



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

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

22 January 2015

NORTHERN IRELAND ASSEMBLY

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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 Colum Eastwood
Mr Alban Maginness
Mr Ian McCrea
Lord Morrow
Mrs Sandra Overend
Mr Peter Weir

Witnesses:

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 welcome the usual members of the team: Iain, Donald and Nicola. Do you want to brief us on this?

Mr Iain Greenway (Department of the Environment): Of course. Thank you, Chair and Committee. Following last Thursday's session, we spoke to the Minister on Monday about the three areas that the Committee had asked the Minister to consider. The area that we had most discussion with him about was clause 17 and the reduction of the minimum mandatory learning period from 12 months to six months. The Minister is broadly content that we can achieve much of the road safety benefit of the minimum mandatory learning period in that reduced period, and it will be reflected in the syllabus and logbook. As Peter indicated last week, it should enable a much more restricted exemption regime around the shorter period than around the 12 months. So, the Minister is broadly content and, at Consideration Stage, subject to Executive clearance, can explain that more fully to the House.

You had asked us to step through the three substantive amendments and a small number of technical amendments. If you are content, I will ask Donald to take you through those.

Mr Donald Starritt (Department of the Environment): As Iain said, there are basically two groups of amendments. There are the substantive policy amendments and a small number of technical amendments. There are three policy amendments, all of which are being brought forward by the Department at the request of the Committee. Clause 3, as it stands, applies the statutory option to the new lower limits. So, now that we are removing the statutory option, clause 3 will go from the Bill completely, and we will bring in a new clause simply to remove the statutory option from the statute books. That is fairly straightforward.

The second one is an amendment to retain the minimum age for a provisional licence at 17 rather than reducing it to 16, and that simply entails removing clause 16. It leaves things as they are.

The third amendment is reducing the minimum period for holding a provisional licence to six months rather than 12 months. That involves redrafting clause 17 to substitute "six-month period" for "12", and there are some consequential changes in schedule 1 simply to follow on from that. The precise wording of those will be down to the Office of the Legislative Counsel (OLC), but we anticipate no difficulty and that they will be very straightforward amendments.

The other group is the technical amendments. We discussed those with the Committee over the last two sessions. One of those is a minor numbering amendment in clause 18, and that simply entails the paragraph that is currently numbered "13A" becoming "13B". Again, it is a straightforward change.

The only technical changes are being made in response to the Examiner of Statutory Rules's request, and that provides that any subordinate legislation is subject to draft affirmative procedure rather than affirmative procedure. Again, it is a technical change and seems to be consistently requested by the Examiner.

The Chairperson (Ms Lo): It seems that we are now going for draft affirmative resolution rather than affirmative.

Mr Starritt: That is right. It does not change the fundamentals, where there is provision for the debate in the Assembly. It does not alter Assembly control. It is basically more procedural for us as civil servants and affects how much of the process we go through before the debate.

The Chairperson (Ms Lo): Are members content? Are there any questions for the officials?

Mr Boylan: Thanks for the clarification. I am trying to think what the youth groups and all said about the original proposal. Clearly, there is no consultation period. Will you clarify exactly what they said? I think that the Committee indicated last week that it is happy enough to move to 17, which is grand. I know a number of young people who took their test two, three, four or five weeks after their seventeenth birthday. I have often said since the start of the process that it is about driver ability. The only difference is that we are adding on a period of six months before they can do that test. They should be fit to do the test. Can you remember the responses of the youth groups as part of the consultation? How many were in agreement with the 16-and-a-half proposal?

Mr Greenway: In the figures that the Research and Information Service (RaISe) presented last week for the Committee's engagement with children and young people, 67.7% of young people and 73.5% of youth organisations felt that it was a good idea to reduce the age of licensing to 16 and a half. In terms of the one-year minimum mandatory learning period, 36.6% of young people thought that that was a good idea, compared with 51.2% who thought that it was a bad idea. For youth organisations, 39.4% thought that it was a good idea, and 51.5% thought that it was a bad idea. That was reasonably evenly split. Indeed, I think that Nicola pointed out to me that it was much more so than when the Department consulted on it as part of the development of the policy in late 2011, when there was a stronger majority against a 12-month mandatory minimum learning period.

In effect, the two amendments to clauses 16 and 17 will retain the minimum age at which somebody can take a practical test at 17 and a half. The Bill still creates that arrangement and moves to it; it does it by making two changes that increase the minimum age to 17 to hold a provisional licence. It was reasonably broadly split on the minimum mandatory learning period of 12 months between being and not being a good idea. One anticipates that, if you had said, "What about six months?", the numbers probably would have changed in support, potentially to create a majority in support, but that is conjecture from the figures. A shorter period is more likely to have been positively received by more people.

The Chairperson (Ms Lo): The thing is that, if people need more than six months, they can take a year or two years —

Mr Greenway: That may be because they need longer to learn. It may be that they have to stop for a period and not proceed with their learning because of personal circumstance.

The Chairperson (Ms Lo): Or, if they fail, they have to do it all again. Sometimes, it takes a whole year.

Ms Nicola McEvoy (Department of the Environment): We want to promote the mandatory learning period as the minimum. Six months is the absolute minimum. We want to encourage people to take up as much practice as they can.

The Chairperson (Ms Lo): Absolutely. I am very pleased that the Minister and the Department are happy to go along with our suggestions to amend the three clauses. Members, are you content that the Department is going to make the amendment? Do you need to have sight of the wording of the amendment before we go on —

Mr Eastwood: I trust the Minister.

The Chairperson (Ms Lo): — to the formal clause by clause? Are you happy?

Mr Weir: You would. I want it written in blood. *[Laughter.]*

Mr Boylan: Or carved in stone.

The Chairperson (Ms Lo): OK. I wanted to ask just in case you said that I did not ask.

Mr Weir: To be fair, it is very publicly on the record.

Mr Greenway: As Donald indicated, these are, in drafting terms, straightforward amendments. We had hoped to be further on in the process, but the individual in OLC who drafted the Bill is off at the moment. Understandably, her colleagues would rather that she looked at it rather than them trying to understand the structure of the Bill. However, it is a mechanical piece rather than an operational difficulty.

The Chairperson (Ms Lo): It is very straightforward.

Mr Starritt: The only thing, Chair, is that there is potential that the order and numbering of the clauses could change. However, that will be a minor change, nothing substantive.

The Chairperson (Ms Lo): Members, are you content with the consequential amendment proposed?

Members indicated assent.

The Chairperson (Ms Lo): Members, I just want to check whether you want any further amendments. No. OK. Members, you have indicated that you are content with the proposed amendments, including clause 3.

We can now proceed to formal clause-by-clause consideration of the Bill. I remind members that formal clause-by-clause consideration is your last opportunity to discuss the clauses, and any decisions will be final. I will read out the clauses, one by one.

Members, we previously indicated that we were broadly content with clauses 1 and 2.

Question, That the Committee is content with clauses 1 and 2, put and agreed to.

Clause 3 ("The prescribed limit": further provision)

The Chairperson (Ms Lo): The Department proposes a small technical amendment to clause 3 to comply with the Examiner's recommendation that the regulation-making power shall be subject to draft affirmative resolution rather than affirmative resolution as presently drafted. We have previously indicated that we have no objection to the amendment. Members have asked the Department to bring forward an amendment to remove the statutory option, as discussed earlier in the meeting.

Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.

The Chairperson (Ms Lo): We previously indicated that we were broadly content with clauses 4 to 15.

Question, That the Committee is content with clauses 4 to 15, put and agreed to.

Clause 16 (Minimum age for licence: small vehicle)

The Chairperson (Ms Lo): The Department has agreed now to remove the clause so that the minimum age remains at the current statutory age of 17.

Question, That the Committee is content with clause 16, put and negated.

Clause 17 (Provisional licence to be held for minimum period in certain cases)

The Chairperson (Ms Lo): The Department has agreed to bring forward an amendment to reduce the minimum required period of learning to six months.

Question, That the Committee is content with clause 17, subject to the proposed amendment, put and agreed to.

Clause 18 (Approved programmes of training: category B motor vehicles and motor bicycles)

The Chairperson (Ms Lo): The Committee proposes a technical amendment to clause 18. Members have already indicated that they have no objection to the amendment.

Question, That the Committee is content with clause 18, subject to the proposed amendment, put and agreed to.

Mr Boylan: Chair, you will now have to give some thought to clarification in relation to the programmes of training and guidance on it, because it was for over a period of 12 months and over different conditions and everything else. You will have to reconsider some of that, yes?

Mr Greenway: Yes, and we have previously made the commitment to give the Committee sight of that as early we can before we go through the formal regulation-making process.

Mr Boylan: No problem.

The Chairperson (Ms Lo): We will put that in our report.

The Chairperson (Ms Lo): Members previously indicated that they were broadly content with clauses 19 to 22.

Question, That the Committee is content with clauses 19 to 22, put and agreed to.

New Clause

The Chairperson (Ms Lo): Clause 22A is a further amendment to the Order of 1995. The Department proposes to insert a new clause to comply with the Examiner's recommendation that certain regulation-making powers should be subject to draft affirmative resolution. The proposed clause would read as follows:

"22A In Article 110 of the Order of 1995 (general provision as to orders and regulations) in paragraph (4) (regulations), for 'be subject to affirmative resolution' substitute 'not be made unless a draft has been laid before, and approved by a resolution of, the Assembly'."

No issues were raised with officials on that clause during the initial consideration.

Question, That the Committee is content with the new clause, put and agreed to.

Clause 23 (Supplementary, incidental and consequential etc. provision)

The Chairperson (Ms Lo): Although no issues were previously raised with officials on clause 23, the Department now proposes to bring forward a consequential amendment, as discussed earlier in our meeting.

Question, That the Committee is content with clause 23, subject to the proposed amendment, put and agreed to.

The Chairperson (Ms Lo): We previously indicated that we were broadly content with clauses 24 to 27.

Question, That the Committee is content with clauses 24 to 27, put and agreed to.

Question, That the Committee is content with schedule 1, put and agreed to.

Schedule 2 (Repeals)

The Chairperson (Ms Lo): The Department is proposing a consequential amendment to part 2 of schedule 2.

Question, That the Committee is content with the schedule, subject to the proposed amendment, put and agreed to.

The Chairperson (Ms Lo): That concludes the formal clause-by-clause consideration of the Road Traffic (Amendment) Bill. Thank you very much to Iain, Donald and Nicola for working through that with us. A draft report of the Committee Stage will be produced for members' consideration as soon as possible.

Before you go, Pam Cameron, Deputy Chair, has brought to my attention —

Mr Greenway: Could I just talk about the Bill before you go on, Chair? The Department has found it a pleasure to work with the Committee on the Bill. We may have our differences on other matters, but we have been very happy with the engagement and the seriousness with which the Committee has taken what we, in the Department, feel is an important Bill to save lives on our roads. Particular thanks to the Committee for advancing its schedule beyond that which had been agreed by the Assembly of the end of March for the report. The Minister will seek to move forward through the Executive process to agree amendments at Consideration Stage sooner rather than later.

The Chairperson (Ms Lo): OK. Good.