

DRIVING WHILST UNFIT

Road Traffic (NI) Order 1995

15.- (1) A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

Maximum Sentence:

Road Traffic Offenders (NI) Order 1996

Summary only: 6 months imprisonment or level 5 fine (£5,000) or both

Disqualification: Obligatory ('until tested' also obligatory – Art.41(3) and SR 1997/370)

Endorsement: Obligatory

Penalty points: 3-11

Assessment of Offence

(starting points and ranges based on 1st time offender convicted following contest)

	<u>Starting Point</u>	<u>Sentencing Range</u>
Where ability to drive impaired OR Where alcohol level is available showing: <u>Breath (mg)</u> <u>Blood (ml)</u> <u>Urine (ml)</u> 36-70 81-160 108-214	Fine + 18 months Disqualification	£150-£1500 Fine + 12-24 months Disqualification
Where ability to drive significantly impaired OR Where alcohol level is available showing: <u>Breath (mg)</u> <u>Blood (ml)</u> <u>Urine (ml)</u> 71 or more 161 or more 215 or more	Fine + 24 months Disqualification	£200-£2000 fine + 18-36 months Disqualification

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
1. Involved in accident 2. Location (e.g. near school) 3. High level of traffic or pedestrians in the vicinity 4. Driving LGV, HGV, PSV, etc 5. Poor road or weather conditions 6. Carrying passengers 7. Driving for hire or reward	1. Genuine emergency established* 2. Spiked drinks* 3. Very short distance driven* *where not amounting to special reasons

Relevant Cases:

NI Cases

R v McKeown [2016] NICA 24

English Cases

N/A

Notes:

The court has a discretion to certify for the requisite Drink Driving Course.