Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Motor vehicles: drink and drugs

6 Breath tests.

(1) Where a constable in uniform has reasonable cause to suspect—

(a) that a person driving or attempting to drive or in charge of a motor vehicle on a road or other public place has alcohol in his body or has committed a traffic offence whilst the vehicle was in motion, or

(b) that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place with alcohol in his body and that that person still has alcohol in his body, or

(c) that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place and has committed a traffic offence whilst the vehicle was in motion,

he may, subject to section 9 of this Act, require him to provide a specimen of breath for a breath test.

(2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a constable may, subject to section 9 of this Act, require any person who he has reasonable cause to believe was driving or attempting to drive or in charge of the vehicle at the time of the accident to provide a specimen of breath for a breath test.

(3) A person may be required under subsection (1) or subsection (2) above to provide a specimen either at or near the place where the requirement is made or, if the requirement is made under subsection (2) above and the constable making the requirement thinks fit, at a police station specified by the constable.

(4) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this section is guilty of an offence.

Status: *Point in time view as at 01/02/1991. This version of this provision has been superseded.*
Changes to legislation: *Road Traffic Act 1988, Section 6 is up to date with all changes known to be in force on or before 16 August 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)*

(5) A constable may arrest a person without warrant if—

(a) as a result of a breath test he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit, or

(b) that person has failed to provide a specimen of breath for a breath test when required to do so in pursuance of this section and the constable has reasonable cause to suspect that he has alcohol in his body,

but a person shall not be arrested by virtue of this subsection when he is at a hospital as a patient.

(6) A constable may, for the purpose of requiring a person to provide a specimen of breath under subsection (2) above in a case where he has reasonable cause to suspect that the accident involved injury to another person or of arresting him in such a case under subsection (5) above, enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.

(7) Subsection (6) above does not extend to Scotland, and nothing in that subsection shall affect any rule of law in Scotland concerning the right of a constable to enter any premises for any purpose.

(8) In this section "traffic offence" means an offence under—

(a) any provision of Part II of the [M1]Public Passenger Vehicles Act 1981,

(b) any provision of the [M2]Road Traffic Regulation Act 1984,

(c) any provision of the [M3]Road Traffic Offenders Act 1988 except Part III, or

(d) any provision of this Act except Part V.

Modifications etc. (not altering text)

C1 S. 6 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

Marginal Citations

M1 1981 c. 14.

M2 1984 c. 27.

M3 1988 c. 53.

Status:
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