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**Changes to legislation:** Deregulation Act 2015, Cross Heading: No need for preliminary breath test before evidential breath test: road transport is up to date with all changes known to be in force on or before 25 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. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 11 **E+W+S**

#### ENFORCEMENT OF TRANSPORT LEGISLATION

#### **PART 1 E+W+S**

##### 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.”

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#### **Commencement Information**

**II** Sch. 11 para. 3 in force at 10.4.2015 by S.I. 2015/994, art. 4

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2015/994 art. 13 Sch. by [S.I. 2015/1405 art. 2\(3\)](#)

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

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

- s. 110A inserted by [2016 c. 12 s. 16\(1\)](#)