

# A consultation on changes to the treatment of penalties for careless driving and other motoring offences

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# Executive summary

1. In May 2011 the Government published its Strategic Framework for Road Safety ("the Framework"), which sets out a package of policies that would continue to reduce deaths and injuries on our roads. The Framework recognises the importance of targeted enforcement to tackle those behaviours that represent a risk to road safety. The measures announced focus on making the enforcement process more efficient, ensuring that penalties are set at the right levels, and making educational training more widely available for low level offending.
2. This consultation seeks views on proposals announced in the Framework that support these objectives, namely **making careless driving a fixed penalty notice (FPN) offence** and **increasing the penalty levels for some motoring FPN offences**. Both measures are linked in that the FPN level for the proposed careless driving offence will be set at the level being proposed for motoring FPN offences, but are dealt with separately in the consultation document.
3. The consultation document is divided into two parts:
  - Part A sets out the proposal for making careless driving a fixed penalty offence and open to the offer of remedial training. The option of court proceedings for careless driving will continue to be available.
  - Part B considers proposals for increasing the penalty levels for many (usually endorsable) road traffic £60 FPN offences to £90. There are also options to broaden the scope of the measure to include proposals, to increase the fixed penalty levels for non-endorsable offences, motor insurance offences, and graduated fixed penalties, to a similar proportion. There are no proposals to make any changes to penalty levels for parking restriction FPN offences.

4. These proposals ultimately aim to reduce the number of unnecessary deaths and injuries on the roads. The Government recognises that more can be done to support the victims of culpable road traffic offending. Where a person is seriously injured or killed on the road as a result of criminality they (or their family) should be able to expect support from victim services. The consultation document 'Getting it right for Victims and Witnesses' sets out the Government's commitment for increased support for victims of crime, including victims of road traffic crime.
5. The proposals outlined in this consultation apply to Great Britain but the impact assessments focus on the effects for England and Wales. We will consider further the likely impacts these proposals will have in Scotland in parallel with the consultation.
6. Views are invited on the questions set out at chapter 5 and on the impact assessments at Annex A and Annex B. The deadline for responses is 5 September 2012 and full details of how to respond can be found at chapter 6.

# 1. Background

- 1.1. Fixed penalty notices are offered to many suspected motoring offenders for less severe offences or less severe infringements of other offences. For more serious offences such as drink driving or dangerous driving, they are not available at all. They are also not used for the most serious infringements of some offences, for example for motorists speeding at over 100 mph on motorways or any other roads.
- 1.2. In many cases the police give offenders the choice of taking a remedial training course as an alternative to accepting a fixed penalty notice.
- 1.3. Fixed penalty notices have been used extensively for motoring offences during the last two decades. People issued with them can elect not to accept them. However, if they don't respond to the FPN, they face the prospect of proceedings at a Magistrates' Court and if they consider they are innocent can contest the proceedings against them.

## 2. Part A - Careless driving

### Introduction

- 2.1. Careless driving is an offence related to general poor driving and includes a variety of behaviours, such as tailgating, failing to look properly and sudden braking. It is defined in law (section 3ZA of the Road Traffic Act 1988) as driving that "falls below what is expected of a competent and careful driver" and "driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving". The offences for careless driving include driving "without due care and attention" and "without reasonable consideration for other persons" (section 3 of the Road Traffic Act 1988).
- 2.2. Examples of careless driving cases prosecuted in the courts include incidents where poor driving has contributed to a collision and an injury. The poor driving might have been injudicious overtaking, following too close behind the preceding vehicle, turning into too small a gap in traffic or attempting to pass a vehicle on the nearside.

### What is the problem?

- 2.3. The current process of charging motorists for a careless driving offence is overly bureaucratic. It involves a heavy burden of paperwork, which is resource intensive for the police and court services, particularly for lower level offending. The Association of Police Chief Officers (ACPO) have indicated that the high resource costs deter the Police from charging motorists with lower level instances of careless driving in the first place.
- 2.4. This is because these examples of the offence may not be suitable for prosecution when considering the public interest and the lower risks. This type of careless driving behaviour may, nonetheless, be antisocial and does increase the danger to others on the road.

- 2.5. Public opinion surveys on road safety issues have consistently highlighted poor driving as an area the Government needs to focus attention on. The *Think! Annual Survey* found that careless driving was mentioned by 30% of respondents as one of the top road safety issues, with 14% specifying "tailgating" in the top three road safety issues which needed to be addressed by the Government<sup>1</sup>. Also, the *DfT Citizen's Panel Survey* found that more than half the panellists thought that levels of policing enforcement of road traffic law were too low to stop dangerous/careless driving.
- 2.6. Furthermore, there is also evidence to indicate that bad driving can be attributed to a failure in driving skills. A survey of drivers convicted of careless driving showed that 57% claimed they were driving how they often or normally drove at the time of the incident, and 75% said they were surprised to be convicted.<sup>2</sup> This suggests that drivers lack information regarding expected driving behaviour and standards.
- 2.7. Because careless driving takes a number of different forms, it is difficult to determine the exact number of deaths and injuries caused by this behaviour. Data collected by the police on the contributory factors to road accidents, indicate there are a significant number of casualties caused by poor driving. In 2010, 322 deaths had 'careless, reckless or in a hurry' recorded as a contributory factor<sup>3</sup>. This may be an underestimate as there are other contributory factors (e.g. failing to look properly) that could be included as careless driving. Contributory factors are only recorded in injury accidents where the police attend the scene. Hence, there are a great number of instances of careless driving that do not result in a collision and are not recorded. This confirms that careless driving is a serious road safety problem.

## Current enforcement practices

- 2.8. At present, the police can enforce careless driving offences by the following methods: issue a warning with no further

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<sup>1</sup> 2010 THINK! Annual Survey, TNS-BMRB Report, March 2011

<sup>2</sup> Drivers convicted of dangerous or careless driving & victims: what they think of driving offences and penalties, L.M. Pearce, TRL Ltd, May 2004, DfT

<sup>3</sup> Reported Road Casualties in Great Britain: 2010 Annual Report, DfT



action or summons to court for more serious cases. The offence attracts between 3-9 penalty points, a fine of up to £5,000 and discretionary disqualification. There is a separate offence for causing death by careless driving, which has higher penalties, including mandatory disqualification and the option of a custodial sentence.

- 2.9. With less serious cases of careless driving where a collision was a result of an error of judgement by the driver (and because of the reporting requirements for collisions where the police are involved), many police forces do offer the option of driver improvement training as an alternative to prosecution. These courses are run by individual police forces, and operate under the ACPO National Driver Offender Retraining Scheme (NDORS), meeting national standards for training. The courses either consist of on-road or classroom-based training and are designed to improve driving standards.

## The proposal

- 2.10. The Government is proposing to make careless driving a fixed penalty notice offence and open less severe examples of the offence to the offer of remedial training to improve the level of enforcement and hence reduce the instances of careless driving in the future. In 2008, the previous Government consulted on a number of road safety measures, including making careless driving a FPN offence. The majority of respondents who responded to this consultation were in favour of the proposal. The proposed approach is described in more detail below.

### **Introduce a fixed penalty notice offence and remedial training for careless driving**

- 2.11. The fixed penalty approach would enable a police officer to offer those offenders who commit less severe careless driving offences the choice of either accepting the FPN (i.e. receive penalty points and a financial penalty) or attending remedial training (paid for by the offender - this would not result in endorsements on a licence) - they cannot be offered both at the same time. The option to go to court is still

retained should the suspected offender wish to contest the offence. This approach would have several benefits:

- Firstly, it would provide the police with a less resource intensive alternative of dealing with less serious careless driving offenders which is more efficient for the police to administer. For example, it would take a police officer less than half an hour to complete a fixed penalty notice, but preparing a court file to prosecute an offender would take an average of three hours to complete. The impact assessment provides a detailed explanation of our consideration.
- Secondly, the creation of the fixed penalty option is likely to result in some cases that would have been taken to court, being issued with fixed penalty notices, reducing the costs and pressures on courts. It is the intention that most of the extra cases the police proceed with will be disposed of through remedial training or by fixed penalty notices. This is likely to avoid a net extra workload for the courts
- Thirdly, the fixed penalty should reduce the prevalence of the careless driving. For example, when driving whilst using a mobile phone was introduced as a fixed penalty in 2003, survey data collected on mobile phone usage<sup>4</sup> showed that the proportion of drivers (cars, vans and lorries) observed using hand-held phones reduced. After the penalty became an endorsable offence and increased from £30 to £60 in 2007, there was an immediate drop in the proportions using hand-held mobile phones. Also, the number of FPNs issued following the penalty increase in 2007 decreased by more than a third in 2008. This provides an indication of the potential impact fixed penalties have in reducing offences.
- Finally, remedial training should offer benefits to the driver, such as improvements in driving behaviour. There is currently no specific quantitative evidence regarding the effectiveness of remedial training on reducing re-offending. The NDORS plans to evaluate national remedial training courses across all areas of traffic offences to determine their effectiveness in reducing re-offending and the prevalence of poor driving. However, there is some evidence of

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<sup>4</sup> Seatbelt and mobile phone usage surveys: England and Scotland 2009, Louise Walter, TRL (March 2010)

improvement in attitudes of those drivers who have attended remedial training courses.<sup>5</sup>

***Q1. 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.***

2.12. The offence would carry an endorsement of three penalty points and the level of the fixed penalty would be set at £90. The penalty level has been set at £90 for the following reasons:

- To bring the penalty level in line with the cost of remedial training to make the course an attractive option, as the alternative would result in endorsements on a licence. To prevent the cost of the courses significantly exceeding the penalty level, ACPO are developing a licensing system for all the national training courses offered under NDORS. This will enable greater regulation over courses, training providers, and costs.
- To bring the offence in line with penalty notices for disorder (PNDs) which is set at £80 (higher tier offences) and £50 (lower tier offences). The Ministry of Justice is currently consulting on proposals to increase the level of PNDs by £10<sup>6</sup>. If the FPN is set at a level lower than £90, there is a risk that the offence would be perceived as trivial and inconsequential.

***Q2. Do agree that the FPN offence should carry 3 penalty points and a fine of £90? If not, please explain your reasons why.***

2.13. We had considered whether offering offenders remedial training without fixed penalties was an option, but have ruled this out since the only sanction against those who do not accept remedial training would be a court summons.

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<sup>5</sup> Comparison of Driver Alertness and the National Driver Improvement Scheme, Dr F Fylan, Brainbox Research; Prof S Stradling, Edinburgh Napier University, June 2010

<sup>6</sup> Getting it right for victims and witnesses consultation (ref: CP3/2012), Ministry of Justice, Jan 2012

### Guidance for issuing FPNs and remedial training

- 2.14. By making careless driving a fixed penalty offence, it could be offered in any instance of careless driving. It is not intended that fixed penalties or remedial training are used for the more serious examples of careless driving. We would expect these cases to continue to be dealt with by the courts.
- 2.15. Operational guidance for the police is being developed by ACPO, in preparation for this measure, which will outline the circumstances surrounding the use of FPNs and remedial training. The guidance will encourage the use of remedial training for less serious instances of careless driving, thus enabling more offenders to address behaviours through education, where appropriate.
- 2.16. It is envisaged that FPNs and remedial training would only be offered in situations witnessed by a police officer where there are no victims, no collisions and no public complaint. Some examples of potential low level careless driving behaviours, include:
- Driving too close to a vehicle in front
  - Wrong lane on a roundabout
  - Ignoring a lane closed sign and pushing into an orderly queue
  - Lane discipline such as remaining in lane two or three when lane one is empty and there is no other vehicle to overtake
  - Inappropriate speed
  - Wheel spins
- 2.17. There are some circumstances where remedial training would not be offered to an offender. These include, if any other offences committed could be dealt with by prosecution (e.g. no insurance), and where an offender has already attended the training within the previous 3 years. The circumstances also include aggressive and deliberate careless driving.

***Q3. Do you agree with the criteria for the guidance on issuing a FPN or remedial training? If not, please explain your reasons why.***

2.18. Subject to the outcome of this consultation, the intention is to implement these proposals as soon as is practicable and by April 2013.

# 3. Part B – Increasing levels for motoring fixed penalty notice offences

## Introduction

- 3.1. Fixed penalty notices (FPNs) are designed to provide a straightforward, efficient method to dispose of many of the less serious road traffic offences. There are two types of FPNs: non-endorsable offences, which do not result in penalty points on a licence and are usually set at £30; and endorsable offences which usually result in penalty points on the licence and are usually set at £60. For the most serious FPN offences, such as driving without insurance, the financial penalty is up to £200.
- 3.2. Many fixed penalty offences attract 3 penalty points and if a motorist accumulates 12 points within 3 years (6 points for recently qualified drivers) they are likely to face disqualification from driving.

## What is the problem?

- 3.3. The penalty levels associated with most motoring FPNs have been the same since 2000 and subsequent price inflation has reduced their real value.
- 3.4. The penalty levels associated with most motoring offences are lower than those with other violations of a similar, or in some cases arguably lesser, severity. For example, penalty notices such as disorder are set at £80 (higher tier offences) and £50 (lower tier offences). The Ministry of Justice has consulted on proposals to increase the level of these penalties by £10. Not increasing penalty levels risks some offences being perceived as minor infringements.

- 3.5. In the past couple of years, as an alternative to a fixed penalty notice, remedial training is increasingly being offered by the police to offenders to address driving behaviour. Remedial training operates at no cost to the public purse, as the offender is required to pay for the course. The Government's Strategic Framework for Road Safety has encouraged the greater use of remedial training courses for some offences. However, the commercial cost of the training plus the associated direct enforcement costs mean that remedial courses for speeding (the most common type) are generally being offered at about £90 a head. There is a risk that a substantial differential between the upfront costs of courses and FPNs will reduce the proportion of people opting for courses.
- 3.6. Additionally, the cost differential has hindered the introduction of further remedial courses (for example related to not wearing seat belts). A higher FPN level would make the widespread introduction of more courses viable. The current planned expansion of courses to address lower level careless driving is premised on an FPN increase and may be compromised if that does not materialise.
- 3.7. It is important therefore to ensure consistency with other penalty notices of a similar severity in order to avoid offences being perceived as minor infringements, and in the process, maintain compliance with motoring laws.

## The proposals

- 3.8. In the Framework, the Government announced the proposal to increase the level of some Fixed Penalty Notices (FPNs) for traffic offences from £60 to £80-£100. The Government has broadened the scope of the proposal by increasing the range of motoring fixed penalties being consulted on to ensure a consistent approach can be taken forward. The proposals are described in detail below:

### **Option 1 - Increasing levels for endorsable fixed penalty offences, including non seat belt use**

- 3.9. As indicated in the Framework, the Government is proposing to increase those road traffic fixed penalty offences currently set at £60 by 50% to £90. Most of these fixed penalties have not been increased since 2000 and are used for serious road safety offences, such as speeding, not wearing a seat belt whilst driving, using a hand held mobile phone or similar device whilst driving, passing red traffic lights and pedestrian crossing offences. The offences contribute to a significant number of casualties. For example, in 2010 excessive speed contributed to 260<sup>7</sup> deaths, not wearing a seat belt resulted in 200<sup>8</sup> deaths, and careless driving (including the illegal use of mobile phones) contributed to 370 deaths.
- 3.10. These offences attract penalty points, with the exception of not wearing a seat belt, and together constituted for around three quarters of all motoring fixed penalties issued in 2009 (ie approximately 1.6m FPNs<sup>9</sup>). Endorsable fixed penalty offences have a high payment rate (97% in 2009<sup>10</sup>) and have remained at around these levels since 2000.
- 3.11. The reason we are proposing to increase the penalty level to £90 is that this would bring levels in line with inflation and other penalty notices of a similar severity, such as disorder, which is currently set at £80. The Government is proposing to increase the penalty levels for disorder offences to £90. In addition, this level would be consistent with the cost of current remedial training, such as speed awareness courses and enable the development of courses for other offences, such as non seat belt use.
- 3.12. The police are introducing a licensing system for the most frequently used courses, available under the National Driver Offender Retraining Scheme. This should contribute to

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<sup>7</sup> These figures are based on reported STATS19 data when police were in attendance (factored up to represent the small minority of fatal accidents police did not file detailed reports about) and are likely to be a substantial underestimate as previous research has shown excess speed is under reported as a contributory factor in STATS19.

<sup>8</sup> Based on Ward H et al (2007) 'Trends in Fatal Car Occupant Accidents', with 2007 figures adjusted to 2010 in proportion to national reductions in car occupant deaths 2007 to 2010

<sup>9</sup> Source: Police Powers and Procedures 2009/10 (Home Office), table 3b

<sup>10</sup> Source: Police Powers and Procedures 2009/10/ (Home Office), table 3d

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb0711/hosb0711?view=Binary>



ensuring courses are good value for money and fees do not increase rapidly.

- 3.13. The impact assessment provides a detailed explanation of our consideration of this proposal.

***Q4. 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.***

**Option 2 - Increasing levels for non-endorsable fixed penalty offences (excluding parking offences)**

- 3.14. Many non endorsable offences attract a fixed penalty of £30 (which again has not increased since 2000). Some of these offences compromise safety (for example some vehicle defects), whilst others have environmental or operational effects (for example related to noise, lighting or traffic regulation orders). The Government is proposing to increase the level for these offences by 50% to £45. This would mean that levels would remain half of those for most endorsable offences, and would increase penalties in line with inflation.
- 3.15. The Government is not consulting about any changes to the penalty levels for parking restriction infringements. This is because they are more closely connected with parking issues in general. Most parking offences are enforced using civil rather than criminal sanctions and are therefore not disposed of through fixed penalties.
- 3.16. In 2009, there were about 0.2m fixed penalties issued for these offences relating to the negligent use of motor vehicles, vehicle registration and excise licence offences, vehicle test offences, some vehicle construction and use offences, some infringements of traffic regulations, lighting offences, noise offences, load offences and pedal cycle offences. There are no remedial training courses associated with these offences.
- 3.17. The non-payment of fixed penalties which do not attract penalty points tends to be higher than those for endorsable offences, with 27% requiring further enforcement for non

payment . Data from previous years shows that there is no strong trend in payment rates for these fixed penalty offences. Therefore in our estimates we have assumed that these payment levels would remain the same if penalty levels for these offences were to be increased. The impact assessment provides a detailed explanation of our consideration of this proposal.

***Q5. 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.***

### **Option 3 - Increasing levels for motor insurance fixed penalty offences**

3.18. The Strategic Framework for Road Safety highlighted that “reducing uninsured driving is a priority”. There are two motor insurance offences which attract fixed penalties:

**a. Driving a vehicle without a minimum of third party insurance cover (s143 of the Road Traffic Act)**

- This attracts a fixed penalty of £200 and 6 penalty points. If prosecuted in court, an offender could receive a maximum fine of £5,000 and 6-8 penalty points. The police also have the power to seize uninsured vehicles.
- The proposal is to increase the fixed penalty by 50% to £300. The present penalty is higher than those for other endorsable offences to reflect the seriousness of the offence. Industry estimates that uninsured driving adds an average of about £30 to the cost of each premium. Uninsured and untraced drivers are five times more likely to be involved in accidents and contribute to 160 deaths and injure 23,000 per year<sup>11</sup>. By bringing the penalty broadly in line with inflation, we estimate that there will be a modest increase in offenders not paying the penalty and therefore liable for prosecution. The impact assessment provides a detailed explanation of our consideration of this proposal.

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<sup>11</sup> Insurance industry figures.

***Q6. Do you agree that we should increase the fixed penalty level for driving without insurance to £300? If not, please explain your reasons why.***

**b. Keeping a vehicle without a minimum of third party insurance - Continuous Insurance Enforcement (CIE)**

- The CIE scheme was introduced in 2011, whereby registered keepers are responsible for ensuring their vehicles have minimum third party insurance. Failure to do so results in a fixed penalty of £100 imposed by the Driving and Vehicle Licensing Agency (DVLA), which is reduced to £50 if paid within 21 days. The offence does not accrue penalty points but vehicles can be wheel clamped and impounded. If prosecuted in court, an offender can be fined up to £1,000.
- The Government has considered the implications of raising the penalty by 50% in line with other offences in this consultation. We would not expect the payment of a fixed penalty fine for an offence which does not attract penalty points to be higher than for an endorseable offence and we have always estimated that that 40% of keepers would pay the fixed penalty with the remaining 60% not paying. Current figures suggest that this is the case. By increasing the level of the penalty we risk upsetting the balance and more not paying the fine. This would result in extra costs bringing offenders to justice through the courts.
- This is a recently introduced offence and so the case for change is not as strong as for other offences, where the penalty level has not kept pace with many years of price inflation.
- The Government is keen to ensure that the penalty is not so high that it ceases to be paid and removes its effectiveness as a deterrent. We must bear in mind that the fixed penalty is only part of the punishment as offenders risk their vehicles being immobilised and impounded, the cost and inconvenience of having to pay release fees to claim the vehicle falling to the offender.

***Q7. 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.***

#### **Option 4 - Increasing levels for graduated fixed penalty offences**

3.19. Graduated fixed penalties were introduced in 2009 and mainly cover commercial vehicle drivers' hours and overloading offences, both endorsable and non-endorsable. The penalties are graduated to reflect the length of time spent driving or working over the legal limit, being below the prescribed period of rest and levels of overloading in vehicles.

3.20. They range from £30 to £200. This consultation seeks views about whether an increase to these penalties should be taken forward, if increases to most of the other fixed penalty notices are proceeded with.

***Q8. 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.***<sup>12</sup>

#### **Financial Deposit Scheme**

3.21. Non-UK-resident offenders suspected of committing many of the fixed penalty notice offences can be required to make a financial deposit either for an amount equivalent to the fixed penalty or as a form of surety where the offence is being prosecuted in the court.

3.22. The levels of the financial deposits generally match the fines associated with fixed penalty notices. The intention would be to increase the levels of financial deposits for those offences where the fixed penalty notice fine was increased, to match

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<sup>12</sup> New EU legislation is currently being negotiated that is likely to require changes to fixed penalties imposed for breaches of the EU rules on use of tachographs. The Department will therefore consult separately on any proposed changes in 2013

the new fixed penalty notice fines, and also to set a level for the financial deposit for the offence for careless driving.

## Preferred approach

- 3.23. In theory each of the proposals could be adopted independently of each other. The preferred option is to implement increases in the fines as set out under options 1, 2 and 3(a). The preferred option does not include increases to the fines for offences discussed under items 3b and 4, but these remain under consideration.
- 3.24. The Government's preferred approach is to implement these changes as soon as practicable and by April 2013.

## 4. Consultation questions

### 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.
2. Do agree that the FPN offence should carry 3 penalty points and a fine of £90? If not, please explain your reasons why.
3. Do you agree with the criteria for the guidance on issuing a FPN or remedial training? If not, please explain your reasons why.

### Levels for motoring fixed penalty notice offences

4. 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.
5. 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.
6. Do you agree that we should increase the fixed penalty level for driving without insurance to £300? If not, please explain your reasons why.
7. 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.
8. 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.

## 5. Impact Assessments

The Impact Assessments for the proposals contained in Part A and Part B of the consultation can be found at **Annex A** and **Annex B**.

When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible.

Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.

## 6. How to respond

The consultation period began on 14 June 2012 and will run until 5 September 2012. Please ensure that your response reaches us before the closing date.

You are invited to respond to the consultation via the **online form**.

Alternatively you may send your response **by email** to:

[motoringfpnsconsultation@dft.gsi.gov.uk](mailto:motoringfpnsconsultation@dft.gsi.gov.uk)

or **by post** to:

Motoring Fixed Penalties Consultation  
Department for Transport  
RULIS Division, Zone 3/21  
Great Minster House  
33 Horseferry Road  
London, SW1P 4DR

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

If you have any questions, or would like copies of the consultation document, please use the above contact details.

### What will happen next

A summary of responses, including the next steps, will be published within three months of the consultation closing on the website at [www.dft.gov.uk](http://www.dft.gov.uk). Paper copies will be available on request.



## Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

## Consultation criteria

The consultation is being conducted in line with the Government's Code of Practice on Consultation. A full version of the Code of Practice on Consultation is available on the Better Regulation Executive website at <http://www.bis.gov.uk/files/file47158.pdf>. If you consider that this consultation does not comply with the criteria or have comments about the consultation process please contact:

Consultation Co-ordinator, Department for Transport, Zone 1/14  
Great Minster House, London SW1P 4DR

Email: [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)