Regranting Licences - Experience in Britain

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INTRODUCTION

This paper deals only with the regranting of licences to drivers convicted of drink-driving offences. It describes the conditions under which a driver may be disqualified and the procedures laid down for applying for the restoration of the licence. Finally, it reviews current experience in Britain and tries to assess the effectiveness of licensing procedures.

Since its inception under the Road Safety Act 1967, the offence of driving or attempting to drive a vehicle with a BAC in excess of the prescribed limit has carried with it a minimum disqualification period of 12 months on conviction (The offence of failing to provide a sample for analysis carries a similar period of disqualification). Current legislation provides four drink-driving offences for which disqualification is obligatory (Table 1).

Table 1
Drink-Driving Offences Involving Obligatory Disqualification

<table>
<thead>
<tr>
<th>Offence</th>
<th>Imprisonment</th>
<th>Fine</th>
<th>Disqualification</th>
<th>Penalty Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Causing death by careless driving under the influence of drink or drugs</td>
<td>10 years</td>
<td>Unlimited</td>
<td>Obligatory - two years minimum</td>
<td>3-11*</td>
</tr>
<tr>
<td>Driving whilst unfit through drink or drugs</td>
<td>6 months</td>
<td>£5,000</td>
<td>Obligatory</td>
<td>3-11*</td>
</tr>
<tr>
<td>Driving with excess alcohol</td>
<td>6 months</td>
<td>£5,000</td>
<td>Obligatory</td>
<td>3-11*</td>
</tr>
<tr>
<td>Failing to provide a specimen for analysis</td>
<td>6 months</td>
<td>£5,000</td>
<td>Obligatory</td>
<td>3-11*</td>
</tr>
</tbody>
</table>

*If, exceptionally, not disqualified

For any offence which carries penalty points, the courts have a discretionary power to order a period of disqualification. In the case of obligatory disqualification, the courts must disqualify for a minimum period of 12 months. For repeat offenders, this period is usually extended. Drivers who are convicted of a second drink-drive offence within 10 years will be disqualified for a minimum of three years.
THE HIGH-RISK OFFENDER SCHEME

Prior to May 1983, licences were returned to drivers on demand at the end of their disqualification period. On that date, the category of High Risk Offender (HRO) was introduced to cover drivers convicted of repeated serious drink-driving offences. In June 1990, the criteria for HROs was extended to include drivers who:

1. were convicted of having a BAC in excess of 200mg/100ml (two and a half times the prescribed limit) (Single Offenders), or
2. refused to provide a specimen for analysis (Refusers), or
3. provided an specimen for analysis equivalent to a BAC within the range 80-200mg/100ml and had a previous drink-driving conviction within the previous ten years (Repeaters).

To regain their driving licences at the end of their period of disqualification, drivers must undergo a clinical assessment to demonstrate with reasonable certainty that they are not alcohol abusers. Aside from the provisions of the HRO Scheme, Courts have the discretionary power to order an extended retest (about twice as long as the ordinary driving test) for any offence where disqualification is obligatory (this includes all offences described in Table 1). Overall control of the procedure lies with the Driving and Vehicle Licensing Authority (DVLA) in Swansea, Wales. The actual assessments are carried out by about 150 approved General Practitioners situated throughout Britain. The cost of the assessment is £70 (about A$150) and is paid by the applicant.

The assessment is largely based upon the results of three markers - AST, MCV and GGT. If the driver fails on any two markers, then the application for the return of the licence is refused and the driver is invited to reapply in one year’s time.

![Figure 1: Trends in all Drink Driving and HRO Offences](image)

NB: The monthly number of offences shows seasonal trends. To obtain a four year trend, only data relating to the period June - December for each year was used to determine the monthly averages. The same analysis using the period January - June for each year produced similar trends.
ANNUAL TRENDS

Both HRO and other drink driving offences have declined over the past four years (Figure 1). The decline is greater amongst non HRO offenders (23%) than amongst HROs (16%). As a result, HROs now form a greater proportion of all drink driving offenders. Of the 110,000 HROs studied, 43% were Single Offenders, 36% were Repeaters and the remainder (21%) were Refusers.

Within HROs, the decline has been greatest amongst Repeaters (22%) and least amongst Single Offenders (12%). Refusers have declined by 15%.

SEX, AGE AND SOCIAL BACKGROUND OF HROS

HROs are predominantly male (93%). The highest proportion of women (9%) occurs within Single Offenders (9%); the lowest amongst Repeaters (3%). The median age for males (32 years) was slightly lower than that for females (35 years). Within both males and females, there were only slight (1-2 years), albeit statistically significant, differences in the median ages of the various types of HRO.

From a knowledge of the driver’s home address, Pinpoint social codes (Pinpoint Ltd used the 1991 census data to encode post codes into many categorisations which then can be aggregated into broad descriptive groupings for use in market research and elsewhere) were used to provide a broad descriptive grouping of the social background of the driver. An analysis of social background by age suggested that the following clusters were overrepresented amongst HROs: affluents under 25 and over 40; home owners under 25; working industrial communities, lower status and older singles and high unemployed council areas within the 25-34 age band. Amongst women, a significantly higher proportion of wealthy females had offended as compared to those from less prosperous groups.

DISQUALIFICATION PERIODS

The period of disqualification varied significantly between the types of HROs. Repeaters typically received 31-36 months disqualification; Single Offenders were given either 19-24 months or 31-36 months. Refusers fared best; over half received 18 months or less. Previous offences were taken into consideration by the Courts when determining the length of disqualification. Drivers with no previous drink driving convictions tended to receive shorter terms.

REAPPLICATION FOR DRIVING LICENCES

As of March 1993, nearly 20,000 drivers had completed their period of disqualification. Of these, 54% had successfully applied for the return of their licence. As the failure rate of the medical assessment is believed to be about 5%, the results suggest that around 40% of disqualified drivers have not (yet) reapplied for their licence.
Recidivism is one of the primary reasons for categorising a convicted drink driver as a HRO; around one third of HROs are Repeaters. To determine the subsequent conviction rate of HROs, mean numbers of serious drink driving convictions were calculated separately for each type of HRO and for non-HROs. Two samples of drivers were used; those who became HROs during the period June - November 1990 and those who became HROs during the period December 1990 - June 1991. In total, the conviction rates of about 40,000 HROs and 70,000 non-HROs were studied over a two year period. Overall, the mean number of convictions for HROs (0.10 - 0.13) was over double that for non-HROs (0.04 - 0.05).

Not surprisingly, perhaps the re-conviction rate was highest amongst those who were already recidivists - the Repeaters. Such people were the only type of HRO for whom the mean numbers of convictions for both men (0.175 and 0.140) and women (0.166 and 0.146) were comparable. For both Single Offenders and Refusers, the mean number of convictions for men was around double that for women in the same category. Amongst HROs, Single Offenders had the lowest mean numbers of convictions (0.084 and 0.069) but these figures were still substantially above that for non-HROs (0.048 and 0.038).

Given that Repeaters typically received longer periods of disqualification than other HROs, a greater proportion of their higher numbers of subsequent convictions may well have occurred during their period of disqualification.

CONCLUSIONS

HROs are forming an increasing part of the convicted drink driver population, although their absolute numbers are declining.

The age and social backgrounds of male and female HROs differ. Female HROs are typically slightly older and come from more affluent social backgrounds than male HROs.

Although most HROs reapply for their licence soon after the end of their disqualification, around 40% appear not to do so. It is difficult to avoid the suspicion that many are driving unlicensed, particularly as the study of recidivism implies that a proportion are reconvicted during their period of disqualification. It would be useful to continue to monitor the offence records to determine the proportion of drivers who did not seek the restoration of their licence who have been subsequently convicted of a drink driving offence. Because of the length of disqualification typically imposed on HROs, sufficient time has not yet elapsed for a definitive study of the effects of the 1990 widening of the HRO concept. The problem remains of sufficient seriousness to warrant continued attention.

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