

L.N. 392 of 2010**TRAFFIC REGULATION ORDINANCE
(CAP. 65)****Breath Tests Regulations, 2010**

IN exercise of the powers conferred by article 15B(2) of the Traffic Regulation Ordinance, the Minister responsible for the Police has made the following regulations:-

Citation. **1.** The title of these regulations is the Breath Tests Regulations, 2010.

Interpretation.
Cap. 65. **2.** For the purposes of these regulations, "the Ordinance" means the Traffic Regulation Ordinance.

Carrying out of
breath tests. **3.** For the purpose of carrying out the breath test referred to in the Ordinance, the test shall be carried out by the device set out in the Schedules to these regulations.

Device for
preliminary
tests. **4.** When the equipment to be used by the Police is the equipment set out in the First Schedule, the results so obtained shall be of an indicative nature.

Devices for
road side test. **5.** When the equipment to be used by the Police is the equipment listed in the Second and Third Schedules, the results so obtained shall be treated as the analytical results referred to in article 15E(1) of the Ordinance.

Breath analysis. **6.** (1) When the device set out in the Second Schedule is used, two specimens of breath shall be required for analysis in terms of article 15E(1)(a) of the Ordinance.

(2) Of the two specimens of breath provided by any person in pursuance of this regulation, the specimen with the lower proportion of alcohol in the breath shall be used as evidence and the other specimen shall only be indicative:

Provided that if the specimen with the lower proportion of alcohol contains no more than 50 microgrammes of alcohol in 100 millilitres of breath, the person who provided it may claim that it should be replaced by such specimen as may be required under article 15E(1)(b) of the Ordinance and, if he then provides such a specimen, neither specimen of breath shall be used.

7. When the device set out in the Third Schedule is used, one specimen of breath is required for analysis in terms of article 15E(1)(a) of the Ordinance: Breath specimen.

Provided that if the specimen contains no more than 50 microgrammes of alcohol in 100 millilitres of breath, the person who provided it may claim that it should be replaced by such specimen as may be required under article 15E(1)(b) of the Ordinance and, if he then provides such a specimen, the breath specimen shall not be used.

8. Specimens of breath may be required to be provided at or near the place where their provision is requested, or at a Police station, health centre or hospital. Place where breath specimen is to be provided.

9. (1) The analysis of any specimen provided in accordance with the provisions of article 15E(1)(b) of the Ordinance shall take place at the laboratories set out in the Fourth Schedule. Analysis of specimen.

(2) Specimens of blood may be required to be provided at a Police station, health centre or hospital.

(3) Two specimens of urine required for analysis shall be provided with an interval of one hour between them and the later specimen shall be used for analysis.

(4) Specimens of urine may be required to be provided at a Police station, health centre or hospital.

10. The Breath Tests (Devices and Laboratories) are hereby repealed. Repeal.
S.L. 65.16.

FIRST SCHEDULE

(Regulation 4)

Lion Alcometer SD-400.

SECOND SCHEDULE

[Regulations 5 and 6(1)]

Lion Intoxilyzer 6000 – 220/240volts.

THIRD SCHEDULE

(Regulations 5 and 7)

Lion Intoxilyzer 1-8000

FOURTH SCHEDULE

(Regulation 9)

Malta National Laboratory
