

## A consultation to consider making careless driving a fixed penalty notice offence



Inside cover – this page intentionally left blank

This document is available in a range of formats please contact us with your requirements. Contact details are:

Careless Driving Consultation Responses

Safe and Accessible Travel Division

Department for Infrastructure

Room 3.09 Clarence Court

10-18 Adelaide Street

Town Parks

Belfast BT2 8GB

Email: [safeandaccessibletravel@infrastructure-ni.gov.uk](mailto:safeandaccessibletravel@infrastructure-ni.gov.uk)

Telephone: 028 9054 0822 (text relay prefix 18001)

## Contents Page

Foreword .....	5
Executive Summary .....	6
Confidentiality and Data Protection.....	7
1.0 The Offence .....	10
2.0 Level of Offending.....	11
3.0 The Problem .....	13
4.0 Proposal .....	14
5.0 Remedial Training.....	17
6.0 Dash-Cam Footage – Operation SNAP .....	19
7.0 Summary .....	20
8.0 Preferred Approach .....	21
9.0 Next Steps .....	21
10.0 Consultation Questions.....	23

## Foreword

Careless driving is a prevalent issue in Northern Ireland.

Last year, despite travel restrictions due to Covid-19, over 3,600 careless driving offences<sup>1</sup> were recorded. It is therefore no surprise that this offence is the 'main contributor' to road traffic collisions in Northern Ireland involving injuries. There can be serious, and sometimes fatal, consequences from careless driving and the impact on lives and families can be devastating.

In legislation, careless driving entails driving *without due care and attention or without reasonable consideration for other persons*. The offence is committed when driving falls below the standard expected of a 'careful and competent driver'.

Careless driving covers a range of behaviours. These could include inattention, driving too close to another vehicle or unnecessarily staying in an overtaking lane. In other words, a range of behaviours which we as road users observe, experience and, are maybe even guilty of, at some time or other.

Legislation already exists to deal with careless driving. However, the current enforcement regime could be improved, particularly around lower level offending. Going to court with 'all levels' of careless driving is resource intensive for the criminal justice system. The volume of cases going through our courts is slowing down the speed at which justice can be delivered across other areas of offending.

Along with colleagues in the criminal justice organisations I have been considering how things could be done differently, to reduce demand on the justice system. One solution which we have identified is the extension of Fixed Penalty Notices to offences relating to careless driving.

This is not to reduce the seriousness of the offence. Rather, fixed penalties are a recognised way of delivering proportionate justice for low level offending. They offer a quick and effective deterrent and disposal option and reduce the amount of time that police officers spend completing paperwork and attending court. At the same time, they reduce the burden on courts.

I also, however, want to achieve a reduction in the levels of offending and the inconvenience and danger caused by careless or inconsiderate driving. Your views as road users are therefore important and I invite you to participate in this consultation. This work and feedback will also help inform the development of the new Road Safety Strategy to 2030.

Infrastructure Minister Nichola Mallon

---

<sup>1</sup> PSNI's Motoring Offences Statistics 2020 Annual Report

## Executive Summary

This consultation assesses the offence of careless driving in terms of behaviours, volume of offending and the number of associated deaths and injuries in Northern Ireland. It also looks at the current legislative process for careless driving and explores how this might be improved with the introduction of a new fixed penalty for low level offences. This would require changes to secondary legislation.

In addition, the consultation considers how the availability of a fixed penalty offence for careless driving may enable the PSNI to use dash-cam footage, submitted from private motorists and riders, to investigate and enforce against poor driving behaviour. Any decision, however, on the implementation of such an initiative in Northern Ireland will be for the PSNI.

Careless driving is a prevalent issue in Northern Ireland. Of the 652 killed or seriously injured (KSI) casualties that occurred in 2020, 59% were attributed to a careless driving causation factor. The most common principal causation factors for those killed or seriously injured on our roads last year were 'wrong course/position' (63 KSI casualties) and the second was 'inattention or attention diverted' (60 KSI casualties). Both of these are careless driving behaviours.

The proposed Fixed Penalty Notice (FPN) would not apply to the most serious examples of careless driving offending. These cases will continue to go through court as appropriate, where offenders may face higher penalties.

At present, drivers detected for this offence may be issued with a warning by police or the police may refer the matter to the Public Prosecution Service (PPS) where a decision is taken as to prosecution or diversionary disposal (typically a caution, informed warning or educational training) as an alternative to prosecution. A conviction at court for careless driving could result in a fine of up to £5,000, between three and nine penalty points on the driver's licence and, at the discretion of the court, potential disqualification.

Significantly, 42% of all cases<sup>2</sup> processed through our court system are as a result of motoring offences. While it is important that justice is done, we must ensure that the sanctions in place are appropriate and proportionate. We want to avoid a situation where police, prosecution and court service resources are so overburdened with road traffic cases that attention is being deflected away from more serious criminal issues.

A FPN as an additional disposal option for low level careless driving offending aims to:

- increase the effectiveness of enforcement ;
- increase take-up of remedial driver training courses among offenders;
- reduce the instances of careless driving in the future; and
- reduce administrative time and costs for the police, prosecution and court services.

---

<sup>2</sup> Court prosecutions and out of court disposals statistics Northern Ireland 2020 | Department of Justice

## How to respond

The consultation period began on **23 November 2021** and will run until **18 January 2022**. Please ensure that your response reaches us by the closing date.

You are invited to [access the document and respond online](#) or alternatively you can complete the response form at the back of the document and return to either of the addresses below.

Email: [safeandaccessibletravel@infrastructure-ni.gov.uk](mailto:safeandaccessibletravel@infrastructure-ni.gov.uk)

Post: Careless Driving Consultation Responses  
Safe and Accessible Travel Division  
Department for Infrastructure  
Room 3.09 Clarence Court  
10-18 Adelaide Street  
Town Parks  
Belfast BT2 8GB

Telephone: 028 9054 0822 (text relay prefix 18001)

When responding, please indicate at **Question 4** in the response form whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. If you have any questions on this document or attached papers, please contact us using the details provided above.

## Confidentiality and Data Protection

The Department will publish a summary of responses following completion of the consultation process. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested. Information provided in response to this consultation, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the [Department's Privacy Notice](#). Personal data provided in response to this Consultation will not be published.

If you want other 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.

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraph below and it will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, excluding about your identity, should be made public or treated as confidential.

## Impact Assessments

The overall purpose of the proposals is to improve the legislative process for careless driving with the introduction of a new fixed penalty for low level offences.

Any negative consequences will apply to those who choose to break an already existing law. Beneficial impacts for road safety are expected as the new fixed penalty will enable more effective enforcement of this offence by providing police with greater flexibility in dealing with less serious careless driving offences. The availability of remedial training as an alternative to a fixed penalty notice is likely to result in an increased take-up of courses which are aimed at reducing future reoffending.

The consultation paper also requests comments and evidence on any possible (positive or negative) impacts these options might have on equality for specific groups or individuals as set out in Section 75 of the Northern Ireland Act 1998, on groups/individuals living or working in rural areas and on costs for businesses or charities.

The Department has carried out the following impacts assessment screens on each of the proposals:

- Equality Impact Assessment Screen
- Regulatory Impact Assessment Screen
- Rural Impact Assessment Screen
- Human Rights Impact Assessment Screen

The impact assessment screens have found no undue impacts arising from any of the proposals in this consultation. The impact assessment screens will be kept updated so that they reflect the development and implementation of policy. The Department has, as is required, published the equality impact assessment screens to the [Departmental website](#).

## 1.0 The Offence

1.1 Under Article 12 of the Road Traffic (Northern Ireland) Order 1995 you are guilty of a careless driving offence if you drive a mechanically propelled vehicle on a road or other public place 'without due care and attention', or 'without reasonable consideration for other persons' using the road or place.

1.2 There are various behaviours that might constitute careless driving. In each, the driver will either be regarded as driving without due care and attention or as driving without reasonable consideration for other road users. Some examples of careless or inconsiderate driving are<sup>3</sup>:

- driving too close to another vehicle;
- turning into the path of another vehicle or failing to give way at a junction and causing another driver to take evasive action;
- flashing lights to force other drivers to give way;
- unnecessarily staying in an overtaking lane;
- unnecessarily slow driving or braking;
- dazzling other drivers with un-dipped headlights;
- driving too close to a pedal cyclist or pedestrian causing them to take evasive action or lose balance;
- any of the examples above which has resulted in a collision (e.g. resulting in no injury / minor injury only).

1.3 At present, offenders detected for this offence may be issued with a warning by police or the police may refer the matter to the PPS where a decision is taken as to prosecution or to offer a diversionary disposal (typically a caution, informed warning or educational training) as an alternative to prosecution, depending on the particular facts of the case<sup>4</sup>. A court conviction for careless driving could result in a fine of up to £5,000, between three and nine penalty points to the driver's licence and, at the discretion of the court, potential disqualification.

---

<sup>3</sup> These examples are merely indicative of what can amount to careless driving. Some of these examples can in certain circumstances also amount to dangerous driving. For further information, please refer to the PPS's [Policy for Prosecuting Road Traffic Offences](#).

<sup>4</sup> A PPS prosecutor may require police to administer a caution or informed warning to the offender as an alternative to prosecution at court. These represent a formal reprimand by police, and although not a conviction, they are recorded on a person's criminal record for a specified period. As an example, a caution might be considered where the driver has refused the offer of a course for a careless driving offence, but where the level of carelessness was minor, the offender has a clear record and had been driving for a significant period. Educational training refers to the Safe and Considerate Driving course operated by DriveTech.

- 1.4 In Great Britain (GB), legislation on the careless driving offence and the penalties available to the courts are similar to that in place in Northern Ireland. The key difference is that, on 16 August 2013, a fixed penalty [£100 fine and 3 penalty points] came into effect in GB for the offence. The police are also able to offer educational training as an alternative to endorsement. The most serious cases continue to go through court, where offenders may face higher penalties.
- 1.5 The intervention in GB to give police the powers to issue fixed penalty notices for careless or inconsiderate driving has provided greater flexibility in dealing with less serious careless driving offences which may have previously been referred to the courts. Evaluation shows the introduction of the new fixed penalty appears to have had positive impacts on the effectiveness of enforcement in terms of the numbers of endorsements, uptake in remedial training courses and positive reaction from police. A link to the full evaluation report is provided below.
- [Evaluation of fixed penalty notices for careless driving \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641117/evaluation-fixed-penalty-notice-careless-driving.pdf)
- 1.6 In Ireland, if a Garda believes that you have driven carelessly, but no collision resulted, the Garda can issue you with 2 penalty points and an €80 fixed charge for “driving without reasonable consideration”. This rises to 4 points and €120 in court. If the offence is more serious, you could be convicted of careless driving and get up to 5 penalty points on your licence and a fine of up to €5,000.
- 1.7 The proposals presented in this document do not include changing the boundary between careless and dangerous driving. While careless driving includes situations that inconvenience other drivers, dangerous driving is more serious. It happens when driving falls *far below*, rather than just below, what would be expected of a competent and careful driver and it would be obvious to a competent and careful driver that driving in that way would be dangerous. Therefore, this more serious offence will continue to be dealt with via the courts.

## 2.0 Level of Offending

- 2.1 The number of careless driving offences in Northern Ireland decreased from 7,207 in 2016 to 3,633 in 2020 (a decrease of 50%). However, the evidence indicates that this offence remains the ‘main contributor’ to injury road traffic collisions.<sup>5</sup>

---

<sup>5</sup> The discontinuation of discretionary disposals for motoring offences (June 2016) and, more recently, the impact of the coronavirus (COVID-19) pandemic will have contributed to the decrease in careless driving offences from 2016 to 2020.

2.2 Of the 652 KSI casualties that occurred in 2020, 383 (59% or almost three fifths) were as a result of a careless driving causation. The ten 'most common principal causation factors in injury road traffic collisions in 2020' are shown in Figure 1. Eight of these causation factors [shown in bold] relate to the offence of careless driving. The top 3 of these principal causation factors alone - 'inattention or attention diverted' followed by 'driving too close' and 'emerging from minor road without care' account for **more than a third of all casualties in 2020**.

**Figure 1: Most common principal causation factors in injury road traffic collisions, 2020<sup>6</sup>**

Principal Factor	Number of Injury Collisions	Casualties		
		KSI <sup>7</sup>	Slightly Injured	Total Casualties
<b>Inattention or attention diverted</b>	689	60	959	1,019
<b>Driving too close</b>	468	12	786	798
<b>Emerging from minor road without care</b>	284	33	444	477
Impairment by drugs or alcohol – driver/rider	239	46	339	385
<b>Turning right without care</b>	227	31	367	398
<b>Crossing or entering road junction without care</b>	219	31	301	332
<b>Wrong course/position</b>	195	63	269	332
Excessive speed having regard to conditions	188	59	263	322
<b>Emerging from private road/entrance without care</b>	141	20	208	228
<b>Overtaking on offside without care</b>	138	41	171	212

<sup>6</sup> Police Recorded Injury Road Traffic Collisions and Casualties Northern Ireland – 2020 Key Statistics Report

<sup>7</sup> Killed or seriously injured

## 3.0 The Problem

- 3.1 The current process for dealing with motorists for a careless driving offence is arguably overly bureaucratic, particularly for lower level offending. At present, drivers detected for this offence are either issued a warning by police or the case is referred to the PPS where a decision is taken as to prosecution or to offer a diversionary disposal (typically a caution, informed warning or educational training) as an alternative to prosecution.
- 3.2 While it is imperative that justice is done, it is necessary to consider whether the options that are in place to deal with the various levels of offending associated with this offence are still appropriate and relevant. When dealing with a minor offence, the police officer must decide whether to refer the driver for prosecution or to issue a warning. The current level of offending would suggest that a further disposal option is needed to tackle the risk and damage being caused by this offence; this however needs to be both flexible and proportionate.
- 3.3 Taking such a step will help to ensure that the criminal justice system is not overburdened or its resources deflected from other more serious and contested criminal cases. This is significant because 42% of all cases going through our court system are as a result of motoring offences (2020). The volume of cases is taking up too much capacity within the system and causing delays. If criminal justice does not perform effectively it can have a significant impact upon the lives of those involved: victims, defendants, witnesses and their families.
- 3.4 The Northern Ireland Audit Office published a report on 27 March 2018 entitled '***Speeding up Justice: avoidable delay in the criminal justice system***'. The report examines the delivery of the criminal justice system in Northern Ireland and more information can be found using the following link:
- [Speeding up Justice: avoidable delay in the criminal justice system | Northern Ireland Audit Office \(niauditoffice.gov.uk\)](https://niauditoffice.gov.uk/Speeding-up-Justice-avoidable-delay-in-the-criminal-justice-system)
- 3.5 In 2019, 4,466 careless driving offences were detected by police and 68% of these were referred for prosecution. To provide some context, 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 **four and a half hours** to complete. The availability of a fixed penalty would significantly reduce the amount of time that police officers spend completing paperwork or attending court and enable them to be on patrol within communities. Where offending is dealt with by way of a FPN, the associated reduction in the number of cases reported to the PPS may also reduce pressures on the prosecution in taking the matter to a court hearing.

3.6 The table below provides figures for prosecutions and convictions at courts<sup>8</sup>.

**Table 2: Prosecutions and convictions at courts for ‘driving with undue care and attention’ and ‘driving without reasonable consideration for others’ offences, 2015 - 2019**

Year	Prosecutions	Convictions	Diversions
2015	1,275	1,049	365
2016	1,384	1,082	331
2017	1,299	1,034	387
2018	1,346	1,099	228
2019	1,216	997	178

## 4.0 Proposal

4.1 The purpose of this paper is to assess the current legislative process for careless driving and explore how this might be improved by making careless driving a fixed penalty notice offence open to the offer of remedial training. It is fair to say a change to legislation will be ineffective without enforcement, compliance and education; it is hoped that the proposal outlined in this document will address all of these elements.

### Use of Fixed Penalties for road traffic offences

4.2 The use of fixed penalty notices to deal with certain road traffic offences without the need for court proceedings is an established and important part of our criminal justice system. The police already use endorsable fixed penalty notices for a variety of road traffic offences and these accounted for just over one quarter of all disposal types used in 2020.

---

<sup>8</sup> Notes: 1. Figures relate to initial disposal at courts only. Appeals are not included.  
2. Figures relate to cases dealt with at Crown Court and at magistrates’ courts.  
3. Figures relate to cases where there was a prosecution or conviction at court for at least one of the offences specified or where there was an out of court disposal imposed for at least one of the offences specified.

- 4.3 The use of FPNs as a disposal method saves public money and time that otherwise would be spent in referring minor offences to the PPS and potentially onwards to court. Under the current proposal, there would be no requirement for the police to refer low-level careless driving cases (for example, poor lane discipline) to the PPS for the approval of a FPN. More serious matters would continue to be submitted to PPS for a decision as to prosecution or diversion.
- 4.4 FPNs can offer a more appropriate outcome for those who commit a low level offence. The illegal behaviour is rightly challenged and, if deemed low level, can be addressed with a penalty that is proportionate, fair and speedy. For many drivers who have committed a minor offence, a FPN avoids the financial costs, stress and time of a court summons and therefore would have significant personal benefits. It would be particularly beneficial to young drivers providing an alternative to premature criminalisation.
- 4.5 Currently, drivers who receive a fixed penalty notice have the option to accept i.e. pay the fine and have the penalty points endorsed on their driving licence or, in some cases, accept an offer of rehabilitation training as an alternative. Importantly, they also have the option to contact the Fixed Penalty Processing Centre to challenge the FPN, requesting that the matter is referred to the PPS for a decision as to prosecution, no prosecution or diversion. This option will apply to any fixed penalty for careless driving.
- 4.6 In many instances the offence of careless driving is detected with other, more serious offences. Such cases will continue to be submitted to the PPS.

## Fixed Penalty – careless driving

- 4.7 A new fixed penalty aimed at tackling low level careless driving aims to:
- increase the effectiveness of enforcement ;
  - increase take-up of remedial driver training courses among offenders;
  - reduce the instances of careless driving in the future; and
  - reduce administrative time and cost burdens for the police, prosecution and court services.
- 4.8 It is important to highlight that the FPN will not be used to downgrade the careless driving offence as only the lowest levels of behaviours will be dealt with by this disposal method.
- 4.9 Also, it is important to clarify that the proposed FPN will not be used to avoid the more administratively complex route of going to court, when the circumstances of the case dictate that this is the appropriate course of action.

- 4.10 The introduction of a FPN disposal option for careless driving will play a role in reducing the overall number of motoring offences going through the court system. It is estimated the number of FPNs for careless driving would be under 1,000 per annum, around 750-850 each year. This will reduce the administrative burden for PSNI and PPS while also providing a wider range of enforcement tools including the use of remedial training.
- 4.11 The PSNI will develop operational guidelines to assist officers in deciding whether a fixed penalty is an appropriate disposal option, having given due regard to all the circumstances. This should ensure that the community can have confidence that police discretion is being applied fairly and proportionately.
- 4.12 The guidance will be in line with the 2018 Standard Operating Procedures used by Police Scotland. These procedures have been developed upon the earlier National Police Chiefs' Council guidance and amongst other examples, approve the use of the FPN for situations where other drivers have been forced to take evasive action.
- 4.13 Discretionary actions taken by the PSNI to dispose of offences must satisfy high standards and are already subject to review. In February 2021, Criminal Justice Inspection Northern Ireland (CJI) published a follow-up review of how the PSNI uses discretion and penalty notices to deal with low level offences and identified improvements in its governance and oversight arrangements.
- 4.14 The review assessed progress in implementing recommendations for improvement made by CJI in its original inspection report in 2015. In highlighting the findings from the most recent report CJI Chief Inspector Jacqui Durkin said "maintaining public confidence and support from local communities is at the heart of the PSNI's ability to use police discretion and penalty notices to effectively deal with low level offences." The full report can be found at:
- [CJINI - Criminal Justice Inspection Northern Ireland - Police use of Discretion Incorporating Penalty Notices - A follow-up review](#)
- 4.15 Consideration will be given to the development of appropriate monitoring arrangements for the new FPNs (for example, via management checks), as well as follow-up quality assurance reviews conducted jointly by PSNI and the PPS.

## 5.0 Remedial Training

- 5.1 It is proposed that the new fixed penalty for careless driving would also be open to the offer of remedial training as an alternative means of disposal, in order to gain longer-term behavioural changes.
- 5.2 The '*Safe & Considerate Driving*' course (SCD) is already in use in Northern Ireland as an alternative to prosecution for drivers who are referred for offences relating to driving without due care and attention. For the offence of careless driving, a decision on whether to offer a course as an alternative to prosecution is currently taken by the PPS when the case has been referred by the PSNI.
- 5.3 The course currently costs £110.80 and is delivered and managed by an appointed contractor. Currently it constitutes a four hour online course with the 'on road' element being delivered at a later date when it is safe to do so [in line with Covid-19 regulations]. The course is designed to take participants on a journey that increases awareness and understanding of the causes and negative consequences of risky and inconsiderate driving. It comprises of a classroom workshop and on-road coaching, highlighting the importance of concentration, observation, anticipation and allowing adequate space and time. Importantly, participants are provided with the opportunity to consider why their own driving may be unsafe or inconsiderate. Further details on the course is available at:
- [Safe & Considerate Driving Course from DriveTech](#)
- 5.4 Under the new proposal a police officer would be able 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 a course which is paid for by the offender (but they would not have to pay the fine or receive penalty points). The option to go to court would still be retained should the offender wish to contest the offence.
- 5.5 There would be some circumstances where remedial training would not be offered to an offender. These include when other endorsable offences are committed and the matter must be dealt with by prosecution (e.g. no insurance), or where an offender has already attended the training within the previous 3 years. The circumstances also include aggressive and deliberate careless driving.
- 5.6 In practice this would mean a FPN would be given at the roadside and the individual advised that they **may** be eligible for a course. Eligibility would be validated at the Fixed Penalty Processing Centre. A formal offer would then issue advising on how to avail of the course.

- 5.7 If the police officer refers the case for prosecution, rather than making an offer of a fixed penalty (or attending a course), the PPS may, following consideration of the case, make an offer of a course as an alternative to prosecution – as they can do at present. The offender will retain the right to accept the offer and attend the course or to request their case to be heard at court.
- 5.8 To summarise, there would be a number of different ways that could be used to deal with a careless driving offence depending on the severity and circumstances.

**Table 3: Disposal Options for Careless Driving**

Outcome	Penalty
PSNI - Warning	<ul style="list-style-type: none"> <li>• No further action.</li> </ul>
PSNI - Fixed penalty with an offer of educational training	<ul style="list-style-type: none"> <li>• Driver accepts the penalty; or</li> <li>• Driver accepts and attends the course; or</li> <li>• Driver refuses the penalty or fails to complete the course / and then refuses to accept the penalty - case is referred to the PPS.</li> </ul>
PSNI - Fixed penalty (no offer of educational training)	<ul style="list-style-type: none"> <li>• Driver accepts the penalty; or</li> <li>• Driver refuses the FPN - case is referred to the PPS.</li> </ul>
PPS – Decision not to prosecute	<ul style="list-style-type: none"> <li>• PSNI refer case to PPS for decision – decision for no prosecution taken;</li> <li>• No further action.</li> </ul>
PPS – Decision to prosecute (summons issued)	<ul style="list-style-type: none"> <li>• PSNI refer case to PPS for decision – prosecution decision taken;</li> <li>• Driver pleads guilty and is sentenced by the court; or</li> <li>• Driver pleads not guilty and the case is listed for a contested hearing at court.</li> </ul>
PPS - Diversionary disposal	<ul style="list-style-type: none"> <li>• PSNI refer case to PPS for decision – diversionary decision taken;</li> <li>• Driver accepts the offer of a PPS diversionary disposal; or</li> <li>• Driver refuses the offer and PPS prosecute / issue a summons to court.</li> </ul>

## 6.0 Dash-Cam Footage – Operation SNAP

- 6.1 The PSNI has highlighted plans to encourage submission of dash-cam footage from civilian vehicles or bike and helmet-cam footage showing irresponsible or inappropriate road use. This form of reporting has been developed by a number of police forces across England and Wales (and called Operation SNAP); cases are disposed through either the offer of a Safe and Considerate Driving course or a fixed penalty. Police may also consider court prosecution in cases of serious, illegal driving behaviour.
- 6.2 Operation SNAP allows police to effectively deal with the footage recorded by members of the public in a safe and secure way, whilst making the investigation process simple and straight forward. Police already prosecute drivers using recording equipment fitted in some marked and unmarked vehicles.
- 6.3 The use of dash-cameras by private motorists / cyclists is on the increase, principally to protect themselves in the event of a collision. This has created an additional benefit in terms of the increased frequency that careless or dangerous driving is captured and reported to the police.
- 6.4 By submitting footage of motoring offences along with a statement, the public can assist the police in detecting and taking the appropriate action against those who are compromising road safety. Keeping road users safe cannot be achieved by the police in isolation and, therefore, Operation SNAP is a welcome development which the PSNI would be keen to implement.
- 6.5 Dash-cam footage also has the potential to be a strong deterrent that should encourage road users to think twice about breaking the law. For example, some motorists could come to realise that they have not evaded a potential sanction for careless or dangerous driving just because there was no visible police presence. In fact their actions could have been recorded, reported and in the hands of the police thanks to a concerned road user.
- 6.6 In England and Wales where a Careless Driving FPN is available to deal with the lower end of such offending, the police are able to encourage submission of such footage as a positive road safety measure. Police can readily deal with offences through their existing processes within the fixed penalty system.
- 6.7 Reports from police using the system suggest that there is a 95% rate of admissions of culpability from identified offenders. This is in sharp contrast to the situation in Northern Ireland where police upon receipt of such a report have to identify the driver, interview him/her, prepare a prosecution file which is then passed to the PPS for assessment and then dealt with through the court process.
- 6.8 The submission of dash-cam footage, obtained safely and appropriately, will have significant benefits for enforcement of road traffic laws. However, to move forward with such an initiative in Northern Ireland a fixed penalty for careless driving does need to be in place as a disposal option. Whilst it is the case that

we have been lagging behind GB counter-parts in this particular area, we can now take the opportunity to learn from their experiences.

- 6.9 As resources within the justice system continue to be challenged, it is important that we do take the necessary steps to enable maximum use of technology in the enforcement of road traffic laws. A new FPN for careless driving would make the use of Operation SNAP a viable option in Northern Ireland; however any decision on implementation would ultimately be for the PSNI to decide rather than the Department for Infrastructure.

## 7.0 Summary

### 7.1 Proposed New Fixed Penalty for Careless Driving

- This disposal option will only be used to tackle 'low level' offences.
- It has the potential to make enforcement of this offence more effective and reduce the instances of careless driving in the future.
- It can provide proportionate justice for minor offences.
- Low level offending can be diverted away from the already over-burdened justice system allowing resources to be directed at more serious offending.
- Operational guidelines will provide the police with the criteria required to decide when a FPN should be issued.
- Remedial training operates at no cost to the public purse and ensures offenders are aware of the causes and negative consequences of risky and inconsiderate driving.

### 7.2 Level of Fine and Penalty Points

- Penalty Points - endorsable fixed penalty notice offences generally carry at least 3 penalty points. Some, more serious driving offences, attract a higher number of penalty points but this proposal is built on the foundation that it should include only those driving behaviours deemed to be low level.
- Fines - endorsable fixed penalty fines already in place range from £60 to £200 e.g. caught by a police officer for speeding or having no insurance.
- Setting too low a level increases the risk of the careless driving FPN offence being perceived as trivial and inconsequential.
- Setting too high a level risks a negative impact on the number of offenders likely to accept the FPN and thereby undermining the aims of the new disposal method.

- The level of penalty should be in line with the cost of the remedial training course on offer (£110.80) otherwise it may not be viewed as a viable option and offenders would miss out on an important educational opportunity.
- The level of fine and penalty points in GB for the same offence is £100 and 3 penalty points.

### **7.3 Submission of Dash-Cam Footage - Operation SNAP**

- This form of reporting has been developed by a number of police forces across England and Wales (Operation SNAP) where cases are disposed through either the offer of a Safe and Considerate Driving course or a fixed penalty. Police will continue to consider court prosecution in cases of serious, illegal driving behaviour.
- Operation SNAP is not about asking the public to go out and detect offences but it can be used to help police deal with any cases that the public may come across.
- Like any part of the justice system, it will have safeguards and an appeals mechanism – in the same way anyone who currently receives a fixed penalty notice has the right of appeal and can go to court to make their case, if they wish.
- Ultimately, this intervention is about making the roads safer for all users by increasing the standard of driving and taking dangerous vehicles and drivers off the roads, where appropriate.

## **8.0 Preferred Approach**

- 8.1 The preferred approach – supported also by the criminal justice organisations (DoJ, PSNI and PPS) - would be to proceed with making careless driving a fixed penalty offence open to the offer of remedial training.
- 8.2 The suggested level for the new fixed penalty notice would be £100 and 3 points.

## **9.0 Next Steps**

- 9.1 Next steps will be subject to the outcome of this consultation process.
- 9.2 If a decision is taken to proceed with introduction of a new fixed penalty for careless driving then a change to secondary legislation would be required. The aim would be to complete the legislative process as quickly as is possible.

9.3 The actual timeline for introducing Operation SNAP in Northern Ireland will be for the PSNI to decide.

## 10.0 Consultation Questions

**Q1. Do you agree with the proposed approach to make careless driving a fixed penalty offence open to the offer of remedial training? If not, please explain your reasons why.**

Please indicate your views:

Yes

No

If not, please tell us why?

**Q2. Do you agree that the FPN offence should carry 3 penalty points and a fine of £100? If not, could you please outline your reasons and /or alternatives?**

Please indicate your views:

Yes

No

If not, please tell us why?

**Q3. Do you agree to a fixed penalty disposal option for careless driving being utilised to encourage the submission of dash-cam footage - Operation SNAP?**

Please indicate your views:

Yes

No

Please provide your comments in the text box below.

**Q4. Are you responding as an individual or representing the views of an organisation?**

Please tick one:

Individual

Organisation

**Q5. If you have selected 'Organisation' in Question 4, please specify who the organisation represents and, where applicable, how the views of members were assembled.**

**Please specify:**

**Thank you for your response.**