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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 328**

**ROAD TRAFFIC**

**The Road Traffic Act 1988 (Prescribed  
Limit) (Scotland) Regulations 2014**

*Made* - - - - 20th November 2014

*Coming into force* - - 5th December 2014

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 8(3) and (4)(b) and 11(2) and (2ZA)(b) of the Road Traffic Act 1988<sup>(1)</sup> and all other powers enabling them to do so.

Representative organisations have been consulted in accordance with section 195(2A)<sup>(2)</sup> of that Act. In accordance with section 195(4A) of that Act<sup>(3)</sup>, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Road Traffic Act 1988 (Prescribed Limit) (Scotland) Regulations 2014 and come into force on 5th December 2014.

**Prescription of proportion of alcohol**

2. For the purpose of the definition of “the prescribed limit” in section 11(2) of The Road Traffic Act 1988, the prescribed proportion in relation to driving or attempting to drive, or being in charge of a vehicle, in Scotland, is—

- (a) 22 microgrammes of alcohol in 100 millilitres of breath;
- (b) 50 milligrammes of alcohol in 100 millilitres of blood; or
- (c) 67 milligrammes of alcohol in 100 millilitres of urine.

**Proportion of alcohol for replacement of breath specimen**

3.—(1) In section 8(2) of the Road Traffic Act 1988, for “50 microgrammes of alcohol in 100 millilitres of breath” substitute “31 microgrammes of alcohol in 100 millilitres of breath”.

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(1) 1988 c.52; sections 8 and 11 were amended by the Scotland Act 2012 (c.11) (“the 2012 Act”), section 20.

(2) Section 195(2A) was inserted by the 2012 Act, section 20.

(3) Section 195(4A) was inserted by the 2012 Act, section 20. The requirements of the affirmative procedure are specified in the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), section 29.

(2) This regulation applies in relation to cases where the suspected offence is an offence committed in Scotland.

St Andrew's House,  
Edinburgh  
20th November 2014

*KENNY MACASKILL*  
A member of the Scottish Government

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations relate to the limits on the proportion of alcohol present in the breath, blood and urine set by the Road Traffic Act 1988. Regulation 2 prescribes new, lower limits for the purpose of the definition of “the prescribed limit” in section 11(2) as it applies in relation to driving, attempting to drive, or being in charge of a vehicle in Scotland. Regulation 3 makes a consequential amendment to section 8(2) in relation to the circumstances in which a person can elect to have a specimen of breath replaced with a specimen of blood or urine.