

Crown Office and Procurator Fiscal Service

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Dear President

Lord Advocate's Guidelines on Breath Test Devices

On 14 July 1983, my predecessor wrote to the Society indicating that "no proceedings will be instituted in Scotland for contraventions of section 6 of the Road Traffic Act 1972...on the basis of a breath/alcohol reading of less than 40 microgrammes."

You will be aware of the introduction of reduced drink drive limits on 5 December 2014. For the avoidance of doubt, when considering legislation which applies to driving or being in charge of a motor vehicle with alcohol concentration above the prescribed limits, Crown Office and Procurator Fiscal Service will no longer be bound by the terms of the 1983 letter.

Where there is sufficient and reliable evidence, and where it is in the public interest to do so, the Crown will prosecute drink drive cases in contravention of the law.

I trust that this information will be made available to your members.

Yours sincerely

Catherine Dyer
Crown Agent & Chief Executive



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