



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 2095

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 78 1999

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 4 of 1999: Road Traffic Amendment Act, 1999.

EXPLANATORY NOTE:

- _____ Words underlined with a solid line indicate insertions in existing provisions.
- [] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To **amend the Road Traffic Ordinance, 1967, to make provision for evidential breath analysis; to increase the motor vehicle licence fees, motor vehicle registration fee, motor vehicle dealer's licence fees and other miscellaneous fees; and to provide for incidental matters.**

(Signed by the President on 15 March 1999)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows :-

1. The following section is hereby substituted for section 140 of the principal Ordinance:

“Driving while under the influence of intoxicating liquor or a drug having a narcotic effect, or with excessive amount of alcohol in blood or breath

140. (1) Any person who on a public road -

- (a) drives a vehicle; or
- (b) occupies the driver's seat of a motor vehicle of which the engine is running,

while under the influence of intoxicating liquor or a drug having a narcotic effect, shall be guilty of an offence and liable on conviction to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

(2) Any person who on a public road -

- (a) drives a vehicle; or
- (b) occupies the driver's seat of a motor vehicle of which the engine is running,

while the concentration of alcohol in any specimen of blood taken from any part of his or her body exceeds 0,079 grams per 100 millilitres, shall be guilty of an offence and liable on conviction to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

(3) Where in any prosecution for an offence under subsection (2), it is proved that the concentration of alcohol in any specimen of blood taken from any part of the body of the person concerned exceeded 0,079 grams per 100 millilitres at any time within two hours after the alleged offence, it shall be presumed, in the absence of evidence to the contrary, that such concentration exceeded 0,079 grams per 100 millilitres at the time of the alleged offence.

(4) Where in any prosecution under this section evidence is tendered of the analysis of a specimen of the blood of any person, it shall be presumed, in the absence of evidence to the contrary, that any syringe used for taking the specimen of blood and the receptacle in which such specimen was placed for despatch to an analyst, were free of any substance or contamination which could have affected the result of such analysis.

(5) Any person who on a public road -

(a) drives a vehicle ; or

(b) occupies the driver's seat of a motor vehicle of which the engine is running,

while the concentration of alcohol in any specimen of breath exhaled by such person exceeds 0,37 milligrams per 1 000 millilitres, shall be guilty of an offence and liable on conviction to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

(6) If, in any prosecution for a contravention of subsection (5), it is proved that the concentration of alcohol in any specimen of breath of the person concerned exceeded 0,37 milligrams per 1 000 millilitres of breath taken at any time within two hours after the alleged offence, it shall be presumed, in the absence of evidence to the contrary, that such concentration exceeded 0,37 milligrams per 1 000 millilitres at the time of the alleged offence.

(7) For the purposes of subsection (5), the concentration of alcohol in any breath specimen shall be ascertained by means of a device complying with the requirements of standard specification SABS 1793 : 1998 Evidential breath testing equipment.

(8) Any person detained for a contravention of any provision of this section shall not during his or her detention consume any substance containing alcohol, except on the instruction of , or when administered by, a medical practitioner.

(9) Any person who without reasonable excuse for health reasons fails to comply with a request made under this section by a traffic officer to provide a specimen of breath or to submit to the taking of a specimen of his or her blood, shall be guilty of an offence and liable on conviction to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment."

Substitution of Schedule 2 to Ordinance 30 of 1967, as substituted by section 6 of Act 19 of 1997

2. The following Schedule is hereby substituted for Schedule 2 to the principal Ordinance:

"SCHEDULE 2**PART I****ANNUAL MOTOR VEHICLE LICENCE FEES AND
MOTOR VEHICLE REGISTRATION FEE**

1. Motor vehicle licence fees :

Type of vehicle	Tare of vehicle in kilograms	Annual licence fee (N\$)
(a) Motor cycles, tricycles and quadrucycles	All	60,00
(b) Motor-cars and other self- propelled vehicles	Up to and including 750	84,00
	751 - 1 000	120,00
	1 001 - 1 250	132,00
	1 251 - 1 500	144,00
	1 501 - 2 000	180,00
	2 001 - 3 000	288,00
	3 001 - 4 000	552,00
	4 001 - 5 000	840,00
	5 001 - 6 000	2 028,00
	6 001 - 7 000	2 832,00
	7 001 - 8 000	3 612,00
	8 001 - 9 000	4 620,00
	9 001 - 10 000	5 688,00
	10 001 - 11 000	6 924,00
	11 001 - 12 000	8 364,00
	12 001 - 12 500	9 744,00
	12 501 - 13 000	10 332,00
	13 001 - 13 500	10 908,00
	13 501 - 14 000	11 496,00
	14 001 - 14 500	12 072,00
	14 501 - 15 000	12 648,00
	15 001 - 15 500	13 236,00
	15 501 - 16 000	13 812,00
	16 001 - 165 00	14 400,00
	16 501 - 17 000	14 976,00
	17 001 - 17 500	15 552,00
	17 501 - 18 000	16 140,00
	18 001 - 18 500	16 716,00
	18 501 - 19 000	17 304,00
	19 001 - 19 500	17 880,00
	19 501 - 20 000	18 456,00
		plus N\$576,00 for every 500 kg or part thereof above 20 000 kg
(c) Trailers and semi- trailers (other than caravans)	Up to and including 1 000	60,00
	1 001 - 2 000	144,00

2 001 - 3 000	252,00
3 001 - 4 000	1 128,00
4 001 - 5 000	1 584,00
5 001 - 6 000	2 280,00
6 001 - 7 000	2 820,00
7 001 - 8 000	3 504,00
8 001 - 9 000	4 620,00
9 001 -10 000	5 196,00
10 001 - 11 000	6 000,00
11 001 - 12 000	6 804,00
12 001 - 12 500	7 284,00
12 501 - 13 000	7 752,00
13 001 - 13 500	8 232,00
13 501 - 14 000	8 712,00
14 001 - 14 500	9 180,00
14 501 - 15 000	9 660,00
15 001 - 15 500	10 128,00
15 501 - 16 000	10 608,00
16 001 - 16 500	11 088,00
16 501 - 17 000	11 556,00
17 001 - 17 500	12 036,00
17 501 - 18 000	12 504,00
18 001 - 18 500	12 984,00
18 501 - 19 000	13 464,00
19 001 - 19 500	13 932,00
19 501 - 20 000	14 412,00

plus N\$468,00
for every 500 kg
or part thereof
above 20 000 kg

(d) Caravans (other than self-propelled caravans)	All	72,00
(e) Motor vehicle dealer's licence fees		
Motor vehicle dealer's licence and one clearance certificate in respect of a motor vehicle, motor cycle, motor tricycle or motor quadrucycle		2 412,00
For every additional clearance certificate		480,00
2. Motor vehicle registration fee:		
For any class of motor vehicle		36,00

PART II MISCELLANEOUS FEES

1. Certificate of temporary exemption (section 12(1)).....	N\$35,00
2. Temporary permit (section 14(1))	N\$35,00
3. Special permit (section 14(2))	N\$20,00
4. Transfer of motor vehicle licence (sections 27(3) and 28(2)) :	

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(a)	to motor cycle, motor tricycle or motor quadrucycle...	N\$ 20,00
(b)	to other motor vehicle	N\$ 25,00
5.	Examination for learner's licence (section 62(3)(a))	N\$ 25,00
6.	Learner's licence (section 63(2))	N\$ 20,00
7.	Examination for certificate of competence (section 64(1)) :	
(a)	for motor cycle, motor tricycle, motor quadrucycle or tractor	N\$ 75,00
(b)	for other motor vehicle	N\$ 85,00
8.	Driver's licence (section 65(1)(c))	N\$ 35,00
9.	Examination for instructor's certificate (section 73(4)).....	N\$100,00
10.	Instructor's certificate (section 73(5))	N\$ 20,00
11.	Examination for certificate of fitness (section 80(2))	N\$ 70,00
12.	Certificate of fitness (section 80(1))	N\$ 20,00
13.	Public driving permit (section 89(2)(a))	N\$ 35,00
14.	Examination for certificate of roadworthiness (section 160) :	
(a)	for motor cycle, motor tricycle or motor quadrucycle..	N\$ 30,00
(b)	for other motor vehicle	N\$ 70,00
15.	Certificate of roadworthiness (section 160)	N\$ 20,00
16.	Supply of information from register or record (section 173)	N\$ 15,00
17.	Duplicate document or token (section 177(1))	N\$ 20,00
18.	Motor trade numbers:	
(a)	application in respect of each motor trade number	N\$ 25,00
(b)	licensing of a motor trade number in respect of any class of motor vehicle by a motor dealer, manufacturer, builder, importer or deposit taking institution	N\$780,00."

Short title

3. This Act shall be called the Road Traffic Amendment Act, 1999.