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Drink & Drug Driving — Legal Guide for Driving Instructors & Learners (UK)

Purpose: A clear, printable guide for driving instructors, learner drivers and other drivers explaining the legal position, limits, roadside procedures, penalties, and practical advice on preventing and managing drink- or drug-driving incidents.

Quick summary (one-page)

- Legal alcohol limits (England, Wales & Northern Ireland): **80 mg blood / 35 µg breath / 107 mg urine**. Scotland: **50 mg blood / 22 µg breath / 67 mg urine**.
 - Any detection above these limits or driving while unfit through drink is an offence.
 - Drug-driving: strict limits for specified controlled drugs; police can use roadside saliva tests; laboratory blood/urine confirmation triggers charges.
 - Typical penalties: **minimum 12-month ban** for driving while over the limit (1 year minimum for drug-driving), **unlimited fines, up to 6 months' imprisonment** for driving while over the limit (summary) and for drug-driving; more severe sentences and life imprisonment possible where death caused.
 - A conviction remains on the driving licence record for years and a criminal record for 11 years (drug-driving).
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Legal framework — the basics

1. **Primary legislation:** Road Traffic Act 1988 (sections relevant: s.5 — drink-driving; s.5A — drug-driving). These create strict liability offences for being over prescribed levels and for driving while unfit.
 2. **Statutory limits:** Set out in regulations — different for Scotland vs rest of UK (see resources section for exact numeric limits).
 3. **Types of offences:**
 - *Driving or attempting to drive while above limit or unfit through drink* (most serious; mandatory minimum 12-month disqualification on conviction).
 - *Being in charge of a vehicle while above limit or unfit through drink* (lesser offence, still serious).
 - *Driving/attempting to drive with specified controlled drugs above specified limits* (s.5A) — strict liability; police now have powers to test at roadside.
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The numeric limits (use this on training handouts)

- **England, Wales & Northern Ireland:** 80 mg alcohol per 100 ml blood (0.08%), 35 microgrammes per 100 ml breath, 107 mg per 100 ml urine.
- **Scotland:** 50 mg blood / 22 µg breath / 67 mg urine.

Note: these are legal thresholds — impairment varies by person. Never advise learners there is a ‘safe drink’ — the only safe option is to avoid drinking if they plan to drive.

Roadside powers & testing

- **Breath tests:** Police can require an evidential breath test at a police station after a roadside preliminary breath test. Refusal is an offence.
 - **Drug tests:** Police use **roadside saliva swabs** for certain controlled drugs. A positive roadside test leads to arrest and laboratory blood/urine testing for confirmation.
 - **Failing or refusing tests:** Can lead to arrest, charge and conviction. Refusing a specimen is an offence and treated as seriously as failing.
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Penalties and consequences (overview)

- **Drink-driving (drive/attempt to drive):**
 - Minimum: disqualification for at least 12 months (longer for repeat offenders).
 - Custody: up to 6 months (summary) or more for grave offences.
 - Fine: unlimited at Crown Court; up to £2,500 in magistrates' court for being in charge.
 - Criminal record and endorsement on licence (typically 3-11 years depending on offence).
- **Being in charge while above limit:** Up to 3 months' imprisonment and/or up to £2,500 fine.
- **Drug-driving:** Minimum 12-month ban, unlimited fine, up to 6 months' imprisonment. Conviction remains on licence for 11 years.
- **Causing death by driving while under influence:** Very severe — offence can carry life imprisonment in the most serious circumstances.

Courts may offer **reduction in ban** if driver completes an accredited Drink-Drive Rehabilitation Scheme (where available).

How courts decide sentence (what increases seriousness)

Aggravating factors (increase seriousness): - Very high readings or evidence of marked impairment - Prior convictions for similar offences - Causing an accident, injury or death - Driving a passenger vehicle with children or vulnerable passengers - Attempting to evade police, dangerous driving behaviour

Mitigating factors (may reduce outcome): - Low-level readings close to limit with no prior record - Genuine medical or investigatory issues (rarely accepted as full defences) - Immediate guilty plea and demonstrated remorse - Completion of rehabilitation course where offered

Prescription and over-the-counter medicine

- Some prescribed medicines and OTC drugs can **impair driving**. The law provides limited medical defences where medication is taken correctly under medical advice and the driver is not impaired — but those are narrow.
 - **Practical advice:** keep prescriptions with you, check patient information leaflets, seek GP/pharmacist advice and avoid driving if you feel drowsy or impaired.
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What to teach your students — core messages

1. **Zero tolerance approach for learners and novice drivers:** emphasise there is no reliable 'safe number of drinks'.
 2. **Always plan ahead:** designated driver, public transport, taxi, or sober friend.
 3. **Prescription clarity:** if taking medication, verify driving safety with GP/pharmacist and keep evidence if stopped.
 4. **What to do if stopped:** cooperate, provide licence and insurance details, do not refuse lawful requests for breath/drug testing (refusal is an offence), contact legal representation if arrested.
 5. **Consequences beyond court:** increased insurance premiums, difficulty getting employment requiring driving, loss of earning capacity, criminal record.
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Practical classroom exercises (suggested)

- Role-play: being stopped at a routine traffic stop; rehearse producing documents and responding calmly.
 - Case studies: sentence outcomes for single vs repeat offences.
 - Quiz: identify safe steps when taking prescription drugs.
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Rehabilitation & remedial courses

- **Drink-Drive Rehabilitation Scheme (DDRS):** Courts may reduce a disqualification if an offender completes an approved course. Availability and rules vary by area and court discretion.
 - Encourage students to be aware of local schemes and their role as a mitigation point in court.
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Recordkeeping & professional obligations for instructors

- If you suspect a trainee is regularly driving impaired or at real risk, document concerns and (if necessary) withdraw instruction until safe.
 - You must not advise clients to lie or to refuse lawful testing.
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Useful resources (official & reputable)

(For quick access when teaching — copy these links into your classroom materials.)

- GOV.UK — Drink drive limit.
https://www.gov.uk/drink-drive-limit?utm_source=chatgpt.com
 - GOV.UK — Drug driving law.
https://www.gov.uk/drug-driving-law?utm_source=chatgpt.com
 - GOV.UK — Drink-driving penalties.
https://www.gov.uk/drink-driving-penalties?utm_source=chatgpt.com

https://www.gov.uk/drink-drive-limit?utm_source=chatgpt.com
 - Sentencing Council — Drink and drug driving guidelines.
https://sentencingcouncil.org.uk/resources/common-offences/drink-driving/?utm_source=chatgpt.com
 - CPS — Road Traffic: drink and drug driving guidance.
https://www.cps.gov.uk/legal-guidance/road-traffic-drink-and-drug-driving?utm_source=chatgpt.com
 - Drinkaware — consumer-facing facts on limits and alcohol.
<https://www.drinkaware.co.uk/research/alcohol-facts-and-data>
 - RAC & AA — practical advice and legal overviews.
 - Brake — road safety charity resources for instructors and learners.
<https://www.brake.org.uk/>
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Suggested one-page handout (for printing)

Create a separate A4 one-page summary with the Quick Summary, numeric limits, what to do if stopped, and emergency contacts.

Notes for trainers

- Keep the guide up to date — drink/drug limits and government policy may change. Check GOV.UK and Sentencing Council pages regularly.
 - Emphasise that policy proposals (e.g. lowering limits) are possible; teach the current law and how to check for updates.
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Prepared for classroom printing and distribution to learners, instructors and drivers.

(End of guide)

DRINK & DRUG DRIVING LEGAL GUIDE

for Driving Instructors & Learners

ALCOHOL LIMITS



Don't drive if you have **80 mg alcohol** or more in 100 ml of blood

ROAD SIDE TESTING



Police can carry out **lancet tests** u **saliva tests** at the road side

DRUG-DRIVING



Driving with a specified **controlled drug** in your body is a criminal offence

PENALTIES



If convicted of drink or drug-driving, you risk a ban of at least 12 months, an unlimited fine and up to 6 months in prison

TEACHING TIP



Remind your students that they are always responsible for their own

RESOURCES

For more information, search 'drink driving' or