

# TRANSPORT SAFETY

## The Preliminary Breath Test Device Approval 2005

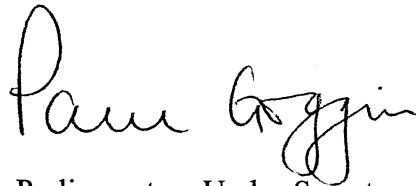
The Secretary of State, in exercise of the powers conferred upon him by section 6A(1) of the Road Traffic Act 1988 (a) ("the 1988 Act"), hereby approves as from 18<sup>th</sup> July 2005, for the purpose of breath tests required under that section and, in exercise of the powers conferred upon him by section 38(1) of the Transport and Works Act 1992 (b) ("the 1992 Act"), hereby approves as from 18<sup>th</sup> July 2005, for the purpose of breath tests required under section 29 of the 1992 Act, each of the types of device set out in the Schedule hereto for the use of police forces in England, Wales and Scotland. (This approval extends to use for the purposes of section 6A of the 1988 Act as that section applies in relation to the offences under sections 78(2) and (3) (shipping: professional staff on duty), sections 79(2) and (3) (shipping: professional staff off duty), section 92(1) (aviation: being unfit for duty) and section 93(1) (aviation: prescribed limit) of the Railways and Transport Safety Act 2003(c) ("the 2003 Act".))

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### SCHEDULE

The device known as the **Intoximeter Alco-Sensor FST** manufactured by **Intoximeters UK Ltd.**

The device known as the **Draeger Alcotest 6510** manufactured by **Draeger (Safety) UK Ltd.**



Parliamentary Under-Secretary of State

Home Office

12 July 2005

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- (a) 1988 c.52.
  - (b) 1992 c.42.
  - (c) 2003 c.20.

## EXPLANATORY NOTE

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

Section 6A of the Road Traffic Act 1988 (“the 1988 Act”) and section 29 of the Transport and Works Act 1992 (“the 1992 Act”) empower a constable, in specified circumstances, to require a person to provide a specimen of breath for a preliminary test for the purpose of obtaining, by means of a device type approved by the Secretary of State, an indication whether the proportion of alcohol in the person’s breath is likely to exceed the prescribed limit. This Approval approves as from 18<sup>th</sup> July 2005 as a means by which such preliminary tests can be carried out the types of device set out in the Schedule.

Sections 83 and 96 of the Railways and Transport Safety Act 2003 (“the 2003 Act”) apply section 6A of the Road Traffic Act 1988, as thereby modified, to certain offences in Parts 4 and 5 of the 2003 Act, including those under section 78 (shipping: professional staff on duty), section 79 (shipping: professional staff off duty), section 92 (aviation: being unfit for duty) and section 93 (aviation: prescribed limit). This Approval applies to the prescribed limit for the offences under sections 78(3) and 79(3) of the 2003 Act as set out in section 81(1)(a) of that Act and to the prescribed limit for the offences under section 93(1) of the 2003 Act as set out in section 93(2)(a) and (3)(a) of that Act. In addition this Approval applies to the offences in sections 78(2), 79(2) and 92(1) of the 2003 Act for which a prescribed limit is not required.

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