Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Motor vehicles: drink and drugs

[F1 7A Specimens of blood taken from persons incapable of consenting

(1) A constable may make a request to [F2 a medical or health care practitioner] for him to take a specimen of blood from a person ("the person concerned") irrespective of whether that person consents if—

(a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 9) be entitled under section 7 to require the provision of a specimen of blood for a laboratory test;

(b) it appears to that constable that that person has been involved in an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter;

(c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

(d) it appears to that constable that that person's incapacity is attributable to medical reasons.

(2) A request under this section—

(a) shall not be made to [F3 a medical or health care practitioner] who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and

(b) shall not be made to [F4 a practitioner other than a police medical or health care practitioner] unless—

(i) it is not reasonably practicable for the request [F5 to be made to a police medical or health care practitioner]; or

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(ii) it is not reasonably practicable for such a [F6]... practitioner (assuming him to be willing to do so) to take the specimen.

(3) It shall be lawful for **[**[F7]a medical or health care practitioner**]** to whom a request is made under this section, if he thinks fit—

(a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and

(b) to provide the sample to a constable.

(4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—

(a) has been informed that it was taken; and

(b) has been required by a constable to give his permission for a laboratory test of the specimen; and

(c) has given his permission.

(5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission may render him liable to prosecution.

(6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.

[[F8](7) In this section—

"medical or health care practitioner" means a medical practitioner or a registered health care professional;

"police medical or health care practitioner" means a medical practitioner, or a registered health care professional, who is engaged under any agreement to provide medical or health care services for purposes connected with the activities of a police force.**]]**

Textual Amendments

F1 S. 7A inserted (1.10.2002) by 2002 c. 30, **s. 56(1)**; S.I. 2002/2306, **art. 2(d)(v)**

F2 Words in s. 7A(1) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 8(2)**; S.I. 2015/994, art. 4

F3 Words in s. 7A(2)(a) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 8(2)**; S.I. 2015/994, art. 4

F4 Words in s. 7A(2)(b) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 8(3)**; S.I. 2015/994, art. 4

F5 Words in s. 7A(2)(b)(i) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 8(4)**; S.I. 2015/994, art. 4

F6 Word in s. 7A(2)(b)(ii) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 8(5)**; S.I. 2015/994, art. 4

F7 Words in s. 7A(3) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 8(6)**; S.I. 2015/994, art. 4

F8 S. 7A(7) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 8(7)**; S.I. 2015/994, art. 4

Modifications etc. (not altering text)

C1 Ss. 4-11 applied (with modifications) (5.8.2011) by The Road Traffic (Drink and Drugs) (Cambridgeshire Guided Busway) Regulations 2011 (S.I. 2011/1652), regs. 1, **3**

Changes to legislation: *Road Traffic Act 1988, Section 7A is up to date with all changes known to be in force on or before 29 May 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) View outstanding changes*

C2 S. 7A 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**

Changes to legislation:
Road Traffic Act 1988, Section 7A is up to date with all changes known to be in force on or before 29 May 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.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A inserted by 2000 c. 37 Sch. 7 para. 6 (This amendment not applied to legislation.gov.uk. The amending provision has been repealed)
- s. 41(2)(m) inserted by 2006 c. 49 s. 18(1)(a)
- s. 41(2)(ba) inserted by 2006 c. 49 s. 56(3)
- s. 49(3A) inserted by 2006 c. 49 s. 48(1)
- s. 66(7A) inserted by 2006 c. 49 s. 56(5)
- s. 85(1) words omitted (temp.) by S.I. 2019/648 reg. 2(5)(a) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(i))
- s. 85(1) words omitted (temp.) by S.I. 2019/648 reg. 2(5)(d) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(ii))
- s. 85(2) added by 1988 c. 54 Sch. 2 para. 17(c)
- s. 97(1)(c)(ia) words repealed by 2006 c. 49 Sch. 3 para. 6(2)(b)Sch. 7(4)
- s. 97(1)(d)(ii) words omitted by S.I. 2018/1251 reg. 2(4)
- s. 97(1ZA) inserted by 2006 c. 49 s. 38(2)
- s. 108(1BA) inserted by S.I. 2018/1251 reg. 2(5)(c)
- s. 123123A substituted for s. 123 by 2006 c. 49 Sch. 6 para. 2
- s. 123A(3) words inserted by 2009 c. 17 s. 1(3)
- s. 124(3)-(5) inserted by 2009 c. 17 s. 3
- s. 124(6) inserted by 2015 c. 20 Sch. 2 para. 2(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(3A)-(3D) inserted by 2015 c. 20 Sch. 2 para. 3(2) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(5A) inserted by 2015 c. 20 Sch. 2 para. 3(3) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125A(5)-(7E) substituted for s. 125A(5)-(7) by 2006 c. 49 Sch. 6 para. 6(3)
- s. 125ZA inserted by 2006 c. 49 Sch. 6 para. 5
- s. 125ZA(2)(b) word omitted by 2015 c. 20 Sch. 2 para. 4(2)(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(2)(d) and word inserted by 2015 c. 20 Sch. 2 para. 4(2)(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) word omitted by 2015 c. 20 Sch. 2 para. 4(3)(c) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) words substituted by 2015 c. 20 Sch. 2 para. 4(3)(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(ba)(bb) inserted by 2015 c. 20 Sch. 2 para. 4(3)(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)

- s. 125ZA(4)(ca) inserted by 2015 c. 20 Sch. 2 para. 4(3)(d) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126(5) omitted by 2015 c. 20 Sch. 2 para. 6 (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126A inserted by 2016 c. 16 s. 1(3)
- s. 126A omitted (cond.) by 2006 c. 49 Sch. 6 para. 8A (as inserted) by 2016 c. 16 s. 3(3)
- s. 126A heading words inserted by S.I. 2016/1089 reg. 3(2) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by S.I. 2016/1089 reg. 3(3)(a) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by S.I. 2016/1089 reg. 3(3)(b) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128A inserted by 2006 c. 49 Sch. 6 para. 11
- s. 128A(4) inserted by 2006 c. 49 Sch. 6 para. 11 (as inserted) by 2016 c. 16 s. 4(4)
- s. 128B inserted by 2015 c. 20 Sch. 2 para. 9 (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 128ZA inserted by 2009 c. 17 s. 1(1)
- s. 128ZB inserted by 2009 c. 17 s. 2
- s. 128AZA128AZB inserted by 2016 c. 16 s. 2(2)
- s. 128AZA128AZB inserted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by 2016 c. 16 s. 4(2)
- s. 128AZA128AZB substituted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by 2016 c. 16 s. 4(2)
- s. 128AZA heading words inserted by S.I. 2016/1089 reg. 4(2)(a) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(1) words inserted by S.I. 2016/1089 reg. 4(2)(b) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(4) words inserted by S.I. 2016/1089 reg. 4(2)(c) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB heading words inserted by S.I. 2016/1089 reg. 4(3)(a) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by S.I. 2016/1089 reg. 4(3)(b)(i) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by S.I. 2016/1089 reg. 4(3)(b)(ii) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 131(A1)-(C1) inserted by 2006 c. 49, Sch. 6 para. 13(1A) (as inserted) by S.I. 2023/1286 Sch. 3 para. 92(2)(a)(i)
- s. 131(3)(b)(c) substituted for s. 131(3)(b) and word by 2006 c. 49 Sch. 6 para. 13(4)
- s. 131(6) inserted by 2016 c. 16 s. 2(4)
- s. 131(6) inserted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by 2016 c. 16 s. 4(5)
- s. 131(6) substituted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by 2016 c. 16 s. 4(5)
- s. 132-133ZA and cross-heading substituted for ss. 132, 133 and cross-heading by 2006 c. 49 Sch. 6 para. 14

- s. 133(2)(a) words omitted by 2015 c. 20 Sch. 2 para. 10(a) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133(2)(b) words omitted by 2015 c. 20 Sch. 2 para. 10(b) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133D(1A) inserted by 2015 c. 20 Sch. 2 para. 14(2) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 140(1)(2) inserted by 2006 c. 49 Sch. 6 para. 23(2)
- s. 140(1A) inserted in earlier affecting provision 2006 c. 49, Sch. 6 para. 23(2) by S.I. 2023/1286 Sch. 3 para. 92(2)(b)
- s. 140(3) s. 140 renumbered as s. 140(3) by 2006 c. 49 Sch. 6 para. 23(1)
- s. 141A(5) words repealed by 2006 c. 49 Sch. 3 para. 24Sch. 7(4)
- s. 143(1A) repealed (cond.) by S.I. 2019/1047 Sch. 2 para. 2 (This amendment not applied to legislation.gov.uk. The insertion of s. 143(1A) by 2018 c. 18, Sch. para. 17 was repealed (1.11.2019) by The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, Sch. 2 para. 1 (with reg. 5) without ever being brought into force.)
- s. 173(2)(g)-(gb) substituted for s. 173(2)(g) by 2006 c. 49 Sch. 6 para. 27
- s. 173(2)(n) and word inserted by 2006 c. 49 s. 37(8)
- s. 174(1)(da) inserted by 2006 c. 49 Sch. 6 para. 28
- s. 183(6A) inserted by 2006 c. 49 Sch. 6 para. 29