



Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 5

AVIATION: ALCOHOL AND DRUGS

Enforcement

96 Specimens, &c.

- (1) The provisions specified in the first column of the table below, with the modifications specified in the third column and any other necessary modifications, shall have effect in relation to an offence under this Part.

<i>Provision</i>	<i>Description</i>	<i>Modification</i>
<i>Road Traffic Act 1988</i> <i>(c. 52)</i>		
Section 6	Power to administer preliminary tests	In place of subsections (2) to (5) the power to require a person to co-operate with a preliminary test shall apply where— (a) a constable in uniform reasonably suspects that the person is committing an offence under section 92 or 93, (b) a constable in uniform reasonably suspects that the person has committed an

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<i>Provision</i>	<i>Description</i>	<i>Modification</i>
		<p>offence under section 92 or 93 and still has alcohol or a drug in his body or is still under the influence of a drug,</p> <p>(c) an aircraft is involved in an accident and a constable reasonably suspects that the person was undertaking an aviation function, or an activity ancillary to an aviation function, in relation to the aircraft at the time of the accident, or</p> <p>(d) an aircraft is involved in an accident and a constable reasonably suspects that the person has undertaken an aviation function, or an activity ancillary to an aviation function, in relation to the aircraft.</p>
Sections 6A to 6E	Preliminary breath test, impairment test, and drug test	<p>In place of sections 6A(2) and (3), 6B(4) and 6C(2), a preliminary breath test, preliminary impairment test or preliminary drug test may be administered by a constable—</p> <p>(a) at or near the place where the requirement to co-operate with the test is imposed, or</p> <p>(b) at a police station specified by the constable.</p> <p>In section 6B(3) a reference to unfitness to drive shall be treated as a reference to having</p>

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		an impaired ability, because of drink or drugs, to perform an aviation function or to carry out an activity which is ancillary to an aviation function.
Section 7	Provision of specimen	In subsection (1) the reference to an offence under section 3A, 4 or 5 of the 1988 Act shall be treated as a reference to an offence under section 92 or 93 of this Act. In subsection (3)(c) the reference to an offence under section 3A or 4 of the 1988 Act shall be treated as a reference to an offence under section 92 of this Act.
Section 7A	Specimen of blood taken from person incapable of consenting	
Section 8	Choice of specimen of breath	In subsection (2) the reference to 50 microgrammes of alcohol shall, except in relation to the aviation function specified in section 94(1)(h), be treated as a reference to 15 microgrammes of alcohol.
Section 9	Protection for hospital patient	
Section 10	Detention of person affected by alcohol or drug	In subsection (1)— (a) the reference to driving or attempting to drive a mechanically propelled vehicle on a road shall be treated as a reference to performing an aviation function of the kind in respect of which the requirement to provide a specimen was imposed, and

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		<p>(b) the reference to an offence under section 4 or 5 of the 1988 Act shall be treated as a reference to an offence under section 92 or 93 of this Act.</p> <p>In subsection (2) the reference to driving a mechanically propelled vehicle shall be treated as a reference to performing an aviation function.</p> <p>In subsection (3) the reference to driving properly shall be treated as a reference to performing an aviation function.</p>
Section 11	Interpretation	<p>For the definition of “the prescribed limit” there shall be substituted the definition given in this Part.</p>
Road Traffic Offenders Act 1988 (c. 53)		
Section 15	Use of specimens	<p>In subsection (1), the reference to an offence under section 3A, 4 or 5 of the Road Traffic Act 1988 shall be treated as a reference to an offence under section 92 or 93 of this Act.</p> <p>The relevant time for the consumption of alcohol for the purpose of subsection (3)(a) shall be before providing the specimen and after the time of the alleged offence.</p> <p>In subsection (3)(b) the reference to driving shall be treated as a reference to undertaking an aviation function or an activity ancillary to an aviation function.</p>

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<i>Provision</i>	<i>Description</i>	<i>Modification</i>
Section 16	Documentary evidence	

- (2) The Secretary of State may by regulations amend the table in subsection (1) so as—
- (a) to add a provision relating to an offence which concerns alcohol or drugs in relation to road traffic;
 - (b) to add, remove or amend a modification (whether or not in connection with an amendment of a provision specified in the table).
- (3) For the purpose of the application by subsection (1) of a provision listed in the table in that subsection—
- (a) the provision shall extend to the whole of the United Kingdom, and
 - (b) a reference to the provision shall be treated, unless the context otherwise requires, as including a reference to the provision as applied.