

*Changes to legislation:* Deregulation Act 2015, Cross Heading: Removal of “statutory option” to have breath specimen replaced: road and rail transport is up to date with all changes known to be in force on or before 11 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

## SCHEDULES

### SCHEDULE 11

#### ENFORCEMENT OF TRANSPORT LEGISLATION

##### PART 1

##### DRINK AND DRUG DRIVING OFFENCES

*Removal of “statutory option” to have breath specimen replaced: road and rail transport*

- 1 (1) In section 8 of the Road Traffic Act 1988 (choice of specimens of breath), omit subsections (2), (2A), (3) and (4).
- (2) The amendments in sub-paragraphs (3) to (5) are made in consequence of sub-paragraph (1).
- (3) In the Road Traffic Act 1988—
- (a) for the heading of section 8 substitute “Breath specimen showing higher alcohol level to be disregarded”;
  - (b) in section 8(1), omit “Subject to subsection (2) below,”;
  - (c) in section 195(3), omit “8(3),”;
  - (d) in section 195(4), omit “8(3),”;
  - (e) in section 195(4A), omit “8(3) or”.
- (4) In the Serious Organised Crime and Police Act 2005, omit section 154(7).
- (5) In the Scotland Act 2012, omit section 20(2) to (4).

##### Commencement Information

**11** Sch. 11 para. 1 in force at 10.4.2015 by S.I. 2015/994, art. 4

- 2 (1) In Chapter 1 of Part 2 of the Transport and Works Act 1992 (safety of railways etc: offences involving drink or drugs), in section 32 (choice of specimens of breath), omit subsections (2) to (4).
- (2) In consequence of sub-paragraph (1), for the heading of that section substitute “Breath specimen showing higher alcohol level to be disregarded”.

##### Commencement Information

**12** Sch. 11 para. 2 in force at 10.4.2015 by S.I. 2015/994, art. 4

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2015/994 art. 13 Sch. by [S.I. 2015/1405 art. 2\(3\)](#)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 110A inserted by [2016 c. 12 s. 16\(1\)](#)