

## **FAILING TO STOP/REMAIN/REPORT INJURY ACCIDENT OR DAMAGE ACCIDENT**

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

175. – (1) If in any case, owing to the presence on a road or other public place of a mechanically propelled vehicle, an accident occurs whereby-
- (a) injury is caused to any person other than the driver of that vehicle; or
  - (b) injury is caused to any animal other than an animal in or on that vehicle or owned by the driver of that vehicle; or
  - (c) damage is caused to any property other than that vehicle or property in or on that vehicle or property of the driver or owner of that vehicle,
- the following provisions of this paragraph shall have effect-
- (i) the driver of the vehicle shall, if the vehicle is not stationary after the occurrence of the accident, stop the vehicle,
  - (ii) the driver of the vehicle shall keep the vehicle stationary at or near the place where the accident occurred for such period as is reasonable in all the circumstances having regard to the provisions of sub-paragraph (iii),
  - (iii) the driver of the vehicle shall give to any constable on demand and to any other person who on reasonable grounds requires him to do so, his name and address, the name and address of the owner of the vehicle and the identification mark or number of the vehicle,
  - (iv) the driver of the vehicle shall if for any reason he does not give the particulars mentioned in sub-paragraph (iii) or (whether or not those particulars are given) the accident has directly or indirectly resulted in injury to any other person, forthwith report the accident and give those particulars and, where the vehicle is a motor vehicle, produce his certificate (within the meaning of Article 97(4)) at a police station or to a member of the Police Service of NI so, however, that it shall be a good defence to any person charged under paragraph (2) with a contravention of the provisions of this sub-paragraph to prove that he had good cause for such contravention and that he reported the accident and gave the particulars at a police station or to a member of the Police Service of NI as soon as was reasonably practicable after the occurrence of the accident.
- (2) Every person who knowingly contravenes any of the provisions of paragraph (1) shall be guilty of an offence under this Order.

### **Maximum Sentence**

*Road Traffic Offenders (NI) Order 1996*

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

*Disqualification: Discretionary*

*Endorsement: Obligatory*

*Penalty points: 5-10*

### **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>
Accident where damage only is caused	Fine + Disqualification	Fine + 5 Penalty Points to Disqualification
Accident where injury is caused	Community Order + Disqualification	Community Order to 6 months Custody + Disqualification

<b><u>Examples of Possible Aggravating Factors of Offence</u></b>	<b><u>Examples of Possible Mitigating Factor of Offence</u></b>
<ol style="list-style-type: none"><li>1. Evidence of drink or drugs / Evading being tested for drink or drugs</li><li>2. Giving false details</li><li>3. Seriousness of damage/injury</li><li>4. Nature of driving</li><li>5. Nature of accident</li></ol>	<ol style="list-style-type: none"><li>1. Offender reasonably believed his identity was known</li><li>2. Offender had genuine fear of retribution by other party</li><li>3. Offender subsequently reported accident but was not sufficiently prompt.</li></ol>

### **Relevant Cases:**

*NI Cases*

R v McKeown [2016] NICA 24

*English Cases*

N/A

### **Notes:**

1. If in any case the offence consists only in failure to produce a certificate of insurance the punishment is that provided under Art.180.