

ROAD TRAFFIC (AMENDMENT) ACT, 2001

No. 6



of 2001

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 69:01
3. Amendment of section 46A of the Road Traffic Act
4. Amendment of section 47 of the Act

An Act to amend the Road Traffic Act

Date of Assent: 11.04.2001.

Date of Commencement: 18.04.2001.

ENACTED by the Parliament of Botswana.

1. This Bill may be cited as the Road Traffic (Amendment) Bill, 2001.
2. The Road Traffic Act (in this Act referred to as "the Act") is amended in section 2 thereof, by inserting immediately after the definition of the words "public service vehicle driver's licence" or "public service vehicle conductor's licence" the following new definition —
"qualified person" means a pathologist, police officer, medical practitioner, laboratory technician, intern or houseman, forensic analyst, laboratory scientist or registered nurse of or above the rank of staff nurse or such other person as the Minister may prescribe;"
3. Section 46A of the Act is amended —
 - (a) in subsection 2 thereof, by substituting for the words "an authorised person" which appear therein the words "the same police officer or any other qualified person.";
 - (b) in subsection 3 thereof —
 - (i) by substituting for the letter "(c)" which appears immediately after the figure "49" therein the figure "(3)"; and
 - (ii) by substituting for the word "alcometer" which appears therein the word "breathalyser";
 - (c) by substituting for subsection (4) thereof the following new subsection —

Short title
Amendment
of section 2
of Cap. 69:01

Amendment
of section 46A
of the Road
Traffic Act

**Amendment
of section 47
of the Act**

- “(4) A police officer may cause a person suspected of driving under the influence of drinks or drugs to have that person’s blood specimen taken and tested for the level of alcohol in that person’s blood, by a qualified person, at any government hospital or clinic, if —
- (a) the suspected person is, by reason of injury or other physical disability, incapable of providing a specimen of breath for analysis by means of a breathalyser; or
 - (b) a test with a breathalyser is impracticable due to the lack of serviceable equipment, or due to the distance from the point of arrest to the nearest available breathalyser.”; and
 - (d) by deleting subsections (5) and (7) thereof.
4. Section 47 of the Act is amended —
- (a) in subsection (1) thereof —
 - (i) by substituting the full stop at the end thereof with a colon; and
 - (ii) by adding at the end of subsection (1) thereof, the following new proviso —
“Provided the specimen is not taken more than three hours following the offence.”;
 - (b) by substituting for subsection (6) thereof, the following new subsection —
“(6) For the purposes of any proceedings for an offence under section 46 or for an offence under section 49(3) in connection with a motor vehicle, a certificate purporting to be signed by a qualified person, and certifying the proportions of alcohol or of any drug found in a specimen of blood or breath as the case may be, shall be evidence without any need for the giving of any oral evidence, on the matters so certified, by the person who signed the certificate:
Provided that the accused has, not less than seven days before the hearing or trial, been served with a copy of the certificate.”;
 - (c) in subsection (11) thereof, by substituting for the words “49(c)” the figure “49(3)”; and
 - (d) by deleting subsection (12) thereof.

PASSED by the National Assembly this 4th day of April, 2001.

C.T. MOMPEI,
Clerk of the National Assembly.