



Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 4

SHIPPING: ALCOHOL AND DRUGS

Enforcement

82 Penalty

A person guilty of an offence under this Part shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
- (b) on summary conviction, to a fine not exceeding the statutory maximum.

Commencement Information

II S. 82 in force at 30.3.2004 by S.I. 2004/827, art. 3(e)

83 Specimens, &c.

(1) The provisions specified in the first column of the table below, with the modifications specified in the third column and any other necessary modifications, shall have effect in relation to an offence under this Part.

[^{F1}(1A) The references in the table to provisions of the Road Traffic Act 1988 or the Road Traffic Offenders Act 1988 are, subject to any contrary intention expressed in this Part or in any other enactment, references to those provisions as amended from time to time.]

<i>Provision</i>	<i>Description</i>	<i>Modification</i>
<i>Road Traffic Act 1988 (c. 52)</i>		

Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Enforcement. (See end of Document for details)

Section 6	Power to administer preliminary tests	<p>In place of subsections (2) to (5) the power to require a person to co-operate with a preliminary test shall apply where—</p> <ul style="list-style-type: none"> (a) a constable in uniform reasonably suspects that the person is committing an offence under section 78, 79 or 80, (b) a constable in uniform reasonably suspects that the person has committed an offence under section 78, 79 or 80 and still has alcohol or a drug in his body or is still under the influence of a drug, or (c) an accident occurs owing to the presence of a ship in a public place and a constable reasonably suspects that the person was at the time of the accident a person to whom section 78, 79 or 80 applied.
Sections 6A to 6E	Preliminary breath test, impairment test, and drug test	<p>In place of sections 6A(2) and (3), 6B(4) and 6C(2), a preliminary breath test, preliminary impairment test or preliminary drug test may be administered by a constable—</p> <ul style="list-style-type: none"> (a) at or near the place where the requirement to co-operate with the test is imposed, or (b) at a police station specified by the constable. <p>In section 6B(3) a reference to unfitness to drive shall be treated as a reference to having an impaired ability, because of drink or drugs,</p>

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		<p>to do anything specified in section 78(2), 79(2) or 80(2).</p> <p>[^{F2}In section 6C, the following shall be disregarded—</p> <p>(a) in subsection (1)(b), the words following “in his body”;</p> <p>(b) subsection (3).</p> <p>In section 6D, subsection (1)(b) shall be disregarded.]</p>
Section 7	Provision of specimen	<p>In subsection (1) the reference to an offence under section 3A, 4 or 5 of the 1988 Act shall be treated as a reference to an offence under section 78, 79 or 80 of this Act.</p> <p>[^{F3}Subsection (1A) shall be disregarded.</p> <p>In subsection (2)(b), the reference to the circumstances in which section 6(5) of the 1988 Act applies shall be treated as a reference to the circumstances in which the following provision of this table applies: paragraph (c) of the modifications specified for section 6 of the 1988 Act.]</p> <p>In subsection (3)(c) the reference to an offence under section 3A [^{F4}, 4 or 5A] of the 1988 Act shall be treated as a reference to an offence under section 78(2), 79(2) or 80(2) of this Act.</p>
Section 7A	Specimen of blood taken from person incapable of consenting	
Section 8	[^{F5} Breath specimen showing higher alcohol level to be disregarded]	
Section 9	Protection for hospital patient	

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Section 10	Detention of person affected by alcohol or drug	<p>In subsection (1)—</p> <p>(a) the reference to driving or attempting to drive a mechanically propelled vehicle on a road shall be treated as a reference to exercising a function in connection with the navigation of a ship, and</p> <p>(b) the reference to an offence under section 4 [^{F6} 5 or 5A] of the 1988 Act shall be treated as a reference to an offence under section 78, 79 or 80 of this Act.</p> <p>In subsection (2) the reference to driving a mechanically propelled vehicle shall be treated as a reference to exercising a function in connection with the navigation of a ship. [^{F7}In subsection (2), paragraph (c) shall be disregarded.]</p> <p>In subsection (3) the reference to driving properly shall be treated as a reference to exercising a function in connection with the navigation of a ship.</p>
Section 11	Interpretation	<p>For the definition of “the prescribed limit” there shall be substituted the definition given in this Part.</p>
Road Traffic Offenders Act 1988 (c. 53)		
Section 15	Use of specimens	<p>In subsection (1), the reference to an offence under [^{F8}any of sections 3A to 5A] of the Road Traffic Act 1988 shall be treated as a reference to an offence under section 78, 79 or 80 of this Act.</p>

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[^{F9}Subsection (2)(b) shall be disregarded.]

The relevant time for the consumption of alcohol for the purpose of subsection (3)(a) shall be before providing the specimen and after the time of the alleged offence.

In subsection (3)(b) the reference to driving shall be treated as a reference to exercising a function in connection with the navigation of a ship.

[^{F10}Subsection (3A) shall be disregarded.]

Section 16

Documentary evidence

- (2) The Secretary of State may by regulations amend the table in subsection (1) so as—
- (a) to add a provision relating to an offence which concerns alcohol or drugs in relation to road traffic;
 - (b) to add, remove or amend a modification (whether or not in connection with an amendment of a provision specified in the table).
- (3) For the purpose of the application by subsection (1) of a provision listed in the table in that subsection—
- (a) the provision shall extend to the whole of the United Kingdom, and
 - (b) a reference to the provision shall be treated, unless the context otherwise requires, as including a reference to the provision as applied.

Textual Amendments

- F1** S. 83(1A) inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 14\(2\)](#); [S.I. 2015/994](#), art. 4
- F2** Words in s. 83 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 14\(4\)](#); [S.I. 2015/994](#), art. 4
- F3** Words in s. 83 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 14\(5\)](#) [\(a\)](#); [S.I. 2015/994](#), art. 4
- F4** Words in s. 83 substituted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 14\(5\)](#) [\(b\)](#); [S.I. 2015/994](#), art. 4
- F5** Words in s. 83 substituted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 14\(6\)](#); [S.I. 2015/994](#), art. 4
- F6** Words in s. 83 substituted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 14\(7\)](#) [\(a\)](#); [S.I. 2015/994](#), art. 4
- F7** Words in s. 83 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 14\(7\)](#) [\(b\)](#); [S.I. 2015/994](#), art. 4
- F8** Words in s. 83 substituted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 14\(8\)](#) [\(a\)](#); [S.I. 2015/994](#), art. 4
- F9** Words in s. 83 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 14\(8\)](#) [\(b\)](#); [S.I. 2015/994](#), art. 4

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F10 Words in s. 83 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 14(8)(c)**; [S.I. 2015/994](#), art. 4

Commencement Information

I2 S. 83 in force at 29.3.2004 for specified purposes by [S.I. 2004/827](#), **art. 2(a)**

I3 S. 83 in force at 30.3.2004 in so far as not already in force by [S.I. 2004/827](#), **art. 3(f)**

84 Detention pending arrival of police

- (1) A marine official may detain a ship if he reasonably suspects that a person who is or may be on board the ship—
- (a) is committing an offence under section 78, 79 or 80, or
 - (b) has committed an offence under section 78, 79 or 80.
- (2) The power of detention under subsection (1)—
- (a) is conditional upon the marine official making a request, either before the detention or as soon as possible after its commencement, for a constable in uniform to attend, and
 - (b) lapses when a constable in uniform has decided whether or not to exercise a power by virtue of section 83 and has informed the marine official of his decision.
- (3) In this section “marine official” means—
- (a) a harbour master, or an assistant of a harbour master, appointed by a harbour authority,
 - (b) a person listed in section 284(1)(a) to (d) of the Merchant Shipping Act 1995 (c. 21)(detention of ship), and
 - (c) a person falling within a class designated by order of the Secretary of State.
- (4) In construing section 284(1)(b) of the Merchant Shipping Act 1995 (detention by person authorised by Secretary of State) for the purpose of subsection (3)(b) above, the reference to authorisation to exercise powers under that section shall be taken as a reference—
- (a) to general authorisation to exercise powers under that section, and
 - (b) to general or particular authorisation to exercise powers under this section.

Commencement Information

I4 S. 84 in force at 30.3.2004 by [S.I. 2004/827](#), **art. 3(g)**

85 Arrest without warrant

- (1) A constable may arrest a person without a warrant if the constable reasonably suspects that the person—
- (a) is committing an offence under section 78(2), 79(2) or 80(2), or
 - (b) has committed one of those offences and is still under the influence of drink or drugs.
- (2) But a person may not be arrested under this section while he is at a hospital as a patient.
- (3) In subsection (2) “hospital” means an institution which—

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- (a) provides medical or surgical treatment for in-patients or out-patients, and
 - (b) is not on a ship.
- (4) Arrest under this section shall be treated as arrest for an offence for the purposes of—
- (a) Part IV of the Police and Criminal Evidence Act 1984 (c. 60) (detention), and
 - (b) Part V of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (detention).

Commencement Information

I5 S. 85 in force at 30.3.2004 by S.I. 2004/827, art. 3(h)

86 Right of entry

- (1) A constable in uniform may board a ship if he reasonably suspects that he may wish to exercise a power by virtue of section 83 or under section 85 in respect of a person who is or may be on the ship.
- (2) A constable in uniform may enter any place if he reasonably suspects that he may wish to exercise a power by virtue of section 83 or under section 85 in respect of a person who is or may be in that place.
- (3) For the purposes of boarding a ship or entering a place under this section a constable—
 - (a) may use reasonable force;
 - (b) may be accompanied by one or more persons.

Commencement Information

I6 S. 86 in force at 30.3.2004 by S.I. 2004/827, art. 3(i)

Changes to legislation:

There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Enforcement.