



Road Traffic Act 1972

1972 CHAPTER 20

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Offences connected with driving of motor vehicles

8 Breath tests

- (1) A constable in uniform may require any person driving or attempting to drive a motor vehicle on a road or other public place to provide a specimen of breath for a breath test there or nearby, if the constable has reasonable cause—
- (a) to suspect him of having alcohol in his body, or
 - (b) to suspect him of having committed a traffic offence while the vehicle was in motion ;

but no requirement may be made by virtue of paragraph (b) above unless it is made as soon as reasonably practicable after the commission of the traffic offence.

- (2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a constable in uniform may require any person who he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident to provide a specimen of breath for a breath test—
- (a) except while that person is at a hospital as a patient, either at or near the place where the requirement is made or, if the constable thinks fit, at a police station specified by the constable ;
 - (b) in the said excepted case, at the hospital;

but a person shall not be required to provide such a specimen while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) A person who, without reasonable excuse, fails to provide a specimen of breath for a breath test under subsection (1) or (2) above shall be guilty of an offence.
- (4) If it appears to a constable in consequence of a breath test carried out by him on any person under subsection (1) or (2) above that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood exceeds the prescribed limit, the constable may arrest that person without warrant except while that person is at a hospital as a patient.
- (5) If a person required by a constable under subsection (1) or (2) above to provide a specimen of breath for a breath test fails to do so and the constable has reasonable cause to suspect him of having alcohol in his body, the constable may arrest him without warrant except while he is at a hospital as a patient.
- (6) Subsections (4) and (5) above shall not be construed as prejudicing the provisions of section 5(5) of this Act.
- (7) A person arrested under this section, or under the said section 5(5), shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.
- (8) In this section " traffic offence " means an offence under any provision of this Act except Part V thereof or under any provision of Part III of the Road Traffic Act 1960 or the Road Traffic Regulation Act 1967.