

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Road Traffic Act 1988 (c. 52). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 22

#### DRUGS AND DRIVING: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Road Traffic Act 1988 (c. 52)*

1 The Road Traffic Act 1988 is amended as follows.

#### Commencement Information

- I1** Sch. 22 para. 1 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I2** Sch. 22 para. 1 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2
- I3** Sch. 22 para. 1 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

- 2 (1) Section 3A (causing death by careless driving when under influence of drink or drugs) is amended as follows.
- (2) In subsection (1), after paragraph (b) insert—
- “(ba) he has in his body a specified controlled drug and the proportion of it in his blood or urine at that time exceeds the specified limit for that drug, or”.
- (3) In subsection (3), after “(1)(b)” insert “, (ba)”.

#### Commencement Information

- I4** Sch. 22 para. 2 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I5** Sch. 22 para. 2 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2
- I6** Sch. 22 para. 2 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

- 3 (1) Section 6C (preliminary drug test) is amended as follows.
- (2) In subsection (1)(b), for “in his body.” substitute “in his body and if so—
- (i) whether it is a specified controlled drug;
  - (ii) if it is, whether the proportion of it in the person's blood or urine is likely to exceed the specified limit for that drug.”
- (3) After subsection (2) insert—
- “(3) Up to three preliminary drug tests may be administered.”

#### Commencement Information

- I7** Sch. 22 para. 3 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I8** Sch. 22 para. 3 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

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**I9** Sch. 22 para. 3 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

- 4 In section 6D (arrest), in subsection (1), for the words after “preliminary breath test” substitute “or preliminary drug test the constable reasonably suspects that—
- (a) the proportion of alcohol in the person's breath or blood exceeds the prescribed limit, or
  - (b) the person has a specified controlled drug in his body and the proportion of it in the person's blood or urine exceeds the specified limit for that drug.”

**Commencement Information**

- I10** Sch. 22 para. 4 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2  
**I11** Sch. 22 para. 4 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2  
**I12** Sch. 22 para. 4 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

- 5 (1) Section 7 (provision of specimens for analysis) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) In the course of an investigation into whether a person has committed an offence under section 5A of this Act a constable may, subject to subsections (3) to (7) of this section and section 9 of this Act, require the person to provide a specimen of blood or urine for a laboratory test.”
- (3) In subsection (3)(c), for “or 4” substitute “, 4 or 5A ”.

**Commencement Information**

- I13** Sch. 22 para. 5 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2  
**I14** Sch. 22 para. 5 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2  
**I15** Sch. 22 para. 5 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

- 6 (1) Section 10 (detention of persons affected by alcohol or a drug) is amended as follows.
- (2) In subsection (1), for “or 5” substitute “, 5 or 5A ”.
- (3) In subsection (2), for the words from “whilst his ability” to the end substitute “whilst —
- (a) the person's ability to drive properly is impaired,
  - (b) the proportion of alcohol in the person's breath, blood or urine exceeds the prescribed limit, or
  - (c) the proportion of a specified controlled drug in the person's blood or urine exceeds the specified limit for that drug.”

**Commencement Information**

- I16** Sch. 22 para. 6 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2  
**I17** Sch. 22 para. 6 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2  
**I18** Sch. 22 para. 6 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

- 7 In section 192 (general interpretation of Act), in the definition of “prescribed” in subsection (1), before “means” insert “ (except in section 5A) ”.

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**Commencement Information**

- I19** Sch. 22 para. 7 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
- I20** Sch. 22 para. 7 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
- I21** Sch. 22 para. 7 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

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**Textual Amendments**

- F1** Sch. 22 para. 8 omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 15**; S.I. 2015/994, **art. 4**

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