

**SAMOA**

## Arrangement of Provisions

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|---------------------------------|-------------------------|
| 1. Short title and commencement | 3. Section 40D repealed |
| 2. Section 40 amended           | 4. Section 40E amended  |
|                                 | 5. Section 40K amended  |

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**2013, No. 21****AN ACT to amend the Road Traffic Ordinance 1960**  
**("the Ordinance").** *[15<sup>th</sup> October 2013]*

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows:

**1. Short title and commencement-**(1) This Act may be cited as the Road Traffic Amendment Act 2013.

(2) This Act commences on the date of assent by the Head of State.

**2. Section 40 amended** - Section 40 of the Ordinance is amended by repealing subsection (3) and substituting the following new subsections:

“(3) A person commits an offence who drives or attempts to drive a motor vehicle while under the influence of:

- (a) alcohol; or
- (b) one (1) or more drugs; or

(c) alcohol and one (1) or more drugs,  
to such an extent as to be incapable of having proper  
control of the motor vehicle.

(3A) An information for an offence under subsection  
(3) may allege that the person was under the influence  
of:

- (a) alcohol; or
- (b) one (1) or more drugs; or
- (c) alcohol and one (1) or more drugs; or
- (d) in the alternative -
  - (i) alcohol and one (1) or more  
drugs; or
  - (ii) one (1) or more drugs.

(3B) If an information under subsection (3A) alleges  
the influence of any drug, the information must state the  
drug (or at least one of the drugs) concerned.

(3C) An offence against subsection (3) is proved if  
the court is satisfied that the defendant was, to such an  
extent as to be incapable of having proper control of the  
motor vehicle, under the influence of:

- (a) alcohol; or
- (b) another drug stated in the information; or
- (c) two (2) or more other drugs, at least one of  
which is stated in the information; or
- (d) alcohol and two (2) or more other drugs, at  
least one of which is stated in the  
information.”.

**3. Section 40D repealed** - The Ordinance is amended by  
repealing section 40D.

**4. Section 40E amended** - The Ordinance is amended in  
section 40E(1) by repealing paragraph (b).

**5. Section 40K amended** - Section 40K(3) of the Ordinance is amended:

- (a) in paragraph (a), by deleting “and that, if the person does not request a blood test within 10 minutes”; and
- (b) by repealing paragraph (b) and substituting the following new paragraph:

“(b) the person who underwent the test complies with section 40E(2).”.

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**The Road Traffic Amendment Act 2013 is administered  
by the Ministry of Works, Transport and Infrastructure.**

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