

**3. Road Traffic Legislation (Amendment) Bill 2020 –
Second Reading approved**

Mrs Lord-Brennan to move:

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

The President: We move now to Item 3, which is the Road Traffic Legislation (Amendment) Bill for Second Reading. The mover this morning will be the learned Attorney.

The Attorney General: Thank you, Mr President and Hon. Members.

At the behest of the Council of Ministers, I am to take over the handling of this Bill through the remaining stage of its consideration by Council.

I wish to firstly thank Hon. Members for the support that they have given this Bill during its First Reading and, as I shall mention, the detailed consideration of its provisions which Members have given the Bill and its provisions since then.

If I may summarise the key purposes of the Bill, they are fivefold: first, to improve the way in which unsafe and irresponsible driving is dealt with, whether it be drug driving, using a motor vehicle for the purposes of crime, or riding a vehicle on footways – that is to say, pavements; second, to lessen the load on the courts by providing for better enforcement of motoring fines, compensation, or vehicle duty through the seizure of motor vehicles; third, to improve the law relating to the construction and use of vehicles, for example their use by disabled persons; fourth, to make extensive and material amendments to improve the law on driving licences and disqualification; and finally, to facilitate the detection of crime, for example by providing, on the one hand, for the use of the Motor Insurers' Database, and by extending, on the other hand, the information-gathering powers of both the Police and the authorised vehicle examiners of the Department of Infrastructure.

The Bill also contains many lesser but equally important amendments and updates to road traffic law.

At the close of the debate on the First Reading, Hon. Members raised a number of interesting points. To the extent that those were not dealt with then, I would like, if I may, to confirm the remarks that were made.

Mr Mercer raised the Road Traffic Strategy and asked that as many of the issues identified there as possible should be incorporated within this Bill to ensure the findings can be progressed. I can confirm that the following items from the Road Safety Action Plan have been included in this Bill: the legislation for roadside drug testing; the ability to define a period of training for new drivers before they take their driving test; a reduction in the number of penalty points leading to disqualification from 12 to 6 points for newly qualified drivers; greater powers in relation to reviewing vehicle condition; medical fitness to drive; the potential to introduce professional driver cards; and Automatic Number Plate Recognition. The inclusion of all these items in the Bill will, I am sure, reassure Mr Mercer.

Mrs Poole-Wilson raised at First Reading several points. Firstly, regarding the provision to repeal paragraph 5 of Schedule 23 of the Equality Act 2017, both the Equality Act 2017 and the Road Transport, Licensing and Registration (Amendment) Act 2018 would enable similar provisions to be inserted as section 37 of the Road Transport Act, if the relevant appointed day orders were made. Both of these insertions relate to the obligation to transport disabled people with or without a wheelchair or assistance dog. The Equality Act's provisions could only apply to the operators and drivers of private-hire vehicles, whereas the provisions contained within the Road Transport, Licensing and Registration (Amendment) Act could apply to the drivers and operators of public passenger vehicles. Neither of the relevant provisions has been brought in by an appointed day order.

As this change does not reflect any change in policy direction, there has been no involvement from either the Equality Adviser or the Equality Champion. However, both have been advised and will be consulted in the work to prepare the required regulations, which will be brought forward by the Department of Infrastructure.

Secondly, Mrs Poole-Wilson raised a concern regarding clause 33, which provides for the construction and equipment of vehicles for use, and the conditions under which they may be used by a disabled person. I can confirm that there is a significant maximum fine of Level 4 – that is £5,000 – for non-compliance with regulations provided under these provisions.

Finally, with regard to clause 34, which includes the provision that an eyesight test is required to renew a driving licence should the applicant be aged 75 years or older, this provision is included on a road safety basis. It is accepted that good eyesight, with or without corrective glasses or contact lenses, is essential in order to drive safely. In comparison, the United Kingdom has set its requirements in this area at age 70, but is currently reviewing this with the aim of increasing to age 75.

An Equality Impact Assessment was undertaken on the Bill and this point was highlighted. Information on the impact of age on eyesight was reviewed and discussions were held with people who could be impacted by this item. Both the review and discussions concluded that eye health and eyesight could be significantly impaired in the over-75s and that the age defined in the Bill was appropriate and proportionate to the risk involved.

Having mentioned the remarks and responses made at First Reading, it remains for me to say that this Bill aims to make a material contribution to road traffic law. As such I commend it to Council.

That being said, there has been appropriately intense interest shown in this Bill over the past few days by Hon. Members of Council, and a number of amendments have been proposed for the Bill. I mention with gratitude in particular the assistance afforded to me by Mrs Lord-Brennan, who introduced the Bill at its First Reading stage, and the detailed consideration of the Hon. Members of Council, Mr Mercer, Mrs Poole-Wilson and Mrs Maska. I thank them on behalf of the Department.

Rather than rush the Bill into the clauses stage later today I will not move clauses, so as to provide Hon. Members of Council and officers in the Department a further opportunity over the summer recess fully to assess the Bill and any proposed amendments. (**Miss August-Hanson:** Hear, hear.) In addition, Hon. Members, the Department will organise a briefing session before the summer recess to discuss the Bill and the amendments whilst they are still fresh and in the forefront of all our minds.

Mr President, I beg to move that the Road Traffic Legislation (Amendment) Bill 2020 be now read a second time.

The President: Mr Henderson.

Mr Henderson: I beg to second, sir, and welcome the Attorney General's overview of the situation currently. Having had to suffer the initial progress of this Bill a couple of years ago, I think it is only right and proper that it receives further attention and examination of the amendments.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

I too welcome the learned the Attorney's remarks at Second Reading. I particularly welcome the recognition that it is appropriate not to move clauses today and give detailed consideration to amendments to ensure that the end product does work and does achieve all that it is intended to achieve.

In particular, I do welcome the engagement from the Department's officers to look closely at the provisions to create accessibility regulations for disabled people and to ensure that these are sufficiently comprehensive and that appropriate offences are created, but also that there is appropriate ability to enforce these.

I also recognise that there is some duplication, but I welcome working with the Department of Infrastructure officers to look at the best possible way to provide comprehensive protection for disabled people when we look at different modes of transport on the Island.

I also recognise the points made by the learned Attorney as regards an age for compulsory eyesight tests. I thank the Department for forwarding to me both the Equality Impact Assessment that they have conducted and also some background reports and research that they also looked at, which were very welcome.

Thank you, Mr President.

The President: Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President.

I will be very brief with this one. I would just like to thank Mr Attorney General for his speech. I would also like to say that I greatly appreciate a little bit more time being given to having a little bit more consideration on this one, because I do not think anyone wants a repeat performance of what has happened previously, in relation to a Bill such as this happening again.

I would like to thank Mrs Lord-Brennan, though, for her engaging thus far with Members. The engagement has been very good and very comprehensive and she has been extraordinarily helpful.

So thank you, Mr President.

The President: Thank you. Mrs Maska.

Mrs Maska: Thank you, Mr President, and I too will be brief.

I thank the learned Attorney for his presentation of the Second Reading today, which also explains the aims of the Bill, but also I welcome the breathing space that we will have in the summer recess to follow up on some of the queries that have been raised by my hon. colleagues – all of them. I think that is a really refreshing approach to addressing this important legislation.

I would also like to thank my colleague, Mrs Lord-Brennan for all the hard work (*Interjection by Mrs Lord-Brennan*) she has done, because it has been quite a long pathway that she has had to tread. Also I would like to thank the officers involved. They too have worked very hard.

So I look forward to a further briefing and this returning to this Hon. Chamber in the autumn.
Thank you, Mr President.

The President: Mr Attorney to reply.

The Attorney General: Mr President, I hope I heard a seconder. I do not know whether we need one?

The President and other Members: Mr Henderson seconded.

The Attorney General: I am very grateful, Mr Henderson, for seconding the motion.

I would just like to say very briefly a word of thanks to those Members who have spoken in support. I look forward to working with you to hopefully bring this Bill to a successful conclusion.
Thank you, Mr President.

Several Members: Hear, hear.

The President: I invite Mr Attorney under Standing Order 4.3(5) to move the deferral of clauses to a later sitting. (*Interjection by the Clerk*)

I put to Council that the Road Traffic Legislation (Amendment) Bill 2020 be read a second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**Road Traffic Legislation (Amendment) Bill 2020 –
Clauses stage deferred**

The President: And Mr Attorney to move deferral of clauses, under Standing Orders.

The Attorney General: I am very grateful, Mr President, and I so move.

Mr Henderson: Seconded.

The President: Seconded. Is that agreed? (**Members:** Agreed.)
Thank you.