

TACKLING DRINK DRIVING IN EUROPE

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Case study: Scotland's new drink driving laws

A complete list of BAC limits across the EU can be found on the ETSC website at etsc.eu/BAClimits



In December 2014, new legislation came into force in Scotland reducing the drink drive limit from 0.8g/l to 0.5g/l. The rest of the UK and Malta are the last remaining regions in the EU to apply a weaker 0.8 limit, all others enforce 0.5g/l or lower.

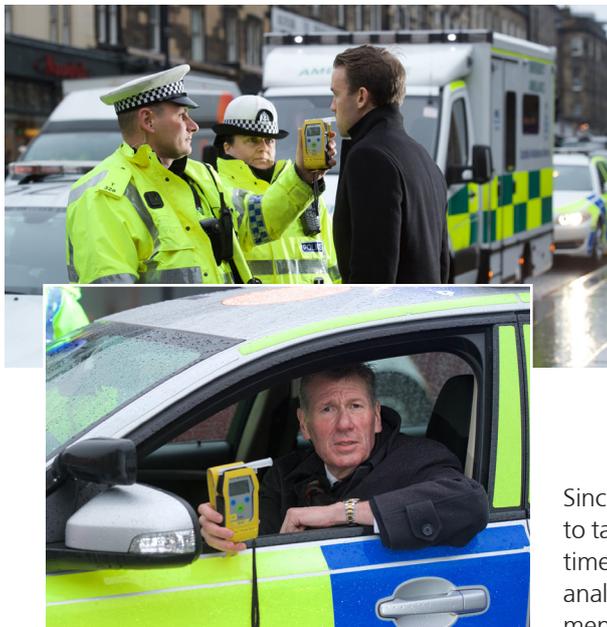
The legal changes in Scotland followed a public consultation in September 2012 which found that 74% of respondents supported the move to lower limits, with 87% of those supporting a move to 0.5g/l. The approval of the Scotland Act in 2012 by the UK government gave the Scottish parliament the power to set a separate drink driving limit for Scotland.

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The Scottish government is calling for the UK government to reduce the drink-drive limit in England and Wales and also plans to give more powers to the police to carry out breath testing anytime, anywhere. Legal changes in Northern Ireland to bring about a 0.5g/l or lower limit are currently working their way through the legislative process and could be approved by the end of 2016. It has been calculated that reducing the limit in England and Wales would avoid about 25 deaths and 95 serious injuries every year." (Reference <http://www.pacts.org.uk/2015/12/saving-lives-by-lowering-the-legal-drink-drive-limit/>)



This briefing gives an overview of the new Scottish drink driving laws and includes an interview with Patrick Down, a policy specialist from the Scottish Government.



The importance of a strong enforcement programme

Police Scotland estimate that they stop around 20,000 drivers each month, or one vehicle every two minutes on average.

The police have powers to breathalyse any driver who:

- has been stopped for any moving traffic offence (e.g. using a mobile phone, a faulty brake light, not wearing a seatbelt);
- they suspect has been drinking or taking drugs;
- has been involved in an accident;

Since 2009, Scotland has also operated a vehicle confiscation scheme to target repeat offenders and also first-time offenders who are three times above the legal limit or who refuse to provide a sample for analysis. Authorities have the power to seize vehicles in the above-mentioned cases. So far, over 1,000 vehicles have been seized.

A Scottish government video produced to raise awareness of the consequences of being charged with drink driving can be found here:

*[youtube/
oLoJvCl8rMM](https://www.youtube.com/watch?v=0LoJvCl8rMM)*



Consequences of being caught drink driving

The penalties for drink driving are set by the UK Government. A conviction for driving or attempting to drive whilst above the legal alcohol limit in Scotland and elsewhere in Great Britain will result in:

- Loss of licence – an automatic 12 month driving ban
- A risk of being fined up to £5,000
- A criminal record
- An offence which stays on your licence for 11 years
- A risk of imprisonment
- A risk of having your car sold or crushed

The amount of drink consumed makes no difference. Whether just over the limit or well over the limit, in the eyes of the Scottish law, you are still considered a convicted drunk-driver and the consequences are exactly the same. If caught driving over the limit the 'morning after', you also face the same consequences as if you had been caught right after drinking.

Causing death by dangerous driving while under the influence of drink/drugs results in a minimum two-year driving ban and up to 14 years in prison with an unlimited fine.

AN INTERVIEW WITH

Patrick Down, Policy Officer, Justice Directorate of the Scottish Government



Where does road safety, and drink driving in particular, stand on the Scottish government's agenda?

The Scottish Government's 2020 Road Safety Framework to 2020 published in 2009¹ was Scotland's first national road safety plan and took a distinctive approach in setting commitments over ten years for safer roads in Scotland. The framework sets the following road safety target, based on the 2004-2008 average figures:

- 40% reduction in road deaths;
- 55% reduction in serious injuries;
- 50% reduction in fatal child casualties;
- 65% reduction in children seriously injured.

¹ <http://www.gov.scot/resource/doc/274654/0082190.pdf>

The latest report on progress on this framework was published in June 2015 and is available at <http://www.transportscotland.gov.uk/statistics/j379866-00.htm>



It also identified reducing drink driving as one of eight priorities for improving road safety in Scotland with two key recommendations: action to increase the perceived level of risk of being caught, in order to change the attitude that people who are caught are 'unlucky' and lowering the legal drink drive limit to a less ambiguous level. It was clear that people were confused about the relationship between units, drinks and the legal limit.

What is the current situation in Scotland regarding drink driving?

It is estimated that 1 in 10 road deaths in Scotland still involve drink drivers. The latest available estimated figures for drink-driving related injury road traffic accidents are published online². They show a steady reduction in drink-driving related road deaths and injuries over the last 10 years, from 1,060 total casualties in 2004 to 450 in 2013 and from 40 to 20 fatal casualties due to drink driving³. Figures for the period following the reduction in the limit are not yet available.

What made the Scottish government decide to lower the BAC limit?

Evidence shows that drivers are six times more likely to die in a road traffic accident with a blood alcohol concentration between 0.5g/l and 0.8g/l compared to zero blood alcohol. Evidence submitted in 2010 by the British Medical Association to the House of Commons Transport Committee's inquiry into drink and drug driving law indicated that the relative risk of being involved in a road traffic crash for drivers with a reading of 0.8g/l was 10 times higher than for drivers with a zero blood alcohol reading.

In addition, the findings of the North Report⁴ on drink and drug driving, commissioned by the UK Government in 2008 and published in 2010, found that there was evidence that a reduced drink-drive limit would save lives. As a consequence, the Scottish government adopted its recommendation that the blood alcohol limit should be reduced to 0.5g/l.

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What progress have you already seen since the new rules were introduced?

We do not yet have directly comparable official statistics on the number of people caught drink-driving as these will become available when the police recorded crime statistics for 2015/16 are published in October 2016. However, figures published by Police Scotland show the number of drink driving offences in Scotland has fallen by 12.5% in nine months, from December 2014 to August 2015, compared to the same period the previous year. This is a fall in the number of offences from 4,208 to 3,682.

² Reported Road Casualties Scotland 2014: <http://www.transportscotland.gov.uk/statistics/j397988-034.htm>

³ <http://www.transportscotland.gov.uk/statistics/j340611-34.htm>

⁴ <http://webarchive.nationalarchives.gov.uk/20100921035225/http://northreview.independent.gov.uk/>



82% of people agreed that drinking any alcohol before driving is unacceptable

How was the change communicated to drivers crossing the border from England, where the limit is still higher?

Electronic road signs were used to make motorists aware of the new lower limit including at key border roads running between England and Scotland. TV adverts ran as part of a Scotland-wide campaign including on ITV Borders which broadcasts to both south Scotland and the north of England to help raise awareness for drivers living close to the border who may travel into Scotland each day for work.

But motorists also have a responsibility for knowing the laws of the land in the country in which they are driving.

What has been the level of public acceptance of the new measures?

While we don't have direct data on the level of public support for the reduced drink-drive limit, a poll⁵ carried out by the Scottish Government and Road Safety Scotland found that only 5% of those polled said they would drive after consuming alcohol and 82% of people agreed that drinking any alcohol before driving is unacceptable (while 12% disagree). This, together with the fact that the number of persons caught drink-driving by the police actually fell when the reduced limit was brought into effect suggests that the lower limit is helping to reinforce the message that the safest approach is not to consume any alcohol before driving.

FOCUS ON NORTHERN IRELAND

In the five years between 2010 and 2014, 53 people died and 334 people were seriously injured by drivers impaired by drink or drugs in Northern Ireland. In each of the last 5 years, driver/rider alcohol was responsible for 18% of all road deaths in Northern Ireland.

"A comprehensive package of new measures to tackle drink driving were passed by the Northern Ireland Assembly on 12 January 2016. The proposed new drink drive regime will mean lower BAC limits of 0.5g/l for typical drivers and 0.2g/l for learner drivers, newly qualified drivers and professional drivers. Other changes will include a new graduated penalty regime, increased enforcement powers, and greater use of Drink Drive Rehabilitation Schemes.

Subject to the Assembly's approval of a programme of secondary legislation, the new measures to tackle drink driving could be introduced in Northern Ireland on a phased basis in 2016."

Liz Loughran, Director of Road Safety, Department of the Environment for Northern Ireland



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⁵ <http://news.scotland.gov.uk/News/82-of-people-believe-that-drink-driving-is-unacceptable-1ffc.aspx>