EXPLANATORY MEMORANDUM TO

THE ROAD TRAFFIC (DRINK AND DRUGS) (CAMBRIDGESHIRE GUIDED BUSWAY) REGULATIONS 2011

2011 No. 1652

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The primary purpose of the instrument is to apply certain drink and drug driving offences to persons driving, or being in charge of, vehicles on the Cambridgeshire Guided Busway ("the Busway").

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

3.1 None

4. Legislative Context

4.1 This instrument is being made under the Road Traffic Act 1988 ("the 1988 Act"). Part 1 of the 1988 Act (notably sections 4 and 5) contain offences relating to driving, attempting to drive, or being in charge of a vehicle on a road or other public place whilst under the influence of alcohol or drugs. Section 192A of the 1988 Act gives the Secretary of State a power to apply these offences (and certain connected provisions) to vehicles on guided transport systems.

4.2 The instrument applies sections 4 - 11 of the 1998 Act to vehicles on the Busway. As a result it will be an offence to :

4.2.1 drive, attempt to drive, or be in charge of a vehicle on the Busway whilst unfit to do so due to drink or drugs;
4.2.2 drive, attempt to drive or be in charge of a vehicle on the Busway having consumed alcohol above the prescribed limit;
4.2.3 fail to submit to breath tests (or, as appropriate, blood or urine tests) as required by the legislation.

4.3 This instrument ensures that drink and drug driving laws apply to the Busway in the same way as they apply to roads or other public places..

4.4 Consideration has been given to the possibility of Cambridgeshire County Council making a byelaw or the Secretary of State making an order under the Transport and Works Act 1992 as an alternative to making these regulations. However, these regulations are considered to be the best legislative option to ensure that the same laws applies to those on the Busway and those not on it.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Busway is the system of guided transport that extends from St Ives Park and Ride to Orchard Park and Science Park in Cambridgeshire.

7.2 Buses operate on the Busway as part of a longer route, which begins at Huntingdon Railway Station and ends at Cambridge City Centre. Part of the Busway which runs along the public highway and part operates along a segregated section of track.

7.3 The route of the Busway, and the longer bus route of which it is a part, may change from time to time, and this instrument will continue to apply in respect of an amended Busway route.

7.4 Only modified buses are permitted to use the segregated sections of the Busway route with the agreement of the local transport authority.

7.5 The policy intention behind making these regulations is to ensure that persons who drive, attempt to drive or are in charge of vehicles on the Busway are subject to the same drink and drug laws as those who drive on roads or in public places elsewhere.

8. Consultation outcome

8.1 These regulations are being made to ensure that the laws relating to driving under the influence of drink or drugs apply to the Busway as they apply to roads and public places elsewhere. It has not been considered necessary to hold a public consultation. Informal consultation has, however, been held with Cambridgeshire Constabulary and Cambridgeshire County Council.

9. Guidance

9.1 Guidance is not considered necessary as these regulations apply drink and drug related laws to the Busway which is already well understood.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.2 There is no impact on small business as a result of this legislation.

12. Monitoring & review

12.1 Monitoring of this legislation is not considered to be necessary separately from any review that is carried out in future in respect of the Road Traffic Act 1988.

13. Contact

Rachael Watson (rachael.watson@dft.gsi.gov.uk) at the Department for Transport can answer any queries regarding the instrument.