

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 22. (See end of Document for details)

SCHEDULES

SCHEDULE 22

Section 56

DRUGS AND DRIVING: MINOR AND CONSEQUENTIAL AMENDMENTS

Road Traffic Act 1988 (c. 52)

1 The Road Traffic Act 1988 is amended as follows.

Commencement Information

- I1** Sch. 22 para. 1 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I2** Sch. 22 para. 1 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2
- I3** Sch. 22 para. 1 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

- 2 (1) Section 3A (causing death by careless driving when under influence of drink or drugs) is amended as follows.
- (2) In subsection (1), after paragraph (b) insert—
- “(ba) he has in his body a specified controlled drug and the proportion of it in his blood or urine at that time exceeds the specified limit for that drug, or”.
- (3) In subsection (3), after “(1)(b)” insert “, (ba)”.

Commencement Information

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

- 3 (1) Section 6C (preliminary drug test) is amended as follows.
- (2) In subsection (1)(b), for “in his body.” substitute “in his body and if so—
- (i) whether it is a specified controlled drug;
 - (ii) if it is, whether the proportion of it in the person's blood or urine is likely to exceed the specified limit for that drug.”
- (3) After subsection (2) insert—
- “(3) Up to three preliminary drug tests may be administered.”

Commencement Information

- I7** Sch. 22 para. 3 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I8** Sch. 22 para. 3 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

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19 Sch. 22 para. 3 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

- 4 In section 6D (arrest), in subsection (1), for the words after “preliminary breath test” substitute “or preliminary drug test the constable reasonably suspects that—
- (a) the proportion of alcohol in the person's breath or blood exceeds the prescribed limit, or
 - (b) the person has a specified controlled drug in his body and the proportion of it in the person's blood or urine exceeds the specified limit for that drug.”

Commencement Information

- I10** Sch. 22 para. 4 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
I11 Sch. 22 para. 4 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2
I12 Sch. 22 para. 4 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

- 5 (1) Section 7 (provision of specimens for analysis) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) In the course of an investigation into whether a person has committed an offence under section 5A of this Act a constable may, subject to subsections (3) to (7) of this section and section 9 of this Act, require the person to provide a specimen of blood or urine for a laboratory test.”
- (3) In subsection (3)(c), for “or 4” substitute “, 4 or 5A ”.

Commencement Information

- I13** Sch. 22 para. 5 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
I14 Sch. 22 para. 5 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2
I15 Sch. 22 para. 5 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

- 6 (1) Section 10 (detention of persons affected by alcohol or a drug) is amended as follows.
- (2) In subsection (1), for “or 5” substitute “, 5 or 5A ”.
- (3) In subsection (2), for the words from “whilst his ability” to the end substitute “whilst —
- (a) the person's ability to drive properly is impaired,
 - (b) the proportion of alcohol in the person's breath, blood or urine exceeds the prescribed limit, or
 - (c) the proportion of a specified controlled drug in the person's blood or urine exceeds the specified limit for that drug.”

Commencement Information

- I16** Sch. 22 para. 6 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
I17 Sch. 22 para. 6 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2
I18 Sch. 22 para. 6 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2

- 7 In section 192 (general interpretation of Act), in the definition of “prescribed” in subsection (1), before “means” insert “ (except in section 5A) ”.

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- I19** Sch. 22 para. 7 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I20** Sch. 22 para. 7 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2
- I21** Sch. 22 para. 7 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2

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Textual Amendments

- F1** Sch. 22 para. 8 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

Road Traffic Offenders Act 1988 (c. 53)

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

Commencement Information

- I22** Sch. 22 para. 9 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
- I23** Sch. 22 para. 9 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2
- I24** 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

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- (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
 - (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

- I25** Sch. 22 para. 10 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
I26 Sch. 22 para. 10 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2
I27 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 Section 5A(1)(b) and (2) (being in charge attempting to drive with concentration of of a vehicle with concentration of specified specified controlled drug above specified controlled drug above specified limit)”.
 limit)

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

Commencement Information

- I28** Sch. 22 para. 11 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
I29 Sch. 22 para. 11 in force at 1.3.2018 for N.I. by S.I. 2018/162, art. 2
I30 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

- I31** Sch. 22 para. 12 in force at 2.3.2015 for E.W. by S.I. 2014/3268, art. 2
I32 Sch. 22 para. 12 in force at 1.3.2018 for S. by S.I. 2018/161, art. 2
I33 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, Sections 11 and 12(1) of or being in charge of a motor this Act.” vehicle, with concentration of specified controlled drug above specified limit.
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- I34** Sch. 22 para. 13 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
- I35** Sch. 22 para. 13 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
- I36** Sch. 22 para. 13 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

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Textual Amendments

- F2** 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**

Football Spectators Act 1989 (c. 37)

- 15 In Schedule 1 to the Football Spectators Act 1989 (relevant offences for purposes of making banning order), in paragraph 1(l)—
- (a) for “or 5” substitute “, 5 or 5A ”;
 - (b) after “limit” insert “ or with a concentration of a specified controlled drug above the specified limit ”.

Commencement Information

- I37** Sch. 22 para. 15 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
- I38** Sch. 22 para. 15 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
- I39** Sch. 22 para. 15 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

Crime (International Co-operation) Act 2003 (c. 32)

- 16 In Schedule 3 to the Crime (International Co-operation) Act 2003 (offences notifiable to authority of member State where offender normally resident), in Part 1 (offences where no minimum period of disqualification necessary), after paragraph (f) of paragraph 3 insert—
- “(fa) section 5A (driving, or being in charge, of a motor vehicle with concentration of specified controlled drug above specified limit),”.

Commencement Information

- I40** Sch. 22 para. 16 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
- I41** Sch. 22 para. 16 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
- I42** Sch. 22 para. 16 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

Armed Forces Act 2006 (c. 52)

- 17 In Schedule 1 to the Armed Forces Act 2006 (criminal conduct offences that may be dealt with at a summary hearing), in Part 1 (offences that may be dealt with without permission), after paragraph 9 insert—

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“9A An offence under section 5A of that Act (driving a vehicle with concentration of specified controlled drug above specified limit).”

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- I43** Sch. 22 para. 17 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I44 Sch. 22 para. 17 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I45 Sch. 22 para. 17 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

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