



New South Wales

Road Transport (General) Amendment (Saving of Breath Testing Devices) Regulation 1999

under the

Road Transport (General) Act 1999

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

Under the *Traffic Act 1909*, the Governor has, by order, approved certain instruments to be breath analysing instruments for the purposes of the definition of ***breath analysing instrument*** in section 2 of that Act. The Governor has also, by order, approved certain other types of devices (other than breath analysing instruments) for breath testing for the purposes of the definition of ***breath test*** in that Act.

The object of this Regulation is to ensure that any such instruments and devices continue to have effect as such under the corresponding provisions of the *Road Transport (Safety and Traffic Management) Act 1999* on the repeal of the *Traffic Act 1909*.

This Regulation is made under the *Road Transport (General) Act 1999*, including section 71 (the general regulation-making power) and clause 1 of Schedule 2 to that Act.

1999 No 629

Clause 1 Road Transport (General) Amendment (Saving of Breath Testing
Devices) Regulation 1999

**Road Transport (General) Amendment (Saving of
Breath Testing Devices) Regulation 1999**

1 Name of Regulation

This Regulation is the *Road Transport (General) Amendment
(Saving of Breath Testing Devices) Regulation 1999*.

2 Commencement

This Regulation commences on 1 December 1999.

3 Amendment of Road Transport (General) Regulation 1999

The *Road Transport (General) Regulation 1999* is amended as set
out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Schedule 2 Savings and transitional provisions

Insert after clause 12:

13 Existing breath analysing instruments and breath testing devices preserved

- (1) An instrument that, immediately before the repeal of the *Traffic Act 1909*, was a breath analysing instrument for the purposes of that Act is taken to be a breath analysing instrument for the purposes of the *Road Transport (Safety and Traffic Management) Act 1999*.
- (2) A device that, immediately before the repeal of the *Traffic Act 1909*, was a device (not being a breath analysing instrument) of a type approved by the Governor by order published in the Gazette as referred to in the definition of ***breath test*** in section 2 (1) of that Act is taken to be a device approved by the Governor for the purposes of the definition of ***breath test*** in the Dictionary to the *Road Transport (Safety and Traffic Management) Act 1999*.

BY AUTHORITY