

SCHEDULES

SCHEDULE 11

ENFORCEMENT OF TRANSPORT LEGISLATION

PART 1

DRINK AND DRUG DRIVING OFFENCES

No need for preliminary breath test before evidential breath test: road transport

- 3 (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 7 (provision of specimens for analysis), for subsection (2) substitute—
- “(2) A constable may make a requirement under this section to provide specimens of breath only if—
- (a) the requirement is made at a police station or a hospital,
 - (b) the requirement is imposed in circumstances where section 6(5) of this Act applies, or
 - (c) the constable is in uniform.”
- (3) Omit subsections (2A) and (2B).
- (4) After subsection (2C) insert—
- “(2CA) For the purposes of subsection (2C) “a relevant breath test” is a procedure involving the provision by the person concerned of a specimen of breath to be used for the purpose of obtaining an indication whether the proportion of alcohol in his breath or blood is likely to exceed the prescribed limit.”
- (5) After subsection (5) insert—
- “(5A) A constable may arrest a person without warrant if—
- (a) the person fails to provide a specimen of breath when required to do so in pursuance of this section, and
 - (b) the constable reasonably suspects that the person has alcohol in his body.”