

## **Summary of Consultation on Measures to Address Drink Driving - Annex F**

### **Background**

1. In Northern Ireland, as in the rest of the United Kingdom and in Republic of Ireland, the main drink drive limit is 80 milligrammes of alcohol per 100 millilitres of blood. This is referred to as a blood alcohol concentration (BAC) limit of 80mg/100ml. The limit here is out of step with most of Europe, the USA, Canada, Australia and New Zealand, where limits of 50mg/100ml or lower are typical.
2. In the period 2003 to 2007, around 20% of all deaths and 10% of all serious injuries on our roads in Northern Ireland were caused by drivers/riders impaired through alcohol or drugs. An average of 25 people were killed and 119 seriously injured each year in collisions attributable to driver/rider alcohol or drugs.
3. There is a wealth of research which indicates that very low levels of alcohol in your blood will impair the skills you need for safe driving. Research also indicates a clear relationship between your BAC level and how much more likely you are to be involved in a collision.
4. Younger people are particularly hampered by the effects of alcohol on their ability to drive. Alcohol also has a greater effect on a young person's ability to make prudent choices and on his/her behaviour. This is compounded by a lack of experience and an often exaggerated assessment of his/her level of competence. However, it is important to remember that all age groups can be, and are, responsible for drink drive casualties. Indeed drivers aged above 25 are responsible for almost two-thirds of these deaths and serious injuries on our roads. The Department of the Environment is seeking views on ways to reduce the numbers of deaths and serious injuries caused by drink driving.

### **The Limit**

5. In January 2001 the European Union recommended that member states should introduce a limit of 50mg per 100ml for all drivers, with a lower limit of 20mg per 100ml for certain other categories such as novice and professional drivers.

Such graduated limits are now common. Experience in Europe indicates that reducing the BAC limit reduces the number of fatal and serious traffic collisions, although the Department for Transport in GB challenges whether there is enough evidence for such an assertion. If Northern Ireland were to move to change the limit it is therefore likely that it would be the first part of the UK to do so. Republic of Ireland is already committed to reducing its limit.

6. Consultees might wish to consider whether graduated limits to reflect risk and responsibility should be introduced or if it would be clearer and simpler to have just one limit – at the current level or lower. It should also be noted that a limit of 20mg/100ml is regarded as a workable “zero” limit.
7. The Department seeks views on the following options:
  - no change – i.e. retaining the current limit of 80mg/100ml; **or**
  - introducing a 20mg/100ml limit for learner/novice drivers; **and**
  - introducing a 20mg/100ml for professional drivers; **and**
  - introducing a limit of 50mg/100ml for all other drivers; **or**
  - introducing a limit of 50mg/100ml for all drivers; **or**
  - introducing a limit of 20mg/100ml for all drivers.

***To give us your views on the drink drive limit, please complete questions 1 and 2 on the questionnaire at: <http://www.roadsafetyni.gov.uk/>***

### **Penalties**

8. Current penalties for driving above the legal limit in Northern Ireland are among the toughest in the European Union. They range from a minimum of 12 months driving disqualification up to 14 years imprisonment and unlimited fines; with higher penalties for high risk offenders. The Department seeks your views on the following options:
  - for any new offence or offences at BAC levels below the current limit of 80mg/100ml, simply use the penalties that apply at the current limit; **or**

- keep the existing penalties for anyone caught at 80mg/100ml or above; **and**
- for any new limits below 80mg/100ml, introduce lower and/or graduated penalties. These could include penalty points, fines and/or attendance at drink drive courses. If an offender goes to court and is convicted, higher fines, penalty points and/or possible disqualifications for periods shorter than 12 months could then apply. This approach would reflect common practice where countries have more than one limit.

Other considerations include whether:

- the term '*high risk*' should apply only to those convictions that carry a disqualification from driving;
- the BAC level of 200mg/100ml, which currently defines a high risk offender, should be lowered (it is currently 2½ times the limit);
- mandatory attendance on a drink drive offenders course should be introduced for offences at 80mg/100ml, if we introduce them for lower level offences. We also need to consider if such courses would replace the resit of the driving test, or sit alongside that requirement at 80mg/100ml, or remain only for high risk offenders.

***To give your views on penalties and high risk offenders, please answer questions 3 to 8 on the questionnaire at: <http://www.roadsafetyni.gov.uk/>***

### **Police Powers and Enforcement**

9. Current law in Northern Ireland requires a constable to have 'reasonable cause to suspect' that a person is driving, has driven or will attempt to drive a vehicle while they have alcohol in their body before a breath test can be required. The European Union recommendation included the unrestricted power for police to stop and breath test without the need for 'reasonable suspicion'.
10. Random breath testing has been shown to be more effective than selective breath testing (where there is a suspicion that a driver has consumed alcohol) in detecting drink drivers. Random breath testing has been implemented in

many other countries and is viewed as having made significant contributions to detecting and deterring drink driving. The Department seeks views on whether:

- the police should be given powers to stop and breathalyse drivers at random.

11. If a driver's roadside breath test indicates that he/she is above the limit the driver will normally be arrested and subjected to a further breath test using equipment approved to a standard that allows its use as evidence in court. However, a concession from the early days of breath testing still allows a driver to ask for a blood or urine specimen to replace that evidential breath test where the reading is above the legal breath alcohol concentration limit of 35 microgrammes per hundred millilitres of breath but no more than 50 microgrammes per hundred millilitres of breath.

12. Breath tests have now been in use for many years and have proven very accurate and reliable. The inevitable delay in carrying out a replacement test results in some drivers avoiding charges even though they were above the limit when driving. Furthermore, work is progressing to produce a screening device which provides readings at the roadside that can be used as evidence in court, and such a concession would seriously reduce its value. GB is also consulting on this proposal. The Department seeks your views on whether:

- the right to ask for a blood or urine specimen to replace a breath test should be withdrawn.

***To give your views on police powers to stop and breathalyse drivers at random and a driver's right to a replacement test, please complete questions 9 and 10 on the questionnaire at: <http://www.roadsafetyni.gov.uk/>***

13. Further information can be found in the detailed consultation paper at <http://www.roadsafetyni.gov.uk/>. If you have other comments not covered by the questionnaire, please email them to [drinkdrive@doeni.gov.uk](mailto:drinkdrive@doeni.gov.uk).