

## CARELESS/INCONSIDERATE DRIVING

### Road Traffic (NI) Order 1995

12.- If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.

12A.- (1) This Article has effect for the purposes of Articles 11A, 12 and 14.

(2) A person is to be regarded as driving without due care and attention if (and only if) the way he drives falls below what would be expected of a competent and careful driver.

(3) In determining for the purposes of paragraph (2) what would be expected of a careful and competent driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.

#### Maximum Sentence:

*Road Traffic Offenders (NI) Order 1996, Sch.1*

*Summarily only: Level 5 fine (£5,000) for offences after 27 June 2007*

*Disqualification: Discretionary ('until tested' also discretionary – Art.41(4))*

*Endorsement: Obligatory*

*Penalty points: 3-9*

#### Assessment of Offence

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

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Careless or inconsiderate driving arising from momentary inattention with no aggravating factors.	Fine + 3 Penalty Points	Fine + 3-5 Penalty Points
Other cases of careless or inconsiderate driving	Fine + 5 Penalty Points	Fine + 4-9 Penalty Points
Careless or inconsiderate driving falling not far short of dangerous driving	Fine + 8 Penalty Points	Fine + 7-9 Penalty Points or Disqualification

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ol style="list-style-type: none"><li>1. High level of traffic or pedestrians in vicinity</li><li>2. Location (e.g. near school when children are likely to be present)</li><li>3. Excessive speed</li><li>4. Carrying out other tasks while driving</li><li>5. Carrying passengers or heavy load</li><li>6. Tiredness</li><li>7. Injury to others</li><li>8. Damage to other vehicles or property</li></ol>	<ol style="list-style-type: none"><li>1. Minor risk</li><li>2. Inexperience of driver</li><li>3. Sudden change in road or weather conditions</li></ol>

#### Relevant Cases:

[R v Megaw \[1992\] 11 NIJB 25](#)

[R v Mullan \[1998\] NIJB 93](#)

#### Notes: