



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Motor vehicles: drink and drugs

10 Detention of persons affected by alcohol or a drug.

- (1) Subject to subsections (2) and (3) below, a person required [^{F1}under section 7 or 7A] to provide a specimen of breath, blood or urine may afterwards be detained at a police station [^{F2}(or, if the specimen was provided otherwise than at a police station, arrested and taken to and detained at a police station) if a constable has reasonable grounds for believing] that, were that person then driving or attempting to drive a [^{F3}mechanically propelled vehicle] on a road, he would [^{F4}commit] an offence under section 4 or 5 of this Act.
- (2) [^{F5}Subsection (1) above does not apply to the person if it ought reasonably to appear to the] constable that there is no likelihood of his driving or attempting to drive a [^{F3}mechanically propelled vehicle] whilst his ability to drive properly is impaired or whilst the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.

[^{F6}(2A) A person who is at a hospital as a patient shall not be arrested and taken from there to a police station in pursuance of this section if it would be prejudicial to his proper care and treatment as a patient.]

- (3) A constable must consult a medical practitioner on any question arising under this section whether a person's ability to drive properly is or might be impaired through drugs and must act on the medical practitioner's advice.

Status: Point in time view as at 01/07/2005. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 10 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in s. 10(1) inserted (30.3.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 107, 120, [Sch. 7 para. 4](#); S.I. 2004/827, [art. 3](#)
- F2** Words in s. 10(1) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 154\(10\)\(a\)](#), 178; S.I. 2005/1521, [art. 3\(1\)](#) (subject to [art. 3\(4\)\(5\)](#))
- F3** Words in s. 10(1)(2) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 43](#); S.I. 1992/1286, [art. 2](#), Sch.
- F4** Words in s. 10(1) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 154\(10\)\(b\)](#), 178; S.I. 2005/1521, [art. 3\(1\)](#) (subject to [art. 3\(4\)\(5\)](#))
- F5** Words in s. 10(2) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 154\(11\)](#), 178; S.I. 2005/1521, [art. 3\(1\)](#) (subject to [art. 3\(4\)\(5\)](#))
- F6** S. 10(2A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 154\(12\)](#), 178; S.I. 2005/1521, [art. 3\(1\)](#) (subject to [art. 3\(4\)\(5\)](#))

Modifications etc. (not altering text)

- C1** S. 10 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 83\(1\)\(3\)](#), [96\(1\)\(3\)](#), 120 (with ss. 90, 100); S.I. 2004/827, [arts. 2, 3](#)

Status:

Point in time view as at 01/07/2005. This version of this provision has been superseded.

Changes to legislation:

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