

1. Road Traffic (Amendment) Bill 2014 – First Reading approved

Mr Turner to move:

That the Road Traffic (Amendment) Bill 2014 be read a first time

The President: Welcome to our first sitting of the New Year, Hon. Members. It looks like a short agenda, we will see whether it turns out to be that way.

I call on the Hon. Member, Mr Turner, to take the First Reading of the Road Traffic (Amendment) Bill.

Mr Turner: Thank you, Madam President.

Just before I start with the First Reading, I should mention to yourself and Hon. Members, that the Department wishes to expediate, in particular, one of the Bills this morning, so when we come to that I will be asking the Members to consider suspending Standing Orders to take further stages of that Bill – so this is just advance notice for Hon. Members.

The Road Traffic (Amendment) Bill is a short piece of legislation promoted by the Department of Infrastructure and the main purpose of the Bill is to make some minor amendments to Schedule 3 of the Road Traffic Act 1985, and in particular the provisions that govern the appearance of the driving licence.

At the moment the driving licence must consist of the two parts, which I am sure Hon. Members are familiar with, and the new provisions will allow the Department to produce the licence in a form that it thinks appropriate, which will cater for any possible changes in its appearance going forward. At the moment we have the credit card-sized ID and we have got the piece of paper that comes with it, that I doubt most people will carry with them but they probably keep the card in their wallet, as indeed I do.

The new provisions will also allow for maintenance by the Department of an electronic database containing information about driver licensing.

The Bill also contains a minor amendment to provisions in section 25 of the Building Control Act 1991, so that powers currently that are exercisable by a local authority under that Act regarding buildings in a dangerous condition, may also be exercisable by the Department in its capacity as the Highway Authority – so that is the what the link is there. If you have dangerous buildings near a highway it gives the Department certain powers. It reinserts section 25(1) enabling the Highways Division to take action in cases where dangerous buildings or structures may pose a danger to people using a highway. The powers were inadvertently removed during the Government restructuring in April 2010.

So, having outlined the broad principles of the Bill, I hope that Hon. Members will now give it support.

I beg to move that the Road Traffic (Amendment) Bill be read for a second time – first time, I beg your pardon. Getting ahead of myself there!

The President: The Hon. Member, Mr Braidwood.

Mr Braidwood: Madam President, I am quite happy to second the Bill.

One point I would like to raise, though: I think the Hon. Member mentioned the driving licence and the card, and also the pink form. I carry both with me because I was under the impression that it is not legal otherwise just to carry the card, you have to have both sections of the licence. Therefore, I think the Hon. Member is driving, in actual fact at the present time, illegally because he is supposed to have both parts of his licence with him!

Mr Turner: Oh I do, they are just not in the...

Mr Corkish: Quick thinking!

The President: The Hon. Member, Mr Downie.

Mr Downie: Thank you, Madam President.

I think the requirement for the Bill is, if you look into it further and if I am not mistaken, revolves around the fact that we are trying to standardise what is going on in Europe at the moment, where everything is on the one card, as it were.

One of the questions I would like to ask is: if a driver is stopped by a constable and asked to produce his licence, will that constable have provisions to be able to read the card? It is not every person that gets stopped by a car or vehicle, quite often a constable will still ask you to produce your licence; and the last thing I want to see is people being inconvenienced because the constable has not got provisions to read the licence – and he has asked the driver to go and produce it at the police station within so many days. We need to be moving away from that and, if we are having technology, I think the Police and the relevant authorities should have the proper technology to be able to read these cards.

Under clause 5 of the Building Control Act, where a building is deemed to be dangerous: perhaps the mover could explain to me how, recently when the bad weather was on, the Department managed to close roads because buildings were in a dangerous state, if they have not got this legislation?

I am prepared to accept an element of common sense here and really we *should* have legislation where any relevant authority responsible – whether there is a fire, whether it is police, or floods, or whatever – there should be fast-track process of being able to close a section of road down, or actually serve proper notices on people.

I would just like the mover, if he could, explain how this was actually missed; because this is quite an important piece of legislation here, and it could have had all sorts of problems for Government like the one I have just explained about when the bad weather was on and there was a problem in Victoria Street.

Did we actually close it illegally; or was it just done because we thought we might get away with it?

The President: The Hon. Member, Mr Crowe.

Mr Crowe: Thank you, Madam President.

Yes, it seems fairly straightforward to remove the paper copy and just have the single credit card-type licence.

The question I would ask is just about recording penalty points. Will the card be slightly different in the formatting, because I do not think there is room on the current one?

Mr Braidwood: It is on the pink form.

Mr Crowe: Thank you, Mr Braidwood, for prompting me; but yes it is on the pink form, not on the credit card licence.

Thank you, Madam President.

The President: The Lord Bishop.

The Lord Bishop: Thank you, Madam President.

I notice in clause 4 under 10A there is reference to a database which is maintained ‘containing information about motor vehicles and their keepers’. Is there any hope that we might get to the

stage that may have now reached in the United Kingdom whereby the licence disc in the car window is no longer necessary?

The President: The mover to reply.

Mr Turner: Thank you, Madam President; and I thank Hon. Members, for their interest in this Bill – a short Bill, but vitally important we look at these issues.

Thank you to Mr Braidwood. He talks about the two parts of the licence and it is indeed a requirement to... you need both of the parts at the moment and this is the whole. It is not just about costs but it is about modernising the way we deal with these matters – so it does have a cost saving as well.

Mr Downie mentioned about looking at the card. Of course the police officer out there, his only concern really is, if it is valid, any endorsements on there would be for a court to know, and of course that would be held centrally on the database. I have not seen the actual design of the card but what this Bill does is it enables the Department to produce a licence in a form that it thinks appropriate – so it is enabling. It is quite wide.

It means that in a couple of years' time if there is a new way of doing it, the Department is then able to change the format of the licence again to keep abreast of times and developments. Although we have our own system it is important that we are able to fit in with other areas because holders of Manx licences will be travelling, and driving on those licences in other countries where there are agreements – I am sure we have all rented a car in Europe and maybe even further afield, so it is important that the licence meets certain criteria. Again, this enables the Department to keep change on those.

He mentioned the emergency road closures: what the Bill is actually doing is giving powers to deal with the *properties* that are dangerous; it is to do with the buildings. The roads can be closed at the moment on the request of the Police. There are also provisions in the Highways Act to close roads for various other purposes so, for example, if it was deemed unsafe then they would close the highway but there are no powers to actually deal with the building to make the owner deal with unstable walls, roof tiles, or whatever – it could be guttering hanging off, the list is endless.

I do not know the reason why it was missed from the 2010 restructure of Government, but it was. It has been spotted now and the intention is to put this right which is what the Bill is doing.

I am told that the intention is that recording points will actually be etched onto the card, so there is obviously a new type of format there where it will etch those points onto the card; so, again looking at new ways of delivering them. But coming back, the police officer on the road just needs to know whether it is valid – the points would be more of a concern to a court should that driver have to appear again.

The Lord Bishop asked about the tax discs: that is something I know that we are pursuing in the Department because it is a good idea to abolish them. We are already registering the vehicles and we have a huge database, so surely we should be able to tie up the two; and with number plate recognition... or, indeed the police for years have got on the radio and radioed back to Control and done a check on the number plates. So it should be relatively straightforward to modify that system to say, 'Yes, it is taxed' or 'No, it is not...', because that is what they look for at the moment.

So the fact that there is a disc in the window is producing a whole load of administration that is not necessary. And indeed, I would go one step further that an idea I had, as well, is the number of vehicles that are registered and taxed in Government ownership where – this is a job for our friends in the Treasury maybe, to consider – all of these Government vehicles have to be taxed every year. Imagine the paperwork involved in having to re-tax every Government vehicle. Maybe for Government vehicles there should be an adjustment made to the budgets and they do not bother taxing Government vehicles, they just give them a permit for their life. But that is an idea for the future, because that is a huge paper chase going on that is going to take a considerable amount of time and it is a pointless exercise when it is going from one bank account in the Treasury to another.

But, anyway, that is a bit of a side issue. But, as the Bishop mentioned the licensing, I thought I would just add that.

So, I think that answers all the queries. As I said, this is an enabling provision and I hope, given the short nature of this, next week for this particular Bill we could maybe take the clauses and, if Hon. Members wish, then we would seek to maybe get the Third Reading through as well at our next sitting for this particular Bill.

But for now, I would like to move the First Reading of the Road Traffic (Amendment) Bill 2014.

The President: Hon. Members, the motion is that the Road Traffic (Amendment) Bill 2014 be read a first time. Those in favour, please say aye; against no. The ayes have it. The ayes have it.