

Breath Tests

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Whilst the Police are not allowed to carry out random breath tests, they can require a person to provide a road side breath test where:

That person is driving, is attempting to drive, has been driving or is in charge of a motor vehicle; AND

There are reasonable grounds to suspect that the driver has been drinking; OR

The driver has committed a traffic offence whilst the vehicle is in motion; OR

There are reasonable grounds to believe that the motorist was driving or in charge of a vehicle owing to the presence of which an accident occurred.

It is an offence to fail to provide a specimen of breath. The offence attracts 4 penalty points and a discretionary ban - and a fine.

Where either a specimen is refused, or where it is provided and the motorist fails the test, the motorist will usually be arrested and removed to the Police Station to provide a further "evidential" sample of breath.

Failure to provide the evidential sample will, other than in very rare and exceptional circumstances, attract an obligatory ban - usually of 18 months duration - and can attract a custodial sentence.