



Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 5

AVIATION: ALCOHOL AND DRUGS

Enforcement

95 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. 95 in force at 30.3.2004 by S.I. 2004/827, art. 3(r)

96 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 92 or 93, (b) a constable in uniform reasonably suspects that the person has committed an offence under section 92 or 93 and still has alcohol or a drug in his body or is still under the influence of a drug, (c) an aircraft is involved in an accident and a constable reasonably suspects that the person was undertaking an aviation function, or an activity ancillary to an aviation function, in relation to the aircraft at the time of the accident, or (d) an aircraft is involved in an accident and a constable reasonably suspects that the person has undertaken an aviation function, or an activity ancillary to an aviation function, in relation to the aircraft.
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</p>

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may be administered by a constable—

- (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.

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, to perform an aviation function or to carry out an activity which is ancillary to an aviation function.

[^{F2}In section 6C, the following shall be disregarded—

- (a) in subsection (1)(b), the words following “in his body”;
- (b) subsection (3).

In section 6D, subsection (1)(b) shall be disregarded.]

Section 7

Provision of specimen

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 92 or 93 of this Act.

[^{F3}Subsection (1A) shall be disregarded.

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 provisions of this table apply: paragraphs (c) and (d) of the modifications specified for section 6 of the 1988 Act.]

In subsection (3)(c) the reference to an offence

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		under section 3A ^{F4} , 4 or 5A] of the 1988 Act shall be treated as a reference to an offence under section 92 of this Act.
Section 7A	Specimen of blood taken from person incapable of consenting	
Section 8	[^{F5} Breath specimen showing higher alcohol level to be disregarded]	^{F6} ...
Section 9	Protection for hospital patient	
Section 10	Detention of person affected by alcohol or drug	In subsection (1)— (a) the reference to driving or attempting to drive a mechanically propelled vehicle on a road shall be treated as a reference to performing an aviation function of the kind in respect of which the requirement to provide a specimen was imposed, and (b) the reference to an offence under section 4 ^{F7} , 5 or 5A] of the 1988 Act shall be treated as a reference to an offence under section 92 or 93 of this Act. In subsection (2) the reference to driving a mechanically propelled vehicle shall be treated as a reference to performing an aviation function. [^{F8} In subsection (2), paragraph (c) shall be disregarded.] In subsection (3) the reference to driving properly shall be treated as a reference to performing an aviation function.

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Section 11	Interpretation	For the definition of “the prescribed limit” there shall be substituted the definition given in this Part.
Road Traffic Offenders Act 1988 (c. 53)		
Section 15	Use of specimens	<p>In subsection (1), the reference to an offence under [^{F9}any of sections 3A to 5A] of the Road Traffic Act 1988 shall be treated as a reference to an offence under section 92 or 93 of this Act.</p> <p>[^{F10}Subsection (2)(b) shall be disregarded.]</p> <p>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.</p> <p>In subsection (3)(b) the reference to driving shall be treated as a reference to undertaking an aviation function or an activity ancillary to an aviation function.</p> <p>[^{F11}Subsection (3A) shall be disregarded.]</p>
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. 96(1A) inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 16\(2\)](#); [S.I. 2015/994](#), art. 4

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)

- F2** Words in s. 96 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(4)**; [S.I. 2015/994](#), art. 4
- F3** Words in s. 96 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(5)(a)**; [S.I. 2015/994](#), art. 4
- F4** Words in s. 96 substituted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(5)(b)**; [S.I. 2015/994](#), art. 4
- F5** Words in s. 96 substituted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(6)(a)**; [S.I. 2015/994](#), art. 4
- F6** Words in s. 96 omitted (10.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(6)(b)**; [S.I. 2015/994](#), art. 4
- F7** Words in s. 96 substituted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(7)(a)**; [S.I. 2015/994](#), art. 4
- F8** Words in s. 96 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(7)(b)**; [S.I. 2015/994](#), art. 4
- F9** Words in s. 96 substituted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(8)(a)**; [S.I. 2015/994](#), art. 4
- F10** Words in s. 96 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(8)(b)**; [S.I. 2015/994](#), art. 4
- F11** Words in s. 96 inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 16(8)(c)**; [S.I. 2015/994](#), art. 4

Commencement Information

- I2** S. 96 in force at 29.3.2004 for specified purposes by [S.I. 2004/827](#), **art. 2(a)**
- I3** S. 96 in force at 30.3.2004 in so far as not already in force by [S.I. 2004/827](#), **art. 3(s)**

97 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 92, or
 - (b) has committed an offence under that section 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 provides medical or surgical treatment for in-patients or out-patients.
- (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

- I4** [S. 97](#) in force at 30.3.2004 by [S.I. 2004/827](#), **art. 3(f)**

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)

98 Right of entry

- (1) A constable in uniform may board an aircraft if he reasonably suspects that he may wish to exercise a power by virtue of section 96 or under section 97 in respect of a person who is or may be on the aircraft.
- (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 96 or under section 97 in respect of a person who is or may be in that place.
- (3) For the purposes of boarding an aircraft 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

I5 S. 98 in force at 30.3.2004 by S.I. 2004/827, art. 3(u)

Changes to legislation:

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