

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2023 No. 31.

**THE TRAFFIC AND ROAD SAFETY (PROHIBITED DRUGS AND
ALCOHOL LIMIT) REGULATIONS, 2023**

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S T A T U T O R Y I N S T R U M E N T S

2023 No. 31.

The Traffic and Road Safety (Prohibited Drugs and Alcohol Limit) Regulations, 2023

(Under section 178 (2) (m) of the Traffic and Road Safety Act, Cap 361)

IN EXERCISE of the powers conferred upon the Minister responsible for transport by section 178 (2) (m) of the Traffic and Road Safety Act, these Regulations are made this 14th day of March, 2023.

1. Title

These Regulations may be cited as the Traffic and Road Safety (Prohibited Drugs and Alcohol Limit) Regulations, 2023.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Traffic and Road Safety Act, 1998, Cap 361;

“designated parking area” includes a police station, yard and a private licenced parking area;

“towing” means the act of drawing or pulling of a motor vehicle behind a trailer or engineering plant or motorcycle or bicycle by a chain or line;

“vehicle” includes a machine or implement of any kind drawn or propelled along roads whether by animal, mechanical, electrical or other motive power;

“yard” means a piece of land for the use and accommodation of impounded vehicles under the direct control of the City Authority, local government or its agent.

3. Prescribed blood alcohol level

For the purposes of section 111 (1) and (3) of the Act, the “prescribed limit” of the blood alcohol level beyond which a person is not allowed to drive—

- (a) a vehicle; except a vehicle referred to in regulation 3 (b), is 50 milligrams of alcohol in 100 millilitres of blood; and
- (b) a public service vehicle, an ambulance or a goods vehicle; is 20 milligrams of alcohol in 100 milliliters of blood.

4. Prescribed breath alcohol level

For the purposes of section 111 (1) and (3) of the Act, the “prescribed limit” of the breath alcohol level beyond which a person is not allowed to drive—

- (a) a vehicle; except a vehicle referred to in regulation 4 (b), is 25 milligrams of alcohol in 100 millilitres of breath; and
- (b) a public service vehicle, an ambulance or a goods vehicle; is 10 milligrams of alcohol in 100 milliliters of breath.

5. Testing a person suspected of driving under the influence of alcohol

(1) A police officer in uniform may, on reasonable suspicion, stop a driver of vehicle who is suspected to be driving under the influence of alcohol and conduct a breath analyser test.

(2) Where a driver tested under subregulation (1) disputes the results of a breath analyser, a police officer may cause the arrest and escort the driver to the nearest hospital, clinic or government analytical laboratory for a medical test within twelve hours from the time of the arrest.

(3) The medical test conducted under subregulation (2), shall be at the cost of the driver.

6. Driving under the influence of drugs

(1) A police officer in uniform may, on reasonable suspicion, arrest and escort the driver of a vehicle who is suspected to be driving under the influence of prohibited drugs to the nearest hospital, clinic or government analytical laboratory for a medical test.

(2) For the avoidance of doubt, reference to drugs under this regulation means drugs prohibited under the Narcotic Drugs and Psychotropic Substances (Control) Act, 2016 and the National Drug Policy and Authority Act and includes pharmaceutical drugs and prescribed drugs.

7. Power of police officer to impound vehicle

(1) A police officer in uniform may impound a vehicle by—

- (a) clamping or towing the vehicle; or
- (b) requiring the person driving the vehicle and whose blood alcohol concentration level exceeds the prescribed limit under these Regulations or who is under the influence of prohibited drugs, to park the vehicle in a designated parking area.

(2) The Uganda Police Force or its agent shall retain possession of a vehicle impounded under subregulation (1) until the driver or owner has—

- (a) paid the prescribed fine or presented a court order for the release of the vehicle;
- (b) presented a medical certificate confirming that his or her blood alcohol concentration is below the prescribed limit;
- (c) presented proof of payment of the parking fees; and
- (d) paid the costs incurred by the Uganda Police Force or the agent as a result of the default.

(3) The costs of impounding a vehicle and the parking fees referred to in subregulation (2) (c) and (d) shall conform to current market rates at the time of disbursement by the Uganda Police Force or its agent.

(4) Where, after a vehicle has been impounded in accordance with subregulation (1), the driver or owner of the vehicle fails to pay the fees or costs referred to in subregulation (2), the Uganda Police Force may sell off the vehicle by public auction in accordance with the provisions of the Police Act.

(5) The public auction referred to in subregulation (4), shall be authorised by a court with competent jurisdiction, determined by the value of the vehicle to be auctioned.

(6) Where a vehicle is impounded under these Regulations, a police officer shall not be responsible for any damage that may have been reasonably occasioned to the vehicle in the process of clamping, towing or impounding of the vehicle.

(7) Where, at the time of impounding of a vehicle under these Regulations, the vehicle was carrying a passenger, the police officer shall enable the passenger to board an alternative vehicle without undue delay.

8. Sale of abandoned vehicles

(1) Where a vehicle impounded under regulation 7 is not claimed, or the expenses of impounding and parking the vehicle are not paid by the owner or driver within three months from the date of impounding, the Uganda Police Force shall cause a notice of its intention to sell the vehicle by public auction, to be published in the Gazette and in at least two newspapers of nationwide circulation.

(2) The Uganda Police Force may sell off the vehicle by public auction in accordance with the provisions of the Police Act after thirty days from the date of the notice published under subregulation (1).

(3) The person to whom the vehicle is sold under this regulation, shall become the lawful owner of the vehicle.

(4) The proceeds of a sale under subregulation (2), shall be applied to the payment of the impounding costs, parking fees and charges related to the sale, including the costs of the advertisement, and the residue, if any, shall be payable to the former owner of the vehicle.

(5) Where the former owner cannot be found, the proceeds of sale due to the former owner shall be deposited in the Consolidated Fund, or in court, if the sale was conducted under a court order.

9. Revocation of S.I. No. 31 of 2004

The Traffic and Road Safety (Prescribed Alcohol Limit) Regulations, 2004 are revoked.

GEN. EDWARD KATUMBA WAMALA,
Minister of Works and Transport

Cross references

The Narcotic Drugs and Psychotropic Substances (Control) Act, 2016

The National Drug Policy and Authority Act, Cap. 206