



**Association of Chief Police Officer of England,
Wales & Northern Ireland**

Motorcycle Enforcement Strategy For England, Wales & Northern Ireland

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MOTORCYCLE ENFORCEMENT STRATEGY FOR ENGLAND, WALES & NORTHERN IRELAND

1. Introduction

In March 2000 the Government published a road safety strategy for the next 10 years, "*Tomorrow's Roads – Safer for Everyone*". This includes casualty reduction targets to be achieved by 2010. These are a 40% reduction in the number of people killed or seriously injured (KSI); a 50% reduction in the number of children killed or seriously injured; and a 10% reduction in the slight injury casualty rate.

A key factor in achieving these targets is the safety of motorcyclists. Motorcyclists represent a large proportion of road casualties in relation to their numbers. They make up around 1% of road traffic, but suffer around 18% of deaths and serious injuries.

Casualty statistics for 2004 show that powered two wheelers (PTW) deaths fell to 585 from 693 the previous year (16%) and serious injuries fell from 6,959 to 6,063 (13%). Whilst this fall in casualties is clearly positive the figures need to be balanced with the 14% increase in deaths from 2002 to 2003 and the steady climb in deaths and serious injuries over the last 10 years.

Whilst the casualty rate continues to improve, it was 25% lower in 2004 than in 1994, there is concern that motorcyclists continue to be disproportionately represented in casualty numbers. Motorcyclists are at a greater risk of death or serious injury than other road users. The relative risk of a motorcycle rider being killed or seriously injured per kilometre travelled was almost 50 times higher in 2003 than for car drivers.

In February 2005 the Department for Transport published *The Government's Motorcycling Strategy*, demonstrating its commitment to supporting motorcycling as an important part of the transport mix, working together with the motorcycling community to address the needs of motorcyclists. This document also recognised that the mainstreaming of motorcycling brings with it rights and responsibilities. It states:

"Motorcyclists have the right to expect central Government to take account of motorcycling in the planning process, when designing and maintaining the road network, when managing traffic and when considering safety. In return motorcyclists must recognise their responsibilities – to ride sensibly and safely within the law, be considerate to other road users, and to others more generally – for example those who wish to enjoy the peace and tranquillity of our rural areas"

It is recognised that within the UK, Police Forces adopt many differing strategies when dealing with motorcyclists. This can result in a lack of focus

on key safety issues and can lead to distrust and animosity amongst motorcyclists.

It is with this background that it has been established that there is a need for a co-ordinated approach to education, enforcement, engineering and engagement of motorcyclists. There is an opportunity to achieve this by developing a nationally agreed '*Motorcycle Enforcement Strategy.*' This will provide an opportunity to deliver a consistent approach and to build upon best practices, share intelligence and research.

It is acknowledged that the vast majority of motorcyclists are law abiding, responsible people. There is a need to protect their interests as well as the wider public and affected communities, from the minority who choose to abuse road traffic law and endanger their lives and others. There is a need to reduce the unacceptable number of people killed and seriously injured as a result of motorcycle collisions.

2. Strategic Intention

The intention of the strategy is to focus enforcement activities on key motorcycle collision causation factors and introduce a nationally agreed approach to enforcement, with the aim of reducing killed and serious injured casualties in this most vulnerable road user group. It is recognised that some communities suffer noise intrusion and quality of life issues which need to be acknowledged and which are addressed as part of this strategy.

It is hoped that the introduction of clear guidelines will help to alleviate animosity between the Police and motorcycle groups, and will encourage an environment of co-operation and partnership, working together to achieve a safer road environment for all.

The strategy has two main objectives:

- To reduce the number of people killed and seriously injured as a result of motorcycle collisions.
- To reduce the level of anti-social behaviour associated with a small irresponsible minority of motorcyclists that disproportionately effect the quality of life for some communities.

3. Principles of enforcement

The enforcement of traffic legislation by the police should be guided by the principles of proportionality in applying the law and securing compliance.

Enforcement should be intelligence led and targeted. It needs to be consistent and transparent about what enforcement action is undertaken and why, it should recognise that effective partnership working in its broadest sense is essential. Neighbouring forces should work together to share intelligence and adopt a consistent approach to enforcement recognising that motorcyclists will frequently cross force boundaries.

There should be an emphasis on securing compliance through education, encouragement and advice, with a clear statement of intent to deal appropriately with serious and/or persistent offenders.

Pre-court interventions such as '*Rider Improvement Schemes*' (where available) provide an opportunity to direct offenders towards formal training.

Enforcement should be proportionate to the risks to individuals, property and the degree of seriousness of the offence.

Targeting means more than simply focusing on those whose behaviour poses the greatest risk (particularly to others), or to identifiable locations or circumstances. Targeting needs to take full advantage of a wide range of information sources to properly inform, focus and prioritise enforcement activities. Effective targeting ensures that road risks are objectively identified and prioritised for appropriate action, suitable resources are deployed and pertinent monitoring and evaluation takes place. This ensures that costs and benefits can be properly assessed and future decision making enhanced.

Consistency does not mean uniformity, it does mean adopting a similar approach in similar circumstances to achieve a desired outcome. Officer discretion is a valued asset that needs to be retained and exercised under agreed guidelines. Officers observing an offence must consider the nature, severity and risk of the incident, to the perpetrator and more importantly to others before making a decision on how best to proceed. This strategy offers guidance relating to the type of offences that require intervention and options to consider for disposal. It seeks to provide a consistent approach to all road users nationally. Inconsistency in enforcement undermines public confidence and contributes to resentment and alienation.

Developing a lucid strategy assists motorcyclists and other road users to understand what is expected of them and why. It provides clarity on what the public can expect from the police and by raising awareness of the issues, develops a wider understanding of the full implications of their actions, which will facilitate changing behaviour and ultimately attitudes.

4. Core themes

- **Breaches of section 2 of the Road Traffic Act 1988 (Dangerous Riding)** should in most cases be dealt with by way of prosecution, especially in cases where there is a victim. There is a need to deliver a clear message that behaviour constituting this offence will not be tolerated and that firm and positive action will be taken to address it.
- **Breaches of section 3 of the Road Traffic Act 1988 (Careless Riding)**, it is recommended that where this offence is committed, and there is a victim, prosecution should be the

preferred option with all road users dealt with in the same manner.

The use of Section 59 Police Reform Act 2002 should also be considered. It should be noted that the primary offence of Section 3 (careless and inconsiderate riding) must have been committed with the extra elements of causing or likely to cause alarm, distress or annoyance to the public before section 59 can be implemented.

In victimless cases alternative pre-court interventions such as '*Rider Improvement Schemes*' should be considered.

The test to be applied for careless riding is when a rider departs from the standard of riding which would be exercised by a reasonable, prudent, competent rider in all the circumstances of the particular case. This includes inappropriate speed for the vehicle or the conditions. If a persons riding falls far below that standard, charges under Section 2, Road Traffic Act 1988 should be considered.

- **Exceeding speed limits**, prosecution in compliance with existing detailed ACPO guidelines and individual force policies
- **Breaches of section 36 of the Road Traffic Act 1988**, failure to comply with road signs consider pre-court interventions.

These offences should not normally be isolated incidents, but should be accompanied by aggravating factors for example excessive speed or prolonged misuse of double white line markings.

In cases where there is a victim and/or the offences have a higher degree of '*mens rea*' prosecution should be the preferred option.

- **Registration plates**, the test to be applied, if not easily legible from 20.5 metres, prosecution and inform DVLA.

Whilst accepting that this is a technical offence, there are concerns regarding the misuse of registration plates on motorcycles.

It is well recognised that there are many technological advances in automated detection and enforcement equipment, most of which rely upon remote reading of registration plates.

It is difficult for enforcement agencies to differentiate between the individual who wishes to make a fashion statement or

enhance the appearance of their machine from one who is deliberately attempting to avoid detection for criminal purposes.

It is with this rationale that it has been decided not to focus on the technicalities of the size of the plate or font size to comply with current legislation, but to apply a simple test of legibility, based upon the standard eyesight test for riders and drivers.

- **Illegal exhausts**, in cases with no noise annoyance, consider the use of the Vehicle Defect Rectification Scheme and appropriate advice.

Where noise annoyance is a factor, prosecution is recommended, with consideration to be given to the use of Section 59 Police Reform Act 2002 for persistent offenders or excessive noise nuisance.

This issue affects the wider public and in many cases serves to alienate them from motorcyclists in general by reinforcing stereotypes. The Police have a duty to protect all road users and communities, it is therefore necessary to take proactive action against the illegal use of exhausts on motorcycles.

It is accepted that not all forces use the PNC to record and administer Section 59 warnings and seizure notices. It is recommended that the PNC should be used for this purpose

- **Tinted visors**, if used during daylight hours, advice only, if used during the hours of darkness or conditions of reduced visibility consider prosecution using 'Tintman' equipment where available.

It is acknowledged that there is much debate about this issue and many variables and anomalies can be applied. Therefore a pragmatic approach is necessary and only in cases where there is an obvious danger should prosecution be considered.

- **Coloured headlamps**, intervention recommended only if the light cover is red, VDRS is recommended as the primary option. Advice to be given for colours other than white.

In respect of clothing for motorcyclists there is currently no specific legislation, except for helmets, regarding the type or quality of suitable clothing that should be worn. It is therefore recommended that a common sense approach be applied, constructive and helpful advice should be offered where appropriate and that intervention and education is required in cases of obvious danger, for example, riders wearing shorts and tee shirts.

There is an underlying requirement that all of the actions listed above should be underpinned by education and advice. This should be supported by recommendation to seek further professional training.

It is recommended that where road checks are utilised care must be taken not to unnecessarily delay motorcyclists. The checks should be well resourced and focussed on specific issues. Motorcyclists should be told why they are being stopped and generalised trawling for offences is not recommended.

A high visible presence and instant intervention is more effective than covert monitoring or remote camera detection and justice by post.

Whilst this document addresses specific advice and guidance for dealing with motorcycle riders it is one strand of a number of wider road policing strategies and casualty reduction initiatives designed to achieve the Governments 2010 casualty reduction targets.

DCC David Griffin

Motorcycle casualty Reduction Working Group Lead
Humberside Police



**ACPO EQUALITY IMPACT ASSESSMENT TEMPLATE (DIVERSITY AUDIT)
AS AGREED WITH THE CRE**

C1. Identify all aims of the guidance/advice

C.1.1 Identify the aims and projected outcomes of the guidance/advice:
To: <ul style="list-style-type: none"> - Best ensure a consistent approach to motorcycle focused enforcement activity across the UK - Provide guidance and advice to practitioners and managers on motorcycle focused enforcement issues - Provide an explanation about motorcycle focused enforcement to police forces and relevant external organisations
C.1.2 Which individuals and organisations are likely to have an interest in or likely to be affected by the proposal?
<ul style="list-style-type: none"> - The police service - The motorcycle industry - The Department for Transport - Road Safety Organisations

C2. Consider the evidence

C.2.1 What relevant quantitative data has been considered?	
Age	Not considered to have a bearing
Disability	Not considered to have a bearing
Gender	Not considered to have a bearing
Race	Not considered to have a bearing
Religion / Belief	Not considered to have a bearing
Sexual Orientation	Not considered to have a bearing
C.2.2 What relevant qualitative information has been considered?	
Age	Qualitative information suggested that many motorcycle collisions involved males 35 plus. There is no data or information to suggest that any other factors such as race, disability etc have any bearing.
Disability	None
Gender	As at Age
Race	None
Religion / Belief	None
Sexual Orientation	None
C.2.3 What gaps in data/information were identified?	
Age	No gaps identified
Disability	No data available or felt necessary
Gender	No gaps identified

Race	No data available or felt necessary
Religion / Belief	No data available or felt necessary
Sexual Orientation	No data available or felt necessary
C.2.4 What consideration has been given to commissioning research?	
Age	Considerable research has been carried already in relation to age and gender profiling of those involved in motorcycle collisions. No further work is considered necessary at this stage.
Disability	ditto
Gender	ditto
Race	ditto
Religion / Belief	ditto
Sexual Orientation	ditto

C3. Assess likely impact

C.3.1 From the analysis of data and information has any potential for differential/adverse impact been identified?	
Age	A majority of motorcycle collisions involve males 35 plus. It is therefore felt that the policy has potential to focus enforcement activity on males in the relevant age group
Disability	None
Gender	None
Race	None
Religion / Belief	None
Sexual Orientation	None
C.3.2 If yes explain any intentional impact:	
Age	It is right that policing activities in this context focuses on those most at risk
Disability	None
Gender	None
Race	None
Religion / Belief	None
Sexual Orientation	None
C.3.3 If yes explain what impact was discovered which you feel is justifiable in order to achieve the overall proposal aims. Please provide examples:	
Age	Only those that ride badly or have other offences prevalent will find themselves subject of this policy. However, as males aged 35 plus are the prevalent offenders it is anticipated and justified that they may become subject of this policy more often than other profiles.
Disability	NA
Gender	NA
Race	NA
Religion / Belief	NA
Sexual Orientation	NA
C.3.4 Are there any other factors that might help to explain differential /adverse impact?	
Age	Casualty / collision / offending data
Disability	NA
Gender	NA
Race	NA

Religion / Belief	NA
Sexual Orientation	NA

C4. Consider alternatives

C.4.1 Summarise what changes have been made to the proposal to remove or reduce the potential for differential/adverse impact:
None
C.4.2 Summarise changes to the proposal to remove or reduce the potential for differential/adverse impact that were considered but not implemented and explain why this was the case:
Routine or random stopping of motorcycle regardless of offending profile
C.4.3 If potential for differential/adverse impact remains explain why implementation is justifiable in order to meet the wider proposal aims:

C5. Consult formally

C.5.1 Has the proposal been subject to consultation? If no, please state why not. If yes, state which individuals and organisations were consulted and what form the consultation took:	
Age	The proposal has been out for structured and extensive consultation to all the main stakeholder groups / organisations identified at C.1.2. These organisations are made up of a large cross section of society
Disability	Ditto
Gender	Ditto
Race	Ditto
Religion / Belief	Ditto
Sexual Orientation	Ditto
C.5.2 What was the outcome of the consultation?	
Age	No factors that discriminate against any persons on these grounds were highlighted
Disability	No factors that discriminate against any persons on these grounds were highlighted
Gender	No factors that discriminate against any persons on these grounds were highlighted
Race	No factors that discriminate against any persons on these grounds were highlighted
Religion / Belief	No factors that discriminate against any persons on these grounds were highlighted
Sexual Orientation	No factors that discriminate against any persons on these grounds were highlighted
C.5.3 Has the proposal been reviewed and/or amended in light of the outcomes of consultation?	
Yes. Various aspects of the proposal have been amended following the consultation exercise	
C.5.4 Have the results of the consultation been fed back to the consultees?	
Yes, they have had sighting of the final document	

C6. Decide whether to adopt the proposal

C.6.1 Provide a statement outlining the findings of the impact assessment process. If the proposal has been identified as having a possibility to adversely impact upon diverse communities, the statement should include justification for the implementation:

With the exception of the justified and necessary targeting of offending riders, who data suggest may fall into a given age /gender profile there is nothing that else that will have an adverse impact upon divers communities

C7. Make Monitoring Arrangements

C.7.1 What consideration has been given to piloting the proposal?

The scheme has already been piloted during the summer of 2005

C.7.2 What monitoring will be implemented at a national level by the proposal owning agency and/or other national agency?

The scheme will be monitored by the ACPO lead on a dynamic basis

C.7.3 Is this proposal intended to be implemented by local agencies that have a statutory duty to impact assess policies? If so, what monitoring requirements are you placing on that agency?

No

C8. Publish Assessment Results

C.8.1 What form will the publication of the impact assessment take?

For publication on the ACPO website, the impact assessment be attached to the completed document as the first appendix. On the ACPO Intranet, the whole workbook will be attached to assist in the preparation of local audits.