



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02848

Keyword: Road Policing

Subject: Extension times for urine samples in driving procedures

Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

Question

With regard to my previous Freedom of Information request F-2011-02453 can you please supply details of the extension times permitted in each of the 13 occasions where the urine sample were permitted after the one hour.

Answer

The table below lists the extension to the permitted 1 hour in terms of hours and minutes lapsed between the provision of the first and second samples.

01:01
01:01
01:02
01:04
01:07
01:20
01:20
01:24
01:26
01:55
01:56
02:19
03:57

The legislation relating to provision of a urine sample is found at Art 18(6) of The Road Traffic (NI) Order 1995:

(6) A specimen or urine **shall** be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.

This legislation was written in such a way as to provide a practical cut-off point for Police. The wording is "shall", rather than "must" and consequently carries less legal authority. For example, in circumstances where the motorist is being detained for interview on other matters, then it would not be unreasonable to permit the second sample to be provided and accepted by Police. There is case law that supports such action and that has resulted in a conviction on the basis of samples provided beyond the 1 hour provided for.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.