
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

PART II

Principal Road Safety Provisions

Motor vehicles: drink and drugs

Detention of persons affected by alcohol or a drug

21.—(1) Subject to paragraphs (2) and (3), a person required [^{F1}under Article 18] to provide a specimen of breath, blood or urine may afterwards be detained at a police station [^{F2}(or, if the specimen was provided otherwise than at a police station, arrested and taken to and detained at a police station) if a constable has reasonable grounds for believing] that, were the person then driving or attempting to drive a mechanically propelled vehicle on a road, he would [^{F3}commit] an offence under Article 15 or 16.

(2) [^{F4}Paragraph (1) does not apply to the person if it ought reasonably to appear to the] constable that there is no likelihood of his driving or attempting to drive a mechanically propelled 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.

[^{F5}(2A) A person who is at a hospital as a patient shall not be arrested and taken from there to a police station in pursuance of this Article if it would be prejudicial to his proper care and treatment as a patient.]

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

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| F1 | Words in art. 21(1) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)) , arts. 1(3), 86(1), Sch. 7 para. 13 ; S.R. 2007/454, art. 2 , Sch. |
| F2 | Words in art. 21(1) substituted (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) , arts. 1(4), 59(8)(a) ; S.R. 2008/293, art. 2 , Sch. |
| F3 | Words in art. 21(1) substituted (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) , arts. 1(4), 59(8)(b) ; S.R. 2008/293, art. 2 , Sch. |
| F4 | Words in art. 21(2) substituted (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) , arts. 1(4), 59(9) ; S.R. 2008/293, art. 2 , Sch. |
| F5 | Art. 21(2A) inserted (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) , arts. 1(4), 59(10) ; S.R. 2008/293, art. 2 , Sch. |

Changes to legislation:

The Road Traffic (Northern Ireland) Order 1995, Section 21 is up to date with all changes known to be in force on or before 26 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para.26](#)
- Act amended by [1996 c. 25 s.79Sch.4 para.26](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 13A inserted by [2016 c. 11 \(N.I.\) s. 2\(3\)](#)
- art. 17(8)(b)(v) and word added by [2008 c. 4 \(N.I.\) Sch. 2 para. 7\(b\)](#)
- art. 17D(1B) inserted by [2016 c. 11 \(N.I.\) s. 5\(2\)\(a\)](#)
- art. 17D(2)(aa) substituted for word by [2016 c. 11 \(N.I.\) s. 5\(2\)\(b\)](#)
- art. 17D(2A)(a) substituted for words by [2016 c. 11 \(N.I.\) s. 5\(2\)\(c\)\(i\)](#)
- art. 17D(2A)(b) inserted by [2016 c. 11 \(N.I.\) s. 5\(2\)\(c\)\(ii\)](#)
- art. 55(2)(m) inserted by [S.I. 2008/1216 \(N.I.\) art. 54\(1\)](#)
- art. 110(3A) inserted by [2016 c. 11 \(N.I.\) s. 22\(b\)](#)