EXPLANATORY MEMORANDUM TO

The Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 2014

S.R. 2014 No. 227

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 55(1) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Regulations is to amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 in order to permit police officers from the Police Service of Northern Ireland (PSNI) and Driver and Vehicle Agency (DVA) Enforcement Staff view live television screens while driving.

3. Background

3.1. Regulation 125(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 currently prohibits all drivers from seeing, whether directly or by reflection, a television receiving apparatus or other cinematographic apparatus used to display anything other than information;

(a) about the state of the vehicle or its equipment;
(b) about the location of the vehicle and the road on which it is located;
(c) to assist the driver to see the road adjacent to the vehicle; or
(d) to assist the driver to reach his destination.

These regulations apply to all drivers including drivers of police vehicles and other emergency vehicles.

3.2. Due to the current fit and use of technologies such as automatic number plate recognition (ANPR), mobile data terminals (MDT) and speed detection systems in police vehicles, police officers are able to view live television screens while driving a police vehicle. Consequently the PSNI have requested an exemption in local legislation.

3.3. A similar exemption was requested by the Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO) on behalf of the police forces in England and Wales and subsequently granted by the Department of Transport in October 2012 by way of a Vehicle Special Order under section 44 of the Road Traffic Act 1988.

3.4. A public consultation on the proposal to exempt PSNI police officers from the Construction and Use Regulations (Northern Ireland) 1999 was launched in March 2014 for an eight week period to gather views on the proposal specifically from stakeholders within the field of the emergency services and from road safety groups in Northern Ireland. Respondents were supportive of the proposed exemption.

3.5. DVA Enforcement subsequently requested that the exemption be extended to their enforcement vehicles which are also fitted with ANPR/Video camera systems. The PSNI raised no objection to the exemption being extended as long as the vehicles were ‘double-crewed’ (i.e. two people in the vehicle meaning less likelihood of distraction to the driver). DVA Enforcement confirmed that their vehicles are double-crewed when using the screens in live operations. As DVA Enforcement has a pivotal role in enforcing vehicle compliance requirements the Department has agreed to this request.

4. Equality Impact

4.1. An Equality Screening Exercise has been completed and as no equality issues have been identified a full Equality Impact Assessment was considered unnecessary.

5. Regulatory Impact

5.1 There is no regulatory impact as business will not be affected by this measure.

6. Financial Implications

6.1 None.

7. Section 24 of the Northern Ireland Act 1998

7.1 The Department has considered the matter of convention rights and community law and is satisfied that there are no matters of concern.

8. EU Implications

8.1 None.

9. Parity or Replicatory Measure

9.1 GB have made a similar exemption by way of a Vehicle Special Order.

10. Additional Information

10.1 None.