

STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

PART II

Principal Road Safety Provisions

Motor vehicles: drink and drugs

[^{F1}Arrest

17D.—(1) A constable may arrest a person without warrant if as a result of a preliminary breath test [^{F2}or check-point breath test] the constable reasonably suspects that the proportion of alcohol in the person's breath or blood exceeds the prescribed limit.

[
^{F3}(1A) The fact that specimens of breath have been provided under Article 18 by the person concerned does not prevent paragraph (1) having effect if the constable who imposed on him the requirement to provide the specimens has reasonable cause to believe that the device used to analyse the specimens has not produced a reliable indication of the proportion of alcohol in the breath of the person.]

(2) A constable may arrest a person without warrant if—

- (a) the person fails to co-operate with a preliminary test in pursuance of a requirement imposed under Article 17 [^{F4}or a check-point breath test under Article 17CA] , and
- (b) the constable reasonably suspects that the person has alcohol or a drug in his body or is under the influence of a drug.

[
^{F5}(2A) A person arrested under this Article may, instead of being taken to a police station, be detained at or near the place where the preliminary test [^{F6}or check-point breath test] was, or would have been, administered, with a view to imposing on him there a requirement under Article 18.]

(3) A person may not be arrested under this Article while at a hospital as a patient.]

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.

F2 Words in art. 17D(1) inserted (25.11.2016) by [Road Traffic \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 11\)](#), **ss. 4(3)(a)**, 26(1); S.R. 2016/399, art. 2, Sch.

F3 Art. 17D(1A) inserted (16.7.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **59(2)**; S.R. 2008/293, **art. 2**, Sch.

F4 Words in art. 17D(2)(a) inserted (25.11.2016) by [Road Traffic \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 11\)](#), **ss. 4(3)(b)**, 26(1); S.R. 2016/399, art. 2, Sch.

F5 Art. 17D(2A) inserted (16.7.2008) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **59(3)**; S.R. 2008/293, **art. 2**, Sch.

Changes to legislation: The Road Traffic (Northern Ireland) Order 1995, Section 17D 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

F6 Words in art. 17D(2A) inserted (25.11.2016) by Road Traffic (Amendment) Act (Northern Ireland) 2016 (c. 11), ss. 4(3)(c), 26(1); S.R. 2016/399, art. 2, Sch.

Changes to legislation:

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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\(b\)](#)