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## STATUTORY INSTRUMENTS

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# 2008 No. 1216

## The Criminal Justice (Northern Ireland) Order 2008

### PART 4

#### ROAD TRAFFIC OFFENCES

##### *Other provisions about offences*

#### **Meaning of driving without due care and attention**

**62.** In the Road Traffic (Northern Ireland) Order 1995 (NI 18), after Article 12 insert—

##### **“Meaning of careless, or inconsiderate, driving**

**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.”.

#### **Extension of offence under Article 14 of the 1995 Order**

**63.**—(1) Article 14 of the Road Traffic (Northern Ireland) Order 1995 (NI 18) (causing death or grievous bodily injury by careless driving when under influence of drink or drugs) is amended as follows.

(2) In paragraph (1), after sub-paragraph (c) insert “or

(d) he is required by a constable to give his permission for a laboratory test of a specimen of blood taken from him under Article 18A, but without reasonable excuse fails to do so,”.

(3) In paragraph (3), for “and (c)” substitute “, (c) and (d)”.

(4) In Article 26(1) of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) (alternative verdicts), in the Table, in the entry relating to Article 14 of the Road Traffic (Northern Ireland) Order 1995, in the second column, after “Article 18(7) (failing to provide specimen)” insert “Article 18A(6) (failing to give permission for laboratory test)”.

#### **Alternative verdict on unsuccessful manslaughter prosecution**

**64.** In Article 26 of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) (alternative verdicts), after paragraph (3) insert—

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**Changes to legislation:** The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: Other provisions about offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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“(3A) Where

- (a) a person charged with manslaughter in connection with the driving of a mechanically propelled vehicle by him is found not guilty of that offence, but
- (b) the allegations in the indictment amount to or include an allegation of any of the relevant offences,

he may be convicted of that offence.

(3B) For the purposes of paragraph (3A) the following are the relevant offences—

- (a) an offence under Article 9 of the Order of 1995 (causing death or grievous bodily injury by dangerous driving),
- (b) an offence under Article 10 of that Order (dangerous driving),
- (c) an offence under Article 14 of that Order (causing death or grievous bodily injury by careless driving when under influence of drink or drugs), and
- (d) an offence under section 35 of the Offences against the Person Act 1861 (furious driving).”.

**Changes to legislation:**

The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: Other provisions about offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)