



Public Prosecution Service for Northern Ireland

Road Traffic Policy

Independent, Fair and Effective



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1. Introduction

1.1 This Road Traffic Policy Document covers the principal road traffic offences which can arise from the manner in which a motor vehicle is driven.

- (1) **Manslaughter** – contrary to Common Law
- (2) **Causing death or grievous bodily injury by dangerous driving** contrary to Article 9 of the Road Traffic (Northern Ireland) Order 1995
- (3) **Causing death or grievous bodily injury by careless or inconsiderate driving when under the influence of drink or drugs** contrary to Article 14 of the Road Traffic (Northern Ireland) Order 1995
- (4) **Causing death or grievous bodily injury by careless or inconsiderate driving** contrary to Article 11A of the Road Traffic (Northern Ireland) Order 1995
- (5) **Causing death or grievous bodily injury by driving whilst unlicensed, uninsured or disqualified** contrary to Article 12B of the Road Traffic (Northern Ireland) Order 1995
- (6) **Aggravated vehicle taking causing death or grievous bodily injury** contrary to Article 172B of the Road Traffic (Northern Ireland) Order 1981
- (7) **Causing bodily harm by wanton or furious driving etc** contrary to section 35 of the Offences against the Person Act 1861
- (8) **Dangerous driving** contrary to Article 10 of the Road Traffic (Northern Ireland) Order 1995
- (9) **Careless or inconsiderate driving** contrary to Article 12 of the Road Traffic (Northern Ireland) Order 1995

2. Submission of Police Investigation Files

2.1 Police should submit an investigation file to the Public Prosecution Service (PPS) in accordance with standing arrangements.



3. Code for Prosecutors

- 3.1 The PPS Code for Prosecutors incorporating a Code of Ethics was published in June 2005. From time to time the code is revised.
- 3.2 The Code sets out the general principles to be applied in decision making and outlines in detail the Test for Prosecution, as well as guidelines for the conduct of criminal prosecutions and other information about what we do and how we work.
- 3.3 The Code for Prosecutors, along with other PPS publications, is available on the PPS website (www.ppsni.gov.uk) or hard copies can be obtained by contacting PPS directly. The contact details for the PPS are on the back cover of this booklet.

4. The Test for Prosecution

- 4.1 Prosecutions are initiated where the Test for Prosecution is met. This is a two stage test as follows:
- (1) the Evidential Test – the evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction; and
 - (2) the Public Interest Test – prosecution is required in the public interest.
- 4.2 The Public Prosecutor must analyse and evaluate all the material submitted in a thorough and critical manner. The Evidential Test must be passed before the Public Interest Test is considered. Each of these stages must be considered separately and passed before a decision to prosecute can be taken.

5. Choice of Charge

- 5.1 In addition, prosecutors should always have in mind the following general principles when selecting the appropriate charge(s):
- (1) the offence(s) to be prosecuted should accurately reflect the seriousness of the criminal conduct for which there is evidence and which will provide the court with an appropriate basis for sentence;
 - (2) the prosecutor will consider selecting offences to be prosecuted which will enable the case to be presented in a clear and simple way;



- (3) the prosecutor should not proceed with more offences to be prosecuted than are necessary to encourage a defendant to plead guilty to a few. In the same way, the prosecutor should not proceed with a more serious offence, which is not supported by the evidence, so as to influence a defendant to plead guilty to a lesser offence.

6. Driving Disqualification for any Offence

- 6.1 Article 91 of the Criminal Justice (Northern Ireland) Order 2008 provides the court with power to disqualify an offender from holding or obtaining a driving licence. This order may be made instead of or in addition to any other sentence the court may wish to impose. It only applies to offences committed after the commencement of the 2008 Order i.e. 16 July 2008¹. Specific powers under Article 91(3) to make an order for disqualification under the legislation was granted to each court in Northern Ireland by the Secretary of State on 12 November 2008.

7. The Giving of Reasons

- 7.1 The policy of the PPS is to give reasons for decisions for no prosecution in all cases albeit in the most general terms. For example, in a case in which there is a technical defect, such as the unavailability of evidence to prove an essential aspect of the case, the PPS would normally indicate that it has concluded that there was insufficient evidence to afford a reasonable prospect of a conviction. In a case in which the evidence was sufficient but the decision was taken not to prosecute, for example, giving the age and infirmity of the prospective defendant, the reason given would be that it was not in the public interest to prosecute.
- 7.2 The propriety of applying this general policy is examined and reviewed in every case where a request for the provision of detailed reasons is made. In such cases, the Prosecution Service will consider what further information may reasonably be given, balanced against the factors which militate against providing detailed reasons together with any other considerations which seem material to the particular facts and circumstances of the case.
- 7.3 Where there has been a death or grievous bodily injury is occasioned by a road traffic accident, the PPS will provide detailed reasons to the victim's family or the victim. The PPS will consider what information may reasonably be given balanced against the factors which militate against providing detailed reasons together with any other considerations which seem material to the particular facts and circumstances of the case.

¹ Article 91 came into force by virtue of The Criminal Justice (Northern Ireland) Order 2008 (Commencement No 2) Order 2008

8. Victim and Witness Care

- 8.1 PPS is committed to providing effective services to victims and witnesses. It recognises that improving services and support for victims and witnesses and ensuring their needs are met is integral to the effectiveness of the criminal justice system.
- 8.2 The Prosecution Service delivers a comprehensive set of services to victims and witnesses, from the point that the Prosecution Service assumes responsibility for a case until the case is disposed of. The range of services provided includes:
- (1) the delivery of information at key milestones in the progress of a case;
 - (2) arranging and providing information in support of attendance of victims and witnesses at court;
 - (3) providing enhanced support services as the case progresses through partnerships with Victim Support, NSPCC and PSNI by contact with a Family Liaison Officer.
- 8.3 Prosecutors will, in appropriate cases, apply for special measures for young, intimidated or otherwise vulnerable witnesses allowing them to give their evidence with confidence.
- 8.4 The PPS Victims and Witnesses Policy explains in full the services and standards of service that victims and witnesses will receive from the PPS. This document, along with other PPS publications is available on the PPS website (www.ppsni.gov.uk) or hard copies can be obtained by contacting PPS directly. The contact details for PPS are on the back cover of this booklet.

9. General Comments about Careless and Dangerous Driving

- 9.1 The manner of the driving must be considered objectively. In practice, the difference between careless and dangerous driving will depend on the degree to which the driving falls below the minimum acceptable standard. If the manner of the driving is below that which is expected, the appropriate charge will be careless driving²; if the manner of the driving is far below that

² Art. 62 of the Criminal Justice (NI) Order 2008 defines careless and inconsiderate driving as follows:

(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.

which is expected, the appropriate charge will be dangerous driving. There is no statutory guidance about what behaviour constitutes driving which is 'below' and 'far below' the required standard. For both tests, one may take into account matters known to the driver at the time, but the test still remains an objective test.³

9.2 The following factors are not relevant when deciding whether an act of driving is careless or dangerous:

- (1) the injury or death of one or more persons involved in a road traffic accident, except where Parliament has made specific provision for the death to be reflected in the charge. Importantly, injury or death does not, by itself, make the manner of driving careless or turn careless driving into dangerous driving;
- (2) the age or experience of the driver;
- (3) the commission of other driving offences at the same time (such as driving whilst disqualified or driving without a certificate of insurance or a driving licence);
- (4) the fact that the defendant has previous convictions for road traffic offences;
- (5) the disability of a driver caused by mental illness or by physical injury or illness, except where the disability adversely affected the manner of the driving.

9.3 There is no clear-cut dividing line between acts of careless driving and acts of dangerous driving. Something more than momentary inattention (which may have minimal or serious results) is generally careless driving. Substantial/gross/total inattention (which may have minimal or serious results) is generally dangerous driving, even though it may take place over a period of a few seconds. The factual examples set out below are merely indicative of the sort of behaviour which requires prosecution under either Article 10 or Article 12 of the Road Traffic (Northern Ireland) Order 1995.

9.4 It is important to put the facts of the case in context. Driving behaviour which may not be criminal in certain conditions and circumstances may require prosecution in other conditions and circumstances, for example, a safe lane change in slow moving traffic may become unsafe on a motorway where speeds are faster, there is less time to react and the consequences of any accident are likely to be more serious. Similarly, behaviour which

³ *Milton –v– DPP* [2007] 4 All ER 1026



might require prosecution under Article 12 in certain conditions may require a prosecution under Article 10, for example, if there is poor visibility, increased volume of traffic, adverse weather conditions or difficult geography such as blind corners.

10. Driving in Emergency Situations

- 10.1 When a member of the emergency services (including police and army personnel) commits an offence while responding to an emergency call, discretion should be used in deciding whether or not a prosecution is required. Generally, a prosecution is unlikely to be appropriate in cases of genuine emergency unless the driving is dangerous or falls far below the standard required. For example, a prosecution of a driver who caused a minor accident while responding to an urgent, life-threatening, emergency may not be appropriate; but a prosecution may be appropriate when a serious accident is caused by an over-enthusiastic driver responding to a less urgent emergency call in which life is not threatened. In each case it is necessary to weigh all the facts and circumstances of the case, particularly the nature of the emergency known to, or reasonably perceived by, the driver and the nature of the driving.
- 10.2 There will be cases when persons who are not members of the emergency services drive in an emergency situation; for example, a driver taking a sick child to hospital. As with members of the emergency services, all the facts and circumstances of the case must be weighed, particularly the nature of the emergency known to, or reasonably perceived by, the driver and the nature of the driving.

11. Driving and Alcohol/Drugs

- 11.1 The road traffic legislation treats the consumption of alcohol and drugs alike. The following considerations apply to driving affected by the consumption of alcohol or drugs, though the case law and the following paragraphs focus on alcohol.
- 11.2 The following general principles have been applied in Northern Ireland⁴:
- (1) the fact that the driver has consumed alcohol is not of itself relevant to or admissible on the question of whether his driving is careless or dangerous;

⁴ The leading authority in regard to the relevance of the consumption of alcohol is *R –v– Woodward (Terence)* [1995] 1 WLR 375 (Court of Appeal).

(2) for such evidence to be admissible, it must tend to show that the amount of drink taken is such as would adversely affect a reasonable driver, or alternatively, that the accused was in fact adversely affected.

11.3 In practice, however, there will be required further evidence to establish that the manner of the driving fell below or far below that which is to be expected in order to justify proceedings under Article 12 or Article 10 respectively.

12. Manslaughter Contrary to Common Law

12.1 An offence of manslaughter may arise in two different ways: unlawful act manslaughter and gross negligence manslaughter.

12.2 In very general terms, unlawful act manslaughter can apply, for example, where a vehicle is deliberately used as a weapon of assault. Gross negligence manslaughter is applicable to a situation where there is no intent to use the vehicle as a weapon of assault, but the standard of driving falls so far below the required standard that there is a serious and obvious risk of death and the conduct of the defendant, in all the circumstances, is 'so reprehensible as to amount to gross negligence'⁵.

Unlawful act manslaughter

12.3 It must be proved that:

- (1) the defendant's act caused the death of the victim;
- (2) the defendant's act constituted a criminal offence in itself;
- (3) the defendant had the mens rea appropriate to the unlawful act which caused the victim's death; and
- (4) the defendant's unlawful act is objectively recognised as having put the victim at risk of some physical harm, albeit not necessarily serious harm.

12.4 Unlawful act manslaughter will be considered the most appropriate charge when, for example, there is evidence to prove that a vehicle was used as an instrument of attack (but where the necessary intent for murder was absent), or to cause fright, and death resulted.

12.5 Unlawful act manslaughter can occur in a variety of ways. For example, a driver may deliberately drive at a person or group of people with the intention of causing them to fear being struck by the vehicle. The driver may

⁵ R –v– Misra & Srivastava [2005] 1 Cr. App. R. 21 para 48.

not actually intend to hit them with the car, but if he/she does so and someone is killed as a result, he/she may be guilty of unlawful act manslaughter. If someone is injured, the defendant may be prosecuted for an assault.

- 12.6 There is a difference between these cases and cases where a death has occurred as a result of driving that is unlawful only because of the negligent manner of its performance.

Gross negligence manslaughter

- 12.7 To prove a charge based on gross negligence manslaughter, it must be proved that:

- (1) the defendant owed the victim a duty of care;
- (2) the driving caused the victim's death;
- (3) the driving fell far below the minimum acceptable standard of driving;
- (4) there was an obvious and serious risk of death; and
- (5) the conduct of the defendant can, in all the circumstances, be described as 'reprehensible'.

- 12.8 As a matter of law, it is more difficult to prove an offence of gross negligence manslaughter than it is to prove an offence of causing death by dangerous driving. It is not necessary to have evidence of an obvious and serious risk of death to prove an offence of causing death by dangerous driving. All that is required is evidence that the driving was dangerous and that the driving caused the death of another person.

- 12.9 Gross negligence manslaughter is only appropriate in cases where there is evidence to show a very high risk of death, making the case one of the utmost gravity.

- 12.10 Alternative verdicts may be returned for offences of causing death by dangerous driving, dangerous driving, causing death by careless driving when under the influence of drink or drugs and furious driving where a jury is not satisfied that the prosecution has made out its case for manslaughter.

- 12.11 The provision for alternative verdicts notwithstanding, there must still be sufficient evidence to afford a reasonable prospect of conviction of manslaughter and it must still be the most appropriate offence before a decision to charge manslaughter will be made.

- 12.12 In most cases where a death occurs as a result of dangerous driving, the statutory offence of causing death by dangerous driving will remain the appropriate charge.
- 12.13 Both unlawful act manslaughter and gross negligence manslaughter are triable only on indictment and carry a maximum sentence of life imprisonment and/or an unlimited fine. Under the provisions of the Road Traffic Offenders (Northern Ireland) 1995, the driver must be disqualified for at least two years and there is a compulsory re-test unless there are special reasons and the driver's licence must be endorsed with 3-11 penalty points, unless there are special reasons. The appropriate driving test is an extended test.
- 12.14 The examples of driving which fall far below the minimum acceptable standard of driving set out in paragraph 19.9 will apply here.
- 12.15 This offence will rarely be appropriate in road traffic fatality cases because of the existence of the statutory offences.
- 12.16 Manslaughter should also be considered where the driving has occurred other than on a road or other public place, or when the vehicle driven was not mechanically propelled, and death has been caused. In these cases the statutory offences may not apply.

13. Causing Death or Grievous Bodily Injury by Dangerous Driving Contrary to Article 9 of the Road Traffic (Northern Ireland) Order 1995

- 13.1 This offence is committed when:
- (1) the driving of the accused was a cause of the death of or grievous bodily injury to another person; and
 - (2) the driving was dangerous within the meaning of Article 11 of the Order.
- 13.2 The offence is triable only on indictment and carries a maximum penalty of 14 years imprisonment and/or an unlimited fine with an obligatory disqualification for a minimum of two years unless there are special reasons not to disqualify. Under the provisions of the Road Traffic Offenders (Northern Ireland) Order 1996, the court must also order the driver to be disqualified until he passes the appropriate driving test and the driver's licence must be endorsed with 3-11 penalty points unless there are special reasons not to do so.



- 13.3 The accused's driving must have been a cause of the death or grievous bodily injury but need not be the sole one.
- 13.4 The examples given in paragraph 19.9 of dangerous driving apply to this offence.
- 13.5 Where an Article 9 offence can be proved and there is sufficient evidence of an offence where alcohol has been consumed under Articles 15, 16 or 18, prosecutors must consider whether it is appropriate to include such a charge in the indictment in accordance with Article 9 of the Road Traffic Offenders (Northern Ireland) Order 1996. Where this is appropriate, it is a requirement of the legislation that evidence relating to the offence under Articles 15, 16 or 18 shall be disclosed at the preliminary investigation or inquiry.
- 13.6 When preparing committal papers, prosecutors should therefore include evidence relating to offences under Articles 15, 16 or 18 notwithstanding that the District Judge will not be asked to commit the accused for trial in respect of those offences. In such cases, the defence solicitor, or accused in person, should be notified by letter that the prosecution intend to include the additional count or counts in the indictment and that for that reason the District Judge will be asked not to remove the relevant evidence from the committal papers. Prosecutors should ensure that Counsel conducting the preliminary investigation or inquiry is aware of the intention to include the additional count or counts in the indictment and that any application to remove the relevant evidence from the papers should be opposed.

14. Causing Death or Grievous Bodily Injury by Careless Driving when Under the Influence of Drink or Drugs Contrary to Article 14 of the Road Traffic (Northern Ireland) Order 1995

- 14.1 This offence is committed when:
- (1) the driving was without due care and attention or without reasonable consideration for other road users; and
 - (2) the driving has caused the death of or grievous bodily injury to another person; and
 - (3) the driver is either unfit through drink or drugs, or the alcohol concentration is over the prescribed limit, or there has been a failure to provide a specimen in pursuance of the Order.

- 14.2 It is an offence triable only on indictment and carries a maximum penalty of 14 years imprisonment and/or an unlimited fine and an obligatory disqualification for at least two years (three years if there is a previous relevant conviction) unless there are special reasons not to disqualify. Under the provisions of the Road Traffic Offenders (Northern Ireland) Order 1996, the driver's licence must be endorsed with 3-11 penalty points.
- 14.3 The examples given in paragraph 21.6 of careless driving may apply to this offence.
- 14.4 The accused's driving must have been a cause of the death or grievous bodily injury but need not be the sole one.
- 14.5 Proper procedures should have been followed in the requesting and/or obtaining of any sample of breath, blood or urine. In cases where the procedures are not followed, there is a risk that the evidence may be excluded. Where this is possible, careful consideration must be given as to whether the remaining evidence will support an alternative allegation of causing death or grievous bodily injury by careless driving while unfit to drive through drink/drugs, in which case, evidence other than that from an intoxalyser machine can be relied upon to demonstrate the defendant's unfitness to drive.
- 14.6 It is not necessary to add a further charge relating to drink/driving when the defendant is charged with an Article 14 offence, because a guilty verdict to the relevant drink/drive offence can be returned by the jury under the statutory provisions: Article 26 of the Road Traffic Offenders (Northern Ireland) Order 1996.

15. Relationship between Article 9 and Article 14 of the Road Traffic (Northern Ireland) Order 1995

- 15.1 Offences under Article 9 and Article 14 carry the same maximum penalty, so the choice of charge will not inhibit the court's sentencing powers. The courts have made it clear that for sentencing purposes the two offences are to be regarded as being equally serious.⁶
- 15.2 The court will sentence an offender in proportion to his criminality. The consumption of alcohol is an aggravating feature increasing the criminality of the offender and therefore the sentence passed. The consumption of alcohol is an aggravating feature within the definition of Article 14. The consumption of alcohol is not part of the definition of Article 9 but may be treated as an aggravating feature in appropriate cases.

⁶ [Attorney General's Reference (No 49 of 1994) R –v– Brown [1995] Crim LR 437; R –v– Locke [1995] Crim LR 438.]

- 15.3 Where a defendant is tried on a count alleging an offence contrary to Article 9, it is open to the jury to return a verdict of guilty to an offence under Article 11A (causing death by careless driving) but not to an offence under Article 14. In the context of drink or drugs which must be proved for an offence under Article 14, it is not an essential element under Article 9. A person guilty of an offence under Article 9 may also be guilty of an offence under Article 14 and vice versa. In appropriate circumstances both offences may be alleged on the same indictment. In such a case it will normally also be appropriate to add a count alleging the appropriate offence contrary to Article 15, 16 or 18.

16. Causing Death or Grievous Bodily Injury by Careless Driving Contrary to Article 11A of the Road Traffic (Northern Ireland) Order 1995

- 16.1 This offence was introduced in Northern Ireland by virtue of Article 52 of the Criminal Justice (Northern Ireland) Order 2008. It only applies to offences committed after 16th July 2008.
- 16.2 This offence is committed when the driving is:
- (1) without due care and attention or without reasonable consideration for other road users; and
 - (2) the driving has caused the death or grievous bodily injury of another person.
- 16.3 This offence is hybrid. Upon summary prosecution this offence carries a maximum penalty of 6 months imprisonment and/or the statutory maximum fine*. On indictment it carries a maximum sentence of 5 years' imprisonment and/or an unlimited fine. Disqualification from driving for a minimum of 12 months is mandatory.
- 16.4 The difference between causing death by dangerous driving and causing death by careless driving lies in the standard of the driving. For causing death by dangerous driving, the standard of driving must fall far below what would be expected of a competent and careful driver. For causing death by careless or inconsiderate driving, the standard of driving must fall below what would be expected of a competent and careful driver. For more on when to prosecute for careless driving, see paragraph 21 below and Wilkinsons Road Traffic Offences at 5.42.

* Currently £5,000

- 16.5 For the corresponding offence in England and Wales the Sentencing Guidelines Council has issued Guidelines entitled “Causing Death by Driving” which apply to offences committed on or after 4th August 2008. The content is also reflected in the Magistrates’ Sentencing Guidelines in England and Wales. The starting points for the either way offences are clearly described together with typical aggravating and mitigating factors. While not strictly applicable in Northern Ireland, the factors identified in this guidance are equally relevant. It should, however, be noted that the sentencing powers of the Magistrates’ Court in England and Wales are different for this offence. The maximum penalty in England and Wales is 12 months imprisonment and/or the statutory maximum fine whereas in Northern Ireland it is 6 months imprisonment and/or the statutory maximum fine*. The maximum penalty on indictment is the same, namely 5 years imprisonment and/or an unlimited fine.
- 16.6 In order to inform the decision on mode of trial, prosecutors should compare the circumstances of the particular case with which they are dealing with those in the Guidelines.

The five general factors used to determine seriousness are:

Awareness of risk;
Effect of alcohol or drugs;
Inappropriate speed of vehicle;
Seriously culpable behaviour of offender;
Victim

Examples of each determinant are:

1. Awareness of risk

- (a) a prolonged, persistent and deliberate course of very bad driving

2. Effect of Alcohol or Drugs

- (b) consumption of alcohol above the legal limit
- (c) consumption of alcohol at or below the legal limit where this impaired the offender’s ability to drive
- (d) failure to supply a specimen for analysis

* Currently £5,000



- (e) consumption of illegal drugs, where this impaired the offender's ability to drive
- (f) consumption of legal drugs or medication where this impaired the offender's ability to drive (including legal medication known to cause drowsiness) where the driver knew, or should have known, about the likelihood of impairment

3. Inappropriate speed of vehicle

- (g) greatly excessive speed; racing; competitive driving against another vehicle
- (h) driving above the speed limit
- (i) driving at a speed that is inappropriate for the prevailing road or weather conditions

4. Seriously culpable behaviour of offender

- (j) aggressive driving (such as driving much too close to the vehicle in front, persistent inappropriate attempts to overtake, or cutting in after overtaking)
- (k) driving while using a hand-held mobile phone
- (l) driving whilst the driver's attention is avoidably distracted, for example by reading or adjusting the controls of electronic equipment such as a radio, hands-free mobile phone or satellite navigation equipment
- (m) driving when knowingly suffering from a medical or physical condition that significantly impairs the offender's driving skills, including failure to take prescribed medication
- (n) driving when knowingly deprived of adequate sleep or rest, especially where commercial concerns had a bearing on the commission of the offence
- (o) driving a poorly maintained or dangerously loaded vehicle, especially where commercial concerns had a bearing on the commission of the offence



5. Victim

(p) failing to have proper regard to vulnerable road users

- 16.7 For causing death by careless or inconsiderate driving, the Guidelines sets out three specific levels of seriousness. These are set out in the footnote below but, due to the different levels of maximum sentence in the respective jurisdictions, it is not considered appropriate to rely on this aspect of the Guidelines in Northern Ireland.⁷
- 16.8 Having established the five elements of seriousness and the maximum sentencing powers of the Magistrates' and Crown Courts, prosecutors should consider any aggravating factors relevant to mode of trial. Examples of aggravating factors specific to this offence are: other offences committed at the same time; more than one person killed; serious injury to others, in addition to the death; irresponsible behaviour (failing to stop or falsely blaming a victim for the collision); and previous driving convictions.
- 16.9 Prosecutors should then consider any mitigating factors relevant to mode of trial. Examples in the Guideline of mitigating factors specific to this offence are: offender seriously injured; victim a close friend or relative; victim's or another's actions contributed to the offence; offender's lack of driving experience contributed significantly to the likelihood of the collision or death; and the driving was in response to a proven and genuine emergency (falling short of a defence).
- 16.10 In accordance with Paragraph 4.8 of the Code for Prosecutors, the Public Prosecutor should then be able to form a view as to whether the District Judge's sentencing powers are sufficient in relation to the gravity of the offence.
- 16.11 In summary, when considering mode of trial, prosecutors should consider which seriousness factors are present, and, having done so, have regard to the sentencing range as set out in paragraph 16.5 above and relevant aggravating and mitigating factors present. It is essential that mode of trial is fully considered and the reasons for reaching the decision are clearly and thoroughly recorded.

7 In England and Wales the starting point for each level is as follows:

- (1) a medium level Community Order (with the order ranging from a low to high community order) where the driving arose from momentary inattention with no aggravating factors;*
- (2) 36 weeks custody (with a range from a high level community order to 2 years imprisonment) for driving falling between the first and third starting points;*
- (3) fifteen months imprisonment (ranging from 36 weeks to 3 years imprisonment) for careless or inconsiderate driving falling not far short of dangerous driving.*

17. Causing Death or Grievous Bodily Injury by Driving whilst Unlicensed, Uninsured or Disqualified Contrary to Article 12B of the Road Traffic (Northern Ireland) Order 1995

- 17.1 This offence was introduced in Northern Ireland by virtue of Article 53 of the Criminal Justice (Northern Ireland) Order 2008. It only applies to offences committed after 16th July 2008.
- 17.2 This offence is committed when a driver:
- (1) causes the death of, or grievous bodily injury to, another person; and
 - (2) by driving on a road when unlicensed, uninsured or disqualified from holding or obtaining a driving licence.
- 17.3 The proofs for this offence are different from the Article 11A offences. Clearly the prosecution must prove three elements, namely
- (1) that the person was driving a motor vehicle; and
 - (2) that the driving caused the death or grievous bodily injury to another person; and
 - (3) that the driver was unlicensed, disqualified or uninsured at the time.
- The manner of his driving is not an element in this offence.
- 17.4 The offence is hybrid. Upon summary prosecution this offence carries a maximum penalty of six months, imprisonment and/or the statutory maximum fine*. On indictment, the maximum penalty is two years, imprisonment and/or an unlimited fine.
- 17.5 In considering whether to prosecute a case summarily or on indictment, regard should be given to the same factors as set out in paragraph 16.4 above. One example of where it may be appropriate to prosecute on indictment is where the defendant is a disqualified driver in a stolen vehicle for which he has no insurance. On the other hand, the owner of a vehicle, the insurance for which has unintentionally lapsed, would properly be prosecuted summarily.
- 17.6 Disqualification from driving for a minimum of 12 months is mandatory.

* Currently £5,000

18. Aggravated Vehicle-taking Causing Death or Grievous Bodily Injury Contrary to Article 172B of the Road Traffic (Northern Ireland) Order 1981

- 18.1 This offence was introduced in Northern Ireland in 2004 by virtue of the Criminal Justice (No 2) (Northern Ireland) Order 2004.
- 18.2 Before 2004, the relevant offence was under Section 12 of the Theft Act (Northern Ireland) 1969 to take a vehicle without the consent of the owner. The offence also covered those not actually responsible for taking the vehicle, but who drove the vehicle, or allowed themselves to be carried in it after it was taken, knowing that it had been taken without permission. This remains an offence.
- 18.3 However, the original offence did not take into account any driving offences committed after it had been unlawfully taken, or the consequences that could follow from the vehicle being driven. The aggravated offence was introduced to deal with this.
- 18.4 The 2004 Order added a new Article 172A to the Road Traffic (Northern Ireland) Order 1981. The offence is committed if, after the vehicle is unlawfully taken but before it is recovered, any one or more of the following occurs:
- (1) the vehicle is driven dangerously on a road or other public place;
 - (2) owing to the driving of the vehicle, a collision occurs by which injury is caused to any person;
 - (3) owing to the driving of the vehicle, a collision occurs by which damage is caused to any property, other than the vehicle;
 - (4) damage is caused to the vehicle.
- 18.5 The offence is triable only on indictment. At the Crown Court the maximum sentence is 14 years' imprisonment and/or an unlimited fine.
- 18.6 Disqualification from driving for a minimum period of 12 months is mandatory.
- 18.7 Where a person is convicted of this offence, the fact that the vehicle in question was not driven at any particular time or at all shall not be regarded as a special reason not to impose the full 12-month disqualification period.

19. Dangerous Driving Contrary to Article 10 of the Road Traffic (Northern Ireland) Order 1995

19.1 A person drives dangerously when:

- (1) the way he drives falls far below what would be expected of a competent and careful driver; and
- (2) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

19.2 Both parts of the definition must be satisfied for the driving to be 'dangerous' within the Order. Dangerous driving is a hybrid offence. In the Magistrates' Courts the maximum penalty is six months' imprisonment and/or the statutory maximum fine*; in the Crown Court, the maximum penalty is two years' imprisonment and/or an unlimited fine. In both instances, the court must disqualify the driver from driving for least one year unless there are special reasons not to do so. The concept of 'special reasons' has appeared in previous legislation and has been defined as follows:

"A 'special reason' within the exception is one which is special to the facts of the particular case, that is, special to the facts which constitute the offence. It is, in other words, a mitigating or extenuating circumstance, not amounting in law to a defence to the charge, yet directly connected with the commission of the offence, and one which the court ought properly to take into consideration when imposing punishment. A circumstance peculiar to the offender as distinguished from the offence is not a 'special reason' within the exception."⁸

19.3 The same definition of 'special reason' has been applied by the courts in England and Wales in relation to the analogous legislation in that jurisdiction.

19.4 Where a court exercises its power not to disqualify for special reasons, the grounds for doing so must be stated in the order of the court: Article 35 of the Road Traffic Offenders (Northern Ireland) Order 1996. Under Article 41(2)(b) of the 1996 Order, the court must also order the driver to be disqualified until he passes an extended driving test and will endorse the driver's licence with 3-11 penalty points unless there are special reasons not to do so.

* Currently £5,000

⁸ *Andrews LCJ in The King (Magill) –v– Crossan [1939] NI 106 at 112*

- 19.5 The test of whether a driver has fallen far below the required standard is an objective one. It applies both when the manner of driving in question is deliberate and when the manner of driving occurs as a result of an error of judgement or simply as a result of incompetence or inexperience.
- 19.6 There is no statutory definition of what is meant by 'far below' but 'dangerous' must refer to danger either of injury to any person or of serious damage to property: Article 11(3) of the Order. Additionally, Article 11(2) of the Order provides that a person is to be regarded as driving dangerously if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous. When considering the 'state' of the vehicle, regard may be had to anything attached to or carried by the vehicle: Article 11(1) of the Order. Therefore, prosecutors must consider whether the vehicle should have been driven at all, as well as how it was driven.
- 19.7 The standard of driving must be objectively assessed. It is not necessary to consider what the driver thought about the possible consequences of his actions. What must be considered is whether or not a competent and careful driver would have observed, appreciated and guarded against obvious and material dangers.
- 19.8 In deciding whether a prosecution for dangerous driving is appropriate, prosecutors should consider whether the act of driving concerned was undertaken deliberately and/or repeatedly. Although the test of dangerousness is an objective one, deliberate or repeated disregard, for example, of traffic directions (be they 'stop' or 'give way' signs or traffic lights) may be evidence that the manner of the accused's driving has fallen far below the standard required, thereby making prosecution for dangerous driving appropriate.
- 19.9 In addition, the following are examples of driving which may support an allegation of dangerous driving:
- (1) racing or competitive driving;
 - (2) prolonged, persistent or deliberate driving, to the extent that it falls below the appropriate standard;
 - (3) speed which is highly inappropriate for the prevailing road or traffic conditions;
 - (4) aggressive or intimidatory driving, such as sudden lane changes, cutting into a line of vehicles or driving much too close to the vehicle in front, especially when the purpose is to cause the other vehicle to pull to one side to allow the accused to overtake;

- (5) disregard of traffic lights and other road signs, which, on an objective analysis, would appear to be deliberate;
- (6) failure to pay proper attention, amounting to something significantly more than a momentary lapse;
- (7) overtaking which could not have been carried out with safety;
- (8) driving a vehicle with a load or in a condition which presents a danger to other road users.

20. Causing Bodily Harm by Wanton and Furious Driving Contrary to Section 35 of the Offences Against the Person Act 1861

- 20.1 It is an offence for any person in charge of a vehicle:
- (1) to cause or cause to be done bodily harm to any person; by
 - (2) wanton or furious driving, or other wilful misconduct, or by wilful neglect.
- 20.2 It is an offence triable only on indictment and carries a maximum penalty of two years imprisonment and/or an unlimited fine.
- 20.3 This offence does not carry endorsement or disqualification. It should normally only be used on those occasions when it is not possible to prosecute for an offence under the road traffic legislation, for example:
- (1) when the driving was not on a road or other public place;
 - (2) when the vehicle used is not a mechanically propelled vehicle within the Road Traffic (Northern Ireland) Order 1995;
 - (3) when the statutory notice of intended prosecution is a pre-requisite to a prosecution and has not been given.
- 20.4 This offence may be appropriate in cases where a victim suffers serious injury though there has been no direct contact between the victim and the vehicle. For example, when the driving caused the victim to take avoiding action and as a result of which sustained serious injury by, say, falling down a ditch.

- 20.5 When a vehicle has been deliberately used as a weapon and has caused injury, alternative charges of dangerous driving under Article 10 of the Order or section 18 Offences Against the Person Act 1861 should be considered if all the elements of those offences can be proved.

21. Careless Driving (Driving without Due Care and Attention) Contrary to Article 12 of the Road Traffic (Northern Ireland) Order 1995

- 21.1 The offence of driving without due care and attention is committed when the driving falls below the standard expected of a reasonable, prudent and competent driver in all the circumstances of the case. It is a summary only offence carrying a level-4 fine* and discretionary disqualification for any period and/or until a driving test has been passed. Under the provisions of the Road Traffic Offenders (Northern Ireland) Order 1995, the court must endorse the driver's licence with 3-9 penalty points unless there are special reasons not to do so.
- 21.2 The test of whether the standard of driving has fallen below the required standard is an objective one. It applies both when the manner of driving in question is deliberate and when the manner of driving occurs as a result of an error of judgement or simply as a result of incompetence or inexperience.
- 21.3 Article 51(6) of the Road Traffic (Northern Ireland) Order 1995 states that failure on the part of a person to observe a provision of the Highway Code shall not of itself render that person liable to criminal proceedings, but a failure, particularly a serious one, may constitute evidence of careless or dangerous driving.
- 21.4 In general, prosecution for careless driving may be appropriate when the manner of the driving demonstrates a serious miscalculation or a disregard for road safety, taking into account all the circumstances including road, traffic and/or weather conditions.
- 21.5 There will be rare occasions where an accident occurs and yet there is no evidence of any mechanical defect, illness of the driver or other explanation as to the driving to account for why the accident happened. Such cases must be approached with caution to ensure that the test for prosecution is fully met. There must be a reasonable prospect that in the circumstances of the case including such inferences as a court may properly draw that a court will be satisfied that the defendant was driving below the standard expected of a reasonable, prudent and competent driver.

* Currently £2,500

21.6 The following are examples of driving which may support an allegation of careless driving:

- (1) acts of driving caused by more than momentary inattention and where the safety of road users is affected, such as:
 - overtaking on the inside;
 - driving inappropriately close to another vehicle;
 - driving through a red light which on an objective analysis would appear to be inadvertent;
 - emerging from a side road into the path of another vehicle (unless deliberate or repeated as set out in paragraph 19.8 above in relation to dangerous driving);
 - turning into a minor road and colliding with a pedestrian;
 - doing “doughnuts”, handbrake turns, “drifting” or other such driving behaviour on a road or public place to which the public have access such as a car park in circumstances other than an officially recognised motor sport event.
- (2) conduct which clearly caused the driver not to be in a position to respond in the event of an emergency on the road, for example:
 - using a hand-held mobile telephone (particularly ‘texting’) while the vehicle is moving, especially when at speed;
 - tuning a car radio;
 - reading a newspaper/map;
 - selecting and lighting a cigarette/cigar/pipe;
 - consuming food/drink;
 - talking to and looking at a passenger which causes the driver more than momentary inattention;
 - leg and/or arm in plaster;
 - fatigue/nodding off.



- 21.7 The above examples explain the driver's conduct rather than demonstrate a course of driving which necessarily falls below the objective standard of the driving itself. For example, they may explain why the driver veered across carriageways, passed through a red light or otherwise caused a danger to other road users. In these cases, it is necessary to go beyond the explanation for the driving and consider whether the particular facts of the case warrant instituting proceedings for careless or dangerous driving. The reason for the driver's behaviour is not relevant to the choice of offence; it is the acts of driving which determine whether the driver has fallen below (careless driving) or far below (dangerous driving) the standard required.
- 21.8 In deciding whether the offence of careless driving is appropriate, prosecutors should consider whether the act of driving concerned was the result of either momentary inattention or an isolated misjudgement, or something more serious. A moment's inattention which causes the manner of the driving to fall below the objective standard required of the reasonable, prudent and competent driver need not, of itself, require prosecution. It is acts caused by more than momentary inattention – especially where the manner of the driving adversely affects the safety of other road users – which will normally result in a charge of careless driving.
- 21.9 In cases where there has been an accident and the evidence suggests that more than one driver may have been at fault, it will be necessary to establish that there is cogent independent evidence against each driver before instituting proceedings against either or both drivers, or that the facts speak so strongly for themselves in relation to an individual driver that the only possible conclusion is that he departed from what a reasonable, prudent and competent driver would have done in the circumstances.
- 21.10 The degree to which the driving fell below the standard required is likely to have a bearing on the public interest. In addition, the public interest is liable to favour prosecuting in cases when the court may wish to make an order under Article 41 of the Road Traffic Offenders (Northern Ireland) Order 1996, disqualifying the driver until he passes a driving test; or where it appears that the court ought to notify the Secretary of State that the driver may be suffering from any relevant disability within the meaning of Article 9 of the Road Traffic (Northern Ireland) Order 1981.
- 21.11 However, the public interest may not call for a prosecution in every case where there is a reasonable prospect of conviction for careless driving; it is unlikely the public interest requires prosecution for an act of slight carelessness; and it is not the function of the prosecuting authority to direct proceedings to determine issues of civil liability.

- 21.12 The public interest may not require prosecution for careless driving where:
- (1) the manner of the driving is of a nature such as frequently occurs in slow moving traffic at parking places, roundabouts, junctions or in traffic queues, involving minimal carelessness such as momentary inattention or a minor error of judgement;
 - (2) only the person at fault suffered injury and damage, if any, was mainly restricted to the vehicle or property owned by that person.
- 21.13 In addition, there is often an overlap between careless driving and some other offences such as driving with excess alcohol, regulatory offences, offences of strict liability, or offences relating to the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999. Certain cases may adequately be met by instituting proceedings for the specific statutory or regulatory offence which Parliament made available, subject to paragraphs 21.14 and 21.15 following.
- 21.14 Sometimes there will be evidence of a course of conduct which involves the commission of a number of different statutory or regulatory offences, or the commission of the same statutory or regulatory offence on a number of occasions which are very close in time with one another. For example, a driver may drive through a red traffic light, ignore a pelican crossing and fail to give way at a junction within what might reasonably be described as the same course of driving. Alternatively, a driver may drive through two or more sets of red traffic lights, one after the other, within what may reasonably be described as the same course of driving.
- 21.15 In these situations, it may not be appropriate only to prosecute for a number of individual statutory or regulatory offences: the court needs to be made aware of the link between what might otherwise appear as isolated incidents, when in reality they form part of a more serious course of driving. This course of driving should be reflected in a more serious charge. Where this type of situation arises, the manner of the driving has, in reality, fallen far below that expected of a competent and careful driver because of the driver's systematic failure to pay heed to the relevant traffic directions.
- 21.16 Accordingly, consideration should be given to prosecuting the driver under Article 10 of the Order.

22. Driving without Reasonable Consideration Contrary to Article 12 of the Road Traffic (Northern Ireland) Order 1995

- 22.1 The offence of driving without reasonable consideration (inconsiderate driving) is committed when a vehicle is driven on a road or other public place as a result of which other persons using the road or place are inconvenienced. It is a summary only offence carrying a level 5 fine (for offences after 26 July 2007) and discretionary disqualification for any period and/or until a driving test has been passed. Under the provisions of the Road Traffic Offenders (Northern Ireland) Order 1996, the court must endorse the driver's licence with penalty points unless there are special reasons not to do so.
- 22.2 The defendant must be shown:
- (1) to have fallen below the standard of a reasonable, prudent and competent driver in the circumstances of the case; and
 - (2) to have done so without reasonable consideration for others
- 22.3 The difference between the two offences under Article 12 is that in cases of careless driving the prosecution need not show that any other person was inconvenienced. In case of inconsiderate driving, there must be evidence that some other user of the road or public place was inconvenienced.
- 22.4 The following are examples of driving which may support an allegation of driving without reasonable consideration:
- (1) flashing of lights to force other drivers in front to give way;
 - (2) misuse of any lane to avoid queuing or gain some other advantage over other drivers;
 - (3) unnecessarily remaining in an overtaking lane;
 - (4) unnecessarily slow driving or braking without good cause;
 - (5) driving with undipped headlights which dazzle oncoming drivers;
 - (6) driving through a puddle causing pedestrians to be splashed.
- 22.5 A person who drives without reasonable consideration for other road users can be convicted of driving without due care and attention although the reverse does not apply.

23. Diversion Including the Driver Improvement Scheme

- 23.1 The Driver Improvement Scheme is a non statutory scheme which exists to provide a one and a half day training course to a driver who would otherwise be prosecuted for an offence of careless or inconsiderate driving contrary to Article 12 of the Road Traffic (NI) Order 1995.
- 23.2 The idea behind the scheme is to improve standards of driving and as a result prevent further road traffic accidents as opposed to simply punishing the offender.
- 23.3 If the evidential test for prosecution is met a prosecutor may determine, in the public interest, that as an alternative to prosecution, a driver should be invited to attend a Driver Improvement Course. The scheme is designed to correct poor driving behaviours arising from errors of judgement without the need to bring the case to court. It is an alternative to prosecution only in cases of carelessness where the driver's mistake rather than intent or dangerousness led to the collision, for example driving inappropriately close to another vehicle or overtaking on the inside.
- 23.4 There is no legislative requirement for the introduction of a Driver Improvement Scheme. The scheme is considered to be good practice, as an alternative to a prosecution, to improve driving behaviour and thereby reduce the level of death and injuries on our roads.
- 23.5 In order to be eligible for such a disposal the following criteria must be met:
- (1) there must be sufficient evidence to afford a reasonable prospect of obtaining a conviction for an offence of Careless or Inconsiderate Driving contrary to Article 12 of the Road Traffic (NI) Order 1995;
 - (2) there must not be evidence of the commission of any other offence arising out of the same circumstances, eg No Insurance, No Driving Licence or Drink Driving;
 - (3) the Careless or Inconsiderate Driving did not cause serious injury or death;
 - (4) the driver must be the holder of a full current driving licence or possess a certificate of competence to drive;
 - (5) the driver must be prepared to pay the course fee and have not, within the previous three years, attended a Driver Improvement Course.

- 23.6 There is no requirement that the driver must admit the offence. However, it is essential that the driver show consent and fully participate in the Driver Improvement Course and agree to pay the appropriate fee.
- 23.7 If the driver does not agree to undertake a Driver Improvement Course, fails to attend in full or is disruptive, police will resubmit the file for consideration for prosecution in the same way as where other forms of diversion are not effective.
- 23.8 Cases which attract a mandatory disqualification should not normally be diverted from prosecution as it is considered appropriate by Parliament that the offender incur a specific minimum punishment.
- 23.9 A distinction can be drawn between road traffic offences which carry a mandatory disqualification and those which carry mandatory penalty points. In the former case it will be extremely rare for diversion to be appropriate. In the latter case the public interest in the imposition of the penalty is less compelling and so diversion, while not usual, may be appropriate.
- 23.10 There is a significant public interest in the effective and efficient use of the system for the issue of fixed penalty notices. Offenders are given an early opportunity to avoid prosecution. It will therefore rarely be appropriate to divert from prosecution cases of non-payment of a fixed penalty notice at the decision stage.

24. Road Traffic Fatality Cases: Family or Other Close Personal Relationship

- 24.1 In addition to general public interest considerations, additional considerations may apply to cases where there is a family or other close personal relationship between the deceased and the accused driver (hereinafter referred to as a 'close personal relationship').
- 24.2 These considerations are unlikely to be relevant in any case where the evidence is sufficient to support proceedings for manslaughter.
- 24.3 In each case, the particular facts and circumstances together with the nature and closeness of the relationship should be considered. Cases involving a close personal relationship should be referred to a Senior Assistant Director.

- 24.4 The proper approach is to determine whether the evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction for a particular offence or offences. Thereafter, it should be determined whether having regard to that particular offence or offences, prosecution is required in the public interest having regard to, inter alia, the close personal relationship.
- 24.5 It would not generally be appropriate to conclude that the public interest would be satisfied with prosecution for lesser offences where there is sufficient evidence to provide a reasonable prospect of conviction for more serious offences. Generally, where the evidential test is met, the question is whether or not the public interest requires prosecution.
- 24.6 Where there is a reasonable prospect that upon conviction a driver will be sentenced to imprisonment and/or a suspension from driving despite the fact that there exists a close personal relationship between the deceased and the accused, the public interest will require prosecution.

25. Alternative Verdicts

- 25.1 In certain circumstances, it is possible for a jury to find the accused not guilty of the offence charged but guilty of some other alternative offence. The general provisions are contained in section 6(2) of the Criminal Law Act (Northern Ireland) 1967 and are supplemented by other provisions which relate to specific offences.
- 25.2 Section 26 of the Road Traffic Offenders (Northern Ireland) Order 1996 allows for the return of alternative verdicts where the allegations in the indictment or complaint amount to, or include, an allegation of an offence specified in the table set out in that Article. The relevant statutory provisions are:

Offence charged	Alternative verdicts	Enabling legislation
Manslaughter	<p>Article 9 of the 1995 Order: causing death or GBI by dangerous driving</p> <p>Article 10 of the 1995 Order: dangerous driving</p> <p>Article 14 of the 1995 Order: causing death or GBI by careless driving with drink or drugs</p> <p>Section 35 of the Offences against the Person Act 1861: furious driving</p>	<p>Article 26 3A and 3B Road Traffic Offenders (NI) Order 1996 (inserted by Art 64 of the Criminal Justice (NI) Order 2008)</p>
Death Or Grievous Bodily Injury By Dangerous Driving: Article 9 of the 1995 Order	<p>Article 10 of the 1995 Order: dangerous driving</p> <p>Article 12 of the 1995 Order: careless and inconsiderate driving</p>	<p>Article 26(1) Road Traffic Offenders (NI) Order</p>
Causing Death Or GBI By Careless Or Inconsiderate Driving: Article 11A of the 1995 Order	<p>Article 12 of the 1995 Order: careless and inconsiderate driving</p>	<p>Article 26(1) Road Traffic Offenders (NI) Order</p>



Causing Death, Or Grievous Bodily Injury, By Careless Driving When Under Influence Of Drink Or Drugs: Article 14 of the 1995 Order	Article 11A of the 1995 Order: causing death or grievous bodily injury by careless or inconsiderate driving Article 12 of the 1995 Order: careless and inconsiderate driving and/or the relevant offence from: Article 15(1) of the 1995 Order: driving whilst unfit Article 16(1)(a) of the 1995 Order: driving with excess alcohol Article 18(7) of the 1995 Order: failing to provide a specimen Article 18A(6) of the 1995 Order: failing to give permission for a laboratory test	Article 26(1) Road Traffic Offenders (NI) Order
Driving Or Attempting To Drive When Unfit To Drive Through Drink Or Drugs: Article 15(1) of the 1995 Order	Article 15(2) of the 1995 Order: being in charge of a vehicle when unfit to drive through drink or drugs	Article 26(1) Road Traffic Offenders (NI) Order
Driving Or Attempting To Drive With Excess Alcohol In Breath, Blood Or Urine: Article 16(1)(a) of the 1995 Order	Article 16(1)(b) of the 1995 Order: being in charge of a vehicle with excess alcohol in breath, blood or urine	Article 26(1) Road Traffic Offenders (NI) Order



- 25.3 Where the accused is charged with an offence under Article 14 of the Road Traffic (Northern Ireland) Order 1995, he may not be convicted as an alternative with an offence of attempting to drive: Article 26(2) of the Road Traffic Offenders (Northern Ireland) Order 1996.
- 25.4 In the very rare cases when manslaughter is charged, it will normally be prudent to prefer an alternative charge for causing death by dangerous driving if the driving took place on a road or other public place. Further, when manslaughter is charged there should be no difficulty in also charging as an alternative an Article 14 offence if it is made out, although such a situation is most unlikely to arise.
- 25.5 As in all cases it will never be proper to charge a more serious offence in order to obtain a conviction (whether by plea or verdict) to a lesser offence.

Annex: Contact Details

Listed below are the contact details of the organisations mentioned in this document:

DRIVER IMPROVEMENT SCHEME

DriveTech (UK) Limited
Alexandra House
Wellington Business Park
Dukes Ride, Crowthorne
Berkshire RG45 6LS
Tel: 01344 773144
Fax: 01344 773148

NSPCC

Block 1
Jennymount Business Park
North Derby Street
York Road
Belfast
BT15 3HN
Tel: 028 9035 1135
Fax: 028 9035 1100
Email www.nspcc.org.uk

Police Service of Northern Ireland

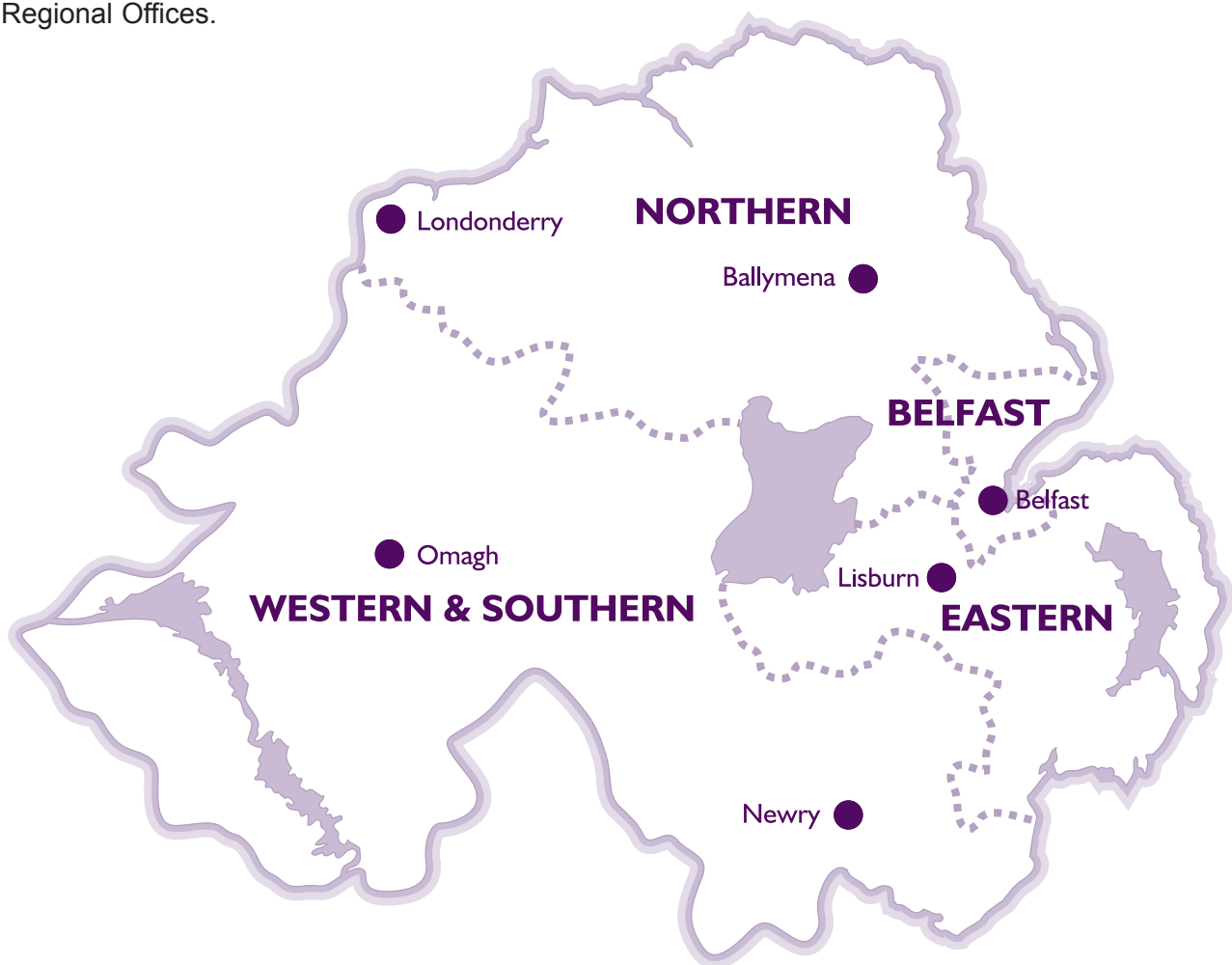
Police Headquarters
Brooklyn
65 Knock Road Belfast
BT5 6LE
Tel: 028 90 650222
Email www.psni.police.uk

Victim Support Northern Ireland

3rd Floor
Annsgate House
70 – 74 Ann Street
Belfast
BT1 4EH
Tel: 028 90 244039
Fax: 028 90 313838
Victim Support Line 0845 3030900
Email info@victimsupportni.org.uk

Public Prosecution Service

Regional Offices.



PPS Regional Offices:

Belfast Region (Headquarters)

Belfast Chambers
93 Chichester Street
BELFAST
BT1 3JR
Tel: (028) 90 897070/1
Email info@ppsni.gsi.gov.uk
Text phone: (028) 90 897145

Southern Region

Newry Chambers
1 Downshire Close
NEWRY
BT34 1FD
Tel: (028) 30 832567
Email info@ppsni.gsi.gov.uk
Text phone: (028) 92 625441

Western Region

Omagh Chambers
2 Townhall Square
OMAGH
BT78 1BL
Tel: (028) 82 248736
Email info@ppsni.gsi.gov.uk
Text phone: (028) 82 248761

Eastern Region

Lisburn Chambers
Linen Hill House
23 Linenhall Street
LISBURN
BT28 1FJ
Tel: (028) 92 625509
Email info@ppsni.gsi.gov.uk
Text phone: (028) 92 625441

Northern Region

Ballymena Chambers
4 Parkway
BALLYMENA
BT43 5ET
Tel: (028) 25 666562/3
Email info@ppsni.gsi.gov.uk
Text phone: (028) 25 666623

Foyle Chambers
35 Limavady Road
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