



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-01505

**Keyword:** Organisational Information/Governance

**Subject:** Alerting Other Motorists About Speed Cameras

### Request and Answer:

#### Request 1

Last year in England, it became a criminal offence to warn other motorists of police carrying out checks for people speeding. The Department of Transport says that flashing your headlights to warn of a speed camera or a roadside police speed check is in breach of the highway code. Conviction comes from a breach of section 89 of the Police Act 1996 which says it is an offence to "wilfully obstruct a constable in the execution of his/her duty". Does this law apply to Northern Ireland?

#### Request 2

Did it apply before it was introduced in England?

#### Request 3

How many people in the last two financial years have been charged with this offence, and how many have been convicted, and if convicted what sentence did they receive?

#### Clarification sought from you the requester

Are you asking how many have been charged and convicted in total of an offence under Section 89 of the Police Act 1996 or how many have been charged and convicted with respect to warning other motorists of police speed checks under this Section?

#### Clarification received from you the requester

I would like to clarify whether warning motorists about police speed cameras is an offence and under which law it is an offence.

Following on from that I would like to find out how many people have been charged with and convicted of this offence/offences.

#### Answers

PSNI Roads Policing have advised that although searches were conducted these searches failed to locate any records or documents relevant to your request based on the information you have provided.

Section 89 of the Police Act 1996 is NOT applicable to Northern Ireland. The relevant legislation for Northern Ireland is Article 66 of the Police (NI) Act 1998.

Previous legal attempts in GB under the “Obstruction of a Constable” offence, to prosecute drivers who seemingly flash their headlights to warn of police speed checks have failed as the prosecution has been unable to prove the intention behind the driver’s actions.

Alternatively, it would appear that in GB the offence of “Misuse of lights” has been used with some success to deal with drivers who warn others of speed checks ahead, as alluded to in your request. In Northern Ireland this offence is contrary to Regulation 30 of The Road Vehicles Lighting Regulations (Northern Ireland) 2000:

<http://www.legislation.gov.uk/nisr/2000/169/regulation/30/made>.

To prove this offence the police would need to demonstrate that using the headlight in this manner caused “undue dazzle or discomfort” to other road users. It is highly unlikely that another motorist would be forthcoming to make such a complaint and the flashing will generally be done facing in the opposite direction of police performing the checks.

The NI version of the Highway Code also carries the advice, *“Only flash your headlights to let other road users know that you are there. Do not flash your headlights to convey any other message or to intimidate other road users”*.

In addition the Fixed Penalty Code for this offence is a generic one that covers all lighting misuse, so to extract only those relating to warning of speed checks would require a manual check of all Fixed Penalty Notices (FPN) issued and even then it **may not** include the circumstances in the free text section.

Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

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](mailto: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](http://www.psni.police.uk)

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