



Department
for Transport

Reporting road accidents to the police Consultation

Moving Britain Ahead

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Foreword



The services which Government provides for citizens should be delivered in ways that suit citizens. Increasingly, that means services which are accessed electronically. Yet legislation often requires that information is provided in person or on paper. Where there is no good reason to continue to require this, we are working to eliminate it. In the past few years, we have removed the need to hold a paper counterpart to a driving licence, and the need to display a paper tax disc on a vehicle. Almost all car and motorcycle driving tests are now booked online.

So I am keen that we remove the need to report road traffic accidents in person. Serious accidents will have a police officer attending, and details can be recorded at the scene. For accidents not involving death or serious injury, the attendance of a police officer may not be necessary. Current reporting arrangements, however, still require these accidents to be reported by a driver in person at a police station or to a police officer. This does not reflect the 21st century capability to provide information in ways that better suit the citizen, and it ties up police time.

As well as improving the service to the public, more efficient collection of accident data also holds out the possibility of more effective use of that data. By using the data to establish trends, we will be able to develop better informed policy; highway authorities will be better able to think about road design; and the police will be better able to spot fraud.

This consultation invites you to inform us how you think such a change would work. I encourage you to respond.

Jesse Norman MP
Road Safety Minister

Executive summary

Introduction

- 1 Section 170 of the Road Traffic Act 1988 (“the Act”) requires drivers involved in certain traffic accidents which occur on the road or other public place to report the accident in person at a police station, or to a constable.
- 2 Reporting accidents in person puts burdens on drivers, businesses and police forces. Therefore the Government proposes to amend the Act to allow police forces to offer drivers the option of submitting accident reports by other methods.
- 3 We expect that, as a result of this change, police forces will offer drivers the option of reporting accidents online or by telephone. This will make it simpler, quicker and cheaper for drivers to fulfil their statutory obligation to report the accident, and for the police to record the accident details.
- 4 Section 170 of the Act and the proposals in this consultation document apply to England, Wales and Scotland. Nothing in this consultation document applies to Northern Ireland where different legislation applies.

Who should read this document?

- Police forces
- Drivers and riders of road vehicles, including pedal cyclists
- Motoring organisations
- Road safety organisations
- Insurers

How to respond

The consultation period began on 30th January 2018 and will run until 24th April 2018. Please ensure that your response reaches us before the closing date.

You are invited to respond to the consultation via the online form which can be accessed at <https://www.gov.uk/dft#consultations>

Or by post to:

Road safety statistics – reporting road traffic accidents consultation
Department for Transport
2/13 Great Minster House
33 Horseferry Road
London
SW1P 4DR

Or by email to:

Email: roadacc.stats@dft.gsi.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Non-disclosure of responses in the explanatory document

We propose to effect the changes detailed in this consultation document through a legislative reform order (LRO), under the Legislative and Regulatory Reform Act

2006. Section 14 of that Act requires there to be laid before parliament the draft LRO together with a draft explanatory document, and for the explanatory document to include details of any consultation conducted, and representations received in response.

Section 14 also provides for what should happen when someone responding to the consultation exercise requests that their representations are not disclosed. Where such a request is made, the representations should not be disclosed in the explanatory document if to do so would constitute an actionable breach of confidence.

Also, if the representations include information relating to a third party which the Minister believes may be damaging to the interests of that third party, the Minister does not have to publish this information in the draft explanatory document, if they are unable to obtain the consent of the third party to disclose.

The Scrutiny Committees may, however, be given access on request to all representations as originally submitted, so even if such information is withheld from the explanatory document, this would not prevent a Minister from providing the information to the Parliamentary Committees on request.

1. Introduction

- 1.1 Over 140 thousand personal-injury road traffic accidents are reported to police forces in Great Britain each year. Most are recorded by an officer attending the scene of the accident, but about 20 per cent of accidents are reported by drivers 'over the counter' in a police station. Over 27 thousand reports were made over the counter in a police station in 2015.
- 1.2 In addition, we estimate that a further 55 thousand 'property damage-only' road traffic collisions (collisions in which no one was injured, but damage was done to another vehicle or another person's property) are reported over the counter in a police station.
- 1.3 Requiring drivers to report road traffic accidents in person at a police station or to a constable, results in costs and burdens to drivers, police forces and business.
- 1.4 This consultation sets out proposed amendments to the Road Traffic Act 1988 which are intended to lessen these burdens. The proposals will allow police forces to accept reports of traffic accidents occurring on the road or other public place by any method of communication, including on the telephone; via the Internet; or through any other suitable electronic or digital media.
- 1.5 Comments are invited on the proposals.

2. Background and scope

Definitions

- 2.1 This consultation document uses the term ‘accident’ throughout, as this is the terminology used in the Act. This should not be taken as the Government’s view of the relative merits of the terms ‘accident’, ‘collision’, ‘crash’ or any other term.
- 2.2 The Act refers to ‘mechanically propelled vehicles’. This term is not defined in the Act, but refers to vehicles which are propelled by a mechanism (most obviously, a motor), and therefore not to vehicles which are entirely propelled by the user (such as a pedal cycle).
- 2.3 The Act also refers to ‘motor vehicles’, which are defined in the Act as mechanically propelled vehicles intended or adapted for use on roads

The current requirements for reporting accidents which occur on the road or other public place

- 2.4 The current requirements for reporting accidents occurring on the road or other public place are stipulated in section 170 of the Act¹. This section is reproduced here for convenience:

170 Duty of driver to stop, report accident and give information or documents.

- (1) This section applies in a case where, owing to the presence of a mechanically propelled vehicle on a road or other public place, an accident occurs by which—
 - (a) personal injury is caused to a person other than the driver of that mechanically propelled vehicle, or
 - (b) damage is caused—
 - (i) to a vehicle other than that mechanically propelled vehicle or a trailer drawn by that mechanically propelled vehicle, or
 - (ii) to an animal other than an animal in or on that mechanically propelled vehicle or a trailer drawn by that mechanically propelled vehicle, or
 - (iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road or place in question is situated or land adjacent to such land.

¹ Available at <http://www.legislation.gov.uk/ukpga/1988/52/section/170>.

- (2) The driver of the mechanically propelled vehicle must stop and, if required to do so by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle.
- (3) If for any reason the driver of the mechanically propelled vehicle does not give his name and address under subsection (2) above, he must report the accident.
- (4) A person who fails to comply with subsection (2) or (3) above is guilty of an offence.
- (5) If, in a case where this section applies by virtue of subsection (1)(a) above, the driver of a motor vehicle does not at the time of the accident produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act—

- (a) to a constable, or

- (b) to some person who, having reasonable grounds for so doing, has required him to produce it,

the driver must report the accident and produce such a certificate or other evidence.

This subsection does not apply to the driver of an invalid carriage.

- (6) To comply with a duty under this section to report an accident or to produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act, the driver—
 - (a) must do so at a police station or to a constable, and
 - (b) must do so as soon as is reasonably practicable and, in any case, within twenty-four hours of the occurrence of the accident.
- (7) A person who fails to comply with a duty under subsection (5) above is guilty of an offence, but he shall not be convicted by reason only of a failure to produce a certificate or other evidence if, within seven days after the occurrence of the accident, the certificate or other evidence is produced at a police station that was specified by him at the time when the accident was reported.
- (8) In this section “animal” means horse, cattle, ass, mule, sheep, pig, goat or dog

2.5 Subsections (1) - (5) outline the circumstances under which an accident must be reported, and evidence produced

2.6 In summary:

- 1 an accident occurs, owing to the presence of a mechanically propelled vehicle (for example, a car, motorcycle or goods vehicle) on a road or other public place; and
- 2 either

- a. property was damaged (being damage to another vehicle; to certain animals; or to property attached to the land in the vicinity of the accident (see subsection (1)(b)(iii)) ; and
- b. the driver of the vehicle did not give the required details (their own name and address, as well as the name and address of the vehicle owner; and the vehicle identification marks) to either a police constable, or anyone else with reasonable grounds for requiring them (whether or not they were requested);

or

- c. someone was injured (other than the driver of the vehicle); and
- d. the driver of the motor vehicle (which does not include an invalid carriage) did not give the required details listed above; or did not produce to either a police constable or anyone else with reasonable grounds for requiring them (whether or not they were requested), a certificate of insurance or security;

then

- 3 the driver must report the accident. In many cases, all drivers will stop and exchange name, address and contact details. However drivers do not always have a physical copy of their insurance certificate available at the scene of an accident.

2.7 Subsection (6) outlines the requirements for how the accident must be reported; this must be:

- 1) at a police station or to a constable; and
- 2) as soon as is reasonably practicable and, in any case, within a maximum of 24 hours of the accident occurring.

2.8 Although the Act does not specify that the report needs to be made in person, the courts have held (*Wisdom v MacDonald [1983]*) that reporting an accident by telephone or by any other way other than in person was not compliant with the legislation.

The need for reform

2.9 Requiring drivers to report an accident in person, where they were not able to provide the required details and documents at the time of the accident, is burdensome. These burdens fall directly on drivers and police forces and indirectly on businesses.

Burdens on drivers

2.10 For drivers, reporting accidents in person may be inconvenient, time-consuming, and result in increased financial costs, by the driver having to:

- 1 find a police station that is open within the reporting window;
- 2 travel to (and from) the police station (possibly walking or using public transport, if their vehicle is unavailable following the accident);

- 3 wait to be served; and
- 4 provide the requisite details.

Burdens on police forces

- 2.11 Informal research carried out by the Home Office in relation to online crime reporting demonstrated that:
- 1 Recording accidents in person over the counter is more expensive than making a report on the telephone or online
 - 2 It takes around 20 minutes for a member of police staff to record an accident report from a person attending the police station in person.
 - 3 Increases the demand at police station front counters, slowing down the reporting of serious crimes.

Burdens on businesses

- 2.12 There is also a burden placed on businesses when drivers are involved in a reportable accident during the course of their employment and need to use business time to make a report at a police station. Resource time is therefore lost by taking the driver away from productive work to carry out the tasks listed in paragraph 2.10 above, which leads to a financial cost and an obstacle to efficiency, productivity or profitability for that business. It is also possible that the driver will use a business vehicle to attend the police station in order to make the report. Therefore parking charges, fuel costs and loss of the use of the vehicle for that period will be costs borne by the business.

About this consultation

- 2.13 We propose to allow police forces to specify other means of communication by which a driver may report an accident, other than in person at a police station or to a constable. However, there is no intention to remove the police station option entirely, so drivers will be able to continue to report accidents in the existing way (at a police station or to a constable) if they so choose. The proposals aim to open up the possibility of making it simpler and easier for drivers to comply with their obligations under section 170 of the Act.
- 2.14 The proposals are permissive, in that they will allow police forces to decide whether to allow reporting by other means and if they do, which communication channels they will offer.
- 2.15 They will not oblige police forces to offer any specific channels of communication. However, police forces will continue to be required to accept reports in person over the counter, even if they do offer alternatives.

How to contribute

- 2.16 The government is seeking views from drivers, police forces and users of road accident data as well as other interested parties.
- 2.17 You can respond to the consultation via the online form at <https://www.gov.uk/dft#consultations>. Alternatively, you can send your response by email to roadacc.stats@dft.gsi.gov.uk. Where possible, please provide evidence to support your answer.

2.18 The consultation closes on 24th April 2018.

3. Specific proposed amendments to how road traffic accidents can be reported

- 3.1 This section sets out the detail of the proposed amendments to the Act. The changes address how drivers can lawfully report an accident to the police.

Relevant historical amendments to the Road Traffic Act

- 3.2 The Act was introduced at a time when information was rarely stored or exchanged in digital format.
- 3.3 Part of the reason for requiring drivers to report accidents in person was to require them to demonstrate that they held an appropriate driving licence and the requisite motor insurance for the vehicle they drove at the time of the accident. Drivers needed to show the original documents to a constable as evidence.
- 3.4 Police officers now have access to digital versions of these documents through the Police National Computer (PNC) and the Motor Insurance Database. There is an argument that the electronic versions of the documents are better than paper copies as they will reflect any changes made since the document was issued (for example, a driver could insure their vehicle, but then cancel the insurance after receiving a paper copy of the certificate).
- 3.5 The Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010² amended the Act to enable insurers to deliver certificates of insurance to policy holders by electronic means, or by making them available by placing an electronic copy of the certificate on a website. It further amended the Act so that a person can comply with a requirement imposed by a constable or vehicle examiner to produce his certificate of insurance, by providing the constable or vehicle examiner with electronic access to a copy of the certificate.

Potential alternatives to reporting in a police station

- 3.6 We think that if we remove the requirement to report in person, and allow police forces to accept reports by other methods, the new route for reporting accidents most likely to be accepted by the police is using an electronic channel, such as through an Internet page or an 'app' on a mobile device.
- 3.7 It is possible that some police forces will accept reports through an automated telephone system. Additional alternatives might also become available in the future, such as automated reporting by the vehicle itself.
- 3.8 To capture the variety of options which might be available in the future we propose to amend the Act to enable police forces to specify any means of communication by

² Available at <http://www.legislation.gov.uk/ukSI/2010/1117/made>

which they will accept a report. We want to ensure that the new power for the police to specify such means of communication is future-proof, in that it will enable police forces to specify any channels of communication that are available now, or may be available in the future.

Question 1

What currently available channels of communication do you think need to be considered for reporting road traffic accidents at this time?

Question 2

What reporting methods do you believe might exist in the future?

Giving police forces the power to decide on available reporting channels

- 3.9 Individual police forces have operational ownership of the processes they follow to record traffic accidents. The changes therefore, do not seek to mandate any technologies police forces must use. Instead, they seek to allow police forces, should they choose to do so, to accept accident reports by means of communication other than in person at the police station or to a constable.
- 3.10 This means that the proposals do not mandate the creation of a single national system or phone number for accident reporting, or require all police forces to accept reports by the same methods. It would be up to police forces, acting through the National Police Chiefs Council, to decide to cooperate to produce a single system, should they choose to do so.

Question 3

What are your views about giving each separate police force the power to decide which communication channels they offer for reporting road accidents?

How reporting is likely to work in practice

- 3.11 We envisage that police forces would use the additional channels to help them triage reports, to enable them more easily to identify which accidents require further police intervention.
- 3.12 Road traffic accidents can be classified into three main groups:
 - a. Accidents that do not need to be reported (such as accidents that do not result in any injuries and where all drivers stop to exchange full details, or accidents that do not involve a mechanically propelled vehicle).
 - b. Accidents that need to be reported because someone was injured or there was property damage, and the required details and/or documents were not provided at the time of the accident

- c. Accidents that need to be reported and investigated as a crime may have been committed (e.g. one or more drivers did not stop or did not provide details).
- 3.13 An online reporting system could be used to identify what type of accident someone is trying to report by asking just a small set of questions. Such a system could then provide an appropriate response to the driver making the report.
- 3.14 In the cases of a) above (accidents that do not need to be reported), basic details could be logged and the driver making the report could be issued with a reference number. The reference number could then be used as part of an insurance claim if required. These accidents could be logged and a reference number issued automatically without using any police officer or back-office resources.
- 3.15 In the cases of b) (accidents that result in a personal-injury) or c) (accidents that require or may require further investigation), basic details could be captured online. These details could then be automatically provided to the relevant police staff for further action.
- 3.16 A similar routine could be completed on the telephone although it would require more police staff time if the system was not a fully automated method of collecting the data e.g. processing the call, asking the questions and logging them into an electronic system.

Question 4

What is your opinion of allowing the use of automated processes for the reporting of road accidents?

Potential benefits of online or telephone reporting

- 3.17 We think that reporting on-line would deliver a number of benefits to drivers, the police and the road safety community:
- a. Drivers (and, potentially, their employers) save time, money and inconvenience in not having to visit a police station.
 - b. Drivers can make the report in a way that is convenient to them (as long as it's as soon as practicable and in any case within 24 hours of the accident).
 - c. The information provided could be more accurate as drivers can report accidents immediately following the event or even at the scene.
 - d. A system that automatically triages reports would mean that police staff only need to make decisions about the reports that may need further action.
 - e. The Department for Transport current reported road casualty statistics only cover accidents in which an injury occurs, and previous analysis by statisticians linking information collected by the police with other sources such as Hospital Episode Statistics (HES) and an analysis of the National Travel Survey (NTS) has identified a level of undercounting in the police estimates for the total numbers of people injured in road accidents. The introduction of self-reporting could provide better estimates of the total numbers of collisions.
 - f. An online recording system can be set up in such a way as to allow police forces and highway authorities to get some basic location information about

non-injury accidents. This would give highway authorities additional insight on the safety of their road networks.

Question 5

Do you agree that using new methods of reporting road accidents would deliver benefits to drivers? Why?

Question 6

Do you agree that using new methods of reporting road accidents would deliver benefits to the police? Why?

What will happen next?

A summary of responses, including the next steps, will be published within three months of the consultation closing on 24/04/2018. Paper copies will be available on request.

If you have questions about this consultation please contact:

Road safety statistics – reporting road traffic accidents consultation
Department for Transport
2/13 Great Minster House
33 Horseferry Road
London
SW1P 4DR

Phone: 020 7944 6595

Email: roadacc.stats@dft.gsi.gov.uk

Annex A: Full list of consultation questions

Question 1

What currently available channels of communication do you think need to be considered for reporting road accidents at this time?

Question 2

What reporting methods do you believe might exist in the future?

Question 3

What are your views about giving each separate police force the power to decide which communication channels they offer for reporting road accidents?

Question 4

What is your opinion of allowing the use of automated processes for the reporting of road accidents?

Question 5

Do you agree that using new methods of reporting road accidents would deliver benefits to drivers? Why?

Question 6

Do you agree that using new methods of reporting road accidents would deliver benefits to the police? Why?

Annex B: Consultation principles

The consultation is being conducted in line with the Government's key consultation principles. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

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