



# Road Traffic Act 1972

## 1972 CHAPTER 20

### PART I

#### PRINCIPAL ROAD SAFETY PROVISIONS

##### *Offences connected with driving of motor vehicles*

#### **10 Ancillary provisions as to evidence in proceedings for an offence under s.5 or 6**

- (1) For the purposes of any proceedings for an offence under section 5 or 6 of this Act, a certificate purporting to be signed by an authorised analyst, and certifying—
- (a) the proportion of alcohol or any drug found in a specimen identified by the certificate, and
  - (b) for the purposes only of proceedings for an offence under the said section 5, in the case of a specimen of urine, the proportion of alcohol or of that drug in the blood which corresponds to the proportion found in the specimen,
- shall, subject to subsection (3) below, be evidence of the matters so certified and of the qualification of the analyst.
- (2) For the purposes of any proceedings for an offence under the said section 5 or 6, a certificate purporting to be signed by a medical practitioner that he took a specimen of blood from a person with his consent shall, subject to subsection (3) below, be evidence of the matters so certified and of the qualification of the medical practitioner.
- (3) Subsections (1) and (2) above shall not apply to a certificate tendered on behalf of the prosecution unless a copy has been served on the accused not less than seven days before the hearing or trial, nor if the accused, not less than three days before the hearing or trial, or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

A copy of a certificate required by this subsection to be served on the accused or of a notice required by this subsection to be served on the prosecutor may either be

---

*Status: This is the original version (as it was originally enacted).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

---

personally served on the accused or the prosecutor (as the case may be) or sent to him by registered post or the recorded delivery service.

- (4) In any proceedings in Scotland for an offence under the said section 5 or 6, a certificate complying with subsection (1) or (2) above and, where the person by whom such a certificate was signed is called as a witness, the evidence of that person, shall be sufficient evidence of the facts stated in the certificate.
- (5) Where, in proceedings for an offence under the said section 5 or 6 the accused, at the time a specimen of blood or urine was taken from or provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible on behalf of the prosecution unless—
  - (a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided, and
  - (b) the other specimen or part was supplied to the accused.
- (6) A constable requesting any person to consent to the taking of or to provide a specimen of blood or urine for analysis shall offer to supply to him, in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken.
- (7) In this section " authorised analyst" means any person possessing the qualifications prescribed by regulations made under section 89 of the Food and Drugs Act 1955, or section 27 of the Food and Drugs (Scotland) Act 1956, as qualifying persons for appointment as public analysts under those Acts, and any other person authorised by the Secretary of State to make analyses for the purposes of this section.