

SCHEDULES

SCHEDULE 11

ENFORCEMENT OF TRANSPORT LEGISLATION

PART 1

DRINK AND DRUG DRIVING OFFENCES

Application of Road Traffic Act provisions in shipping regime

- 14 (1) In Part 4 of the Railways and Transport Safety Act 2003 (shipping: alcohol and drugs), section 83 (specimens, etc) is amended as follows.
- (2) After subsection (1) (but before the table) insert—
- “(1A) The references in the table to provisions of the Road Traffic Act 1988 or the Road Traffic Offenders Act 1988 are, subject to any contrary intention expressed in this Part or in any other enactment, references to those provisions as amended from time to time.”
- (3) The table is amended as follows.
- (4) In the entry for sections 6A to 6E of the Road Traffic Act 1988, in the third column, at the end insert—

“In section 6C, the following shall be disregarded—

- (a) in subsection (1)(b), the words following “in his body”;
- (b) subsection (3).

In section 6D, subsection (1)(b) shall be disregarded.”

- (5) In the entry for section 7 of the Road Traffic Act 1988, in the third column—
- (a) after the first sentence insert—

“Subsection (1A) shall be disregarded.

In subsection (2)(b), the reference to the circumstances in which section 6(5) of the 1988 Act applies shall be treated as a reference to the circumstances in which the following provision of this table applies: paragraph (c) of the modifications specified for section 6 of the 1988 Act.”;

- (b) in the last sentence, for “or 4” substitute “, 4 or 5A”.

- (6) In the entry for section 8 of the Road Traffic Act 1988, in the second column, for “Choice of specimen of breath” substitute “Breath specimen showing higher alcohol level to be disregarded”.
- (7) In the entry for section 10 of the Road Traffic Act 1988, in the third column—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph (b), for “or 5” substitute “, 5 or 5A”;
- (b) before the last sentence insert—

“In subsection (2), paragraph (c) shall be disregarded.”

- (8) In the entry for section 15 of the Road Traffic Offenders Act 1988, in the third column—
- (a) in the first sentence, for “section 3A, 4 or 5” substitute “any of sections 3A to 5A”;
 - (b) after the first sentence insert—

“Subsection (2)(b) shall be disregarded.”;

- (c) after the last sentence insert—

“Subsection (3A) shall be disregarded.”
