

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,715, 20 ta' Jannar, 2017*

*Taqsimha C*

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## **Nru. 191**

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20. 01. 2017

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Owen Bonnici, M.P., Ministru għall-Ġustizzja, Kultura u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Jannar, 2017.

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A BILL introduced by the Honourable Owen Bonnici, M.P., Minister for Justice, Culture and Local Government, and read the First time at the Sitting of the 9th January, 2017.

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

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

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



### **Abbozz ta' Liġi msejjah**

*ATT biex 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, ħarġet b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2017 li jemenda l-Ordinanza dwar ir-Regolament tat-Traffiku, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Ordinanza dwar ir-Regolament tat-Traffiku, hawn iżjed 'il quddiem imsejha "l-Ordinanza".

Titolu fil-qosor  
u bidu fis-sehħ.

Kap. 65.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru responsabbli għat-trasport jista' b'ordni fil-Gazzetta jistabbilixxi u jistgħu jiġu stabbiliti dati differenti fir-rigward ta' dispozizzjonijiet u għanijiet differenti ta' dan l-Att.

2. L-artikolu 15 tal-Ordinanza għandu jiġi emendat kif ġej:

Emenda tal-  
artikolu 15 tal-  
Ordinanza.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "multa ta' mhux iżjed minn mitejn u tnejn u tletin euro u erbgħa u disgħin ċenteżmu (232.94) jew tal-prigunerija ta' mhux iżjed minn tliet xhur" għandhom jidhlu l-kliem "multa ta' mhux iżjed minn elf u mitejn euro (€1,200) jew tal-prigunerija ta' mhux iżjed minn sena";

(b) fis-subartikolu (1A) tiegħu, minflok il-kliem "multa

ta' mhux iżjed minn elf, mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (1,164.69)" għandhom jidhlu l-kliem "multa ta' mhux iżjed minn elf u mitejn euro (€1,200)"; u

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem "il-qorti, fuq talba tal-prosekuzzjoni," għandhom jidhlu l-kliem "il-qorti".

Emenda tal-artikolu 15B tal-Ordinanza.

**3.** Fil-paragrafu (a) tas-subartikolu (2) tal-artikolu 15B tal-Ordinanza, minflok il-kliem "adottati mill-Pulizija" għandhom jidhlu l-kliem "adottati mill-Pulizija jew mill-gwardjani lokali".

Emenda tal-artikolu 15H tal-Ordinanza.

**4.** L-artikolu 15H tal-Ordinanza għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minflok il-kliem "multa ta' mhux anqas minn elf u mitejn euro (€1,200) jew priġunerija għal mhux iżjed minn tliet xhur" għandhom jidhlu l-kliem "multa ta' mhux anqas minn elf u tmien mitt euro (€1,800) jew priġunerija għal mhux iżjed minn sitt xhur";

(b) fil-paragrafu (b) tas-subartikolu (1) tiegħu, minflok il-kliem "multa ta' mhux anqas minn elfejn, tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (2,329.37) jew priġunerija għal mhux iżjed minn sitt xhur" għandhom jidhlu l-kliem "multa ta' mhux anqas minn tlett elef euro (€3,000) jew priġunerija għal mhux iżjed minn sena"; u

(ċ) minnufiħ wara s-subartikolu (2) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(3) B'zieda mal-pieni taħt is-subartikoli (1) u (2), il-qorti tista' ukoll tagħti Ordni ta' *Probation* skont l-artikolu 7 tal-Att dwar il-*Probation* li għandha tinkludi ordni sabiex il-ħati jattendi għal programm ta' riabilitazzjoni bl-ispejjez addebitati lillu u, jew Ordni ta' Servizz fil-Komunità skont l-artikolu 11 tal-Att dwar il-*Probation*."

Emenda tal-artikolu 15I tal-Ordinanza.

**5.** Fl-artikolu 15I tal-Ordinanza, it-tifsira "il-limitu preskritt" għandha tiġi sostitwita b'dan li ġej:

"il-limitu preskritt" tfisser skont kif il-każ ikun jeħtieġ:

(a) dwar sewqan jew tentattiv ta' sewqan tal-vetturi kollha ħlief għal dawk imsemmija fil-paragrafi (b), (ċ) jew (d):

(i) 22 mikrogramma ta' alkohol f'100 millilitru ta' nifs; jew

(ii) 50 milligramma ta' alkohol f'100 millilitru ta' demm; jew

(iii) 67 milligramma ta' alkohol f'100 millilitru ta' urina;

(b) dwar sewqan jew tentattiv ta' sewqan ta' vetturi kummerċjali:

(i) 9 mikrogramma ta' alkohol f'100 millilitru ta' nifs; jew

(ii) 20 milligramma ta' alkohol f'100 millilitru ta' demm; jew

(iii) 27 milligramma ta' alkohol f'100 millilitru ta' urina;

(ċ) dwar sewqan jew tentattiv ta' sewqan ta' karozzi tal-linja, *coaches* u vetturi ohra li jgħorru passigġieri bi hłas:

(i) 0 mikrogramma ta' alkohol f'100 millilitru ta' nifs; jew

(ii) 0 milligramma ta' alkohol f'100 millilitru ta' demm; jew

(iii) 0 milligramma ta' alkohol f'100 millilitru ta' urina;

(d) dwar sewqan jew tentattiv ta' sewqan minn persuni li jkollhom liċenza bi prova:

(i) 9 mikrogramma ta' alkohol f'100 millilitru ta' nifs; jew

(ii) 20 milligramma ta' alkohol f'100 millilitru ta' demm; jew

(iii) 27 milligramma ta' alkohol f'100 millilitru ta' urina:

Iżda l-Ministru jista' b'regolament jibdel il-limiti preskritti."

6. Minnufih wara l-artikolu 15G tal-Ordinanza għandu jiżdied l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid mal-Ordinanza.

"Testijiet tan-nifs minn gwardjan lokali.

15GA. (1) Id-dispożizzjonijiet tal-artikolu 15Ċ għandhom japplikaw *mutatis mutandis* għall-gwardjani lokali u l-proċeduri li għandhom jiġu segwiti f'każ li gwardjan lokali jkollu suspett raġjonevoli kif imfisser fl-artikolu 15Ċ għandhom ikunu dawk stipulati f'dan l-artikolu.

(2) Meta persuna tirrifjuta jew tonqos milli tagħti kampjun tan-nifs lil gwardjani lokali kif meħtieġ b'dan l-artikolu hija tkun hatja ta' reat u għandhom japplikaw għal dik il-persuna *mutatis mutandis* id-dispożizzjonijiet tal-artikoli 15E(4) u 15H.

(3) Persuna li tirrifjuta jew tonqos milli tagħti kampjun tan-nifs lil gwardjan lokali skont dan l-artikolu tista' tiġi miżmuma milli tkompli ssuq mill-gwardjan lokali sakemm tasal fuq il-post il-Pulizija u persuna li tkompli ssuq minkejja ordni biex ma tkomplix issuq minn gwardjan lokali tkun hatja ta' reat daqslikieku l-ordni li tkun ingħatat mill-gwardjan lokali ingħatat minn Pulizija.

(4) Meta bħala riżultat ta' test tan-nifs gwardjan lokali jkollu suspett raġjonevoli li l-proporzjon ta' alkoħol fid-demem ta' dik il-persuna jkun iżjed mill-limitu preskritt huwa għandu jsejjaħ fuq il-post lill-Pulizija u l-persuna li tkun tat il-kampjun għandha tinzamm mill-gwardjan lokali milli tkompli ssuq u d-dispożizzjonijiet tas-subartikolu (3) għandhom *mutatis mutandis* japplikaw għal dik il-persuna."

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### Ghanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi huwa li jsaħħaħ il-ħarsien tas-sikurezza fit-toroq billi jnaqqas il-limiti ta' alkoħol li wieħed ikun permess illi jikkonsma jekk ikun ser issuq, billi jżid il-possibilitajiet ta' infurzar effettiv u billi jintroduċi limiti permissibbli ta' alkoħol differenti għal kategoriji differenti ta' sewwieqa.

**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:-

1. (1) The short title of this Act is the Traffic Regulation Ordinance (Amendment) Act, 2017, and this Act shall be read and construed as one with the Traffic Regulation Ordinance, hereinafter referred to as "the Ordinance".

Short title and commencement.  
Cap. 65.

(2) This Act shall come into force on such date as the Minister responsible for transport may by order in the Gazette establish and different dates may be established in respect of different provisions and purposes of this Act.

2. Article 15 of the Ordinance shall be amended as follows:

Amendment of article 15 of the Ordinance.

(a) in sub-article (1) thereof, for the words "a fine (*multa*) not exceeding two hundred and thirty-two euro and ninety-four cents (232.94) or to imprisonment not exceeding three months" there shall be substituted the words "a fine (*multa*) not exceeding one thousand and two hundred euro (€1,200) or to imprisonment not exceeding one year";

(b) in sub-article (1A) thereof, for the words "a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69)" there shall be

substituted the words "a fine (*multa*) not exceeding one thousand and two hundred euro (€1,200)"; and

(c) in sub-article (3) thereof, for the words "the court shall, at the instance of the prosecution," there shall be substituted the words "the court shall".

Amendment of article 15B of the Ordinance.

**3.** In paragraph (a) of sub-article (2) of article 15B of the Ordinance, for the words "adopted by the Police" there shall be substituted the words "adopted by the Police or by the local wardens".

Amendment of article 15H of the Ordinance.

**4.** Article 15H of the Ordinance shall be amended as follows:

(a) in paragraph (a) of sub-article (1) thereof, for the words "a fine (*multa*) of not less than one thousand two hundred euro (€1,200) or to imprisonment not exceeding three months" there shall be substituted the words "a fine (*multa*) of not less than one thousand eight hundred euro (€1,200) or to imprisonment not exceeding six months";

(b) in paragraph (b) of sub-article (1) thereof, for the words "a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to imprisonment not exceeding six months" there shall be substituted the words "a fine (*multa*) of not less than three thousand euro (€3,000) or to imprisonment not exceeding one year"; and

(c) immediately after sub-article (2) thereof there shall be added the following new sub-article:

"(3) In addition to the penalties under sub-articles (1) and (2), the court may also impose a Probation Order in accordance with article 7 of the Probation Act which shall include an order whereby the offender shall be ordered to attend a rehabilitation programme, with expenses charged upon him, or a Community Service Order in accordance with article 11 of the Probation Act."

Amendment of article 15I of the Ordinance.

**5.** In article 15I of the Ordinance, the definition "the prescribed limit" shall be substituted by the following:

" "the prescribed limit" means as the case may require:

(a) with regard to driving or attempting to drive all vehicles except those mentioned in paragraphs (b), (c) or (d):



- (i) 22 milligrammes of alcohol in 100 millilitres of breath; or
  - (ii) 50 milligrammes of alcohol in 100 millilitres of blood; or
  - (iii) 67 milligrammes of alcohol in 100 millilitres of urine;
- (b) with regard to driving or attempting to drive commercial vehicles:
- (i) 9 microgrammes of alcohol in 100 millilitres of breath; or
  - (ii) 20 microgrammes of alcohol in 100 millilitres of blood; or
  - (iii) 27 microgrammes of alcohol in 100 millilitres of urine;
- (c) with regard to driving or attempting to drive buses, coaches and other vehicles carrying passengers for a fee:
- (i) 0 microgrammes of alcohol in 100 millilitres of breath; or
  - (ii) 0 microgrammes of alcohol in 100 millilitres of blood; or
  - (iii) microgrammes of alcohol in 100 millilitres of urine;
- (d) with regard to driving or attempting to drive by persons in possession of a probationary driving licence:
- (i) 9 microgrammes of alcohol in 100 millilitres of breath; or
  - (ii) 20 microgrammes of alcohol in 100 millilitres of blood; or
  - (iii) 27 microgrammes of alcohol in 100 millilitres of urine;

Provided that the Minister may, by regulations, change the prescribed limits."

Addition of new article to the Ordinance.

6. Immediately after article 15G of the Ordinance there shall be added the following new article:

"Breath tests conducted by local guardians.

15GA. (1) The provisions of article 15C shall apply *mutatis mutandis* to local wardens and the procedures that shall be followed in the event that a local warden has a reasonable suspicion as defined in article 15C shall be those stipulated in this article.

(2) When a person refuses or refrains from providing a sample of breath to a local warden as required under this article, that person shall be guilty of an offence and the provisions of articles 15E(4) and 15H shall apply to that person *mutatis mutandis*.

(3) A person who refuses or fails to provide a sample of breath to a local warden in accordance with this article may be forbidden by the local warden from driving until the Police arrive and a person who keeps on driving despite the order given by the local warden not to drive shall be guilty of an offence as if the order given by the local warden was given by the Police.

(4) When, as a result of a breath test, a local warden has a reasonable suspicion that the proportion of alcohol in the blood of that person is more than the limit prescribed he shall request the presence of the Police on site and the person who has given the sample shall be forbidden by the local warden from driving and the provisions of sub-article (3) shall *mutatis mutandis* apply to that person."

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### Objects and Reasons

The purpose of this Bill is to strengthen the safeguarding of safety on the road by decreasing the limits of alcohol that one may be allowed to consume if he shall be driving, by adding to the possibilities of effective enforcement and by introducing different permissible limits of alcohol for different categories of drivers



