EXPLANATORY MEMORANDUM TO
THE COURSES FOR DRINK-DRIVE OFFENDERS (EXPERIMENTAL PERIOD) (TERMINATION OF RESTRICTIONS) ORDER (NORTHERN IRELAND) 2005

2005 No. 481

1. This explanatory memorandum has been prepared by the Department of the Environment ("DOE") and is laid before Parliament by Command of Her Majesty.

2. Description

This Statutory Rule removes certain restrictions from Article 39 of the Road Traffic Offenders (Northern Ireland) Order 1996 in order to make permanent drink-drive rehabilitation courses in Northern Ireland. The current experimental period for these courses ends on 31 December 2005.

3. Matters of special interest to the Select Committee on Statutory Instruments

None

4. Legislative Background

4.1 Article 36 of the Road Traffic Offenders (Northern Ireland) Order 1996 ("the 1996 Order") provides for an experiment in the use of rehabilitation courses as a sentencing option for convicted drink-drive offenders.

4.2 A pilot drink-drive rehabilitation scheme operated in Northern Ireland between April 1998 and the end of 2000. Under Article 39(1) of the 1996 Order this experimental period was extended in 2000 to run until the end of 2005. Under Article 39(8) of the 1996 Order only one order extending the experimental period may be made.

4.3 Article 39(2) of the 1996 Order allows the Department to remove, by order, the restriction imposed by Article 39(1) at any time before the restriction has taken effect thus bringing to an end the experimental period and making permanent the rehabilitation courses. This Order removes the restriction.

4.4 Article 39(9) of the 1996 Order states that such an order shall be subject to affirmative resolution before the Northern Ireland Assembly. During the current period of suspension of the Northern Ireland Assembly the Order is required to be laid before Parliament under the negative resolution procedure under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000.

5. Extent

This Order applies to Northern Ireland.

6. European Convention on Human Rights

As the Order is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 The Road Traffic Offenders (Northern Ireland) Order 1996 provides for an experiment in the use of rehabilitation courses as a sentencing option for convicted drink-drive offenders. On satisfactory completion of such a course the offender may receive up to a quarter reduction in the period of disqualification from driving. The aim of the courses is to prevent re-offending.

7.2 The purpose of the experiment is to facilitate evaluation of rehabilitation courses in terms of their effectiveness in reducing drinking and driving. A pilot scheme has operated in Northern Ireland since April 1998 but is due to end at the end of December 2005. Courses are provided on DOE's behalf by the Probation Board for Northern Ireland.

7.3 To attend a rehabilitation course a person must be 17 or over and have been convicted of a relevant drink-driving offence for which he/she has been disqualified from driving for 12 months or more. Courses provide the opportunity for offenders to examine and rethink their attitudes to drinking and driving and cover a range of issues including:

Information about alcohol and its effects on the body, on driving ability and behaviour;
Analysis of personal drinking patterns and how they relate to the driving offence;
Alternatives to drinking and driving;
Personal strategies to prevent repeat offending; and
Sources of advice.

7.4 From 1993 to 1999 rehabilitation courses for drink-drivers ran on an experimental basis in 18 designated court areas in England and Wales. The main criterion used for judging whether rehabilitation courses have been successful is whether offenders who have attended such courses are less likely to re-offend within 3 years than those who had not. At the end of the experimental period, and following extensive evaluation by DETR (now DfT), the GB scheme was made permanent with effect from 1 January 2000.

7.5 All research carried out since the pilot scheme was introduced indicates that rehabilitation courses in Northern Ireland are effective. During 2004 an evaluation of the scheme in the period 1 April 1998 – 31 December 2000 was completed using a three-stranded approach:

(i) Respondents' attitudes to drinking and driving and drink-drive legislation;
(ii) Respondents' knowledge of alcohol and its effects on the body; and

(iii) Reconviction rates in the following "rolling" 3 year period (1 April 2001 – 31 Dec 2003)

The main findings in each strand are summarised below:

Attitudes

The biggest positive change in attitude was observed in the statement, 'It is quite safe to drive after one or two pints' with 75% of attendees disagreeing with the statement post-course compared to 22% pre-course.

Knowledge

There was a marked increase in knowledge about alcohol after respondents had completed the course with 83% of respondents improving their scores. Pre-course, the mean score in the quiz was 5.2. This improved to 7.5 post-course, an increase of 2.3 points.

Reconviction Rates

Of the 358 people referred by magistrates as suitable, 114 (32%) chose to participate and completed the course.

Two Years

0.9% of offenders who completed a course were reconvicted within 2 years (24 months) compare with 5.7% of offenders who did not complete the course. The reconviction rate of those who did not complete a course was 6.3 times the rate of those who did complete a course.

Three Years

2.6% of offenders who completed a course were reconvicted within 3 years (36 months) compared with 9.8% of offenders who did not complete a course.

The reconviction rate of those who did not complete a course was 3.8 times the rate of those who did complete a course

Four Years

3.5% of offenders who had completed a course were reconvicted within 4 years compared with 11.5% of offenders who did not complete a course.

Five Years

4.4% of offenders who had completed a course were reconvicted within 5 years compared with 12.3% of offenders who did not complete a course.

In GB the Transport Research Laboratory found that at three years the reconviction rate of those who did not complete a course was 2.8 times the rate of those who did complete a course. The Northern Ireland position compares very favourably with results in GB.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is negligible as course costs are met from fees paid by participants (currently £150 per client).

8.3 There is no evidence to show that any of the groups listed in Section 75 of the NI Act would be adversely impacted by the decision to make the courses permanent.

8.4 It is accepted that rural dwellers who have been disqualified for drink-driving offences may experience difficulties travelling to and from the experimental courses. However, the decision to make the courses permanent will not exacerbate this situation.

8.5 As this proposal would simply make permanent a scheme that has already been in operation successfully since 1998 it was considered that public consultation was not required.

9. Contact

Harry Green at the Department of the Environment [Tel: 02890 540073 or E-mail: harry.green@doeni.gov.uk] can answer any queries regarding the Order.