

Maximum Penalties for Drink Driving Offences

What are the maximum penalties for drink driving?

Drink Driving Offence	Maximum Punishment/Custodial Sentence				
	Prison Sentence	Fine	Driving Ban 12-36 months	Penalty Points	Endorsement Code
Driving or attempting to drive while unfit	6 months	£5,000	Obligatory	3-11 *	DR20 (drink) DR80 (drugs)
Driving or attempting to drive with excess alcohol	6 months	£5,000	Obligatory	3-11 *	DR10
In charge while unfit	3 months	£5,000	Discretionary	10	DR50 (drink) DR90 (drugs)
In charge with excess alcohol	3 months	£2,500	Discretionary	10	DR40
Failing to co-operate with a preliminary test	-	£1,000	Discretionary	4	DR70
Failing or refusing to supply an evidential specimen when "driving or attempting to drive"	6 months	£5,000	Obligatory	3-11 *	DR30
Failing or refusing to provide an evidential specimen when not "driving or attempting to drive"	3 months	£2,500	Discretionary	10	DR60
Failure to allow specimen to be subjected to laboratory test when "driving or attempting to drive"	6 months	£5,000	Obligatory	3-11 *	
Failure to allow specimen to be subjected to laboratory test when not "driving or attempting to drive"	3 months	£2,500	Discretionary	10	
Causing death by careless driving under the influence of drink or drugs	14 years	Unlimited	Obligatory (2 years min)	3-11*	CD40 (drink) CD50 (drugs) CD60 (excess alcohol)
Causing death by careless driving and then failing to supply specimen for analysis	14 years	Unlimited	Obligatory (2 years min)	3-11*	CD70

* No points may be imposed when offender is disqualified



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How is the fine calculated?

In theory, the fine is means tested and based on disposable income. However, the Court must also take into account any aggravating factors/mitigation as far as the offence itself is concerned and any other punishment imposed. It would be prudent to have details of your income and outgoings available to the Court in order that any fine imposed can be paid and is not beyond your means.

Can I ask for time to pay a fine?

Yes. When the Court decides on a fine, it will allow staggered payments if the Court feels it prudent or alternatively, it can simply set a date by which the money must be paid.

How does a Court decide on a punishment/What are the Court guidelines?

The Judiciary has been provided with a list of guidelines by the Lord Chancellor. For drink driving offences, unless there are exceptional circumstances, the Court has to impose a disqualification and guidelines are given for the duration of a ban based on the level of alcohol recorded, the particular circumstances at the time of the offence and other factors to include an early plea, co-operation and mitigation on behalf of the Defendant. However, it is extremely unlikely (although not impossible) that any mitigation put forward will avoid a ban.

The Court must also take into account any previous offences, for example, if there has been a previous drink driving conviction within 10 years, any disqualification must be a minimum of 3 years.

Breath Test	Blood Test	Urine Test	Ban (Months)	Minimum Reduction* (Months)	Community Service or Custodial Sentence
35-55	80-125	107-170	12		
56-70	126-160	171-214	18	4.5	
71-85	162-195	215-260	24	6	
86-100	196-229	261-308	24	6	Consider community service
101-115	230-264	309-354	30	7.5	Consider community service
116-130	265-300	355-400	30	7.5	Consider custodial sentence
131+	301+	401+	36	9	Consider custodial sentence

* Reduction is based on attending a drink drive rehabilitation course.



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What is the drink driving rehabilitation course?

The Drink Drive Rehabilitation scheme has been in place since January 2000. The Court has the option to refer convicted offenders to the rehabilitation course. This is entirely at the discretion of the Court but any Defendant who is given the option to attend, should do so as it would normally result in any disqualification period being reduced by not less than 3 months and not more than 25%.

To be eligible for the course, the Defendant must have been convicted of one of the following offences:

- > Causing death by careless driving when under the influence of drink or drugs;
- > Driving or in charge whilst unfit through drink or drugs;
- > Driving or being in charge with excess alcohol;
- > Failing to provide a specimen for analysis.

The cost of the course must be paid for by the Defendant, in advance, and it must be completed when a period of time is specified by the Court.

Upon satisfactory completion, a certificate will be given and the Court will notify the DVLA to update the Defendant's record. If for any reason the organiser of the course refuses to issue a certificate, the Defendant must receive notice of reasons behind that decision within 14 days and can then apply to the Court for that decision to be over-turned.

When is Community Service likely?

Where the Court believes that the offence is "serious enough" to justify a community order, it has the power to impose community rehabilitation orders or community punishment orders or a combination of both.

For drink driving offences, a case is regarded "serious enough" for breath readings of 86 and above, blood readings 196 and above or urine readings of 261 and above. Community service will also be considered for repeat offenders.

Will I go to prison, when is a custodial sentence likely?

If a case is so serious that the Court believes community service is an inadequate punishment, a custodial sentence is possible. This would normally occur for breath readings of 116 and above, blood levels of 265 and above or urine of 355 and above. Prison is also the mandatory punishment for causing death by careless driving when under the influence of alcohol.

What is a curfew order?

This is a community punishment that requires an offender to remain for set periods of time at a specified place. The time period can be between 2-12 hours a day or set for specific days only (for example weekends). The period of curfew cannot exceed 6 months.



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