Transport and Works Act 1992

1992 CHAPTER 42

PART II

SAFETY OF RAILWAYS ETC

CHAPTER I

OFFENCES INVOLVING DRINK OR DRUGS

Police powers etc

[F1 31A 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 33) be entitled under section 31 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—

(i) an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter; or

(ii) a dangerous incident (within the meaning given by section 29(3)) that constitutes or is comprised in that matter or those circumstances;

(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—

Changes to legislation: *Transport and Works Act 1992, Section 31A is up to date with all changes known to be in force on or before 20 September 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*

(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

(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. 31A inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 58(4)**; S.I. 2002/2306, **art. 2(d)(v)**

F2 Words in s. 31A(1) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(2)**; S.I. 2015/994, art. 4

F3 Words in s. 31A(2)(a) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(2)**; S.I. 2015/994, art. 4

F4 Words in s. 31A(2)(b) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(3)**; S.I. 2015/994, art. 4

F5 Words in s. 31A(2)(b)(i) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(4)**; S.I. 2015/994, art. 4

F6 Word in s. 31A(2)(b)(ii) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(5)**; S.I. 2015/994, art. 4

Changes to legislation: *Transport and Works Act 1992, Section 31A is up to date with all changes known to be in force on or before 20 September 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*

F7 Words in s. 31A(3) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(6)**; S.I. 2015/994, art. 4

F8 S. 31A(7) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(7)**; S.I. 2015/994, art. 4

Changes to legislation:
Transport and Works Act 1992, Section 31A is up to date with all changes known to be in force on or before 20 September 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. 1(1A)(c)(d) inserted by 2024 asc 3 Sch. 3 para. 7(2)
- s. 3(1A)(c)(d) inserted by 2024 asc 3 Sch. 3 para. 7(3)