



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Motor vehicles: drink and drugs

- 5 Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit.**
- (1) If a person—
- (a) drives or attempts to drive a motor vehicle on a road or other public place, or
 - (b) is in charge of a motor vehicle on a road or other public place,
- after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit he is guilty of an offence.
- (2) It is a defence for a person charged with an offence under subsection (1)(b) above to prove that at the time he is alleged to have committed the offence the circumstances were such that there was no likelihood of his driving the vehicle whilst the proportion of alcohol in his breath, blood or urine remained likely to exceed the prescribed limit.
- (3) The court may, in determining whether there was such a likelihood as is mentioned in subsection (2) above, disregard any injury to him and any damage to the vehicle.

Annotations:

Modifications etc. (not altering text)

- C1** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), regs. 1, 3

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Road Traffic Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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. 12(1A) inserted by 2015 c. 20 s. 73(2)
- s. 12(1A) inserted by 2015 c. 20 s. 73(2)
- s. 12A-12I inserted by 2015 c. 20 s. 73(3)
- s. 12A-12I inserted by 2015 c. 20 s. 73(3)
- s. 41(2)(m) inserted by 2006 c. 49 s. 18(1)(a)
- s. 41(2)(ba) inserted by 2006 c. 49 s. 56(3)
- s. 49(3A) inserted by 2006 c. 49 s. 48(1)
- s. 53(6) inserted by S.I. 2017/849 reg. 3(e)
- s. 66(7A) inserted by 2006 c. 49 s. 56(5)
- s. 97(1)(c) (ia) words repealed by 2006 c. 49 Sch. 3 para. 6(2)(b) Sch. 7(4)
- s. 97(1ZA) inserted by 2006 c. 49 s. 38(2)
- s. 123(1)(aa) inserted by S.I. 2016/1089 reg. 2(2)(c)
- s. 123(6A) inserted by S.I. 2016/1089 reg. 2(3)
- s. 124(3)-(5) inserted by 2009 c. 17 s. 3
- s. 124(6) inserted by 2015 c. 20 Sch. 2 para. 2(b)
- s. 124(6) inserted by 2015 c. 20 Sch. 2 para. 2(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(1A) inserted by S.I. 2016/1089 reg. 2(4)(a)
- s. 125(2A) words inserted by S.I. 2016/1089 reg. 2(4)(c)
- s. 125(2C) words inserted by S.I. 2016/1089 reg. 2(4)(d)
- s. 125(3A)-(3D) inserted by 2015 c. 20 Sch. 2 para. 3(2) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(3A) inserted by S.I. 2016/1089 reg. 2(4)(f)
- s. 125(4A)(4B) inserted by S.I. 2016/1089 reg. 2(4)(g)
- s. 125(5A) inserted by 2015 c. 20 Sch. 2 para. 3(3) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125A(5)-(7E) substituted for s. 125A(5)-(7) by 2006 c. 49 Sch. 6 para. 6(3)
- s. 126(3A) inserted by S.I. 2016/1089 reg. 2(5)(b)
- s. 126(5) omitted by 2015 c. 20 Sch. 2 para. 6
- s. 126(5) omitted by 2015 c. 20 Sch. 2 para. 6 (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126A omitted (cond.) by 2006 c. 49 Sch. 6 para. 8A (as inserted) by 2016 c. 16 s. 3(3)
- s. 126A heading words inserted by S.I. 2016/1089 reg. 3(2)
- s. 126A(1) words inserted by S.I. 2016/1089 reg. 3(3)(a)
- s. 126A(1) words inserted by S.I. 2016/1089 reg. 3(3)(b)
- s. 128(1A) inserted by S.I. 2016/1089 reg. 2(7)(b)
- s. 128(2B) inserted by S.I. 2016/1089 reg. 2(7)(c)
- s. 128AZA 128AZB substituted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by 2016 c. 16 s. 4(2)
- s. 128AZA heading words inserted by S.I. 2016/1089 reg. 4(2)(a)
- s. 128AZA(1) words inserted by S.I. 2016/1089 reg. 4(2)(b)
- s. 128AZA(4) words inserted by S.I. 2016/1089 reg. 4(2)(c)
- s. 128AZB heading words inserted by S.I. 2016/1089 reg. 4(3)(a)
- s. 128AZB(1) words inserted by S.I. 2016/1089 reg. 4(3)(b)(i)

- s. 128AZB(1) words inserted by S.I. 2016/1089 reg. 4(3)(b)(ii)
- s. 131(3)(b)(c) substituted for s. 131(3)(b) and word by 2006 c. 49 Sch. 6 para. 13(4)
- s. 131(6) inserted by 2016 c. 16 s. 2(4)
- s. 131(6) substituted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by 2016 c. 16 s. 4(5)
- s. 133(2)(a) words omitted by 2015 c. 20 Sch. 2 para. 10(a)
- s. 133(2)(a) words omitted by 2015 c. 20 Sch. 2 para. 10(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133(2)(b) words omitted by 2015 c. 20 Sch. 2 para. 10(b)
- s. 133(2)(b) words omitted by 2015 c. 20 Sch. 2 para. 10(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 135(2A) inserted by S.I. 2016/1089 reg. 2(9)(b)
- s. 135(3)-(6) substituted for s. 135(3) by S.I. 2016/1089 reg. 2(9)(c)
- s. 140(1) (2) inserted by 2006 c. 49 Sch. 6 para. 23(2)
- s. 140(3) s. 140 renumbered as s. 140(3) by 2006 c. 49 Sch. 6 para. 23(1)
- s. 141A(5) words repealed by 2006 c. 49 Sch. 3 para. 24 Sch. 7(4)
- s. 173(2)(g)-(gb) substituted for s. 173(2)(g) by 2006 c. 49 Sch. 6 para. 27
- s. 173(2)(n) and word inserted by 2006 c. 49 s. 37(8)
- s. 183(6A) inserted by 2006 c. 49 Sch. 6 para. 29
- s. 193A(3A) inserted by 2015 c. 20 s. 75(4)
- s. 193A(3A) inserted by 2015 c. 20 s. 75(4)
- s. 195(6) inserted by 2015 c. 20 s. 75(5)
- s. 195(6) inserted by 2015 c. 20 s. 75(5)
- Sch. 2 Pt. 4 table words substituted by S.I. 2017/1086 Pt. 1 reg. 5(2)
- Sch. 5 Pt. 3 table words omitted by S.I. 2017/1086 Pt. 1 reg. 7
- Sch. 7 Pt. 3 para. 3 words substituted by S.I. 2017/1086 Pt. 1 reg. 8(2)
- Sch. 7 Pt. 6 para. 3 words substituted by S.I. 2017/1086 Pt. 1 reg. 8(3)(b)(i)
- Sch. 9 Pt. 6 table word substituted by S.I. 2017/1086 Pt. 1 reg. 9(2)
- Sch. 9 Pt. 8 para. 1(1) words substituted by S.I. 2017/1086 Pt. 1 reg. 9(4)
- Sch. 10 Pt. 4 para. 1(4) words substituted by S.I. 2017/1086 Pt. 1 reg. 10(2)
- Sch. 11 Pt. 5 para. 49(2) substituted by S.I. 2017/1086 Pt. 1 reg. 11(4)
- Sch. 11 Pt. 6 para. 14 table word substituted by S.I. 2017/1086 Pt. 1 reg. 11(5)
- Sch. 11 Pt. 4 heading words substituted by S.I. 2017/1086 Pt. 1 reg. 11(3)
- Sch. 12 Pt. 1 para. 8(b)(i) word omitted by S.I. 2017/1086 Pt. 1 reg. 12(2)
- Sch. 12 Pt. 19 para. 10 words substituted by S.I. 2017/1086 Pt. 1 reg. 12(3)
- Sch. 12 Pt. 20 table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(a)
- Sch. 12 Pt. 20 table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(b)(i)
- Sch. 12 Pt. 20 table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(b)(ii)
- Sch. 12 Pt. 20 table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(b)(iii)
- Sch. 13 Pt. 6 table word inserted by S.I. 2017/1086 Pt. 1 reg. 13(3)(b)(i)
- Sch. 13 Pt. 2 table word substituted by S.I. 2017/1086 Pt. 1 reg. 13(2)
- Sch. 13 Pt. 6 table word substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(d)
- Sch. 13 Pt. 8 para. 3(a) word substituted by S.I. 2017/1086 Pt. 1 reg. 13(5)
- Sch. 13 Pt. 6 table words inserted by S.I. 2017/1086 Pt. 1 reg. 13(3)(b)(iii)
- Sch. 13 Pt. 6 table words substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(a)
- Sch. 13 Pt. 6 table words substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(b)(ii)
- Sch. 13 Pt. 6 table words substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(c)
- Sch. 13 Pt. 7 para. 1 words substituted by S.I. 2017/1086 Pt. 1 reg. 13(4)
- Sch. 14 Pt. 2 table word omitted by S.I. 2017/1086 Pt. 1 reg. 14(3)(d)
- Sch. 14 Pt. 1 para. 8(3)(a) words substituted by S.I. 2017/1086 Pt. 1 reg. 14(2)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(a)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(b)(i)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(b)(ii)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(c)(i)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(c)(ii)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(c)(iii)

– Sch. 15 Pt. 4 para. 7(2) words substituted by [S.I. 2017/1086 Pt. 1 reg. 15](#)