

**DRIVING WHILST UNFIT**

**Road Traffic (NI) Order 1995**

15.- (1) A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

**Maximum Sentence:**

*Road Traffic Offenders (NI) Order 1996*

*Summary only: 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 1<sup>st</sup> time offender convicted following contest)*

	<b><u>Starting Point</u></b>	<b><u>Sentencing Range</u></b>						
Where ability to drive impaired  OR  Where alcohol level is available showing: <table border="1"> <tr> <td align="center"><b><u>Breath (mg)</u></b></td> <td align="center"><b><u>Blood (ml)</u></b></td> <td align="center"><b><u>Urine (ml)</u></b></td> </tr> <tr> <td align="center">36-70</td> <td align="center">81-160</td> <td align="center">108-214</td> </tr> </table>	<b><u>Breath (mg)</u></b>	<b><u>Blood (ml)</u></b>	<b><u>Urine (ml)</u></b>	36-70	81-160	108-214	Fine + 18 months Disqualification	£150-£1500 Fine + 12-24 months Disqualification
<b><u>Breath (mg)</u></b>	<b><u>Blood (ml)</u></b>	<b><u>Urine (ml)</u></b>						
36-70	81-160	108-214						
Where ability to drive significantly impaired  OR  Where alcohol level is available showing: <table border="1"> <tr> <td align="center"><b><u>Breath (mg)</u></b></td> <td align="center"><b><u>Blood (ml)</u></b></td> <td align="center"><b><u>Urine (ml)</u></b></td> </tr> <tr> <td align="center">71 or more</td> <td align="center">161 or more</td> <td align="center">215 or more</td> </tr> </table>	<b><u>Breath (mg)</u></b>	<b><u>Blood (ml)</u></b>	<b><u>Urine (ml)</u></b>	71 or more	161 or more	215 or more	Fine + 24 months Disqualification	£200-£2000 fine + 18-36 months Disqualification
<b><u>Breath (mg)</u></b>	<b><u>Blood (ml)</u></b>	<b><u>Urine (ml)</u></b>						
71 or more	161 or more	215 or more						

<b><u>Examples of Possible Aggravating Factors of Offence</u></b>	<b><u>Examples of Possible Mitigating Factor of Offence</u></b>
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	1. Genuine emergency established* 2. Spiked drinks* 3. Very short distance driven*  *where not amounting to special reasons

**Relevant Cases:**

N/A

**Notes:**

The court has a discretion to certify for the requisite Drink Driving Course.