

## **FAILING TO GIVE INFORMATION RE: IDENTITY OF DRIVER**

### **Road Traffic (NI) Order 1981**

Art.177. - (1) Where the driver of a vehicle is alleged to be guilty of an offence to which this Article applies-

- (a) the driver of the vehicle shall on demand give to a constable his correct name and address and where the driver is not the owner of the vehicle, that of the owner and any other information concerning the vehicle (including the names and addresses of any passengers carried in or on the vehicle at the time of the alleged offence) which it is in his power to give and, if he fails to do so, he shall be guilty of an offence under this Order;
  - (b) the owner of the vehicle shall give such information as he may be required by a constable to give as to the identity of the driver, and, if he fails to do so, he shall be guilty of an offence under this Order, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and
  - (c) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver or owner of the vehicle, and, if he fails to do so, he shall be guilty of an offence under this Order..
- (2) This Article applies to-
- (a) an offence under any provision of the Road Traffic Orders,
  - (b) an offence under Article 27, 28 or 29 of the Offenders Order,
  - (c) an offence under any other enactment relating to the use of vehicles on roads,
  - (d) an offence of manslaughter committed by the driver of a motor vehicle, and
  - (e) an offence under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.

### **Maximum Sentence:**

*Road Traffic Offenders' (NI) Order (1996), Schedule 1*

*Summary Only: Level 3 Fine (£1,000)*

*Disqualification: Discretionary if committed under Art.177(1)(b) or (c) (Not applicable if D is a company)*

*Endorsement: Obligatory if so committed (Not applicable if D is a company)*

*Penalty Points: 6*

### **Assessment of Offence**

*(Starting points and ranges based on 1<sup>st</sup> time offender convicted following contest)*

<b><u>Nature of Offence</u></b>	<b><u>Starting Point</u></b>	<b><u>Sentencing Range</u></b>
Where the offence of which the driver is suspected does NOT carry an obligatory disqualification	Fine + Disqualification	Fine + 6 Penalty Points to 12 months Disqualification
Where the offence of which the driver is suspected carries an obligatory disqualification	Fine + Disqualification	Fine + 6 – 18 months Disqualification

<b><u>Examples of Possible Aggravating Factors of Offence</u></b>	<b><u>Examples of Possible Mitigating Factor of Offence</u></b>
1. The seriousness of the offence of which the driver is suspected	N/A

### **Relevant Cases:**

*NI Cases:*

R v McKeown [2016] NICA 24

*English Cases:*

N/A

### **Notes:**