

DRIVING WITH EXCESS ALCOHOL

Road Traffic (NI) Order 1995

16. - (1) If a person-
 (a) drives or attempts to drive a motor vehicle on a road or other public place ...
 after consuming so much alcohol that the proportion of it in his breath, blood or urine exceed the prescribed limit he is guilty of an offence.

Maximum Sentence:

Road Traffic Offenders (NI) Order 1996

Summarily: 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>Level of Alcohol</u>			<u>Starting Point</u>	<u>Sentencing Range</u>
<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
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 8. Evidence of unacceptable standard of driving	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.