

Regulations to tackle drink driving in Northern Ireland

ANNEX B: Frequently Asked Questions

Fixed Penalty Notices	
Are there different types of Fixed Penalty Notices (FPNs)?	<p>There are two types of FPNs:</p> <ol style="list-style-type: none"> i. a non-endorsable FPN which includes a monetary fine only; and ii. an endorsable FPN which includes a monetary fine and the endorsement of the driver's licence with penalty points.
Which type of FPN will I get if I am caught drink driving?	An endorsable FPN – but only if the police officer decides it is appropriate in the circumstances.
Will FPNs be offered to all drink drivers?	<p>No. FPNs will be offered to first-time offenders (within 10 years) whose breath test reading is above the new lower drink drive limit, but below the current drink drive limit.</p> <p>Anyone detected at or above the current limit of 80mg/100ml or for a second or subsequent offence will face court.</p> <p>Should a driver reach 12 or more penalty points within a 3 year period, a totting-up disqualification may be imposed at court.</p>
How much will the fine be?	It will be £100 if you also accept the offer to complete a Course for Drink Drive Offenders. Otherwise it will be £200. More information on Courses for Drink Drive Offenders can be found below.

<p>How many penalty points will I get on my licence?</p>	<p>You will get 3 penalty points if you also accept the offer to complete a Course for Drink Drive Offenders. Otherwise it will be 6 penalty points.</p>
<p>Do I have to accept the FPN on-the-spot?</p>	<p>No. The FPN offers you an alternative to prosecution; it can never be imposed on you. You can reject the offer of an FPN at the time of the incident. You will, instead, be summoned to appear before a court at a future date.</p>
<p>If I accept the FPN on-the-spot, can I change my mind later?</p>	<p>Yes. You will have 21 days (the 'suspended enforcement period') in which to either pay the FPN or request a hearing in court.</p>
<p>What happens if I don't have my driver licence or counterpart with me when stopped by police?</p>	<p>You will be given a notice stating that if, within 7 days, you produce the licence and counterpart at an agreed police station and all other requirements are met – you will be given an FPN at the police station.</p>
<p>If I decide to go to court instead and subsequently found guilty, what penalties might I face?</p>	<p>If convicted in court, you will face penalties that range from 6 months imprisonment, a minimum driving disqualification of 6 months together with a fine up to £5,000 and between 3 and 11 penalty points.</p>
<p>What happens if I fail to pay the FPN and do not ask for a hearing in court?</p>	<p>If, having accepted the FPN, you fail to pay or surrender your licence within 28 days of issue, you will be summoned to appear before a court.</p>
<p>What happens if I agree to complete the Course for Drink Drive Offenders and pay the FPN but then fail to complete the course?</p>	<p>The police will issue you with a second FPN. This second FPN will be for £100 and 3 penalty points. So the total of both penalties will be £200 and 6 penalty points – which is the same as you would have had to pay if you did not accept the offer to complete the course at the time of the offence.</p>
<p>Will I have a criminal record if I am convicted of drink driving in court?</p>	<p>Yes. Driving, or attempting to drive, or being in charge of, a vehicle with excess alcohol in your breath blood or urine is a criminal offence. If convicted in court, you will have a criminal record.</p>

<p>Will I have a criminal record if I pay the FPN?</p>	<p>No. If you accept the FPN, pay the fine and surrender your licence for endorsement of penalty points, no further action will be taken.</p> <p>It will not require a court appearance and it will not be recorded as a criminal offence.</p>
<p>What is the Course for Drink Drive Offenders?</p>	<p>Where a person is convicted of a drink drive offence and disqualified for not less than 12 months, the court may decide that the offender is suitable to attend a rehabilitation course. On completion, the period of disqualification is reduced by 25%. The aim is to make offenders take more responsibility for their actions and reduce the risk of re-offending. More information can be found at:</p> <p>http://www.nidirect.gov.uk/index/courses-for-drink-drive-offenders.htm</p>
<p>How is this changing?</p>	<p>Currently, offenders are referred onto a course by the District Judge at the time of conviction in court. Attendance remains voluntary. This will change in two ways:</p> <ul style="list-style-type: none"> i. Police officers will be able to offer eligible drivers the opportunity to complete the course as part of the on-the-spot FPN. They will have to pay the course fee in addition to the reduced level FPN. ii. If convicted in court and disqualified, the offender will be automatically referred onto a course unless the District Judge thinks it would be inappropriate. <p>Attendance will remain voluntary in both circumstances.</p>
<p>How much will I pay to attend the Course for Drink Drivers?</p>	<p>The course fee is currently £155 or £110 concessionary. You will have to pay the FPN of £100 (and 3 penalty points) as well as the course fee.</p>

Disqualified Until Tested

<p>If I am caught drink driving with a BAC <u>below</u> 80mg/100ml, will I be disqualified until tested?</p>	<p>It will depend on the circumstances in each case and subject to the discretion of the court.</p> <p>If it is your first drink driving offence in 10 years and your BAC reading is above the limit but below 80mg/100ml, you will face a <u>minimum</u> disqualification of 6 months. You will not be disqualified until tested in these circumstances - unless the court disqualifies you for 12 months or more.</p>
<p>If I am caught drink driving with a BAC of 80mg/100ml or <u>above</u>, will I be disqualified until tested?</p>	<p>If your BAC reading is at or above 80mg/100ml, you will face a minimum disqualification of 12 months. In these circumstances you will be disqualified until tested.</p>
<p>If I hold a motor cycle licence (Category A), and am disqualified until tested - what test will I have to take?</p>	<p>You will have to apply for a provisional licence and re-take both a theory and practical driving test in category A (motorcycle).</p>
<p>If I hold a car licence (Category B), and am disqualified until tested – what test will I have to take?</p>	<p>You will have to apply for a provisional licence and re-take both a theory and practical driving test in category B (car).</p>
<p>If I hold a goods or passenger carrying vehicle licence (Category C or D), and am disqualified until tested – what test will have to take?</p>	<p>You will have to apply for a provisional licence and re-take both a theory and practical driving test in category B (car). If you pass, your new licence will include entitlement to drive the higher category of vehicles that you previously held.</p>

High Risk Offenders

<p>Who is a High Risk Offender?</p>	<p>A person is categorised as a High Risk Offender if disqualified for:</p> <ul style="list-style-type: none">• Having a level of alcohol equivalent to 2 ½ times the current drink drive limit of 80mg/100ml;• Failing to provide a sample to police for analysis; or• Being convicted for 2 drink drive offences within 10 years.
<p>Do High Risk Offenders face higher sanctions?</p>	<p>Yes. They pay a higher fee to have their driver licence renewed. They also have to pay for and undergo an independent medical examination to determine if there is any medical condition that may affect their ability to drive.</p>
<p>How is the High Risk Offenders Scheme changing?</p>	<p>There is one change. The threshold of 2 ½ times the drink drive limit is to be applied to the new lower limit of 50mg/100ml. All other aspects of the Scheme will remain the same.</p>
<p>Will there be a separate threshold for a new driver, a novice driver or a professional driver?</p>	<p>No. The threshold of 2 ½ times the new limit of 50mg/100ml will apply to all drivers regardless of their driver licence category.</p>