



Road Traffic Act 1972

1972 CHAPTER 20

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Offences connected with driving of motor vehicles

9 Laboratory tests

- (1) A person who has been arrested under section 5(5) or 8 of this Act may, while at a police station, be required by a constable to provide a specimen for a laboratory test (which may be a specimen of blood or of urine), if he has previously been given an opportunity to provide a specimen of breath for a breath test at that station under subsection (7) of the said section 8, and either—
 - (a) it appears to a constable in consequence of the breath test that the device by means of which the test is carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit, or
 - (b) when given the opportunity to provide that specimen, he fails to do so.
- (2) A person while at a hospital as a patient may be required by a constable to provide at the hospital a specimen for a laboratory test—
 - (a) if it appears to a constable in consequence of a breath test carried out on that person under section 8(2) of this Act that the device by means of which the test is carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit, or
 - (b) if that person has been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, but fails to do so and a constable has reasonable cause to suspect him of having alcohol in his body;

but a person shall not be required to provide a specimen for a laboratory test under this subsection if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision, the requirement to provide it or a warning

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under subsection (7) below would be prejudicial to the proper care or treatment of the patient.

- (3) A person who, without reasonable excuse, fails to provide a specimen for a laboratory test in pursuance of a requirement imposed under this section shall be guilty of an offence.
- (4) Nothing in the foregoing provisions of this section shall affect the provisions of section 7(1) of this Act.
- (5) A person shall not be treated for the purposes of subsection (3) above as failing to provide a specimen unless—
 - (a) he is first requested to provide a specimen of blood, but refuses to do so ;
 - (b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them ; and
 - (c) he is again requested to provide a specimen of blood, but refuses to do so.
- (6) The first specimen of urine provided in pursuance of a request under subsection (5) (b) above shall be disregarded for the purposes of section 6 of this Act.
- (7) A constable shall on requiring any person under this section to provide a specimen for a laboratory test warn him that failure to provide a specimen of blood or urine may make him liable to imprisonment, a fine and disqualification, and, if the constable fails to do so, the court before which that person is charged with an offence under section 6 of this Act or this section may direct an acquittal or dismiss the charge, as the case may require.

In this subsection " disqualification " means disqualification for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act.