I assent.

(L.S.) **MYRIAM SPITERI DEBONO**
President

10th March, 2026

ACT No. II of 2026

AN ACT to amend the Traffic Regulation Ordinance, Cap. 65.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. The short title of this Act is the Various Laws relating to the Prevention of Driving under the influence of Alcohol and Drugs (Amendment) Act, 2026.

PART I
Amendments to the Traffic Regulation Ordinance

Amendments to the Traffic Regulation Ordinance. Cap. 65.

2. This Part amends the Traffic Regulation Ordinance and shall be read and construed as one with the Traffic Regulation Ordinance, hereinafter in this Part referred to as the "principal law".

Amendment of article 2 of the principal law.

3. In article 2 of the principal law in the definition "vehicle" the words "shall apply." shall be substituted by the words "shall apply;" and immediately thereafter there shall be added the following new definition:

" "vehicles on priority duties" includes any fire engines, ambulances, salvage and rescue vehicles, police vehicles, prison vehicles and other motor vehicles on priority duty as permitted

by the Authority.".

4. Article 15 of the principal law shall be amended as follows: Amendment of article 15 of the principal law.

(a) in paragraph (b) of sub-article (1) thereof immediately after the words "or other vehicle" there shall be added the words "or when the motor vehicle or other vehicle is not licensed";

(b) in sub-article (2) thereof the words "other vehicle in a reckless" shall be substituted by the words "other vehicle in a grossly negligent";

(c) immediately after sub-article (4) thereof there shall be added the following new sub-article:

"(5) Any person who makes or produces or permits to be made or produced any material involving or indicating any persons to be in breach of the provisions listed in sub-article (1) or produces, distributes, disseminates, imports, exports, offers, sells, supplies, transmits, makes available, procures for oneself or for another, or indicates that such persons are in breach of the provisions listed in sub-article (1) shall, on conviction, be liable to a fine (*multa*) of one thousand two hundred euro (€1,200), or to imprisonment not exceeding one (1) year:

Provided that for the purposes of this article, the offence shall also be deemed to have been committed where, irrespective of the declared intention of the person, the circumstances of the publication are such that they are reasonably likely to:

(a) normalise or diminish the seriousness of dangerous or excessive driving; or

(b) encourage the imitation of such behaviour by other persons:

Provided further that if the person mentioned in this sub-article provides sufficient evidence before the courts for the identification of the person who is in breach of the provisions in sub-article (1), such person shall, upon conviction, be liable to a fine (*multa*) not exceeding two hundred fifty euro (€250).".

Amendment of article 15A of the principal law.

5. In sub-article (1) of article 15A of the principal law the words "through drink or drugs" shall be deleted.

Addition of new articles to the principal law.

6. Immediately after article 15B of the principal law there shall be added the following new articles:

"Driving a motor vehicle with drug concentration in the body.

15BA. (1) No person shall drive, attempt to drive or be in control of a motor vehicle or other vehicle on a road or other public place after consuming any drugs, if such person still has any amount of such drug in his body.

(2) An offence under this article shall not be interpreted as an offence of drug possession.

Power of the Minister responsible for Police to make regulations.

15BB. The Minister responsible for the police may make regulations which provide for:

(a) the procedures to be adopted by the police in the carrying out of oral fluid drug tests;

(b) the determination of the type of device to be used for the taking of the oral fluid drug test;

(c) the procedure for the taking of body fluid specimens;

(d) the determination of the laboratory for the taking and testing of body fluid specimens;

(e) any other matters relating to police operations concerning the prevention of driving under the influence of alcohol or drugs:

Provided that the Minister responsible for the police may, by regulations made under this Ordinance, add Schedules or amend or repeal the Schedules annexed to this Ordinance to provide for the better implementation of this article.".

Substitution of article 15C of the principal law.

7. Article 15C of the principal law shall be substituted by the following new article:

"Breath alcohol test.

15C. (1) Where a Police officer reasonably suspects that:

(a) a person is driving or attempting to drive or is in control of a motor vehicle or other vehicle on a road or other public place and has alcohol in his body or has committed an offence against the provisions of this Ordinance or against any regulations made thereunder whilst the motor vehicle or other vehicle was in motion;

(b) a person has been driving or attempting to drive or has been in control of a motor vehicle or other vehicle on the road or other public place with alcohol in his body and that such person still has alcohol in his body;

(c) a person has been driving or attempting to drive or has been in control of a motor vehicle or other vehicle on the road or other public place and has committed an offence against the provisions of this Ordinance or against any regulations made thereunder whilst the motor vehicle or other vehicle was in motion; or

(d) a person was driving or was attempting to drive or was in control of a motor vehicle or other vehicle on the road or other public place when the said motor vehicle or other vehicle was involved in an accident,

he may require such person to provide a specimen of breath for a breath test.

(2) A Police officer may, without the need for reasonable suspicion in respect of a particular person, require any person who was driving or attempting to drive or was in control of a bus, coach, other vehicles carrying passengers for a fee, any M2 or M3 motor vehicle on the road or other public place during road checks in accordance with the provisions of article 355 of the Criminal Code, to provide a specimen of breath for alcohol.

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(3) A Police officer shall require any person who was driving or attempting to drive or is in control of a motor vehicle or other vehicle on the road or other public place when involved in a serious traffic accident, to provide a specimen of breath for alcohol.".

Addition of new articles to the principal law.

8. Immediately after article 15C of the principal law there shall be added the following new articles:

"Specimen of oral fluid for a drug test.

15CA. (1) Where a Police officer reasonably suspects that:

(a) a person is driving or attempting to drive or is in control of a motor vehicle or other vehicle on the road or other public place and has drugs in his body or has committed an offence against the provisions of this Ordinance or against any regulations made thereunder whilst the motor vehicle or other vehicle was in motion;

(b) a person has been driving or attempting to drive or has been in control of a motor vehicle or other vehicle on the road or other public place with drugs in his body and that person still has drugs in his body;

(c) a person has been driving or attempting to drive or has been in control of a motor vehicle or other vehicle on the road or other public place and has committed an offence against the provisions of this Ordinance or against any regulations made thereunder whilst the motor vehicle or other vehicle was in motion; or

(d) a person was driving or was attempting to drive or was in control of a motor vehicle or other vehicle on the road or other public place when the said motor vehicle or other vehicle was involved in an accident,

he may require such person to provide a specimen of oral fluid for a drug test.

(2) A Police officer may, without the need for reasonable suspicion, require any person who was driving or attempting to drive or is or was in control of a bus, coach, other vehicles carrying passengers for a fee, any M2 or M3 motor vehicle on a road or other public place during road checks in accordance with the provisions of article 355 of the Criminal Code, to provide a specimen of oral fluid for a drug test.

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(3) A Police officer shall require any person who was driving or attempting to drive or is in control of a motor vehicle or other vehicle on the road or other public place when involved in a serious traffic accident, to provide a specimen of oral fluid for a drug test.

Power to carry out random tests.

15CB. Notwithstanding the other provisions of this Ordinance or of any other law, when a Police officer reasonably considers it necessary, in the interests of public safety, public order or for the protection of the rights and freedoms of other persons, he may also require, even without the need for reasonable suspicion in a particular person, any person who was driving or attempting to drive or who is in control of a motor vehicle or other vehicle on a road or in any other public place to give a specimen of breath for alcohol or to give a specimen of oral fluid for a drug test.

Medicinals.

15CC. For the purposes of articles 15BA, 15CA and 15CB, persons in possession of a valid drug control card or who are on prescribed medication shall produce such card or prescription after having tested positive to a drug test. The possession of such documentation shall not preclude conducting further tests to ascertain whether the person concerned has taken any controlled substance in accordance with the Dangerous Drugs Ordinance, nor shall it exempt such person from criminal responsibility.

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Prescribed limits for tetrahydrocanna-binol.

15CD. For the purposes of articles 15BA, 15CA and 15CB the permissible level of tetrahydrocannabinol in the blood shall be of two (2) microgrammes per litre of blood for persons driving vehicles, except for commercial vehicles, buses, coaches, other vehicles carrying passengers for a fee and any M2 or M3 motor vehicle. In those cases where a person only tests positive to tetrahydrocannabinol, such person shall be subject to the applicable punishment prescribed in article 15H:

Provided that if a person who is not driving commercial vehicles, buses, coaches, other vehicles carrying passengers for a fee and any M2 or M3 motor vehicles tests positive to tetrahydrocannabinol, he may be required to submit to further testing, including blood tests. If the level of tetrahydrocannabinol exceeds the amount prescribed, such person shall be subject to the applicable punishment prescribed in article 15H:

Provided further that if a person tests positive to other drug substances or alcohol besides tetrahydrocannabinol, he shall be subject to the applicable punishment prescribed in article 15H.".

Amendment of article 15D of the principal law.

9. Article 15D of the principal law shall be amended as follows:

(a) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) as a result of a breath test or an oral fluid drug test, the Police officer reasonably suspects that the proportion of alcohol in that person’s blood exceeds the prescribed limit, or such person tests positive for drugs; or";

(b) paragraph (b) thereof shall be substituted by the following new paragraph:

"(b) such person fails to provide a specimen of breath for a breath test, or a specimen of oral fluid for an oral fluid drug test, when required to do so in pursuance of

the provisions of articles 15C, 15CA or 15CB and, only provided that such person had been warned that the failure or refusal to comply with such a request constitutes an offence.".

Amendment of article 15E of the principal law.

10. Article 15E of the principal law shall be amended as follows:

(a) sub-article (1) thereof shall be amended as follows:

(i) the words "under articles 15A and 15B(1)" shall be substituted by the words "under articles 15A, 15B(1) and 15BA(1)";

(ii) in paragraph (a) thereof the words "under articles 15A or 15B(1)" shall be substituted by the words "under articles 15A, 15B(1) and 15BA(1)";

(iii) in paragraph (b) thereof the words "under articles 15A or 15B(1)" shall be substituted by the words "under articles 15A, 15B(1) and 15BA(1)";

(iv) in the proviso to sub-article (1) thereof the words "of urine." shall be substituted by the words "of urine; or" and immediately thereafter there shall be added the following paragraph:

"(c) to provide a specimen or specimens of oral fluid for analysis by means of an approved device, in accordance with the Drug Driving Testing Regulations, and the result so obtained shall be admissible as evidence in any proceedings related to an offence under articles 15A, 15B(1) and 15BA(1). The results of the analysis shall be presumed correct unless the contrary is proved; or

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"(d) to provide a specimen or specimens of oral fluid for confirmatory analysis, which shall take place at an approved laboratory, according to the Drug Driving Testing Regulations, and the results of the analysis shall be admissible as evidence in any proceedings for an offence under articles 15A, 15B(1) and 15BA (1). The results of the analysis shall be presumed correct unless the contrary is proved.";

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(b) in sub-article (4) thereof the words "exceeds the prescribed limit" shall be substituted by the words "exceeds the prescribed limit or has drugs in his body, or in the case of

tetrahydrocannabinol, exceeds the prescribed limit";

(c) in sub-article (5) thereof the words "the provisions of articles 15A and 15B" shall be substituted by the words "the provisions of articles 15A, 15B or 15BA(1)";

(d) immediately after sub-article (5) thereof, as amended, there shall be added the following new sub-article:

"(6) In a prosecution for an offence under articles 15 to 15I it shall be presumed, until the contrary is proved, that a device provided by a member of the police for the purpose of enabling a person to provide an oral fluid specimen is a device for indicating the presence of drugs in oral fluid.".

Amendment of article 15F of the principal law.

11. Article 15F of the principal law shall be amended as follows:

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Choice of specimens of breath, of oral fluid or of body fluid.";

(b) in sub-article (1) thereof the words "specimen of breath or body fluid" shall be substituted by the words "specimen of breath, oral fluid or body fluid,";

(c) in sub-article (2) thereof the words "The Minister shall" shall be substituted by the words "The Minister responsible for the police shall".

Amendment of article 15G of the principal law.

12. In article 15G of the principal law, the words "specimen of breath, blood or urine" shall be substituted by the words "specimen of breath, blood, oral fluid or urine".

Amendment of article 15H of the principal law.

13. Article 15H of the principal law shall be amended as follows:

(a) sub-article (1) thereof shall be amended as follows:

(i) the words "articles 15A and 15B" shall be substituted by the words "articles 15A, 15B and 15BA(1)";

(ii) in paragraph (a) thereof the words "one thousand eight hundred euro (€1,800) or to imprisonment not exceeding six months, or to both such fine and imprisonment" shall be substituted by the words "four

thousand euro (€4,000)";

(iii) in paragraph (b) thereof the words "three thousand euro (€3,000) or to imprisonment not exceeding one year, or to both such fine and imprisonment." shall be substituted by the words "eight thousand euro (€8,000):" and immediately thereafter there shall be added the following new proviso:

"Provided that for the purposes of this article, the court shall not award the minimum punishment if a person has resulted positive to more than one (1) drug, or is under the influence of both a drug substance and alcohol.";

(b) immediately after sub-article (3) thereof there shall be added the following new sub-articles:

"(4) In addition to the punishments provided for under sub-articles (1) and (2), and without prejudice to any other measure or order which the court may impose by virtue of any other law, the court shall, upon delivering judgment, order the convicted person to reimburse the Police the costs incurred in connection with any drug test within such period and in such amount as shall be determined in the judgment.

(5) The provisions of sub-articles (2), (3) and (4) of article 533 of the Criminal Code shall apply, *mutatis mutandis,* in favour of the Police, in default of payment of the costs as determined by the court in accordance with sub-article (4).".

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Amendment of article 15I of the principal law.

14. Sub-article (1) of article 15I of the principal law shall be amended as follows:

(a) the definition "drug" shall be substituted by the following new definition:

" "drug" shall have the same meaning as assigned to it in article 2 of the Dangerous Drugs Ordinance and in article 118A of the Medical and Kindred Professions Ordinance;";

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(b) immediately after the definition "drug", as substituted, there shall be added the following new definitions:

" "appropriate consent" shall have the same meaning as assigned to it in article 350 of the Criminal Code;

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"confirmatory test" means a specimen of an oral fluid obtained from a person suspected of committing an offence under this Ordinance or a person referred to in article 15CA or 15CB, after his preliminary test produced a positive result for drugs, which specimen is referred for analysis to an approved laboratory as listed in the Second Schedule of the Drug Driving Testing Regulations; S.L. 65.34.

"oral fluid drug test" means a test for the purpose of determining, by means of a device of a type approved by the Minister responsible for the police, whether a person is under the influence of drugs;

"preliminary test" means an oral fluid drug test carried out at the roadside, by a police officer using an approved device in accordance with the First Schedule to the Drug Driving Testing Regulations; S.L. 65.34.

"serious traffic accident" means any accident which occurred on a road or other public place involving a motor vehicle or other vehicle as a result of which any person suffers any bodily harm or from which the death of a person ensues;";

(c) in paragraph (c) of the definition of "the prescribed limit" the words "driving or attempting to drive buses, coaches" shall be substituted by the words "driving or attempting to drive buses, coaches, vehicles on priority duty".

(d) in the proviso thereof the words "the Minister may" shall be substituted by the words "the Minister responsible for the police may";

15. Immediately after article 15J of the principal law, there shall be added the following new articles: Addition of new articles to the principal law.

"Precautionary suspension of licences. Cap. 9.

15K. When a person is brought before the court on a charge under article 225 of the Criminal Code resulting from driving a motor vehicle the prosecution shall request the Court of Magistrates to order the suspension of the accused's driving licence while the proceedings are pending. The decree of the Court of Magistrates shall be immediately enforceable but shall be subject to an appeal by an application filed within five (5) days before the Criminal Court and the said decree may be revised and made subject to such conditions as the Court may from time to time deem fit.

Taking of blood specimens from persons who cannot give their consent.

15L. (1) The procedure established in this article shall apply in cases where a person referred to in article 15CA(3):

(a) cannot give his consent to a preliminary test and confirmatory test; or

(b) cannot be subjected to a preliminary test and confirmatory test.

(2) Any medical practitioner attending a hospitalised person referred to in sub-article (1), while that person remains so hospitalised, shall upon the request of a police officer confirmed by an order of a Magistrate, be required to take a specimen of that patient's blood for analysis as soon as practicable.

(3) If there is no medical practitioner present to attend the hospitalised person referred to in article 15CA(3), the blood specimen shall be taken by a healthcare professional who is attending the patient and who is accredited by a hospital as competent to perform the sampling procedures.

(4) The taking of a blood specimen from a hospitalised person referred to in article 15CA(3) shall not be required in accordance with this article unless, at the time of the accident concerned, the patient concerned who was involved in the accident was:

(a) driving a motor vehicle involved in the accident;

(b) occupying the driver's seat of a motor vehicle involved in the accident and attempting to put the motor vehicle in motion; or

(c) the holder of an applicable driver licence and occupying the seat in the motor vehicle next to a learner driver who was driving a motor vehicle involved in the accident.".

PART II
Amendments to the Criminal Code

Amendments to the Criminal Code. Cap. 9.

16. This Part amends the Criminal Code and shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as the "Code".

Amendment of article 225 of the Code.

17. Immediately after sub-article (2) of article 225 of the Code

there shall be added the following new sub-article:

(3) Where an offence against sub-article (1) or (2) is committed by reason of the offender having driven a motor vehicle while under the influence of alcohol or drugs, a minimum punishment of three (3) years imprisonment shall apply in every case, and the court shall not apply the provisions of article 21 of this Code or the provisions of the Probation Act or the provisions of the Drug Dependence (Treatment not Imprisonment) Act:

Cap. 446. Cap. 537.

Provided that in this article "drug" shall have the same meaning as assigned to it in article 2 of the Dangerous Drugs Ordinance and in article 118A of the Medical and Kindred Professions Ordinance.".

Cap. 101. Cap. 31.

18. Sub-article (1) of article 226 of the Code shall be amended as follows:

Amendment of article 226 of the Code.

(a) in paragraph (a) thereof the words "not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75);" shall be substituted by the words "not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75)" and immediately thereafter there shall be added the following new provisos:

"Provided that if the harm is grievous and produces the effects referred to in article 218 and is caused by a person driving under the influence of drugs or alcohol in accordance with the Traffic Regulation Ordinance, he shall be liable to imprisonment for a term not exceeding four (4) years or to a fine (*multa*) not exceeding eight thousand euro (€8,000), or to both such imprisonment and fine:

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Provided further that for the purposes of article 225 and this article, the court shall not award the minimum punishment if a person has resulted positive to more than one (1) drug, or is under the influence of both a drug substance and alcohol.";

(b) in paragraph (b) thereof the words "not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37);" shall be substituted by the words "not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37):" and immediately thereafter

there shall be added the following new proviso:

"Provided that if the harm is grievous without the effects referred to in article 218 and is caused by a person driving under the influence of drugs or alcohol in accordance with the Traffic Regulation Ordinance, he shall be liable to imprisonment for a term not exceeding two (2) years or to a fine (*multa*) not exceeding five thousand euro (€5,000), or to both such imprisonment and fine.".

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Addition of new article to the Code.

19. Immediately after article 226C of the Code there shall be added the following new article:

"Aggravating circumstances.

226D. Where a person commits an offence referred to in articles 225, 226 or 226A and subsequently:

(a) flees from the scene where involuntary homicide or bodily harm occurred; or

(b) was driving at a speed exceeding the prescribed speed limit; or

(c) was driving while disqualified, without a valid driving licence, or without a valid insurance policy,

the punishment established for such offence shall be increased by two to three degrees.".

Amendment of article 328 of the Code.

20. In the second proviso to article 328 of the Code the words "on oath of the complaint by the complainant." shall be substituted by the words "on oath of the complaint by the complainant:" and immediately thereafter there shall be added the following new proviso:

"Provided further that in cases where a person commits an offence as referred to in paragraphs (a), (b) and (c), and in the case of paragraph (d) only with regard to slight bodily harm, and subsequently flees from the place where the death of a person or bodily harm occurred, the punishment established for the offence shall be increased by two to three degrees.".

Amendment of article 355A of the Code.

21. Immediately after sub-article (2) of article 355A of the Code there shall be added the following new sub-article:

"(3) When any vehicle is stopped in accordance with the provisions of this Sub-title and without the requirement of reasonable suspicion, any person who was driving or attempting to drive or who is in control of a motor vehicle or other vehicle on a road or other public place may be required to give a breath sample for alcohol or to give a sample of oral fluid for a drug test.".

A 105

Passed by the House of Representatives at Sitting No. 440 of the 3rd March, 2026.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

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