



Scotland Act 2012

2012 CHAPTER 11

PART 2

MINISTERS AND THEIR POWERS

Executive competence

20 Power to prescribe drink-driving limits

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) Section 8 (choice of specimens of breath) is amended as follows.
- (3) In subsection (3), for “The Secretary of State may by regulations” substitute “Regulations may”.
- (4) After subsection (3) insert—
 - “(4) Regulations under subsection (3) may be made—
 - (a) by the Secretary of State, in relation to cases where the suspected offence is an offence committed in England and Wales;
 - (b) by the Scottish Ministers, in relation to cases where the suspected offence is an offence committed in Scotland.”
- (5) Section 11 (interpretation of sections 3A to 10) is amended as follows.
- (6) In the definition of “the prescribed limit” in subsection (2), omit “made by the Secretary of State”.
- (7) After subsection (2) insert—
 - “(2ZA) Regulations under subsection (2) may be made—
 - (a) by the Secretary of State, in relation to driving or attempting to drive, or being in charge of a vehicle, in England and Wales;
 - (b) by the Scottish Ministers, in relation to driving or attempting to drive, or being in charge of a vehicle, in Scotland.”

Status: This is the original version (as it was originally enacted).

(8) Section 195 (provisions as to regulations) is amended as follows.

(9) After subsection (2) insert—

“(2A) Before making any regulations under this Act the Scottish Ministers must consult with such representative organisations as they think fit.”

(10) After subsection (4) insert—

“(4A) Regulations made by the Scottish Ministers under section 8(3) or 11(2) are subject to the affirmative procedure.”