

IN CHARGE OF VEHICLE WITH EXCESS ALCOHOL

Road Traffic (NI) Order 1995

16. - (1) If a person-

...
(b) is in charge of 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: Discretionary ('until tested' also discretionary – Art.41(4))

Endorsement: Obligatory

Penalty points: 10

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 + 12 months Disqualification	£150-£1500 fine + 10 Penalty Points to 24 months Disqualification
71 or more	161 or more	215 or more	Fine + 18 months disqualification	£200-£2000 fine + 10 Penalty Points to 36 months Disqualification

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
1. Driving LGV, HGV, PSV, etc 2. Ability to drive seriously impaired 3. Vehicle in use for hire or reward at time of offence 4. Accident has occurred involving the offender 5. Evidence that car was being driven prior to police arrival at scene	1. Low likelihood of driving

Relevant Cases:

NI Cases

R v McKeown [2016] NICA 24

English Cases

N/A

Notes:

The court will have particular regard to the circumstances surrounding how the offender came to be 'in charge' of the vehicle.