



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Motor vehicles: drink and drugs

[^{F1}6D Arrest

- (1) A constable may arrest a person without warrant if as a result of a preliminary breath test the constable reasonably suspects that the proportion of alcohol in the person's breath or blood exceeds the prescribed limit.

[The fact that specimens of breath have been provided under section 7 of this Act by the
^{F2}(1A) person concerned does not prevent subsection (1) above 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 section 6, 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.

[A person arrested under this section may, instead of being taken to a police station,
^{F3}(2A) be detained at or near the place where the preliminary test was, or would have been, administered, with a view to imposing on him there a requirement under section 7 of this Act.]

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

Status: Point in time view as at 19/01/2013. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 6D is up to date with all changes known to be in force on or before 08 July 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)

Textual Amendments

- F1** Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 107, 120, **Sch. 7 para. 1**; S.I. 2004/827, **arts. 2, 3**
- F2** S. 6D(1A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 154(2), 178**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5))
- F3** S. 6D(2A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 154(3), 178**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5))

Modifications etc. (not altering text)

- C1** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), regs. 1, 3
- C2** Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **ss. 83(1)(3), 96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2, 3**

Status:

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