

**Road Traffic Legislation (Amendment) Bill 2020 –
Third Reading approved**

Mr Harmer to move:

That the Road Traffic Legislation (Amendment) Bill 2020 be read a third time.

The Speaker: I call on the Minister to move Third Reading.

Mr Harmer: Thank you, Mr Speaker.

Firstly, I would like to thank all the Members for supporting the Bill and also the interest that they have shown in this important legislation. I would especially like to thank Mr Perkins and Mr Hooper for their amendments to the Bill. And it has been clear, as I said before, the Bill has been scrutinised in great depth, and I thank the Members of LegCo that first had the Bill and scrutinised it there as well.

I have asked for Standing Orders to be suspended and obviously this Bill is much overdue. I will reflect on saying that the main things have been covered earlier in the debate.

The Bill has 74 clauses and it is aimed to update existing provisions and simplify complex provisions but retaining Tynwald approval, and to reduce red tape.

It covers three amendments to three pieces of legislation: the Road Traffic Act 1985; the Road Traffic Regulation Act 1985; and the Local Government (Miscellaneous Provisions) Act 1984.

The Bill creates clarity around drug driving and links to the levels and methods of testing that have developed over many years in England, Wales and most recently Scotland.

It allows the Department to consider how new technologies such as Segways and electric scooters be regulated and treated; something that I can see being important to enable cheap personal transport at this time, particularly when you think of COVID. It also looks to improve safety regulations and ensure that new drivers undertake a longer period of practice prior to them taking the test, better preparing them for the road.

Advanced number plate recognition will also enhance detection and the prosecution of motoring offences; and fixed penalty notices will be used to simplify and speed up the process of addressing certain offences through new regulations that will be approved by Tynwald .

All in all, the Bill makes a material improvement to our highways and legislation. It modifies really important parts and puts in really good provisions around drug driving, regarding safety legislation, and regarding abandonment of vehicles. So I think materially this will have a very positive effect for our Island.

As such, I commend the Bill to this House, and I beg to move the Bill for Third Reading.

The Speaker: Thank you.

Mr Baker.

Mr Baker: Thank you very much, Mr Speaker. I beg to second.

The Speaker: Mr Robertshaw, did you want to come in at this point?

I am afraid we are still not hearing Mr Robertshaw.

Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

Just two, hopefully very straightforward, questions here on this Bill as a whole. So just towards the end of clauses there, when the Minister confirmed the provisions that are being removed from the Equality Act, I think I heard him say they are still in the Equality Act. I am not clear exactly on how that is the case. I am not clear exactly on how repealing a section of an Act

but not replacing it means the provision still exists. So if he could provide some more clarity, please, on exactly where those provisions in respect of protections for disabled access to vehicles are going to stay? They very well may be in this new Bill, in some regulations somewhere, but I just have not come across it and I cannot see any specific provision that enables this to be protected.

My second question for the Minister really is about some of these offences in the Bill. So we have just seen this Bill go through and just agreed a clause that increases the maximum penalty for a speeding fine to be a level 3 fine, no custodial sentence. But in remarks made earlier on in the sitting in response to an amendment to another Bill, the Minister very specifically referenced custodial sentences capturing speeding fines. And so I am a little bit unclear really on what the situation is here. What is going on? Was the Minister indicating in his earlier remarks that he was intending to change the penalties for speeding fines, but that has not made it through to the Bill? Was he just misunderstanding the situation around custodial sentences and what penalties actually are in place in respect of speeding fines? I am just really confused. So if the Minister could provide some more clarity on that as well ... ?

The Speaker: Mr Hooper, you broke up at the end there, if you could just repeat your final comments?

Mr Hooper: Apologies, Mr Speaker.

Again, my final remarks were around the issues of speeding fines and just that earlier on in the sitting the Minister made reference to speeding fines as being captured within what was referenced as a custodial sentence. But in the amendment that is inside this Bill the clauses very specifically maximise the penalty as being a level 3 fine only, no custodial sentences applied.

So again I just wanted some clarity on what exactly the Minister was referring to earlier on in the case of speeding fines, because it seems like he may have been implying his intention was to make changes that have not been fed through to this Bill.

The Speaker: Thank you.

Now, third time lucky? Mr Robertshaw.

Mr Robertshaw: I do hope so, Mr Speaker.

The Speaker: Aah, yes. Well done!

Mr Robertshaw: I apologise for that. I am afraid my iPad is in a bit of a sulk this afternoon; so apologies.

In his closing remarks, Mr Speaker, could the Minister please highlight with regard to clause 56, where that clause gives specific power to parking controllers to exercise the functions of a constable under Schedule 5A? Could he highlight, please, what those powers are? I should have brought it up, my apologies, at clause 56 but I omitted to do so. But I do think it is important to understand what powers the parking controllers are going to enjoy, particularly because they may very well be outsourced employees. So we are giving, effectively, outsourced employees the powers of a constable and I would like to know more about that, please.

The Speaker: Mr Thomas.

Mr Thomas: Thank you very much, Mr Speaker.

And just to add to what Mr Hooper said earlier on, could the Minister in his closing remarks please summarise exactly what the consequences and impact of the repeal of the Equality Act paragraph 5 of Schedule 23 are? What will happen next in respect of the Equality Act to do with the matters covered in that repealed paragraph of a Schedule of the Equality Act?

Secondly, would the Minister outline whether there is any impact and, if so, what that impact is on any proceedings under way under the Equality Act?

Thirdly, could the Minister outline in his closing remarks exactly and specifically how the Equality Adviser and the Equality Champion and any other part of the Equality Act process have been involved in drawing up that repeal?

Thank you, Mr Speaker.

The Speaker: Thank you.

I call on the mover to reply. Mr Harmer.

Mr Harmer: Thank you, Mr Speaker.

In terms of Mr Robertshaw's discussions regarding parking controllers, obviously that function is by order in certain regards, that it is regarding parking offences and to allow bodies such as local authorities to be able to take those particular functions; and that may be better in terms of a local authority being able to manage what they can and cannot do. So that is really the intent behind that.

My comments regarding the legislation for the Elections Act that Mr Hooper was talking about. My comment was with regard to, let's say, speeding fines or whatever, because there was talk from the Hon. Member for Garff about other jurisdictions, and really it was more of a general point regarding an offence that could potentially be a custodial offence, even if they got a fine. That was the point I was trying to make. I do not intend to put any custodial sentences around speeding, so I would like you to be sure of that.

All of the Department involved in the last two or three years, are at full level in detail with the Equality Act –

Mr Robertshaw: Mr Speaker, will the Minister give way?

The Speaker: I was going to bring you in at the end, it just seems a better way of doing it rather than the constant interruption. But, Minister, are you content to take an interjection from Mr Robertshaw?

Mr Harmer: Yes, of course.

The Speaker: Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker; thank you, Minister.

I am not sure you have answered the question, Minister. The question specifically was: what powers were you transferring from constables to parking attendants? Not how that ultimate power might be implemented through local authorities.

Could you be more specific with regard to those powers, sir, please?

Thank you.

The Speaker: Minister to resume.

Mr Harmer: Thank you, Mr Speaker.

In respect of those powers we do it by order. At the moment there is no current intention to, but as the need arises that would then have to go to Tynwald. So that was regarding that.

And just finally on the Equality Act, this has been through belts and braces with all of the Equality advisers. I am assured that all the provisions are in the Equality Act.

With that, I think this is an important Bill that provides APNR technology, safety regulations, and provisions on abandoned vehicles and drugs. And with that I commend the Bill to this House.

Thank you, Mr Speaker.

The Speaker: I put the question that the Road Traffic Legislation (Amendment) Bill 2020 be read for a third time. I will presume that the motion will be carried unless any Member indicates dissent, which they should do now. No dissent having been indicated, the motion therefore carries.

Hon. Members, that concludes a rather busy day of clauses for us all; and I thank you for your forbearance. The House of Keys will now stand adjourned until Friday at half past two in Tynwald Court.

Thank you.

The House adjourned at 4.27 p.m.