

IN CHARGE WHILST UNFIT

Road Traffic (NI) Order 1995

15.- (2) ... a person who, when in charge of a mechanically propelled vehicle which is 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: 3 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>Starting Point</u>	<u>Sentencing Range</u>						
Where ability to drive would have been impaired OR Where alcohol level is available showing: <table border="1" style="width: 100%;"><tr><td style="text-align: center;"><u>Breath (mg)</u></td><td style="text-align: center;"><u>Blood (ml)</u></td><td style="text-align: center;"><u>Urine (ml)</u></td></tr><tr><td style="text-align: center;">36-70</td><td style="text-align: center;">81-160</td><td style="text-align: center;">108-214</td></tr></table>	<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
<u>Breath (mg)</u>	<u>Blood (ml)</u>	<u>Urine (ml)</u>						
36-70	81-160	108-214						
Where ability to drive would have been significantly impaired OR Where alcohol level is available showing: <table border="1" style="width: 100%;"><tr><td style="text-align: center;"><u>Breath (mg)</u></td><td style="text-align: center;"><u>Blood (ml)</u></td><td style="text-align: center;"><u>Urine (ml)</u></td></tr><tr><td style="text-align: center;">71 or more</td><td style="text-align: center;">161 or more</td><td style="text-align: center;">215 or more</td></tr></table>	<u>Breath (mg)</u>	<u>Blood (ml)</u>	<u>Urine (ml)</u>	71 or more	161 or more	215 or more	Fine + 18 months disqualification	£200-£2000 fine + 10 Penalty Points to 36 months Disqualification
<u>Breath (mg)</u>	<u>Blood (ml)</u>	<u>Urine (ml)</u>						
71 or more	161 or more	215 or more						

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ol style="list-style-type: none">1. Driving LGV, HGV, PSV, etc2. Vehicle in use for hire or reward at time of offence3. Accident has occurred involving the offender4. Evidence that car was being driven prior to police arrival at scene5. High likelihood of driving6. Driving for hire or reward	<ol style="list-style-type: none">1. Low likelihood of driving

Relevant Cases:

N/A

Notes:

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