

---

## STATUTORY INSTRUMENTS

---

# 1995 No. 2994

## The Road Traffic (Northern Ireland) Order 1995

### PART II

#### Principal Road Safety Provisions

##### *Motor vehicles: drink and drugs*

#### [<sup>F1</sup>Preliminary impairment test

**17B.**—(1) A preliminary impairment test is a procedure whereby the constable administering the test—

- (a) observes the person to whom the test is administered in his performance of tasks specified by the constable, and
- (b) makes such other observations of the person's physical state as the constable thinks expedient.

(2) The Secretary of State shall issue (and may from time to time revise) a code of practice about—

- (a) the kind of task that may be specified for the purpose of a preliminary impairment test,
- (b) the kind of observation of physical state that may be made in the course of a preliminary impairment test,
- (c) the manner in which a preliminary impairment test should be administered, and
- (d) the inferences that may be drawn from observations made in the course of a preliminary impairment test.

(3) In issuing or revising the code of practice the Secretary of State shall aim to ensure that a preliminary impairment test is designed to indicate—

- (a) whether a person is unfit to drive, and
- (b) if he is, whether or not his unfitness is likely to be due to drink or drugs.

(4) A preliminary impairment test may be administered—

- (a) at or near the place where the requirement to co-operate with the test is imposed, or
- (b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.

(5) A constable administering a preliminary impairment test shall have regard to the code of practice under this Article.

(6) A constable may administer a preliminary impairment test only if he is approved for that purpose by the Chief Constable.

(7) A code of practice under this Article may include provision about—

- (a) the giving of approval under paragraph (6), and

**Status:** Point in time view as at 15/11/2007.

**Changes to legislation:** The Road Traffic (Northern Ireland) Order 1995, Section 17B is up to date with all changes known to be in force on or before 26 June 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)

- (b) in particular, the kind of training that a constable should have undergone, or the kind of qualification that a constable should possess, before being approved under that paragraph.]

**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.

**Modifications etc. (not altering text)**

**C1** Art. 17B: functions transferred from Secretary of State to Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(1)(2), **Sch. 1** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**Status:**

Point in time view as at 15/11/2007.

**Changes to legislation:**

The Road Traffic (Northern Ireland) Order 1995, Section 17B is up to date with all changes known to be in force on or before 26 June 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.