

Emergency Response Drivers (Protections) Bill

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TO

Provide protection for drivers of emergency vehicles responding to emergencies from civil liability and criminal prosecution in specified circumstances; to make related provision about criminal proceedings and sentencing; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Emergency response driver: definition

For the purposes of this Act, an emergency response driver is a driver who is using a vehicle for fire and rescue authority, ambulance or police purposes, in the exercise of their functions for the purposes described in section 87 of the Road Traffic Regulation Act 1984 (exemption of fire brigade, ambulance and police vehicles from speed limits).

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2 Protection from civil liability

(1) An emergency response driver (“D”) is not subject to any civil liability for damages D caused, if—

(a) D was, at the time the damage was caused, driving in the course of D's work to respond to an emergency; and

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(b) D reasonably believed that that emergency entailed a definite risk of preventable—

(i) loss of life;

(ii) damage of property; or

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(iii) criminal conduct.

(2) The Secretary of State may by regulations make provision in consequence of subsection (1).

(3) Regulations under this section are to be made by statutory instrument.

- (4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

3 Reduced sentencing in criminal prosecution for offences relating to dangerous driving 5

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) After section 2A of the Road Traffic Act 1988 (meaning of dangerous driving), insert –

“2AA Reduced sentencing for certain offences under sections 1, 1A and 2

- (1) It shall be a ground for reduced sentencing in criminal prosecution for the offences in sections 1, 1A and 2 if – 10
- (a) the person driving the vehicle in question is an emergency response driver (“D”), as defined by section 1 of the Emergency Response Drivers (Protections) Act 2018 (emergency response driver: definition); 15
 - (b) D was, at the time the offence occurred, driving in the course of D’s work to respond to an emergency;
 - (c) D reasonably believed that the emergency entailed a definite risk of preventable –
 - (i) loss of life; 20
 - (ii) damage to property; or
 - (iii) criminal conduct; and
 - (d) D has, prior to the time the offence occurred, completed a course of training in the driving of vehicles at high speed provided in accordance with regulations under section 87 of the Road Traffic Regulation Act 1984 (exemption of fire brigade, ambulance and police vehicles from speed limits). 25
- (2) This section applies only in relation to offences committed on or after the day it comes into force.”

4 Protection from criminal prosecution for offences relating to careless, and inconsiderate, driving 30

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) After section 3ZA of the Road Traffic Act 1988 (meaning of careless, and inconsiderate, driving), insert –

“3ZAA Defence for certain offences under sections 2B and 3 35

- (1) It shall be a defence to offences in sections 2B and 3 if –
- (a) the person driving the vehicle in question is an emergency response driver (“D”), as defined by section 1 of the Emergency Response Drivers (Protections) Act 2018 (emergency response driver: definition), 40
 - (b) D was, at the time the offence occurred, driving in the course of D’s work to respond to an emergency;
 - (c) D reasonably believed that the emergency entailed a definite risk of preventable –

- (i) loss of life;
 - (ii) damage to property; or
 - (iii) criminal conduct; and
 - (d) D has, prior to the time the offence occurred, completed a course of training in the driving of vehicles at high speed provided in accordance with regulations under section 87 of the Road Traffic Regulation Act 1984 (exemption of fire brigade, ambulance and police vehicles from speed limits). 5
- (2) This section applies only in relation to offences committed on or after the day it comes into force.” 10

5 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) This Act may be cited as the Emergency Response Drivers (Protections) Act 2018. 15

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To provide protection for drivers of emergency vehicles responding to emergencies from civil liability and criminal prosecution in specified circumstances; to make related provision about criminal proceedings and sentencing; and for connected purposes.

*Ordered to be brought in by
Sir Henry Bellingham,
Bob Blackman,
Jack Lopresti,
Stephen Twigg,
Robert Halfon,
Steve McCabe,
Sir Oliver Heald,
Chris Bryant,
Sir Roger Gale,
Leo Docherty,
Peter Aldous,
and James Cartlidge.*

*Ordered, by The House of Commons,
to be Printed, 19 December 2017.*

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