

STATES OF JERSEY



Jersey

DRAFT ROAD TRAFFIC LAW (DRUG DRIVING) (JERSEY) AMENDMENT REGULATIONS 202-

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by the Minister for Infrastructure
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STATES GREFFE

REPORT

Summary

The Draft Road Traffic Law (Drug Driving) (Jersey) Amendment Regulations 202-, if adopted, would introduce legal limits for drug concentration in drivers and powers to conduct roadside drug testing. These measures aim to improve road safety by deterring drug-impaired driving and ensuring a clear legal framework for enforcement.

Background

While current legislation enables the prosecution of drivers impaired by drugs or alcohol under Articles 26, 26B and 27 of the [Road Traffic \(Jersey\) Law 1956](#), there is no statutory definition of a legal limit for drug use, nor any power for the Police to conduct roadside testing for drugs.

This limits the ability of the police to successfully prosecute individuals driving under the influence of drugs, even where impairment is suspected. The lack of evidential thresholds creates ambiguity in enforcement, undermines deterrence, and has made successful prosecutions challenging.

To address this, a cross-organisational Drugs Limit Working Group was created to identify appropriate drug limits, to try and deter people driving whilst under the influence of drugs and support future prosecutions. The group reviewed best practice from the UK and other jurisdictions and developed proposals for a Jersey-specific framework for drug driving offences.

Summary of Legislative Proposals

The draft law introduces:

- A new offence of driving or being in charge of a motor vehicle with a concentration of a specified drug above a prescribed limit (new Article 28A)
- Drug limits for Delta-9-Tetrahydrocannabinol (THC), with powers to add further specified drugs by Order in the future
- Lower THC limits apply when the motor vehicle they are driving, attempting to drive, or in charge of may only be driven by a person who holds a Group 2 licence or a public service vehicle (PSV) licence; when the driver is registered with the Minister as a driving instructor and are instructing at the time; or when the driver also exceeds the prescribed alcohol limit
- Powers for Police to undertake a roadside preliminary drug test, using approved testing devices
- Alignment of the evidential testing process for drugs with that of alcohol, including blood sample procedures, evidentiary standards, and protections for hospital patients.

Proposed Drug Limits

The following limits will be introduced by Regulation under the proposed legislation:

Substance	Limit (µg/L blood)
THC (Cannabis) – regular drivers	5 µg/L
THC – PSV / Group 2 licence holders / regulated driving instructors (when instructing) / combined with alcohol above the prescribed limit	2 µg/L

N.B Additional drug limits may be included by Order as needed in the future, by the relevant Minister.

Enforcement and Safeguards

- The preliminary drug test result is not evidential but provides reasonable cause for arrest and formal blood testing at police headquarters, should an officer suspect the driver to be under the influence of drugs
- Police officers must be trained to administer approved testing devices
- The relevant Minister may approve testing devices and amend drug limits via Order, allowing the law to adapt to new scientific and technological developments
- There is no requirement for drivers to carry prescriptions of medicinal cannabis. The limit for regular drivers applies regardless of source or prescription status, to ensure equity and avoid potential discrimination

Drugs Working Group

Through the working group attendees, there was consultation with the following stakeholders:

- States of Jersey Police
- Department for Infrastructure and Environment
- Driving and Vehicle Standards
- Medical professionals including and those working within cannabis prescription
- Cabinet Office (Official Analyst & Justice and Home Affairs Policy)
- Health and Safety Inspectorate (Forensic Medical Examiners)

Financial and staffing implications

Future implementation of the roadside drug testing regime will require police investment in:

- Certified roadside screening devices
- Police officer training
- Evidential testing protocols and laboratory capacity

These costs will be considered in future budget allocations and may be phased based on available resources.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) screener has been prepared in relation to this proposition and is available to read on the States Assembly website.

EXPLANATORY NOTE

These Regulations, if passed, will amend the Road Traffic (Jersey) Law 1956 (the “Law”) to make further provision about driving under the influence of drugs.

Under the Law it is an offence for a person to cause death by careless driving while under the influence of drugs (Article 26), to cause serious injury by careless driving while under the influence of drugs (Article 26B), or to drive while under the influence of drugs (Article 27). A person is “under the influence of drugs” for these purposes if their ability to drive properly is impaired by a drug (other than alcohol) that is an intoxicant. But the Law does not contain offences for driving while over a prescribed limit for drugs.

These Regulations amend the Law to introduce offences for driving while over the prescribed limit for Delta-9-Tetrahydrocannabinol (“THC”). The new offences mirror offences in the Law for driving while over the prescribed limit for alcohol.

Regulation 1 states that these Regulations amend the Law.

Regulation 2 amends Article 1 to insert the definition “specified drug” and to amend the definition “prescribed limit”.

Regulation 3 amends Article 26. Under Article 26(1)(b), a person commits an offence if they cause death by careless driving while over the prescribed limit for alcohol. The amendment means that a person also commits an offence if they cause death by careless driving while over the prescribed limit for THC.

Regulation 4 amends Article 26B. Under Article 26B(1), a person commits an offence if they cause serious injury by careless driving while over the prescribed limit for alcohol. The amendment means that a person also commits an offence if they cause serious injury by careless driving while over the prescribed limit for THC.

Regulation 5 inserts Article 27(1A), which is consequential on new Article 28A(6) (see below).

Regulation 6 makes amendments to Article 28 that update the drafting style, but that do not affect its meaning or effect. It also inserts new paragraph (4A), which is consequential on new Article 28A(6) (see below).

Regulation 7 inserts new Articles 28A and 28B.

New Article 28A makes it an offence for a person to drive, attempt to drive or be in charge of a vehicle while they are over the prescribed limit for THC. A person who commits the offence is liable to imprisonment for up to 12 months and a fine of level 3 on the standard scale, and to disqualification from holding a driving licence.

The offence under new Article 28A mirrors the existing offence under Article 28 of driving, attempting to drive or being in charge of a vehicle while over the prescribed limit for alcohol.

But Article 28A(6) is new, and states that if a vehicle is being used by a registered driving instructor for the purpose of giving driving instruction, the driving instructor is treated as being “in charge” of the vehicle even if someone else is in the driving seat.

So that registered driving instructors are treated consistently under the Law, new Articles 27(1A) and 28(4A) (inserted, respectively, by *Regulations 5 and 6*) state that a registered driving instructor is treated as being in charge of a vehicle for the purposes of the offences under those Articles (driving while under influence of drink or drugs, and driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit) even if someone else is in the driving seat.

New Article 28B states that THC is a specified drug, and sets out the prescribed limits in relation to THC. Generally, the prescribed limit for THC is 5 micrograms per litre of blood. But a lower

prescribed limit of 2 micrograms of THC per litre of blood applies in the case of a person who is driving –

- (a) a heavy goods vehicle (specifically, a vehicle in category C1, C, D1, D, C1+E, C+E, D1+E or D+E as prescribed under the Motor Vehicles (Driving Licences) (Jersey) Order 2003);
- (b) a public service vehicle; or
- (c) a vehicle being used for driving instruction, if the person is a registered driving instructor.

The lower prescribed limit for THC also applies in the case of a person who is driving any vehicle if they are over the prescribed limit for alcohol.

The Minister for Justice and Home Affairs may amend the Law, by Order, to prescribe different specified drugs, different prescribed limits and different people who are subject to the prescribed limits.

Regulation 8 inserts new Articles 29A and 29B.

New Article 29A allows a police officer to require a person to provide a specimen for the purposes of a preliminary drug test, and makes it an offence for a person to fail to provide a specimen without reasonable excuse. It is for the Minister for Justice and Home Affairs to approve a device for the purposes of administering the preliminary drug test, and that Minister may amend the Law, by Order, to prescribe a different test. Article 29A broadly mirrors existing Article 29, which makes provision about preliminary breath tests for alcohol. But, unlike Article 29, new Article 29A allows up to 3 preliminary drug tests to be carried out in relation to a person, to allow for testing for the presence of more than 1 prescribed drug.

New Article 29B applies if an accident occurs owing to the presence of a motor vehicle on a road or other public place and a police officer reasonably suspects that the accident involved injury to any person. It allows a police officer to enter premises to require a person to provide a specimen for the purposes of a preliminary breath test under Article 29 or preliminary drug tests under Article 29A.

Regulation 9 amends Article 30, which allows a police officer to require specimens of breath, blood or urine at a police station if they suspect an offence has been committed under Article 26, 27 or 28. The amendment extends the powers in Article 30 to circumstances where a police officer suspects an offence has been committed under new Article 28A. It also adds a reference to Article 26B, which had been omitted from the Law in error.

Regulation 10 amends Article 30B, which regulates the laboratory testing of blood samples taken under Article 30. Article 30B(6) defines an “offence” for these purposes as one committed under Article 26, 27, 28 or 30. The amendment adds new Article 28A to that list. It also adds a reference to Article 26B, which had been omitted from the Law in error.

Regulation 11 amends Article 33, which makes provision about the use of evidence in proceedings for offences under Articles 26, 27 and 28. The amendment adds reference to offences under new Article 28A. It also adds a reference to Article 26B, which had been omitted from the Law in error.

Regulation 12 amends Article 34, which allows a statement automatically produced by a device used to test for the concentration of alcohol in breath to be produced in evidence in proceedings for an offence. The amendment makes the same provision in relation to statements produced by devices used to test for the concentration of a specified drug.

Regulation 13 amends Article 35, which states that a person who has committed an offence under various Articles, including Article 28, and has been disqualified from driving, may not obtain a driving licence until they have passed a test of competence to drive. The amendment adds reference to offences under new Article 28A.

Regulation 14 amends Article 36 to provide for alternative verdicts if a person is charged with an offence under Article 28A.

Regulation 15 amends Schedule 1 to add the offences under new Articles 28A and 29A to the list of offences in respect of which disqualification or endorsement may be ordered.

Regulation 16 amends Schedule 3 to add the offences under Articles 28A and 29A to the list of offences in respect of which a Centenier may not fine a person who has been charged.

Regulation 17 introduces the *Schedule*, which makes consequential amendments –

- (a) to the code of practice for treatment of persons detained under the Extradition (Jersey) Law 2004, set out in the Schedule to the Extradition (Code of Practice for Treatment of Detained Persons) (Jersey) Order 2005, so that references to testing breath, blood and urine under the Law also include references to testing sweat and saliva (for the purpose of determining whether a person is over the prescribed limit for drugs);
- (b) to the list of serious offences in Schedule 1 to the Police Procedures and Criminal Evidence (Jersey) Law 2003, to add references to offences under Article 25A of the Law;
- (c) in the Schedule to the Police Procedures and Criminal Evidence (Codes of Practice) (Jersey) Order 2004 –
 - (i) to the code of practice for the detention, treatment and questioning of persons by police officers, to add references to testing sweat and saliva under the Law; and
 - (ii) to the code of practice on testing for the presence of class A drugs, to add reference to offences under Article 28A of the Law;
- (d) to Article 6(2) of the Policing of Parks (Jersey) Regulations 2005, which lists Articles of the Law that apply to a pedal cycle ridden on a cycle track in a park, to add reference to Articles 26 and 26A of the Law;
- (e) to Schedule 9 to the Terrorism (Jersey) Law 2002, which makes provision about the treatment of people detained, to add offences under Article 25A of the Law to the list of serious offences.

Regulation 18 gives the name of these Regulations and states that they come into force 7 days after they are made.



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DRAFT ROAD TRAFFIC LAW (DRUG DRIVING) (JERSEY) AMENDMENT REGULATIONS 202-

*Made**[date to be inserted]**Coming into force**[date to be inserted]*

THE STATES make these Regulations under the [Loi \(1851\) autorisant l'établissement des règlements sur la police des chemins](#), Article 92 of the [Road Traffic \(Jersey\) Law 1956](#), Article 3(10) of the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#) and Schedule 9, paragraph 9(9), to the [Terrorism \(Jersey\) Law 2002](#) –

1 [Road Traffic \(Jersey\) Law 1956](#) amended

These Regulations amend the [Road Traffic \(Jersey\) Law 1956](#).

2 Article 1 (interpretation) amended

In Article 1(1) –

- (a) for the definition “prescribed limit” there is substituted –
“prescribed limit” –
 - (a) in relation to alcohol, has the meaning given in Article 28(4);
 - (b) in relation to a specified drug, has the meaning given in Article 28B(2);
- (b) after the definition “road” there is inserted –
“specified drug” means a drug specified in Article 28B(1).

3 Article 26 (causing death by careless driving when under the influence of drink or drugs) amended

After Article 26(1)(b) there is inserted –

- (ba) the proportion of a specified drug in the person’s blood exceeds the prescribed limit;

4 Article 26B (causing serious injury by careless driving when under the influence of drink or drugs) amended

After Article 26B(1)(b) there is inserted –

- (ba) the proportion of a specified drug in the person's blood exceeds the prescribed limit;

5 Article 27 (driving when under influence of drink or drugs) amended

In Article 27 –

- (a) in paragraph (1), the unnumbered text beginning “Provided that a person in charge of a vehicle” is numbered paragraph (1B);
- (b) in paragraph (1B), for “Provided that a person” there is substituted “A person”;
- (c) before paragraph (1B) there is inserted –
 - (1A) If a vehicle is being used for the purposes of driving instruction by a person who is registered with the Minister as a driving instructor (the “instructor”) –
 - (a) the instructor is treated as also being in charge of the vehicle for the purposes of paragraph (1), regardless of whether another person is driving, attempting to drive or in charge of the vehicle; and
 - (b) paragraph (1B) does not apply to the instructor.

6 Article 28 (driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit) amended

In Article 28 –

- (a) for paragraph (1) there is substituted –
 - (1) A person commits an offence if the proportion of alcohol in their breath, blood or urine exceeds the prescribed limit and –
 - (a) they drive or attempt to drive a motor vehicle on a road or other public place; or
 - (b) they are in charge of a motor vehicle on a road or other public place.
 - (1A) A person who commits an offence under paragraph (1) is liable to imprisonment for a term of 12 months and to a fine of level 3 on the standard scale.
- (b) for paragraph (3) there is substituted –
 - (3) In paragraph (2), “offence” means an offence under this Article or under Article 26, 27, 28A, 30 or 30B.
- (c) in paragraph (4), for “In this Law the “prescribed limit” means, as the case may require” there is substituted “The prescribed limit in relation to alcohol concentration means”;
- (d) after paragraph (4) there is inserted –
 - (4A) If a motor vehicle is being used for the purposes of driving instruction by a person who is registered with the Minister as a driving instructor (the “instructor”) –
 - (a) the instructor is treated as also being in charge of the vehicle for the purposes of paragraph (1)(b), regardless of whether another person is driving, attempting to drive or in charge of the vehicle; and
 - (b) paragraph (5) does not apply to the instructor.

7 Articles 28A (driving or being in charge of a motor vehicle with concentration of specified drug above prescribed limit) and 28B (prescribed limit in relation to specified drug) inserted

After Article 28 there is inserted –

28A Driving or being in charge of a motor vehicle with concentration of specified drug above prescribed limit

- (1) A person commits an offence if the proportion of a specified drug in their blood exceeds the prescribed limit and –
 - (a) they drive or attempt to drive a motor vehicle on a road or other public place; or
 - (b) they are in charge of a motor vehicle on a road or other public place.
- (2) A person who commits an offence under paragraph (1) is liable to imprisonment for a term of 12 months and to a fine of level 3 on the standard scale.
- (3) If a person is convicted of an offence under paragraph (1), they must be disqualified for holding or obtaining a licence –
 - (a) in the case of a first offence, for a period of 12 months; and
 - (b) in the case of a second or subsequent offence committed within 10 years of the last offence, for a period of 3 years.
- (4) In paragraph (3), “offence” means an offence under this Article or under Article 26, 27, 28, 30 or 30B.
- (5) Paragraph (3) does not prevent the court from –
 - (a) ordering a longer period of disqualification; or
 - (b) ordering otherwise as it thinks fit for special reasons.
- (6) If a motor vehicle is being used for the purposes of driving instruction by a person who is registered with the Minister as a driving instructor (the “instructor”) –
 - (a) the instructor is treated as also being in charge of the vehicle for the purposes of paragraph (1)(b), regardless of whether another person is driving, attempting to drive or in charge of the vehicle; and
 - (b) paragraph (7) does not apply to the instructor.
- (7) It is a defence for a person charged with an offence under paragraph (1)(b) to prove that, at the time they are alleged to have committed the offence, the circumstances were such that there was no likelihood of the person driving the vehicle while the proportion of the specified drug in their blood remained likely to exceed the prescribed limit.
- (8) In determining whether there was a likelihood as described in paragraph (7), the court may disregard any injury to the person and any damage to the vehicle.

28B Prescribed limit in relation to specified drug

- (1) Delta-9-Tetrahydrocannabinol is a specified drug.

- (2) The prescribed limit in relation to the concentration of a specified drug means –
 - (a) 2 micrograms of Delta-9-Tetrahydrocannabinol in a litre of blood if paragraph (3) or (4) applies to the person being tested; and
 - (b) 5 micrograms of Delta-9-Tetrahydrocannabinol in a litre of blood if paragraphs (3) and (4) do not apply to the person being tested.
- (3) This paragraph applies to a person if the motor vehicle they were driving, attempting to drive or in charge of, for the purposes of Article 26(1), 26B(1) or 28A(1) –
 - (a) may only be driven by a person who holds a Group 2 licence, within the meaning given in Article 1(1) of the [Motor Vehicles \(Driving Licences\) \(Jersey\) Order 2003](#);
 - (b) may only be driven by a person who holds a public service vehicle licence, within the meaning given in Article 1(1) of the [Motor Traffic \(Jersey\) Law 1935](#); or
 - (c) was being used by them for the purposes of driving instruction, and the person is registered with the Minister as a driving instructor.
- (4) This paragraph applies to a person if –
 - (a) at the time they are tested, the person also provides a specimen of blood or urine under Article 30 or 30A for a laboratory test to determine the proportion of alcohol in their blood; and
 - (b) the proportion of alcohol in their blood or urine determined by the laboratory test exceeds the prescribed limit for alcohol.
- (5) The Minister for Justice and Home Affairs may by Order amend this Law to make further or different provision about –
 - (a) which drugs are specified drugs;
 - (b) the prescribed limits in relation to a specified drug; and
 - (c) the persons to whom a prescribed limit applies.

8 Articles 29A (preliminary drug test) and 29B (power of entry) inserted

After Article 29 there is inserted –

29A Preliminary drug test

- (1) A preliminary drug test is a procedure by which a specimen of sweat or saliva is obtained from a person and used, by means of a device of a type approved by the Minister for Justice and Home Affairs, to obtain an indication of –
 - (a) whether the person has a drug in their body;
 - (b) whether the drug is a specified drug; and
 - (c) whether the proportion of a specified drug in the person's blood is likely to exceed the prescribed limit for that specified drug.
- (2) A police officer may, subject to Article 32, require a person to provide a specimen of sweat or saliva (a "specimen") for a preliminary drug test if paragraph (3) or (4) applies.
- (3) This paragraph applies if the police officer has reasonable cause to suspect –

- (a) that a person driving, attempting to drive or in charge of a motor vehicle on a road or other public place has drugs in their body or has committed a traffic offence while the vehicle was in motion;
 - (b) that a person has been driving or attempting to drive, or has been in charge of, a motor vehicle on a road or other public place with drugs in their body and that the person still has drugs in their body; or
 - (c) that a person has been driving or attempting to drive, or has been in charge of, a motor vehicle on a road or other public place and has committed a traffic offence while the vehicle was in motion.
- (4) This paragraph applies if an accident occurs owing to the presence of a motor vehicle on a road or other public place, in which case a police officer may require any person who the police officer has reasonable cause to believe was driving, attempting to drive or in charge of the vehicle at the time of the accident to provide a specimen.
- (5) A person may be required under paragraph (2) to provide a specimen –
 - (a) either at or near the place where the requirement is made; or
 - (b) if paragraph (4) applies and the police officer making the requirement thinks fit, at a police station specified by the police officer.
- (6) A person who, without reasonable excuse, fails to provide a specimen when required to do under this Article commits an offence and is liable to a fine of level 2 on the standard scale.
- (7) For the purposes of this Article, a person does not provide a specimen unless the specimen –
 - (a) is sufficient to enable the test or the analysis to be carried out; and
 - (b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.
- (8) A police officer acting under paragraph (2) may require the person to provide a specimen for up to 3 preliminary drug tests.
- (9) In this Article, “traffic offence” means an offence under –
 - (a) the [Motor Traffic \(Jersey\) Law 1935](#);
 - (b) the [Motor Traffic \(Third-Party Insurance\) \(Jersey\) Law 1948](#); or
 - (c) any provision of this Law except Article 5 or 7.
- (10) The Minister for Justice and Home Affairs may by Order amend this Law to make different or supplemental provision about what constitutes a preliminary drug test.

29B Power of entry

- (1) Paragraph (2) applies if an accident occurs owing to the presence of a motor vehicle on a road or other public place and a police officer reasonably suspects that the accident involved injury to any person.
- (2) A police officer may enter any place, using reasonable force if necessary, for the purpose of imposing a requirement under Article 29(2) or 29A(2).

9 Article 30 (provision of specimens for analysis) amended

In Article 30 –

- (a) in paragraph (1) –
 - (i) for “Article 26, 27 or 28” there is substituted “Article 26, 26B, 27, 28 or 28A”;
 - (ii) at the beginning of sub-paragraph (a) there is inserted “except in the case of an offence under Article 28A,”;
- (b) in paragraph (3)(d), for “Article 26 or 27” there is substituted “Article 26, 26B, 27 or 28A”;
- (c) for paragraph (9) there is substituted –
 - (9) In paragraph (8), “offence” means an offence under this Article or under Article 26, 26B, 27, 28, 28A or 30B.

10 Article 30B (testing of blood taken under Article 30A) amended

For Article 30B(6) there is substituted –

- (6) In paragraph (5), “offence” means an offence under this Article or under Article 26, 26B, 27, 28, 28A or 30.

11 Article 33 (evidence in proceedings for an offence under Article 26, 27 or 28) amended

In Article 33, in the heading and paragraph (1), for “Article 26, 27 or 28” there is substituted “Article 26, 26B, 27, 28 or 28A”.

12 Article 34 (documentary evidence as to specimens in such proceedings) amended

In Article 34 –

- (a) after paragraph (1)(a) there is inserted –
 - (aa) a statement automatically produced by the device by which the proportion of a specified drug in a specimen of blood was measured and a certificate signed by a police officer (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement;
- (b) in paragraph (3)(a), for “paragraph (1)(a)” there is substituted “paragraph (1)(a) or (aa)”.

13 Article 35 (power to order offenders to be tested) amended

In Article 35(1), for “28, 30 or 30B” there is substituted “28, 28A, 30 or 30B”.

14 Article 36 (alternative verdicts) amended

In Article 36(1), at the end of the table there is inserted –

driving or attempting to drive with drug concentration above prescribed limit (Article 28A(1)(a))	being in charge of a motor vehicle with drug concentration above prescribed limit (Article 28A(1)(b))
	driving or attempting to drive, or being in charge of, a vehicle when unfit to drive through drink or drugs (Article 27)
being in charge of a motor vehicle with drug concentration above prescribed limit (Article 28A(1)(b))	being in charge of a vehicle when unfit to drive through drink or drugs (Article 27)

15 Schedule 1 (motoring offences in respect of which disqualification or endorsement may be ordered) amended

In Schedule 1, in Part C (offences against the [Road Traffic \(Jersey\) Law 1956](#)) –

(a) after the entry “Article 28(1)” there is inserted –

Article 28A(1) (driving or attempting to drive, or being in charge of, a motor vehicle with drug concentration above prescribed limit);

(b) after the entry “Article 29(4)” there is inserted –

Article 29A(6) (failing to provide a specimen of sweat or saliva);

16 Schedule 3 (offences in respect of which there is no power to levy fines summarily) amended

In Schedule 3 –

(a) in the entry “Article 21”, in the second column, in sub-paragraph (a)(ii), for “Articles 21, 22, 25, 27, 28, 29, 30 or 52” there is substituted “Articles 21, 22, 25, 27, 28, 28A, 29, 29A, 30 or 52”;

(b) after the entry “Article 28(1)” there is inserted –

Article 28A(1) driving or attempting to drive, or being in charge of a motor vehicle, with drug concentration above prescribed limit;

(c) after the entry “Article 29(4)” there is inserted –

Article 29A(6) failing to provide a specimen of sweat or saliva;

17 Consequential and minor amendments

The Schedule contains consequential and minor amendments.

18 Citation and commencement

These Regulations may be cited as the Road Traffic Law (Drug Driving) (Jersey) Amendment Regulations 202- and come into force 7 days after they are made.

SCHEDULE

(Regulation 17)

CONSEQUENTIAL AND MINOR AMENDMENTS

1 [Extradition \(Code of Practice for Treatment of Detained Persons\) \(Jersey\) Order 2005](#)

In the [Extradition \(Code of Practice for Treatment of Detained Persons\) \(Jersey\) Order 2005](#), in the Schedule, in Annex D (extradition: written notice to detained person (including fair processing notice)) to the code of practice for treatment of persons detained under the [Extradition \(Jersey\) Law 2004](#) –

- (a) in the table, in item 1, for “procedures under the [Road Traffic \(Jersey\) Law 1956](#) which require the provision of breath, blood or urine specimens” there is substituted “procedures under the [Road Traffic \(Jersey\) Law 1956](#) that require the provision of breath, sweat, saliva, blood or urine specimens”;
- (b) in the table, in items 3 and 4, for “procedures which require the provision of breath, blood or urine specimens” there is substituted “procedures that require the provision of breath, sweat, saliva, blood or urine specimens”.

2 [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#)

In the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#), in Schedule 1 (serious offences), Part 2, paragraph 4, for “Articles 23 and 26 of the [Road Traffic \(Jersey\) Law 1956](#)” there is substituted “Articles 23, 25A and 26 of the [Road Traffic \(Jersey\) Law 1956](#)”.

3 [Police Procedures and Criminal Evidence \(Codes of Practice\) \(Jersey\) Order 2004](#)

In the [Police Procedures and Criminal Evidence \(Codes of Practice\) \(Jersey\) Order 2004](#), in the Schedule (codes of practice) –

- (a) in Code C (a code of practice for the detention, treatment and questioning of persons by police officers), in the Notes for Guidance following paragraph 3.18, in paragraph 3E, for “Procedures requiring the provision of breath, blood or urine specimens under the terms of the [Road Traffic \(Jersey\) Law 1956](#) (as amended)” there is substituted “Procedures requiring the provision of breath, sweat, saliva, blood or urine specimens under the terms of the [Road Traffic \(Jersey\) Law 1956](#)”;
- (b) in Code F (a code of practice on the testing for the presence of class A drugs), in paragraph 1.3(a)(iii), for “any offence under Article 28 of the [Road Traffic \(Jersey\) Law 1956](#)” there is substituted “an offence under Article 28 or 28A of the [Road Traffic \(Jersey\) Law 1956](#)”.

4 [Policing of Parks \(Jersey\) Regulations 2005](#)

In the [Policing of Parks \(Jersey\) Regulations 2005](#), in Article 6(2) (cycle tracks in parks), for “Articles 22, 23, 25, 27, 33, 36, 48, 49, 51, 52 and 74 of the [Road Traffic \(Jersey\) Law 1956](#) shall apply” there is substituted “Articles 22, 23, 25, 26, 26A, 27, 33, 36, 48, 49, 51, 52 and 74 of the [Road Traffic \(Jersey\) Law 1956](#) apply”.

5 [Terrorism \(Jersey\) Law 2002](#)

In the [Terrorism \(Jersey\) Law 2002](#), in Schedule 9 (detention), in paragraph 9(2)(b)(vii), for “Articles 23 and 26 of the [Road Traffic \(Jersey\) Law 1956](#)” there is substituted “Articles 23, 25A and 26 of the [Road Traffic \(Jersey\) Law 1956](#)”.