



UNCLASSIFIED

CIRCULAR NOTE NR. XDC-0427

IMPAIRED DRIVING POLICY

The Department of Foreign Affairs and International Trade presents its compliments to Their Excellencies the Heads of Missions accredited to Canada and to the international organizations established in Canada, and has the honour to inform them of the Department's revised policy with respect to instances where persons with diplomatic, consular or equivalent status in Canada are alleged to be driving while impaired, or to have committed other serious traffic offences.

The Department reminds Heads of Missions that, pursuant to Article 41 (1) of the Vienna Convention on Diplomatic Relations and Article 55 (1) of the Vienna Convention on Consular Relations, it is the duty of all persons enjoying privileges and immunities to respect the laws and regulations of the receiving State, without prejudice to their privileges and immunities. The Department's revised policy is based upon that principle, as well as the position that the operation of a motor vehicle by persons enjoying privileges and immunities in Canada is not a right but a privilege. In implementing the policy, the Department will be guided by the paramount importance of ensuring the protection and safety of Canadians and others in Canada including members of the diplomatic community. At the same time, the Department reiterates the importance it attaches to the Vienna Conventions and its commitment to respect the obligations contained therein.

Policy Relating to Impaired Driving or Other Serious Traffic Offences

Stopping of Vehicles with Diplomatic Licence Plates: On reasonable suspicion that the driver of a vehicle bearing diplomatic or consular licence plates has consumed alcohol or is otherwise impaired, police forces may stop the vehicle and request the driver to present identification. Persons enjoying consular immunity are covered by the policy set out in the Department's Note No. XDC-4146 and may be required to submit to roadside screening and breathalyser tests. Notwithstanding the privileges and immunities the driver may enjoy, police forces may take such reasonable measures as are necessary to ensure that the driver is not a threat to public safety or to himself or herself. Such measures may include requests to establish whether the person's co-ordination or faculties are affected by alcohol or other substances. In the event that a police officer assesses that the driver is impaired, the officer will so inform the driver and may request that he or she take a roadside screening test or a breathalyser test. Persons enjoying diplomatic immunity are not obligated to submit to such tests, but may nevertheless wish to agree to the request in order to establish that they are not driving while impaired. If the police officer continues to have a reasonable suspicion that the driver is impaired, he or she will take all reasonable measures to prevent the driver from operating the vehicle. Such measures may include removal of the keys and preventing the driver from re-entering the vehicle. The police will offer assistance to the driver to find an alternative means to continue his or her journey by, *inter alia*, contacting the Mission or a