



**Isle of Man**  
**Government**

*Reiltys Ellan Vannin*



**ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL 2016  
RESPONSE TO THE CONSULTATION**

**DEPARTMENT OF INFRASTRUCTURE**

## **Part 1 – Introduction**

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This consultation was designed to invite comments on the Road Traffic Legislation (Amendment) Bill 2016. The Bill makes important amendments to the law concerning the regulation of vehicles and to persons driving or in charge of them.

The Bill affects three Acts:

- Road Traffic Act 1985, which relates principally to the driving, construction and proper use of vehicles;
- Road Traffic Regulation Act 1985, which is principally concerned with regulating and enforcing where vehicles may be driven and parked on roads, though other matters are also addressed such as the prescribing of pedestrian and school crossings and the imposition of speed limits; and
- Local Government (Miscellaneous Provisions) Act 1984, Part I, which at present deals with the removal and disposal of abandoned or illegally parked vehicles.

The Bill's provisions were set out in an explanatory memorandum which included a brief explanation of the reasons why the provisions were developed and was affixed to the draft Bill.

Also accompanying the Bill was the Buses (Carriage of Passengers for Hire or Reward) (Construction and Use) (Amendment) Regulations 2016, which amend the Buses (Carriage of Passengers for Hire or Reward) (Construction and Use) Regulations 2001 in pursuance of enabling powers contained in the Equality Act 2015. All of the documents can be viewed at the following address:

<https://www.gov.im/ConsultationDetail.gov?id=559>

### ***The Consultation Document Contained***

1. The draft Road Traffic Legislation (Amendment) Bill 2016
2. A short commentary on the draft Bill highlighting key aspects of the new proposed legislation.
3. Explanatory Memorandum
4. An Impact Assessment
5. Buses (Carriage of Passengers for Hire or Reward) (Construction and Use) (Amendment) Regulations 2016

## **Part 2 – The Consultation Exercise**

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The consultation ran from 15 January 2016 until 19 February 2016, a period of five weeks which was chosen to enable the Bill to be prepared for consideration in the current Tynwald session. The documents were drawn up by the Department with the assistance of a legislative draftsman appointed by the Attorney General's Chambers.

The consultation documents were distributed to the following:

- Tynwald Members
- Local Authorities
- Isle of Man Constabulary
- Isle of Man Fire and Rescue Service
- Attorney General
- The Isle of Man Employers Federation
- Road Transport Licensing Committee
- The Deputy High Bailiff
- Government Chief Officers
- Department of Infrastructure Heads of Divisions
- The Isle of Man Chamber of Commerce
- The Isle of Man Law Society
- Government Officers Association
- Island Road Transport Association
- Public Health Directorate

The consultation was made available to the public on the Government's website, a press release was issued and several interviews were given to the local media by Minister Gawne. A further press release and a Survey Monkey questionnaire were issued approximately half-way through the exercise in order to further promote the consultation and to highlight the proposal to lower the drink drive limit.

### **Part 3 – The Responses**

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The Department would like to take this opportunity to thank everybody who provided a response to this consultation exercise.

The Department received fifteen letters and eighty-five responses by e-mail. The Minister also asked for a brief survey to be conducted on Survey Monkey regarding the proposal to reduce the drink-drive limit. The survey consisted of one question - should the Department lower the current drink drive level? - and included a comment box.

The written letters received mostly referred to the proposal to lower the drink drive limit with nine respondents asking the Department to not progress this proposal. The reasons for this view were mainly the effect introducing the lower level would have on the hospitality sector or that there is insufficient evidence that drink driving is an issue on the Isle of Man. Two respondents supported the proposed lower level based on the evidence of the many studies into the effect alcohol has on a person's capabilities. Several respondents requested the Department provide further evidence that showed the effect lowering the drink drive level would have in the Isle of Man. Unfortunately, as was explained in a recent Tynwald sitting this data is not available. Two further respondents were concerned about cycling on pavements saying it should not happen and one local authority suggested the proposals were a waste of the legislature's time.

The police provided a written response to the consultation where they informed the Department that provisions included within Section 44 as drafted, were similar to provisions within the Police Powers and Procedures Act 1998 where the police can arrest a person who does not provide information when requested.

The General Registry provided a considered response indicating several potential issues mostly regarding procedures that would need to be introduced should the Bill be progressed, and several points the Department will review before responding to the Chief Registrar.

Douglas Borough Council also provided a response which raised queries regarding parking and whether provisions could allow enforcement action to be taken by Council By-laws officers. Provisions will be included within the Bill to extend certain provisions relating to parking enforcement to local authority enforcement officers.

With regard to the e-mail responses, some forty-nine respondents stated that they did not support the drink drive proposals, twenty-six due to the effect it would have on the hospitality sector and eleven simply stating we should leave the level as it is. Other comments suggested that most people arrested for drink driving are two or three times over the current limit; we are not part of the EU and should not act as though we are and that current provisions are suitable as long as we retain parity with England and Wales.

Six respondents were supportive of the proposed lower level for drink driving, other comments received included zero tolerance should be the way forward and increase the penalties on conviction. One respondent was surprised that with the weight of evidence available, England and Wales have not already lowered drink drive levels.

The proposal to lower the drink drive limit was promoted on the grounds of improving safety. Research into the effects of alcohol clearly shows that if alcohol is consumed people are adversely affected, the higher the level of consumption the more adverse the effect. It is therefore

recognised that a driver would be more impaired at the current drink drive level than they would be at the proposed lower level.

The next largest response was to the proposals regarding cycling, the Department wanted to clarify that cycling on pavements is not allowed in the Isle of Man and this led to several comments some agreeing this should be the case others asking why cyclists cannot use the pavement. To clarify the position, the Department intends to introduce exemption orders to allow cyclists to use pavements where it is considered it would be in the overall interests of safety. For example in locations such as Quarterbridge road heading toward the Grandstand, this is a steep hill and a narrow road, which leaves cyclists very vulnerable to passing traffic. As pedestrians rarely use the pavement here it would be a good solution to allow cyclists to use the pavement.

Other comments received about cyclists or cycling in general included cyclists need to be more visible; cyclists need to be more considerate when using the road; a user guide or code of practice should be introduced for cyclists; cyclists should have insurance; introduce Kate's Law, a minimum overtaking distance of 1.5 metres. The Bill includes provisions to introduce road safety regulations which will cover items such as those mentioned here and will be developed in conjunction with the various groups involved.

Several respondents commented on the position regarding caravans, the Bill proposes allowing the designation of suitable routes from the port to specific camp sites. Two respondents felt that caravans should not be allowed on the Island whereas four respondents said they should be allowed. Concerns were raised that the caravan fraternity are being unfairly penalised when there is no evidence to suggest they are causing problems. One respondent suggested it could be possible to raise much needed revenue should caravans be welcomed to the Island. A further respondent requested residents should be exempt from the legislation.

Five respondents asked that the requirement to report the death of a cat should be removed from the proposals. Several respondents queried why the traffic laws were being extended to animal drawn vehicles as there were so few of these vehicles on the road, whilst two people said it was a good idea and one respondent offered assistance to help draw up a code of practice. Most respondents who commented on horse related matters asked that any safety regulations, initially proposed in relation to cyclists, should also cater for horse riders as they are also vulnerable on the road. The reason for extending road traffic law to animal drawn vehicles is explained in the consultation document, irrespective of how few of these vehicles are seen on the island's roads currently should anything go wrong there is no legislation to cover their use.

Further comments were received including the use of day time running lights and why are they not mandatory in the Isle of Man; clearing away warning signs once works or events have been completed; no to driverless cars; introduce a minimum passing distance for horses; agreeing with compulsory eye tests at 75 years of age; and no to the proposal of not having to display a tax disc as this has cost DVLA in excess of £80 million pounds since it was introduced in the United Kingdom. With regard the comments on day time running lights, since 2011 EU law has required that all new cars for sale in the EU are fitted as standard with day time running lights, there is no requirement for them to be retro-fitted. The same conditions were added to buses and goods vehicles the following year.

The comment regarding clearing away signage when works are completed has been passed on to relevant areas for action as this is a procedural issue it should not require legislation. Minimum passing distances can be considered when making road safety regulations mentioned above and the comments regarding driverless cars will be dealt with separately in the future.

The Department would like to clarify the purpose of raising the maximum fine value which led to several adverse comments. The purpose of the maximum fine is to act as a deterrent; the maximum values have not been adjusted for many years and the proposal is to increase these in line with inflation. The maximum fine is not what will be levied by an enforcement officer but by the court.

With regard to the on-line survey, this was launched on 8 February and ran until 19 February 2016 and covered only the proposal regarding the lowering of the drink drive alcohol level. The survey attracted 1,123 responses with 353 (31%) voting in favour of reducing the drink drive level and 770 (69%) voting against the proposal. Of the comments posted in the comment field, a majority of the no voters noted the lack of evidence that this is a problem on the Isle of Man.

The Department received several responses that raised queries regarding the proposal to remove the need for a vehicle to display a road fund licence disc in the vehicle windscreen, asking how would this be implemented, how much cost would be involved, what technology or staff requirements were needed and is the Department aware of the losses experienced by the UK Government when this was introduced there. These issues have been considered by the Department and in the long term the requirement to display a tax disc in the windscreen could be removed from legislation and it is considered that enforcement through electronic surveillance methods such as Automatic Number Plate Recognition (ANPR) type equipment would be more effective than current processes.

### ***Written Responses***

The following organisations and individuals responded to the consultation by letter or email, and some individual respondents have asked that their name is not disclosed:

S Moyce	Licensed Victuallers Association
Jurby Parish Commissioners	Ballaugh Parish Commissioners
Andreas Parish Commissioners	Patrick Parish Commissioners
S Dowie	Heron and Brearley Limited
Marown Parish Commissioners	Barbary Coast <sup>*1</sup>
The British <sup>*1</sup>	The Vino Bar <sup>*1</sup>
The Bridge <sup>*1</sup>	The Saddle <sup>*1</sup>
The Railway <sup>*1</sup>	Samphire <sup>*1</sup>
Da Vinci's <sup>*1</sup>	14 North <sup>*1</sup>
Little Fish café <sup>*1</sup>	Portofino <sup>*1</sup>
Public Health Directorate	N Cringle
Chief Registrar, General registry	M Dahn
W Hurst	C Etchells
P Creer	R Butters
M Haynes	C Coole

I Manton  
A Corkill  
A Oldham  
C Pycroft  
J McDonough  
S McLachlan  
B Henderson, MLC  
J Vernon  
A Jessop for CTC  
Isle of Man constabulary  
B Nutter  
P Smith  
J Watterson, MHK  
R Oldham  
T Norton  
S Morrow  
A Allinson  
C Taggart  
P Mcadam  
R O'Sullivan  
T Maddox  
N Kennaugh  
T Connor  
J Moret  
D Ardern  
R Corlett  
T Milestone  
H Davies  
L Saunders  
Falcon's Nest Hotel  
C Laslett  
Employers Federation  
P Litherland  
Bushys\*<sup>2</sup>

L Kennedy  
D Brayshaw  
B Hammonds  
C Smith  
A & L Quayle-Smith  
J Chance  
S Broad  
Island Road Transport  
A Jessop  
Manx Utilities  
D Cripps  
P Deakin  
P Denton  
S Boot  
H Faragher  
Ramsey Town Commissioners  
Chamber of Commerce  
G Peake  
A Saunders  
G Bates  
J Holt  
B Allison  
A Moret  
P Quayle  
L Watson  
W Danby  
C Wood  
L Bargh  
C Vickers  
M Perkins  
G Joughin  
A Christian  
R Watterson\*<sup>2</sup>  
Hooded Ram\*<sup>2</sup>

Niarbyl Café<sup>\*2</sup>

M Downey<sup>\*2</sup>

Railway Inn<sup>\*2</sup>

Thirsty Pidgeon<sup>\*2</sup>

Green's Café<sup>\*2</sup>

P Dowd

C Reynolds

P Williams

M Brunnschweiler

N Hanson

<sup>\*1</sup> - represented by one letter

<sup>\*2</sup> - represented by one message from R Watterson

Tynwald Café<sup>\*2</sup>

Glen Mona Hotel<sup>\*2</sup>

Victoria Tavern<sup>\*2</sup>

Ginger Hall<sup>\*2</sup>

A Jessop for CAMRA

R Saunders

J Halsall

L Miller

Derek and Anne



## **Part 4 – Conclusion**

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As a result of the consultation feed-back the Minister has decided not to progress the proposal to reduce the drink drive alcohol limit. Clause 22 of the Bill has been amended in Section 44 due to similar provisions appearing in the Police Powers and Procedures Act 1998 as explained above.

The proposal to report accidents involving cats has also been withdrawn following further discussion with the police.

The Bill clarifies that cycling on pavements is not allowed but does provide for exemptions in areas where cycling is considered to be dangerous. The Bill includes provisions to designate routes for caravans from the port to the camp site and further provisions are included to enable road safety regulations to be developed. The Bill will introduce provisions that could eventually allow the removal of the need to display a road fund licence disc in a vehicle windscreen once processes and technology allow.

Provisions will be added to the Bill to enable certain parking enforcement to be conducted by local authority parking enforcement officers.

Treasury concurrence was obtained at the meeting of the Treasury Committee on Wednesday 16 March 2016.

This document will be published on the consultation website once it has been agreed by the Minister.