



Department for
Transport

Consultation Document

**on changes to the treatment of penalties for careless
driving and other motoring offences**

Response from:

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Response to Department for Transport

Executive Summary

The BVRLA welcomes the opportunity to comment on the proposal to make careless driving a Fixed Penalty Notice (FPN) offence and to increase the penalty levels for some motoring Fixed Penalty Notices offences.

The Government and the motor industry have worked hard to reduce the number of people killed or seriously injured on Great Britain's roads. When commenting on the Department for Transport's proposals for the Strategic Framework for Road Safety, the BVRLA supported the vision and strategy of the framework.

We support the proposal to make careless driving a fixed penalty offence and open to remedial training. We believe this will help make enforcement effective, free up Police time and improve road safety

The BVRLA also supported the department's proposal to increase fines for uninsured driving and proposed to the Government the fine should be £2,000 and a custodial sentence for persistent offenders.

It is on this basis that we are pleased to support the department's proposal to increase the fine to £300 for uninsured driving but are still of the view it should be significantly higher to recognise the serious nature of the offence and the costs that uninsured driving places on responsible motorists and in fact acts as a penalty upon those that conform to the law.

We are pleased that the department is reviewing the levels of penalty for other offences, and fully supportive of an increase. However, we do not believe the planned increases are sufficiently penal as they do not reflect the seriousness of the crime committed, as explained in detail below.

The BVRLA believes that a penalty level should reflect the serious nature of the offence committed and should act as a clear deterrence and support a culture of responsible driving.

Having looked at the volume of fixed penalty offences issued over the last few years, see Annex A for data, it is possible that cuts in roads policing and enforcement are starting to erode the risk of getting caught and therefore compliance levels are reducing. Higher penalties may therefore help to encourage higher levels of compliance.

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Specific Comments

Careless driving

- 1. Do you agree with the proposed approach to make careless driving a fixed penalty offence and open to the offer of remedial training? If not, please explain your reasons why.**

The BVRLA supports the proposed approach to make careless driving a fixed penalty offence and open to the offer of remedial training. We believe this will help make enforcement effective, free up Police time and improve road safety.

We understand that more than half of motorists who have been convicted of careless driving thought they were driving perfectly normally at the time and moreover, 75% said they had been 'surprised' at being pulled over. We believe this confirms the important role remedial training could play in helping to educate drivers in behaving safely on the road.

- 2. Do you agree that the FPN offence should carry 3 penalty points and a fine of £90? If not, please explain your reasons why.**

We agree with the level of points which seems a sensible approach and in line with other similar serious motoring offences. We believe that the financial level of the penalty is not high enough as a sufficient deterrent and it does not reflect the serious nature of careless driving the proposal makes the offence look no more serious than a parking violation.

- 3. Do you agree with the criteria for the guidance on issuing a FPN or remedial training? If not, please explain your reasons why.**

We support the proposal to bring in remedial training for low level careless driving behaviours and agree with the examples in the consultation of what would constitute low level offences. We believe that given the apparent success of speed awareness workshops there is sufficient evidence that remedial training could have a similar effect. For example research from Frank P McKenna has shown that:

"The speed awareness workshop was shown to produce small to medium differences in drivers' attitudes to speeding, their perceived social pressure against speeding and their perceptions that they could control their speeding in the future. The workshop diminished the belief that speeding is enjoyable and increased the perceived legitimacy of speed control. At the end of the workshop,



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drivers were more than four times more likely to disagree that driving at 35 mph in a 30 mph limit is safe. There were also clear differences in speeding intentions. For example, drivers at the end of the workshop were more than five times more likely to intend to keep to the 30 mph limit.” Source: Frank P. McKenna, Perception and Performance¹

Levels for motoring fixed penalty notice offences

- 1. Do you agree we should increase the penalty levels for most endorsable plus seat belt wearing fixed penalty offences to £90? If not, please explain your reasons why.**

We believe that given the road safety implications associated with many of the motoring fixed penalty offences the fine could be more than £90. For example, the fine for parking illegally in London is normally in the region of £130 albeit discounted for prompt payment. Given that many of the motoring fixed penalty offences are effectively putting the driver, any passengers and other road users at risk it seems incorrect that the fine is less than for parking illegally.

We would suggest the department look at a fine that recognises the seriousness of the offence and sets the fine at no less than £200.

- 2. Do you agree we should increase the levels for non-endorsable fixed penalties to £45 (excluding parking offences)? If not, please explain your reasons why.**

Our comments above on the level of fine are also applicable to non-endorsable fixed penalties, we believe these are financially too low and therefore do not act as a sufficient deterrent. Whilst we recognise that the road safety implications are not as significant as the endorsable offences they still represent road safety compliance issues and we believe that the level of penalty should reflect this non-compliance.

We would therefore suggest £90 is a more appropriate level as it recognises the offence is not endorsable but is never the less a serious offence.

¹ [Frank McKenna](#)

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3. Do you agree that we should increase the fixed penalty level for driving without insurance to £300? If not, please explain your reasons why.

We wholeheartedly support an increase to the fixed penalty level for driving without insurance, however we once again believe that £300 is not a sufficient deterrent. With uninsured driving adding at least £30 each year to every insurance premium in the UK it is vital that the Government takes a strict approach to driving without insurance. The penalty should reflect the seriousness of the offence and be at a sufficient level that it is not worth a driver avoiding paying insurance and taking a fine if they are caught. We suggest the fine is increased further to at least £2,000 with a custodial sentence for persistent offenders.

4. Do you have any views on whether to increase the fixed penalty levels for the offence of keeping a vehicle without insurance? If so, or if not, please explain your reasons why.

We suggest that the fine is kept as it is due to the fact that it is too soon to tell whether the current fine is acting as a sufficient deterrent. Also keeping a vehicle and driving a vehicle are two different offences and reflect a very different road safety risk or threat to others.

5. Do you think graduated fixed penalties should be increased to the levels being proposed for the other motoring FPNs in the consultation document? If not, or if so, please explain your reasons why.

As per our comments at question 1 we believe the offences should be increased further to take full account of the severity of the penalty.

Closing Comments

We hope our comments have gone some way to shaping and developing the road safety strategy with the long term visions of reducing the number of deaths on Great Britain's roads.

Our members strive to provide the newest safest vehicles and assist their customers wherever possible with safe driving at work.



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Bona-fides **BVRLA, the industry and its members**

- The BVRLA is the trade body for companies engaged in the leasing and rental of cars and commercial vehicles. Its members provide rental, leasing and fleet management services to corporate users and consumers. They operate a combined fleet of 2.5 million cars, vans and trucks, buying nearly half of all new vehicles sold in the UK.
- Through its members and their customers, the BVRLA represents the interests of more than two million business car drivers and the millions of people who use a rental vehicle each year. As well as lobbying the Government on key issues affecting the sector, the BVRLA regulates the industry through a mandatory code of conduct.
www.bvrla.co.uk

Leasing Members

In general, vehicle leasing is an arrangement where the user simply hires the use of the vehicle and assumes operational responsibility for a predetermined period and mileage at fixed monthly rental from the owner (the leasing company). Legal ownership is, in the majority of cases, retained by the leasing company.

Short Term Rental Members

Rental Members offer hourly, daily, weekly and monthly rental of vehicles to corporate customers and consumers. As explained above, rental members are the owners of the vehicle.

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Annex A

Data on fixed penalty offences

