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Intoximeters UK Ltd.

Unit 6 A-D The Alpha Centre, Babbage Road, TOTNES, Devon TQ9 5JA
PHONE: 01803-868602 FAX: 01803-868701
Registered Office 20-22 Bedford Row, London WC1R 4JS
Registered in England and Wales No. 3427970
VAT Reg No 704 3080 75

Chief Magistrate
Chief Magistrates' Office
28 Bow Street
London
WC2E 7AS

30th June 2003

EXCESS ALCOHOL CASES

Dear Sir

Having taken appropriate legal advice, we enclose for your information, a letter that we are sending to defence solicitors, in response to increasing requests to provide information concerning their proposed challenges to the approval of the Intoximeter EC/IR device. It may be of assistance to individual District Judges to know the stance this company is taking.

Intoximeters UK Ltd is not prepared to assist defence solicitors in what appear to be fishing expeditions. It is clear from the cases of DPP and Brown, and DPP and Teixeira that challenges to the approval of the Intoximeter EC/IR device should be addressed to the Secretary of State. We are satisfied that no modifications have been carried out to these machines that take them outside of that approval.

As a result of this policy Intoximeters will generally no longer produce summarised or edited documents for the prosecution or defence. There is no duty of disclosure upon Intoximeters to continue this process.

Yours faithfully

J H Evans
For and on behalf of
INTOXIMETERS UK LIMITED

Enc.

C.C. David Woodings, C.P.S. Policy Directorate
Ch. Supt. J. Moore, National Drink Drive Liaison Officer
Chief Crown Prosecutors
Liaison Officers of Customer Police Forces



World Leaders in Breath Alcohol Testing for Over Fifty Years



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Prof. H.L.J.Makin & Dr. D.J.H.Trafford,
GK Consultants
Crest House,
102-104 Church Road,
Teddington,
Middlesex
TW11 8PY

30th June 2003

Re: Your letter 11th June 2003

Dear Sir

Having taken appropriate legal advice, our response to your enquiry is as follows:

Intoximeters UK Ltd employs 6 full time and one part time staff in England. Four of these employees are company trained, qualified service engineers. Intoximeters UK, Ltd's role is to sell and service Intoximeters products in the United Kingdom. In particular Intoximeters UK Ltd service and calibrate Intoximeter EC/IR evidential instruments used in police stations in the UK. These EC/IR instruments are serviced bi-annually as required by the Home Office. Following completion of the service of an instrument, the engineer produces a certificate of calibration service, which is signed and dated. Additionally a signed and dated engineers report is produced. Copies of these forms are provided to the police authority responsible for the station where the instrument is installed. Servicing of instruments is governed by the Quality Framework Document "Evidential Breath Alcohol Testing Instruments 1998".

Any prosecution for an excess alcohol offence is based upon the print-out of breath analysis produced by the Intoximeter EC/IR instrument. This instrument type has been given type approval by the Secretary of State. We confirm that no modifications to EC/IR instruments have been carried out which take this instrument outside of the approval given by the Secretary of State. Challenges to type approval must be addressed to the Secretary of State.

This company is not the prosecuting authority. No duty of disclosure of prosecution material arises. Such responsibility of disclosure is that of the Crown Prosecution Service. We are not prepared voluntarily to disclose material on a general basis.

Given the limited size of this company and the expense involved we are not in a position to provide further general information. Similarly we are not in a position to attend voluntarily at Court to provide information as to the working of Intoximeters or the detailed way in which servicing is carried out. As we have stated earlier, servicing is carried out in accordance with the Quality Framework Document.

Yours faithfully

J H Evans
For and on behalf of
INTOXIMETERS UK LIMITED



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