



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Motor vehicles: drink and drugs

7 Provision of specimens for analysis.

- (1) In the course of an investigation into whether a person has committed an offence under [^{F1}section 3A, 4] or 5 of this Act a constable may, subject to the following provisions of this section and section 9 of this Act, require him—
 - (a) to provide two specimens of breath for analysis by means of a device of a type approved by the Secretary of State, or
 - (b) to provide a specimen of blood or urine for a laboratory test.
- (2) A requirement under this section to provide specimens of breath can only be made at a police station.
- (3) A requirement under this section to provide a specimen of blood or urine can only be made at a police station or at a hospital; and it cannot be made at a police station unless—
 - (a) the constable making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required, or
 - (b) at the time the requirement is made a device or a reliable device of the type mentioned in subsection (1)(a) above is not available at the police station or it is then for any other reason not practicable to use such a device there, or

[^{F2}(bb) a device of the type mentioned in subsection (1)(a) above has been used at the police station but the constable who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned, or]

Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 7 is up to date with all changes known to be in force on or before 18 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)

- (c) the suspected offence is one under [^{F3}section 3A or 4] of this Act and the constable making the requirement has been advised by a medical practitioner that the condition of the person required to provide the specimen might be due to some drug;

but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide two specimens of breath.

- (4) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section the question whether it is to be a specimen of blood or a specimen of urine [^{F4}and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to subsection (4A)) by the constable making the requirement].

[^{F5}(4A) Where a constable decides for the purposes of subsection (4) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

- (a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or
(b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner;

and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.]

- (5) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.
(6) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section is guilty of an offence.
(7) A constable must, on requiring any person to provide a specimen in pursuance of this section, warn him that a failure to provide it may render him liable to prosecution.

Textual Amendments

- F1** Words in S. 7(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 42(a)**; S.I. 1992/1286, art. 2, **Sch.**
F2 S. 7(3)(bb) inserted (4.7.1996 but with effect (1.4.1997) as mentioned in s. 63(3)(4)) by 1996 c. 25, s. **63(1)** (with s. 78(1)); S.I. 1997/682, art. **2(1)(b)**
F3 Words in s. 7(3)(c) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 42(b)**; S.I. 1992/1286, art. 2, **Sch.**
F4 Words in s. 7(4) substituted (1.4.2003) by Police Reform Act 2002 (c. 30), ss. 55(1), 108(2); S.I. 2003/808, art. **2(e)**
F5 S. 7(4A) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), ss. 55(2), 108(2); S.I. 2003/808, art. **2(e)**

Modifications etc. (not altering text)

- C1** S. 7 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 01/04/2003. This version of this provision has been superseded.

Changes to legislation:

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