

THE MAGISTRATES' ASSOCIATION

ROAD TRAFFIC COMMITTEE

Transport Committee Inquiry - Drink & drug driving law

The Magistrates' Association welcomes the opportunity to submit written evidence for a short inquiry into drink and drug driving law, setting out their views on Sir Peter North's recommendations.

Our views on the particular issues noted are as follows:

1. Should the permitted blood alcohol limit be reduced as proposed?

It has long been the policy of the MA that the limit should be lowered from 80mg to 50mg, based on a resolution passed at a previous AGM of the Association. We can offer no evidence to support this, as clearly we do not see in court any drivers below the current limit. We have been waiting to see data collected by the new generation of enhanced, memory equipped, electronic road side screening devices to see what light it sheds on the question.

2. If so, is the mandatory one year driving ban appropriate for less severe offenders, at the new (lower) level?

No, this matter was recently considered at the National Council of the Magistrates' Association, which concluded that there should be mandatory disqualification for the new lower range embraced, but it should be for a shorter period, say six months. It is a general principle that punishment should be proportionate to the severity of the offence. We also note that other European countries that have adopted the lower level have much less severe penalties.

3. How severe is the problem of drug driving and what should be done to address it?

We are aware of the widespread use of illegal drugs through our court experience but since we see only a small number of prosecutions for drug driving, we therefore suspect that the current legal regime is not very effective, and there is a considerable problem which is not being addressed. In those cases where both drugs and alcohol have been taken, the police are likely to proceed only on the alcohol issue, as that is readily measurable.

We support the recommendations made by Sir Peter North, in particular the introduction of screening devices and the introduction of an offence of driving with a level of certain drugs in the body over a prescribed limit.

4. What wider costs and benefits are likely to result from changes to drink and drug driving law?

The benefits of a lower number of road accidents are self-evident, and a stricter regime in relation to drug-driving would hopefully lead to something of a reduction in the use of drugs. There would be costs implication in introducing screening and measuring devices to test the level of drugs in a driver's body. There may be a cost to the alcohol industry and to rural pubs in lowering the drink-drive limit.

5. What would be the implications of such changes for enforcement?

In our view the effectiveness of the law depends very largely on the number of tests carried out. We would welcome legalising random breath tests and the abolition of the statutory option of a blood test at a low level of breath. Evidential roadside breath testing when introduced should mean less time is spent in the police station, and therefore the possibility of more time at the roadside looking for further offenders. Random drug testing could be carried out alongside breath testing.

6. Disqualification

We should like to mention one other matter. The most effective sanction against drink-driving is disqualification, but this is effective only if it can be enforced. We are concerned at the number of people we see who drive while disqualified, and the prevalence of driving while disqualified as a repeat offence. We see people with convictions numbering in the 20s, 30s and 40s. Clearly, the period of custody which can be imposed for what is currently a summary-only offence is not a sufficient deterrent for such offenders. We have been pressing the government to make driving while disqualified an either way offence once again, at least when it is a serial offence, so that a longer period of custody could be imposed. The previous administration was not persuaded that this is necessary, but we urge that this position should be revisited, or alternatively that the provision already enacted that increased the maximum sentence available to a magistrates' court to 12 months should be implemented.

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