

MALTA

ATT Nru II tal-2026

ATT maħruġ b'liġi mill-Parlament ta' Malta.

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

ACT No. II of 2026

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

10 ta' Marzu, 2026

ATT Nru II tal-2026

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, ħarġet b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2026 li jemenda Titolu fil-qosor.
Liġijiet Varji għall-Prevenzjoni ta' Sewqan taħt l-influwenza 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 u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar ir-Regolament tat-Traffiku, hawn iżjed 'il quddiem f'din it-Taqsima msejja l-"liġi prinċipali". Kap. 65.

3. Fl-artikolu 2 tal-liġi prinċipali minnufih wara t-tifsira Emenda tal-artikolu 2 tal-liġi prinċipali.
"vetturi bil-mutur N3" 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

Emenda tal-artikolu 15 tal-liġi prinċipali.

prijoritarji kif permess mill-Awtorità";

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

(a) fil-paragrafu (b) tas-subartikolu (1) tiegħu minnufih wara l-kliem "jew vettura oħra tiegħu" għandu jiġi miżjud il-kliem "jew meta l-vettura bil-mutur jew vettura oħra ma tkunx liċenzjata";

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

(ċ) 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, tbiġh, 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 haġja, tehel multa ta' elf u mitejn euro (€1,200), jew prigunerija li ma teċċedix sena (1):

Iżda għall-finijiet ta' dan l-artikolu, ir-reat għandu jitqies li twettaq fejn, irrispettivament mill-intenzjoni ddikjarata tal-persuna, iċ-ċirkostanzi tal-pubblikazzjoni jkunu tali li jistgħu raġonevolment jitqiesu li:

(a) jinnormalizzaw jew inaqqsu s-serjetà ta' sewqan perikoluż jew eċċessiv; jew

(b) jinkoraġġixxu l-imitazzjoni ta' tali mgiba minn persuni oħra:

Iżda wkoll 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 haġja, tehel multa ta' mhux iżjed minn mitejn u ħamsin euro (€250)."

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

Emenda tal-artikolu 15A tal-liġi prinċipali.

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

Żieda ta' artikoli ġodda fil-liġi prinċipali.

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

15BA. (1) L-ebda persuna ma għandha ssuq, tipprowa 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 jintuza għat-teħid tat-test tad-droga tal-fluwidu orali;

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

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

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

Iżda l-Ministru responsabbli għall-pulizija jista', permezz ta' regolamenti magħmula taħt din l-Ordinanza, iżid Skedi jew jemenda jew ihassar 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 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 l-alkoħol 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 bl-alkoħol f'għisimha u li tali persuna għad għandha l-alkoħol 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 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

(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'accident,

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

(2) Uffiċjal tal-Pulizija jista', mingħajr il-ħtieġa ta' suspett raġonevoli fir-rigward ta' persuna partikolari, jeħtieġ 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 hłas, 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 jeħtieġ 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'accident serju tat-traffiku, sabiex tagħti kampjun tan-nifs għall-alkoħol."

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

Żieda ta' artikoli godda fil-liġi prinċipali.

"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;

(ċ) 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'accident,

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

Kap. 9. (2) Uffiċjal tal-Pulizija jista', minghajr il-ħtieġa ta' suspett raġonevoli, jeħtieġ lil kwalunkwe persuna li kienet qiegħda ssuq jew tipprowa ssuq jew tkun fil-kontroll ta' jew kienet fil-kontroll ta' karozza tal-linja, coach, vetturi oħra li jgħorru passigġieri 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.

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

Setgħa li jsiru testijiet każwali.

15ĊB. Minkejja kwalunkwe dispożizzjoni oħra f'din l-Ordinanza jew fi kwalunkwe liġi oħra, meta uffiċjal tal-Pulizija iqis li jkun raġonevolment meħtieġ, fl-interess tas-sigurtà pubblika, tal-ordni pubbliku jew għall-protezzjoni tad-drittijiet u l-libertajiet ta' persuni oħra, huwa jista' jeħtieġ ukoll, anke minghajr il-ħtieġa ta' suspett raġonevoli f'persuna partikolari, lil kwalunkwe persuna li kienet qiegħda ssuq jew tipprowa 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.

Mediċinali.

15ĊĊ. Għall-finijiet tal-artikoli 15BA, 15ĊA u 15ĊB, persuni fil-pussess ta' karta tal-kontroll tad-droga valida jew li qed jieħdu mediċina preskritta għandhom jipprezentaw tali karta jew riċetta wara li jkunu ttestjaw pożittiv għat-test tad-droga. Il-pussess ta' tali dokumentazzjoni ma għandux jipprekludi t-twertiq ta' testijiet ulterjuri sabiex jiġi aċċertat li l-persuna konċernata ħadet kwalunkwe sustanza kontrollata skont l-Ordinanza dwar il-Mediċini Perikolużi, u lanqas ma għandu jeżenta lil tali persuna mir-responsabilità kriminali.

Kap. 101.

Limiti preskritt
għat-
tetrahydrocanna-
binol.

15ĊD. Għall-finijiet tal-artikoli 15BA, 15ĊA u 15ĊB il-livell permess ta' tetrahydrocannabinol fid-demm għandu jkun ta' żewġ (2) mikrogrammi għal kull litru ta' demm għal persuni li jsuqu vetturi, ħlief għall-vetturi kummerċjali, karozzi tal-linja, coaches, vetturi oħra li jgħorru passiġġieri bi ħlas u kwalunkwe vettura bil-mutur M2 jew M3. F'dawk il-każijiet fejn persuna tkun biss pożittiva għat-tetrahydrocannabinol, tali persuna għandha tkun soġġetta għall-piena applikabbli preskrittta fl-artikolu 15H:

Iżda jekk persuna tirriżulta pożittiva għat-tetrahydrocannabinol, li ma tkunx qed issuq vetturi kummerċjali, karozzi tal-linja, coaches, vetturi oħra li jgħorru passiġġieri bi ħlas u kwalunkwe vettura bil-mutur M2 jew M3, tista' tkun meħtieġa tissottometti ruħha għal testijiet ulterjuri, inklużi testijiet tad-demm. Jekk jirriżulta li l-livell ta' tetrahydrocannabinol jeċċedi l-ammont preskritt, tali persuna għandha tkun soġġetta għall-piena applikabbli preskrittta fl-artikolu 15H:

Iżda wkoll jekk persuna tirriżulta pożittiva għal sustanzi tad-droga oħra jew alkoħol minbarra t-tetrahydrocannabinol, hija għandha tkun soġġetta għall-piena applikabbli preskrittta fl-artikolu 15H."

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

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

"(a) bħala 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 tirriżulta 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."

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

(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 ġodda li ġejjin:

L.S. 65.34. "(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. 65.34. (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, jew fil-każ ta' tetrahydrocannabinol, aktar mil-limitu preskritt";

(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 taht 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.";

(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".

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

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

(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) jew prigunerija għal mhux iżjed minn sitt xhur jew għal dik il-multa u prigunerija flimkien" għandhom jiġu sostitwiti bil-kliem "erbat elef euro (€4,000)";

(iii) fil-paragrafu (b) tiegħu l-kliem "tlett elef euro (€3,000) jew prigunerija għal mhux iżjed minn sena jew għal dik il-multa u prigunerija flimkien." għandhom jiġu sostitwiti bil-kliem "tmint elef euro (€8,000):" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

"Izda għall-finijiet ta' dan l-artikolu, il-qorti ma għandhiex tagħti l-piena minima jekk persuna tkun instabet pożittiva għal aktar minn droga waħda (1), jew tkun taħt l-influenza ta' sustanza tad-droga u alkoħol flimkien.";

(b) minnufih wara s-subartikolu (3) tiegħu għandhom jiġu miżjuda 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-ġhoti 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" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

Kap. 101.

" "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. 31.

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

" "aċċident serju tat-traffiku" tfisser kwalunkwe aċċident li seħħ fit-triq jew f'post pubbliku ieħor li jinvolvi 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;

L.S. 65.34. "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 tad-droga tal-fluwidu orali" tfisser test bl-ġhan li jiġi ddeterminat, permezz ta' strument ta' tip approvat mill-Ministru responsabbli għall-Pulizija, jekk persuna hijiex taħt l-influenza tad-droga;

L.S. 65.34. "test ta' konferma" tfisser kampjun ta' fluwidu orali miksub minn persuna suspettata li wettqet reat taħt din l-Ordinanza jew persuna msemmija fl-artikolu 15ĊA jew 15ĊB, wara li t-test preliminari tagħha rriżulta pożittiv għad-drogi, liema kampjun jiġi riferut għall-analiżi lil laboratorju approvat kif elenkat fit-Tieni Skeda tar-Regolamenti dwar l-Ittestjar tad-Droga waqt is-Sewqan;"

(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 jiġu miżjuda l-artikoli godda li ġejjin:

Zieda ta' artikoli godda fil-liġi prinċipali.

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

15K. Meta persuna tiġi mressqa l-qorti b'akkuza taħt 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-liċenzja 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 hamest (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-demem 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-demem 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-demem 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-demem 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 applikabbli u 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

Emendi għall-Kodiċi Kriminali, Kap. 9.

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

Emenda tal-artikolu 225 tal-Kodiċi.

17. Minnufih wara s-subartikolu (2) tal-artikolu 225 tal-Kodiċi

għandu jiġi miżjud is-subartikolu ġdid li ġej:

Kap. 446.
Kap. 537.

"(3) Meta jitwettaq reat kontra s-subartikolu (1) jew (2) għar-raġuni illi l-hati 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* jew id-dispożizzjonijiet tal-Att dwar Dipendenza fuq id-Droga (Trattament mhux Prigunerija):

Kap. 101.
Kap. 31.

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."

18. Is-subartikolu (1) tal-artikolu 226 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 226 tal-Kodiċi.

(a) fil-paragrafu (a) tiegħu l-kliem "mhux iżjed minn erbat elef sitt mija u tmienja u ħamsin euro u ħamsa u sebghin ċenteżmu (€4,658.75);" għandhom jiġu sostitwiti bil-kliem "mhux iżjed minn erbat elef sitt mija u tmienja u ħamsin euro u ħamsa u sebghin ċenteżmu (€4,658.75):" u minnufih wara għandhom jiġu miżjuda l-provisos godda li ġejjin:

Kap. 65.

"Iżda jekk il-ħsara tkun gravi u tipproduċi l-effetti msemmija fl-artikolu 218 u tkun kawżata minn persuna li tkun qed issuq taħt l-influwenza tad-drogi jew tal-alkoħol skont l-Ordinanza dwar ir-Regolament tat-Traffiku, hija għandha teħel prigunerija għal perjodu li ma jeċċedix erba' (4) snin jew multa li ma teċċedix tmint elef euro (€8,000), jew prigunerija u multa flimkien:

Iżda wkoll għall-finijiet tal-artikolu 225 u ta' dan l-artikolu, il-qorti ma għandhiex tagħti l-piena minima jekk persuna tkun instabet pożittiva għal aktar minn droga waħda (1) jew tkun taħt l-influwenza ta' sustanza tad-droga u alkoħol flimkien.";

(b) fil-paragrafu (b) tiegħu l-kliem "mhux iżjed minn elfejn u tliet mija u disgħa u għoxrin euro u sebgha u tletin ċenteżmu (€2,329.37);" għandhom jiġu sostitwiti bil-kliem "mhux iżjed minn elfejn u tliet mija u disgħa u għoxrin euro u sebgha u tletin ċenteżmu (€2,329.37):" u minnufih wara għandu jiġi miżjud

il-proviso ġdid li ġejj:

Kap. 65. "Iżda jekk il-ħsara tkun gravi mingħajr l-effetti msemmija fl-artikolu 218 u tkun kawżata minn persuna li tkun qed issuq taħt l-influwenza tad-drogi jew tal-alkoħol skont l-Ordinanza dwar ir-Regolament tat-Traffiku, hija għandha tehel priġunerija għal perjodu li ma jeċċedix sentejn (2) jew multa li ma teċċedix hamest elef euro (€5,000), jew priġunerija u multa flimkien."

Żieda ta' artikolu ġdid mal-Kodiċi.

19. Minnufih wara l-artikolu 226Ċ tal-Kodiċi għandu jiġi miżjud dan l-artikolu ġdid li ġejj:

"Ċirkostanzi aggravanti.

226D. Fejn persuna twettaq reat imsemmi fl-artikoli 225, 226 jew 226A u sussegwentement:

(a) taħrab minn fuq post fejn seħħ qtil involontarju jew offiża fuq il-persuna; jew

(b) kienet qed issuq b'veloċità li teċċedi l-limitu tal-veloċità preskritt; jew

(ċ) kienet qed issuq waqt li kienet skwalifikata, mingħajr liċenzja tas-sewqan valida, jew mingħajr polza tal-assigurazzjoni valida,

il-piena stabbilita għal dak ir-reat għandha tiżdied b'żewġ sa tliet gradi."

Emenda tal-artikolu 328 tal-Kodiċi.

20. Fit-tieni proviso għall-artikolu 328 tal-Kodiċi l-kliem "li tikkostitwixxi l-irtirar tal-kwerela." għandhom jiġu sostitwiti bil-kliem "li tikkostitwixxi l-irtirar tal-kwerela:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġejj:

"Iżda wkoll f'każijiet fejn persuna twettaq reat kif imsemmi fil-paragrafi (a), (b) u (ċ), u fil-każ tal-paragrafu (d) biss fir-rigward ta' offiża ħafifa fuq il-persuna, u sussegwentement taħrab minn fuq il-post fejn seħħew il-mewt ta' persuna jew l-offiża fuq il-persuna, il-piena stabbilita għar-reat għandha tiżdied b'żewġ sa tliet gradi."

Emenda tal-artikolu 355A tal-Kodiċi.

21. Minnufih wara s-subartikolu (2) tal-artikolu 355A tal-Kodiċi għandu jiġi miżjud is-subartikolu ġdid li ġejj:

"(3) Meta kwalunkwe vettura titwaqqaf skont id-dispożizzjonijiet ta' dan is-Sub-titolu u mingħajr ir-rekwiżit ta' sospett raġonevoli, kwalunkwe persuna li kienet qiegħda ssuq jew tipprowva ssuq jew li tkun fil-kontroll ta' vettura bil-mutur jew vettura oħra fit-triq jew post pubbliku ieħor, tista' tkun meħtieġa li tagħti kampjun tan-nifs għall-alkoħol jew tagħti kampjun ta' fluwidu orali għal test tad-droga."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 440 tat-3 ta' Marzu, 2026.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

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)."

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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.

(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."

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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.

(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.

Cap. 9.

(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.

Cap. 101.

Prescribed limits for tetrahydrocannabinol. 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."

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

Amendment of article 15D of the principal law.

(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:

S.L. 65.34. "(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

S.L. 65.34. "(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, 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."

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

(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".

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 15G of the principal law.

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

(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.

Cap. 9. (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).".

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:

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

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

Cap. 9. " "appropriate consent" shall have the same meaning as assigned to it in article 350 of the Criminal Code;

S.L. 65.34. "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;

"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. 65.34. "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;

"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:

Cap. 65.

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:

Cap. 65. "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."

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."

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