



STATUTORY INSTRUMENTS.

S.I. No. 534 of 2014



ROAD TRAFFIC ACT 2010 (IMPAIRMENT TESTING) REGULATIONS
2014

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2014

I, PASCHAL DONOHOE, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 11(3) (inserted by section 11 of the Road Traffic Act 2014 (No. 3 of 2014)) of the Road Traffic Act 2010 (No. 25 of 2010), hereby make the following regulations:

1. (1) These Regulations may be cited as the Road Traffic Act 2010 (Impairment Testing) Regulations 2014.

(2) These Regulations come into operation on 27 November 2014.

2. In these Regulations “section 11(1)” means section 11(1) (inserted by section 11 of the Road Traffic Act 2014 (No. 3 of 2014)) of the Road Traffic Act 2010 (No. 25 of 2010).

3. Each of the tests described in Schedule 1 is prescribed for the purposes of section 11(1).

4. The form set out in Schedule 2 is prescribed for the purposes of section 11(1).

5. A member of the Garda Síochána may infer from observing a person’s ability to perform impairment tests in his or her presence, or in the presence of another member, in the manner indicated by him or her, or that other member, that the person’s ability to drive is impaired.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 28th November, 2014.*

SCHEDULE 1

1. Pupillary Examination

1.1 The pupillary examination and observations on the appearance of the eyes indicate whether a person may be affected by an intoxicant.

1.2 Before a pupillary examination the tester will instruct the subject to:

- look straight ahead
- keep their eyes open

and ascertain that:

- the person understands the instruction, and
- whether contact lenses are being worn.

1.3 The examination will be conducted using a gauge. The gauge will be held adjacent to the appropriate side of the subject's face to enable the tester, by a process of comparison, to estimate the sizes of the subject's pupils.

1.4 The tester may also record if the subject's eyes are 'watery' and/or whether the subject's eyes display 'reddening'.

2. The Modified Romberg Balance Test

2.1 The Modified Romberg Balance Test is an indicator of a person's internal clock and ability to balance.

2.2 Before a Modified Romberg Balance Test, the tester will instruct the subject:

- to stand up straight with heels and toes together and with arms down by the side
- to maintain the position while the remaining instructions are given and
- not to begin until told and when further instructed
- to tilt the head back slightly and then close their eyes (the tester may demonstrate the position required but without closing his or her eyes)
- to bring the head forward, open their eyes and say 'stop' when they think that 30 seconds have passed.

and ascertain:

- that the subject understands the instructions, and
- whether the subject has any disability or medical condition which he thinks might prevent participation in the test.

2.3 The tester will record whether the subject was able to balance while being instructed, whether the subject steps, sways and/or raises their arms during the test and whether the subject's eyes were opened or head was lowered. The tester will also record the number of seconds that had elapsed when the subject said 'stop', and whether the subject was able to complete the test.

3. Walk and Turn Test

3.1 The walk and turn test is an exercise that enables assessment of whether a person is able to divide attention between walking, balancing and processing instructions.

3.2 Before a walk and turn test, the tester shall identify a line, avoiding the use of a kerb or anywhere the subject may fall, and will instruct the subject:

- to place the left foot on the line
- to place the right foot on the line in front of the left foot touching heel to toe (the tester may demonstrate the position)
- to put the arms down by the side and keep them there throughout the test and
- to maintain the position while remaining instructions are given

and ascertain:

- whether the subject understands the instructions so far given

The tester shall further instruct the subject that when he or she says 'start':

- to take nine heel to toe steps along the line
- to ensure that on each step the heel of the front foot is placed against the toe of the other foot (the tester may demonstrate the instructions so far given)
- after nine steps have been taken, to leave the front foot on the line and turn around using a series of small steps with the other foot
- after turning, to take another nine heel to toe steps back along the line
- to watch the feet at all times during the test
- to count each step out loud
- having once started, not to stop until the test is complete (the tester should demonstrate the complete test)

and ascertain:

- whether the subject has understood the remaining instructions,

and

- whether the subject has any disability or medical condition which he thinks might prevent participation in the test.

3.3 The tester will record whether the subject was able to stand still while being instructed, whether the subject started too soon, whether the subject turned correctly, any occasions when the subject stopped walking, missed heel to toe connection, stepped off line, or raised their arms. The tester will also record whether the steps were correctly counted. The point of any deviation from the straight line during the course of the test will additionally be marked on a diagram on the appropriate form.

4. One Leg Stand

4.1 The one leg stand test enables assessment of balance and counting out loud.

4.2 Before a one leg stand test, the tester shall instruct the person:

- to stand with their heels and toes together and their arms down by their sides
- to maintain the position while receiving the remaining instructions

and

- not to begin until told to

and ascertain:

- whether the subject understands the instructions so far given

The tester shall further instruct the subject that when he or she says ‘start’:

- to raise the right foot 6 to 8 inches or 15 to 20 centimetres off the ground
- to keep the elevated leg straight with the toes pointing forward and the foot parallel with the ground
- to keep the arms down by the side, and
- to keep looking at the elevated foot throughout the test and whilst doing so, to count out aloud ‘one thousand and one, one thousand and two, one thousand and three’ and so on progressively until told to stop

and ascertain:

- whether the subject has understood the remaining instructions
- whether the subject has any disability or medical condition which he thinks might prevent participation in the test.

6 [534]

4.3 The tester will instruct the subject to undertake the test using each foot in turn. The instructions need not be repeated for the second foot but they may be.

4.4 The tester will record over a timed period of 30 seconds, for each foot, any instances where the subject sways, hops, puts a foot down or raises the arms, together with the point of the test at which it occurred.

5. Finger to Nose Test

5.1 The finger to nose test is a test of depth perception and balance.

5.2 Before a finger to nose test, the tester shall instruct the subject:

- to stand with feet together and whilst doing so
- to extend both arms out in front, palms side uppermost, with the fist closed and the index finger of each hand extended (the tester should demonstrate the position)
- to maintain the position while the remaining instructions are given
- not to begin until told to
- when told to start, to tilt the head back slightly and then close the eyes (the tester may demonstrate the position)
- when told which hand to move, to touch the tip of the nose with the tip of the index finger of that hand and then having done so
- to lower the hand (the tester may demonstrate the required action)

and ascertain:

- that the subject understands the instructions so far given, and
- whether the subject has any disability or medical condition which he thinks might prevent participation in the test.

5.3 The tester shall call out the order of the hands to be used as follows, Left, Right, Left, Right, Right, Left.

5.4 The tester will record any instance during the test when the subject steps, sways or raises an arm, and whether the correct hand was used. The tester will record any occasions when the subject touched a part of the face other than the tip of the nose, and whereabouts.

SCHEDULE 2

IMPAIRMENT TESTING

SECTION 11 ROAD TRAFFIC ACT 2010, as amended

1. INTRODUCTION AND GENERAL GUIDANCE

This form is for use by members of An Garda Síochána during the application of an Impairment Test on a subject who has been required to cooperate. Where a test is abandoned the reasons should be recorded. A record of any medical condition or disability claimed at any time during the tests, and a record of any response or gesture made to any question or at any other time, must be recorded. Only a 'Pupillary Gauge' as approved for use by the Commissioner will be used for the Pupillary Examination. The 'Pupillary Gauge' used must be retained for production at court if required.

2. RELEVANT DETAILS OF IMPAIRMENT TEST

Date Time Started Time completed

Location of Test

Weather Conditions: Fine/ Rain/
Snow/ Wind*

Type of Surface Used:
(Indicate Wet/ Dry)

Type of Footwear
Worn

Lighting Conditions: Daylight/
Twilight/ Darkness*

Street Lights
Indicate Colour:

If Street Lighting: Adequate/
Underlit*

Name: Date of Birth: Male/ Female*

Address:

Requiring Member: Rank: Registered No:

(Member making requirement under Section 11(1) Road Traffic Act 2010, as amended)

I.T Member: Rank: Registered No:

(Member carrying out the Impairment Test under Regulations in accordance with Section 11(3) Road Traffic Act 2010, as amended)

*Delete as appropriate

3. GENERAL NOTES

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.....
.....
.....
.....

4. PUPILLARY EXAMINATION

“I am going to examine the size of your pupils, comparing them to this gauge, which I will hold up to the side of your face. All I require you to do is look straight ahead and keep your eyes open wide”.

“Do you understand?” YES/ NO* Comment

“Are you wearing Contact Lenses?” YES/ NO* Comment

PUPIL SIZE LEFT mm WATERY YES/ NO*
PUPIL SIZE RIGHT mm REDDENING YES/ NO*

A pupil size: 1.0 — 2.5 (inclusive) normally indicates constriction. 7.0 — 9.0 (inclusive) normally indicates dilation

Additional Comments

5. MODIFIED ROMBERG BALANCE TEST

*“Stand up straight with your heels and toes together and your arms down by your sides (demonstrate). Maintain that position while I give you the remaining instructions. Do not begin until I tell you. When I tell you, tilt your head back slightly, close your eyes (**demonstrate but do not close your eyes**). When you think 30 seconds has passed, bring your head forward, open your eyes and say ‘Stop’”.*

“Do you understand?” YES/ NO* Comment

“Do you have any disability or medical condition that prevents you from participating in this test?”

*Delete as appropriate

Reply

START:

ABLE TO BALANCE DURING INSTRUCTIONS: YES/ NO*

IF NO STEPS SWAYS RAISES ARMS

COMPLIED WITH INSTRUCTIONS YES/ NO* Comment

IF NO EYES HEAD STEPS SWAYS RAISED
 OPEN RAISED ARMS

record time in
seconds

ESTIMATES 30 SECONDS ATSECONDS

“How long was that?” **REPLY:**

Additional Comments

6. WALK AND TURN TEST

(Identify a real or imaginary line. Do not use a kerb or anywhere the subject may fall)

*“Place your left foot on the line. Place your right foot on the line in front of your left touching heel to toe (**demonstrate**). Put your arms down by your sides and keep them there throughout the test. Maintain that position while I give you the remaining instructions”.*

“Do you understand?” YES/ NO* Comment

*“When I say start, you must take nine heel to toe steps along the line. On each step the heel of the foot must be placed against the toe of the other foot (demonstrate). When the ninth step has been taken, you must leave the front foot on the line and turn around using a series of small steps with the other foot. After turning you must take another nine heel to toe steps along the line. During the test you must watch your feet at all times and count each step out loud. Once you start walking do not stop until you have completed the test”. (**demonstrate complete test**)*

“Do you understand?” YES/ NO* Comment

*Delete as appropriate

“Do you have any disability or medical condition that prevents you from participating in this test?”

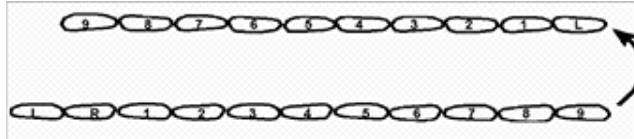
Reply

START:

ABLE TO BALANCE DURING INSTRUCTIONS: YES/ NO*.....

IF NO STEPS SWAYS RAISES ARMS STARTS TOO SOON

COMPLIED WITH INSTRUCTIONS YES/ NO* IF NO



Any deviation from the instructions should be indicated as below and on the diagram above

- | | | | |
|------------------|-------------------|----------------|-------------------|
| 1. STOPS WALKING | 2. MISS HEEL/ TOE | 3. RAISES ARMS | 4. STEPS OFF LINE |
|------------------|-------------------|----------------|-------------------|

CORRECT TURN YES/ NO* Comment

IF NO: STATE REASON

COUNTS OUT LOUD	YES/ NO*	Comment
CORRECT STEP COUNT	YES/ NO*	Comment

IF NO TO TURN FROM TURN

Additional Comments

7. ONE LEG STAND TEST

“Stand with your feet together and your arms down by your sides (**demonstrate**). Maintain that position while I give you the remaining instructions. Do not begin until I tell you”.

“Do you understand?” YES/ NO* Comment

*Delete as appropriate

“When I tell you to you must raise your right foot 6 to 8 inches (or 15 to 20 cms) off the ground, keeping your leg straight and your toes pointing forward, with your foot parallel to the ground (demonstrate). You must keep your arms down by your sides and keep looking at your raised foot while counting out loud in the following manner, ‘one thousand and one, one thousand and two’ and so on until I tell you to stop”.

“Do you understand?” YES/ NO* Comment

“Do you have any disability or medical condition that prevents you from participating in this test?”

Reply

Repeat procedure with each foot.

START:

ABLE TO BALANCE DURING INSTRUCTIONS: YES/ NO*

IF NO STEPS SWAYS RAISES ARMS

COMPLIED WITH INSTRUCTIONS YES/ NO* IF NO

LEFT LEG	SWAYS	HOPS	PUTS FOOT DOWN	RAISES ARMS
----------	-------	------	-------------------	----------------

Time
(seconds)

RIGHT LEG	SWAYS	HOPS	PUTS FOOT DOWN	RAISES ARMS
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Time
(seconds)

COUNTED CORRECTLY YES/ NO* Comment

Additional Comments

*Delete as appropriate

8. FINGER AND NOSE TEST

“Stand with your feet together and your arms in this position (**demonstrate extending both hands out in front, palms side up and closed with the index finger of both hands extended**). Maintain that position while I give you the remaining instructions. Do not begin until I tell you. When I tell you, you must tilt your head back slightly and close your eyes (**demonstrate, but do not close your eyes**). When I tell you which hand to move, you must touch the tip of your nose with the tip of that finger and lower your hand once you have done so (**demonstrate**)”.

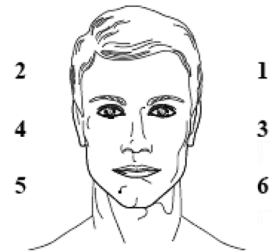
“Do you understand?” YES/ NO* Comment

“Do you have any disability or medical condition that prevents you from participating in this test?”

Reply

START: Call out the hands in the following order, left, right, left, right, right, left.

	1	2	3
CORRECT HAND USE	YES/ NO*	YES/ NO*	YES/ NO*
	4	5	6
	YES/ NO*	YES/ NO*	YES/ NO*



ABLE TO BALANCE DURING INSTRUCTIONS: YES/ NO*

IF NO STEPS SWAYS RAISES ARMS

9. OVERALL ASSESSMENT

SUBJECT: IMPAIRED / NOT IMPAIRED*

10. SIGNATURES

I.T. Member: Rank: Registered No:

(Member carrying out the Impairment Test under Regulations in accordance with Section 11(3) Road Traffic Act 2010, as amended.)

Member: Rank: Registered No:

(completing form if different)

*Delete as appropriate



GIVEN under my Official Seal,
26 November 2014.

PASCHAL DONOHOE,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These regulations prescribe details of non-technological cognitive impairment tests which may be carried out on drivers to test for impairment in accordance with section 11 of the Road Traffic Act 2010 (No. 25 of 2010), as amended by section 11 of the Road Traffic Act 2014 (No. 3 of the 2014). The regulations also prescribe the form for recording the results of the test.

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