Transport Wales Bill* 2005-06:

<http://www.publications.parliament.uk/pa/cm200506/cmbills/004/2006004.htm>

The *Transfer of Functions Order*, which transferred S39(1) of the *Road Traffic Act 1988*<sup>9</sup> to the Assembly, provides the power to promote road safety and is exercised concurrently by the Assembly and the Secretary of State for Transport. This power was initially delegated to the Assembly Government's Minister for Environment.<sup>10</sup> However the portfolio for Transport was later moved to the Minister for Economic Development and Transport.

## 2.2 Assembly road safety policy

The role of the National Assembly for Wales with regard to road safety stems from its position as the Highway Authority for the motorways and trunk roads throughout Wales.

With the aim of improving road safety, the Assembly Government has introduced a number of measures:

- ◆ funding has been provided for local trunk road safety schemes;
- ◆ the Safe Routes to School scheme has been operating since 1999;
- ◆ additional funding for local authorities has been provided in the form of Road Safety Special Grants;
- ◆ financial support has been given to external organisations which promote road safety education and training;
- ◆ the Transport Grant administered via local authorities has been used in part to ensure the provision of safe routes to bus and railway stations as well as safer public transport.<sup>11</sup>

The responsibility for road safety on non-trunk roads in Wales rests with the 22 local authorities.

## 2.3 Road Safety Strategy for Wales

The *Road Safety Strategy for Wales 2003*<sup>12</sup> outlines the need for the Welsh Assembly Government to work in partnership with various stakeholder groups in order to implement its own strategies and also to help achieve the targets stipulated in the UK Government's Strategy. These targets are:

- ◆ a 40% reduction in the number of Killed or Seriously Injured (KSI) casualties;
- ◆ a 50% reduction in the total number of child KSI casualties;
- ◆ a 10% reduction in the rate of slight casualties per 100 million vehicle kilometres travelled.

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<sup>9</sup> The *Road Traffic Act 1988*:

[http://www.opsi.gov.uk/acts/acts1988/Ukpga\\_19880052\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1988/Ukpga_19880052_en_1.htm)

<sup>10</sup> Environment Planning and Transport Committee: Assembly Government Road Safety Strategy for Wales, 5 February 2003:

[http://assembly/committees/1999-2003/Environment\\_Planning\\_&\\_Transport/2003/Spring%202003/02-03%20\(5%20Feb\)/ept-02-03-p3.html](http://assembly/committees/1999-2003/Environment_Planning_&_Transport/2003/Spring%202003/02-03%20(5%20Feb)/ept-02-03-p3.html)

<sup>11</sup> Road Safety Strategy for Wales: January 2003 (p.15):

<http://www.wales.gov.uk/subitransport/content/road-safety-e.htm>

<sup>12</sup> The Road Safety Strategy for Wales:

<http://www.wales.gov.uk/subitransport/content/road-safety-e.htm>

Within a Welsh context, these reduction targets amount to the following real term figures:

- ◆ a reduction of around 800 KSI casualties (a fall from some 2,000<sup>13</sup> to 1,200 by 2010);
- ◆ a reduction of 145 child KSI casualties (a fall from 289<sup>14</sup> to 145 by 2010);
- ◆ a reduction of 5 slight casualties per 100 million vehicle kilometres travelled (a fall from 53<sup>15</sup> to 48 by 2010<sup>16</sup>).

Within the *Road Safety Strategy for Wales* is recognition of the need for the Welsh Assembly Government to work in conjunction with a number of other stakeholders in order to meet these targets. These stakeholder groups include:

- ◆ local authorities;
- ◆ police;
- ◆ voluntary sector (i.e. local cycle groups, British Horse Society);
- ◆ insurance companies;
- ◆ Road Haulage Association; and
- ◆ schools.

#### **2.4 Role of Welsh local authorities**

Under the *Road Traffic Act 1988*<sup>17</sup>, each local authority in England and Wales must prepare and carry out a programme of measures designed to promote road safety and may contribute towards the cost of measures for promoting road safety taken by other authorities or bodies. These measures include:

- (a) carrying out studies into accidents arising out of the use of vehicles on roads
- (b) in the light of those studies, taking measures to prevent such accidents, including: the dissemination of information and advice relating to the use of roads, the giving of practical training to road users or any class or description of road users, the construction, improvement, maintenance or repair of roads for the maintenance of which it is responsible and other measures taken in the exercise of its powers for controlling, protecting or assisting the movement of traffic on roads;
- (c) in constructing new roads, taking such measures as appear to the authority to be appropriate to reduce the possibilities of such accidents when the roads come into use<sup>18</sup>

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<sup>13</sup> 1994-98 baseline figure

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Figures taken from the Road Safety Strategy for Wales: January 2003 p.2

<sup>17</sup> [http://www.opsi.gov.uk/acts/acts1988/Ukpga\\_19880052\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1988/Ukpga_19880052_en_1.htm)

<sup>18</sup> *Road Traffic Act 1988* section 38:

[http://www.opsi.gov.uk/acts/acts1988/Ukpga\\_19880052\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1988/Ukpga_19880052_en_1.htm)

### 3 Provisions in the Bill

#### 3.1 Road Safety Grants: Local Authorities

Clause 1 replaces and extends the scope of section 40 of the *Road Traffic Act 1988*. The amended section 40 enables the Secretary of State (for England) or the **National Assembly 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.<sup>19</sup> This Clause offers greater scope for the **National Assembly for Wales** to direct funding to Welsh road safety projects such as those suggested within the *Road Safety Strategy for Wales*.

The new approach aims to provide for:

- ◆ unrestricted scope for road safety projects
- ◆ greater certainty to local authorities;
- ◆ improved administrative arrangements<sup>20</sup>

#### 3.2 Drink driving

As a result of Clause 12 in the Bill, 'High Risk Offenders' will be forced to wait until the outcome of medical enquiries relevant to an application for the return of a licence following a period of disqualification, thus closing the oversight of Section 88 of the *Road Traffic Act 1988*. The oversight in the original Act allowed High Risk Offenders to resume driving whilst this assessment was underway.

High Risk Offenders are defined as:

- a) those disqualified for driving whilst two and half times or more over the prescribed limit;
- b) those disqualified for failure, without reasonable excuse, to supply a specimen for analysis pursuant to Section 7 of the *Road Traffic Act 1988*; and
- c) those disqualified on two or more occasions within ten years for either exceeding the legal limit of alcohol in their breath, blood, or urine, or being unfit to drive through drink.<sup>21</sup>

Clause 22 of the Bill will add subsection 34D to the *Road Traffic Act 1988*, to permit an experiment whereby certain repeat offenders could install an alcohol ignition interlock (alcolock)<sup>22</sup> to their car to prevent the driver starting the car whilst in an intoxicated state<sup>23</sup>. This measure would be most likely undertaken in accordance with a court order offering a drink drive offender an alcolock programme as part of a remission on a driving disqualification.<sup>24</sup>

<sup>19</sup> *Road Safety Bill HL 2004-05 Explanatory Notes*

<sup>20</sup> **Regulatory Impact Assessment (RIA):**

[www.dft.gov.uk/stellent/groups/dft\\_rdsafety/documents/page/dft\\_rdsafety\\_033069.pdf](http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_033069.pdf)

<sup>21</sup> *Road Safety Bill HL 2004-05 Explanatory Notes Clause 11*

<sup>22</sup> An alcolock fits onto the steering wheel of a car and requires drivers to give a breath sample before the ignition can be turned on.

<sup>23</sup> *Road Safety Bill HL 2004-05 13*

<sup>24</sup> *Road Safety Bill Regulatory Impact Assessment*, p. 15:

[http://www.dft.gov.uk/stellent/groups/dft\\_rdsafety/documents/page/dft\\_rdsafety\\_033069.pdf](http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_033069.pdf)

Clause 11 of the *Road Safety Bill* proposes to allow roadside breath tests to be considered as evidence in court.

The DfT produced a consultation document on the proposal to lower the legal alcohol limit to 50mg per 100ml of blood as opposed to the current level, which is set at 80mg per 100ml of blood. However, in light of current European Union debates on harmonisation of the legal alcohol limit across Europe<sup>25</sup>, the DfT has omitted alcohol limit reforms from its proposals at present<sup>26</sup>.

### **3.3 Re-testing for repeat offenders**

Clause 27 proposes to increase the number of people subject to repeat testing to all persons banned from driving for over two years (in the current system, only persons convicted of the most serious dangerous driving offences face mandatory re-testing). This proposal will amend Section 36 of the *Road Traffic Offenders Act 1988*<sup>27</sup>.

### **3.4 Fixed penalties gradation**

Proposed amendments in the Bill to Clause 28 of the *Road Traffic Act 1988* will allow greater flexibility with regards to fixed penalties for motoring offences. The gradation of penalty will depend on factors such as how serious the offence is and the area or sort of place where it occurs.

Following the Home Office *Review of Road Traffic Penalties*, a commitment was made in July 2002 to create an aggravated offence to deal with a significant problem of people willing to flout speed limits by an excessive amount, by providing for the creation of a new higher fixed penalty for such cases.

The Department for Transport has consulted on the possible gradation of speeding penalties, and has proposed a new penalty system which is currently being consulted on. The proposed system is outlined in Table 1 (over the page).

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<sup>25</sup> European Commission Recommendation, 17 January 2001:

<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:32001H0115:EN:HTML>

<sup>26</sup> DfT consultation papers

[http://www.dft.gov.uk/stellent/groups/dft\\_rdsafety/documents/page/dft\\_rdsafety\\_504533.hcsp](http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_504533.hcsp)

<sup>27</sup> *Road Traffic Offenders Act 1988*:

[http://www.opsi.gov.uk/acts/acts1988/Ukpga\\_19880053\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1988/Ukpga_19880053_en_1.htm)



**Table 1: Proposed new speeding penalties, Department for Transport**

Speed limit zone	Lower penalty: 2 points and £40 fine	Standard penalty: 3 points and £60 fine	Higher penalty: 6 points and £100 fine
	Speed up to and including (mph)	Speed (mph)	Speed at or above (mph)
20mph	-	≤ 31	32
30mph	39	40-44	45
40mph	50	51-56	57
50mph	61	73-81	82
60mph	72	73-81	82
70mph	83	84-93	94

Clause 41(1) of the *Road Safety Bill* also proposes to make illegal the use of speed camera detection equipment<sup>28</sup>.

### 3.5 *Fatigue*

The Bill proposes the trial of motorway rest areas, which will constitute the provision of toilets and picnic areas directly accessible from the motorway network. This idea is modelled on similar areas already provided on some European roads and is outlined in Clause 41.

In Wales, existing motorway service areas are currently developed by the private sector, without public sector involvement<sup>29</sup>. This is not the case in England, where the Government has a freehold interest in 21 of the 64 service areas.

There is also a proposed move to fit digital tachographs to commercial vehicles in an attempt to limit attempts to falsify driver records relating to driving hours. This will effectively strengthen and clarify enforcers' existing powers as set out in Section 99 of the *Transport Act 1968*<sup>30</sup>

### 3.6 *Reform of driving offences and penalties*

Although major reform of this area will not be made until the Home Office consultation on the review of road traffic offences, a number of reforms have been proposed in the Bill. These include sterner penalties for people caught using hand held mobile phones or similar devices whilst driving (Clause 22 proposes that drivers may receive three penalty points and a £60 fine). It also proposes that foreign nationals caught committing offences should be made to pay deposits in order to prevent them escaping punishment.

<sup>28</sup> *Road Safety Bill HL 2004-05*

<sup>29</sup> The Assembly Government does, however, set certain criteria which service areas must comply with in order for the Assembly Government to place blue 'motorway service area' signs directing motorists to them.

<sup>30</sup> Westminster *Road Safety Bill* Research paper <http://www.commonleader.gov.uk/output/page791.asp>

In addition, the Bill outlines legislation that would allow the police to use Automatic Number Plate Reading technology to detect uninsured drivers<sup>31</sup>, and Clause 4 proposes to allow vehicle examiners<sup>32</sup> to issue fixed penalty notices for those offences (predominantly roadworthiness offences) which they have powers to enforce.

Clause 19 proposes an increase in the severity of punishment for the offences of careless and inconsiderate driving.

### **3.7 Driver rehabilitation**

Non-statutory driver improvement courses are currently available in England and Wales<sup>33</sup>. The courses are intended primarily to re-educate drivers who have committed minor traffic offences, as an alternative to prosecuting them. The decision on whether a driver should undertake a course is currently made by the police.

The Bill proposes that courses will be available for more serious offences. Clause 24 allows the court to offer offenders who have at least 7 penalty points the opportunity to attend, at their own expense, a driver retraining and improvement programme; if successful on this, they could earn remission of 3 points.

For disqualified drivers, Clause 25 allows the principle of drink-drive rehabilitation schemes<sup>34</sup> to be made available to those who have been disqualified for 12 months or more for:

- ◆ failing to allow a specimen to undergo a laboratory test during an investigation into certain offences;
- ◆ careless and inconsiderate driving;
- ◆ failing to comply with traffic signs; or
- ◆ speeding.

### **3.8 Driver instruction**

To raise the standard of driver instruction, Clause 32 and Schedule 4 of the Bill propose increased regulation of instructors and persons running driving instruction businesses. In addition, the Bill provides for the regulation of training provided to those intending to become driving instructors.

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<sup>31</sup> *Road Safety Bill HL 2004-05 Explanatory Notes*

<sup>32</sup> Vehicle examiners are appointed by the Secretary of State under section 66A of the *RTA 1988*. They are staff in the Vehicle and Operator Services Agency (VOSA), an agency of the Department for Transport.

<sup>33</sup> Such courses were introduced following the North *Review of Road Traffic Law* in 1988. Courses are now available to cover all of Wales and most of England. More information can be obtained from the Association of National Driving Improvement Service at:

<http://www.driver-improvement.org.uk>

<sup>34</sup> Drink-drive rehabilitation schemes were introduced by the *Road Traffic Act 1991* and gave the courts power to reduce a driver's period of disqualification if he/she completed an approved course. Following an experimental phase, the system was made permanent across Great Britain in January 2000.

## 4 Stakeholder views

Below is a list of stakeholder views on the *Road Safety Bill*. These have been included as examples of available opinions at the time of writing of this paper, and are not intended to provide a comprehensive overview of reactions to the Bill in the UK.

### 4.1 *Parliamentary Advisory Council for Transport Safety (PACTS)*<sup>35</sup>

"PACTS welcomes the *Road Safety Bill*. The swift introduction of a bill to promote road safety after the General Election shows that the Government has at last recognised that road safety is a quality of life issue. If we can reduce speeds on our roads and tackle incidents of dangerous and careless driving, we can begin to make our communities safer and more pleasant places in which to live, work and play.

However, given that there are nearly 35,000 people killed or seriously injured on the roads every year, this Bill remains unambitious. It is largely a 'tidying up' exercise of existing legislation. After being dropped in the last parliamentary session due to lack of time, the Bill has been reintroduced in a nearly unaltered form, despite a clear appetite for stronger measures expressed in the last Parliament. The Bill avoids the issues that would have the greatest impact in reducing casualties, such as lowering the drink drive limit, introducing random breath testing, introducing central European time and lowering speed limits in residential areas. PACTS also has serious concerns about the proposals on graduated speeding penalties, which could send the wrong message to drivers about the safety of breaking the speed limit by small margins in urban areas."

### 4.2 *RAC Foundation*<sup>36</sup>

Sue Nicholson, Head of Campaigns for the RAC Foundation, welcomed the Bill's re-introduction, saying:

"The majority of motorists will welcome a crack-down on dangerous drivers, drink drivers and uninsured drivers. Measures such as graduated fixed penalties for speeding should also be included to help restore some public confidence in the camera enforcement regime.

"The Road Safety Bill gives MPs the chance to vote for safer roads for all. They should put aside their party differences to ensure the swift passage of this important bill through Parliament."

### 4.3 *British Medical Association*

The British Medical Association (BMA) has called on the UK Government to use the opportunities presented by the *Road Safety Bill* to reduce the permitted Blood Alcohol Concentration (BAC) levels from 80mg per 100ml to 50mg per 100ml. The BMA states that "reducing the drink-drive limit could be expected to lead to about 65 fewer deaths and 230 fewer serious injuries on our roads each year".

The BMA is keen to see provision in the Bill for random breath tests, which it says "have a powerful deterrent effect and may tackle the hard core group of offenders who drink heavily and drive".

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<sup>35</sup> [www.pacts.org.uk](http://www.pacts.org.uk)

<sup>36</sup> RAC foundation Press release 11<sup>th</sup> January 2005  
<http://www.racfoundation.org/releases/180105-a-rac.htm>

#### 4.4 *Welsh Local Government Association (WLGA)*

Commenting on the Bill introduced during the 2004-05 parliamentary session, the WLGA said:

Most of the possible measures in the Bill do not appear to give any new role to or change the existing role of local authorities. However the LGA is interested in measures which include the possibility of a general review of the safety implications of speed management policy. Of the specific issues in the Bill:

- any proposals concerning speed enforcement will need careful consideration;
- the LGA put forward proposals for enforcing against foreign drivers during the passage of the *Traffic Management Act 2004* and will look forward to seeing details of the UK Government's proposals.

#### 4.5 *Local Government Association (LGA)*

The LGA has been lobbying on two elements of the Bill: how to facilitate effective enforcement against drivers of foreign registered vehicles, and the possibility of a mechanism to allow some safety camera fine income surpluses being made available for local transport and environmental investment.

#### 4.6 *GEM Road Safety Charity*<sup>37</sup>

"We believe that there is evidence showing greater risk at high speeds and, therefore, support the call to implement a graduated penalty scheme that increases the penalty for those that infringe the limit by a large margin.

However, in the case of areas within a 30 or 40 mph, there appears to be no evidence to suggest that driving up to 39 mph in a thirty limit or 50 mph in a forty limit poses a lesser risk and thus there is no justification for reducing the penalty level. Indeed, given that such limits are imposed only in sensitive areas where it is the vulnerable road users who are particularly at risk, the proposal to reduce the penalty level is in our opinion, totally flawed. Any graduated penalty system should reflect risk and safety considerations, particularly those affecting vulnerable road users. We agree with the proposals to increase the penalty levels for those exceeding the limit by large margins ".

#### 4.7 *Brake*

Brake<sup>38</sup>, a road safety charity, has voiced its objection to the proposals to reduce the penalties for driving at up to 39mph in a 30mph zone, stating that "at 39mph it is an almost certainty that a child hit by a car will die, compared with a probability, if the car is driving below 30mph, that the child will survive their injuries"<sup>39</sup>.

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<sup>37</sup> 1 November 2004:

[http://www.roadsafety.org.uk/information/publish/article\\_264.shtml](http://www.roadsafety.org.uk/information/publish/article_264.shtml)

<sup>38</sup> Background information on Brake:

<http://www.brake.org.uk/index.php?p=3>

<sup>39</sup> Brake's response to the Bill:

<http://www.brake.org.uk/index.php?p=279>

## 5 Statistics

### 5.1 *Breath tests*

Table 2 shows the results of breath tests of drivers involved in accidents in Wales, from 1997 to 2003. The table shows that the number of breath tests undertaken following accidents, and the percentage of tests that were positive, has remained fairly constant since 1997:

**Table 2: Breath tests of drivers involved in accidents (Wales), 1997-2003**

	1997	1998	1999	2000	2001	2002	2003
Total tests	10,837	10,776	10,742	10,989	10,698	11,173	10,917
Positive test results	390	340	361	403	372	396	379
Negative test results	10,447	10,436	10,381	10,586	10,326	10,777	10,538
% tested positive	3.6	3.2	3.4	3.7	3.5	3.5	3.5

Source: 2003 Road Accidents: Wales (Welsh Assembly Government, 2003)

### 5.2 *UK road traffic casualty trends<sup>40</sup>*

Table 3 below shows UK trends in road traffic casualties, using the 1994-98 average figure as a baseline. The table shows that there has been an **overall reduction of 28%** in the Killed or Seriously Injured (KSI) figures since the 1994-98 average baseline figure.

**Table 3: UK trends in fatal and serious injury casualties within the 1994-98 baseline**

	1994-98 average	2000	2001	2002	2003	2004	2004 change over 1994-98 baseline average (%)
Fatalities	3,578	3,409	3,450	3,431	3,508	3,221	-10
Serious injuries	44,078	38,155	37,110	35,976	33,707	31,130	-29
Total KSI	47,656	41,564	40,560	39,407	37,215	34,351	-28

Source: Department for Transport

<sup>40</sup> Figures taken from Department for Transport's Road Safety Regulatory Impact Assessment [http://www.dft.gov.uk/stellent/groups/dft\\_rdsafety/documents/page/dft\\_rdsafety\\_033069.pdf](http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_033069.pdf)



### 5.3 Progress in Wales towards the 2010 targets

Table 4 shows progress towards the casualty reduction targets for 2010 set out in the *Road Safety Strategy for Wales*.

**Table 4: Progress towards casualty reduction targets for 2010 (Wales)**

	1994-98 average	2000	2001	2002	2003	2004	2004 change over 1994-98 baseline average (%)
Killed or seriously injured casualties (a)	2,008	1,823	1,725	1,632	1,655	1,537	-23
Killed or seriously injured children (b)	289	225	205	191	192	170	-41
Slight casualty rate per 100 million vehicle km (c) (d)	54	50	48	48	47	-	-

(a) Target is a 40 per cent. reduction by 2010 compared to 1994-98 average

(b) Target is a 50 per cent. reduction by 2010 compared to 1994-98 average

(c) Target is a 10 per cent. reduction by 2010 compared to 1994-98 average

(d) 2004 road traffic data not yet available

Source: Office for National Statistics, *Road Casualties in Wales 2004*