RURAL ECONOMY AND CONNECTIVITY COMMITTEE

AGENDA

6th Meeting, 2019 (Session 5)

Wednesday 20 February 2019

The Committee will meet at 8.30 am in the James Clerk Maxwell Room (CR4).

1. **Transport (Scotland) Bill (in private):** The Committee will consider a draft Stage 1 report.

2. **South of Scotland Enterprise Bill (in private):** The Committee will consider a draft Stage 1 report.

3. **Restricted Roads (20 mph Speed Limit) (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

   - Neil Greig, Policy & Research Director, IAM RoadSmart;
   - Paul White, Deputy Director, Scotland, Confederation of Passenger Transport - Scotland;
   - Tony Kenmuir, Chairman, Scottish Taxi Federation;
   - Martin Reid, Policy Director (Scotland and Northern Ireland), Road Haulage Association;
   - Eric Bridgstock, Independent Road Safety Researcher, on behalf of the Alliance of British Drivers.

4. **Subordinate legislation:** The Committee will consider the following negative instrument—

   - The Zootechnical Standards (Scotland) Regulations 2019 (SSI 2019/5)

5. **Restricted Roads (20 mph Speed Limit) (Scotland) Bill (in private):** The Committee will review the evidence it has heard on the Restricted Roads (20 mph Speed Limit) (Scotland) Bill at item 3.
Steve Farrell
Clerk to the Rural Economy and Connectivity Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5211
Email: steve.farrell@parliament.scot
The papers for this meeting are as follows—

**Agenda Item 1**

PRIVATE PAPER  
REC/S5/19/6/1 (P)

**Agenda Item 2**

PRIVATE PAPER  
REC/S5/19/6/2 (P)

**Agenda Item 3**

Cover note  
REC/S5/19/6/3

PRIVATE PAPER  
REC/S5/19/6/4 (P)

**Agenda Item 4**

SSI cover note  
REC/S5/19/6/5
Rural Economy and Connectivity Committee

6th Meeting, 2019 (Session 5), Wednesday, 20 February 2019

Restricted Roads (20 mph Speed Limit) (Scotland) Bill

Background

1. This Member’s Bill was introduced by Mark Ruskell MSP on 21 September 2018. The Rural Economy and Connectivity Committee was designated as lead committee at stage 1.

Purpose of the Bill

2. The Bill seeks to reduce the speed limit in restricted roads from 30mph to 20mph across Scotland. Restricted roads are normally street-lit urban or residential streets, although there some exemptions to this definition. The Bill would set a default speed limit of 20mph in restricted roads. Local authorities can currently change the speed limit of roads to 20mph, but this is on a road by road basis.

3. Further information on the Bill can be found on the Parliament’s website.

Committee scrutiny

4. The Committee will consider evidence from motoring organisations, public transport operators and road haulage representatives at its meeting on 20 February. It anticipates taking evidence at future meetings from Police Scotland, local authority and community interests, as well as from the Scottish Government and the Member in Charge of the Bill, Mark Ruskell MSP.

5. The Committee invited both RAC Motoring Services and the Automobile Association (AA) to give oral evidence. Whilst both were unable to attend to give oral evidence, RAC Motoring Services submitted written evidence (attached as Annexe A). From the witnesses giving evidence at this meeting, the Road Haulage Association (RHA) and Alliance of British Drivers (ABD) submitted written submissions and are attached at Annexe B.

Clerking Team

Rural Economy and Connectivity Committee
February 2019
Annexe A

Restricted Roads (20 mph Speed Limit) (Scotland) Bill – RAC Motoring Services Written Submission

This response has been written by Nicholas Lyes, RAC Public Affairs Manager, on behalf of RAC Motoring Services

About the RAC

With more than eight million members, the RAC is the oldest and one of the UK’s most progressive motoring organisations, providing services for both private and business motorists. As such, it is committed to making driving easier, safer, more affordable and more enjoyable for all road users.

The RAC, which employs more than 1,600 patrols, provides roadside assistance across the entire UK road network and as a result has significant insight into how the country’s road networks are managed and maintained.

The RAC is separate from the RAC Foundation which is a transport policy and research organisation which explores the economic, mobility, safety and environmental issues relating to roads and their users.

The RAC website can be found at www.rac.co.uk.

In September 2018, the RAC published its latest Report on Motoring.

Background

The Rural Economy and Connectivity Committee has launched an inquiry inviting views from the public and stakeholders on whether they would support a change in the law to introduce a 20 mile per hour speed limit in built up areas throughout Scotland.

The Restricted Roads (20 mph Speed Limit) (Scotland) Bill would reduce the speed limit on most residential and urban streets (technically known as restricted roads) from 30mph to 20mph. The aims of the Bill include improving pedestrian and cyclist health and safety, and reducing pollution from vehicle emissions.

RAC Response

- Is reducing the speed limit to 20mph to in 30mph areas the best way of achieving the aims of the Bill?

The aims of the Bill include improving pedestrian and cyclist health and safety, and reducing pollution from vehicle emissions. The RAC supports the introduction of 20mph limits in areas where there is an urgent road safety need to reduce excessive speeds and where there are high levels of vulnerable road users – typically this would be in densely residential areas with schools and hospitals present. However,
we are yet to see conclusive evidence which suggests reducing 30mph limits to a default 20mph limit in built-up urban areas will provide a safer environment.

In November 2018, the UK Government Department for Transport published research it commissioned to evaluate the effectiveness of 20mph (signed only) speed limits\(^1\), based on 12 case study schemes in England and various comparator areas with a 30mph limit in place. The top line findings suggested:

- There is not enough evidence to conclude that there has been a significant change in collisions and casualties following the introduction of 20mph limits in residential areas.
- There is support for 20mph limits from a majority of residents and drivers
- There has been a small reduction in average (median) speeds – however this is less than 1mph.

Additionally, in 2017, Manchester City Council reviewed the decision to roll out 20mph limits across the city after the impact of the limits were called into question\(^2\). A report suggested that the number of pedestrians and cyclists hurt in accidents fell by more than a third between 2012 and 2016 - but the rate was lower in 20mph zones. The council concluded that it should thus look at the effectiveness of the existing 20mph zones. The cost to the council to set up the zones was £640,000 – it is important that should this Bill be introduced in Scotland that the financial impacts on local councils be also taken into account.

The RAC has evidence to suggest compliance with 20mph limits across the United Kingdom has worsened over recent years as the number of 20mph limits and 20mph zones have increased.

The RAC Report on Motoring\(^3\) is an annual survey of a representative cross-section of UK motorists. It enables the RAC to understand both what is on the mind of motorists and also asks a series of self-reporting questions on speed limit compliance (amongst many other road safety issues).

The RAC asked drivers whether they exceed 20mph limits in urban areas. In 2012, 36% of drivers admitted to breaking the 20mph limit, however by 2016, this had risen to 46% admitting to breaking the limit. By 2018, this had fallen back slightly to 39%, however overall, the long-term trend is one of worsening compliance to these urban limits.

We also ask those who break the 20mph limit why they do so, and the most cited reason was that drivers felt the speed limit was inappropriate for the road. Those saying this is the reason has risen from 26% in 2016 to 31% by 2018. This rise has coincided with an expansion in many UK cities from targeted 20mph limits to more widespread 20mph zones. The full range of other reasons for non-compliance are shown in figure 1:

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2. [https://www.bbc.co.uk/news/uk-england-manchester-39231956](https://www.bbc.co.uk/news/uk-england-manchester-39231956)
3. [https://www.rac.co.uk/report-on-motoring](https://www.rac.co.uk/report-on-motoring)
Ministers in Scotland should also look at the merits of promoting variable limits to be used on urban roads which could be based upon the time of day and conditions. For example, in the mornings, late afternoon and early evenings when there is likely to be a higher proportion of vulnerable road users. These could be set according to each local authority’s assessment of need – and could also benefit in increasing awareness amongst drivers of why 20mph limits are required in certain areas at certain times of the day, perhaps increasing compliance. We would welcome trials of this to determine whether compliance levels increase and if so, the feasibility of further rollout.

Figure 2 – example of the use of part-time 20mph limits/variable limits:
Pollution and vehicle emissions:

The RAC has genuine reservations about claims that reducing vehicle speeds will benefit air quality. The evidence that reducing speeds on urban roads will have any benefit in reducing pollution from vehicle emissions is mixed and much depends on driving style and the flow of traffic. Stop-start traffic and heavy braking and acceleration tends to lead to greater levels of emissions. A study by the City of London found that 20mph limits tended to increase emissions from petrol engines and reduce emissions from diesel engines when compared to 30mph limits.

Furthermore, the potential impact on urban congestion from reduced speeds and the inevitable longer journey times may increase emissions. We believe this requires closer attention to prove or disprove the environmental and air quality benefits of a shift to 20mph.

Efforts to improve traffic flow and ‘smooth out’ the design of urban road networks to reduce stop start driving behaviours which should be part of any improvements will have a positive impact and reduce emissions.

• How will the 20mph Bill affect you?

The Bill does not affect the RAC directly, however our patrols should always keep to within the speed limit no matter where they operate.

• It is proposed that a national awareness campaign is required to introduce a 20mph speed limit. Do you agree with this? And if so – what shape should any campaign take?

We agree that a national awareness campaign would be required as part of any change to the default limit in urban areas, but we also feel that local authorities should be required to look at road layouts and physical infrastructure which enables smooth and safe traffic flow to encourage compliance with new speed limits. It is important that motorists understand why a speed limit has been set and whether that matches the ‘feel’ of the road – in other words whether the limit is appropriate for the surroundings and road conditions.

Speed humps are an often-favoured mechanism to slow vehicles down, however the RAC has concerns about the use of speed humps as they encourage sharper braking and acceleration and do not promote smooth or environmentally beneficial driving. This increases both tailpipe emissions and particulates from braking. Alternative physical designs (including speed cushions) could be considered – we outline this further in our response.

• Should Police Scotland be required to take additional enforcement action, over and above that used to enforce the current 30mph limit, following the introduction of a default 20mph limit on restricted roads?

The RAC is generally supportive of the use of speed cameras as a way of enforcing speed limits. Our research suggests that more than half of motorists (53%) in the UK believe that speed cameras have helped improve road safety, with only 20% disagreeing. However, 74% believe that speed cameras are represent an easy option for authorities to raise additional revenue from motorists.

Where 20mph limits are used, we would encourage the use of physical features which promote smoother, safer driving. These may include:

- Traffic islands and kerb extensions
- Chicanes which encourage smoother driving, rather than stop start driving
- Flashing advisory signs indicating the speed a vehicle is travelling
- Speed limits painted on to the road surface
- Speed cushions (as opposed to speed humps)

Therefore, we believe a combination of enforcement and traffic calming is likely to encourage better compliance. It is important, however, that the main priority should always be encouraging safe speeds and safe driving standards.

• What kind of timescale is needed for the 20mph speed limit to be introduced?

The length of time required to implement 20mph speed limits is likely to depend on the location and type of road. A phased introduction beginning on those roads where there is a deemed to be the greatest need for 20mph (again near schools and hospitals) and where it is likely to result in greatest compliance is the best likely first step.

However, the RAC reiterates the evidence that shows that following the introduction of 20mph limits in residential areas, there has not been a significant change in collisions and casualties. Therefore, setting a default limit of 20mph may not deliver the reduction in casualties the Bill hopes to achieve and may adversely impact upon journey times on some routes.

• Do you have any comments on the impact that the Bill might have in relation to sustainable development, or island, rural or remote communities?

The RAC’s 2018 Report on Motoring found that compliance with 20mph limits amongst those that live in rural communities was better than the UK average overall, and that fewer respondents in rural communities deemed it acceptable to travel 25mph in a 20mph zone. As expected, the data also suggests that a greater number of those living in rural communities do not drive on urban roads where 20mph is set as a limit. See figures 3 and 4 for data comparisons with the UK average:
Figure 3 – Self reporting compliance (UK average vs rural & village respondents)

<table>
<thead>
<tr>
<th>And how often do you break the speed limit, if at all? Please answer for each road category - Urban areas - 20mph zones</th>
<th>UK Average</th>
<th>Rural &amp; village respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net – frequently and occasionally</td>
<td>39%</td>
<td>32%</td>
</tr>
<tr>
<td>Net – Never</td>
<td>57%</td>
<td>61%</td>
</tr>
<tr>
<td>I don’t drive on this type of road</td>
<td>4%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Figure 4: Acceptability to travel 25mph in a 20mph zone (UK average & rural & village respondents)

<table>
<thead>
<tr>
<th>“It is acceptable to travel 25mph on residential roads with a speed limit of 20mph”</th>
<th>UK average</th>
<th>Rural &amp; village respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net disagreement</td>
<td>66%</td>
<td>75%</td>
</tr>
<tr>
<td>Net agreement</td>
<td>20%</td>
<td>14%</td>
</tr>
</tbody>
</table>

This data indicates that while the number of people that live in rural communities that claim to never use urban roads where 20mph limits are set is low, the proportion is higher than the UK average as a whole.

Should the Bill be passed into law in Scotland, the Scottish Government should be mindful that for a greater proportion of drivers in rural Scotland, these limits are likely to be a much newer phenomena.

Date of submission: 15\textsuperscript{th} January 2019
Annexe B

Restricted Roads (20 mph Speed Limit) (Scotland) Bill – RHA Ltd Written Submission

This response has been written by Chris Little, Regional Policy Advisor on behalf of Road Haulage Association Ltd

• Is reducing the speed limit to 20mph the best way of achieving the aims of the Bill?

The current system of 20mph around schools, hospitals, residential areas and known “hot spots” is there to protect the most vulnerable amongst us and seems to be working well. The Bill appears to be very broad brush which will encompass areas where there does not seem to clearly identify problems which will add cost and additional administrative burdens onto already stretched local authorities.

We have not seen any evidence to suggest that emissions levels for HGV’s would be any lower at 20mph than they are at 30mph, but we accept that there may be reduced tyre wear etc which could positively affect particulates levels.

Most of the studies and evidence produced has come from the larger cities and so it becomes difficult to make comparisons, and so it brings us back to where we know there are known hot spots. Surely dealing with them rather than a blanket approach would be more appropriate? It makes compete sense that speed limits within residential housing schemes with limited visibility are reduced but sparsely populated roads with good visibility (which may be categorised the same) would perhaps have less requirement. Are over stretched local authorities best placed to make a decision on that or would they take a blanket approach for easiness? Wrongly categorising roads could potentially lead to increased driver frustration which we know from other studies can lead to poor driver behaviour and decision making in all vehicle types.

Only time would tell. Everyone wants safer roads, we are just not completely convinced that this blanket approach would give us the desired chance.

• How will the 20mph Bill affect you?

Under the current system there is little requirement for HGV’s to be on residential roads, other than school/hospital deliveries or the occasional residential delivery. However, it is highly unlikely that HGVs will be able to or will want to exceed 20 mph in what are usually confined spaces. This is under the current mandatory 30mph (20mph in some local authorities) or voluntary 20 mph system. There is an absolute and clear understanding of why the speed limit needs to be different in these streets.
The current 20 mph by exception alerts drivers to potential safety hazards and causes drivers to take more care. Expanding this to include all restricted roads (a blanket approach) may detract from these alerts.

It is essential that Councils review their roads hierarchy to set out which roads will be exempt in the proposed new system. It is difficult to gauge how much of an impact this will have until we know which roads are to be affected.

• Should Police Scotland be required to take additional enforcement action, over and above that used to enforce the current 30mph limit, following the introduction of a default 20mph limit on restricted roads?

There are real questions surrounding enforcement and cost. Police Scotland are incredibly stretched already and surely patrolling known hotspots is the best use of their resource? If they are unable to patrol across the board then it would be assumed that additional speed camera’s etc would be required which adds to the cost of the project along with cost of the new signage. There would have to be enforcement, and subsequent prosecutions to facilitate the cultural change.

• What kind of timescale is needed for the 20mph speed limit to be introduced?

The longer lead time the better in order to get the message across and make it clear which roads would be affected. This should take in to account the time required for all local authorities to review their roads hierarchy and set out which roads are proposed to change.

• Do you have any comments on the impact that the Bill might have in relation to the following:

➢ human rights or equalities for any particular group of people? No comment

➢ sustainable development? No comment

➢ island, rural or remote communities? No comment

Date of submission: 28th January 2019
Restricted Roads (20 mph Speed Limit) (Scotland) Bill – Alliance of British Drivers Written Submission

This response has been written by Eric Bridgstock, Independent Road Safety Researcher, on behalf of the Alliance of British Drivers

20mph - ROAD SAFETY

INTRODUCTION

The recently published Atkins AECOM/Maher 20mph research study\(^5\) is equivocal on the road safety effects of 20mph limits; while being broadly supportive of the concept, evidence gathered and analysed to date provides little evidence of casualty reductions greater than (and in some cases actually inferior to) those achieved on average nationally on roads retaining the current default 30mph limit. Also, poor compliance is very likely where the appropriate supporting road engineering is absent.

“... Based on the evidence available to date, this study has found no significant change in collisions and casualties, in the short term, in the majority of the case study areas (including the aggregated set of residential case studies). While some individual case study areas show a reduction in collisions/ casualties, when background trends are accounted for, these results are based on very small sample sizes and it is not possible to attach any confidence to their significance.”\(^6\)

FAILURE OF 20MPH TO DELIVER THE CASUALTY REDUCTIONS ANTICIPATED BY SOME

In 2009, much was made of a 22% reduction in all injuries in Portsmouth, attributable to introducing 20mph, even though that was actually worse than national trend when adjusted for traffic volume. Less was said about their increase in serious injuries by 57% (89 to 143) in 2011.

ABD proffers the following reasons for the failure of 20mph to reduce casualties:

- Vulnerable road users are given the perception that 20mph zones are safer than 30mph areas and behave less cautiously in them, while actuals speeds are typically reduced by perhaps 1-2mph
- Drivers have to devote a more attention to speedometer-watching to keep below 20mph. This increased workload degrades driver observation, hazard perception and hazard response\(^7\)

\(^5\) 20mph Research Study Highlight & Full Reports to DfT by Atkins, AECOM & Maher, UCL, November 2018.

\(^6\) Highlight 20mph Research Study Report to DfT by Atkins, AECOM & Maher, UCL, November 2018; p.64: under “Early Safety Outcomes”

\(^7\) University of Western Australia study: Vanessa K. Bowden et al. Lowering thresholds for speed limit enforcement impairs peripheral object detection and increases driver subjective workload, Accident Analysis & Prevention (2017). **DOI: 10.1016/j.aap.2016.09.029**
• A distracted driver striving to maintain 20mph is more likely to collide with a vulnerable road user at 20mph than an observant one travelling at higher speed, who is able to brake to reduce impact speed and/or take evasive action
• Only 2% of UK adult & 0.6% of UK child pedestrian casualties are fatalities
• From the Ashton-Mackay\(^8\) curve, right, the average impact speed of UK RTAs involving pedestrians is already typically 20mph or lower.

**RELATIONSHIP BETWEEN SPEED AND COLLISIONS**

It is often quoted that a 1mph in mean speed brings a 5% reduction in risk or number of collisions, or some similar figure. That is self-evidently invalid – it would mean that a reduction of mean speed from, say, 70mph to 50mph would remove all risk (20mphx5%=100%), which is clearly not the case.

This claim stems from report TRL421\(^9\), which expressed this sort of relationship between speed and collisions but, crucially, never identified a causal link, undermining its credibility.

Further, a report by Goran Nilsson\(^{10}\) making similar claims is often misquoted. It states that the conclusions were based on **slower speeds but all other factors unchanged** (i.e. no change to speed limit, no enforcement, etc.). Changes of speed limit, enforcement, etc. invalidate its application.

Most drivers (85% traditionally) will travel in accordance with the conditions for the safety of all road users. Forcing lower speeds introduces hazards which are never accounted for. Slower speed does not automatically imply safer – see Solomon Curve\(^{11}\), left.

**THE CONTRIBUTION OF LAW-ABIDING DRIVERS**

Reports of 20mph schemes sometimes include some examples where switches to 20mph were **associated with** reductions in collisions or casualties “significantly greater than would otherwise have been expected”. Let’s suppose that the 20mph

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\(^9\) The effects of drivers’ speed on the frequency of road accidents, Taylor, Lynam, Baruya, TRL421, 2000

\(^{10}\) Traffic Safety Dimensions and the Power Model to Describe the Effect of Speed on Safety, Goran Nilsson, 2004, ISSN 1404-272X

\(^{11}\) Accidents on main rural highways related to speed, driver, and vehicle, David Solomon, 1964
limit was responsible for those reduced collisions/casualties – how could that have happened?

In a case where the limit was reduced from 30mph to 20mph, the implication is that some incidents, which would otherwise have happened, have been prevented by the 20mph limit. These must be attributable to law-abiding drivers, who are now travelling at or below 20mph. As those same law-abiding drivers would presumably have been driving within the previous [30mph] limit, they must have been having accidents that were caused by them driving at inappropriate speeds within that limit. The numbers of such incidents would be very small, and we would welcome an example of an accident where that was the case and where, therefore, it could be credibly claimed that the incident would not have happened if 20mph had previously been implemented. Without such an example, there is no reason to believe that the 20mph limit was responsible for any falls in collisions or casualties. Such examples can be found for every true road safety intervention, where their link to collision prevention is clear.

It is often convenient to associate introduction of 20mph with casualty reductions better than local or national trend but those reductions have invariably been brought about by engineering changes (eg. junctions, crossings), changes in traffic volume, regression to the mean, etc. Indeed those reductions could well have been greater had the speed limit not been reduced.

**ANALYSIS OF AN ACCIDENT/COLLISION**

In all walks of life, safe is defined as being free from harm [to people] or, given that few things (and especially road safety) can ever be totally safe, safe is defined as presenting an acceptable level of risk of harm [to people].

To make roads safer, we must reduce risk to road users, with success measured in the level of casualties. Preventing casualties/collisions requires understanding what causes “accidents” in the first place.

The recipe for an accident involves a hazard (or hazardous condition) AND a triggering event. A hazard could be a sharp knife in the washing-up bowl, or a football on the stairs. No accident will occur if no-one puts their hand in the bowl, or uses the stairs (they would constitute triggering events).

In road safety, hazards can originate in the:

1. driver – tired, drunk/drugged, poor eyesight, using phone
2. vehicle – dirty/misted windows, not properly lit at night, badly maintained
3. weather conditions or time of day – fog, snow/ice, darkness, twilight, bright sun, high winds
4. road layout – unfamiliar, confusing, missing signs, too many signs
5. other road users – vehicles, cyclists, pedestrians, animals.

Triggering events are numerous and varied: misjudgement, poor observation, lapse of concentration, unsignalled manoeuvre, an act of aggressive driving, vehicle failure, falling asleep, and so on.
The combination of hazard and triggering event initiates an accident sequence, which will become an accident unless something can prevent it. An accident sequence, once started, can be stopped or mitigated by the actions of those involved, crash barriers, seatbelts, air-bags, crumple zones, ABS, etc. or simply luck (eg. you fall asleep and drift across the road but awaken before meeting any oncoming traffic).

Road safety will be improved by removing/reducing hazards or preventing triggering events.

**Does 20mph remove hazards?**

- Speed limits encourage lawful drivers to drive at, or below, that speed
- So is a lawful driver exceeding a speed limit a hazard? If that were the case, then simply lowering a speed limit would immediately make vehicles “hazardous” that were previously not hazardous – that is obviously illogical, since the number on a sign has negligible bearing on the accident scenario
- Any moving vehicle is hazardous to some degree, and that hazard may vary with speed but, in terms of speed alone and within the scenarios we are considering, there is no threshold that would be recognised as intolerable.

**Conclusion:** 20mph does not remove hazards (or have any measurable positive effect on them).

**Does 20mph remove triggering events?** Simply **NO**.

In fact, it can introduce events, since pedestrians and cyclists can be lulled into a false sense of safety and can take less care when using the road. Slower speeds can also reduce driver concentration levels.

**Conclusion:** 20mph does not make roads safer – it actually makes them less safe.

**ECONOMIC BENEFIT of 20mph?**

It is often claimed that the value of a life is nearly £2 million and that that is the cost if someone is killed on the road. It is then further claimed that prevention of a death leads to a saving of £2m.

This is a specious and spurious argument. £2m is not the cost of a death on the road. Most of it is a value that a loved one might, hypothetically, be willing to pay to bring them back to life - it is therefore never spent. There are costs associated with the aftermath of a death on the road, but they amount to thousands, not millions. Actually, a serious injury needing lengthy hospital treatment can often cost more than a death.

A saving is a reduction in expected expenditure. By someone not being killed or injured, savings are in thousands of pounds.

Note that this is not to ignore or seek to diminish the anguish that undoubtedly arises as the result of the loss or, or serious injury to, a loved one, but to recognise that they are never actual costs, nor can they be considered as saving. It is misleading, and perhaps even inconsiderate, to try to assign arbitrary monetary values to such events.
This distinction between values and costs, and the need to avoid treating them as the same, was confirmed by the National Audit Office.\[^{12}\]

The fact that there is no evidence of 20mph reducing deaths or injuries further undermines the claims for it being an economic benefit.

\[^{12}\text{Letter from Amyas Morse, NAO Comptroller to Eric Bridgstock, 14 Dec 2009}\]
20mph – URBAN AIR QUALITY

UK outdoor air quality has actually been steadily improving for over 40 years. Emissions time-series figure reproduced below, with permission from a Local Transport Today article authored by Mr. P. Dobson (LTT726; 07-20/07/2017, p.20).

Legal limits for various vehicular/industrial emissions including nitrogen oxides + particulates (NO₂, NOₓ & PM₂.₅/ PM₁₀) are being continually tightened.

The urban London average level is 14 µg/m³. Of that 14µg/m³, 7µg/m³ (±c.2 µg/m³ due to natural variability) is the global average background, exposure to which is unavoidable even in the Amazon rainforest[13].

If all vehicle traffic were removed from our roads, air pollution would fall by only 2µg/m³.[14]

But aren’t 40,000 people a year dying because of poor urban air quality? Categorically NOT....

Sadiq Khan’s figure on pollution deaths is a “zombie statistic and it’s simply not true”, according to respiratory physician (& former government adviser), Professor Tony Frew.

[The 40,000 typical lifespans lost is a purely statistical construct to try to more alarmingly portray the estimated average 3 days of life lost by everyone in the UK - if air pollution were the only factor influencing life expectancy. But nowadays (courtesy of the essentially fossil-fuel driven economy) people are living years longer lifespans,

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[14] Tony Frew (Professor of Respiratory Medicine, Royal Sussex Health, in discussion with journalist Andrew Neil on “Sunday Politics” 18th January, 2016: https://subsaga.com/bbc/news/sunday-politics/2016/12/18.html#transcript - Timeline 25m:34s to 39m:02s
not days shorter ones. Lifespan correlates much more strongly with wealth than air pollution levels]

“[Urban] Pollution levels are illegal because we made it illegal, not because it’s dangerous...” [15]

The latest COMEAP (Committee on the Medical Effects of Air Pollutants) research has been unable to substantiate any link between NO\textsubscript{x} & mortality. [16,17]

However, central and local government transport policies have for several decades been aimed at slowing urban traffic speeds towards a standstill[18]. This has negated 45 years of progress on vehicle emissions abatement; actually facilitating creation of urban vehicle emissions “hotspots”:

**So will further slowing down urban traffic improve air quality?**

![Emissions vs. vehicle speed schematic.](image)


It’s evident from the preceding graph (& the earlier TfL reference) that further reducing average urban traffic speeds can only serve to increase overall emissions; and to worsen existing air quality hotspots and, potentially create new ones.

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[18] London average traffic speed was recently reported to be 11mph (roughly 18kph). See ... http://www.thisislocallondon.co.uk/news/804876.london_cars_move_no_faster_than_chickens
20mph – THE ECONOMY

Speed limit reduction proposals never take account of the associated wasted productive time penalty. The recent 10kph limit reduction on French rural roads reduced average speed by 4.4kph, yielding no tangible casualty reduction improvement. It deflated the French rural economy by 3.8Bn€ per annum. What will be the annual wasted productive time cost of lengthening the duration of every 30mph journey in Scotland?

Date of submission: 14th February 2019

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SSI 2019/5: The Zootechnical Standards (Scotland) Regulations 2019

Type of Instrument: Negative

Laid Date: 17 January 2019

Coming into force: 7 March 2019

Minister to attend the meeting: No

Procedure

1. Under the negative procedure, an instrument comes into force on the date specified on it (the “coming into force date”) unless a motion to annul is agreed to by the Parliament within the 40-day period. Lead committees are not obliged to report to the Parliament on negative instruments, except where a motion recommending annulment has been lodged.

Policy Objectives and Background

2. Zootechnical rules seek to facilitate trade in pedigree breeding livestock and germinal products like semen and embryos.

3. This instrument implements Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals and the germinal products thereof ("the Animal Breeding Regulation"). This legislation applies to purebred equines, cattle, sheep, pigs and goats, hybrid breeding pigs and their germinal products (such as semen and embryos).

4. The Animal Breeding Regulation establishes EU-wide standards and arrangements for the breeding of ovine, bovine, caprine, porcine and equine species of animals. The Animal Breeding Regulation is directly applicable in the UK, including Scotland and will become part of retained EU law following the withdrawal of the UK from the European Union.

5. The instrument is attached and available online at the below link: http://www.legislation.gov.uk/ssi/2019/5/contents/made
Consultation

6. A UK-wide consultation was held between April and July 2018. As part of the consultation process, Scottish Government officials engaged directly with Defra, Welsh Government, Northern Irish and Animal and Plant Health Agency (APHA).

7. The Scottish Government wrote to all Breed Societies recognised in Scotland and industry stakeholders (including National Farmers Union Scotland, Quality Meat Scotland and the Rare Breed Survival Trust) but received no comments.

8. The Scottish Government’s Policy Note states that, “Stakeholders were largely supportive of the zootechnical regime, which, as stated above, remains largely unchanged. Those aspects of the regime which are new, such as the paper-based compliance checks were also cautiously welcomed by respondents”.

Consideration by the Delegated Powers and Law Reform Committee

9. At its meeting on 5 February 2019, the Delegated Powers and Law Reform (DPLR) Committee considered the instrument and noted that “regulations 3 and 6 contain provisions that are already directly legally applicable, by virtue of the content of the EU “Animal Breeding Regulation” and, therefore, fail to follow proper drafting practice”.

10. The DPLR Committee raised the issues with the Scottish Government and recommended drawing the Regulations to the attention of the Parliament to failure to follow proper drafting practice.

Recommendation

11. The Committee is invited to consider any issues that it wishes to raise in relation to this instrument.

Rural Economy and Connectivity Committee Clerks
February 2019
POLICY NOTE
The Zootechnical Standards (Scotland) Regulations 2019
SSI 2019/5

The above instrument was made in exercise of the powers conferred by section 2(2), and paragraph 1A of schedule 2, of the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Zootechnical rules seek to facilitate trade in pedigree breeding livestock and germinal products like semen and embryos. This instrument ensures that the system of zootechnical standards set out in Regulation (EU) 2016/1012 are able to function effectively in Scotland.

Policy Objectives

This instrument implements Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals and the germinal products thereof (“the Animal Breeding Regulation”). This legislation applies to purebred equines, cattle, sheep, pigs and goats, hybrid breeding pigs and their germinal products (such as semen and embryos).

The Animal Breeding Regulation establishes EU-wide standards and arrangements for the breeding of ovine, bovine, caprine, porcine and equine species of animals. The Animal Breeding Regulation is directly applicable in the UK, including Scotland and will become part of retained EU law following the withdrawal of the UK from the European Union.

The Animal Breeding Regulation aims to facilitate trade in purebred breeding animals and their germinal products. It repeals separate species-specific legislation and allows Breed Societies to apply to be recognised and have their breeding programmes approved by a Member State’s competent authority if they meet zootechnical standards.

The majority of requirements within the Animal Breeding Regulation reinstate much of the existing approach and recognised Breed Societies already adhere to pre-existing Regulations.

This instrument designates the Scottish Ministers as the competent authority under the Animal Breeding Regulation. It provides that the Animal Breeding Regulation is to be enforced by the competent authority. This instrument also makes certain administrative provision regarding the serving of notices by the competent authorities on operators.

The Animal Breeding Regulation introduces a system of risk-based checks on the activities of recognised Breed Societies to ensure compliance with the rules with
proportionate action in cases of non-compliance. These checks aim to ensure, for example, the robustness of systems for recording and storing information recorded on animals’ pedigree and the quality of performance testing if relevant. It should be noted that it is not a requirement for Breed Societies to be officially recognised and on-going compliance with the Regulation will simply be a requirement of that recognition. There is no requirement for Breed Societies that are already recognised to reapply for recognition.

The Scottish Government expect these checks to place minimal burden on Breed Societies in Scotland and intend these checks to be paper-based on a bi-annual basis. The Animal and Plant Health Agency (APHA) will be responsible for undertaking these checks.

**Consultation**

A 12-week, UK-wide, public consultation was held between April and July 2018. As part of the consultation process Scottish Government officials also engaged directly with Defra, Welsh Government, Northern Irish and APHA colleagues.

The Scottish Government wrote to all Breed Societies recognised in Scotland and provided copies of the consultation document both electronically and in hard copy. The Scottish Government received no responses from Scottish societies. In addition, the Scottish Government wrote to industry stakeholders including National Farmers Union Scotland, Quality Meat Scotland and the Rare Breed Survival Trust but also received no comments.

The Scottish Government reviewed written submissions from stakeholders who responded to the consultation in other parts of the UK and paid particular attention to bodies who represented Scottish stakeholders under a UK framework, including the National Beef Association, the British Pig Association, the National Sheep Association, and the Rare Breed Survival Trust.

Stakeholders were largely supportive of the zootechnical regime, which, as stated above, remains largely unchanged. Those aspects of the regime which are new, such as the paper-based compliance checks were also cautiously welcomed by respondents.

The Scottish Government continue to engage with stakeholders and Breed Societies on an ongoing basis.

**Impact Assessments**

An Impact Assessment has not been prepared for this instrument as the zootechnical provisions contained therein remain for the most part largely unchanged. For this reason Defra also chose not to complete an impact assessment when implementing their equivalent domestic legislation in November 2018.
Financial Effects

The Minister for Rural Affairs and the Environment confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Agriculture and Rural Economy Directorate

15 January 2019
The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2), and paragraph 1A of schedule 2, of the European Communities Act 1972(a), and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for references in these Regulations to the Animal Breeding Regulation (as defined in regulation 1(3)(b)) to be construed as references to that instrument as amended from time to time.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Zootechnical Standards (Scotland) Regulations 2019 and come into force on 7 March 2019.

(2) These Regulations extend to Scotland and, in so far as they extend beyond Scotland, they do so only as a matter of Scots law(b).

(3) In these Regulations—

(a) expressions used in these Regulations have the same meaning as in the Animal Breeding Regulation, unless the context otherwise requires,

(b) “the Animal Breeding Regulation” means Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding

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(a) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of schedule 8 of the Scotland Act 1998 (c.46) (“the 1998 Act”) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”)). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by section 3(3) and Part 1 of the schedule of the European Union (Amendment) Act 2008 (c.7). The functions conferred upon the Minister of the Crown under section 2(2), insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of schedule 2 was inserted by section 28 of the 2006 Act and was amended by the 2008 Act, schedule, Part 1.

(b) These Regulations apply to breed societies and breeding operations recognised by the Scottish Ministers as the competent authority, and the breeding programmes (also approved by that competent authority) may under Article 12 of Regulation (EU) 2016/1012 (OJ L 171, 29.6.2016, p.66) extend to animals kept in another Member State. In particular, sanctions applied under Article 47 of that Regulation (such as suspension of a breeding programme or withdrawal of recognition of a breed society or breeding organisation) may affect animals being bred in another Member State under a breeding programme approved by the Scottish Ministers. And, under Article 48 of that Regulation, the Scottish Ministers as competent authority may, if necessary, undertake official controls in that other Member State.

Designation of Scottish Ministers as the competent authority

2. The Scottish Ministers are the competent authority for the purposes of the Animal Breeding Regulation.

Enforcement

3. The Animal Breeding Regulation is enforced by the competent authority.

Notifications

4.—(1) Any notice to be served by the competent authority on an operator under the Animal Breeding Regulation may be sent to that operator—

(a) by post, or

(b) in electronic form,

to the postal or electronic address provided by the operator to the competent authority.

(2) If the notice is sent to the operator electronically it is to be treated as given only if—

(a) the operator had indicated to the competent authority willingness to receive notification by electronic means and provided an address suitable for that purpose, and

(b) the notification was sent to that address.

Obligation to inform the competent authority of a change in contact details

5.—(1) This regulation applies where an operator’s contact details change.

(2) Subject to paragraph (3), where this regulation applies, the operator must give the competent authority notice of its changed contact details within the period of 10 working days beginning with the day on which the change occurs.

(3) Notice given under this regulation must be sent to the competent authority at the specified address.

(4) In this regulation—

(a) “Bank Holiday” means a day specified in paragraph 2 of schedule 1 of the Banking and Financial Dealing Act 1971(b),

(b) “specified address” means the postal or electronic address given by Scottish Ministers from time to time for the purposes of this regulation, and

(c) “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

Penalties

6. For the purposes of Article 52 of the Animal Breeding Regulation, where an operator fails to comply with an obligation under that Regulation or under these Regulations, the competent

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(a) OJ L 171, 29.6.2016, p.66. See also Commission Implementing Regulations (EU) 2017/716, which makes provision in respect of the model forms to be used for the information to be included in the lists of recognised breed societies and breeding operations, Commission Implementing Regulation (EU) 2017/717 laying down rules for the application of Regulation (EU) 2016/1012 with regard to the model forms of zootechnical certificates for breeding animals and their germinal products and Commission Delegated Regulation (EU) 2017/1940 as regards the content and format of zootechnical certificates issued for purebred breeding animals of the equine species contained in a single lifetime identification document for equidae.

(b) 1971 c.80.
authority is to deal with that non-compliance in accordance with the provisions in Article 47 of the Animal Breeding Regulation (actions in the case of established non-compliance).

**Review in respect of a decision taken under Article 47 of the Animal Breeding Regulation**

7.—(1) Where—

(a) a competent authority has granted recognition of a breed society or breeding organisation in accordance with Article 4(3) of the Animal Breeding Regulation, and

(b) that competent authority has given that breed society or breeding operation a notice under Article 47(2)(a) of that Regulation in respect of a decision to withdraw that recognition, that breed society or breeding operation may apply to the competent authority for a reconsideration of the decision given in that notice.

(2) An application under paragraph (1) must—

(a) be made by the breed society or breeding operation within the period of 28 days beginning with the day on which the relevant notice is served,

(b) state the reasons for making the application, and

(c) be accompanied by such evidence as the breed society or breeding operation believes supports those reasons.

(3) The competent authority may request evidence from the breed society or breeding operation in support of the application.

(4) The competent authority must as soon as reasonably practicable—

(a) consider the application and make a decision in respect of it,

(b) give written notification to the breed society or breeding operation stating whether the decision is confirmed or reversed, and

(c) if the decision is reversed take the appropriate action in respect of the reversed decision.

(5) The availability of a review under this regulation does not prevent a notice described in paragraph (1) having effect immediately upon being served.

**Amendment of the Trade in Animals and Related Products (Scotland) Regulations 2012**

8.—(1) The Trade in Animals and Related Products (Scotland) Regulations 2012(a) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1)—

(a) after the definition of “Regulation (EC) No 450/2008” omit “and”, and

(b) after the definition of “Regulation (EC) No 1069/2009” insert—

“”, and


(3) In regulation 13(1) (procedure on importation)—

(a) in sub-paragraph (b) omit “or”, and

(b) after sub-paragraph (c) insert—

“”, or

(d) the checks required by Article 37(1) of Regulation (EU) 2016/1012.”.


(4) In the table in schedule 1 (European Union legislation), at the end insert—

“Regulation (EU) No 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof.”.

Revocations

9. The following Regulations are revoked—

(a) The Zootechnical Standards Regulations 1992(a),
(b) The Zootechnical Standards Amendment (Scotland) Regulations 2007(b), and
(c) The Horses (Zootechnical Standards) (Scotland) Regulations 2008(c).

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
15th January 2019

(b) S.S.I. 2007/521.
(c) S.S.I. 2008/99.
EXPLANATORY NOTE
(This note is not part of the Regulations)


Regulation 2 designates the Scottish Ministers as the competent authority for the purposes of the Animal Breeding Regulation.

Regulation 3 provides that the competent authority is responsible for the enforcement of the Animal Breeding Regulation in Scotland.

Regulation 4 provides that notices served by the competent authority on operators may be sent by post or in electronic form and provides certain requirements which must be met in order for a notice sent in electronic form to be treated as given. The term operator is defined in the Animal Breeding Regulation as any natural or legal person subject to the rules provided for in the Animal Breeding Regulation.

Regulation 5 makes provision for an obligation on an operator to inform the competent authority of changes to the contact details of that operator.

Regulation 6 provides for penalties in the event that an operator infringes its obligations under the Animal Breeding Regulation.

Regulation 7 provides a mechanism whereby breed societies and breeding operations may apply to the competent authority for a reconsideration of a decision to withdraw the recognition of that breed society or breeding operation under Article 47 of the Animal Breeding Regulation.

Regulation 8 amends the Trade in Animals and Related Products (Scotland) Regulations 2012 (“the TARP (Scotland) Regulations”). The TARP Scotland Regulations govern the import of live animals and products of animal origin into Scotland from outside the EU. Regulation 13 of the TARP Scotland Regulations provides for certain checks which must be carried out on such consignments at Border Inspection Posts (“BIPs”). The Commission periodically publishes lists of BIPs. The list of approved BIPs is laid down in Commission Decision 2009/821/EC (OJ L 296, 12.11.2009, p.1) as last amended by Commission Implementing Decision 2011/707/EU (OJ 281, 28.10.2011, p.29) and is periodically reviewed and amendments made.

Article 37 of the Animal Breeding Regulation makes provision for checks to be carried out at BIPs in relation to pure bred animals. Regulation 13 of the TARP Scotland Regulations is amended by regulation 8 of this instrument so that the checks required by Article 37 of the Animal Breeding Regulation are included in the carried out under that regulation. Regulation 8 also makes consequential amendments to the TARP Scotland Regulations, namely regulation 2 (Interpretation) and schedule 1 (European Union Legislation).

Regulation 9 makes revocations consequential on the coming into force of the Animal Breeding Regulation.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.