



## 2016 CHAPTER 11

### PART 2

#### Drink-driving

PROSPECTIVE

#### *Disqualification on conviction*

#### **Minimum disqualification: offence under Article 14(1)(b) or 16(1)(a) of the Order of 1995**

**12.—**(1) In paragraph (1) of Article 35 of the Offenders Order (minimum disqualification on conviction of certain offences), after “disqualification,” insert “(except where paragraph (1ZA), (1ZB) or (1ZC) provides otherwise)”.

(2) After that paragraph, insert—

“(1ZA) Paragraph (1) shall apply as if the reference there to 12 monthswere a reference to 6 months, in relation to a person convicted of an offence under Article 16(1)(a) of the Order of 1995 (driving or attempting to drive when exceeding the prescribed limit), where the proportion of alcohol in his body did not exceed—

- (a) 34 microgrammes per 100 millilitres of breath,
- (b) 79 milligrammes per 100 millilitres of blood, or
- (c) 105 milligrammes per 100 millilitres of urine.

(1ZB) Paragraph (1) shall apply as if the reference there to 12 monthswere a reference to 18 months, in relation to a person convicted of an offence under Article 14(1)(b) of the Order of 1995 (causing death, or

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grievous bodily injury, by careless driving when exceeding the prescribed limit) or Article 16(1)(a) of that Order, where the proportion of alcohol in his body—

- (a) exceeded 54 microgrammes, but did not exceed 87 microgrammes, per 100 millilitres of breath,
- (b) exceeded 124 milligrammes, but did not exceed 199 milligrammes, per 100 millilitres of blood, or
- (c) exceeded 165 milligrammes, but did not exceed 265 milligrammes, per 100 millilitres of urine.

(1ZC) Paragraph (1) shall apply as if the reference there to 12 monthswere a reference to 2 years, in relation to a person convicted of an offence under Article 14(1)(b) or 16(1)(a) of the Order of 1995, where the proportion of alcohol in his body—

- (a) exceeded 87 microgrammes per 100 millilitres of breath,
- (b) exceeded 199 milligrammes per 100 millilitres of blood, or
- (c) exceeded 265 milligrammes per 100 millilitres of urine.”.

#### **Increased disqualification for repeat offences**

**13.—**(1) In paragraph (3) of Article 35 of the Offenders Order (disqualification on conviction of certain repeat offences within 10 years)—

- (a) for “paragraph (1)” substitute “ paragraphs (1), (1ZA), (1ZB) and (1ZC) ”,
- (b) for “reference to 12 months” substitute “ references respectively there to 12 months, 6 months, 18 months and 2 years ”.

(2) After that paragraph, insert—

“(3A) For the purposes of paragraph (3), endorsement of the person'sdriving record in accordance with Article 63A for a prior offence falling within any of sub-paragraphs (a) to (e) of that paragraph, within the 10 years immediately preceding the commission of the current offence, is to be treated as conviction of the prior offence.”.

(3) In paragraph (4)(b) of that Article (disqualification on conviction of other repeat offences within 3 years), after “a person” insert “ (other than a person falling within paragraph (1ZA), (1ZB) or (1ZC)) ”.

#### **Reduced disqualification for course completion**

**14.—**(1) Article 36 of the Offenders Order (reduced disqualification period for attendance on course) (as substituted by Article 11(1) of the Order of 2007) is amended as follows.

(2) After paragraph (4), insert—

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“(4A) Where the person is convicted of a relevant drink offence, the court must, unless for special reasons it thinks that to do so is inappropriate and subject to paragraph (9), make an order that the period of disqualification imposed under Article 35 (“the unreduced period”) shall be reduced if, by the relevant date, the offender satisfactorily completes an approved course specified in the order.”.

(3) In paragraph (5)—

(a) for “this Article applies” substitute “ the person is convicted of a specified offence ”,

(b) for “period”, where it first occurs, to “period)” substitute “ unreduced period ”.

(4) In paragraph (6), for “paragraph (5)” substitute “ paragraphs (4A) and (5) ”.

(5) In paragraph (9)—

(a) after sub-paragraph (b), insert “ and ”,

(b) the word “and” after sub-paragraph (c) is omitted,

(c) sub-paragraph (d) is omitted.

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