

SCHEDULES

SCHEDULE 22

DRUGS AND DRIVING: MINOR AND CONSEQUENTIAL AMENDMENTS

Road Traffic Offenders Act 1988 (c. 53)

9 The Road Traffic Offenders Act 1988 is amended as follows.

Commencement Information

I1 Sch. 22 para. 9 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2

I2 Sch. 22 para. 9 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

I3 Sch. 22 para. 9 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

- 10 (1) Section 15 (use of specimens in proceedings for an offence under section 3A, 4 or 5 of the Road Traffic Act) is amended as follows.
- (2) In the sidenote, for “section 4 or 5” substitute “ any of sections 3A to 5A ”.
- (3) In subsection (1), for “section 3A, 4 or 5” substitute “ any of sections 3A to 5A ”.
- (4) In subsection (2), for the words from “and, subject to” to the end substitute “and—
- (a) it is to be assumed, subject to subsection (3) below, that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen;
- (b) it is to be assumed, subject to subsection (3A) below, that the proportion of a drug in the accused's blood or urine at the time of the alleged offence was not less than in the specimen.”
- (5) In subsection (3), for “That assumption” substitute “ The assumption in subsection (2)(a) above ”.
- (6) After subsection (3) insert—
- “(3A) The assumption in subsection (2)(b) above is not to be made if the accused proves—
- (a) that he took the drug before he provided the specimen or had the specimen taken from him and—
- (i) in relation to an offence under section 3A, after the time of the alleged offence, and
- (ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and
- (b) that had he not done so the proportion of the drug in his blood or urine—
- (i) in the case of a specified controlled drug, would not have exceeded the specified limit for that drug, and

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Road Traffic Offenders Act 1988 (c. 53). (See end of Document for details)

(ii) if it is alleged that he was unfit to drive through drugs, would not have been such as to impair his ability to drive properly.”

Commencement Information

- I4** Sch. 22 para. 10 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I5** Sch. 22 para. 10 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2
- I6** Sch. 22 para. 10 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

- 11 (1) Section 24 (alternative verdicts: general) is amended as follows.
- (2) In the table in subsection (1), after the entry relating to section 5(1)(a) of the Road Traffic Act 1988 insert—

“Section 5A(1)(a) and (2) (driving or attempting to drive with concentration of specified controlled drug above specified limit) and (2) (being in charge of a vehicle with concentration of specified controlled drug above specified limit)”.

- (3) In subsection (3), for “or 5(1)(a)” substitute “, 5(1)(a) or 5A(1)(a) and (2) ”.

Commencement Information

- I7** Sch. 22 para. 11 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I8** Sch. 22 para. 11 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2
- I9** Sch. 22 para. 11 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

- 12 In section 34 (disqualification for certain offences), in subsection (3), after paragraph (b) insert—
- “(ba) section 5A(1)(a) and (2) (driving or attempting to drive with concentration of specified controlled drug above specified limit),”.

Commencement Information

- I10** Sch. 22 para. 12 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I11** Sch. 22 para. 12 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2
- I12** Sch. 22 para. 12 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

- 13 In Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply), in the table, after the entry beginning “RTA section 5” insert—

“RTA section 5A	Driving or attempting to drive, or being in charge of a motor vehicle, with concentration of specified controlled drug above specified limit. Sections 11 and 12(1) of this Act.”
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Commencement Information

- I13** Sch. 22 para. 13 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I14** Sch. 22 para. 13 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

Changes to legislation: *There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Road Traffic Offenders Act 1988 (c. 53). (See end of Document for details)*

I15 Sch. 22 para. 13 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

F1 14

Textual Amendments

F1 Sch. 22 para. 14 omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 15; S.I. 2015/994, art. 4

Changes to legislation:

There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross
Heading: Road Traffic Offenders Act 1988 (c. 53).