

A Driving Need for Change

One could kick off a discussion about the legal aspects of drink-driving in Malta by asking three questions:

1. Why is it that Malta - along with the UK and Ireland - allows the highest level of blood alcohol content permissible in Europe?
2. Why is it that only around 100 persons every year are actually arraigned in Court, and charged with driving under the influence of alcohol?
3. Why is it that the local police are not permitted by law to carry out random testing of drivers by breathalyser?

The law states that it is illegal for persons whose blood-alcohol content is over the prescribed limit to be driving motor vehicles. Using the UK as a reference point, our legislators fixed the limit at 80mgs alcohol per decilitre of blood.

However since as far back as 2001 the European Union has been urging member countries to establish the permissible limit at 50mgs of alcohol per decilitre of blood, or lower. The reason is obvious: research and experience have shown that the lower the limit, the lower the number of fatal traffic accidents. Of the 27 EU member states, 16 have a limit of 50mgs/dec, while 8 have a level ranging from 0mgs/dec to 20mgs/dec.

As already stated, the current level prescribed by the law in Malta is 80mgs/dec. Evidence clearly shows that at levels of over 50mgs, a general sedative effect occurs leading to, among other things, the impairment of co-ordination, reduced alertness, a diminished capacity for good judgment and lowered levels of patience: an excellent recipe for accidents.

Statistics supplied by the Police show that arraignments in Court for drink-driving average about 8 a month – a number most people would consider to be manifestly, not to say laughably, low given the amount of drinking known to take place particularly at weekends. Some of our clients relate that they were rarely if ever breathalysed despite driving for miles while under the influence and sometimes, not even when they were involved in driving accidents while under the effect.

Part of the problem certainly lies with provisions in the legislation which hamper police interventions in these situations. The law states that the police may breathalyse a driver only when they “reasonably suspect” he or she could be under the influence of alcohol. It appears that many drivers are willing to take the risk, knowing that only manifest suspicious behaviour will result in their being asked to take a breathalyser test. Random tests carried out with certain degree of frequency would obviously be a far more effective deterrent than those permitted under the current legal regime.

The deterrent effect is further diluted by the provision that while drivers found guilty of driving with a level of alcohol over the legal limit are to be fined a minimum of €466 for a first offence, only those with blood alcohol content higher than 100mg/dec would incur also a suspension of their driving licences. This is almost like suggesting to the public that driving with enough alcohol in your body to treble or quadruple one's chances of being involved in fatal accident is not considered too serious an offence.

Moreover, the restoration of driving licences is at present automatic, with no consideration of whether the drivers' knowledge of the implications of drink-driving, or their attitudes to drink-driving have changed. Anecdotal local evidence seems to confirm the findings of studies carried out overseas that a large proportion (64% in one US study) of those convicted of drink driving have serious alcohol problems. The likelihood that an untreated alcoholic will repeat a drink-driving offence is very high. Restoration of the licence should become conditional on the presentation of proof that the individual has had contact with an alcohol agency which would assess the individual for alcohol problems and offer treatment if necessary, or make sure that non-dependant individuals undergo an educational course about the dangers of drink-driving.

For many years Agenzija Sedqa has long been recommending these changes in legislation:

- A reduction in the legal blood alcohol level to 50mgs/dec, which would hold good in all circumstances
- Complete discretion to the police in the matter of breathalyser testing in the context of driving offences
- Restoration of licence made conditional upon assessment, treatment (if necessary) and acquisition of information about the implications of drink-driving – at the convicted driver's own expense.

The tightening of legislation would almost certainly result in a reduction of fatal and non-fatal traffic accidents. Educational campaigns would certainly have a role in the efforts to influence driving patterns, but it is a sad, but well-established fact of life that as far as alcohol misuse is concerned, legal and coercive measures are more effective in changing behaviour.

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People requiring help regarding problems related to alcohol abuse can be referred or refer themselves by calling Supportline 179. Further information about Agenzija Sedqa and its services is also available on www.sedqa.gov.mt.

Agenzija Sedqa forms part of the Foundation for Social Welfare Services which also incorporates Agenzija APPOGG (www.appogg.gov.mt) and Agenzija SAPPOR (www.sapport.gov.mt).