

TRANSPORT SAFETY

The Breath Analysis Devices Approval 2020

The Secretary of State, in exercise of the powers conferred on her by section 7(1)(a) of the Road Traffic Act 1988(a) (“the 1988 Act”) hereby approves as from 20 April 2020 the type of device set out in the Schedule hereto for the use of police forces in England and Wales as a means by which specimens of breath may be provided at a police station in accordance with section 7(2) of the 1988 Act for analysis under section 7(1)(a) of that Act.

This approval extends to use for the purposes of section 7 of the 1988 Act as that section applies in relation to the offences under section 92(1) (aviation: being unfit for duty) and section 93(1) (aviation: prescribed limit) of the Railways and Transport Safety Act 2003(b) (“the 2003 Act”). Insofar as section 7 of the 1988 Act applies to the 2003 Act, this approval relates only to the provision of specimens of breath following the imposition of a requirement to provide the same in relation to the aviation function of acting as a licensed aircraft maintenance engineer, as detailed in section 94(1)(h) of the 2003 Act.

Home Office
15 April 2020

Minister of State



SCHEDULE

The device known as the Lion Intoxilyser 6000UK, manufactured by Lion Laboratories Limited, composed of the Lion Intoxilyser 6000UK software version 2.34, the modified CAMIC Gas Delivery System and the CAMIC Datamaster Cabinet.

EXPLANATORY NOTE

(This note is not part of the Approval)

Section 7(1)(a) of the Road Traffic Act 1988 empowers a constable, in specified circumstances, to require a person to provide two specimens of breath for analysis by

means of a device of a type approved by the Secretary of State. This approval approves the type of device set out in the Schedule as from 20 April 2020 as a means by which these specimens of breath may be provided at a police station in accordance with section 7(2) of the 1988 Act in England and Wales.

Section 96 of the Railways and Transport Safety Act 2003 gives effect to the power to require specimens of breath under section 7(1) of the Road Traffic Act 1988, as modified, in relation to certain offences in Part 5 of the 2003 Act, namely those under section 92 (aviation: being unfit for duty) and section 93(aviation: prescribed limit). This approval provides that the device set out in the Schedule is also approved as a means to provide specimens of breath in respect of those offences insofar as they apply to the aviation function of acting as a licensed aircraft maintenance engineer in England and Wales.

(a) 1988 c. 52.

(b) 2003 c. 20.