

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,498, 29 ta' Awwissu, 2025  
Taqsimha C

## Nru 146

29. 08. 2025

### MALTA

#### KAMRA TAD-DEPUTATI

#### HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Ġustizzja u r-Riforma tas-Settur tal-Kostruzzjoni, f'isem il-Ministru għall-Intern, is-Sigurtà u x-Xogħol, u moqri għall-Ewwel darba fis-Seduta tal-1 ta' Lulju 2025.

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice and Reform of the Construction Sector, on behalf of the Minister for Home Affairs, Security and Employment, and read the First time at the Sitting of the 1st July 2025.

**ATT sabiex jemenda l-Ordinanza dwar ir-Regolament tat-Traffiku, Kap. 65.**

**ANACT to amend the Traffic Regulation Ordinance, Cap. 65.**

ELEANOR SCERRI  
Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI  
Clerk of the House of Representatives



## ABBOZZ TA' LIĠI msejjah

*ATT sabiex jemenda l-Ordinanza dwar ir-Regolament tat-Traffiku, Kap. 65.*

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harget b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 li jemenda Titolu fil-qosor. Liġijiet Varji għall-Prevenzjoni ta' Sewqan taħt l-influenza tal-Alkoħol u d-Droga.

### TAQSIMA I Emendi għall-Ordinanza dwar ir-Regolament tat-Traffiku

2. Din it-Taqsima temenda l-Ordinanza dwar ir-Regolament Emendi għall-Ordinanza dwar ir-Regolament tat-Traffiku. Kap. 65. tat-Traffiku u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar ir-Regolament tat-Traffiku, hawn iżjed'il quddiem imsejha l-"liġi prinċipali".

3. Fl-artikolu 2 tal-liġi prinċipali, minnufih wara t-tifsira Emenda tal-artikolu 2 tal-liġi prinċipali. "vetturi b'diversi passigġieri" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "vetturi fuq dmirijiet prijoritarji" tinkludi kwalunkwe fire engine, ambulanzi, vetturi tas-salvataġġ u tas-sokkors, vetturi tal-pulizija, vetturi tal-ħabs u vetturi oħra bil-mutur fuq dmirijiet prijoritarji kif permess mill-Awtorità;"

4. L-artikolu 15 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 15 tal-liġi prinċipali.

(a) fil-verżjoni bl-Ingliż biss, fis-subartikolu (2) tiegħu l-kliem "other vehicle in a reckless" għandhom jiġu sostitwiti bil-

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kliem "other vehicle in a grossly negligent";

(b) minnufih wara s-subartikolu (4) tiegħu għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(5) Kwalunkwe persuna li tagħmel jew tipproduċi jew tippermetti li jsir jew li jiġi prodott xi materjal li jinvolvi jew li jindika li xi persuni qed jiksru d-dispożizzjonijiet elenkati fis-subartikolu (1) jew tipproduċi, tqassam, ixxerred, timporta, tesporta, toffri, tbigh, tforni, tittrażmetti, trendi disponibbli, takkwista għaliha nnifisha jew għal haddieħor, jew li tindika li tali persuni qed jiksru d-dispożizzjonijiet elenkati fis-subartikolu (1), għandha meta tinstab hatja tehel multa ta' elf u mitejn euro (€1,200), jew prigunerija li ma teċċedix sena (1):

Iżda jekk il-persuna msemmija f'dan is-subartikolu tipprovdi biżżejjed evidenza quddiem il-Qrati għall-identifikazzjoni tal-persuna li tkun qiegħda tikser id-dispożizzjonijiet tas-subartikolu (1), tali persuna għandha meta tinstab hatja tehel multa ta' mhux iżjed minn mitejn u hamsin euro (€250).".

Emenda tal-artikolu 15A tal-liġi prinċipali.

**5.** Fis-subartikolu (1) tal-artikolu 15A tal-liġi prinċipali l-kliem "minhabba xorb jew drogi" għandhom jiġu mħassra.

Żieda ta' artikoli godda fil-liġi prinċipali.

**6.** Minnufih wara l-artikolu 15B tal-liġi prinċipali għandhom jiġu miżjuda l-artikoli godda li ġejjin:

"Sewqan ta' vettura bil-mutur b'konċentrazzjoni ta' droga fil-ġisem.

15BA. (1) L-ebda persuna ma għandha ssuq, tipprova ssuq jew tkun fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew f'post pubbliku ieħor wara li tkun ikkunsmat kwalunkwe droga, jekk tali persuna għad għandha xi ammont ta' tali droga f'ġisimha.

(2) Reat taħt dan l-artikolu ma għandux jiġi interpretat bħala reat ta' pussess ta' droga.

Setgħa tal-Ministru responsabbli għall-Pulizija biex jagħmel regolamenti.

15BB. Il-Ministru responsabbli għall-pulizija jista' jagħmel regolamenti li jipprovdu:

(a) għal proċeduri li għandhom jiġu adottati mill-pulizija fit-twettiq ta' testijiet tad-droga tal-fluwidu orali;

(b) għad-determinazzjoni tat-tip ta' strument li għandu jintuża għat-tehid tat-test tad-droga tal-fluwidu orali;

(ċ) għal proċedura għat-tehid ta' kampjuni ta' fluwidi tal-ġisem;

(d) għad-determinazzjoni tal-laboratorju għat-tehid u l-ittestjar ta' kampjuni ta' fluwidi tal-ġisem;

(e) għal kwalunkwe kwistjoni oħra relatata mal-operat tal-pulizija dwar it-trażżin ta' sewqan taht l-influenza tal-alkoħol jew tad-droga:

Iżda l-Ministru responsabbli għall-pulizija jista', permezz ta' regolamenti magħmula taht din l-Ordinanza, iżid Skedi jew jemenda jew iħassar l-Iskedi li jinsabu ma' din l-Ordinanza sabiex jipprovdi għall-aħjar implimentazzjoni ta' dan l-artikolu."

7. L-artikolu 15Ċ tal-liġi prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 15Ċ tal-liġi prinċipali.

"Test tal-alkoħol tan-nifs.

15Ċ. (1) Fejn uffiċjal tal-Pulizija jkollu suspett raġonevoli li:

(a) persuna tkun qiegħda ssuq jew tipprowa ssuq jew tkun fil-kontroll ta' vettura bil-mutur jew vettura oħra li tkun fit-triq jew f'post pubbliku ieħor u li jkollha l-alkoħol f'ġisimha jew li tkun wettqet reat kontra d-dispożizzjonijiet ta' din l-Ordinanza jew kontra kwalunkwe regolamenti magħmula taħtha waqt li l-vettura bil-mutur jew vettura oħra kienet miexja;

(b) persuna kienet qiegħda ssuq jew tipprowa ssuq jew kienet fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew f'post pubbliku ieħor bl-alkoħol f'ġisimha u li tali persuna għad għandha l-alkoħol f'ġisimha;

(ċ) persuna kienet qiegħda ssuq jew tipprowa ssuq jew kienet fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew f'post pubbliku ieħor u li wettqet reat kontra d-dispożizzjonijiet ta' din l-Ordinanza jew kontra kwalunkwe regolamenti magħmula taħtha waqt li l-vettura bil-mutur jew vettura oħra kienet miexja; jew

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(d) persuna kienet qiegħda ssuq jew tipprova ssuq jew kienet fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew f'post pubbliku ieħor meta l-imsemmija vettura bil-mutur jew vettura oħra kienet involuta f'acċident,

huwa jista' jeħtieg li tali persuna tagħti kampjun tan-nifs għal test tan-nifs.

Kap. 9.

(2) Uffiċjal tal-Pulizija jista', mingħajr il-ħtiegħa ta' suspett raġonevoli fir-rigward ta' persuna partikolari, jeħtiegħ lil kwalunkwe persuna li kienet qiegħda ssuq jew tipprova ssuq jew hija jew kienet fil-kontroll ta' karozza tal-linja, coach, vetturi oħra li jgħorru passiġġieri bi ħlas, kwalunkwe vettura bil-mutur M2 jew M3 fit-triq jew f'post pubbliku ieħor waqt kontrolli fit-toroq skont id-dispożizzjonijiet tal-artikolu 355 tal-Kodiċi Kriminali, sabiex tagħti kampjun tan-nifs għall-alkoħol.

(3) Uffiċjal tal-Pulizija għandu jeħtiegħ lil kwalunkwe persuna li kienet qiegħda ssuq jew tipprova ssuq jew tkun fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew f'post pubbliku ieħor meta tkun involuta f'acċident serju tat-traffiku, sabiex tagħti kampjun tan-nifs għall-alkoħol."

Żieda ta' artikoli godda fil-liġi prinċipali.

**8.** Minnufih wara l-artikolu 15Ċ tal-liġi prinċipali għandhom jiġu miżjuda l-artikoli godda li ġejjin:

"Test ta' fluwidu orali għal test tad-droga.

15ĊA. (1) Fejn uffiċjal tal-Pulizija jkollu suspett raġonevoli li:

(a) persuna tkun qiegħda ssuq jew tipprova ssuq jew tkun fil-kontroll ta' vettura bil-mutur jew vettura oħra li tkun fit-triq jew f'post pubbliku ieħor u li jkollha d-drogi f'għisimha jew li tkun wettqet reat kontra d-dispożizzjonijiet ta' din l-Ordinanza jew kontra kwalunkwe regolamenti magħmula taħtha waqt li l-vettura bil-mutur jew vettura oħra kienet miexja;

(b) persuna kienet qiegħda ssuq jew tipprova ssuq jew kienet fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew f'post pubbliku ieħor bi drogi f'għisimha u li tali persuna għad għandha d-drogi f'għisimha;

(c) persuna kienet qiegħda ssuq jew tipprova ssuq jew kienet fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew f'post pubbliku ieħor u wettqet reat kontra d-dispożizzjonijiet ta' din l-Ordinanza jew kontra kwalunkwe regolamenti magħmula taħtha waqt li l-vettura bil-mutur jew vettura oħra kienet miexja; jew

(d) persuna kienet qed issuq jew tipprova ssuq jew kienet fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew f'post pubbliku ieħor meta l-imsemmija vettura bil-mutur jew vettura oħra kienet involuta f'acċident,

huwa jista' jeħtiegħ li tali persuna tagħti kampjun ta' fluwidu orali għal test tad-droga.

(2) Uffiċjal tal-Pulizija jista', mingħajr il-ħtiegħa ta' suspett raġonevoli, jeħtiegħ lil kwalunkwe persuna li kienet qiegħda ssuq jew tipprova ssuq jew tkun fil-kontroll ta' jew kienet fil-kontroll ta' karozza tal-linja, coach, vetturi oħra li jgħorru passiġġieri bi ħlas, kwalunkwe vettura bil-mutur M2 jew M3 fit-triq jew f'post pubbliku ieħor waqt kontrolli fit-toroq skont id-dispożizzjonijiet tal-artikolu 355 tal-Kodiċi Kriminali, sabiex tagħti kampjun ta' fluwidu orali għal test tad-droga.

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(3) Uffiċjal tal-Pulizija għandu jeħtiegħ lil kwalunkwe persuna li kienet qiegħda ssuq jew tipprova ssuq jew tkun fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew f'post pubbliku ieħor meta tkun involuta f'acċident serju tat-traffiku, sabiex tagħti kampjun ta' fluwidu orali għal test tad-droga.

Setgħa li jsiru testijiet każwali.

15CB. Minkejja kwalunkwe dispożizzjoni oħra f'din l-Ordinanza jew fi kwalunkwe liġi oħra, meta uffiċjal tal-Pulizija iqis li jkun raġjonevolment meħtiegħ, fl-interess tas-sigurtà pubblika, tal-ordni pubbliku jew għall-protezzjoni tad-drittijiet u l-libertajiet ta' persuni oħra, huwa jista' jeħtiegħ ukoll, anke mingħajr il-ħtiegħa ta' suspett raġonevoli f'persuna partikolari, lil kwalunkwe persuna li kienet qiegħda ssuq jew tipprova ssuq jew li tkun fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew fi kwalunkwe post pubbliku ieħor sabiex tagħti kampjun tan-nifs għall-alkoħol jew sabiex tagħti kampjun ta' fluwidu orali għal test tad-droga."

9. L-artikolu 15D tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 15D tal-liġi prinċipali.

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(a) il-paragrafu (a) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(a) bhala rizultat ta' test tan-nifs jew test tad-droga tal-fluwidu orali, l-uffiċjal tal-Pulizija jkollu suspett raġonevoli li l-proporzjon ta' alkoħol fid-demm ta' tali persuna jkun iżjed mil-limitu preskritt, jew tali persuna tirrizulta pożittiva għad-drogi; jew";

(b) il-paragrafu (b) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(b) tali persuna tonqos milli tagħti kampjun tan-nifs għal test tan-nifs, jew kampjun ta' fluwidu orali għal test tad-droga tal-fluwidu orali meta dan ikun meħtieġ skont id-dispożizzjonijiet tal-artikoli 15Ċ, 15ĊA jew 15ĊB u, unikament sakemm tali persuna tkun giet imwissija li n-nuqqas jew ir-rifjut li tikkonforma ma' tali rikjesta jikkostitwixxi reat."

Emenda tal-artikolu 15E tal-liġi prinċipali.

ġej:

**10.** L-artikolu 15E tal-liġi prinċipali għandu jiġi emendat kif

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "taħt l-artikoli 15A u 15B(1)" għandhom jiġu sostitwiti bil-kliem "taħt l-artikoli 15A, 15B(1) u 15BA(1)";

(ii) fil-paragrafu (a) tiegħu l-kliem "taħt l-artikoli 15A jew 15B(1)" għandhom jiġu sostitwiti bil-kliem "taħt l-artikoli 15A, 15B(1) u 15BA(1)";

(iii) fil-paragrafu (b) tiegħu l-kliem "taħt l-artikoli 15A jew 15B(1)" għandhom jiġu sostitwiti bil-kliem "taħt l-artikoli 15A, 15B(1) u 15BA(1)";

(iv) fil-proviso tas-subartikolu (1) tiegħu l-kliem "tal-urina." għandhom jiġu sostitwiti bil-kliem "tal-urina; jew" u minnufih wara għandhom jiġu miżjuda l-paragrafi

godda li ġejjin:

L.S. 65. \_\_. "(ċ) tagħti kampjun jew kampjuni ta' fluwidu orali għall-analiżi permezz ta' strument approvat skont ir-Regolamenti dwar l-Ittestjar tad-Droga waqt is-Sewqan, u r-riżultat hekk miksub għandu jkun ammissibbli bħala prova fi kwalunkwe proċeduri dwar reat taħt l-artikoli 15A, 15B(1) u 15BA(1). Ir-riżultati tal-analiżi għandhom jiġu preżunti korretti sakemm ma jiġix ippruvat il-kuntrarju; jew

L.S. 65. \_\_. (d) tagħti kampjun jew kampjuni ta' fluwidu orali għall-analiżi ta' konferma, li għandha ssir f'laboratorju approvat, skont ir-Regolamenti dwar l-Ittestjar tad-Droga waqt is-Sewqan, u r-riżultati tal-analiżi għandhom ikunu ammissibbli bħala prova fi kwalunkwe proċeduri għal reat taħt l-artikoli 15A, 15B(1) u 15BA(1). Ir-riżultati tal-analiżi għandhom jiġu preżunti korretti sakemm ma jiġix ippruvat il-kuntrarju.";

(b) fis-subartikolu (4) tiegħu l-kliem "iżjed mil-limitu preskritt" għandhom jiġu sostitwiti bil-kliem "iżjed mil-limitu preskritt jew ikollha drogi f'ġisimha";

(ċ) fis-subartikolu (5) tiegħu l-kliem "dispożizzjonijiet tal-artikoli 15A u 15B" għandhom jiġu sostitwiti bil-kliem "dispożizzjonijiet tal-artikoli 15A, 15B jew 15BA(1)";

(d) minnufih wara s-subartikolu (5) tiegħu, kif emendat, għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(6) Fil-prosekuzzjoni għal reat taħt l-artikoli 15 sa 15I għandu jiġi preżunt, sakemm ma jiġix ppruvat il-kuntrarju, li strument ipprovdut minn membru tal-Pulizija bl-għan li jippermetti lil persuna tagħti kampjun ta' fluwidu orali huwa strument sabiex jindika l-preżenza ta' drogi fil-fluwidu orali.".

11. L-artikolu 15F tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 15F tal-liġi prinċipali.

(a) in-nota marginali tiegħu għandha tiġi sostitwita bin-nota marginali ġdida li ġejja:

"Għażla ta' kampjuni tan-nifs, ta' fluwidu orali jew ta' fluwidu tal-ġisem.";

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(b) fis-subartikolu (1) tiegħu l-kliem "kampjun tan-nifs jew ta' fluwidu tal-ġisem" għandhom jiġu sostitwiti bil-kliem "kampjun tan-nifs, fluwidu orali jew fluwidu tal-ġisem,";

(ċ) fis-subartikolu (2) tiegħu l-kliem "Il-Ministru għandu" għandhom jiġu sostitwiti bil-kliem "Il-Ministru responsabbli għall-pulizija għandu".

Emenda tal-artikolu 15G tal-liġi prinċipali.

**12.** Fl-artikolu 15G tal-liġi prinċipali l-kliem "kampjun tan-nifs, tad-demem jew tal-urina" għandhom jiġu sostitwiti bil-kliem "kampjun tan-nifs, tad-demem, tal-fluwidu orali jew tal-urina".

Emenda tal-artikolu 15H tal-liġi prinċipali.

**13.** L-artikolu 15H tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "tal-artikoli 15A u 15B" għandhom jiġu sostitwiti bil-kliem "tal-artikoli 15A, 15B u 15BA(1)";

(ii) fil-paragrafu (a) tiegħu l-kliem "elf u tmien mitt euro (€1,800)" għandhom jiġu sostitwiti bil-kliem "elfejn u ħames mitt euro (€2,500)";

(iii) fil-paragrafu (b) tiegħu l-kliem "tlett elef euro (€3,000)" għandhom jiġu sostitwiti bil-kliem "ħamest elef euro (€5,000)";

(b) minnufih wara s-subartikolu (3) tiegħu għandhom jiġu miżjudha s-subartikoli ġodda li ġejjin:

"(4) B'zieda mal-pieni provduti taħt is-subartikoli (1) u (2), u bla ħsara għal kwalunkwe miżura jew ordni oħra li l-Qorti tista' timponi bis-saħħa ta' xi liġi oħra, il-Qorti għandha mal-għoti tas-sentenza, tordna lill-persuna kkundannata sabiex trodd lura lill-Pulizija l-ispejjeż imġarrba b'konnessjoni ma' kwalunkwe test tad-droga f'tali perjodu u f'dak l-ammont li għandu jiġi stabbilit fis-sentenza.

Kap. 9.

(5) Id-dispożizzjonijiet tas-subartikoli (2), (3) u (4) tal-artikolu 533 tal-Kodiċi Kriminali, għandhom japplikaw *mutatis mutandis* favur il-Pulizija, fin-nuqqas ta' ħlas tal-ispejjeż kif determinati mill-Qorti skont is-subartikolu (4)."

Emenda tal-artikolu 15I tal-liġi prinċipali.

**14.** Is-subartikolu (1) tal-artikolu 15I tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) it-tifsira "droga" tiegħu għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

Kap. 101. " "droga" għandu jkollha l-istess tifsira kif mogħti  
 Kap. 31. lilha fl-artikolu 2 tal-Ordinanza dwar il-Mediċini  
 Perikolużi u fl-artikolu 118A tal-Ordinanza dwar il-  
 Professjoni Medika u l-Professjonijiet li għandhom  
 x'jaqsmu magħha;"

(b) minnufih wara t-tifsira "droga" tiegħu, kif sostitwita,  
 għandhom jiġu miżjuda t-tifsiriet ġodda li ġejjin:

"test tad-droga tal-fluwidu orali" tfisser test bl-  
 għan li jiġi ddeterminat, permezz ta' strument ta' tip  
 approvat mill-Ministru responsabbli għall-Pulizija, jekk  
 persuna hijiex taħt l-influwenza tad-droga;

L.S. 65. \_\_\_ "test preliminari" tfisser test tad-droga tal-fluwidu  
 orali mwettaq mal-ġenb tat-triq, minn uffiċjal tal-pulizija  
 bl-użu ta' strument approvat skont l-Ewwel Skeda tar-  
 Regolamenti dwar l-Ittestjar tad-Droga waqt is-Sewqan;

"test ta' konferma" tfisser kampjun ta' fluwidu orali  
 miksub minn persuna suspettata li wettqet reat taħt din l-  
 Ordinanza jew persuna msemija fl-artikolu 15ĊA jew  
 15ĊB, wara li t-test preliminari tagħha rriżulta pożittiv  
 għad-drogi, liema kampjun jiġi riferut għall-analizi lil  
 laboratorju approvat kif elenkat fit-Tieni Skeda tar-  
 Regolamenti dwar l-Ittestjar tad-Droga waqt is-Sewqan;

L.S. 65. \_\_\_ "aċċident serju tat-traffiku" tfisser kwalunkwe  
 aċċident li seħħ fit-triq jew f'post pubbliku ieħor li  
 jinvolti vettura bil-mutur jew vettura oħra li kaġun  
 tiegħu kwalunkwe persuna ssofri xi offiża fuq il-  
 persuna jew jirriżulta fil-mewt ta' persuna;

Kap. 9. "kunsens xieraq" għandu jkollha l-istess tifsira kif  
 mogħti lilha fl-artikolu 350 tal-Kodiċi Kriminali;"

(ċ) fil-paragrafu (ċ) tat-tifsira "il-limitu preskritt" il-  
 kliem "sewqan jew tentattiv ta' sewqan ta' karozzi tal-linja,  
 coaches" għandhom jiġu sostitwiti bil-kliem "sewqan jew  
 tentattiv ta' sewqan ta' karozzi tal-linja, coaches, vetturi fuq  
 dmirijiet prijoritarji";

(d) fil-proviso tiegħu l-kliem "il-Ministru jista'"  
 għandhom jiġu sostitwiti bil-kliem "il-Ministru responsabbli  
 għall-pulizija jista'".

15. Minnufih wara l-artikolu 15J tal-liġi prinċipali għandhom

Zieda ta' artikoli  
 ġodda fil-liġi  
 prinċipali.

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jigü miżjuda l-artikoli godda li ġejjin:

"Sospensjoni ta' licenzji b'mod kawtelatorju. Kap. 9.

15K. Meta persuna tiġi mressqa l-qorti b'akkuża taht l-artikolu 225 tal-Kodiċi Kriminali li tirriżulta minn sewqan ta' vettura bil-mutur, il-prosekuzzjoni għandha titlob lill-Qorti tal-Maġistrati sabiex tordna s-sospensjoni tal-licenzja tas-sewqan tal-akkużat waqt li l-proċeduri jkun pendent. Id-digriet tal-Qorti tal-Maġistrati għandu jkun eżegwibbli minnufih iżda għandu jkun soġġett għal appell permezz ta' rikors ipprezentat fi żmien ħamest (5) ijiem quddiem il-Qorti Kriminali u l-imsemmi digriet jista' jiġi rivedut u soġġett għal tali kundizzjonijiet kif il-Qorti jista' jidhrilha xieraq minn żmien għal żmien.

Tehid ta' kampjuni tad-demmm minn persuna li ma tistax tagħti l-kunsens tagħha.

15L. (1) Il-proċedura stabbilita f'dan l-artikolu għandha tapplika f'każijiet fejn persuna msemmija fl-artikolu 15ĊA(3):

(a) ma tistax tagħti l-kunsens tagħha sabiex isirilha test preliminari u test ta' konferma; jew

(b) ma tistax tiġi soġġetta għal test preliminari u test ta' konferma.

(2) Kwalunkwe tabib li jassisti kwalunkwe persuna rikoverata l-isptar fil-każijiet imsemmija fis-subartikolu (1), għandu waqt li dik il-persuna tkun hekk rikoverata, fuq talba ta' uffiċjal tal-Pulizija kkonfermata b'ordni ta' Maġistrat, ikun meħtieġ jieħu kampjun tad-demmm tal-pazjent għall-analiżi kemm jista' jkun malajr.

(3) Jekk ma jkun hemm l-ebda tabib preżenti sabiex jassisti lill-persuna rikoverata l-isptar imsemmija fl-artikolu 15ĊA(3), il-kampjun tad-demmm għandu jittieħed minn professjonist fil-kura medika li jkun qiegħed jassisti lill-pazjent u li huwa akkreditat minn sptar bħala kompetenti sabiex iwettaq il-proċeduri tat-tehid tal-kampjuni.

(4) It-tehid ta' kampjun tad-demmm minn persuna rikoverata l-isptar imsemmija fl-artikolu 15ĊA(3) ma għandux ikun meħtieġ skont dan l-artikolu sakemm, fil-ħin tal-inċident ikkonċernat, il-pazjent li kien involut f'inċident rikoverat fl-isptar ma kienx:

(a) qiegħed isuq vettura bil-mutur involuta fl-aċċident;

(b) qiegħed jokkupa s-sedil tax-xufier ta' vettura bil-mutur involuta fl-aċċident u jipprova jhaddem il-vettura bil-mutur; jew

(ċ) id-detentur ta' liċenzja tas-sewqan applikabbi kien qiegħed jokkupa s-sedil fil-vettura bil-mutur hdejn sewwieq li qiegħed jitgħallem li kien qiegħed isuq vettura bil-mutur involuta fl-aċċident."

## TAQSIMA II

### Emendi għall-Kodiċi Kriminali

**16.** Din it-Taqsima temenda l-Kodiċi Kriminali u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ il-"Kodiċi".

Emendi għall-Kodiċi Kriminali. Kap. 9.

**17.** Minnufih wara s-subartikolu (2) tal-artikolu 225 tal-Kodiċi għandu jiġi miżjud is-subartikolu ġdid li ġej:

Emenda tal-artikolu 225 tal-Kodiċi.

"(3) Meta jitwettaq reat kontra s-subartikolu (1) jew (2) għar-raġuni illi l-ħati jkun saq vettura bil-mutur filwaqt li kien taħt l-influwenza tal-alkoħol jew tad-droga, għandha f'kull każ, tapplika piena minima ta' tliet (3) snin prigunerija u l-Qorti ma għandhiex tapplika d-dispożizzjonijiet tal-artikolu 21 ta' dan il-Kodiċi jew id-dispożizzjonijiet tal-Att dwar il-*Probation*:

Kap. 446.

Iżda f'dan l-artikolu "droga" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2 tal-Ordinanza dwar il-Mediċini Perikolużi u fl-artikolu 118A tal-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha."

Kap. 101.

Kap. 31.

### Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jintroduċu dispożizzjonijiet għall-prevenzjoni ta' sewqan taħt l-influwenza tal-alkoħol jew tad-droga, sabiex iżidu l-pieni fir-rigward ta' tali aġir u sabiex jintroduċu piena ta' prigunerija mandatorja għall-omicidju involontarju mwettaq b'riżultat ta' sewqan ta' vettura taħt l-influwenza ta' alkoħol jew droga. Barra minn hekk, l-Abbozz jstabbilixxi wkoll il-mod kif jista' jsir l-ittestjar għad-droga fil-ġisem u jipprovdi għas-setgħa li jitwettqu testijiet każwali għall-protezzjoni tal-ordni pubbliku, tas-sigurtà pubblika u tad-drittijiet ta' haddieħor, anke mingħajr il-ħtieġa ta' suspett raġonevoli fil-persuna partikolari.

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**A BILL  
entitled**

*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, 2025.

**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 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;"

Amendment of article 15 of the principal law.

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

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

(b) 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 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)."

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

Amendment of article 15A of the principal law.

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

Addition of new articles to the principal law.

"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;

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(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.

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(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.

(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."

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

Addition of new articles to the principal law.

"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.

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Cap. 9. (2) A Police officer may, without the need for reasonable suspicion in a particular person, 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.

(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."

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."

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

Amendment of article 15E of the principal law.

(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:

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"(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.";

(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";

(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)";

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(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)" shall be substituted by the words "two thousand five hundred euro (€2,500)";

(iii) in paragraph (b) thereof the words "three thousand euro (€3,000)" shall be substituted by the words "five thousand euro (€5,000)";

(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.

Cap. 9. (5) The provisions of sub-articles (2), (3) and (4) of article 533 of the Criminal Code, shall *mutatis mutandis* apply in favour of the Police, in default of payment of the costs as determined by the Court in accordance with sub-article (4)."

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

Amendment of article 15I of the principal law.

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

Cap. 101. "drug" shall have the same meaning as assigned  
Cap. 31. to it in article 2 of the Dangerous Drugs Ordinance and in article 118A of the Medical and Kindred Professions Ordinance;"

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

"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;

S.L. 65.\_\_\_\_. "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.\_\_\_\_. "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;

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"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;

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

(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";

Addition of new articles to the principal law.

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

"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

**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".

Amendments to the Criminal Code.  
Cap. 9.

**17.** Immediately after sub-article (2) of article 225 of the Code there shall be added the following new sub-article:

Amendment of article 225 of the Code.

(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:

Cap. 446.

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.

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### **Objects and Reasons**

The objects and reasons of this Bill are to introduce provisions for the prevention of driving under the influence of alcohol or drugs, to increase the punishments for such conduct and to introduce a mandatory prison sentence for involuntary homicide committed as a result of driving a vehicle under the influence of alcohol or drugs. Moreover, the Bill establishes the manner in which drug testing may be carried out and provides for the power to carry out random tests for the protection of public order, public safety and the rights of others, even without the need for reasonable suspicion in respect of the particular person.