



S U P P L E M E N T N o . 2
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T H E S O V E R E I G N B A S E A R E A S G A Z E T T E
N o . 6 4 4 o f 1 s t F e b r u a r y , 1 9 8 3 .
L E G I S L A T I O N

ORDINANCE 2 OF 1983.

A N O R D I N A N C E

T O A M E N D T H E M O T O R V E H I C L E S
A N D R O A D T R A F F I C O R D I N A N C E , 1 9 7 3 .

R. L. DAVIS,
ADMINISTRATOR

31st January, 1983.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. This Ordinance may be cited as the Motor Vehicles and Road Traffic (Amendment) Ordinance, 1983 and shall be read as one with the Motor Vehicles and Road Traffic Ordinance, 1973 as amended from time to time (hereinafter referred to as the “principal Ordinance”).

Short title.

Ordinances
8/73 and 5/82.

2. The principal Ordinance is hereby amended by inserting immediately after Section 7 thereof the following new Section to be numbered 7A:—

New Section 7A
added to the
principal
Ordinance.

“Evidence
on charge
of driving
under the
influence of
drink etc.

7A.—(1) In any proceedings for an offence under Section 7 of this Ordinance, the Court shall, subject to subsection (5) of this Section, have regard to any evidence which may be given of the proportion or quantity of alcohol or of any drug which was contained in the blood or present in the body of the accused, as ascertained by analysis of a specimen of blood taken from him with his consent by a medical practitioner, or of urine provided by him, at any material time; and if it is proved that the accused, when so requested by a Police Officer at any such time, refused to consent to the taking of or to provide a specimen for analysis, his refusal may, unless reasonable cause therefor is shown, be treated as supporting any evidence given on behalf of the prosecution, or as rebutting any evidence given on behalf of the defence, with respect to his condition at that time.

(2) A person shall not be treated for the purposes of subsection (1) above as refusing 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.

(3) The first specimen of urine provided in pursuance of a request under subsection 2(b) above shall be disregarded for the purposes of subsection (1) above.

(4) For the purposes of any such proceedings:—

- (a) a certificate purporting to be signed by an authorised analyst, and certifying the proportion of alcohol or any drug found in a specimen identified by the certificate and, in the case of a specimen of urine, the proportion of alcohol or of that drug in the blood which corresponds to the proportion found in the specimen, shall be evidence of the matters so certified and of the qualification of the analyst ;
- (b) a certificate purporting to be signed by a medical practitioner that he took a specimen of blood from a person with his consent shall be evidence of the matters so certified and of the qualification of the medical practitioner :

Provided that the foregoing provisions (a) and (b) shall not apply to a certificate tendered on behalf of the prosecution unless a copy has been served on the accused not less than seven days before the hearing or trial, nor if the accused, not less than three days before the hearing or trial, or within such further time as the Court may in special circumstances allow, has served notice on the Chief or a Deputy Chief Police Officer requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

(5) Where the accused, at the time a specimen of blood or urine was taken from or provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible on behalf of the prosecution unless —

- (a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided ; and

(b) the other specimen or part was supplied to the accused.

(6) A Police Officer requesting any person to consent to the taking of or to provide a specimen of blood or urine for analysis shall offer to supply to him, in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken.

(7) In this Section :—

“authorised analyst” means any person authorised by the Administrator to make analyses for the purposes of this Section or any person holding an appointment as an analyst by whatever name called in the Public Service of the Government of, or of any Public Authority in, the United Kingdom or the Republic of Cyprus, who is recognized by the Administrator as an authorised analyst for the purposes of this Section ;

“medical practitioner” means a practitioner as defined in the Medical Practitioners Ordinance, 1964.

Ordinance
10 of 1964.

“member of the provost staff” means a provost officer or any person legally exercising authority under or on behalf of a provost officer ;

“person subject to service discipline” means a person subject to the Naval Discipline Act 1957, to military law by virtue of the Army Act 1955 or to Air Force law by virtue of the Air Force Act 1955, and any other person to whom Section 42 of the said Act of 1957 or Section 70 of either of the said Acts of 1955 for the time being applies ;

“Police Officer” includes, where the accused is a person subject to service discipline, a member of the provost staff ;

“provost officer” means a person who is a provost officer within the meaning of the said Act of 1957 or either of the said Acts of 1955.

Ordinances
3/60, 7/61,
19/62, 5/63,
3/65 and 9/77.

(8) Without prejudice to Section 25 of the Courts Ordinance or any other Ordinance or Rule of Law the Court may for the purposes of this Section, take judicial notice of any Act of the United Kingdom referred to therein.”

31st January, 1983.

(120/1)

M. D. TIDY,
Chief Officer.

