RESPONSE TO THE DEPARTMENT FOR TRANSPORT’S CONSULTATION PAPER

“SPEED LIMIT EXEMPTIONS”
INTRODUCTION

This is the response of the Royal Society for the Prevention of Accidents (RoSPA) to the Department for Transport’s consultation paper, “Speed Limit Exemptions”. It has been produced following consultation with RoSPA’s National Road Safety Committee and its Road Safety Advisory Group. RoSPA thanks the Department for the opportunity to comment on the proposals.

The law currently states that speed limits do not apply to any motor vehicle being used for police, fire and rescue authority, ambulance or Serious Organised Crime Agency (SOCA) purposes, if observing the speed limit would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion. The law also include exemptions for some military purposes as set out in the Statutory Instrument No. 953 The Road Traffic (Armed Forces) (Variation and Amendment) Regulations 2011.

The Government is proposing to bring Section 19 of the Road Safety Act 2006, which has not yet been implemented, into effect. This would change the law concerning exemptions from speed limits, and replace section 87 of the Road Traffic Regulation Act (1984) in relation to exemptions from speed limits for certain vehicle purposes. It will also supersede the Road Traffic (Armed Forces) (Variation and Amendment) Regulations 2011, which exempt certain military purposes from road traffic law.

The changes would allow certain other vehicle purposes to be included in speed limit exemption regulations, and prescribe a high speed training course that drivers must undertake (or be in the process of taking) before they are permitted to exceed speed limits.

The Government is also proposing to amend regulations related to other exemptions from road traffic laws: signals, signalled crossings, certain signs, motorway hard shoulders and a further exemption from seat belt requirements related to the treatment of patients in the back of ambulances.

The Department proposes to introduce regulations and commence Section 19 as soon as is practical, with the intention of doing so in 2013.

Therefore, the Government is seeking views on:

a) the possible extension of speed limit exemptions;
b) the regulation of Speed Limit Exemption driver training courses;
c) possible changes to other exemptions from road traffic law; and
d) whether or not the provisions of the Road Safety Act 2006 should be implemented.
COMMENCEMENT OF SECTION 19 OF THE ROAD SAFETY ACT 2006

Section 19 of the Road Safety Act 2006 has not yet been brought into force. It includes provisions to allow regulations to be made, but amending the wording of Section 19 is not an option for this consultation because such an amendment would require primary legislation.

If Section 19 is not commenced, no other vehicle purposes could be included in speed limit exemption regulations (except for some Crown military purposes) unless primary legislation is amended. In addition, there would be no legal requirement for a driver to be trained to drive safely at high speeds when using a vehicle for a purpose that is exempt from speed limits. Existing organisations have operational procedures in place that largely replicate the proposals, but these are not legally binding.

The Department considers that it is important to introduce Section 19 because it would:

- allow other essential vehicle purposes to be added to speed limit and other road traffic exemptions, specifically those used to protect national security and to transport human tissue for transplant
- help maintain and improve the high standards the main Emergency Services have developed
- increase transparency and accountability (especially in the event of a road traffic collision) and protect the interests of the public and the Emergency Services.

The services with current speed limit exemptions have participated in the working group that devised the Speed Limit Exemption driver training standards. These standards closely reflect existing practices. The Government, therefore, proposes to commence Section 19 of the Road Safety Act 2006 in 2013, subject to legislative and resource constraints.

Question a
Do you agree that in principle Section 19 of the Road Safety Act (2006) should be implemented?

RoSPA Response
Yes, RoSPA agrees that Section 19 of the Road Safety Act 2006 should be implemented. In particular, we believe that the introduction of compulsory, standardised training for drivers who are permitted to exceed speed limits under the relevant conditions, is an important road safety measure.

Question b
If so, when should Section 19 be implemented?

RoSPA Response
RoSPA believes that, subject to the results of this consultation, and the availability of suitable, accredited, training courses and a robust accreditation and quality assurance scheme, Section 19 should be implemented as soon as practicable.
POSSIBLE EXTENSION OF SPEED LIMIT EXEMPTIONS

The law (section 87 of the Road Traffic Regulation Act 1984) currently states that the following purposes may be exempt from speed limits:

- police purposes;
- fire and rescue service authority purposes;
- ambulance purposes; and
- Serious Organised Crime Agency purposes.

Under Section 19 of the Road Safety Act 2006, these legal exemptions would only apply:

- when observing them would hinder the use of the vehicle for the purpose that it was being used for on that occasion; and
- when the driver has satisfactorily completed a high speed driving course of training (or is driving the vehicle as part of such a course).

However, an exemption from speed limits does not mean a driver can use a vehicle in an irresponsible manner. A driver can still be prosecuted for careless or dangerous driving if their behaviour warrants such action.

The nature of responding to emergencies has changed significantly since the 1984 regulations were made. For example, improvements in medical science have meant an increase in human tissue transplants and there are often insufficient numbers of ambulances when human tissue becomes available for transplant purposes.

There are certain vehicle purposes that the wider public already consider as having a speed limit exemption, even though they actually do not at the moment, including:

- Her Majesty’s Revenue and Customs
- Civil Aviation Fire and Rescue
- Vehicles used primarily for transporting human tissue for transplant
- Ministry of Defence Bomb Disposal
- Forestry Commission
- Security Service
- Blood Transfusion service
- Mountain Rescue
- Royal Air Force Mountain Rescue
- Ministry of Defence radiation accident and emergency
- Coastguard and Coastguard Auxiliary service
- Royal National Lifeboat Institution

The Department has received requests from some organisations to add some of these purposes to the planned speed limit exemption regulations, and proposes to invite the Emergency Services’ High Speed Driver Training Group to advise which additional purposes to include, in the light of the following criteria:

- Examples of the circumstances when the ability to exceed the speed limit (as opposed to being able to quickly reach destinations)
- Evidence about how the operational effectiveness of organisations would be improved
- Additional risks to road users from further speed limit exemptions (even though Speed Limit Exemption driver training would be required), including a history of accidents involving their vehicles.
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- Risk management, including written procedures for handling emergency responses, including how and from whom authority is given to exceed speed limits
- Maintenance procedures for the vehicles used
- Safety, security and health benefits to the public, including consideration of the evidence about how time critical the activities are and the potential dangers in terms of risks to life and limb of not shortening response times;
- Role of the vehicle purpose in relation to emergencies related to national security, crime, safety or public health, including the need to provide evidence that the purpose of the vehicle function requires organisations acting in a lead role in preventing harm or danger to the public, as opposed to a supporting role (i.e. providing essential assistance to the Police, Fire and Rescue or Ambulance services) in the aftermath of an incident
- How records about the successful completion, assessment and review of training will be kept and made available for periodic inspection.

Each application will be assessed by the Group, who will provide advice and recommendations to the Department and Secretary of State, who would make final decisions about which purposes would be included in the regulations to be put before Parliament.

Question a
Do you agree with the criteria the Department proposes to use to consider whether to add additional purposes for speed limit exemptions?

RoSPA Response
RoSPA agrees that speed limit exemptions should be provided for some additional purposes, where the ability to exceed speed limits (by appropriately trained drivers) would help to protect the public.

RoSPA also agrees that each application for an exemption should be assessed on an individual basis and that the proposed procedure and criteria provide a robust assessment framework. Considerable care should be taken to ensure that there is not an enormous growth in the number of vehicles, purposes and drivers given speed limit exemptions, and that such exemptions are only granted where they would significantly reduce the threat to public safety, and not just to help organisations improve their operational performance.

As we understand the proposed process, the Emergency Services’ High Speed Driver Training Group will recommend to the Department and the Secretary of State which applications should be granted speed limit exemptions, but the Secretary of State would make the final decision about which purposes to include in the regulations. We assume, therefore, that a public consultation would be conducted at this stage.

Question b
Should the additional purposes for speed limit exemptions be largely confined to some of the organisations and purposes currently allowed to fit and use blue lights?

RoSPA Response
RoSPA believes that it is logical for speed limit exemptions to be largely confined to some of the organisations and purposes currently allowed to fit and use blue lights. However, being allowed to fit and use blue lights should not automatically result in the speed limit exemption. Other than vehicles used for covert surveillance (for example, for major crime or national security purposes), it is difficult to imagine a purpose for which speed limit exemptions but not blue lights, would be required.
Question c
Do you wish to nominate a specific purpose as one that should be granted an exemption from speed limits? If so is there any evidence related to any specific purposes you would like us to be aware?

RoSPA Response
RoSPA does not wish to make any nominations.

However, of the list of purposes given in the consultation paper, RoSPA agrees that Revenue and Customs, Civil Aviation Fire and Rescue, Vehicles used primarily for transporting human tissue for transplant, Ministry of Defence Bomb Disposal and Mountain Rescue vehicles have strong cases for receiving the exemption.

We would stress that, if granted, the use of speed limit exemptions for these purposes should only occur in cases where it is absolutely necessary, and not as a matter of normal operational procedure.

Question d
Are there any vehicle purposes (including those listed in this section) which you consider are unsuitable for a speed limit exemption?

RoSPA Response
RoSPA does not wish to suggest specific vehicle purposes that should not be granted speed limit exemptions, without having seen the evidence supporting an application for the exemption. However, we again stress that speed limit exemptions must only be granted where they would significantly reduce the threat to public safety, and not just to help organisations improve their operational performance.
REGULATION OF SPEED LIMIT EXEMPTION DRIVER TRAINING COURSES

Section 19 requires drivers of vehicles for purposes that are exempt from speed limits to have successfully completed an appropriate training course. The Department, therefore, proposes that standards for such courses should be set by the regulations, and:

- to include in regulations the competences set out in the Code of Practice produced by the Joint Emergency Services’ ‘Speed Limit Exemption Driver Training Group’, which sets out the competences a driver must display at speeds above the speed limit and establishes the basis for the definition of standards and a Quality Assurance system for training course providers and assessors.
- to consult about the option of regulating drivers to have their competence reassessed at a broadly five year frequency.
- to permit ‘grandfather rights’ which will allow existing drivers to be considered as already trained if they can demonstrate they have already undertaken a course similar to the one that will be prescribed in regulations.
- that a compulsory DSA accreditation and quality assurance scheme would apply to course providers and instructors, other than instructors providing high speed training courses to the police, fire and rescue authority, Serious Organised Crime Agency and NHS Ambulance Trust services. Compulsory accreditation will therefore not apply to the police, fire and rescue authorities, Serious Organised Crime Agency or Ambulance Trusts, unless training is bought in from other organisations.

The Government also proposes that the fees charged by DSA for its compulsory accreditation scheme be regulated but not the fees charged by course providers.

Question a
Should the Code of Practice produced by the Speed Limit Exemption Driver Training Steering Group in 2008 be the basis of a statutory Code of Practice?

RoSPA Response
RoSPA agrees that the Code of Practice produced by the Speed Limit Exemption Driver Training Steering Group in 2008 should be the basis of a statutory Code of Practice. Having been developed by an expert group comprising representatives of the police, fire and rescue, NHS ambulance services, SOCA and road safety stakeholders (including RoSPA), the Code of Practice is based primarily around current best practice for each of the organisations reflects closely what was being taught by those currently exempt.

As the consultation paper notes:

“The Code of Practice acknowledges that there are organisation specific competences that drivers, from each individual service, must demonstrate. For example, although the competences for driving at higher speeds safely through crowded residential streets are universal, (irrespective of the type of vehicle being driven), different skills are required for driving a water laden fire engine than for driving a police car in pursuit or driving an emergency ambulance with a patient being treated in the rear compartment, whilst on the move.”

It is unlikely that spending further time and resources to develop a separate statutory Code of Practice would be cost-effective or produce a better result.
Question b
Do you have any comments on the details of the Code of Practice?

RoSPA Response
Having been involved in the Steering Group that helped to develop the Code of Practice, RoSPA fully supports its content.

However, the Code is now over four years old, and was written before out-sourcing in the police, fire and ambulance services had become common. The commercial pressures of competing partly on price when bidding for tenders, mean that organisations submitting bids will naturally seek to keep their costs as low as possible. This may create a risk that some organisations may not fully implement all aspects of the Code of Practice as a way of keeping their costs down.

While most commercial bidders are very likely to employ former emergency service personnel, who are experienced emergency drivers and managers of emergency driving services, and who already hold appropriate high-speed driving accreditation, over time the availability of such personnel may reduce.

Therefore, a robust quality assurance regime will be needed to ensure that the learning outcomes set out in the code of practice are being achieved at the appropriate level.

It is also important that both content of the Code of Practice, and how it is used in reality, are regularly reviewed, to ensure that it remains relevant to the overall context in which high speed emergency driving services are provided. This would also help to ensure that any individual variations in the way the Code of Practice is applied (due to the variation between the emergency services) do not constitute a fundamental deviation from the Code.

Question c
Should the frequency of training, and transitional arrangements, be included specifically in the regulations or not?

RoSPA Response
RoSPA is a strong advocate of regular driver re-training. Members of RoSPA’s Advanced Drivers and Riders (ROADAR) are required to re-take their advanced driving or advanced motorcycling test every three years in order to ensure that they maintain their high driving and riding standards.

RoSPA strongly agrees that drivers who are exempted from speed limits (in relevant circumstances) should be reassessed at least every five years. We support the proposal to include the requirement for re-assessment in the regulations, although there may be advantages in allowing the precise frequency to be set in the Code of Practice.

RoSPA also supports the proposal to accredit the prior learning of drivers of vehicles currently used for police, fire and rescue authority, ambulance, SOCA or certain military units because such drivers have already been trained in the competences identified in the Code of Practice. To require them to take a new course would be extremely expensive and disruptive to those organisations.

However, RoSPA believes that such drivers should then be subject to the mandatory re-assessment period. We also agree that their previous training should have been completed with the previous five years.
Question d
Do you agree with the proposal to require accreditation by the Secretary of State for some of the Speed Limit Exemption Driver Training, with the exceptions set out in the consultation?

RoSPA Response
RoSPA agrees with the proposal to require course providers and instructors to be registered on a compulsory DSA accreditation and quality assurance scheme.

Ideally, RoSPA believes that the DSA accreditation and quality assurance scheme should also apply to courses and course instructors in the police, fire and rescue authorities, Serious Organised Crime Agency or Ambulance Trusts. However, we recognise that given the existing quality and robustness of the training currently provided by these services, it would be a more cost-effective use of DSA resources to concentrate their accreditation in the private sector.

However, RoSPA strongly agrees that where courses and course instructors in the police, fire and rescue authorities, Serious Organised Crime Agency or Ambulance Trusts are bought in from other organisations, they must be included in the DSA Accreditation scheme.

As this type of out-sourcing becomes more prevalent, it becomes even more important to ensure that the Accreditation scheme is as robust as possible. The move to outsourcing in the emergency services is likely to mean that over time they will cease to be a source of qualified emergency driving staff. This may mean that, in time, the re-assessment of high-speed drivers and trainers will be carried by staff who themselves are not, and never have been, members of the emergency services. Such a long term loss of experienced emergency staff may impair the ability to deliver a robust quality control scheme.

Question e
Do you agree with not setting maximum fees for courses?

RoSPA Response
RoSPA agrees that it is not necessary to set a maximum course fee because competition between course providers should ensure fees are reasonable.

Question f
Do you agree with the proposal about DSA fees?

RoSPA Response
RoSPA agrees that the DSA should be able to charge reasonable fees for course provider and trainer accreditation, in order to cover their costs of doing so. We have no views on the figure of £881 quoted in the consultation paper.
Question g
Should there be a regulated statutory database listing trained drivers, other than those in police, fire and rescue authorities, NHS ambulance service, SOCA and the military/security services?

RoSPA Response
RoSPA agrees that, as part of the DSA accreditation process, training course providers should be required to keep records of those drivers who have successfully completed the course and when they did so, including those who have successfully been re-assessed.

A driver moving around from one organisation to another must have a continuous traceable record. The compulsory keeping of records protects the drivers and reinforces the responsibilities of trainers and their employers to adhere to the Codes of Practice.

RoSPA also thinks that in addition to training course providers, organisations who have exemptions from speed limits, and who employ drivers who are accredited to exceed speed limits (in relevant circumstances) should also be required, as part of their accreditation, to keep adequate and up-to-date records of their drivers who have successfully completed a course, and when relevant, been successfully re-assessed. This is essential to ensure that they only use such trained and accredited drivers for journeys that involve exceeding speed limits.

RoSPA believes that the DSA should also maintain a statutory database of trained drivers, and be given adequate resources to do so. However, if this is not to be the case, then we recommend a review be conducted in due course to check whether organisations and course providers are maintaining adequate records.
OTHER EXEMPTIONS FROM ROAD TRAFFIC LAW

In addition to their speed limit exemptions, the Emergency Services are also exempt from other road traffic laws in emergency situations, such as passing red traffic lights, including at pedestrian crossings, passing keep left and keep right arrows, passing through red crosses (denoting lanes closed to traffic) on motorways, and using motorway hard shoulders. These exemptions do not currently require the driver to have taken a relevant training course.

Therefore, the Government is considering amending regulations so that these other exemptions would be dependent on completing a Speed Limit Exemption course because the safe passage of vehicles using these exemptions is contained within the Speed Limit Exemption course.

Question a
Do you agree with the overall approach proposed by the Department with regard to exemptions for other Road Traffic laws?

RoSPA Response
RoSPA agrees that the overall approach with regard to exemptions for other road traffic laws should be the same as for the speed limit exemption. Training course content will, of course, need to include these exemptions.

Question b
Should all drivers who operate vehicles which are exempt from speed limits in certain circumstances also be exempt from the five regulations related to: Traffic Signals, Signalled Crossings, certain signs and the use of Hard Shoulders?

RoSPA Response
RoSPA agrees that it is logical for a driver who has completed the Speed Limit Exemption driving course, and who is responding to an emergency, to also be exempt from these other five regulations. The High Speed driving course should include competencies relating to these other exemptions.

These exemptions should only be applicable when observing the regulations is likely to hinder the use of the vehicle for the purpose it was being used. In other words, if not using the exemptions, with all due care, would hinder the ability to protect the public from the emergency situation.

Question c
Should the purposes exempted from the five regulations related to Traffic Signals, Signalled Crossings, certain signs and the use of Hard Shoulders be otherwise retained broadly as they are?

RoSPA Response
RoSPA has no reason to suggest that they should be changed.
**Question d**  
Should the purposes for which blue lights and sirens are fitted be retained broadly as they are?

**RoSPA Response**  
RoSPA agrees that there are emergency response situations where the use of blue lights and sirens is needed but it is not necessary to exceed speed limits. Therefore, the use of blue lights and sirens should not be restricted to when vehicles are driven by drivers who have completed Speed Limit Exemption Driver Training.

However, some of the other exemptions from road traffic law (especially passing through red traffic lights and on the wrong side of the road), involve significant risks, and should only be undertaken by appropriately trained drivers. Ideally, they would be restricted to drivers in possession of high speed training.

However, RoSPA recognises that introducing such a restriction might compromise the use of blue lights and sirens, and that all drivers subject to these other exemptions would need to take High Speed Driver training. Therefore, RoSPA believes that a specific blue light driver training course be developed, using the successful approach of the Speed Limit Exemption Driver Training Steering Group.

**Question e**  
Should further exemptions from any more signing regulations be added?

**RoSPA Response**  
RoSPA does not wish to suggest any further exemptions.

**Question f**  
Should a non-statutory competence standard for blue light training be developed and if so, by whom?

**RoSPA Response**  
As stated in our answer to question d above, RoSPA believes that a specific blue light driver training course be developed, using the successful approach of the Speed Limit Exemption Driver Training Steering Group.

**Question g**  
Should the regulation of blue light training be considered further?

**RoSPA Response**  
Yes, RoSPA believes that the regulation of blue light training should be considered further, and along the lines of the approach taken by the Speed Limit Exemption Driver Training Steering Group.
Question h
Do you agree with the Department’s proposal to create an additional exemption to seat belt wearing law relating to the emergency treatment of patients in Ambulances?

RoSPA Response
RoSPA agrees with the proposal to create an exemption to seat belt wearing law relating to the emergency treatment of patients in Ambulances. However, we suggest an amendment (in italics below) to the proposed wording of the exemption suggested in the consultation paper:

“...when to do so would impair the treatment of a patient”

IMPACT ASSESSMENT

Question a
Do you think that the proposed changes would have any other implications, which have not been considered in this consultation document or Impact Assessment; if so, please can you identify/quantify what these would be?

RoSPA Response
RoSPA has no further comments on the Impact Assessment.

Question b
We would be pleased to consider any other comments you may have about the proposed changes. Please provide details below.

RoSPA Response
RoSPA has no further comments.

RoSPA thanks the Department for Transport for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.

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