



2016 CHAPTER 11

PART 2

Drink-driving

*“The prescribed limit”*

**“The prescribed limit”**

2.—(1) The Order of 1995 is amended as follows.

(2) In paragraph (2) of Article 13 (interpretation of Articles 14 to 21), the definition of “the prescribed limit” is omitted.

(3) After that Article, insert—

**“13A “The prescribed limit”**

(1) “The prescribed limit” shall be construed, for the purposes of Articles 14 to 21, in accordance with this Article.

(2) The prescribed limit, in the case of a person who is not a specified person, is (as the case may require)—

- (a) 22 microgrammes of alcohol in 100 millilitres of breath,
- (b) 50 milligrammes of alcohol in 100 millilitres of blood, or
- (c) 67 milligrammes of alcohol in 100 millilitres of urine.

(3) The prescribed limit, in the case of a specified person, is (as the case may require)—

- (a) 9 microgrammes of alcohol in 100 millilitres of breath,
- (b) 20 milligrammes of alcohol in 100 millilitres of blood, or

(c) 27 milligrammes of alcohol in 100 millilitres of urine.

(4) The Department may by order amend paragraph (2)(a) to (c) or (3)(a) to (c) to specify different proportions of alcohol to breath, blood and urine to any of those for the time being specified there.

(5) For the purposes of paragraphs (2) and (3), a specified person is a person who at the time of the alleged offence—

- (a) is the holder of a provisional licence,
- (b) has been a qualified driver for not more than 2 years,
- (c) is the holder of a licence authorising the holder to drive a motor vehicle in a specified category and is driving, attempting to drive or in charge of such a vehicle,
- (d) is the holder of a taxi driver's licence and is driving, attempting to drive or in charge of a taxi when it is being used in standing or plying for hire or reward or to carry passengers for hire or reward,
- (e) is purporting to be the holder of a licence mentioned in subparagraph (c) or (d) and is driving, attempting to drive or in charge of a motor vehicle in a specified category or taxi, or
- (f) does not hold a licence authorising him to drive a motor vehicle of the category or class which he is driving or attempting to drive.

(6) For the purposes of—

- (a) paragraph (5)(b)—
  - (i) a person becomes a qualified driver on the first occasion on which he passes any test of competence to drive mentioned in paragraph (2)(a) or (b) of Article 3 of the Road Traffic (New Drivers) (Northern Ireland) Order 1998,
  - (ii) in determining whether a person has been a qualified driver for not more than 2 years, any time during which a person is disqualified from holding or obtaining a licence, or holds a provisional licence only, shall be disregarded,
- (b) paragraph (5)(c) and (e), “a motor vehicle in a specified category” means a motor vehicle included in any of the following categories specified in column (1) of Schedule 1 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (and defined in column (2) of that Schedule opposite that category), namely C, C1, D, D1, C+E, C1+E, D+E, D1+E or F,
- (c) paragraph (5)(d), “taxi driver's licence” means a licence granted under section 23 of the Taxis Act (Northern Ireland) 2008,
- (d) paragraphs (5)(d) and (e), “taxi” has the same meaning as in section 57(1) of that Act,

(e) paragraph (5)(f)—

“category” means any category specified in column (1) of Schedule 1 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (and defined in column (2) of that Schedule opposite that category),

“class” means a class included in any such category.

(7) The Department may by order—

- (a) amend paragraph (5) by adding any further description of specified person or altering or omitting any description of specified person for the time being mentioned there,
- (b) make any amendment of paragraph (6) that it considers appropriate for giving full effect to any such amendment of paragraph (5),
- (c) amend paragraph (6)(b) by adding any further category of motor vehicle or altering or omitting any category for the time being mentioned there.”.