
STATUTORY INSTRUMENTS

2005 No. 1965

The Criminal Justice (Northern Ireland) Order 2005

Road traffic

Extension of role of health care professionals

18.—(1) In paragraph (5) of Article 18 of the Road Traffic (Northern Ireland) Order 1995 (NI 18) (constable to decide if specimen is of blood or urine) for the words from “shall be decided” onwards substitute “ and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to paragraph (5A)) by the constable making the requirement ”.

(2) After that paragraph insert—

“(5A) Where a constable decides for the purposes of paragraph (5) 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 paragraph there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.” .

(3) In paragraph (2) of Article 13 of that Order (interpretation of Articles 14 to 21), after the definition of “the prescribed limit” insert—

““registered health care professional” means a person (other than a medical practitioner) who is one of the following—

- (a) a nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing; or
- (b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.” .

(4) After that paragraph there shall be inserted—

“(2A) In paragraph (2) “health care profession” means any profession mentioned in section 60(2) of the Health Act 1999 other than the profession of practising medicine and the profession of nursing.

(2B) An order under paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.” .

(5) For paragraph (4) of that Article substitute—

“(4) A person provides a specimen of blood if and only if—

- (a) he consents to the taking of such a specimen from him intravenously; and

Changes to legislation: The Criminal Justice (Northern Ireland) Order 2005, Section 18 is up to date with all changes known to be in force on or before 06 October 2022. 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) [View outstanding changes](#)

- (b) the specimen is so taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional.” .

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Commencement Orders yet to be applied to the The Criminal Justice (Northern Ireland) Order 2005

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2016/387 art. 2](#) commences ([2015 c. 9 \(N.I.\)](#))