

DRINK DRIVING

What is the legal drink drive limit for alcohol?

35micrograms of alcohol per 100mls of breath, or 80mg of alcohol per 100mls of blood or urine.

How does the breath test procedure work?

If you are driving, attempting to drive, or in charge of a vehicle on a road or in a public place, and the police have reason to suspect that you have committed a traffic offence or have consumed alcohol, they can require you to take a road-side breathalyser test. If the test is positive, or if you refuse to take it, then you will be taken to the police station where a further breath test will be carried out. Two readings will be taken and if the lower reading is over the prescribed limit, you will be charged with an offence. If the lower reading is close to the limit, you will be offered the opportunity to give a blood or urine sample for further testing.

Can I refuse to give a breath test or sample of blood or urine?

Generally, no. If you do, you would be charged with refusing to provide a breath test or sample which could lead to disqualification from driving. You do not have the right to choose to give blood or urine instead of breath, unless there are medical reasons for this.

How do the police test for drugs other than alcohol?

The police rely on impairment tests such as asking the motorist to walk in a straight line. A police doctor will advise the police as to whether the motorist is under the influence of a drug. The provision of a blood or urine sample may then be required.

Can I be convicted of a drink driving offence even if I am not driving?

Yes. You can be charged with attempting to drive or being drunk in charge of a vehicle even though you are not actually driving at the time.

Does a conviction for drink driving mean automatic disqualification?

Yes, for a minimum period of 12 months, unless you can persuade the court there is a 'special reason' not to disqualify you. An example of a 'special reason' could be an extreme medical emergency. It is at the discretion of the court to decide if the circumstances in a particular case amount to a 'special reason'. It is very difficult to convince a court that special reasons exist and such cases are quite rare.

Does the amount of alcohol consumed affect the length of any driving ban?

The amount of alcohol consumed would, along with all other relevant factors, be taken into account in deciding the length of any ban.

Is there any way to reduce the length of any ban?

Yes, you can ask the court to consider allowing you to participate in the Drink Drivers Rehabilitation Scheme. This is a voluntary course funded by you towards the end of the period of disqualification. If successfully completed you may receive up to one quarter reduction of the length of any ban. The Court has the discretion to decide if a referral to the Drink Drivers Rehabilitation Scheme is appropriate in each case, depending on the circumstances.