

EXECUTIVE COUNCIL

PUBLIC

Title:	Purchase of replacement Breath Analysis equipment
Paper Number:	119/18
Date:	25 July 2018
Responsible Director:	Director Emergency Services and Island Security
Report Author:	Chief Police Officer
Portfolio Holder:	MLA Leona Roberts
Reason for paper:	This paper is submitted to Executive Council: <ul style="list-style-type: none">• To seek approval for the purchase of two Lion Intoxilyzer I9000 evidential Breath alcohol measurement instruments.• To seek an amendment to schedule 2 of the Road Traffic (Approval of Devices for Breath Testing and Analysis) Order 2012 to include the use of the Lion Intoxilyzer I9000 for obtaining evidential specimens
Publication:	Yes
Previous papers:	None
List of Documents:	Appendix A: Subsidiary Legislation -Road Traffic (Approval of Devices for Breath Testing and Analysis) (Amendment) Order 2018

1. Recommendations

- 1.1 That Honourable Members note and approve the contents of the report recommending the purchase of two Lion Intoxilyzer I9000 evidential breath alcohol measurement instruments
- 1.2 That Honourable Members approve the amendment of schedule 2 of the Road Traffic (Approval of Devices for Breath Testing and Analysis) Order 2012 to include the use of the Lion Intoxilyzer I9000 for obtaining evidential specimens.

2. Budgetary Implications

None

3. Executive Summary

3.1 The Royal Falkland Islands Police are charged with enforcing the law and prosecuting those that would break it. Part of that charge includes the prosecution of offenders for driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit. The offence is detailed at Section 21 Road Traffic Ordinance 1948, and states:

(1) A person commits an offence who-

- (a) drives or attempts to drive a motor vehicle on a road or in a public place; or
- (b) is in charge of a motor vehicle on a road or other public place, after consuming so much alcohol that the proportion of it in his breath exceeds the prescribed limit.

3.2 A Breath Testing and Analysis device is required to determine that the proportion of alcohol in a person's breath does exceed the prescribed limit.

3.3 The current authorised device under schedule 2 of the Road Traffic (Approval of Devices for Breath Testing and Analysis) Order 2012 is a CAMIC Datamaster. This device was damaged during a recent power surge experienced at Stanley Police Station, and is irreparably damaged. A second CAMIC, based at Mount Pleasant Complex, is also irreparably damaged.

3.3 The manufacturer of CAMIC has ceased trading. Any maintenance contracts were transferred to Lion Laboratories. Lion Laboratories, however, are unable to repair the RFIP CAMIC(s), due to their age (manufactured 1995), and the unavailability of parts. The only option is to replace the CAMIC(s).

3.4 Lion Laboratories are able to supply and maintain two Lion Intoxilyzer I9000 Breath Analysis machines to RFIP. These are the latest incarnation of intoxilyser, and are small, portable, and easy to use.

4. Background and Links to Islands Plan and Corporate Plan

4.1 The first objective of the Public Safety and Security section of the Corporate Plan 2018/19 is that the Royal Falkland Islands Police force is equipped to provide the best possible service for the community.

4.2 This equipment is necessary in order to fulfil both legal and corporate requirements.

5 Options and Reasons for Recommending Relevant Option

5.1 Enquiries have revealed no viable alternative.

Section 3 outlines the reasoning behind this request and the justification for the proposal.

6 Resource Implications

6.1 Financial Implications

6.1.1 The funding of the purchase of this equipment has been included in the police budget 2018/19. The cost of purchasing this equipment is £16,836.

6.2 Human Resource Implications

Training will be required. This is still being discussed with Lion Laboratories, but is likely to consist of a 'one-off' visit to enable set up and instruction, followed by problem solving via skype.

6.3 Other Resource Implications

None

7 Legal Implications

7.1 In order to prosecute offenders under Section 21 Road Traffic Ordinance 1948 RFIP are required to obtain breath samples from a suitably approved device.

RFIP currently do not have such a device.

A change in legislation will be required to approve the use of the device. A draft of the subsidiary legislation is supplied with this report.

8 Additional Information

8.1 None

SUBSIDIARY LEGISLATION

ROAD TRAFFIC ORDINANCE

Road Traffic (Approval of Devices for Breath Testing and Analysis) (Amendment) Order 2018

S. R. & O. No: of 2018

Made: 2018

Published: 2018

Coming into force: upon publication

I make the following order under section 24(1) of the Road Traffic Ordinance 1948 on the advice of Executive Council.

1. Title

This Order is the Road Traffic (Approval of Devices for Breath Testing and Analysis) (Amendment) Order 2018.

2. Commencement

This Order comes into force on publication in the Gazette.

3. Repeal and replacement of Schedule 2

Schedule 2 to the Road Traffic (Approval of Devices for Breath Testing and Analysis) Order 2012 is deleted and replaced with the following —

“SCHEDULE 2

Approved type of breath analysis device

1. The type of device known as the Camic Data Master, as manufactured by (or under licence from) Camic (Car and Medical Instrument Company) Limited or any of its successors or assigns.

2. The type of device known as the Lion Intoxilyzer I9000, as manufactured by (or under licence from) Lion Laboratories Limited or any of its successors or assigns.”.

Made 2018

N. J. Phillips C.B.E.,
Governor

EXPLANATORY NOTE

(not part of the order)

This Order amends the Road Traffic (Approval of Devices for Breath Testing and Analysis) Order 2012 so as to add the Lion Intoxilyzer I9000 breath analysis device in Schedule 2.