EXPLANATORY MEMORANDUM TO

The Motorways Traffic (Amendment No. 2) Regulations (Northern Ireland) 2020

S.R. 2020 No. 205

1. Introduction

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

1.2. The Statutory Rule is made under Article 20(3) of the Roads (Northern Ireland) Order 1993 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Rule amends regulation 14(d) of the The Motorways Traffic Regulations (Northern Ireland) 2008 ("the Motorways Regulations") to permit civilian staff of the Police Service of Northern Ireland ("PSNI") to provide specialist driver training on Motorways.

2.2. Regulation 14(d) currently provides an exception from the Motorways Regulations for a person using a Motorway in contravention of those regulations where "he does so in excercies of his duty as a constable or as a member of a fire brigade or ambulance service".

2.3. The current exception in regulation 14(d) is sufficient to permit police officers to provide specialist driver training including police tactical pursuit training which involves high speed driving on Motorways for other officers but does not permit PSNI civilian staff to provide such training.

2.4. The proposed Rule will therefore amend regulation 14(d) to extend this exception to PSNI civilian staff authorised by the Chief Constable to provide specialist police driver training to PSNI officers on Motorways. This type of training is well established and fairly limited in scope and is mainly police tactical pursuit training which involves high speed driving.

2.5. The Rule will also update the terms 'fire brigade' and 'ambulance service' with 'Northern Ireland Fire and Rescue Service' and 'Northern Ireland Ambulance Service'.

3. Background

3.1. The PSNI has requested the Motorway Regulations be amended to permit PSNI civilian staff authorised by the Chief Constable to provide specialist driver training to PSNI officers on Motorways.

3.2. The PSNI currently uses police officers to provide specialist driver training, including police tactical pursuit training which involves high speed driving on the Motorways, for other officers.

3.3. The PSNI proposes to use civilian instructors to provide for a better use of resources.

3.4. The use of civilian instructors to deliver driver training on Motorways is commonplace elsewhere in the United Kingdom.

4. Consultation

4.1. The Roads (Northern Ireland) Order 1993 does not include any requirement to consult on Regulations of this kind, nevertheless the Department has carried out a consultation on the proposed amendment.

4.2. The purpose of the consultation was to provide information about the proposal and to seek views on the proposed amendment to the Regulations

4.3. The consultation was issued during the week ending 5 July 2019 to those Statutory Consultees included in the Guidance on distribution of Departmental Publications and Consultation documents June 2016, all those on the Department's Section 75 Consultee list and consultees who may have a specific interest in the proposals, as well as being published on both the Department's website and through the NIDirect portal. It was not, however, considered necessary to advertise the consultation in the local press.

4.4. The consultation period ended on 6 September 2019 with one written response and four responses through the Department's Citizens Space portal. One of the responses was from a political party, three from the voluntary sector and one from the business sector.

4.5. All five responses indicated support for the proposal.

5. Equality Impact

5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. No equality issues have been identified by the Department.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary as the proposal does not result in any costs or savings to business, charities or the voluntary bodies.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. Consideration has been given to compliance with section 24 of the Northern Ireland Act 1998. No human rights issues have been identified by the Department.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

Not applicable.