
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

PART II

Principal Road Safety Provisions

Motor vehicles: drink and drugs

[^{F1}Power to administer preliminary tests

17.—(1) If any of paragraphs (2) to (5) applies a constable may require a person to co-operate with any one or more preliminary tests administered to the person by that constable or another constable.

(2) This paragraph applies if a constable reasonably suspects that the person—

- (a) is driving, is attempting to drive or is in charge of a motor vehicle on a road or other public place, and
- (b) has alcohol or a drug in his body or is under the influence of a drug.

(3) This paragraph applies if a constable reasonably suspects that the person—

- (a) has been driving, attempting to drive or in charge of a motor vehicle on a road or other public place while having alcohol or a drug in his body or while unfit to drive because of a drug, and
- (b) still has alcohol or a drug in his body or is still under the influence of a drug.

(4) This paragraph applies if a constable reasonably suspects that the person—

- (a) is or has been driving, attempting to drive or in charge of a motor vehicle on a road or other public place, and
- (b) has committed a traffic offence while the vehicle was in motion.

(5) This paragraph applies if—

- (a) an accident occurs owing to the presence of a motor vehicle on a road or other public place, and
- (b) a constable reasonably believes that the person was driving, attempting to drive or in charge of the vehicle at the time of the accident.

(6) A person commits an offence if without reasonable excuse he fails to co-operate with a preliminary test in pursuance of a requirement imposed under this Article.

(7) A constable may administer a preliminary test by virtue of any of paragraphs (2) to (4) only if he is in uniform.

(8) In this Article—

- (a) a reference to a preliminary test is to any of the tests described in Articles 17A to 17C, and
- (b) “traffic offence” means an offence under—

Changes to legislation: The Road Traffic (Northern Ireland) Order 1995, Section 17 is up to date with all changes known to be in force on or before 07 April 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) View outstanding changes

- (i) any provision of the Order of 1981 other than an offence under Article 132, 133, 136 or 137 of that Order, or
- (ii) any provision of this Order, or
- (iii) any provision of the Offenders Order except Part IV, or
- (iv) any provision of the Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2).]

<p>F1 Arts. 17 - 17E substituted (15.11.2007) for art. 17 by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 14; S.R. 2007/454, art. 2, Sch.</p>

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Changes and effects yet to be applied to :

- art. 17(8)(b)(i) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#)
- art. 17(8)(b)(iii) word omitted by [2008 c. 4 \(N.I.\) Sch. 2 para. 7\(a\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para.26](#)
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Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 13A inserted by [2016 c. 11 \(N.I.\) s. 2\(3\)](#)
- art. 17(8)(b)(v) and word added by [2008 c. 4 \(N.I.\) Sch. 2 para. 7\(b\)](#)
- art. 17D(1B) inserted by [2016 c. 11 \(N.I.\) s. 5\(2\)\(a\)](#)
- art. 17D(2)(aa) substituted for word by [2016 c. 11 \(N.I.\) s. 5\(2\)\(b\)](#)
- art. 17D(2A)(a) substituted for words by [2016 c. 11 \(N.I.\) s. 5\(2\)\(c\)\(i\)](#)
- art. 17D(2A)(b) inserted by [2016 c. 11 \(N.I.\) s. 5\(2\)\(c\)\(ii\)](#)
- art. 55(2)(m) inserted by [S.I. 2008/1216 \(N.I.\) art. 54\(1\)](#)
- art. 110(3A) inserted by [2016 c. 11 \(N.I.\) s. 22\(b\)](#)