



FFLM Examinations Reading List

It is recommended that candidates read widely for the DLM, LFFLM and MFFLM Examinations. Examples of the core texts are given below and relevant FFLM guidance is available from www.fflm.ac.uk. Throughout this document, relevant hyperlinks are underlined in blue and can be clicked through to the source document or page.

Candidates will also be expected to be familiar with statutes (<http://www.statutelaw.gov.uk/Home.aspx>) and secondary legislation relevant to the practice of medical law and the candidates' area of practice, for example statutes relating to criminal investigation, procedure, and evidence. A number of these are included with descriptions within the [Legislation](#) heading of this document. A 'how to guide' for those unfamiliar with navigating the legislation website is included at the end of this document under [How to](#) search on www.legislation.gov.uk.

It should be noted by candidates that the focus of the DLM and Part 1 is towards the legal aspect of medico-legal medicine rather than the clinical aspects. The Licentiate and Part 2 Membership examinations are more clinical/practically focussed.

Core Texts

	<p>Medicine, patients and the law 6th edition. Brazier, Margaret and Cave, Emma. Manchester University Press, 2016 ISBN 1784991368</p>	<p>A very readable book. It provides a survey of the legal situation in areas as diverse as fertility treatment, surrogacy, patient consent, euthanasia and the definition of death, malpractice and medical privacy. Relevant cases are analysed and explained.</p>
	<p>Mason and McCall Smith's Law and Medical Ethics 12th Edition. Farrell, AM and Dove E. Oxford, OUP 2023 ISBN 9780192866226</p>	<p>Now in its 12th edition, this classic and comprehensive textbook continues to evolve reflecting changes in the law and shifting ethical opinions.</p>
	<p>Blackstone's Statutes on Medical Law 11th Edition. Auckland, C Oxford, OUP 2021 ISBN 9780198867074</p>	<p>An abridged collection of legislation curated by the authors.</p>
	<p>Oxford Handbook of Forensic Medicine, 2011 ISBN 0199229945</p>	<p>A handy and affordable pocket guide to forensic medicine.</p>

Regulatory Bodies

Candidates should be familiar with guidance produced by regulatory bodies.

General Dental Council

The FFLM would expect our Dento-Legal Advisors to already be familiar with the GDC Standards for the Dental Team, and we would anticipate that candidates have an awareness of the nine principles set out in the standards. Additionally, the GDC has a series of case studies and learning materials, which although dentally focussed may be useful for candidates in reviewing general principles.

General Medical Council

The FFLM particularly recommend that candidates review all the GMC core and supplementary guidance. This includes [Good Medical Practice](#) as well as supplementary guidance such as [Confidentiality](#), [Consent](#), [Leadership & Management](#), [Raising Concerns](#) and [others](#).

Nursing & Midwifery Council

In addition to being familiar with [The Code](#), candidates should also review guidance on [revalidation](#) and [duty of candour](#).

Health & Care Professions Council

Candidates should be aware of which professions are [regulated](#) by HCPC as well as being familiar with their [core guidance](#).

Legislation

Although all areas of clinical practice are covered to a greater or lesser degree by rules and regulations it is particularly important to be aware of the legislative framework we work within in forensic and legal medicine.

In General Forensic Medicine the two Acts we most commonly encounter within forensic clinical practice are The Police and Criminal Evidence Act (1984) and the Road Traffic Act (1988). Whilst it is not necessary to know the specifics of every section of these Acts forensic clinicians should be familiar with a number of areas contained within these Acts as well as broadly familiar with the other legislation listed below.

Police and Criminal Evidence Act 1984

Often referred to as PACE, this [Act](#) instituted a legislative framework to balance the powers of police officers in England and Wales with the rights and freedoms of the public. It has undergone a number of modifications since its inception and has equivalent Acts in Scotland ([Criminal Procedure \(Scotland\) Act 1995](#)) and Northern Ireland ([Police and Criminal Evidence \(Northern Ireland\) Order 1989](#) (SI 1989/1341)).

PACE should be read in line with its associated codes of practice. The most important of these for forensic clinicians is [Code C](#) which sets out the requirements for managing detainees in police custody. A link to an electronic version of Code C is contained in the list of useful websites at the end of this document.

Within PACE itself sections [55](#) and [62](#) relating to intimate samples and searches respectively should be read by candidates.

Road Traffic Act 1988

The [Road Traffic Act 1988](#) covers a range of offences related to driving. It is an area of legislation where forensic clinicians are required to perform a range of roles.

Candidates should be familiar with the following sections of the Act:

[Section 4](#) - Driving, or being in charge, when under influence of drink or drugs

[Section 5](#) - Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit

[Section 5a \(inserted by Crime and Courts Act 2013\)](#) - Driving or being in charge of a motor vehicle with concentration of specified controlled drug above specified limit

[Section 7a \(inserted by Police Reform Act 2002\)](#) - Specimens of blood taken from persons incapable of consenting

[Section 9](#) – Protection for hospital patients

Other Relevant Legislation

[Criminal Procedure and Investigations Act 1996](#) – Regulates the procedures of investigating and prosecuting criminal offences. The Criminal Procedure Rules are relevant for statements.

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Mental Health Act [1983](#), [2007](#) and 2017 – The 1983 Act aimed to consolidate the law relating to mentally disordered individuals. The 2007 Act introduced a number of changes to the 1983 Act as well as to the Mental Capacity Act to take account of changes in practice.

[Mental Capacity Act 2005](#) – As well as codifying how we assess mental capacity of patients by outlining statutory principles around capacity, this Act also established a new court – the court of protection.

[Sexual Offences Act 2003](#) – Defines a range of sexual offences.

[Offences Against the Person Act 1861](#) – Covers a range of offences consolidating case law into legislation. It has been subsequently amended and sections of it replaced by Acts including the Sexual Offences Act 2003 and The Criminal Justice Act 2003. You will often hear officers referring to Section 18 and Section 47 assaults and it is this Act they referencing.

[Police Reform Act 2002](#) – Includes the creation of the Role of Police Community Support Officers and the statutory requirement for formation of the Independent Police Complaints Commission (which was replaced by the Independent Office for Police Conduct by the [Policing & Crime Act 2017](#)). It also inserted S7a into the Road Traffic Act. Schedule 4 Part 3 of the Act deals with the powers and duties of detention officers.

[Terrorism Act 2006](#) – Detainees held under this Act may be referred to as TACT detainees.

[Terrorism Prevention and Investigation Measures Act 2011](#) – abolished control orders replacing them with terrorism prevention and investigation measures.

[Children Act 1989](#) (also [Children Act 2004](#) & [Children and Families Act 2014](#)) – In particular establishes the principle that the child's welfare should be paramount. Established a range of duties relating to safeguarding.

[Human Rights Act 1998](#) – Requires UK public bodies to interpret legislation wherever possible in a way compatible with the rights laid own in the European Convention on Human Rights.

[Equality Act 2010](#) – Consolidated and codified a number of Acts relating to discrimination. Establishes protected characteristics and a duty for employers and service providers to make reasonable adjustments to accommodate individuals.

[Data Protection Act 2018](#) - Governs principles of data protection and information sharing incorporating the Genera Data Protection Regulation.

[Protection of Freedoms Act 2012](#) – Regulates retention and destruction of biometric data including DNA and fingerprints.

Although the general thrust of legislation in both Northern Ireland and Scotland is similar to that in England and Wales there are specific and important differences to represent the needs of those nations. Even for clinicians who do not work in these jurisdictions the different approaches to legislation can often be very informative to understand how law evolves especially when a more recent act incorporates lessons learned from rolling out similar legislation elsewhere.

Northern Ireland

[Mental Health \(Northern Ireland\) Order 1986](#) – This order covers the assessment, treatment and rights of people with a mental health condition in Northern Ireland. It should be read in conjunction with the [Codes of Practice](#) (which have been amended in line with The Coronavirus Act 2020). Clinicians may also find the [Guidelines on the use of the Mental Health \(N.I.\) Order 1986](#) produced by the Guidelines and Audit Implementation Network in 2011.

[The Mental Capacity Act \(Northern Ireland\) 2016](#) this act takes into account the findings of the [Bamford Review](#) which was carried out in 2007. It uses a subtly different method of assessing capacity to the MCA 2005 in England and Wales, which incorporates the principle of appreciation the relevance of information into the assessment (please note this is not yet fully in force although elements of it came into force in October 2019 and December 2019).

[Sexual Offences \(Northern Ireland\) Order 2008](#) which brings the legislation in Northern Ireland more in line with that the rest of the UK, especially in connection with mandatory reporting of certain offences between minors.

[Road Traffic \(NI\) Order 1995](#) in particular articles 14-21 relating to alcohol/drugs

[Article 14](#) – Causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs

[Article 15](#) – Driving, or being in charge, when under influence of drink or drugs

[Article 16](#) – Driving, or being in charge of, a motor vehicle with alcohol concentration above prescribed limit

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[The Criminal Justice \(N.I.\) Order 2005](#) inserted [S18A](#) into the Road Traffic (N.I.) Order 1995, this is equivalent to the changes made by the Police Reform Act 2002 in England & Wales to enable samples to be taken from incapacitated drivers.

The [Children \(Northern Ireland\) Order 1995](#) is supported by guidance produced in [Cooperating to Safeguard Children and Young People Northern Ireland 2017](#). Additional very useful information for safeguarding of adults is found in the following documents [Adult Safeguarding: Prevention and Protection in Partnership 2015](#) and [Adult Safeguarding Operational Procedures 2016](#).

Scotland

The [Criminal Justice \(Scotland\) Act 2016](#) is broadly analogous to the Police and Criminal Evidence Act in England and Wales, providing powers of arrest and modernising and enhancing the Scottish criminal justice system.

The [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) applies to individuals who have mental illness, learning disability or related conditions calling these mental disorders. It should be read in conjunction with the [2005 Codes of practice](#). It has been updated by the [Mental Health \(Scotland\) Act 2015](#).

Additionally, [the Adults with Incapacity \(Scotland\) Act 2000](#) introduced a system for safeguarding the welfare of and managing the finances and property of adults who lack capacity. It is underlined by a series of five principles (benefit, least restrictive option, taking account of the wishes of the adult, consultation with relevant others, and encouraging the adult).

Scotland followed England, Wales and Northern Ireland with the [Sexual Offences \(Scotland\) Act 2009](#), incorporating the first statutory definition of rape in Scots Law. It also creates several other offences under the law in Scotland.

Although the [Road Traffic Act 1988](#) also applies in Scotland limits under s5A came into force via [The Drug Driving \(Specified Limits\) \(Scotland\) Regulations 2019](#). Scotland also has differing limits for alcohol to England & Wales which were brought into force by [The Road Traffic Act 1988 \(Prescribed Limit\) \(Scotland\) Regulations 2014](#) and updated by [The Drug Driving \(Specified Limits\) \(Scotland\) Regulations 2019](#).

In 2014 the Scottish Parliament enacted the [Children and Young People \(Scotland\) Act 2014](#). This builds on and strengthens the [Children \(Scotland\) Act 1995](#).

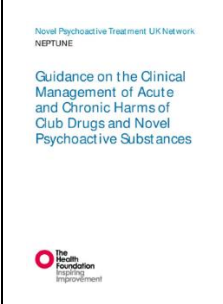

Authorised Professional Practice

Guidance produced by the College of Policing covering a wide range of areas from firearms to covert policing to mental health. Of particular relevance to forensic clinicians is the section on [detention and custody](#) which explores issues such as information sharing, management of substance misuse and mental health in custody. Additionally, there is a useful section on [mental health](#).

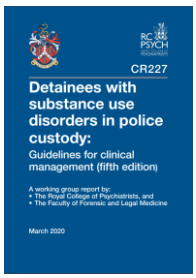

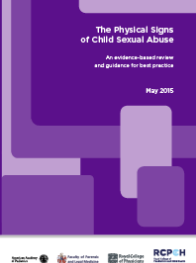
The [national decision model](#) provides guidance for police and police staff on making decisions as well as a framework for reviewing and challenging them centred around a code of ethics.

Additional Reading

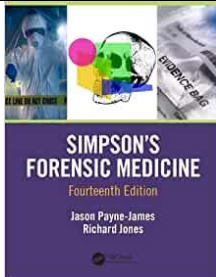


Guidelines

 <p>Novel Psychoactive Treatment UK Network NEPTUNE</p> <p>Guidance on the Clinical Management of Acute and Chronic Harms of Club Drugs and Novel Psychoactive Substances</p> <p>The Health Foundation Fostering Improvement</p>	<p>Guidance on the Clinical Management of Acute and Chronic Harms of Club Drugs and Novel Psychoactive Substances</p> <p>https://www.drugsandalcohol.ie/24292/1/NEPTUNE-Guidance_on_clinical_management_of_club_drugs_and_nove_%20psychoactive_substances.pdf</p>	<p>An excellent guide to 'legal highs' and novel psychoactive substances</p> <p>It provides detailed information and guidance on the acute and chronic harms of a range of club drugs and NPS and their management.</p>
 <p>Drug misuse and dependence UK guidelines on clinical management</p>	<p>Drug misuse and dependence – UK guidelines on clinical management</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/628634/clinical_guidelines_2017.pdf</p>	<p>Often called the Orange Book, this is guidance for clinicians treating people with drug problems.</p>


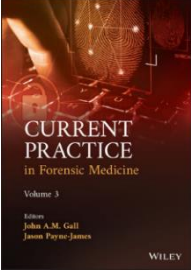
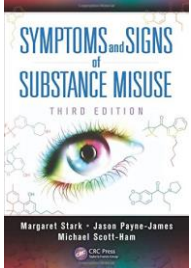


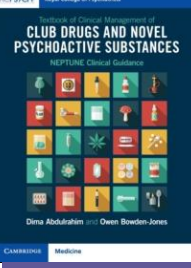
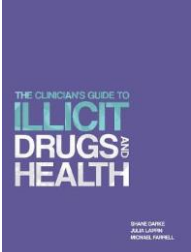
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	<p>Substance Misuse in Detainees in Police Custody</p> <p>https://fflm.ac.uk/resources/publications/detainees-with-substance-use-disorders-in-police-custody-guidelines-for-clinical-management-5th-edition</p>	<p>A useful guide to managing this group of detainees in custody. Often called the Blue Book.</p> <p>The fifth edition published March 2020.</p>
	<p>Mental Health Crisis Care Concordat</p> <p>https://www.crisiscareconcordat.org.uk</p>	<p>A national agreement between agencies from policing, health and social care and third sector organisations.</p> <p>A joint statement of intent to improve the system of care and support of people in crisis from a mental health condition. Supports the concept of wherever possible diverting those suffering from mental health disorders away from police custody.</p>
	<p>Physical signs of child sexual abuse - evidence-based review Royal College of Paediatrics & Child Health</p> <p>https://www.rcpch.ac.uk/shop-publications/physical-signs-child-sexual-abuse-evidence-based-review</p>	<p>Also known as the 'purple book', this guidance is for best practice and issues of clinical practice to aid clinical decision-making in examining children referred for evaluation of possible sexual abuse.</p> <p>(Updated version due autumn 2023)</p>

Books

	<p>Simpson's Forensic Medicine 14th Edition (2019)</p> <p>J Payne-James, R Jones</p> <p>ISBN 1498704298</p>
	<p>Clinical Forensic Medicine: A Physicians Guide, 4th Edition (2020)</p> <p>M M Stark</p> <p>ISBN 3030294617</p>
	<p>Current Practice in Forensic Medicine: Volume 1 (2011)</p> <p>J Gall, J Payne James (editors)</p> <p>ISBN 9780470744871</p>

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	<p>Current Practice in Forensic Medicine: Volume 2 (2016) J Gall, J Payne James (editors) ISBN 9781118455982</p>
	<p>Current Practice in Forensic Medicine: Volume 3 (2022) J Gall, J Payne James (editors) ISBN 9781119684121</p>
	<p>Symptoms and Signs of Substance Misuse, 3rd Edition (2014) M Stark, J Payne James, M Scott ISBN 1444181742</p>
	<p>Forensic Gynaecology (Royal College of Obstetricians and Gynaecologists Advanced Skills) (2014) M Dalton ISBN 1107064295</p>
	<p>Rix's Expert Psychiatric Evidence, 2nd Edition K Rix ISBN 9781911623687</p>
	<p>Textbook of clinical management of club drugs and novel psychoactive substances: Neptune Clinical Guidance (2022) D Abdulrahim, O Bowden-Jones ISBN 97810091821333</p>
	<p>The Clinicians Guide to Illicit Drugs and Health (2019) S Darke, J Lappin, M Farrell ISBN 97819121414111</p>

Useful websites

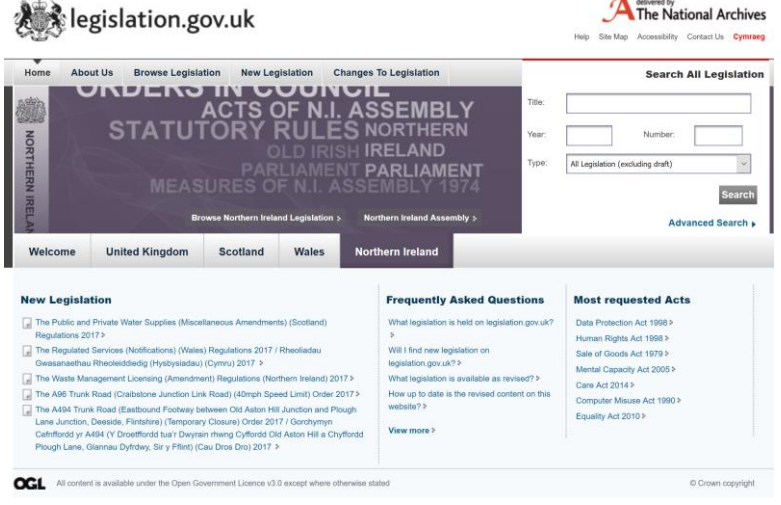
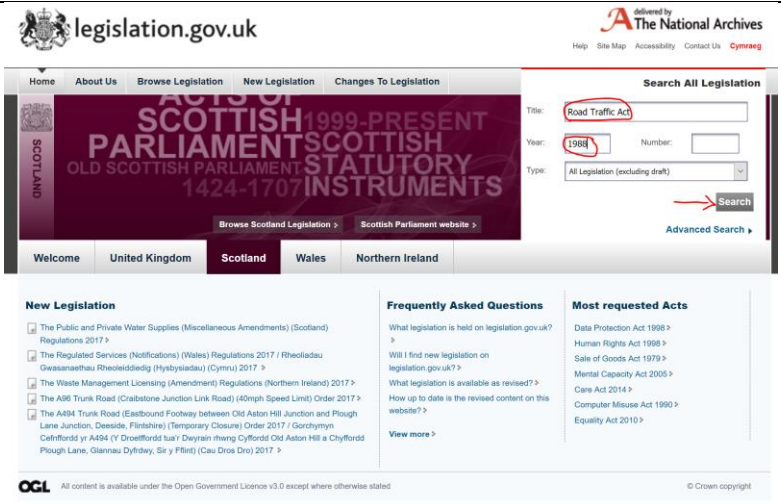
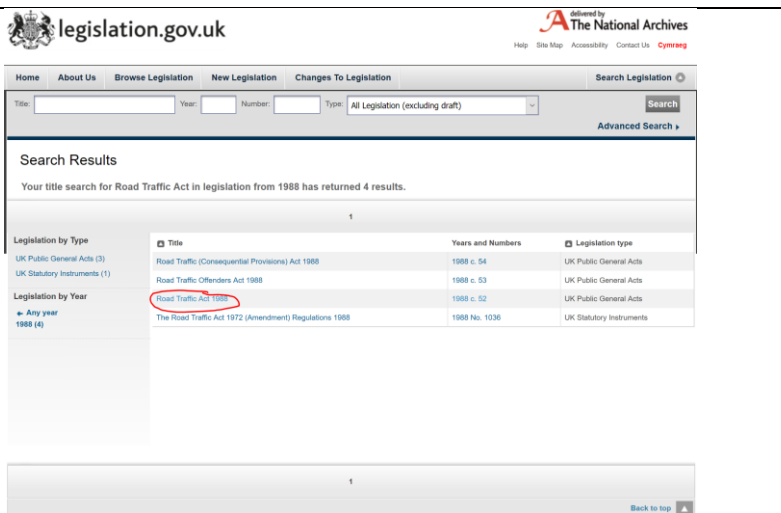
https://fflm.ac.uk	<p>The home of the Faculty of Forensic & Legal Medicine of the Royal College of Physicians. You will find a wealth of resources here including pro-formas, clinical guidelines, and news about upcoming events and additional learning opportunities.</p> <p>Of particular importance to check for updates is FFLM recommendations regarding forensic sampling which is updated twice yearly in January and July.</p>
http://ukafn.org	United Kingdom Association of Forensic Nurses & Paramedics.
http://www.baillii.org	British and Irish Legal Information Institute – a free, searchable database of British and Irish Case Law and Legislation.
http://www.legislation.gov.uk	Database of UK legislation.
https://www.gov.uk/government/publications/pace-code-c-2019 https://www.justice-ni.gov.uk/articles/pace-codes-practice	<p>An electronic version of Pace Code C which sets out the requirements for the detention, treatment and questioning of suspects not related to terrorism in police custody by police officers.</p> <p>Forensic clinicians should, in particular, be conversant with section 9 of Code C.</p>
https://www.gov.uk/government/publications/pace-code-h-2019	<p>An electronic version of PACE Code H concerned with detention, treatment and questioning by police officers under the Terrorism Act 2000.</p> <p>Section 9 of Code H broadly mirrors that of Code C, however, there are some important differences which clinicians should be aware of.</p>
https://www.app.college.police.uk/app-content/detention-and-custody	Authorised Professional Practice - Detention and Custody.
http://www.gmc-uk.org	Guidance and regulatory body for doctors.
https://www.nmc.org.uk	Guidance and regulatory body for nurses and midwives.
https://www.hcpc-uk.org	Guidance and regulatory body for health, psychological and social work professionals.
http://www.rcem.ac.uk	<p>Royal College of Emergency Medicine website. The guidance section contains a number of joint documents including:</p> <ul style="list-style-type: none"> • Management of Suspected Internal Drug Trafficker (SIDT) • Emergency Department Patients in Police Custody • Management of Acute Behavioural Disturbance <p>These guidelines have been developed in conjunction with the FFLM and are useful to refer to if there are difficulties in navigating the interface between custody and the emergency department.</p>
https://mentalhealthcop.wordpress.com	Inspector Michael Brown's blog about the interface between mental health, criminal justice and policing.
https://www.ap-elearning.org.uk	Naloxone Saves Lives free e-learning module.
https://www.health-ni.gov.uk/articles/bamford-review-mental-health-and-learning-disability	Bamford Review of Mental Health and Learning Disability (N. Ireland) (2007).
https://www.e-lfh.org.uk/programmes/alcohol/	Alcohol Identification and Brief Advice e-learning module.
https://www.policeconduct.gov.uk/our-work/learning/learning-the-lessons	Learning the Lessons – bulletin produced by the Independent Office for Police Conduct disseminating lessons learned from investigations and significant events.
https://www.psni.police.uk/safety-and-support/advice-and-information/complaints-against-police	Public Complaints and the Role of the Police Ombudsman via the Police Service Northern Ireland Website.

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http://www.inquest.org.uk	Charity reporting on state related deaths – particular focus on death in secure settings including police custody.
https://www.judiciary.uk/courts-and-tribunals/coroners-courts/reports-to-prevent-future-deaths	<p>Report to prevent future deaths. Paragraph 7 of Schedule 5, Coroners and Justice Act 2009, provides coroners with the duty to make reports to a person, organisation, local authority or government department or agency where the coroner believes that action should be taken to prevent future deaths. All reports and responses must be sent to the Chief Coroner. In most cases the Chief Coroner will publish them on this website.</p> <p>Of particular relevance to forensic practitioners are the police related deaths, although useful learning points may be gleaned from other reports including those relating to mental health, as well as alcohol, drug, and medication deaths.</p>
https://www.gov.uk/government/publications/expert-report-content	Guidance produced by the Forensic Science Regulator which sets out the legal requirements for expert reports and requirements imposed by certain prosecuting authorities. Although focussed on expert witness reports it provides useful guidance for writing statements generally.
https://www.gov.uk/government/organisations/forensic-science-regulator	The Forensic Science Regulator works with the Home Office to ensure that the provision of forensic science services across the criminal justice system is subject to an appropriate regime of scientific quality standards. They produce a number of reports identifying and developing quality standards which include forensic medicine.
https://www.gov.uk/government/organisations/advisory-council-on-the-misuse-of-drugs	<p>The Advisory Council on the Misuse of Drugs (ACMD) makes recommendations to government on the control of dangerous or otherwise harmful drugs, including classification and scheduling under the Misuse of Drugs Act 1971 and its regulations. ACMD is an advisory non-departmental public body, sponsored by the Home Office. Has very useful reports:</p> <ul style="list-style-type: none"> • Synthetic cannabinoid receptor agonists December 2022 • Nitrous oxide: updated harms assessment March 2023
https://www.gov.uk/government/organisations/uk-health-security-agency https://www.gov.uk/government/organisations/office-for-health-improvement-and-disparities	<p>UK Health Security Agency and Office for Health Improvement and Disparities</p> <p>United Kingdom drug situation: Focal Point annual report https://www.gov.uk/government/publications/united-kingdom-drug-situation-focal-point-annual-report</p> <p>Shooting Up: infections among people who inject drugs in the UK https://www.gov.uk/government/publications/shooting-up-infections-among-people-who-inject-drugs-in-the-uk</p>
https://www.skillsforhealth.org.uk/service/item/945	Skills for Health: Capabilities frameworks. Supporting autistic people and/or people with a learning disability.
https://www.rcn.org.uk	<p>Safeguarding children and young people: Roles and competencies for healthcare staff https://www.rcn.org.uk/professional-development/publications/pub-007366</p> <p>Female Genital mutilation https://www.rcn.org.uk/clinical-topics/female-genital-mutilation</p> <p>Adult safeguarding: Roles and competencies for healthcare staff https://www.rcn.org.uk/Professional-Development/publications/adult-safeguarding-roles-and-competencies-for-health-care-staff-uk-pub-007-069</p>

How to search on www.legislation.gov.uk

We will use the example of finding S5a of the Road Traffic Act 1988

<p>Go to www.legislation.gov.uk</p>																					
<p>Type Road Traffic Act into the title bar and 1988 into the year then click search</p>																					
<p>Click on the relevant Act in the results</p>	 <table border="1"> <thead> <tr> <th>Legislation by Type</th> <th>Title</th> <th>Years and Numbers</th> <th>Legislation type</th> </tr> </thead> <tbody> <tr> <td>UK Public General Acts (3)</td> <td>Road Traffic (Consequential Provisions) Act 1988</td> <td>1988 c. 54</td> <td>UK Public General Acts</td> </tr> <tr> <td>UK Statutory Instruments (1)</td> <td>Road Traffic Offenders Act 1988</td> <td>1988 c. 53</td> <td>UK Public General Acts</td> </tr> <tr> <td></td> <td>Road Traffic Act 1988</td> <td>1988 c. 52</td> <td>UK Public General Acts</td> </tr> <tr> <td>Any year 1980 (4)</td> <td>The Road Traffic Act 1972 (Amendment) Regulations 1988</td> <td>1988 No. 1036</td> <td>UK Statutory Instruments</td> </tr> </tbody> </table>	Legislation by Type	Title	Years and Numbers	Legislation type	UK Public General Acts (3)	Road Traffic (Consequential Provisions) Act 1988	1988 c. 54	UK Public General Acts	UK Statutory Instruments (1)	Road Traffic Offenders Act 1988	1988 c. 53	UK Public General Acts		Road Traffic Act 1988	1988 c. 52	UK Public General Acts	Any year 1980 (4)	The Road Traffic Act 1972 (Amendment) Regulations 1988	1988 No. 1036	UK Statutory Instruments
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Find the section you need from the table of contents and click on it

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Title: _____ Year: _____ Number: _____ Type: All Legislation (excluding draft) Search

Advanced Search

Road Traffic Act 1988

1988 c. 52 • Table of Contents

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Plain View Print Options

What Version

Latest available (Revised)

Original (As enacted)

Opening Options

Original Print PDF

More Resources

View more

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Road Traffic Act 1988. Those changes will be listed when you open the content using the Table of Contents below. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Introductory Text

Part 1 Principal Road Safety Provisions

Driving offences

- Causing death by dangerous driving
- Dangerous driving
- Causing death by careless, or inconsiderate, driving
- Causing death by driving: unlicensed, or uninsured drivers
- Causing death by careless driving when under influence of drink or drugs
- Driving, or being in charge, when under influence of drink or drugs
- Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit
- Power to administer preliminary tests
- Preliminary breath test
- Preliminary drug test
- Arrest
- Power of entry

The required section of the Act is available to read or print as needed.

legislation.gov.uk The National Archives

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Title: _____ Year: _____ Number: _____ Type: All Legislation (excluding draft) Search

Advanced Search

Road Traffic Act 1988

1988 c. 52 • Part 1 • Motor vehicles: drink and drugs • Section 5A

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Plain View Print Options

What Version

Latest available (Revised)

Original (As enacted)

Advanced Features

Show Geographical Extent (e.g. England, Wales, Scotland, Northern Ireland)

Show Timeline of Changes

Opening Options

Original Print PDF

More Resources

View more

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Road Traffic Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[1] 5A Driving or being in charge of a motor vehicle with concentration of specified controlled drug above specified limit

(1) This section applies where a person ("D")—

- drives or attempts to drive a motor vehicle on a road or other public place, or
- is in charge of a motor vehicle on a road or other public place,

and there is in D's body a specified controlled drug.

(2) D is guilty of an offence if the proportion of the drug in D's blood or urine exceeds the specified limit for that drug.

(3) It is a defence for a person ("D") charged with an offence under this section to show that—

- the specified controlled drug had been prescribed or supplied to D for medical or dental purposes,
- D took the drug in accordance with any directions given by the person by whom the drug was prescribed or supplied, and with any accompanying instructions (so far as consistent with any such directions) given by the manufacturer or distributor of the drug, and
- D's possession of the drug immediately before taking it was not unlawful under section 5(1) of the Misuse of Drugs Act 1971 (restriction of possession of controlled drugs) because of an exemption in regulations made under section 7 of that Act (authorisation of activities otherwise unlawful under foregoing provisions).

(4) The defence in subsection (3) is not available if D's actions were—

- contrary to any advice, given by the person by whom the drug was prescribed or supplied, about the amount of time that should elapse between taking the drug and driving a motor vehicle, or
- contrary to any accompanying instructions about that matter (so far as consistent with any such advice) given by the manufacturer or