



FREEDOM OF INFORMATION REQUEST



Request Number: F-2014-01010

Keyword: Road Policing

Subject: Construction and Use Regulations

Request and Answer:

Question 1

Official guidance given to police officers of when an arrest is possible (and appropriate), with respect of Regulations 120, 125, and 125a of the motor vehicles construction and use regulations?

Question 2

The arrest rate for breaches of the aforementioned regulations, for drivers depending on their age and gender, over the last ten years?

Question 3

The success rate of prosecutions for said arrests?

Answer

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

Police officers deal with breaches of Regulations 120, 125 and 125a of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 by way of Fixed Penalty Notices and these offences do not carry their own specific power of arrest. Police officers may use the preserved power of arrest in certain circumstances using the powers conferred in Article 26 of The Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE). Further information regarding when Article 26 may be used is available at: <http://www.legislation.gov.uk/nisi/1989/1341/article/26>.

Please find below a table showing the number of arrests made in relation to breaches of Regulations 120, 125 and 125A of the Motor Vehicles (Construction and Use) Regulations Northern Ireland 1999 between 1st January 2006 and 31st December 2013. This has been broken down to show age and gender.

Number of arrests under Traffic Regulations 120, 125 and 125A between 1st January 2006 and 31st December 2013

	Traffic regulation 120			Traffic regulation 125			Traffic regulation 125A		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Under 18	0	2	2	0	0	0	0	1	1
18 - 29	0	6	6	0	0	0	11	99	110
30 - 49	0	0	0	0	0	0	11	92	103
50 - 69	1	1	2	0	0	0	2	19	21
70+	0	0	0	0	0	0	0	2	2
Unknown	0	0	0	0	0	0	0	6	6
Total	1	9	10	0	0	0	24	219	243

Please note:

1. The vast majority of arrests will be as a result of a more serious offence where there is a specific power of arrest and where the offender has also been detected for the offences within the aforementioned regulations, or the offender is arrested under Article 26 PACE.

2. Figures are provisional and subject to change.

Source: PSNI Statistics Branch, Lisnasharragh

Please find below a table showing the number of convictions in relation to breaches of Regulations 120, 125 and 125A of the Motor Vehicles (Construction and Use) Regulations Northern Ireland 1999 between 1st January 2006 and 31st December 2013. This has been broken down to show age and gender.

Number of convictions under Traffic regulations 120, 125 and 125A between 1st January 2006 and 31st December 2013

	Traffic regulation 120			Traffic regulation 125			Traffic regulation 125A		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Under 18	0	0	0	0	0	0	0	1	0
18 - 29	0	3	3	0	0	0	8	50	58
30 - 49	0	0	0	0	0	0	9	57	66
50 - 69	0	0	0	0	0	0	2	10	12
70+	0	0	0	0	0	0	0	1	0
Unknown	0	0	0	0	0	0	0	0	0
Total	0	0	3	0	0	0	19	119	136

Please note:

Figures are provisional and subject to change.

Source: PSNI Information and Communication Services, Lisnasharragh

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the

Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.