



Northern Ireland  
Assembly

Committee for the Environment

# OFFICIAL REPORT (Hansard)

Road Traffic (Amendment) Bill:  
Informal Clause-by-clause Scrutiny

15 January 2015

# NORTHERN IRELAND ASSEMBLY

## Committee for the Environment

### Road Traffic (Amendment) Bill: Informal Clause-by-clause Scrutiny

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**Members present for all or part of the proceedings:**

Ms Anna Lo (Chairperson)  
Mrs Pam Cameron (Deputy Chairperson)  
Mr Cathal Boylan  
Mr Alban Maginness  
Mr Ian McCrea  
Mr Barry McElduff  
Lord Morrow  
Mr Peter Weir

**Witnesses:**

|                    |  |
|--------------------|--|
| Ms Barbara Love    | Northern Ireland Assembly Research and Information Service |
| Mr Iain Greenway   | Department of the Environment                              |
| Ms Nicola McEvoy   | Department of the Environment                              |
| Mr Donald Starritt | Department of the Environment                              |

**The Chairperson (Ms Lo):** I ask Barbara Love from the Research and Information Service (RaISe) to brief the Committee on the paper. I also want to refer to a briefing paper from the Department on the graduated driver's licence at page 140 and correspondence from the Association of British Insurers at page 150. They are both quite interesting. They certainly refresh our minds about the pros and cons of the new proposals. Barbara, go ahead.

**Ms Barbara Love (Northern Ireland Assembly Research and Information Service):** Thank you very much, Chair and members. I will present the findings of the research conducted by the Research and Information Service on planned changes to driving licensing laws in Northern Ireland that affect young people, as contained in the Road Traffic (Amendment) Bill. The paper that you received before Christmas was a summary of all responses. They were from young people, youth organisations and people who did not say their age or that they represented an organisation. This research really focuses primarily on breaking down that information in more detail and doing justice to all the feedback that we got. It is very good feedback.

The research was conducted in November. It consisted of an online survey and focus groups with two schools. The survey went out to schools and youth organisations in Northern Ireland. It was aimed primarily at 13- to 24-year-olds, but it was not limited to that age group. Basically, anybody who got a copy or link to the survey and filled it in was accepted. We got a total of 582 responses.

**The Chairperson (Ms Lo):** That is very good, is it not? That is excellent.

**Ms Love:** It is a good response. I will break down the results into three groups: changes that respondents were in favour of; changes where there was uncertainty; and changes that respondents opposed. Basically, people were in favour of most of the proposals that were laid out, particularly where these were seen as allowing people to gain more driving experience — for example, driving in different road conditions and on motorways — and where they were seen as a way of improving road safety. There were a number of proposals where there was a level of uncertainty. The vote was quite split on both N plates and the logbook. I will talk about those in detail in a minute. Really, it is about getting more detail and what those might mean in practice.

You will perhaps be unsurprised to know that the two proposals where there was the most opposition was the proposal that young people would have to wait a year after getting their provisional licence before they could sit their first practical test and the proposal that, in the first six months, new drivers aged 24 and under would not be allowed to carry groups of passengers aged 14 to 20 unless there is a supervising driver in the front passenger seat. That does not apply to family members. The reason that the time limits of six months, a year and two years were opposed to was primarily because they were seen as arbitrary. Again, I will go into that in more detail.

The proposal to lower the age when young people can get a provisional driving licence to 16 and a half was seen as good because it gives them an opportunity to learn at a younger age and gives them more responsibility and freedom. Youth organisations also argued that this would make it easier for young people to participate in education, youth groups and social events. The reason why participants thought it was a bad idea that young people would have to wait at least a year, as I already mentioned, was that they felt that it was too long. There were also concerns about the cost implications of this proposal. For example, would it mean that young people would have to take extra lessons over the year? Some argued that because it is a year, people might wait until six months down the line and then start taking formal lessons, so really what benefit would this year have? It was also argued, for example, that young people who are based in farming communities might already have driving experience and to make them wait a year adds nothing for those groups. On the other hand, people who were in favour of this proposal felt that it gave young people the opportunity to build up more experience and might lead to increased road safety. It is balancing the arguments for and against, but certainly the majority were against. Youth organisations felt that it might lead to difficulties for some young people in accessing training, education and employment. It was highlighted that, at this age, a lot of young people may leave education and start jobs, so maybe they would need their car to get to work and the independence to get to training, and so on.

The majority of respondents thought that driving lessons on motorways were a good idea because they allowed learners to build up experience with the assistance of a driving instructor in a dual-controlled car, rather than having to wait until after they passed their test and were let out on the motorway, which can be very frightening when they are all by themselves. People who were against the proposal that you would be allowed were so because of the speeds of other drivers on motorways. This was seen as possibly dangerous. The majority of respondents thought that it was a good idea that young learners would be allowed to drive up to the speed limits. It was felt that that would allow them to build up their knowledge and experience of driving at the speed that they would be expected to drive when they passed their test. However, people who were against it were afraid that it might lead to more accidents and that it might encourage speeding because you would be allowed to drive at that speed from the start.

Respondents thought that it was a good idea that the driving test would include experience on a wider range of roads to allow drivers to build up experience, but there were concerns about what the cost implications of that might be in terms of having to build up that experience and demonstrate it.

As I said already, views were divided on the learning-to-drive logbook. Interestingly, a slightly higher proportion of young people were in favour of this than were against it. It was seen as a good way of acting as a record of their driving experience, and it also allowed them to see how they were improving. Around half of the young people were in favour of that and, again, a proportion did not know. However, the biggest proportion was in favour of it. Concerns were raised about what exactly might be involved, particularly as young people were already busy with their school work and already had lots of work to do in school and out of school. This was seen as an extra job. Some people felt that that might be an issue, particularly for people with learning difficulties, and they were also concerned that they would have to pay a learning instructor to fill in books instead of getting practical experience. Those were the main concerns.

Views on the N plate proposal were split. Some young people said that it was a better letter to use than an R because it was easier to understand — N probably means new. However, some people

thought that it was a bad idea because the restriction was for too long a period of time — two years. Interestingly, I wonder what difference it would make if the proposal around not having to drive at the speed limit were implemented. Would you find a higher proportion of people in favour of it? Having a plate was seen as a good way of warning other road users that you were inexperienced. Therefore, it was split on that one. In light of other proposals, you might have got a different result.

As I said already, the majority of respondents thought that it was a bad idea that they would not be able to carry their groups of friends. A lot of the qualitative feedback was about wanting to be able to carry their friends to go to social events, not wanting to have their dad along with them if they wanted to go anywhere and so on. It was seen as limiting their independence.

**Mr A Maginness:** Good idea.

**The Chairperson (Ms Lo):** And you have teenagers.

**Ms Love:** Certainly, some of the feedback highlighted the fact that that could be a particular issue for people living in rural areas where there is little or no public transport. Also, it was seen as being unfair, and having everybody driving around separately might impact on the environment.

With regard to young people having a lower drink-drive limit than experienced drivers for a period of two years, most respondents thought that that was a good idea, but, interestingly, the feedback from people who were against it were so because they thought that there should be a lower or a no drink-drive limit — a zero drink-drive limit — for everyone. It was not that they did not think that the drink-drive limit should be lowered for young people but that they thought that it should be lowered or zero for everybody.

With regard to the idea of being able to take a course instead of losing your licence if you had six or more penalty points, most young people were in favour of that, because they thought that it would teach you a lesson without being too punitive, although a small number of young people felt that it was too lenient and that, if you broke the law, you should lose your licence. Those were very strong views: once you break the law, that is it, you are out.

**Lord Morrow:** You could be banned for life.

**Ms Love:** That is it; one strike and you are out.

As for the logbook, the majority of young people who participated in the survey thought that the driving experience that you were allowed to build up should be with a driving instructor and a qualified driver, and the main concern there was the cost. If you were only going with an instructor, the cost implications would be an unknown quantity; it could be quite a lot. That might have a big impact, particularly on people who are disadvantaged. It was also felt that it should be based on the number of hours' experience; that would be a fairer way to measure the amount of experience that you build up.

Young people were most concerned about the cost of getting a licence and the restriction on carrying groups of friends. Those were the two main areas. Interestingly, young people were least concerned about the idea of having to complete a student logbook.

Of the suggestions that were originally proposed and then rejected, the one that got most support was the idea of skid training. The majority of people who participated in the research thought that that should have been kept in. Youth organisations also felt that the proposal of an offence-free period before restrictions are removed should also have been kept in.

**The Chairperson (Ms Lo):** Sorry, which bit?

**Ms Love:** The proposal for an offence-free period before restrictions are removed, so you have to be clear for six months before that restriction is removed. Youth organisations felt that that should have been kept in.

To sum up, there are things that came through all of the proposals, and the themes that stuck out most were the cost implications and the burden that the proposals could place on young people. More detail is needed on what those might be. A theme that ran through all of the proposals was about improving road safety for everyone.

**The Chairperson (Ms Lo):** Thank you, Barbara. Are there any questions? I am glad that Iain is sitting there listening so that we do not have to repeat all of that.

**Mr Weir:** That was very useful. There is just one wee thing. It may be just oddly phrased, but I noticed it from the key points summary on page 1 of the research paper. On the student logbook, the final line is:

*"The majority of young people felt that this experience should be based on the number of hours driving experience rather than the number of hours of experience."*

**Ms Love:** That should be, "rather than the number of lessons". That is just a typo. I will change that.

**Mr Weir:** That is OK. It just confused me. I thought it was a very useful overview.

**The Chairperson (Ms Lo):** Obviously we have heard the main gist of it before. It is very useful to hear what young people say. On the bit about the course, in previous communication with Iain and the Department they have said that there should not be an extra course. I just do not know why they have that perception that it is going to cost them more. The majority of young people would still go for 10 or eight lessons anyway, and there will be mums, dads, uncles and aunts taking them out for practice, so there is no change on that.

**Ms Love:** It is really the detail. When you get down into the detail of exactly what is expected, that will clarify what the extra burden will be. It is just because, at the moment, we do not have that detail. Perhaps people are nervous about it because they are afraid that it could be a massive burden on them.

**The Chairperson (Ms Lo):** I also find that the restrictions for young people for the first six months are just too complicated. Did anybody mention that? There are so many different aspects — one person, and then whether it is family and all of that stuff. Did anybody say that it is really confusing?

**Ms Love:** Some people felt that it could be confusing in relation to the drink-driving laws, because, if it is lower and then it goes up, what does that actually mean? You do not really know what that will mean for you personally, so having a lower limit or the same limit for everybody is seen as better, because it is really difficult to say what that is.

**Mr Boylan:** Thank you very much for your presentation. I think it is a good exercise. I am not surprised at some of the answers. Obviously cost is a major issue, and the Chair has mentioned it, but is there any suggestion as part of the process of how they would meet that? Is it through the schools? Are there any suggestions from any of the youth groups about how they would meet that? You can respond to that, but there is one other point that I want to make.

The other point is that I know we are concerned about the period of time. I will speak for the rural people on this matter. I know that some of them are more experienced and they can get away with taking 10 lessons, whereas urban people might have to take more than that. In terms of this process —

**Mr Weir:** We are stuck behind a big tractor. *[Laughter.]*

**Mr Boylan:** And you are afraid to overtake.

**The Chairperson (Ms Lo):** Tractors *[Inaudible.]*

**Mr Boylan:** Do you want to continue that conversation? I want to tease it out a wee bit more. I know that it was limited to what questions were asked. Is there any more that the Department can do to get out to young people about the reasons why they need to do so many lessons or have a time restriction? I am mindful of the fact that the number of road deaths increased last year. I am not picking on young people in this matter. I just think that, through this process, we have an opportunity to emphasise the message of road safety in general. I am just wondering whether anything came out from the youth groups as a learning from that experience.

**Ms Love:** In relation to how we could meet the cost, one of the participants suggested that a model like the American model, where you learn to drive in school, might help. You would be taught it for free in school so that you would not have to pay a fortune yourself. Sorry, may I just clarify what your second question was?

**Mr Boylan:** It was the point about getting across the message about restrictions. Is there anything more that we or the Department can do? I know that they are against the restrictions on carrying passengers and everything else. I know that a lot of people work in the hospitality industry, and they travel back and forward. To try and sell the message as to why we are doing that, is there anything more in the youth responses? It seems to me that all that they are saying is, "Hold on, we want to travel with our mates." The reason why we are doing the restrictions is the road safety element.

**Ms Love:** A significant proportion of young people said that they were concerned about safety. Even on some of the proposals that we had high support for — for example, driving on motorways — a lot of young people were concerned about safety. Young people did say that they were keen to get their licence as soon as possible, but that has to be balanced against what the safety implications might be. A number of young people said that, if their parents or driving instructor think that they are good enough at driving and are happy to put them forward for the test and they pass the test, they should then be let loose on the roads. However, that was balanced with the idea that some people might fluke the exam on the day. Youth organisations were particularly favourable to the idea that, if you give people enough time, maybe not everybody will benefit but certainly some people will get more experience. If you are restricted for a year, not everybody might be able to afford to get that level of experience. However, others will take full advantage of having that year to get as much experience as possible. That came through strongly through from the youth organisations.

**The Chairperson (Ms Lo):** Are young people aware that the restriction for carrying passengers is only for six months?

**Ms Love:** Let me just double-check what I have said here. Yes, it was specified in the questionnaire that it is six months.

**The Chairperson (Ms Lo):** And are they still not happy with it?

**Ms Love:** Well, they just want to get —

**The Chairperson (Ms Lo):** To be let loose, have freedom and bring their friends.

**Ms Love:** Exactly. Like I say, it is about balancing that against safety. If we can imagine back, we probably felt the same ourselves. You want to go out and impress your friends and feel free.

**The Chairperson (Ms Lo):** I wonder how many of them are aware of the statistics of how much more at risk they are when they are carrying one extra passenger under that age, and two and three. The risk quadruples if there are three young people under the age of 20 in the car with a new driver.

**Ms Love:** It might be that they are not aware. It is funny when you look at the other comments that young people made. They are certainly aware of some of the advertising campaigns that the DOE has had. For example, one comment was "Hey, drivers, leave us kids alone", so maybe there needs to be a promotion of what the implication of that is. "Never drink and drive." It is interesting to see in the comments that kids actually pick up on these things, so maybe that needs to be promoted better.

**Mrs Cameron:** You mentioned that one of the main concerns was cost implications. I have to say that I would be worried about cost implications if the learning period was extended to a full year. The idea of the full year is to take in all seasons and gain as much experience as possible. When you start to learn to drive, you absolutely take some amount of lessons. As a parent, I am completely unwilling to take my child out in a car before she has learned to drive the way that you need to drive to pass a test. I could not teach her that. Probably none of us would even pass the test if we did it.

**The Chairperson (Ms Lo):** Without dual control, it is scary, is it not?

**Mrs Cameron:** Yes. I am quite sure that the way that I learned to drive would not pass the test today. I am also sure that, once you go down the road of starting to take lessons, there is not much point in taking —

**The Chairperson (Ms Lo):** One a month.

**Mrs Cameron:** — and then one a month later. You have to use and practice what you learn and keep it up. You are going to be encouraged — I am not saying that driving instructors will take advantage — to keep taking lessons, and it is bound to cost more if that learning period is over the year.

**The Chairperson (Ms Lo):** Generally, young people will take one lesson a week. I know that my children took one a week and the driving instructor said, "Right, you have had six or seven lessons. Now we can start planning to apply." In two months' time, or a month's time, you get it.

**Mrs Cameron:** Young people are very much guided by the instructor's confidence in them. They will look to the instructor to tell them whether they are ready to take the test. They are very much dependent on the driving instructor. It is in the interests of the driving instructors to give more lessons and it is in the interests of the students to receive more lessons, but there is no doubt that that is going to be at a greater cost. I would agree with the assumption that it is going to cost more.

**The Chairperson (Ms Lo):** OK, fair enough. I had not thought about that. The likelihood is that people, then, instead of starting from 16 and a half to take lessons, will wait until they are 17.

**Ms Love:** A few respondents said that that is probably what they would do; they would just wait until they could take it seriously and know that in six months' time they need to be ready to drive.

**The Chairperson (Ms Lo):** I know that my two sons passed their tests after three or four months.

**Mrs Cameron:** Lots of children now are looking to what they doing in school and what exams they are taking, and they do not want that conflict because things are hard enough.

**Ms Love:** In fact, some of the feedback said that by 17 and a half you are looking at your A levels, although it really would not make much of a change compared with what we have at the moment, if you are starting at 17 and a half. Why let somebody have a licence at 16 and a half and then not get it until you are at least 17 and a half? Some people saw that as a form of torture, really. *[Laughter.]*

**The Chairperson (Ms Lo):** Weather-wise, too, a lot of people would want to take lessons in the summer months. You do not want to go out learning when it is dark.

**Mr Boylan:** I just wanted to follow up on a point. Barbara mentioned the issue of driving on motorways. That is grand, but if I am in a straight line at 70 mph I am taught not to run into the person in front of me. That is grand; you need to do that, but the reality is that 90% of the roads are rural and there are 60 mph speed limits. How does it come across that that is the type of driving? Pam mentioned driving in all types of weather. I can see why they would want to learn the skid test, because they would be able to handle it. Has that message come across in this process?

**Ms Love:** It has.

**Mr Boylan:** That is what it is about — driving mostly out on the rural roads with those speed limits.

**Ms Love:** Yes. Some people mentioned getting used to driving on different roads and making themselves aware of when speed limits change. One respondent suggested that maybe it should be on dual carriageways because you are getting that balance of speed and having to change lanes, turn off and do all those things. That could be an alternative to motorway driving, because dual carriageways give you the speed and all the different functions that you might have to do when you are driving.

Some respondents were also concerned that, if they lived quite far away from a motorway, how much it would cost them to take the lesson. If you live miles away from the nearest motorway, how much are you going to be charged to drive to the motorway to get the experience?

**The Chairperson (Ms Lo):** That is true, and then your one hour is up. Usually you get one hour.

**Ms Love:** You get to the motorway, and then you have to go back. *[Laughter.]*

**Mr Weir:** You get as far as the roundabout.

**Mr Boylan:** There are some questions for the officials there.

**Ms Love:** It is about the practical implications of the proposals — what it will mean in practice and how you will be able to do it in practice.

**The Chairperson (Ms Lo):** There are no other questions for Barbara. Thank you very much. I hope you enjoyed that.

**Ms Love:** Yes, it was a pleasure. The young people have gone, but I thank them for participating in the survey. It was really good to get their views.

**The Chairperson (Ms Lo):** Yes, very much so. Thank you. Members, we will take a quick break, and then we will work through lunch.

*The Committee suspended at 12.01 pm and resumed at 12.21 pm.*

*On resuming —*

**The Chairperson (Ms Lo):** Iain, Donald and Nicola, you are very welcome. Iain, do you want to give us a response to the survey?

**Mr Iain Greenway (Department of the Environment):** Sure. Thank you for the opportunity, Chair, to come back today to continue the informal clause-by-clause scrutiny. The previous time that we were here, Committee members were still reflecting, individually and collectively, on the Bill, particularly on the graduated driver licensing issues. I hope that this afternoon that we can air some of those. We will brief the Minister on Monday on this discussion. That will allow him to form a view on potential amendments, should any be needed, and so on.

You mentioned a letter from the Association of British Insurers (ABI). That does not surprise me, to be honest, in as much as it was clear all along that there would be 15% to 20% reductions in premiums for a full graduated driver licence (GDL). We always knew that we would not be bringing in a full GDL, because the night-time restriction was not proposed. Of course, ABI does not —

**The Chairperson (Ms Lo):** I was not surprised, but I was a bit disappointed.

**Mr Greenway:** ABI does not do underwriting; individual insurers do underwriting, so ABI cannot start quoting numbers, except generally, or else the Financial Conduct Authority (FCA) will be all over it for collusion. The evidence is clear that graduated driver licensing schemes (GDLS), as long as they are sufficiently robust, reduce collisions and claims. The insurers have therefore committed to our Minister and, indeed, the Prime Minister that reduced claim costs will be fed straight back in and lead to reduced premiums.

The survey was very valuable. We look forward to the final report from the research team, if that can be made available to us. Nothing of immense surprise jumped out at us as we were listening to the briefing. As Barbara said, there was no surprise that the two least supported areas were the minimum period and the restriction on passengers. That has been a theme throughout the development of the Bill.

**The Chairperson (Ms Lo):** As has the cost. That has been a big issue.

**Mr Greenway:** I will come back to costs in a moment, if I may. As we said last time, it is about seeking a balance between the right of citizens to learn to drive at whatever age and the responsibility on them to drive safely, given that we are all responsible for each other at some level on the roads.

This is intended as a constructive proposal, but another thought relates to how Departments might be more involved in assisting such research. I raised previously with the Committee Clerk the exact wording of the complex area around passengers. In fact, one teenage passenger is allowed without restriction and without being a family member. It is a complicated area that may benefit from support from officials in creating the questionnaire and through their being present at the focus groups to give factual information rather than to seek to influence the process.

Another issue is the plates to be displayed by drivers when they pass their test. The Bill is silent on that, except to state that there will be an affirmative resolution debate on regulations for plates. Some members may be aware of the debate in the Executive paper process about what letter should be on the plate, but the Bill is silent on that, as has been the Department. The following question had gone out: "What do you think about an N plate?" That is explicitly not agreed. Again, if there had been a chance for the Department to review that, we might have come back and said that that is not right. That may just have helped the process. The Committee Clerk and I were talking about that during the lunch break. It may not have been pivotal, but it is probably incumbent on us all to be as factually accurate as possible in these things. I have a constructive suggestion about how Departments might feed into the Research and Information Service through those very valuable exercises.

On the issue of cost, one option that we had considered during the policy development of the Bill was a minimum number of lessons, but we decided not to proceed because of concerns about cost. Instead, we went for a minimum period, and I am sure that we will have some more debate now on what the minimum period should be and whether there should be exemptions, and so on. We explicitly put in the minimum period and explicitly stated that the logbook can be signed by a supervising driver or an approved instructor, whereas in the South, by law, you have to take 12 lessons, covering 12 different topics, with an approved driving instructor. We did not go that way. We felt that a syllabus that set out things to be covered and standards to be reached was a more appropriate way, as it allowed for responsiveness to where people were on the learning curve and how quickly they learned. Furthermore, we did not explicitly build in a mandatory cost for lessons, although 99% of learner drivers, including Mrs Cameron's children, take lessons from a professional.

**The Chairperson (Ms Lo):** The majority take lessons from instructors. Parents are too scared to take their children out.

**Mr Greenway:** We have tried to balance the issue of cost. People are learning a life skill. As the Department has said many times, going on the roads is the most dangerous thing that we do most days, and just because we do it regularly and it is second nature to us does not mean that it is not dangerous. We have to find the right way in which to balance protecting ourselves and all other road users. We have tried to find ways in which to make the cost proportionate and flexible rather than stipulate so many hours of lessons, or whatever.

**The Chairperson (Ms Lo):** Learning to drive is in many ways the first step. You learn all the technical and mechanical stuff. The main thing after that is the practice. In reality, you gain experience a lot after you get your licence. The first part is getting the driving licence. That is the basis for a person to go on and gain more experience.

**Mr Greenway:** I was reading something on one of the newsfeeds last week about the numbers of people going to insurers and asking what taking extra courses will do for their insurance. That suggests that a number of people, having passed their test, feel sufficiently motivated to look for additional interventions. Very often, as we know, in all fields of life, people who look for additional interventions may not be the ones most in need of them. People are looking to insurers to see whether they can be saved some costs at the same time as they are incurring extra costs, and many insurers are looking at those sorts of interventions, or at telematics, and so on.

This is a continuum, and a test is a point on that continuum. The balance to be struck is between how much you are seeking to ensure that it is done before, in what is, as all the statistics show, the very safe environment of being a learner driver with a supervising driver beside you, and how much you do it at the point at which you have just passed your test. Is it immediately all shackles off or is it, again, a continuum? The Bill proposes a short period of restrictions around carrying passengers but nothing around night-time driving. You then come out the other end of that and are into your full driving career, if you like. At the other end of one's driving career, there is the fitness-to-drive piece that the Department is also looking at in a non-legislative way at the moment.

**The Chairperson (Ms Lo):** OK. Members, we will now go through the clauses that we previously had discussions about and on which issues were raised. Members should refer to the pack prepared by the Committee Clerk, which is very helpful.

Clause 2 replaces the existing prescribed drink-driving limit with two new limits applicable to different categories of driving licence holder. Members, have you any issues to raise about the clause?

The two different limits are 50 mg of alcohol in every 100 millilitres of blood for the typical driver and 20 mg in every 100 millilitres for the young driver.

**Mr Greenway:** The young driver, the learner driver and the professional driver.

**The Chairperson (Ms Lo):** Yes. The lower limit is for new drivers of all ages. Is that right?

**Mr Greenway:** Yes.

**The Chairperson (Ms Lo):** Even if you are 45, that limit will apply.

**Mr Greenway:** Yes.

**Mr Boylan:** For clarification, who is included in the range of professional drivers?

**Mr Donald Starritt (Department of the Environment):** We see it covering, for example, HGV drivers and taxi drivers. However, there is a power in the legislation to vary through regulation those included.

**Mr Greenway:** It is only when they are driving in that capacity. If I am a lorry driver but am driving my private vehicle, the 50 mg limit applies. If I am driving my lorry, the 20 mg limit applies.

**The Chairperson (Ms Lo):** Yes. We also had a query about how the PSNI can enforce that. You responded by saying that, under the new Bill, the police can now set up checkpoints. They can then stop people.

**Mr Greenway:** In specified circumstances and with due controls, yes.

**The Chairperson (Ms Lo):** Yes. Previously, the police had to have a reason to stop people; for example, if the vehicle was wobbling about. Now, they can set up checkpoints. How many checkpoints will they set up, taking into account police time and all of that?

**Mr Greenway:** That will be a matter for the police.

**The Chairperson (Ms Lo):** It is really about resources and the rest. There is an ongoing difficulty with resources.

Do members have any questions for Iain and his team?

**Mrs Cameron:** I have one on the same point. I want to ask about taxi drivers who use their own vehicle as a taxi and whether they are lit up or not lit up. It might be tricky to enforce. How do you prove that they are working or not working?

**Mr Greenway:** It is potentially tricky, but there are operator licensing and record-keeping provisions for taxis. With a truck or a bus, it is clear what vehicle you are driving, but, with taxis, many of which become private cars at different times of the day, it may be less clear-cut. However, when the driver goes through a checkpoint, it will be clear whether the taxi has a paying fare on board.

**The Chairperson (Ms Lo):** Clause 3 will retain the right at the new lower prescribed limit of a driver to ask for a blood or urine specimen to replace a breath test if that breath test reading is marginally over the limit. What do we mean by "marginally"? Is it a percentage over the limit?

**Mr Starritt:** We covered the point previously. This is what is known as the statutory option, so people have that opportunity. I will remind members that we previously said that we had received legal

opinion on the matter. We have sought another legal opinion. We will be speaking to the Minister about it. I do not have the precise figures in front of me, but I think —

**Mr Greenway:** It is in the Bill. We need to switch from blood to breath, and there are, in law, three separate limits — urine, breath and blood — because they are three separate biological things. For instance, for the non-specified person, the legal limit is 22 mgs in 100 millilitres of breath. The statutory option will apply up to and including 31 mgs, so it is from 22 mgs to 31 mgs. For the specified driver, where the limit is 9 mgs, the statutory option will apply up to 15 mgs. Those are the tolerances that are set down in the Bill.

**The Chairperson (Ms Lo):** OK. That is quite a wide range, from 22 mgs to 35 mgs.

**Mr Greenway:** It is to 31 mgs. That replicates the percentage, if you like. It is the equivalent of the current 80 mg in 100 millilitres of blood. We have simply applied the same percentage tolerance to the new figures.

**The Chairperson (Ms Lo):** OK. Within that range, people can ask for a blood test.

**Mr Greenway:** They have a right to require it. It is not just a right to ask for it. They have a right for that to be performed.

**The Chairperson (Ms Lo):** OK.

**Mr Starritt:** The crux of the argument is this: given the reliability of breath tests and the equipment used, are those margins required?

**The Chairperson (Ms Lo):** That was in the past, but we are saying now that the technology has improved the accuracy of the breath test equipment. Furthermore, the police line is that, by the time that you take the individual to the police station and get a doctor or nurse to do the blood test, the person's blood:alcohol level will have dropped.

**Mr Greenway:** It may have dropped or it may have gone up. If you recall, when TTC 2000 came before the Committee, its representatives talked about the fact that levels can go up or down as food is absorbed. The additional operational issue for the police is that, if somebody has demanded a test, the likelihood is that they will have to close the checkpoint to take that driver back to the police station. It is about not just the impact on the biology of that driver but the impact on the enforcement activity.

**The Chairperson (Ms Lo):** Yes, the police cannot carry on with the checkpoint. The point was made quite strongly that the person in the police station could be waiting for up to two or three hours, which is taking up police time, because by the end of that two or three years the blood:alcohol level could very well have dropped.

**Mr Greenway:** It is two or three hours, not two or three years, Chairperson.

**The Chairperson (Ms Lo):** Two or three hours. Did I say "two or three years"? I am sorry.  
[Laughter.]

**Mr Boylan:** The person will have been convicted in that time.

**The Chairperson (Ms Lo):** You will be in jail. [Laughter.] You will have to wait until you are sober before being let out.

**Mr Boylan:** Chair, I do not think that that will be a big issue. If that is the only part of the Bill that we have to worry about, we will be grand.

**The Chairperson (Ms Lo):** Yes.

You also said that you have sought legal advice on whether people should have the right to ask for the blood test. As the Committee Clerk stated in the paper, the UK is the only country that has that statutory option, and it may be thinking about changing that.

**Mr Greenway:** No, the UK — sorry, GB — has changed that. The statutory option will be removed as of 10 April this year in England, Scotland and Wales.

**The Chairperson (Ms Lo):** Why should we not remove it as well?

**Mr Boylan:** A different country, Chair.

**The Chairperson (Ms Lo):** Different country, yes.

**Mrs Cameron:** Really?

**Mr Greenway:** For the record, Ireland never had the statutory option. The issue is whether article 6 of the European Convention on Human Rights is engaged by not having that ability. There are differing legal opinions on that. The fact that other signatories to the convention do not have such a provision is obviously one factor.

**The Chairperson (Ms Lo):** Has it ever been tested in court?

**Mr Starritt:** To the best of our knowledge, the absence of it in other countries has never been tested. Were, for example, the Department to bring forward legislation that removed the statutory option here, there is potential for that to be challenged in the Supreme Court.

**Mr Weir:** To clarify, given what is being said about England, Scotland and Wales, will we end up being the only place in Europe that has the option?

**Mr Starritt:** That is correct.

**Mr Weir:** To put it mildly, it strikes me that we are being overly cautious.

**The Chairperson (Ms Lo):** Exactly.

**Mr Weir:** I would have thought that there would be a fair level of defence if we were coming on to the same page as everywhere else in Europe. It strikes me that there needs to be a bit more thought about this.

**Mr Greenway:** There was a Supreme Court case in Dublin that turned on similar issues. I do not have the figures to hand, but it concerned somebody slightly over the limit. The court found that the scientific process, which in itself builds in tolerances to avoid false positives, was sufficient. I do not want to speak for the police or Forensic Science Northern Ireland (FSNI), but our scientific tolerances are broadly similar to those used by the scientists in Ireland, as you would expect, because this is medical science.

Some Committee members may recall that the first draft of the Bill, which was consulted on, removed the statutory option. Before the Bill was introduced, the statutory option was put back in, or its retention was put back in, because of concerns around the ECHR.

The challenge could come, as Donald intimated, on whether the Bill remained within the legislative competence of the Assembly. If the convention rights are engaged, it is no longer within the ability of the Assembly to legislate for it. Members will be aware there are mechanisms for the Attorney General or the Advocate General to refer provisions in a Bill to the Supreme Court prior to it receiving Royal Assent.

**Mr Weir:** If there were referring done, presumably just clause 3 would be referred.

**Mr Greenway:** Yes.

**Mr Weir:** It seems clear, Chair, that, if we are sending a message back to the Department to look at drafting amendments, I think that this may be one such amendment. I understand the reason for having a level of caution, but there may just be a fair degree of overcaution here. It would be one thing if there was a mixed picture of what different jurisdictions were doing. However, it would be an odd situation if 400 million or 500 million people throughout Europe were in one bit of the mix but there

was a particular provision for 1.8 million people here for something that is relatively universal in its nature. It seems to be a little bit misplaced.

**The Chairperson (Ms Lo):** This is the opportunity to remove the statutory option. Why should we not do it?

**Mr Greenway:** Speaking openly, I will say that our concern is that, if we were to amend the Bill to remove it — it is for the Minister to look at it, and, indeed, if there is a ministerial amendment, the Executive have a role in that process as well — and there was a challenge under the provisions in the Northern Ireland Act and Assembly Standing Orders and the Supreme Court found that the legislation was in breach, which, as Peter said, would potentially create issues for other signatories to the convention, the Bill would have to come back for an extraordinary Consideration Stage in the Assembly prior to Final Stage. With an Assembly election on the horizon, there is a concern that all of that could lead to the whole Bill falling if that process is not completed.

**Mr Weir:** The only complication with it coming back to an extraordinary stage is if there has been an issue with stuff, and I have seen that happen before. However, that has tended to be accommodated rather quickly. We are talking about an Assembly election, which is about 16 or 17 months away. It just seems to be —

**Mr Greenway:** We are flagging that issue, and it will take its place in the queue to be heard by the Supreme Court. Obviously, it is for the court authorities to determine the speed with which it moves through that queue.

You will have seen, from the fact that the Bill originally had it in but the Bill as introduced did not, that that issue has been under debate and consideration for some time, and we will discuss it again with the Minister on Monday. If we decided to remove it, given that the Bill was originally drafted without the statutory option, the drafting work has been done, by and large.

**The Chairperson (Ms Lo):** OK. We will be quick enough.

Does the Committee agree that we urge the Minister to look at this?

**Mr Boylan:** Not urge; just ask the question.

**The Chairperson (Ms Lo):** You have sought legal advice to say that it should be OK to go ahead.

**Mr Starritt:** As Iain said, it is something that we will be taking to the Minister.

**The Chairperson (Ms Lo):** It would be totally out of step with the rest of Europe, let alone the UK and the Republic of Ireland. I think that this is the time to do it. We would miss an opportunity.

**Mrs Cameron:** We cannot be out of step with the Republic of Ireland.

**Mr Weir:** We cannot be ourselves alone in this.

**Mr Boylan:** If you put a wee bit of Irish in it, maybe people would understand it. *[Laughter.]*

**The Chairperson (Ms Lo):** We would be seen as being backward and not being progressive enough as legislators. We need to be progressing.

**Lord Morrow:** It is complicated enough.

**Mr Boylan:** You would not want to step on the individual rights of a human being, you know what I mean, Chair.

**The Chairperson (Ms Lo):** Well —

**Mr Greenway:** We will take the point back to the Minister and, of course, the Minister may decide to make an amendment, and that is through an Executive process. If the Minister decides not to, of course it is open to any member to bring such amendment.

**The Chairperson (Ms Lo):** Or the Committee or members.

**Mr Greenway:** Yes, or a collection of members.

**The Chairperson (Ms Lo):** We move on to clause 7, which enables the introduction of new administrative fixed penalties, graduated penalty points and a fine to apply at levels below the existing limit where there is no existing offence. This will start all the arguments. Members, I will let you have a minute to look at it.

**Mr Greenway:** Clerk, would it be helpful for us to have sight of the paper as you discuss it? I know that it is your paper. There is a copy sitting in Colum Eastwood's place, but if it is a Committee paper and not for sharing, I fully understand that.

**The Chairperson (Ms Lo):** You can take mine.

Members, the main issue is that there are some concerns that professional drivers who are convicted of drink-driving at the lower limit for the second time would be subject to a three-year driving ban, which may be a disproportionate punishment in terms of loss of employment. That was mostly Alban's point.

**Mr A Maginness:** That was my point. You could change it to an option, but the court could impose a ban from one to three years. Do you see what I mean? The court could, in fact, exercise its discretion. Or, is that the present position? Mr Starritt, I think, is the expert on this.

**Mr Greenway:** Yes, I am glad that you recognise that. *[Laughter.]*

**Mr A Maginness:** He was exceptionally helpful the last time on this issue.

**Mr Starritt:** I will give a bit of background. It may be worth giving an example to show how this might work, and we can then maybe talk around that. If we had a scenario where a professional driver has a previous conviction under the current legislation of the limit of 80 mg and, when back driving again, commits an offence under the new legislation, where the 20 mg limit applies, the offence would not be regarded as a repeat offence because, previously, 20 mg was not an offence. In that scenario, that professional driver would be treated exactly the same as anyone else detected at 20 mg. In other words, they would get the option of the fixed penalty —

**The Chairperson (Ms Lo):** That would be seen as the first offence.

**Mr Starritt:** — and the penalty points. Where the point may kick in is if they commit a second offence at 20 mg. They would then face the three-year ban, and our argument there is that it has already been drawn to their attention. They do have additional responsibilities as a professional driver. They have had, if you like, the slap on the wrist, and it is a repeat offence, so we would argue that the three years is justified.

**Mr A Maginness:** Mr Starritt, can the court only impose three-year bans? Is that the position?

**Mr Starritt:** That is right.

**Mr A Maginness:** I think that three years is far too much for a professional driver. I think that you are depriving him of his livelihood. OK, he has committed —

**Mrs Cameron:** He has deprived himself.

**Mr A Maginness:** Yes, he has. He has committed an offence and so forth, but there may well be circumstances in which there is mitigation in relation to that. The court's hands are tied; it has to impose a three-year sentence. That, to my mind, is too much. The compromise might be between one and three years, with the court having that discretion.

**Mr Starritt:** A court can, if it feels that there are exceptional circumstances, go below the three years. There is evidence that that has been used on occasion. The guideline is three years.

**Mr A Maginness:** That is a general provision for any driving offence. Is that right?

**Mr Starritt:** That is right.

**The Chairperson (Ms Lo):** So, at the moment, if an offence is committed with 80 mg in every 100 ml of blood and they commit another offence, is that an automatic three-year ban?

**Mr Starritt:** Yes.

**Mr Greenway:** Yes, within a 10-year period.

**The Chairperson (Ms Lo):** So, are we saying that it will be a 10-year period for the new lower limit?

**Mr Greenway:** Yes.

**Mr Starritt:** The other point that is maybe worth making is that the 20 mg and repeat offence criteria would apply for young drivers as well, obviously. So, it is not just professional drivers that it will apply to but to young drivers.

**Mr A Maginness:** New drivers.

**Mr Starritt:** Sorry, new drivers.

**Mr Weir:** I have a couple of points on that. I appreciate what Alban has said, but I have to say that, first, I do not think that we should be making it more lenient for professional drivers than the public. To be honest, I expect that somebody in that position would hold themselves to a higher standard, particularly, for example, a bus driver. It can have wider implications for other people. The other point is that you can have a situation where somebody gets a ban and, although they are not a professional driver, it does cost them their job because, for instance, they are no longer able to travel to wherever it is, or because of the attitude that their employer takes or whatever. If, for example, a professional driver cannot then drive and, therefore, automatically, effectively, loses their livelihood, it is not as if professional driving is the only option for them and they are cast into society and cannot do anything at all by way of work. They just cannot do that particular job.

I think that it comes down to the basic thing that, at the very least, if you are a professional driver, you should take more cognisance of the law in this direction and should apply it more. The point has been made that, under very exceptional circumstances, in any walk of life, you could get a situation of an emergency type, and the court can listen and say, "Under those circumstances, we appreciate that it was maybe an issue of necessity." They may have felt that there was about to be a death or something of that nature. There could be some sort of mitigating factor that is so exceptional that it is already catered for. I do not think that we should be making additional provisions for that, particularly in light of what we have heard today.

**The Chairperson (Ms Lo):** That can be a deterrent. People just need to bear in mind that if they offend again, there will be very serious consequences.

**Mr Starritt:** We are encouraging people to act responsibly and to not drink and drive. The alternative is to take a bus or a taxi. If you do that, you should do it in the expectation that you are putting your safety in the hands of someone who has not taken any drink. So, that is the Department's line of argument.

**The Chairperson (Ms Lo):** That is in the course of them driving professionally, not when they are at home and going down the road to pick up their kids.

**Mr Starritt:** That is right.

**Mr A Maginness:** I still think that it is disproportionate, and I am not absolutely convinced that the flexibility that Mr Starritt talks about would be particularly applicable in these instances. I think that it would be much better if specific flexibility was built into it so that the court would have to impose a minimum sentence of one year's suspension up to three years' suspension. I think that that would be a better way of proceeding. I think that it would be a fairer position.

**Mr Greenway:** We provided the Committee with some statistics that show figures for first-time offenders and repeat offenders under the current law — so, under the 80 mg — and the range of sentences. Perhaps the Committee Clerk could find those again. We can do that, if necessary. Those show the range of sentences imposed by district judges. It was a substantial range, presumably on the basis that there is a mandatory sentence, but they will take aggravating and mitigating circumstances into account. So, the legislature has set down what it expects the norm to be. The judiciary is hearing individual cases and taking individual cases on their merits, and it showed that a considerable range was applied. It is not for us to look at individual cases, but we shared those statistics with the Judicial Studies Board so that judges could see the information and the collation of figures. It was not to say, "You should do a, b or c", but rather to say, "Judges, you may be interested in how collectively you are applying the provisions."

**Mr Starritt:** The headline figures from those findings refer to all drivers, not just professional drivers. The statistics that we have suggest that 19% of repeat offenders were disqualified for less than three years. Eighty-one per cent got the three years or more, but the figure of 19% does seem to illustrate that an element of discretion is being applied.

**Mr Greenway:** The next figure is relevant as well, which is that 33% were banned for four years or more. So, it was not a one-way process.

**The Chairperson (Ms Lo):** Sorry, can they be banned for even more than three years?

**Mr Greenway:** There is a mandatory minimum, but, from memory, one or two — it is all in the figures — got significantly more than four-year bans.

**Mr Weir:** Somebody who was, for example, twice the limit or well over it.

**The Chairperson (Ms Lo):** OK.

**Mr Greenway:** Those figures are a summation of quite a lengthy statistical research paper.

**The Chairperson (Ms Lo):** OK. So we are saying that there is a statutory minimum of three years but that it is not mandatory and that the judge has discretion over it.

**Mr Greenway:** Judges have the ability — I am sure that judges will say the duty — to consider the facts of individual cases.

**The Chairperson (Ms Lo):** Are you satisfied with that, Alban?

**Mr A Maginness:** Not really, but there is obviously a difference of opinion, and I will think about it. I still adhere to my original point. I think that the flexibility should be written into the provision.

**The Chairperson (Ms Lo):** The Committee is not keen to ask the Minister for an amendment.

**Mr A Maginness:** I accept that.

**The Chairperson (Ms Lo):** OK. We will move on to clause 9, which enables police to issue a further fixed-penalty fine for the non-completion of an approved course for drink-driving offenders. The clause will enable a driver to access the same course through the fixed-penalty system rather than through a court. Members previously asked whether there will be an additional penalty for those who booked the course but did not attend. I think that you said that the further fixed penalty of £100 would simply bring the amount of penalty up to what it would have been at the start, £200.

**Mr Greenway:** And the course provider may charge a cancellation fee.

**The Chairperson (Ms Lo):** That is a lot of follow-up that you have to do. How do you check on everyone that they have completed it?

**Mr Greenway:** There are processes through the provider providing information through the Court Service. The same applies in larger numbers for speed-awareness courses. The police run those; they are not part of DOE's responsibilities. If you do not attend within a certain period or do not

complete the course — it is not just attending; it is successfully completing — you go back to the preceding position, where you get the points or the fine or whatever it may be, and you may also be stung for a cancellation fee, depending on the circumstances.

**The Chairperson (Ms Lo):** Additional administrative costs.

**Mr Greenway:** Yes. That is what it is designed to do. Somebody else cannot attend that course if you cancel at the last minute, and so on.

**The Chairperson (Ms Lo):** Are members content with the clause as drafted?

*Members indicated assent.*

**The Chairperson (Ms Lo):** We move on to Part 3: learners and new drivers. We are looking at clause 16, which reduces the minimum age for obtaining a provisional licence from 17 to 16 and a half. I do not quite agree with lowering it, but, in general, members seem to be quite content with it.

**Lord Morrow:** No, we are not.

**The Chairperson (Ms Lo):** OK. Good.

**Mr Weir:** A lot of the evidence we received showed that, if anything, it seemed to be slightly older in other jurisdictions. I appreciate that there may be some states in America where —

**The Chairperson (Ms Lo):** From 14.

**Mr Weir:** Yes. Places where you can marry your cousin and that type of thing. *[Laughter.]*

**The Chairperson (Ms Lo):** I do not feel safe on those roads with a 14-year-old driving a car.

**Mr Weir:** In any event, I appreciate the thinking behind it and that, in one sense, it is part of a package that we have some other issues with. I do not see a particular rationale for lowering it from the existing age of 17.

**The Chairperson (Ms Lo):** It was not in the consultation paper, anyway. It was never consulted on. Is that right, Nicola?

**Ms Nicola McEvoy (Department of the Environment):** We consulted on raising the age. On the question about the mandatory learning period, we said, "If we brought in a learning period, would you like a year if it maybe meant that the age could be reduced?". It was a roundabout question, but quite a few people suggested that they would not mind a one-year learning period if they were allowed to start driving provisionally at a younger age. That is how it all came about; it was the combined effect of the one-year period so that it did not push the full licensing age right up to 18.

I note that the insurers, in their response, commented that the length of time that somebody has held a provisional licence for could work in their favour for insurance costs. That may add some weight as to why 16 and a half might be —

**The Chairperson (Ms Lo):** Sorry, could you say that again?

**Ms McEvoy:** The insurers said that some insurers consider how long somebody has held a provisional licence when deciding what the cost should be for insurance.

**The Chairperson (Ms Lo):** When they pass the test?

**Ms McEvoy:** If somebody has had the opportunity to hold their licence from 16 and a half and achieves their licence at 17 and a half, so that they have held their licence for a year, that may result in lower insurance costs for them.

**The Chairperson (Ms Lo):** But it does not mean they have started driving from 16 and a half?

**Ms McEvoy:** It does not necessarily mean that.

**Mr A Maginness:** I follow what Ms McEvoy has said. It is not an unreasonable compromise for someone to start driving at 16 and a half, learn for a year and get their licence at 17 and a half. It is a good compromise, given that you have that compulsory year.

**Mr Weir:** There is a complication, although I appreciate what Alban is saying. That may well hold true, and I do not want to prejudge the view of the Committee, but I think there is a lot of concern over the 12-month period. When Mr Eastwood raised the issue, he said he had some concerns over the 12-month period. I think a lot of us would have concerns over the 12-month period.

**The Chairperson (Ms Lo):** You are concerned about the 12-month period?

**Mr Weir:** I have concerns about the 12-month period.

**The Chairperson (Ms Lo):** Me too.

**Mr Weir:** We have talked about different bits of that. Yes, I think you are right that the two are interlinked, but if you have concerns —

**The Chairperson (Ms Lo):** It is a compromise.

**Mr Weir:** — that the 12-month period is inappropriate, then logically, or to some extent, 16 and a half is inappropriate as well. If you were to stick rigidly to the 12-month period, there would be a stronger case for 16 and a half.

**Mr A Maginness:** Chair, if that is the position, we will have to consider the 12-month period first, before the age.

**Mr Boylan:** I agree that we cannot have both. It is either 16 and a half and we look at the time, or 17, if we are going back. We certainly could not have 16 and a half and 12 months. I have no problems with 16 and a half either, to be honest.

**The Chairperson (Ms Lo):** Yes. Will we park this in the meantime?

*Members indicated assent.*

**The Chairperson (Ms Lo):** We move on to clause 17, which requires a person to hold a provisional licence for at least a year before taking the practical test. Clauses 16 and 17 are interrelated. Previously, we talked about exemptions for people who need to learn to drive quickly, whether to go for work or where a woman is pregnant and wants her licence before the birth of the baby.

**Mr Greenway:** The Bill allows regulations for exemptions from the minimum learning period, whatever that may be. I counsel, as I did at a previous appearance before the Committee, against a requirement from which 90% are exempt. It is a matter of finding an appropriate balance. Nicola has reminded me that the one exemption that does apply is for a person for whom somebody receives carers' allowance.

**Ms McEvoy:** We are taking the power because that is one of the exemptions we see as required. We have not said in the Bill that it is for carers' allowance, but that was one of the exemptions we envisaged.

**Mr Greenway:** Barbara mentioned in her briefing that the logic of 12 months was to get experience in all weather conditions.

**The Chairperson (Ms Lo):** We appreciate that.

**Mr Greenway:** It is not just the weather and temperature; it is the lighting conditions caused by the very low sun in winter and so on. That is the logic for 12 months. You are quite right: once you put 12 months in you have to look at the starting age, at where the block of 12 months fits. The two things go very much together, therefore. If one removed minimum ages and relied solely on the syllabus —

effectively not too different from the situation now — one would deconstruct piece by piece any graduated driver licence and end up more or less with what we have now, where young males are six times more likely to be killed on the road than the average driver. I accept that there is a challenge for us all, but it is about finding the balance between rights and responsibilities.

**The Chairperson (Ms Lo):** I think we understand what you are saying. We talked in general about the fact that a lot of young people take lessons every week, say for 10 or 12 weeks, and their parents help them to practise in between. They are never going to be able to cover that whole year unless they have one in the winter with a driving instructor in January and then spread it out over 12 months. Having the learning and practising over a long period of 12 months is not going to help them.

**Mr Greenway:** I take cognisance of all those points, including those that Pam raised with Barbara about cost. The cost is not a direct implication, but I accept that there could be indirect implications, as you set out. What would be the Committee's mind on a six-month period?

**Mr Boylan:** I think that six months is quite reasonable.

**The Chairperson (Ms Lo):** I think so too.

**Mr Boylan:** I agree with what has been said about learning at different times of the year and all that, but, at the end of the day, it ultimately comes back to driver ability. This was getting to me, because some rural people can do it within three months. I still think that it should be down to driver ability. I would certainly go with 6 months, rather than 16 and a half.

**Mr Weir:** Do you mean if 16 and a half is dropped?

**Mr Boylan:** Everyone is arguing about 17. I would not go for 16 and a half and then have a minimum of 12 months; it would be 17 and a half.

**Mr Greenway:** Could I put two thoughts, and no more, on the table? Either you go for 17 and six months, or you go for six months minimum and the earliest date you can do a test is at 17 and a half, but you could take a provisional licence at 16 and a half if you wished to gain that 12 months' experience. You could not, however, take a test before you were 17 and a half. They are just two thoughts based on the discussions you were having.

**Mr Weir:** Where 17 being the age is concerned, I could live with one of two scenarios. Either there is a six-month period, or it is tied much more closely to specific skills without a particular time limit. Twelve months, to my mind, is excessive. I appreciate the thinking behind wanting different conditions. The reality is that you could be driving on a sunny day in June or a sunny day in December and conditions could more or less be the same. Then you could drive on a Tuesday and a Wednesday on the one week and they might be completely different. I could certainly live with the six months on the basis that 16 and a half is dropped and 17 is kept as the minimum, which would then mean that the age would be 17 and a half. I could also live with a situation in which it is tied in with specific driving experiences. To be honest, you are probably talking about a fairly similar time frame with either of those two. I think it is difficult to jump the hurdle of a range of experiences without it lasting six months or close to that. I appreciate that there are some folk who, within a matter of three or four months, have the skill to pass their driving test. It strikes me that it is not an excessive wait if they are being asked to wait an extra month or two to get to the six-month period, but I think that 12 months is, to be honest.

I also think that you move much more towards the situation where exemptions become a lot less significant if you have a shorter time frame. If you have a situation where a cart and horses are driven through it because there are so many exemptions, it becomes meaningless. Arguably, it would become so discriminatory against those who are left under a 12-month period.

**Mr Greenway:** The six months is for not just gaining the experience but encountering the different situations. It is not just about you driving and how well you are driving; it is about what some "idiot" on the road does to you. That means not just other drivers but motorcyclists, pedestrians, or horse riders.

**The Chairperson (Ms Lo):** To be honest, I think if you asked the public, especially parents with a teenager, you would find that they would be horrified to think that we were reducing the age from 17 to

16 and a half. I remember when my two sons started, I had friends saying, "You already let them on the road at 17?". And we are saying 16 and a half.

**Mr Greenway:** I will have to break this to my 12-year-old at home, who is starting to count the days down to 16. *[Laughter.]*

**The Chairperson (Ms Lo):** But parents would be quite reluctant to argue with a 16-and-a-half-year-old, yet the law says you have to be 17.

**Mr Greenway:** Do I get a sense that, if the Minister were to bring in an amendment saying there is an age minimum of 17 and a six-month minimum learning period, that may well meet satisfaction with the Committee?

**The Chairperson (Ms Lo):** Yes, I would certainly support that, Iain. Would others support that?

**Mr A Maginness:** I think so, yes.

**The Chairperson (Ms Lo):** I think it makes sense to me.

**Mr Boylan:** There is no difference to now.

**The Chairperson (Ms Lo):** Sorry, Cathal?

**Mr Boylan:** No, sorry, Chair. I am just talking to Barry.

**Mr Greenway:** He is talking to me and Barry.

**The Chairperson (Ms Lo):** Right. Would Sinn Féin support that?

**Mr Boylan:** I will come back to you on that, Chair.

**The Chairperson (Ms Lo):** OK.

**A Member:** After the ard fheis. *[Laughter.]*

**Mr Weir:** Will you be coming back in six months or 12 months? *[Laughter.]*

**Mr Boylan:** I could come back in three months.

**The Chairperson (Ms Lo):** Not two years, as I said earlier.

**Mr A Maginness:** Chair, Cathal raised a point about party positions. I have not discussed this fully in our own group. What we discuss here is in the Committee, but people are interested, obviously, in this discussion, so I could not give you a definitive SDLP position on it. I have not even discussed it privately with the Minister, I have to confess. I think that, when we are saying these things, we have to take into account what parties might ultimately decide collectively.

**The Chairperson (Ms Lo):** I have consulted with my party. I am one step ahead of you. *[Laughter.]*

**Mr Boylan:** It seems, Chair, that, after all the debate, we are back right to the start, so we will come back to you on that.

**The Chairperson (Ms Lo):** Would the Department maybe talk to the Minister? You are meeting the Minister on Monday, so the Committee would certainly support the age staying at 16.

**Mr Weir:** Seventeen. *[Laughter.]*

**The Chairperson (Ms Lo):** I urge all members between now and next week to talk to their parties and ascertain —

**Mr Weir:** Seventeen.

**The Chairperson (Ms Lo):** No, between now and next week about the age and whether you support 17 or 16 and a half.

**Mr Greenway:** If that were to be the consensus, the drafting would be straightforward. There would be a change from "12" to "six" in clause 18, and actually clause 17 would be removed because it is the status quo.

**Mr Weir:** Is it not clause 16 that should be removed?

**Mr Greenway:** Sorry, yes. For the record, clause 16 would be removed, and "12" would be replaced by "six" in clause 17. Who numbered these clauses with the same numbers? *[Laughter.]*

**The Chairperson (Ms Lo):** OK, we will move to clause 18 —

**Mr Greenway:** Sorry, I raised that point, Chair, because if the Committee felt that it was in a position to move to the formal clause-by-clause next week, that would probably be in the absence of the redrafted clauses in this instance and potentially on the statutory option. However, the drafting in this case is a straightforward matter of removing a clause and changing one number in another.

**The Chairperson (Ms Lo):** OK. Are members content with that?

*Members indicated assent.*

**The Chairperson (Ms Lo):** Clause 18 relates to approved programmes of training. It is really about the logbook as a document where the driving lessons or practice undertaken by a person who is working through the approved programme of training are recorded. They must be signed by an approved driving or motorcycle instructor or a qualified driver.

Iain, if we change the period from one year to six months, is it going to affect this clause?

**Mr Greenway:** It will not affect the clause, but it will potentially affect the detail of the logbook. We have been doing some work with DVA, which has the experts in examining drivers. We would take that into a zone of a six-month minimum period. That does not mean that somebody has to come in on six months; they could, of course, take longer. However, that would be framed in the logbook. It would not affect this and probably would not affect the regulations under the Bill. It would be more of a policy, administrative piece about the detailed wording in the logbook.

**The Chairperson (Ms Lo):** That is fine. Will we see the draft logbook at some stage?

**Mr Greenway:** Yes. I think that I had committed previously that there would be sight of at least a good, solid, late draft of the logbook before we got to the negative resolution process for the regulations on it.

**The Chairperson (Ms Lo):** Are members content with that?

*Members indicated assent.*

**The Chairperson (Ms Lo):** Clause 20 will remove the current 45 mph speed limit on new and learner drivers and will impose restrictions on newly qualified drivers.

We heard quite a bit from the young people about the restrictions on them. Although I understand the rationale, I think that it is so complicated that it will be difficult for you to send out the message. The police have also said that there will be difficulties at the roadside in verifying who is and who is not under 20 and who is a member of the family.

**Mr Greenway:** I accept the challenges. Indeed, that came out in the research and in some of the comments that Barbara referred to.

We need to bear in mind that, philosophically, people do not set out to disobey the law. In this case, the individual and their parents, or whoever has an interest in the vehicle, are involved. There is a point of education, and you are quite right; it is not just who can and cannot go in and under what circumstances but why this is required. The answer is that there are too many catastrophic incidents. We do not know the details, and it would be unfair to look at particular incidences, but there have been incidences in this jurisdiction of large numbers of young people being killed — one in County Armagh last year or the year before comes to mind, as well as whatever happened in County Kildare last week. There are too many of what the insurance industry calls catastrophic claims, which involve about seven- or eight-digit figure payouts.

**The Chairperson (Ms Lo):** I agree with that. I do not have a problem with it, but I think that you will need a very good campaign to explain your rationale and detail the restrictions.

Are members content with that?

*Members indicated assent.*

**The Chairperson (Ms Lo):** Clause 22 will extend the requirements regarding protective headgear to quadricycles. I think that members were reasonably content with that. Our query was whether it should be extended to tricycles, but I think that you said that the Department has the power to include tricycles outside the Bill.

**Mr Starritt:** That is right.

**The Chairperson (Ms Lo):** And that it may consider including those vehicles in the regulations.

**Mr Starritt:** That could be done, Chair, when we come to consult on the regulation of quads.

**The Chairperson (Ms Lo):** OK.

**Mr I McCrea:** Wording is always important, and I noticed that you said that that "could be done." I do not see any reason why it should not be done, and I do not think that anybody out there would overly object to it. For the most part, it probably is done, but it should not be a case of saying that it could be done if we so feel the need to do it; it should be more about looking at ways of including it.

**Mr Starritt:** The policy consultation on the Bill was some time ago, obviously, and the question was asked at that time. There were very few responses — maybe not surprisingly — on that issue. There was pretty much a halfway split on whether this should be included. I suppose we can commit to asking the question again when we go out to consultation on the regulations.

**Mr Greenway:** I am certainly content to say that, when the Department progresses the regulations on quad bike users, which we intend to do at a reasonably early date after Royal Assent, we would also progress consideration and consultation on tricycles, again based on the low level of response. Interestingly, when the issue was raised in the Minister's road safety forum, there were two diametrically opposed views, from people around the forum table whose opinions I respect, on whether tricycles should be included and whether it should be two and four and not three, or two, three and four. To my mind, once you have done two and four, mathematically, it makes sense to do three as well. However, there were differing views. We need to tease that out, because we have not explicitly consulted on it, although it has been a bit of a question along the way.

**The Chairperson (Ms Lo):** They do go very fast.

**Mr I McCrea:** Two does not go into three, and three does not go into four.

**The Chairperson (Ms Lo):** They are motorised and go very fast. When are we going to ask people to put helmets on when they are cycling?

**Mr Greenway:** I think that my colleagues are waiting behind me to come in on other topics, Chair.

**The Chairperson (Ms Lo):** I think that that is important too.

Are members happy that we will, from next week, go into formal clause-by-clause?

*Members indicated assent.*

**The Chairperson (Ms Lo):** We will see you next week.

**Mr Greenway:** I look forward to it.

**The Chairperson (Ms Lo):** Thank you.