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# TRANSPORT SAFETY

## The Breath Analysis Devices Approval 2004

The Secretary of State, in exercise of the powers conferred upon him by section 7(1)(a) of the Road Traffic Act 1988 (a) ("the 1988 Act"), hereby approves as from 18<sup>th</sup> June 2004, as a means by which specimens of breath may be provided for analysis under that section, each of the types of device set out in the Schedule hereto for the use of police forces in England, Wales and Scotland. (This approval extends to use for the purposes of section 7 of the 1988 Act as it applies in relation to the offences under sections 78(2) and (3) (shipping: professional staff on duty), sections 79(2) and (3) (shipping: professional staff on duty), 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"). For section 93(1) purposes, the approval relates only to use for the aviation function of acting as a licenced aircraft maintenance engineer, as detailed in section 94(1)(h) of the 2003 Act).



Caroline Flint  
Parliamentary Under-Secretary of State

Home Office  
17 June 2004

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### SCHEDULE

The device known as the **Camic Datamaster**, manufactured by **Camic** (Car and Medical Instrument Company) Ltd, composed of the Camic Datamaster, the Camic Gas System and software version 31-10-95.

The device known as the **Intoximeter EC/IR** manufactured by **Intoximeters Inc.** composed of the Intoximeter EC/IR, the Intoximeter EC/IR Gas Delivery System and software version EC/IR – UK 5.23.

The device known as the **Lion Intoxilyser 6000UK**, manufactured by **Lion Laboratories Limited**, composed of the Lion Intoxilyser 6000UK, the Lion Intoxilyser 6000UK Gas Delivery System Type A or Type C and software version 2.33.

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## 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 as from 18 June 2004 as a means by which specimens of breath may be provided for analysis under the said section 7(1)(a) the types of device set out in the Schedule.

Sections 83 and 96 of the Railways and Transport Safety Act 2003 (“the 2003 Act”) apply section 7(1) of the Road Traffic Act 1988, as thereby modified, to the offences in Parts 4 and 5 of the 2003 Act, including those under section 78 (shipping: professional staff on duty), section 79 (shipping: professional staff on duty), section 92 (aviation: being unfit for duty) and section 93 (aviation: prescribed limit). This Approval applies to the prescribed limit for the offences under sections 78(3) and 79(3) of the 2003 Act as set out in section 81(1)(a) of that Act and to the prescribed limit for the offences under section 93(1) of the 2003 Act only as set out in section 93(3) of that Act, (the prescribed limit in section 93(3)(a) applies in relation to the aviation function and activities ancillary to such function, of acting as a licenced aircraft maintenance engineer, as detailed in section 94(1)(h)). In addition this Approval applies to the offences in sections 78(2), 79(2) and 92(1) of the 2003 Act for which a prescribed limit is not required.

- (a) 1988 c.52.
- (b) 2003 c. 20.