

THE UNITED REPUBLIC OF TANZANIA



No. 4 OF 1990

I ASSENT,,

President

26 March 1990

An Act to amend the Road Traffic Act, 1973

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Road Traffic (Amendment) Act, 1990, and shall be read as one with the Road Traffic Act, 1973, herein referred to as the principal Act.

Short title and commencement

2. The principal Act is amended in section 28 by adding immediately

Amendment of section 27

"(1A) (a) where-

- (i) the court suspends a person's driving licence under subsection (1) of this section and after a period of suspension.
- (ii) that person continues to contravene the provisions of section 43, 52 (d) and 59 despite the endorsement under Section 29 and 32, a police officer of or above the rank of Assistant Superintendent may suspend that person's driving licence for six months.

(b) A police officer of or above the rank of Assistant Superintendent may—

- (i) issue a warning to a person who contravenes the provisions of any of section 8, 18 (a); (b) or (c) 44, 50, 56 or 57 and endorse the contravention and warning on the driving licence of that person;

(ii) where a person has been warned in accordance with sub paragraph (i) of this paragraph continues to contravene the same provisions for which the warning was issued, suspend the driving licence of that person for a period not exceeding six months.

(c) A person whose driving licence is suspended under subsections (1A) (a) or (b) of this subsection-

- (i) may appeal to a court but immediately after the suspension order shall not drive a motor vehicle or any other vehicle pending the determination of the appeal;
- (ii) if he does not appeal or appeals but his appeal fails he shall not, drive a motor vehicle or any other vehicle until on the expiry of the suspension period;
- (iii) a person who applies for a driving licence after a period of suspension of his former driving licence shall first undergo a driving test in accordance with section 23 of the Act;
- (iv) for the purposes of this section an appeal from a Police suspension shall lie before the subordinate court, whereas appeal from court suspension shall lie before the High Court."

Amend-
ment of
section 45

3. The principal Act is amended in section 45 by inserting the words "breath-test or evidential-breath test analyser instrument" after the words "from a laboratory test".

Amend-
ment of
section 46

4. The principal Act is amended in section 46 by adding the following now sections-

"Breath
tests

46A.-(1) A police officer may require any person driving or attempting to drive or in charge of a motor vehicle or trailer on a road or other public place to accompany him to a police station to undergo a breath test on a breath-test analyser instrument, if the police officer has the reasonable cause-

- (a) to suspect him of having alcohol in his body; or
 - (b) to suspect him of having committed a traffic offence while the motor vehicle or trailer was in motion.
- (2) Breath-tests on an evidential breath-test analyser instrument shall be such as the Minister shall by notice in the Gazette approve.

(3) The breath-test or evidential breath-test analyser instrument reading shall, unless the contrary is proved, be final proof of blood alcohol content in the body at the time of the test.

"Alcometer" 46B-(1) Where a police officer of a rank of or above the rank of Assistant Superintendent suspects a driver of a motor vehicle or any other vehicle to have taken alcohol, that police officer may use an alcometer and require that person to undergo breath test in order to ascertain the blood alcohol content in the body of that driver.

(2) If a person is required to undergo a breath test pursuant to the provisions of this section, refuses to undergo such test shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings and failure to undergo breath test shall be taken by the court as a *prima facie* evidence that alcohol content in the accused blood was at the time he was driving a motor vehicle or any other vehicle, above the prescribed limit."

5. The principal Act is amended in section 49 by repealing that section and replacing it with the following new section-

"Definition of prescribed limit 49. For the purposes of this Act, the expression "prescribed limit" means "eighty milligrammes of alcohol in one hundred millilitres of blood".

"6. The Principal Act is amended in section 51 by adding immediately after subsection (2) the following:

Amendment of Section 51 "(3) for the purposes of ascertaining the speed at which a person is driving a police officer may use a speed radar or such other device as may be prescribed by the Minister under section 114(l)(y) of the principal Act (4) The Speed vador or such other device reading shall, unless the contrary is proved, be a final proof."

Amendment
Of section 49

7. The principal Act is amended in Section 39 by adding immediately after subsection (10) the following:

subsection (11) (a) No person shall drive a motor vehicle or any other vehicle unless (i) that person, and (ii) any front seating passenger in that motor vehicle securely tightens a safety belt across him.

(b) No person shall drive a two-wheeled or three — wheeled motor-cycle unless that person-

(i) wears a helmet on the head;

(ii) is a person who the Minister exempts from the application of this subsection:

(c) This section shall come into operation on such date as the Minister may by notice published in the Gazette appoint;

"Amendment of section 39

Amend-
ment of
section 95

8. The principal Act is amended in section 95 by deleting the words "forty shillings" and "one hundred shillings" and substituting for them the words "one thousand shillings" and "ten thousand shillings" wherever those words appear.

Amend-
ment of
sections
96, 98 and
99

9. The principal Act is amended in section 96, 98 and 99 by deleting the words "Prime Minister" and substituting therefore the word "Minister" wherever those words appear.

"Amend-
ment of
section 64

10. The principal Act is amended in section 64 by adding subsection (4) after Subsection 3; (4) A person who when driving a motor vehicle or any other vehicle caused any damage or destruction to a traffic sign, electric pole or any other structure erected along the road for the purposes of this Act, commits an offence and if so convicted the court may order him to pay a sum equal to the cost of repairing any damage or destruction so caused and that sum shall be recoverable in the same manner as if it were a civil debt;

(ii) adding "etc" in the marginal notes of section 64 after the words "traffic signs"

Passed in the National Assembly on the 25th day of January, 1990.

MMwindad.

Clerk of the National Assembly