
**DRINKING AND DRIVING (AMENDMENT)
ORDINANCE 2015**

An Ordinance to amend the Drinking and Driving Ordinance 1993

**M. Wigston
ADMINISTRATOR**

27 July 2015

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

Short title and commencement

1.—(1) This Ordinance may be cited as the Drinking and Driving (Amendment) Ordinance 2015.

(2) The Ordinance comes into force on 3 August 2015.

Drinking and Driving Ordinance 1993 amended

2. The Drinking and Driving Ordinance 1993(a) is amended in accordance with sections 3 and 4.

Amendment of section 2 (interpretation)

3. In section 2 (interpretation), substitute the definition of “prescribed limit” with—
““prescribed limit” has the meaning given in section 2A;”.

(a) Ordinance 6/1993 as amended by Ordinances 11/1993, 10/1995, 8/1998, 28/1999, 6/2006 and 33/2012.

New section 2A inserted (prescribed limit)

4. After section 2 (interpretation), insert—

“Prescribed limit

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^(a);
 - (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
- (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^(b);
 - (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^(c).

^(a) P.I. 35/2009 as amended by P.I.s 22/2010 and 2/2013.

^(b) P.I. 22/2013 as amended by P.I.s 35/2013, 43/2013 and 7/2015.

^(c) 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.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Drinking and Driving (Amendment) Ordinance 2015 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance and should be read in conjunction with the Ordinance.

2. The Ordinance amends the Drinking and Driving Ordinance 1993 (the “principal Ordinance”). Under section 4 of the principle Ordinance, a person commits an offence if the person is driving, attempts to drive or is in charge of a motor vehicle and the alcohol in that person’s breath, blood or urine exceeds the prescribed limit. The Ordinance amends the definition of “prescribed limit” by lowering it in relation to the categories of drivers mentioned in paragraph 3 below. The amendment made reflects a recent amendment made by the Republic to the Road Safety Laws 1986 by Law No. 56(I)/2015.

3. The persons in relation to whom the prescribed limit is reduced are learner drivers, drivers who have held a full driving licence for less than 3 years, taxi drivers when on duty and drivers of vehicles falling within the table below (mopeds, certain types of motorbikes, 3-wheelers, quad bikes and certain types of passenger and goods’ vehicles).

Category	Classes of vehicle included
Category L1e	Mopeds, namely two-wheel vehicles with a maximum design speed of not more than 45 km/h and characterised by an engine whose: <ol style="list-style-type: none">1. cylinder capacity does not exceed 50 cm³ in the case of the internal combustion type; or2. maximum continuous rated power is no more than 4 kW in the case of an electric motor.
Category L2e	Three-wheel vehicles with a maximum design speed of not more than 45 km/h and characterised by an engine whose: <ol style="list-style-type: none">1. cylinder capacity does not exceed 50 cm³ if of the spark (positive) ignition type; or2. maximum net power output does not exceed 4 kW in the case of other internal combustion engines; or3. maximum continuous rated power does not exceed 4 kW in the case of an electric motor.
Category L3e	Two-wheel vehicles without a sidecar fitted with an engine having a cylinder capacity of more than 50 cm ³ if of the internal combustion type or having a maximum design speed of more than 45 km/h.
Category L4e	Two-wheel vehicles with a sidecar fitted with an engine having a cylinder capacity of more than 50 cm ³ if of the internal combustion type or having a maximum design speed of more than 45 km/h.
Category L5e	Vehicles with three symmetrically arranged wheels fitted with an engine having a cylinder capacity of more than 50 cm ³ if of the internal combustion type or a maximum design speed of more than

Category	Classes of vehicle included
	45 km/h.
Category L6e	<p>Quadricycles whose unladen mass is not more than 350 kg, not including the mass of the batteries in case of electric vehicles, whose maximum design speed is not more than 45 km/h, and</p> <ol style="list-style-type: none"> 1. whose engine cylinder capacity does not exceed 50 cm³ for spark (positive) ignition engines, or 2. whose maximum net power output does not exceed 4 kW in the case of other internal combustion engines, or 3. whose maximum continuous rated power does not exceed 4 kW in the case of an electric motor. <p>These vehicles must fulfil the technical requirements applicable to three-wheel mopeds of category L2e unless specified differently.</p>
Category L7e	<p>Quadricycles other than those referred to in category L6e, whose unladen mass is not more than 400 kg (550 kg for vehicles intended for carrying goods), not including the mass of batteries in the case of electric vehicles, and whose maximum net engine power does not exceed 15 kW. These vehicles are to be considered to be motor tricycles and are to fulfil the technical requirements applicable to motor tricycles of category L5e unless specified differently.</p>
Category M2	<p>Vehicles used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum weight not exceeding 5 tonnes.</p>
Category M3	<p>Vehicles used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum weight exceeding 5 tonnes.</p>
Category N2	<p>Vehicles used for the carriage of goods and having a maximum weight exceeding 3.5 tonnes but not exceeding 12 tonnes.</p>
Category N3	<p>Vehicles used for the carriage of goods and having a maximum weight exceeding 12 tonnes.</p>

4. A person convicted of an offence under section 4 of the principle Ordinance is liable to a term of imprisonment of up to 2 years, to a fine not exceeding €5,000 or to both such penalties.