



## 2016 CHAPTER 11

### PART 2

#### Drink-driving

##### *Breath testing at authorised check-points*

#### **Breath testing at authorised check-points**

3.—(1) After Article 17C of the Order of 1995, insert—

##### **“Breath testing at authorised check-points**

**17CA.**—(1) A constable who is on duty at a check-point may require—

- (a) a person driving a motor vehicle stopped at the check-point, and
- (b) any person in charge of such a vehicle,

to co-operate with a check-point breath test administered to the person by the constable or another constable.

(2) A check-point breath test is a procedure whereby the person to whom the test is administered provides a specimen of breath to be used for the purpose of obtaining, by means of a device of a type approved for the purpose of administering a preliminary breath test, an indication whether the proportion of alcohol in the person's breath or blood is likely to exceed the prescribed limit.

(3) The establishment of a check-point for the purposes of this Article must be authorised by a member of the Police Service of Northern Ireland, not below the rank of inspector; and a check-point for those purposes may be authorised to be established in any public place.

(4) Authorisation under paragraph (3) must be in writing and specify—

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**Changes to legislation:** There are currently no known outstanding effects for the Road Traffic (Amendment) Act (Northern Ireland) 2016, Cross Heading: Breath testing at authorised check-points. (See end of Document for details)

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- (a) the public place where the check-point concerned is to be located, and
- (b) the day (or days) on which, and the hours between which, it may be operated.

(5) A check-point breath test administered in reliance on this Article may be administered only at or near the check-point; and a constable may administer such a test by virtue of paragraph (1) only if the constable is in uniform.

(6) A person commits an offence if without reasonable excuse he fails to co-operate with a check-point breath test in pursuance of a requirement imposed under this Article.”.

(2) In Part 1 of Schedule 1 to the Offenders Order (prosecution and punishment of offences under the Road Traffic Orders), after the entry relating to offences under Article 17 of the Order of 1995 insert—

“Article 17CA(6)	Failure to co-operate with check-point breath test.	Summarily.	Level 3 on the standard scale.	DiscretionaryObligatory. 4”.
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#### Commencement Information

II [S. 3](#) in operation at 25.11.2016 by [S.R. 2016/399](#), [art. 2](#), [Sch.](#)

### Check-point breath tests: further provision

4.—(1) The Order of 1995 is amended as follows.

(2) In Article 13(3) (what constitutes co-operation with preliminary test), after “a preliminary test” insert “ or check-point breath test ”.

(3) In Article 17D (arrest following preliminary breath test)—

- (a) in paragraph (1), after “a preliminary breath test” insert “ or check-point breath test ”,
- (b) in paragraph (2), in sub-paragraph (a), after “Article 17” insert “ or a check-point breath test under Article 17CA ”,
- (c) in paragraph (2A), after “the preliminary test” insert “ or check-point breath test ”.

(4) In Article 18 (provision of specimens for analysis)—

- (a) after paragraph (1), insert—

“(1A) A constable may, subject to the following provisions of thisArticle, require a person whom he may require to co-operate with a check-point breath test under Article 17CA—

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- (a) to provide 2 specimens of breath for analysis by means of a device mentioned in paragraph (1)(a), or
- (b) to provide a specimen of blood or urine for a laboratory test.”,
- (b) in paragraph (3), after “paragraph (1)(a)” insert “ or (1A)(a) ”,
- (c) in paragraph (4), after “(1)(b)” insert “ or (1A)(b) ”.

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**Commencement Information**

**I2** S. 4 in operation at 25.11.2016 by S.R. 2016/399, art. 2, **Sch.**

**Changes to legislation:**

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