

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 11: Enforcement of transport legislation

Part 1: Drink and drug driving offences

Healthcare professionals advising whether condition is due to drugs: road and rail transport

721. Section 6 of the RTA provides the police with a power to administer one or more of three types of preliminary test, one of which is a preliminary impairment test intended to assist an officer to ascertain whether a suspected drug driver is impaired. In circumstances where the officer considers that they have sufficient evidence (with or without a preliminary impairment test) the constable may arrest the suspect under section 24 of the Police and Criminal Evidence Act 1984 in order to continue with the investigation by obtaining a specimen of blood or urine for analysis.
722. Section 7(3)(c) of the RTA provides that a specimen may be taken if the suspected offence is one under section 3A or section 4 of the RTA and the constable requiring the specimen has been advised by a medical practitioner that the condition of the person required to provide the specimen might be due to a drug. *Paragraph 5* amends the RTA to provide that in addition to a medical practitioner, a registered healthcare professional may make the assessment of the suspect's condition in these circumstances.
723. Section 31 of the TWA enables a constable to require a person to provide a blood or urine test when investigating a suspected offence relating to drugs under the railways regime. Section 31(4)(c) provides that a specimen may be taken if the suspected offence is one under section 27(1) of the TWA and the constable making the requirement has been advised by a medical practitioner that the condition of the person required to provide the specimen may be due to some drug. *Paragraph 6* amends the TWA to provide that in addition to a medical practitioner, a registered healthcare professional may make the assessment of the suspect's condition in these circumstances.