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## STATUTORY INSTRUMENTS

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# 2008 No. 1216

## The Criminal Justice (Northern Ireland) Order 2008

### PART 4

#### ROAD TRAFFIC OFFENCES

##### *New offences*

#### **Causing death, or grievous bodily injury, by careless or inconsiderate driving**

52.—(1) In the Road Traffic (Northern Ireland) Order 1995 (NI 18) after Article 11 insert—

##### **“Causing death or grievous bodily injury by careless or inconsiderate driving**

11A. A person who causes the death of, or grievous bodily injury to, another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.”

(2) In Article 26(1) of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) (alternative verdicts), in the Table—

(a) in the entry relating to Article 9 of the Road Traffic (Northern Ireland) Order 1995 (causing death or grievous bodily injury by dangerous driving), in the second column, after “Article 10 (dangerous driving)” insert “Article 11A (causing death or grievous bodily injury by careless or inconsiderate driving)”,

(b) after the entry relating to Article 10 of that Order insert—

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“Article 11A (causing death or grievous bodily injury by careless or inconsiderate driving)      Article 12 (careless and inconsiderate driving).”

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(c) in the entry relating to Article 14 of that Order (causing death or grievous bodily injury by careless driving when under influence of drink or drugs), in the second column, before “Article 12 (careless, and inconsiderate, driving)” insert “Article 11A (causing death or grievous bodily injury by careless or inconsiderate driving)”.

(3) In Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) (prosecution and punishment of offences under the Road Traffic Orders), after the entry relating to Article 10 of the Road Traffic (Northern Ireland) Order 1995 insert—

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“Article 11A	Causing death or grievous bodily injury by careless or inconsiderate driving.	(a)	Summary.	6 months	Obligatory.	Obligatory.	3–11”
		(b)	On indictment.	or the statutory maximum			

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**Status:** Point in time view as at 31/10/2016. This version of this cross heading contains provisions that are prospective.  
**Changes to legislation:** The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: New offences is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

or  
 both.

(b) 5  
 years  
 or a  
 fine  
 or  
 both.

(4) Article 11A of the Road Traffic (Northern Ireland) Order 1995 (NI 18) has effect only in relation to driving occurring after the coming into operation of paragraph (1).

**Causing death or grievous bodily injury by driving: unlicensed, disqualified or uninsured drivers**

53.—(1) In the Road Traffic (Northern Ireland) Order 1995 (NI 18), after Article 12A (inserted by Article 62) insert—

**“Causing death or grievous bodily injury by driving: unlicensed, disqualified or uninsured driver**

**12B.** A person is guilty of an offence under this Article if he causes the death of, or grievous bodily injury to, another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under—

- (a) Article 3(1) of the Road Traffic (Northern Ireland) Order 1981 (driving otherwise than in accordance with a licence),
- (b) Article 90 of that Order (using motor vehicle while uninsured or unsecured against third party risks), or
- (c) Article 168A(1)(c) of that Order (driving while disqualified).”.

(2) In Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) (prosecution and punishment of offences under the Road Traffic Orders), after the entry relating to Article 12 of the Road Traffic (Northern Ireland) Order 1995 insert—

“Article 12B	Causing death or grievous bodily injury by driving: unlicensed, disqualified or uninsured drivers.	(a) Summary.	6 months or the statutory maximum or both.	Obligatory.	Obligatory.	3–11”
		(b) On indictment.	2 years or a fine or both.			

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(3) Article 12B of the Road Traffic (Northern Ireland) Order 1995 has effect only in relation to driving occurring after the coming into operation of paragraph (1).

PROSPECTIVE

### Speed assessment equipment detection devices

**54.**—(1) In Article 55 of the Road Traffic (Northern Ireland) Order 1995 (NI 18) (regulation of construction, weight, equipment and use of vehicles) in paragraph (2), at the end insert—

“(m) speed assessment equipment detection devices, that is to say devices the purpose, or one of the purposes, of which is to detect, or interfere with the operation of, equipment used to assess the speed of motor vehicles.”,

(2) After Article 57 of that Order (breach of requirement as to weight: goods and passenger vehicles) insert—

#### “Breach of requirement as to speed assessment equipment detection devices

**57A.** A person who—

- (a) contravenes or fails to comply with a construction or use requirement as to speed assessment equipment detection devices, or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used

is guilty of an offence.”,

(3) In Article 58(a) of that Order (breach of other construction and use requirements), for “or 57(1)(a)” substitute “, 57(1)(a) or 57A(a) ”.

(4) In Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) (prosecution and punishment of offences under the Road Traffic Orders), after the entry relating to Article 57 of the Road Traffic (Northern Ireland) Order 1995 insert—

“Article 57A	Breach of requirement as to speed assessment equipment detection devices.	Summarily.	(a)Level 4 on the standard scale if committed on a special road (within the meaning of the Roads (Northern Ireland)	Discretionary. Obligatory.	3–6”
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Order  
1993).

(b) Level  
3  
on  
the  
standard  
scale  
in  
any  
other  
case.

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