
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

PART IV

Miscellaneous Amendments of the Order of 1981

Obligatory disqualification and endorsement on conviction of certain drinking and driving offences

96. For Article 152 of the Order of 1981 there shall be substituted the following Article—

“Obligatory disqualification and endorsement

152.—(1) where a person is convicted of an offence under any of the following provisions of the Order of 1995, namely—

- (a) Article 15(1) (driving or attempting to drive while unfit);
- (b) Article 16(1)(a) (driving or attempting to drive with excess alcohol); or
- (c) Article 18(7) (failing to provide a specimen), being an offence arising from his failure to provide a specimen required to ascertain either his ability to drive or the proportion of alcohol in his breath, blood or urine (as the case may be) at the time he was driving or attempting to drive;

the court must order him to be disqualified for such period not less than 12 months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

(2) Where a person is convicted of an offence under Article 14 of the Order of 1995 (causing death, or grievous bodily injury, by careless driving when under the influence of drink or drugs) paragraph (1) shall apply in relation to him as if the reference to 12 months were a reference to 2 years.

(3) Where a person convicted of an offence under—

- (a) any of the provisions mentioned in sub-paragraph (a) to (c) of paragraph (1), or
- (b) Article 14 of the Order of 1995,

has within the 10 years immediately preceding the commission of the offence been convicted of any such offence, paragraph (1) shall apply in relation to him as if the reference to 12 months were a reference to 3 years.

(4) A conviction of an offence mentioned in paragraph (5) shall be treated as a conviction of an offence mentioned in paragraph (3).

(5) The offences are—

- (a) an offence under any of the following provisions of this Order, namely—
 - (i) Article 143(1);
 - (ii) Article 144(1)(a); and

(iii) Article 146, being an offence arising from his failure to provide a specimen required to ascertain either his ability to drive or the proportion of alcohol in his breath, blood or urine (as the case may be) at the time he was driving or attempting to drive;

as those provisions had effect immediately before their repeal by the Order of 1995;

(b) an offence under any of the following provisions of this Order, namely Articles 141, 144, 145 and 147, as those Articles had effect before the coming into operation of Part III of the Road Traffic (Amendment) (Northern Ireland) Order 1991, being an offence committed by or arising out of driving, or attempting to drive, a motor vehicle on a road or other public place.

(6) Where a person is disqualified under this Article, he shall also be disqualified for holding or obtaining a full licence until he has, at some time after the expiry of the period for which he is disqualified, passed a test of competence to drive.

(7) Without prejudice to any requirement in Article 197(1), where a person is convicted of—

(a) an offence under Article 15(2), 16(1)(b) or 17 of the Order of 1995; or

(b) an offence under Article 18 of that Order, arising in circumstances other than those mentioned in sub-paragraph (c) of paragraph (1);

the court before which he is convicted shall order that particulars of the conviction be endorsed on the counterpart of any licence held by him.”