



Number 37 of 2003

ROAD TRAFFIC ACT 2003

ARRANGEMENT OF SECTIONS

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[No. 37.]

Road Traffic Act 2003.

[2003.]

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Number 37 of 2003

ROAD TRAFFIC ACT 2003

AN ACT TO AMEND PART III OF THE ROAD TRAFFIC ACT 1994 AND TO REPEAL SECTION 10 OF THE ROAD TRAFFIC ACT 2002. [27th November, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act “Act of 1994” means the Road Traffic Act 1994. Definition.

2.—The following section is substituted for section 12 of the Act of 1994: Obligation to provide preliminary breath test.

“12.—(1) This section applies to a person in charge of a mechanically propelled vehicle in a public place who, in the opinion of a member of the Garda Síochána—

- (a) has consumed intoxicating liquor,
- (b) is or has, with the vehicle, been involved in a collision, or
- (c) is committing or has committed an offence under the *Road Traffic Acts 1961 to 2003*.

(2) A member of the Garda Síochána may require a person to whom this section applies—

- (a) to provide, by exhaling into an apparatus for indicating the presence of alcohol in the breath, a specimen of his or her breath,
- (b) to accompany him or her to a place (including a vehicle) at or in the vicinity of the public place concerned and there require the person to provide, by exhaling into such an apparatus, a specimen of his or her breath, or
- (c) where the member does not have such an apparatus with him or her, to remain at that place in his or her presence or in the presence of another member of the Garda Síochána until such an apparatus becomes available to him or her (but the member shall not require the person to so remain for more

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than one hour) and the member may then require the person to provide, by exhaling into such an apparatus, a specimen of his or her breath,

and the member may indicate the manner in which the person is to comply with the requirement.

(3) A person who refuses or fails to comply immediately with—

(a) a requirement under this section, or

(b) such a requirement in a manner indicated by a member of the Garda Síochána,

is guilty of an offence and is liable on summary conviction to a fine not exceeding €2,500 or imprisonment for a term not exceeding 6 months or both.

(4) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section.

(5) In a prosecution for an offence under this Part or under section 49 or 50 of the Principal Act, it shall be presumed, until the contrary is shown, that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath pursuant to this section is an apparatus for indicating the presence of alcohol in the breath.”.

Amendment of section 13(1) of Act of 1994 (provision of specimen following arrest).

Repeal.

3.—Section 13(1) of the Act of 1994 is amended by substituting “section 12(4)” for “section 12(3)”.

4.—Section 10 of the Road Traffic Act 2002 is repealed.

Short title, collective citation and commencement.

5.—(1) This Act may be cited as the Road Traffic Act 2003.

(2) The Road Traffic Acts 1961 to 2002 and this Act may be cited together as the Road Traffic Acts 1961 to 2003.

(3) This Act comes into operation on such day as the Minister for Transport may fix by order.