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Legislation incorporated in this Consolidation	Ordinance	Date in Force
Drinking and Driving Ordinance 1993	6/93	01/06/1993
Drinking and Driving (Amendment)(No.1) Ordinance 1993	11/93	15/06/1993
Drinking and Driving (Amendment) Ordinance 1995	10/95	06/10/1995
Drinking and Driving (Amendment) Ordinance 1998	8/98	02/11/1998
Drinking and Driving (Amendment) Ordinance 1999	28/99	22/12/1999
Drinking and Driving (Amendment of Prescribed Limit) Ordinance 2006	6/2006	05/04/2006
Drinking and Driving (Amendment) Ordinance 2012	7/12	01/01/2013
Drinking and Driving (Amendment) Ordinance 2015	9/15	03/08/2015

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DRINKING AND DRIVING ORDINANCE 1993

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

PART 1
Preliminary

Short Title

1. This Ordinance may be cited as the Drinking and Driving Ordinance, 1993.

Interpretation

2. In this Ordinance unless the context otherwise requires:—

“authorised analyst” means any person authorised by the Administrator to make analyses for the purposes of this Section or any person holding an appointment as an analyst by whatever name called in the Public Service of the Government of, or of any Public Authority in, the United Kingdom or the Republic of Cyprus, who is recognised by the Administrator as an authorised analyst for the purposes of this Section;

“breath test” means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Administrator, an indication whether the proportion of alcohol in the breath of a person is likely to exceed the prescribed limit;

“drug” includes any intoxicant other than alcohol;

“fail” for the purposes of this Ordinance includes refuse;

“hospital” means any institution whether civil or military which provides medical or surgical treatment;

“laboratory test” means the analysis of a specimen provided for that purpose;

“medical practitioner” means a practitioner as defined in the Medical Practitioners Ordinance^(a);

“member of the provost staff” means a provost officer or any person legally exercising authority under or on behalf of a provost officer;

~~“motor vehicle” means a motor vehicle as defined in the Motor Vehicles and Road Traffic Ordinance;~~ ^(b)

“motor vehicle” means any vehicle for which a licence to drive is required under the provisions of the Motor Vehicles and Road Traffic Regulations 1985.

“police officer” means any member of the Sovereign Base Areas Police and in relation to persons subject to Service discipline, any member of the provost staff;

“police station” means any police station manned by the Sovereign Base Areas Police and in relation to persons subject to Service discipline any military or air-force unit or establishment;

“person subject to Service discipline” means a person subject to the Naval Discipline Act 1957 or the Army Act 1995 or the Air Force Act 1955 and includes any person specified in the

(a) Ordinance 10/1964

(b) Definition repealed and replaced by Ordinance 28/1999 – came into force on 22 December 1999

Fifth Schedule of either of the last two aforementioned Acts or any Regulations made thereunder;

~~“prescribed limit” means as the case may require:~~

- ~~(a) 39 microgrammes of alcohol in 100 millilitres of breath;~~
- ~~(b) 90 milligrammes of alcohol in 100 millilitres of blood; or~~
- ~~(c) 120 milligrammes of alcohol in 100 millilitres of urine; (a)~~

~~“prescribed limit” means as the case may require —~~

- ~~(a) 22 microgrammes of alcohol in 100 millilitres of breath;~~
- ~~(b) 50 milligrammes of alcohol in 100 millilitres of blood; or~~
- ~~(c) 67 milligrammes of alcohol in 100 millilitres of urine; (b)~~

~~“prescribed limit” has the meaning given in section 2A;~~

“provost officer” means a person who is a provost officer within the meaning of the said Act of 1957 or either of the said Acts of 1955;

“road” means a road as defined in the Motor Vehicles and Road Traffic Ordinance;

“specimen of breath” means a quantity of breath which is:-

- (a) sufficient to enable the test or analysis to be carried out; and
- (b) provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved;

“statement” means the indication of the quantity or proportion of alcohol in a specimen of breath automatically produced by the device and printed on paper or other material;

“vehicle” means a motor vehicle, pedal cycle and any other means of human transport intended or adapted for use on a road. (c)

Prescribed limit (d)

2A.—(1) *Subject to subsection (2), the prescribed limit is—*

- (a) 22 micrograms of alcohol in 100 millilitres of breath;*
- (b) 50 milligrams of alcohol in 100 millilitres of blood; or*
- (c) 67 milligrams of alcohol in 100 millilitres of urine.*

(2) *Where subsection (3) applies, the prescribed limit is—*

- (a) 9 micrograms of alcohol in 100 millilitres of breath;*
- (b) 20 milligrams of alcohol in 100 millilitres of blood; or*
- (c) 27 milligrams of alcohol in 100 millilitres of urine.*

(3) *This subsection applies where—*

- (a) a person—*
 - (i) holds a driving licence within the meaning of the Motor Vehicles and Road Traffic (Driver Licensing) Regulations 2009(e);*
 - (ii) the licence is the first full driving licence held by that person in any jurisdiction; and*
 - (iii) the person has held the licence for less than 3 years;*
- (b) a person is a learner driver within the meaning of the Motor Vehicles and Road Traffic (Driver Licensing) Regulations 2009; or*

(a) Definition repealed and replaced by Ordinance 6/2006 – came into force on 05 April 2006
(b) Definition repealed and replaced by Ordinance 9/2015 – came into force on 03 August 2015
(c) Definition inserted by Ordinance 28/1999 – came into force on 22 December 1999
(d) Section 2A inserted by Ordinance 9/2015 – came into force on 03 August 2015
(e) P.I. 35/2009 as amended by P.I.s 22/2010 and 2/2013

- (c) *a person is driving, attempting to drive or is in charge of—*
 - (i) *a motor vehicle falling within category L1e to L7e of Schedule 1 to the Motor Vehicles and Road Traffic Regulations 2013(a);*
 - (ii) *a motor vehicle falling within category M2, M3, N2 or N3 of Schedule 1 to the Motor Vehicles and Road Traffic Regulations 2013;*
 - (iii) *a taxi within the meaning of regulation 2(1) of the Motor Vehicles and Road Traffic Regulations 2013 whilst that person is on duty as a taxi driver; or*
 - (iv) *a vehicle carrying dangerous goods within the meaning of section 2 of the Road Traffic (Dangerous Goods) Ordinance 2009(b).*

Driving or being in charge of a motor vehicle when under influence of drink or drug

3.—(1) A person who, when driving or attempting to drive a ~~motor~~ (c) vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

(2) Without prejudice to subsection (1) above, a person who, when in charge of a ~~motor~~ vehicle is on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

(3) For the purposes of subsection (2) above, a person shall be deemed not to have been in charge of a ~~motor~~ vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving it, so long as he remained unfit to drive through drink or drugs.

(4) The Court may, in determining whether there are such likelihood as is mentioned in subsection (3) above, disregard any injury to him and any damage to the vehicle.

(5) For the purposes of this Section, a person shall be taken to be unfit to drive if his ability to drive properly is for the time being impaired.

(6) A police officer may arrest a person without warrant if he has reasonable cause to suspect that, that person is or has been committing an offence under this Section.

Driving or being in charge of motor vehicle with alcohol concentration above the prescribed limit

4.—(1) If a person:-

- (a) drives or attempts to drive a ~~motor~~ vehicle on a road or other public place, or
- (b) is in charge of a ~~motor~~ vehicle on a road or other public place, after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit, he is guilty of an offence.

(2) It is a defence for a person charged with an offence under subsection (1) (b) above to prove that at the time he is alleged to have committed the offence, the circumstances were such that there was no likelihood of his driving the vehicle whilst the proportion of alcohol in his breath, blood or urine remained likely to exceed the prescribed limit.

(3) The Court may, in determining whether there was such likelihood as is mentioned in subsection (2) above, disregard any injury to him and any damage to the vehicle.

Breath test

5.—(1) Where a police officer has reasonable cause to suspect:-

(a) P.I. 22/2013 as amended by P.I.s 35/2013, 43/2013 and 7/2015
 (b) Ordinance 27/2009. The definition of “dangerous goods” in that Ordinance is defined by reference to the Republic’s Road Transport of Dangerous Goods Law 2004
 (c) Delete the word motor wherever it appears in sections 3,4,5,9 and 10 by Ordinance 28/1999 – came into force on 22 December 1999

- (a) that a person driving or attempting to drive or in charge of a ~~motor~~ vehicle on a road or other public place has alcohol in his body or has committed a traffic offence whilst the vehicle was in motion; or
- (b) that a person has been driving or attempting to drive or been in charge of a ~~motor~~ vehicle on a road or other public place with alcohol in his body and that person still has alcohol in his body; or
- (c) that a person has been driving or attempting to drive or been in charge of a ~~motor~~ vehicle on a road or other public place and has committed a traffic offence whilst the vehicle was in motion,

he may, subject to Section 7 8 (a) of this Ordinance, require him to provide a specimen of breath for a breath test.

(2) If an accident occurs owing to the presence of a ~~motor~~ vehicle on a road or other public place, a police officer may, subject to Section 8 of this Ordinance require any person whom he has reasonable cause to believe was driving or attempting to drive the ~~motor~~-vehicle at the time of the accident to provide a specimen of breath for a breath test.

(3) A person may be required, under subsections (1) or (2) above, to provide a specimen either at or near the place where the requirement is made or, if the requirement is made under subsection (2) above and the police officer making the requirement thinks fit, at a Police Station specified by him.

(4) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so under the provisions of this Section, is guilty of an offence.

(5) A police officer may arrest a person without warrant if:-

- (a) as a result of a breath test he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit; or
- (b) that person has failed to provide a specimen of breath for a breath test when required to do so in pursuance of this Section and the police officer has reasonable cause to suspect that he has alcohol in his body,

but a person shall not be arrested under the provisions of this Section when he is at a hospital as a patient.

Provision of specimens for analysis

6.—(1) In the course of an investigation whether a person has committed an offence under Sections 3 or 4 of this Ordinance, a police officer may, subject to the following provisions of this Section and Section 8 of this Ordinance require him:-

- (a) to provide two specimens of breath for analysis by means of a device of a type approved by the Administrator; or
- (b) to provide a specimen of blood or urine for a laboratory test.

(2) A requirement under this Section to provide specimens of breath can only be made at a Police Station.

(3) A requirement under this Section to provide a specimen of blood or urine can only be made at a Police Station or at a hospital and it cannot be made at a Police Station unless:-

- (a) the police officer making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required; or
- (b) at the time the requirement is made a device or a reliable device of the type mentioned in subsection (1) (a) above is not available at the Police Station or it is then for any other reason not practicable to use such a device there; or

(a) Reference to section amended by Ordinance 11/1993 – came into force on 15 June 1993

(bb) a device mentioned in subsection (1) (a) above has been used at the police station but the police officer who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned. (a)

(c) the suspected offence is one under Section 3 of this Ordinance and the police officer making the requirement has been advised by a medical practitioner that the condition of the person require to provide the specimen might be due to some drug,

but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide two specimens of breath.

(4) If the provision of a specimen other than a specimen of breath may be required in pursuance of this Section, the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the police officer making the requirement, but if the medical practitioner is of the opinion that for medical reasons a specimen of blood cannot or should not be taken the specimen shall be a specimen of urine.

(5) A specimen of urine shall be provided within one hour of the requirement of its provision being made and after the provision of a previous specimen of urine.

(6) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this Section, is guilty of an offence.

(7) A police officer must, on requiring any person to provide a specimen in pursuance of this Section, warn him that a failure to provide it may render him liable to prosecution.

Choice of breath specimen

7. Of any two specimens of breath provided by any person in pursuance of Section 5 of this Ordinance, that with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

Protection of persons under hospital treatment

8.—(1) While a person is at a hospital as a patient, he shall not be required to provide a specimen of breath for a breath test or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement; and

- (a) if the requirement is then made, it shall be for the provision of a specimen at the hospital, but
- (b) if the medical practitioner objects on the grounds specified in subsection (2) below, the requirement shall not be made.

(2) The ground on which the medical practitioner may object is that the requirement of the provision of a specimen or, in the case of a specimen of blood or urine the warning required under Section 6(7) of this Ordinance would be prejudicial to the proper care and treatment of the patient.

Detention of persons affected by alcohol or a drug

9.—(1) Subject to subsections (2) and (3) below, a person required to provide a specimen of breath, blood or urine, may afterwards be detained at a police station until it appears to the police officer that, were that person then driving or attempting to drive a ~~motor~~ vehicle on a road, he would not be committing an offence under Sections 3 and 4 of this Ordinance.

(2) A person shall not be detained in pursuance of this Section if it appears to a police officer that there is no likelihood of his driving or attempting to drive a ~~motor~~ vehicle whilst his ability to drive properly is impaired or whilst the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.

(a) Subsection (bb) inserted by Ordinance 8/1998 – came into force on 02 November 1998

(3) A police officer must consult a medical practitioner on any question arising under this Section whether a person's ability to drive properly is or might be impaired through drugs and must act on the medical practitioner's advice.

Use of specimens in proceedings for offences under Sections 3 and 4

10.—(1) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by the accused shall, in all cases, be taken into account and, subject to subsection below, it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine, at the time of the alleged offence was not less than in the specimen.

(2) The assumption in subsection (1) above shall not be made if the accused proves:-

- (a) that he consumed alcohol after he has ceased to drive, attempt to drive or be in charge or a ~~motor~~ vehicle on a road and before he provided the specimen; and
- (b) that had he not done so, the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and if the proceedings are for an offence under Section 3 of the Ordinance, would not have been such as to impair his ability to drive properly.

(3) A specimen of blood shall be disregarded unless it was taken from the accused with his consent by a medical practitioner.

(4) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless:-

- (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided; and
- (b) the other part was supplied to the accused or the accused refused to accept the said part.

Documentary evidence as to specimens for use in proceedings under Sections 3 and 4

11.—(1) Evidence of the proportion of alcohol or drug in specimen of breath, blood or urine may, subject to subsections (3) and (4) below and to subsection (4) of Section 10 of this Ordinance, be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say:-

- (a) a statement automatically produced by the device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a police officer (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement; and
- (b) a certificate signed by an authorised analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.

(2) Subject to subsections (3) and (4) below, evidence that a specimen of blood was taken from the accused with his consent by a medical practitioner may be given by the production of a document purporting to certify that fact and to be signed by a medical practitioner.

(3) Subject to subsection (4) below:

- (a) a document purporting to be such a statement or such a certificate (or both such a statement and such a certificate) as is mentioned in subsection (1)(a) above, is admissible in evidence on behalf of the prosecution in pursuance of this Section, only if a copy of it either has been handed to the accused when the document was produced or has been served on him not later than seven days before the hearing; and
- (b) any other document is so admissible only if a copy of it has been served on the accused not later than seven days before the hearing.

(4) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than three days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the

prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.

Offences and penalties

12.—(1) Any person who commits an offence under the provisions of ~~Sections 3, 4 or 5 of (a)~~ this Ordinance shall on conviction, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding ~~one thousand pounds~~ €5,000 **(b)** or to both such imprisonment and fine.

(2) Any person convicted of an offence under ~~Sections 3, 4 or 5 of (c)~~ this Ordinance *arising from his driving or being in charge of a motor vehicle shall (d)*, unless the court for special reasons thinks fit to order otherwise, and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction from holding or obtaining a driving licence.

(3) *For the purposes of subsection (2) above, the expression “special reasons” means reasons or circumstances which are, in the opinion of the Court trying the offence, special to the offence or to the offender. (e)*

(4) *A person who by virtue of an order of the court under subsection (2) of this section is disqualified from holding or obtaining a licence to drive a vehicle may appeal against the order in the same manner as against a conviction and the Court may, if it thinks fit, pending the appeal, suspend the operation of the order.*

(5) *Where any person is convicted of an offence contrary to this Ordinance, the Court by which he is convicted may, in any case, and shall when such court has ordered such person to be disqualified from holding a driving licence, order the particulars of such conviction and such disqualification to be endorsed upon the licence of such person.*

(6) *The Court may, for the purpose of ensuring that an order made under the provisions of subsection (2) of this section is complied with, or for ensuring that any person who has been disqualified from holding or obtaining a licence is prevented from using such licence during the period of such disqualification:-*

- (a) direct that any such licence held by such person (other than a licence issued to a Cypriot by a Republican Authority) be surrendered to the Police during he period of such disqualification; or*
- (b) direct that any licence held by such person be produced to the Court for the purpose of endorsement.*

~~Effect of disqualification (f)~~ (g)

***12A.** If any person who has been disqualified from holding or obtaining a driving licence under the provisions of this Ordinance applies for or obtains a driving licence while he is so disqualified, or if any such person while he is disqualified drives a vehicle on a road, that person is guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or, if the Court thinks that having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine not exceeding four hundred and fifty pounds, or to both such imprisonment and such fine, and a driving licence obtained by any person disqualified as aforesaid shall be of no effect.*

(a) Reference to sections deleted by Ordinance 10/1995 – came into force on 06 October 1995

(b) Fine amended by Ordinance 33/2012 – 01 January 2013

(c) Reference to sections deleted by Ordinance 10/1995 – came into force on 06 October 1995

(d) Text inserted by Ordinance 28/1999 – came into force on 22 December 1999

(e) Subsections (3), (4), (5) & (6) inserted by Ordinance 28/1999 – came into force on 22 December 1999

(f) Section 12A inserted by Ordinance 28/1999 – came into force on 22 December 1999

(g) Section 12A repealed and replaced by Ordinance 33/12 – came into force on 01 January 2013

Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006: penalty points

12A. Without limiting the power of the court to make an order under section 12(2) (disqualification from holding a driving licence), if a person is convicted of an offence the court must impose penalty points in accordance with section 32 of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006.(a)

Repeals and savings

13. Without prejudice to anything done or left undone thereunder, Sections 7 and 7A of the Motor Vehicles and Road Traffic Ordinance are hereby repealed.

(a) Ordinance 5/06; section 32 was inserted by the Motor Vehicles and Road Traffic (Consolidation)(Amendment No. 2) Ordinance 2006 (Ordinance 29/06). There are other amendments but they are not relevant to this reference