

LAWS OF KENYA

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**TRAFFIC ACT**

CHAPTER 403

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**CHAPTER 403****THE TRAFFIC ACT***Commencement: 1<sup>st</sup> January, 1954***An Act of Parliament to consolidate the law relating to traffic on the roads.****PART I - PRELIMINARY**

39 of 1953, 39 of 1956,  
 14 of 1958, 52 of 1959,  
 14 of 1960, 24 of 1960,  
 14 of 1962, L.N. 242/1964,  
 9 of 1967, 8 of 1968,  
 13 of 1968, 38 of 1968,  
 5 of 1971, 14 of 1971,  
 13 of 1972, 4 of 1974,  
 16 of 1977, 13 of 1980,  
 14 of 1982, 19 of 1982,  
 11 of 1983, 10 of 1984,  
 1 of 1986, 20 of 1989,  
 14 of 1991, L.N. 187/1994,  
 L.N. 290/1994, L.N. 352/1995,  
 L.N. 393/1995, L.N. 126/1996,  
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 L.N. 163/1997, L.N. 164/1997,  
 L.N. 112/1999, L.N. 119/2001,  
 L.N. 159/2001, L.N. 103/2002,  
 L.N. 104/2002, L.N. 105/2002,  
 L.N. 132/2002, L.N. 161/2003,  
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 L.N. 57/2006, L.N. 111/2006,  
 L.N. 33/2007, L.N. 88/2007,  
 L.N. 89/2007, L.N. 145/2007,  
 2 of 2007, 7 of 2007,  
 9 of 2007,  
 8 of 2008.

**1.** This Act may be cited as the Traffic Act.

Short title.

**2.** In this Act, unless the context otherwise requires -

Interpretation.

“bicycle” means any bicycle or tricycle not self-propelled;

52 of 1959, s.2,  
 13 of 1972, Sch.,  
 10 of 1984, s. 2,  
 1 of 1986, s.3.

“cattle” includes oxen, bulls, cows, horses, camels, mules, asses, sheep, goats and swine;

L.N. 83 of 2004,  
 L.N. 97 of 2004.

“certifying officer” means the person appointed to be the certifying officer under subsection (2) of section 3;

“commercial vehicle” means a motor vehicle constructed or adapted for the carriage of goods or burdens of any description in connexion with any trade, business or agriculture, but does not include any type or class of motor vehicle which the Registrar may, by notice in the Gazette, declare not to be commercial vehicles for the purposes of this Act;

“dealer” means any person who deals by way of business in motor

vehicles or trailers;

“dealer’s general licence” means a licence issued under section 23;

“drive”, in relation to a motor vehicle, includes the steering of a motor vehicle;

“driver” means any person who drives or guides, or is in actual physical control of, any vehicle or cattle on any road;

“driving licence” means a licence to drive a motor vehicle issued under this Act, and any document deemed to be a driving licence by any rules made under this Act;

“driving test examiner” means any person appointed to be a driving test examiner under subsection (3) of section 3;

“heavy commercial vehicle” means a commercial vehicle whose tare weight exceeds six thousand seven hundred and twenty pounds;

2 of 2007.

“highway authority” means the Minister for the time being responsible for public roads or any other Authority or body to whom the Minister delegates powers subject to such terms and conditions as he may deem appropriate.

“inspection certificate” means a certificate affixed to a vehicle under section 17A;

“inspector” means any person appointed to be an inspector of vehicles under subsection (3) of section 3;

“invalid carriage” means a motor vehicle specially designed and constructed for the use of persons suffering from some physical defect or disability;

“licensing officer” means a licensing officer appointed under section 3;

“manufacturer” means a manufacturer of motor vehicles and trailers;

“*matatu*” means a public service vehicle having a seating accommodation for not more than twenty-five passengers exclusive of the driver, but does not include a motor car;

“motor car” means a motor vehicle having seating accommodation for not more than ten passengers excluding the driver, but does not



include a motor cycle;

“motor cycle” means a motor vehicle with less than four wheels the weight of which unladen does not exceed eight hundredweights;

“motor omnibus” means a public service vehicle having seating accommodation for more than twenty-five passengers exclusive of the driver;

“motor vehicle” means any mechanically propelled vehicle, excluding any vehicle running on a specially prepared way such as a railway or tramway or any vehicle deriving its power from overhead electric power cables or such other vehicles as may from time to time by rules under this Act be declared not to be motor vehicles for the purposes of this Act;

“owner”, in relation to a vehicle which is the subject of a hire-purchase agreement or hiring agreement, includes the person in possession of the vehicle under that agreement;

“plying for hire” includes -

- (a) standing on any public taxi stand;
- (b) being offered for hire by any notice, advertisement or announcement;
- (c) standing or travelling whilst exhibiting a “For Hire” notice of any kind;

“provisional licence” means a licence issued under section 32;

“private hire vehicle” means any public service vehicle constructed or adapted to carry not more than seven passengers, exclusive of the driver, such vehicle not being a taxicab or *matatu*;

“public service vehicle” means any motor vehicle which -

- (a) is licensed under Part XI to carry passengers for hire or reward; or
- (b) plies for hire or reward or is let out for hire or reward; or
- (c) is carrying passengers for hire or reward;

“Registrar” means the Registrar of Motor Vehicles appointed under section 3;

“road” means any public road within the meaning of the Public Roads and Roads of Access Act, and includes any other road or way, wharf, car park, footpath or bridlepath on which vehicles are capable of travelling and to which the public has access; Cap. 399.

“tare weight” means the weight of a vehicle when unladen, inclusive of the weight of the body and all parts (the heavier being taken when alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when used on the road;

“taxicab” means any public service vehicle constructed or adapted to carry not more than seven passengers, exclusive of the driver, which is registered under any by-laws relating to the licensing and operation of taxicabs to ply for hire from a taxi rank or other public place within the area where such by-laws are in force;

“tractor” means a motor vehicle constructed or adapted for the purpose of hauling trailers but which is not itself designed to carry goods or passengers;

“trailer” means any vehicle designed to be drawn by a motor vehicle, but does not include a sidecar attached to a motor cycle;

“traffic signs” means any sign, notice, signal, light or other device erected or in any way displayed by or with the consent of the highway authority, for the purpose of regulating, restricting or prohibiting traffic and vehicles of any kind, on a road:

Provided that all traffic signs shall conform to any regulations as to size, colour and type which may be prescribed by rules made under this Act;

“vehicle” includes a motor vehicle, a trailer and any other conveyance used on a road.

Appointment of  
officers.  
52 of 1959, s.3,  
L.N. 242/1964.

**3.(1)** The Minister shall, by notice in the Gazette, appoint a Registrar of Motor Vehicles, who shall be responsible for the registration and licensing of motor vehicles and trailers and for the licensing of drivers, and for the keeping of such records in relation thereto as are required by this Act.

(2) The Registrar shall, by notice in the Gazette, appoint such licensing officers as may be necessary for the carrying out of the provisions of this Act.

(3) The Minister shall, by notice in the Gazette, appoint -  
(a) a certifying officer, who shall perform such duties under this Act and any rules made thereunder in relation to the examination of vehicles as the Minister may direct, and for the purpose of performing such duties the certifying officer shall have and may exercise the powers of an inspector under this Act; and

- (b) such inspectors and driving test examiners as may be necessary for carrying out the provisions of this Act.

4. For the purposes of this Act, motor vehicles shall be divided into the following classes - Classification.  
10 of 1984, s. 3.

- (a) motor omnibuses;
- (b) heavy commercial vehicles;
- (c) commercial vehicles;
- (d) tractors;
- (e) motor cars;
- (f) motor-cycles not exceeding fifty cubic centimetres engine capacity;
- (g) motor-cycles exceeding fifty cubic centimetres engine capacity;
- (h) invalid carriages;
- (i) special types of motor vehicles for which special authorization is required from the Registrar before such vehicles can be registered or used on a road; and
- (j) *matatus*.

#### PART II - REGISTRATION OF VEHICLES

5. (1) The Registrar shall keep records of all motor vehicles and trailers registered in Kenya, and shall cause every licensing officer to keep records of all vehicles registered by him. Records of vehicles.

(2) Vehicle records maintained by the Registrar or a licensing officer shall be open for inspection by any police officer, any collector of customs and the chairman of the Transport Licensing Board, who shall be entitled to copy any entry in such records free of charge.

(3) Any person who satisfies the Registrar that he has reasonable cause therefor shall be entitled on payment of the prescribed fee to a copy of any entry in such vehicle records.

6. (1) No person shall possess a motor vehicle or trailer, other than a vehicle exempted from the provisions of this Part, unless such vehicle is registered under this Act. Motor vehicles  
and trailers to be  
registered.

(1A) No motor vehicle imported for home use shall be used on a road unless it is registered: 52 of 1959, s.4,  
14 of 1982, s.26,  
8 of 2008.

Provided that a commercial vehicle which requires inspection under this section shall be registered within fourteen days of inspection.

(2) Application for the registration of any vehicle shall be made to a licensing officer in the prescribed form, and shall be accompanied by the prescribed fee.

(3) A licensing officer, before he registers any motor vehicle or trailer, may verify all the particulars in the form of application, and may, if he thinks fit, send the vehicle to an inspector for examination in order to satisfy himself that the vehicle is in a fit and proper condition for the purpose for which it is intended to be used and to conform in all respects to the provisions of this Act.

(4) If any application is made to register any commercial vehicle or trailer the load capacity of which has not been declared by the manufacturers of the chassis, a licensing officer shall not register the vehicle or trailer until an inspector has determined its load capacity; and the determination shall be final.

(5) A licensing officer, on being satisfied as to the accuracy of the particulars contained in a form of application for the registration of a vehicle, shall assign the vehicle a registration number, which shall be the identification mark of the vehicle; particulars of the vehicle shall be forwarded by the licensing officer to the Registrar, who shall enter such particulars in his records and shall issue to the owner of the vehicle a registration book, which book, or a duplicate thereof, shall be proof of registration of the vehicle.

(6) If a registration book has been lost, destroyed or defaced or the particulars thereon have become illegible, the owner of the vehicle shall apply in the prescribed form for a duplicate thereof, and the Registrar, if satisfied as to such loss, destruction, defacement or illegibility, shall, upon payment of the prescribed fee, issue a duplicate registration book:

Provided that any registration book which has been lost and is subsequently found shall forthwith be returned to the Registrar for cancellation.

(7) In the event of any change of circumstance which affects the accuracy of the registered particulars of any vehicle, the owner of the vehicle shall inform the Registrar of such change and shall forward to him the registration book in order that it may be amended together with the prescribed fee, and shall supply the Registrar with any further information which he may require.

(8) If the licensing officer has reason to believe that a motor vehicle or trailer in respect of which registration has been applied for is or may be of a type not previously registered under this Part, or is of a

type so registered but constructed according to different specifications, he may refuse to register the vehicle or trailer until plans or specifications thereof have been submitted to and approved by the Registrar.

7. The owner of a vehicle which is required under this Part to be inspected shall, before the inspection is carried out, pay to a licensing officer the fee prescribed therefor.

Inspection fee.  
52 of 1959, s.5.

8. The person in whose name a vehicle is registered shall, unless the contrary is proved, be deemed to be the owner of the vehicle.

Owner of vehicle.

9. (1) No motor vehicle or trailer the ownership of which has been transferred by the registered owner shall be used on a road for more than fourteen days after the date of such transfer unless the new owner is registered as the owner thereof.

Change of  
ownership.

(2) Upon the transfer of ownership of a motor vehicle or trailer, the registered owner thereof shall, within seven days from the date of the transfer, inform the Registrar in the prescribed form of the name and address of the new owner and deliver to the new owner the registration book in respect of such vehicle; and the new owner shall, after inserting particulars of the change of ownership, forward the registration book with the prescribed fee to the Registrar, whereupon the vehicle shall be registered in the name of the new owner:

Provided that, where in any case the registered owner of a vehicle has failed to comply with the provisions of this subsection, the Registrar, on being satisfied that the registered owner has died or has left Kenya or cannot be traced or refuses to comply with the provisions of this subsection, may on payment of the prescribed fee, cause the vehicle to be registered in the name of the new owner.

(3) Subsections (1) and (2) shall not apply to a change of possession consequent on a contract of hiring where the period of hiring does not exceed three months or where the registered owner continues to employ and pay the driver of the vehicle.

(4) Application for registration of a new owner may be made before the actual transfer of the vehicle, but the registration of a new owner shall not be effective until the registration book has been surrendered to and reissued by the Registrar.

(5) Subsections (1), (2) and (4) shall not apply to any change of possession of a vehicle which occurs by reason of the vehicle being lawfully seized under a hire-purchase agreement, but in such event the following provisions shall apply -

- (a) the registered owner or his representative shall, within fourteen days of the seizure, deliver the registration book to the person who has seized the vehicle, and inform the Registrar in writing of the change of possession;
- (b) such person shall, within fourteen days of receiving the registration book, apply to the Registrar to be registered as the owner thereof in place of the registered owner, and shall on payment of the prescribed fee be registered accordingly.

(6) On the registration of a new owner, the Registrar shall make the necessary alterations to the registration book, and shall deliver the amended registration book to the new registered owner; and the Registrar, if he thinks fit, may issue a new registration book.

No registration of motor vehicles exported or imported unlawfully.

**10.** Notwithstanding the provisions of this Act, a licensing officer shall not register a motor vehicle unless the owner of the vehicle satisfies him -

- (a) that the vehicle has been lawfully exported from its country of origin or the country in which it was last registered, and that such owner is in possession of any export permit in relation to the export of the vehicle required by the law of the country of origin or of last registration; and
- (b) that the vehicle has been lawfully imported into Kenya.

Vehicles may be exempted from registration.  
L.N.242/1964.

**11.** The Minister may, by notice in the Gazette, exempt any vehicle, class or description of vehicle from the provisions of this Part.

Vehicles to carry identification plates.  
4 of 1974, Sch.

**12.** (1) No motor vehicle or trailer registered under this Act or driven under the authority of a general dealer's licence shall be used on a road unless there is fixed thereto in the prescribed manner the prescribed number of identification plates of the prescribed design and colour on which is inscribed the identification mark of the vehicle or of the general dealer's licence:

Provided that identification plates used under the authority of a general dealer's licence may be suspended from the vehicle and not fixed.

(2) (*Deleted by 4 of 1974.*)

Production of registration book.

**13.** The owner of a vehicle shall, when requested by a police officer, produce for inspection, either immediately to the police officer or within five days of the request being made, at a police station nominated by the owner, the registration book issued in respect of the vehicle.

**14.** Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable on first conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months, and on each subsequent conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both.

Penalties under Part.

### PART III - LICENSING OF VEHICLES

**15.** (1) No person shall own or possess a motor vehicle or trailer, or use it on a road, unless such vehicle or trailer is licensed under and in accordance with this Part.

Motor vehicles and trailers to be licensed. 14 of 1958, s. 2, L.N. 242/1964.

(2) Where the owner or person in possession of a motor vehicle or trailer gives written notice to the Registrar that for a stated period he does not intend that it shall be used on any road, or where he satisfies the Registrar that for a stated period such vehicle or trailer was not used on any road, he shall not, after the receipt of such notice by the Registrar or, as the case may be, after the Registrar is so satisfied, be liable to conviction under or by virtue of this section by reason only of his ownership or possession of the vehicle or trailer during the stated period.

(3) The Minister may by notice in the Gazette exclude any vehicle, or any class or description of vehicle, from the operation of all or any of the provisions of this Part.

**16.** Applications for licences under this Part shall be made to a licensing officer in the prescribed form accompanied by the fee payable and the vehicle registration book.

Application for licence.

**17.** (1) A licensing officer shall issue a licence only if he is satisfied-

Conditions for issue of licence.

- (a) that the vehicle is duly registered; and
- (b) that the particulars in the registration book are correct; and
- (c) that the vehicle is insured against third party risks in accordance with the provisions of the Insurance (Motor Vehicles Third Party Risks) Act; and
- (d) that the licence in respect of such vehicle has not been cancelled under subsection (3) of section 58.

52 of 1959, s.6, 13 of 1980, Sch.

Cap. 405.

(2) Before issuing a licence in respect of any motor vehicle or trailer of a class prescribed for the purposes of this subsection, a licensing officer shall require the applicant to produce an inspection report showing that the vehicle or trailer has been examined by an inspector during the months immediately preceding the commencement

of the licence and that the vehicle or trailer complies with the provisions of this Act and of any rules made thereunder:

Provided that no such inspection report shall be required in the case of a vehicle which is intended to be used as an omnibus and in respect of which a certificate of fitness issued under paragraph (g) of subsection (3) of section 96, and dated not earlier than ten months before the commencement of the licence, is produced.

(3) Where under this section the owner of any vehicle or trailer is required to have it examined by an inspector, he shall make application in the prescribed form, paying such fee as may be prescribed, and thereupon an inspector shall examine the vehicle or trailer and shall issue an inspection report in the prescribed form.

Vehicle inspection  
certificates.  
1 of 1986, s. 3A.

**17A.** (1) Where -

- (a) an inspector issues an inspection report for the purposes of section 17 (2) showing that a motor vehicle or trailer complies with the provisions of this Act and of any rules made thereunder; or
- (b) a certifying officer issues a certificate of fitness in respect of a public service vehicle under section 96 (3) (g),

the inspector or the certifying officer, as the case may be, shall affix to the vehicle or trailer in the prescribed manner an inspection certificate in the prescribed form.

(2) The inspection certificate shall relate to and bear the same number as the inspection report or certificate of fitness, as the case may be.

(3) No motor vehicle or trailer of a class prescribed for the purposes of section 17 (2) shall be used on a road unless an inspection certificate which is -

- (a) valid and in force at the time; and
- (b) legible and in no way defaced or mutilated, is affixed to the vehicle or trailer.

Form of licences.  
14 of 1962, s.2.

**18.** Every vehicle licence shall be in the prescribed form.

Fees and duration of  
licences.  
14 of 1962, ss. 3  
and 8.

**19.** (1) Vehicle licences, other than a dealer's general licence, may be issued for such periods and upon payment of such fees as may be prescribed:

Provided that, where a period is so prescribed, a licence issued before the period is prescribed shall not be invalid solely by reason that the period for which it was issued is different from that prescribed.



(2) The holder of a vehicle licence, other than a dealer's general licence, shall, on surrendering it for cancellation to the Registrar, be entitled to such refund as may be prescribed:

Provided that, where the refund as calculated includes part of a shilling, the refund shall exclude such part of a shilling.

**20.** No vehicle which is required to be licensed shall be used on a road unless the licence, which shall be legible and in no way defaced, is carried on the vehicle in the prescribed manner.

Licence to be carried on vehicle.

**21.** If a vehicle licence is lost, defaced, mutilated or rendered illegible, the Registrar shall issue a duplicate licence on payment of the prescribed fee:

Duplicate licences.

Provided that any licence which has been lost and is subsequently found shall forthwith be returned to the Registrar for cancellation.

**22.** (1) The holder of a vehicle licence shall apply for a new licence-

New licence to be applied for in certain circumstances.

(a) where he desires to use the vehicle for any purpose not authorized by the licence; and

(b) where the vehicle is so altered that a higher duty or a duty of a different class is required.

(2) A new licence under this section shall not be issued until the old licence has been surrendered, and in respect of every such new licence there shall be deducted from the fee payable therefor a rebate calculated in like manner as is provided in subsection (2) of section 19.

**23.** (1) The Registrar may issue to a dealer in, or manufacturer or repairer of, motor vehicles, upon application in the prescribed form and upon payment of the prescribed fees, such number of dealer's general licences as the applicant may require, and with each such licence shall issue two identification plates.

Dealer's general licence.

(2) Subject to sections 24, 25, 26 and 27 and to any other conditions which may from time to time be prescribed, the holder of a dealer's general licence shall use the licence only in respect of vehicles in his possession; and shall not use more than one such vehicle under the authority of one licence at any one time.

**24.** (1) No vehicle shall be used on any road under the authority of a dealer's general licence -

Use of dealer's general licence. 52 of 1959, s.7.

(a) to convey passengers or goods for profit or reward;

(b) to carry or convey any goods whatsoever except such load as may be necessary for the purpose of testing the motor

vehicle or trailer, and no such load, and no part thereof, shall be removed from the motor vehicle or trailer at any time between the departure from and the return to the loading place of the motor vehicle or trailer, save in the case of an accident; or

- (c) except with the permission in writing of the Registrar, for any purpose other than -
  - (i) for proceeding to or returning from any inspection, examination or test as provided for by this Act;
  - (ii) for proceeding from the premises of a dealer to a railway station or wharf for entraining or shipment, or from a train or ship to such premises; or
  - (iii) for test or trial during or after completion, construction, assembly or repair; or
  - (iv) for test or trial by or on behalf of an intending purchaser, or for proceeding to or from the place where the purchaser intends to keep it; or
  - (v) for proceeding to or from a public weighbridge for the purpose of its weight being ascertained or to or from a place for registration;
  - (vi) for exportation to any territory in East Africa, the Sudan or Zaire;
  - (vii) for proceeding from the premises of a dealer to the premises of a purchaser or of another dealer or manufacturer;
  - (viii) for towing a motor vehicle which while being driven upon a road has become unable to proceed under its own power from the place where it has broken down to a place for repair or storage;
  - (ix) for proceeding to or returning from a workshop in which a body is to be or has been fitted to the motor vehicle or where the motor vehicle is to be or has been painted or repaired; or
  - (x) for proceeding to or returning from an exhibition of motor vehicles.

(2) In any proceedings under this section, the burden of proving the fact of an accident for the purposes of paragraph (b) of subsection (1) shall lie on the person charged.

(3) No vehicle shall be used on any road under the authority of a dealer's general licence unless the holder of the licence, or a person duly authorized by him, accompanies the vehicle.

(4) Not more than two persons, in addition to the driver, shall be carried within or upon any such vehicle, and such persons shall be limited to a prospective purchaser and his agent or a member of his

family or, in the case of a vehicle proceeding to or from an accident, two mechanics.

(5) Upon the issue of a dealer's general licence, the Registrar shall also supply to the person to whom such licence is issued a book in a form approved by the Registrar, in which the holder of such licence shall on each occasion and before such licence is used complete in duplicate the entries for which provision is therein made; one copy of such entries shall remain in the book, and the other copy shall be carried with the vehicle during the whole of the journey to which such entries relate, and shall be produced at any time during such journey by the driver for inspection upon demand made by any police officer, licensing officer or inspector.

(6) Every such book shall be produced at all reasonable times for inspection by any police officer, licensing officer or inspector, and shall be kept available for inspection at the place specified in the declaration made on application for the general dealer's licence as the place at which the book will be kept.

(7) No person shall deface or mutilate any such book, or make any entry therein which is to his knowledge false or misleading, or alter or obliterate any entry made therein, or except as provided by this Act make any entry therein or addition thereto, or after its removal from such book make, alter or obliterate any entry in any copy to be carried on the vehicle.

**25.** (1) A dealer's general licence shall continue in force until the 31<sup>st</sup> December next following the date of issue.

Duration of dealer's general licence.

(2) Every dealer's general licence shall cease to be valid if the dealer ceases to carry on business in the district for which it is issued.

(3) When a dealer's general licence expires or is cancelled or otherwise ceases to be valid under this Act, the holder of the licence shall deliver to the Registrar the identification plates which were issued to the holder with the licence:

Provided that upon the expiry of the licence the holder may retain the identification plates issued with the licence if he applies for and is issued with a new licence in respect of the same identification plates and the new licence would during the period of its validity authorize the use of such identification plates in the same manner as the expired licence.

**26.** (1) The Registrar may at any time cancel a dealer's general licence for a breach of any of the provisions of this Act or of any regulations made thereunder which relate to dealer's general licences.

Cancellation of dealer's general licence.

(2) The Registrar shall give notice of the cancellation to the person to whom the licence was issued, and may make to such person a refund calculated in like manner as is provided in subsection (2) of section 19.

(3) Any person holding a dealer's general licence who is aggrieved by the decision of the Registrar under this section may, within one month from the date of the service on him of notice of cancellation, appeal to a subordinate court of the first class.

Dealer's general  
licence not to be  
transferred without  
authority.

**27.** A dealer's general licence shall not be used for any purpose other than a purpose provided for in this Act, and shall not be transferred or assigned to any other person without the authority of the Registrar.

Recovery of licence  
fees by civil process.  
14 of 1958, s. 3.

**28.** Where under this Part a licence is required and has not been obtained, a sum equal to the prescribed fee payable in respect of such licence shall be due and owing to the Controller of Inland Revenue by the person failing to obtain the licence, and shall be a civil debt recoverable summarily at the instance of the Controller of Inland Revenue.

Penalties under this  
Part.  
14 of 1958, s. 4.

**29.** (1) Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable on first conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months, and on each subsequent conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both.

(2) If any person is convicted of an offence under this section in a case where a licence fee under this Part is payable and has not been paid, the court may, whether or not any other penalty is imposed, impose a fine (which shall be disposed of in the same manner as the fee payable on the licence) of an amount equivalent to the fee unpaid, and the payment of such fine shall operate in satisfaction of any civil debt due under section 28.

#### PART IV - DRIVING LICENCES

Drivers to be  
licensed.  
14 of 1971, Sch.,  
1 of 1986, s. 4.

**30.** (1) No person shall drive a motor vehicle of any class on a road unless he is the holder of a valid driving licence or a provisional licence endorsed in respect of that class of vehicle.

(2) No person who owns or who has charge of a motor vehicle of any class shall cause or permit any person to drive such motor vehicle unless such person is the holder of a valid driving licence or a valid provisional licence endorsed in respect of that class of motor vehicle.

(3) No person shall be entitled to more than one driving licence, but a driving licence may be endorsed to permit the holder to drive one or more classes of motor vehicle.

(4) Driving licences shall be issued, and upon expiry renewed on production, by a licensing officer upon payment of the prescribed fee, and a driving licence so issued or renewed may be expressed to be valid for a period of twelve months or of three years, from the date of issue or renewal, at the option of the holder thereof.

(5) In the event of any change of circumstances which affects the accuracy of any particulars declared under paragraph (b) of subsection (1) of section 31, or which would operate to prevent the grant of a driving licence under that section, the holder of the driving licence shall forthwith inform the Registrar of the change.

(6) Any person who contravenes or fails to comply with this section shall be guilty of an offence and liable -

- (a) on first conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months; and
- (b) on each subsequent conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

**31.** (1) A licensing officer shall not grant an applicant a driving licence endorsed in respect of any class of motor vehicle unless the applicant -

- (a) satisfies the licensing officer that he has passed a test of competence to drive that class of motor vehicle conducted under section 39, or that he holds a certificate of competency for that class of motor vehicle issued under the Traffic Ordinance (now repealed), or is the holder of a valid driving licence for that class of motor vehicle granted by a competent authority in some part of the Commonwealth where such driving licences are granted only after a prescribed test has been passed or is the holder of an international driving permit.
- (b) makes a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability as may be specified in the form, or any other physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such class as he would be authorized by the licence to drive, to be a source of danger to the public; and
- (c) is able to read, with glasses if worn, a motor vehicle identification plate at a distance of twenty-five metres.

Conditions for granting of driving licence.

9 of 1967, Sch.,  
11 of 1983, Sch.

Cap. 232 (1948).

(2) If it appears to a licensing officer that there is reason to believe that an applicant for any driving licence is suffering from disease or physical disability likely to cause the driving by him of a motor vehicle, of the class or classes in respect of which the application for a licence is made, to be a source of danger to the public, he may refuse to grant such application unless the applicant -

- (a) produces a certificate from a medical practitioner, stating that in the opinion of such medical practitioner the applicant is physically fit to drive the class or classes of motor vehicle in question; and
- (b) undergoes and passes a driving test.

(3) Any person who is aggrieved by the refusal of the Registrar or a licensing officer to grant a licence may, after giving to the Registrar notice of his intention so to do, appeal to a subordinate court of the first or second class, which shall after considering the grounds for such refusal make such order as it thinks fit, and any order so made shall be binding on the Registrar.

Provisional driving  
licence.

**32.** (1) Notwithstanding subsection (1) of section 31, a licensing officer may grant an applicant for a driving licence a provisional licence endorsed in respect of any class or classes of motor vehicle which if he held a driving licence he would be entitled to drive, in order that the applicant may learn to drive such class or classes of vehicle.

(2) Whenever the driving licence of any person has been cancelled or suspended, a licensing officer may, on application, so soon as the period of cancellation or suspension is over, grant to such person a provisional licence endorsed in respect of any class or classes of vehicle which if he held a driving licence he would be entitled to drive, with a view to such person passing any necessary test.

(3) Provisional licenses shall be valid for three months only but may, in the discretion of the licensing officer, be renewed for further periods of three months on payment of the prescribed fee for granting a provisional licence.

(4) Any person holding a provisional licence driving a motor vehicle shall comply with all such conditions as shall be prescribed.

Driving licence not to  
be granted to persons  
under certain ages.  
11 of 1983, Sch.,  
10 of 1984, s.4.

**33.** (1) No driving licence or provisional licence shall be granted to any person -

- (a) under the age of sixteen years;
- (b) under the age of eighteen years, except in respect of motor-cycles; or
- (c) endorsed in respect of *matatus* and motor-omnibuses, unless he -

- (i) is over the age of twenty-four years; and
- (ii) has for not less than four years held a licence endorsed in respect of motor-cars or commercial vehicles:

Provided that any person who satisfies the licensing officer that he has, before the commencement of this Act, been in possession of a licence authorizing him to drive a motor vehicle in Kenya shall, subject to subsection (2) of section 31, notwithstanding the provisions of this section, be entitled to receive a licence in respect of the same class or description of vehicles which he is by such licence authorized to drive.

(2) If the applicant for a driving licence fails to produce his birth certificate, the opinion of the licensing officer shall be conclusive as to a person's age.

**34.** (1) Applications for driving licences and provisional licences shall be made to a licensing officer in the prescribed form, accompanied by the prescribed fee, and the particulars required in such form shall be signed by the applicant.

Form of application.

(2) Subject to subsection (3) of section 30, any person holding a driving licence endorsed in respect of any class of motor vehicle who wishes his licence endorsed in respect of another class or classes of motor vehicles shall apply to a licensing officer in the prescribed form and pay the prescribed fee, and the particulars and declaration in such form shall be signed by the applicant.

**35.** Notwithstanding this Part, the Minister may make rules prescribing special terms and conditions for the issue of driving licences to members of the armed forces or any foreign military, naval or air forces lawfully present in Kenya for the purpose of driving service vehicles while on duty, and he may in such rules order that such licences shall be issued without the payment of any fee.

Issue of driving licences to members of armed forces.  
L.N. 242/1964,  
9 of 1967, Sch.

**36.** (1) Any person driving a motor vehicle on a road shall carry his driving licence or provisional licence, and on being so required by a police officer, produce it for examination.

Production of driving licence on demand.  
1 of 1986, s. 5.

(2) For the purposes of this section, "driving licence or provisional licence" includes such other evidence as will satisfy the police that there is no contravention of section 30.

(3) Any person who contravenes or fails to comply with this section shall be guilty of an offence and liable to a fine not exceeding one hundred shillings.

Form of driving and  
provisional licence.  
7 of 2007.

**37.** (1) A driving licence shall be in the form of a computerized smart card made of plastic material containing a micro-processor-based chip, and provisional licences shall be in the prescribed form, which shall be impressed with the official stamp of the issuing authority.

(2) The driving licence shall have -

- (a) a front side, which shall contain the Personal Identification Number (PIN) and Identity Card Number, photograph, name, date of birth, sex, signature, and licence number of the licence holder, and the class of the vehicle to be driven or restricted; and
- (b) a rear side, which shall contain the thumb print of the licence holder, the date of issue per class, the date of expiry per class, conditions and any other information, if any, and the signature and reference number of the issuing authority.

(3) The micro-processor based chip shall contain features for micro-printing, image hosting, ultra-violet printing (logo), the national coat of arms, hologram, and both side lamination.

(4) The micro-processor based chip shall contain the driver's name, biometric information, the photograph, signature, licence number, class of vehicle to be driven or restricted, the date of issue, the date of expiry, conditions or other information, if any, and the signature and reference number of the issuing authority.

Duplicate licences.

**38.** If a driving licence or provisional licence is lost, defaced or mutilated, the Registrar shall, upon application being made in the prescribed form and upon payment of the prescribed fee, issue to the holder a duplicate licence or provisional licence:

Provided that where any licence or provisional licence which has been lost is subsequently found the holder shall forthwith deliver up to the licensing officer such duplicate.

Driving tests.  
52 of 1959, s.8.

**39.** (1) Driving tests for the purpose of this Act shall be conducted by driving test examiners.

(2) Driving tests shall be carried out in such manner as the Minister may direct, but shall in any case include a test of the applicant's -

- (a) knowledge of the rules of the road;
- (b) knowledge of recognized road signals and road signs;
- (c) knowledge of any authorized road or highway code; and
- (d) physical fitness to drive a motor vehicle of the class for which the licence is required.



(3) No person shall undergo a test until he has paid the prescribed fee.

**40.** (1) Upon application by a police officer of or above the rank of Superintendent, the Registrar may-

- (a) revoke the driving licence of any person who appears, in the opinion of the Registrar, to be suffering from a disease or disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public; or
- (b) order a fresh driving test in the case of any holder of a driving licence who appears to the Registrar to be so deficient in driving ability as to be a source of danger to the public, and, if the licence holder fails to pass such test, order that his licence shall be revoked.

Revocation, etc., of driving licences upon application by police. 1 of 1986, s.6.

(2) Where the Registrar has revoked a driving licence under subsection (1), the owner of such licence shall deliver his driving licence to the Registrar, who shall endorse on it the reason for its revocation.

(3) The Registrar shall restore a driving licence revoked under subsection (1) to the person in question under the following conditions-

- (a) in the case of a licence revoked under paragraph (a) of subsection (1), if he satisfies the Registrar, by means of a certificate from a medical practitioner, that he is suffering from no disease or physical disability likely to cause the driving by him of a motor vehicle, of the class or classes in respect of which his licence was issued, to be a source of danger to the public; and
- (b) in the case of a licence revoked under paragraph (b) of subsection (1), if he passes the prescribed test for the class or classes of motor vehicle in respect of which his licence was originally granted.

(4) Any person who is aggrieved by the revocation of a licence under this section may, after giving to the Registrar notice of his intention so to do, appeal to a subordinate court of the first or second class, which shall, after considering the grounds for such revocation, make such order as it thinks fit, and any order so made shall be binding on the Registrar.

**41.** Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable, where no penalty is specifically provided, on first conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months, and on each subsequent conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both.

Penalties under this Part. 1 of 1986, s.7.

PART V - DRIVING AND OTHER OFFENCES RELATING TO THE USE OF  
VEHICLES ON ROADS

Speed of motor  
vehicles.  
14 of 1971, Sch.,  
11 of 1983, Sch.,  
1 of 1986, s.8.

**42.** (1) No person shall drive, or, being the owner or person in charge of a vehicle, cause or permit any other person to drive, a vehicle on a road at a speed greater than such speed as may be prescribed as the maximum speed for that class of vehicle.

(2) On a vehicle subject to a speed restriction under subsection (1) except a vehicle registered as a motor-car or motor-cycle or a private hire vehicle, there shall be painted or affixed to the rear, as close as possible to the rear number plate and so as to be clearly legible to a person within ten metres of the rear of the vehicle, a mark in the prescribed form indicating its maximum permitted speed in kilometres per hour.

(3) No person shall drive, or, being the owner or person in charge of a vehicle, cause or permit any other person to drive, any vehicle at a speed exceeding fifty kilometres per hour on any road within the boundaries of any trading centre, township, municipality or city:

Provided that the highway authority shall erect and maintain traffic signs as prescribed so as plainly to indicate to drivers entering or leaving such roads or areas where the fifty kilometre per hour speed limit restriction begins and ends.

(4) Notwithstanding subsections (1) and (3), it shall be lawful for the Minister -

- (a) to impose on any road such lower limit of speed as it considers necessary in circumstances when, by reason of repairs, reconstruction or damage to the road or the condition of the road, any lower limit of speed is necessary for the public-safety or to prevent damage to the road:

Provided that such lower limit shall be imposed only for such period as is necessary to carry out repairs or reconstruction or until the condition of the road is satisfactory;

- (b) to impose on any road or area, either permanently or for such time as he considers appropriate, such lower limit of speed as may be necessary to prevent damage to the road or for the safety of the public having regard to any permanent or temporary hazards, the alignment or characteristics of the road, the width of streets, nature of traffic or general development of the area:

Provided that, in any case whilst such lower limit is in force under this subsection, indication of the maximum speed permitted shall be

given by prescribed traffic signs erected and maintained so as plainly to indicate to drivers entering or leaving such restricted road where the lower speed limit begins and ends.

(4A). The Minister may by notice in the Gazette delegate the power conferred by subsection (4) to a highway authority or other public body.

(4B). A delegation under subsection (4A) may -

- (a) be made subject to such conditions, exceptions and limitations as are specified in the notice;
- (b) be made either generally or with respect to any particular road or area; and
- (c) be revoked or varied by a subsequent notice made in like manner,

and shall not prevent the exercise by the Minister of any power so delegated.

(5) The provisions of this section or of this or any other Act, imposing a speed limit on motor vehicles, shall not apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of such provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

(6) Nothing in subsection (5) authorizes a person to use a motor vehicle for fire brigade, ambulance or police purposes in contravention of any other provision of this Act.

**43.** (1) Any person who contravenes or fails to comply with any of the provisions of section 42 shall be guilty of an offence and liable to a fine of not less than two hundred shillings and not exceeding two thousand shillings.

Penalties in relation  
to speed.  
1 of 1986, s. 9.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence for a longer period than, in the case of a first conviction, one month, or in the case of a second conviction three months:

Provided that, if the offender has been convicted of reckless or dangerous driving within the three years immediately preceding the date of his conviction for an offence under this section, such previous conviction shall be treated for the purposes of this subsection as if it had been a conviction for an offence under this section.

(3) A person charged with the offence of driving a motor vehicle of any class or description on a road at a speed greater than the maximum speed allowed shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.

Driving under  
influence of drink.  
11 of 1983, Sch.,  
1 of 1986, s. 10.

**44.** (1) Any person who, when driving or attempting to drive, or when in charge of a motor vehicle on a road or other public place, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding eighteen months or to both.

(2) A person convicted of an offence under this section shall, without prejudice to the power of the court to order a longer period of disqualification, be disqualified, for a period of twelve months from the date of conviction, for holding or obtaining a licence.

Prohibition of  
drinking when  
driving or in charge  
of public service  
vehicle.  
11 of 1983, Sch.  
1 of 1986, s. 11.

**45.** (1) Any person who, when driving or in charge of, or during any period of duty in connexion with the driving of, a public service vehicle, drinks any intoxicating liquor shall be guilty of an offence and liable to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding two years or to both.

(2) Any person who gives any driver or any person in charge of a public service vehicle any intoxicating liquor, whether for reward or not, shall be guilty of an offence and liable to the same penalties as a person guilty of an offence under subsection (1).

Causing death  
by driving or  
obstruction.  
14 of 1958, s.5,  
16 of 1977, Sch.,  
1 of 1986, s.12.

**46.** Any person who causes the death of another by driving a motor vehicle on a road recklessly or at a speed or in a manner which is dangerous to the public, or by leaving any vehicle on a road in such a position or manner or in such a condition as to be dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic which is actually at the time or which might reasonably be expected to be on the road, shall be guilty of an offence whether or not the requirements of section 50 have been satisfied as regards that offence and liable to imprisonment for a term not exceeding ten years and the court shall exercise the power conferred by Part VIII of cancelling any driving licence or provisional driving licence held by the offender and declaring the offender disqualified for holding or obtaining a driving licence for a period of three years starting from the date of conviction or the end of any prison sentence imposed under this section, whichever is the later.

**47.** (1) Any person who drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic which is actually at the time or which might reasonably be expected to be on the road, shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both and the court shall exercise the power conferred by Part VIII of cancelling any driving licence or provisional driving licence held by the offender and declaring the offender disqualified for holding or obtaining a driving licence for such period as it thinks fit.

Reckless driving.  
1 of 1986, s.13.

(2) (*Repealed by 1 of 1986, s. 13*).

(3) Where a person is convicted of aiding, abetting, counselling, procuring or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time, the offence of which he is convicted shall, for the purpose of the provisions of this Act relating to disqualification for holding or obtaining driving licences, be deemed to be an offence in connexion with the driving of a motor vehicle.

**48.** Upon the trial of a person who is charged with manslaughter in connexion with the driving of a motor vehicle by him or with an offence under section 46, if the court is satisfied that such person is guilty of an offence under section 47, he may be found guilty of such offence.

Power to convict for reckless or dangerous driving on trial for manslaughter or for causing death by driving or obstruction.  
14 of 1962, s. 4,  
5 of 1971, s.2.

**49.** (1) Any person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence and liable for a first offence to a fine not exceeding five thousand shillings, and for a second or subsequent offence to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding three months.

Careless driving.  
5 of 1971, s.2,  
1 of 1986, s.14.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence for a longer period than, in the case of a first conviction, one month, or in the case of a second conviction three months:

Provided that, if the offender has been convicted of reckless or dangerous driving within the three years immediately preceding the date of his conviction for an offence under this section, such previous

conviction shall be treated for the purposes of this subsection as if it had been a conviction for an offence under this section.

(3) Where any person is charged with an offence under section 47, and the court considers that the evidence is such as to justify a conviction under this section but not under section 47, the court may convict such person of an offence under this section.

Warning to be given  
before prosecution.  
16 of 1977, Sch.

**50.** Where a person is prosecuted for an offence under any of the sections of this Act, other than section 46, relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving or to careless driving, he shall not be convicted unless-

- (a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the sections aforesaid would be considered; or
- (b) within fourteen days of the commission of the offence a summons for the offence was served on him; or
- (c) within fourteen days a notice of the intended prosecution, specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was served on or sent by registered post to him or to the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that -

- (i) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that -
  - (a) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or
  - (b) the accused by his own conduct contributed to the failure; and
- (ii) the requirement of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

Only proper fuel to  
be used in motor  
vehicles.  
11 of 1983, Sch.

**51. (1)** No fuel shall be used in any motor vehicle except that specified in the vehicle licence in respect of such vehicle or, in the case of a motor vehicle the motor unit of which is a compression ignition engine, light amber mineral fuel oil or a substitute therefor which is approved by the Minister by notice in the Gazette:

Provided that the Minister may, subject to such conditions as he may see fit to impose, exempt any specified vehicle, the motor unit of which is a compression ignition engine, from the provisions of this subsection and may specify the fuel which shall be used in such motor vehicle.

(2) If the owner or the driver of any motor vehicle uses any fuel contrary to subsection (1), or if any person sells any fuel having reason to believe that it will be so used, the owner and the driver and such person shall each be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years or to both; and in addition the vehicle shall be liable to be forfeited.

**52.** (1) The driver of a vehicle shall at all times -

- (a) obey any directions given, whether verbally or by signal, by a police officer in uniform, in the execution of his duty; and
- (b) conform to the indications given by any traffic sign; and
- (c) stop his vehicle on being so required by a police officer in uniform; and
- (d) when any person in charge of any cattle raises his hand or in any manner gives a signal to stop, forthwith stop his vehicle and keep it stationary for as long as it is reasonably necessary.

Signals and signs to be obeyed.

1 of 1986, s. 15.

(2) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and liable on first conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months, and on each subsequent conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both.

**52A.** (1) Any person who, being the driver of a vehicle, in any parking bay or parking area -

- (a) leaves the vehicle for a period in excess of the time prescribed by any traffic sign relating to that bay or area; or
- (b) contravenes or fails to comply with any traffic sign relating to that bay or area as to the manner in which vehicles shall stand in, or be driven into or out of, the bay or area; or
- (c) leaves the vehicle in contravention of any traffic sign relating to that bay or area,

Offences relating to parking bays and areas where no charges are made.  
14 of 1962, s. 5.

shall be guilty of an offence and liable to the penalties prescribed under section 67.

(2) In relation to an offence under subsection (1), the reference in that subsection to the driver of a vehicle shall be construed as a

reference to the person driving the vehicle at the time it was left in the parking bay or parking area.

(3) Where the driver of a vehicle is alleged to be guilty of an offence under subsection (1) -

- (a) the owner of the vehicle shall give such information as to the identity of the driver as he may be required by a police officer to give; and
- (b) any other person shall if required as aforesaid give any information which it is in his power to give and which may lead to the identification of the driver.

(4) A person who fails to comply with -

- (a) the requirement of paragraph (a) of subsection (3) shall be guilty of an offence, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was; and
- (b) the requirement of paragraph (b) of that subsection, shall be guilty of an offence;

and a person guilty of an offence under this subsection shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding one month.

(5) In this section - “parking area” means an area designated as such by a highway authority where vehicles, or vehicles of any class or description, may wait without charge; “parking bay” means a space in a parking area where a vehicle may wait.

Parking of vehicles carrying explosives, petroleum etc, 1 of 1986, s. 16.

**52B.** (1) No vehicle carrying explosives, ammunition, petroleum or any inflammable substance shall remain stationary for more than fifteen minutes within the boundaries of a trading centre, township, municipality or city except -

- (a) when unloading; or
- (b) in an area designated by the Minister for parking of such vehicles.

(2) Any person who in contravention of subsection (1) parks or leaves a vehicle or when in charge of a vehicle allows it to remain stationary for more than fifteen minutes shall be guilty of an offence and liable to the penalties prescribed under section 67.

(3) Nothing in this section applies to -

- (a) petroleum in the fuel tank of a vehicle;
- (b) petroleum having a flashing point below 23°C in a quantity not exceeding 50 litres;



- (c) petroleum having a flashing point of 23°C or above in a quantity not exceeding 90 litres, if that petroleum is for use only in the propulsion of the vehicle and, in the case of petroleum referred to in paragraph (b) or (c), is carried in air-tight tins not exceeding 18 litres in capacity.

(4) In this section -

“ammunition” has the meaning given in section 2 of the Firearms Act; Cap. 114.

“explosives” has the meaning given in section 2 of the Explosives Act; Cap. 115.

“petroleum” has the meaning given in section 2 of the Petroleum Act. Cap. 116.

**53.** (1) No vehicle shall be allowed to remain in any position on any road so as to obstruct or to be likely to obstruct or cause inconvenience or danger to other traffic using the road, and, save where the contrary is expressly provided in this Act, every vehicle on a road, when not in motion, shall be drawn up as close to the side of the road as possible. Obstruction.  
14 of 1958, s. 6,  
11 of 1983, Sch.,  
1 of 1986, s. 17.

(2) The driver of any vehicle shall, in case of a break-down, remove the vehicle from the road as soon as possible, and until so removed the vehicle shall be placed as close to the side of the road as possible; and as the vehicle remains on the road between the hours of 6.45 p.m. and 6.15 a.m., its position shall be clearly indicated by a light or lights visible to drivers of vehicles approaching from either direction.

(3) If any part of the vehicle remains on or near the road in a position so as to obstruct or to be likely to obstruct or to cause or to be likely to cause inconvenience or danger to other traffic using the road, the driver shall place on the road not less than fifty metres from the vehicle two red reflecting triangles of such construction and dimensions as may be prescribed, one ahead of the vehicle and one behind it so that each is clearly visible to drivers of vehicles approaching from ahead or behind, as the case may be.

(4) Any person who leaves any vehicle on a road in such a position or manner or in such a condition as to cause or be likely to cause any danger to any person shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding eighteen months.

Racing, pacemaking  
and trial of speed.

**54.** (1) It shall not be lawful for any person, without the written consent of the highway authority and of the Commissioner of Police, to promote or take part in any race or trial of speed between vehicles on a road.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise, and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of conviction for holding or obtaining a driver's licence.

Condition of  
vehicles.

**55.** (1) No vehicle shall be used on a road unless such vehicle and all parts and equipment thereof, including lights and tyres, comply with the requirements of this Act, and such parts and equipment shall at all times be maintained in such a condition that the driving of the vehicle is not likely to be a danger to other users of the road or to persons travelling on the vehicle.

(2) No motor vehicle the weight or dimensions of which laden or unladen exceeds the maximum weight or dimensions provided for such vehicles by rules made under this Act shall be used on a road.

Limitation of loads.

**56.** (1) No vehicle shall be used on a road with a load greater than the load specified by the manufacturer of the chassis of the vehicle or than the load capacity determined by an inspector under this Act.

(2) No vehicle shall be used on a road if it is loaded in such a manner as to make it a danger to other persons using the road or to persons travelling on the vehicle; and should any load or part of a load fall from any vehicle on to a road such fact shall be *prima facie* evidence that the vehicle was loaded in a dangerous manner until the contrary is proved to the satisfaction of the court.

(3) For the purpose of this section, persons travelling on a vehicle shall be deemed to be part of the load.

Exemptions.

**57.** (1) A highway authority may grant a permit subject to such conditions as may be specified therein -

- (a) for the use on a road of a vehicle the weight or dimensions of which exceeds the maximum weight or dimensions provided for by rules made under this Act;
- (b) for the carriage by a vehicle on a road of any specified load which it is unlawful to place on the vehicle under the provisions of any rules made under this Act.

(2) Every permit granted under this section shall be in writing, and shall be carried on the vehicle in question whenever the vehicle is being used under the authority of that permit.

**58.** (1) Any person who drives or uses on a road a vehicle in contravention of the provisions of section 55 or section 56 shall be guilty of an offence and liable to a fine not exceeding four hundred thousand shillings or to imprisonment for a term not exceeding two years or to both:

Penalty for improper condition or overloading. 13 of 1980, Sch., 11 of 1983, Sch., 2 of 2007.

Provided that rules under this Act may provide that a person who is guilty of an offence under section 55 or 56 shall be liable to pay a fine according to a prescribed scale, and different scales may be prescribed for first offenders, and for second or subsequent offenders, within a prescribed period, but so that no person shall thereby be liable to pay a fine greater than the maximum provided by this subsection; and for the avoidance of doubt it is declared that liability of a person to pay a fine on a prescribed scale shall not affect that person's liability to imprisonment under this subsection as an alternative to, in addition to, or in default of, the payment of a fine.

(2) For the purposes of subsection (1), any person who is shown to the satisfaction of the court to be responsible for the maintenance of the vehicle, and any person who is shown to the satisfaction of the court to have been responsible for the loading of the vehicle, shall be deemed to have used the vehicle on the road.

(3) (a) In any case where a motor vehicle or trailer is twice or more times, in a period of twelve months, the subject of a successful prosecution under any of the provisions of sections 55 and 56, the court shall, unless for special reasons to be recorded it decides otherwise, order the Registrar to suspend the licence of such vehicle for a period of two years.

2 of 2007.

(b) The Registrar shall thereupon suspend the licence of the vehicle for such period, and the owner of the vehicle shall return the licence of the vehicle to the Registrar, who in no case shall issue another licence in respect of such vehicle until the termination of the period of suspension.

(c) No vehicle licence shall be returned or new licence granted in respect of a vehicle whose licence has been so suspended unless an inspector certifies that the vehicle is fit in all respects for use upon the road.

(4) When a vehicle licence has been suspended under subsection (3) no refund of licence fee shall be made.

**59.** (1) No person in a motor vehicle shall molest or obstruct the driver of the motor vehicle while it is in motion.

Obstructing driver of motor vehicle.

(2) In no motor vehicle shall passengers be carried in such numbers or in such a position as to be likely to interfere with the safe driving of such motor vehicle; and in the event of a contravention of this subsection the driver and the person in charge of the motor vehicle shall be guilty of an offence.

(3) No person driving a motor vehicle shall be in such a position that he cannot control the same or obtain a full view of the road and traffic ahead.

Restrictions on  
pillion riding.

**60.** (1) It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the motor cycle and on a proper seat securely fixed to the motor cycle behind the driver's seat.

(2) If any person is carried on any such motor cycle in contravention of this section, the driver of the motor cycle shall be guilty of an offence and liable to a fine not exceeding two hundred shillings.

Riding in position.

**61.** (1) Except for the purpose of testing or repairing a motor vehicle, no person shall ride or be carried on the footboard, tailboard, steps, mudguards, canopy, roofing or elsewhere on the outside of any vehicle.

(2) No person shall ride or be carried on any load upon a vehicle if such a proceeding is unsafe by reason of the insufficiency of space available for such person to stand or sit, or by reason of the position in which he is carried or the height or arrangement of the load.

(3) If a person is, in opinion of a police officer in uniform, contravening subsection (1) or (2), the police officer may order him to a safe place on the vehicle or may order him off the vehicle.

(4) If a person refuses or delays or fails to comply with an order by a police officer in uniform under subsection (3), he shall be guilty of an offence and liable, whether or not he is in addition liable to any penalty for contravening subsection (1) or (2), to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding one month.

Restrictions on  
persons being towed.

**62.** No person, otherwise than with lawful authority or reasonable cause, shall take or retain hold of, or get on or off, a motor vehicle or trailer while in motion on any road

Causing damage to  
motor vehicle.

**63.** No person shall throw any object at any vehicle or at any person in or on such vehicle, nor shall he place any object on any road

nor by any means impede the progress of any vehicle whereby injury or damage might be caused to such vehicle or any person.

**64.** No person shall, without the knowledge or permission of the owner, or without reasonable excuse, get on to a motor vehicle or trailer, or attempt to manipulate any of the levers, the starter, brakes or machinery of such a vehicle, or in any way tamper with a motor vehicle or trailer, while it is standing on a road or parking place.

Tampering with motor vehicle.

**65.** (1) If any person, whether employed by the owner or not, takes and drives away any motor vehicle without the consent of the owner thereof or other lawful authority, he shall be guilty of an offence and liable to imprisonment for a term not exceeding nine months or to a fine not exceeding three thousand shillings or to both:

Taking motor vehicle without consent.

Provided that if the court is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of an offence.

(2) If, in any prosecution for stealing a motor vehicle, the court is of opinion that the defendant is not guilty of stealing the motor vehicle, but was guilty of an offence under this section, the court may find him guilty of an offence under this section.

(3) In addition to any penalty specified in this section, the court may order that the convicted person shall pay to the owner of the motor vehicle such sum as represents fair compensation for any damage sustained by the owner of the motor vehicle.

**66.** No person shall -

- (a) leave unattended on a road any motor vehicle with the engine running;
- (b) quit any vehicle without having taken due precautions against its moving along the road from its stationary position.

Unattended motor vehicles.

**66A.** (1) No person shall drive a public service vehicle or a commercial vehicle for more than a total of eight hours in any period of twenty-four hours.

Maximum driving hours.  
1 of 1986, s. 19.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable -

- (a) on first conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months; and

- (b) on each subsequent conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years, and the court shall order the suspension of any driving licence held by that person for a period of not less than thirty days;

and in the case of a second or subsequent conviction in respect of the same public service vehicle the court shall exercise the power conferred by section 99 (2) by ordering the suspension of the public service vehicle licence for that vehicle for a period of not less than thirty days.

Disqualification on third endorsement in three years.  
1 of 1986, s. 19.

**66B.** Where -

- (a) a person is convicted of an offence in respect of which the court may or shall order particulars of the conviction to be endorsed on any driving licence held by him; and
- (b) that person has within the three years immediately preceding the commission of the offence been convicted on not less than two occasions of offences of which particulars of the convictions have been ordered to be endorsed on any driving licence held by him,

the court shall exercise the power conferred by section 76 of cancelling any driving licence or provisional driving licence held by the offender and declaring the offender disqualified for holding or obtaining a driving licence for such period of not less than six months as the court thinks fit.

Penalties under this Part. 1 of 1986, s. 20.

**67.** (1) Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable, where no penalty is specifically provided, on first conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months, and on each subsequent conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

(2) Any court before which a person is convicted of any offence under this Part (except an offence under section 52 (d), 52A or 52B), shall in every case in addition to any other penalty specifically provided, order particulars of the conviction to be endorsed on any driving licence held by the person convicted.

PART VI - REGULATION OF TRAFFIC

Highway code.  
9 of 1967, Sch

**68.** (1) The Minister shall prepare a code (in this section referred to as the highway code) comprising such directions as appear to him to be proper for the guidance of persons using roads, and may from time to time revise the highway code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.

(2) The highway code and any alterations proposed to be made in the provisions thereof shall be laid before the National Assembly, and, if a resolution of the National Assembly is passed within thirty days of their being so laid that such code be revoked or amended in accordance with such resolution, such code shall be deemed to be revoked or amended accordingly, but without prejudice to anything previously done or suffered by virtue thereof.

(3) A failure on the part of any person to observe any provisions of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

**69.** Without prejudice to any powers or duties of the police under this Act or any other Act, it shall be the duty of the police -

Power to regulate traffic.

- (a) to regulate all traffic and to keep order and prevent obstruction in all roads, parking places and other places of public resort;
- (b) to divert traffic temporarily, or to restrict or close and deny public access to any road, parking place or other place of public resort, where any emergency or any assembly or other event appear to render advisable such a course.

**70.** (1) Subject to and in conformity with such general or other directions as may be given by the Minister, a highway authority may cause or permit traffic signs to be placed on or near a road.

Traffic signs.

(2) Traffic signs shall be of the prescribed size, colour and type except where the Minister authorizes the erection or retention of a sign of another character.

(3) After the commencement of this Act, no traffic signs shall be placed on or near any road except under and in accordance with subsections (1) and (2) of this section:

Provided that -

- (i) nothing in this subsection shall apply to any notice in respect to the use of a bridge;
- (ii) a highway authority or police officer of or above the rank of Inspector may authorize the erection of any traffic sign for any special purpose for a period not exceeding seven days, and such traffic sign shall be deemed to be lawful even though it does not conform to the requirements of this section.

(4) All traffic signs shall be deemed to have been lawfully erected until the contrary is proved.

(5) A highway authority may, by notice in writing, require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such a notice the highway authority may effect the removal, doing as little damage as may be, and may recover as a civil debt recoverable summarily from the person so in default the expense incurred in so doing:

Provided that this subsection shall not apply in the case of any sign or object so long as its retention is expressly authorized by the highway authority.

Closure of roads.

**71.** (1) It shall be lawful for the highway authority or its authorized representative, for the purpose of preventing damage being caused to any road or for the purpose of carrying out any works which it may consider necessary or desirable in connexion with the maintenance or improvement of any road, to close the whole or any part of such road to all vehicles or any particular type of vehicles at any time for any period it may think fit.

(2) It shall not be lawful for the driver or person in charge of a vehicle to drive or haul the vehicle or cause it to be driven or hauled over any bridge on or near which a conspicuous notice has been placed to the effect that such bridge is insufficient to carry traffic in excess of a specified weight, unless the gross weight of such vehicle and any trailer attached thereto is less than the weight specified or unless he has obtained the consent in writing of the highway authority.

(3) It shall not be lawful for the driver or person in charge of any vehicle to drive or haul the vehicle or cause it to be driven or hauled over any portion of a road which is closed to traffic and where a conspicuous notice is displayed to the effect that the road is closed, unless he has received the permission in writing of the highway authority.

Injury to bridges.

**72.** If any injury to a bridge or road is caused through any contravention of this Act, it shall be lawful for the highway authority to make good such injury and to recover the cost thereof from the owner of the vehicle, and the certificate of the highway authority of the amount of the cost of making good such injury shall be conclusive evidence of the amount payable by such owner.



## PART VIA - DESIGNATED PARKING PLACES

**72A.** (1) A local authority may, by by-laws -

- (a) designate parking places on roads, within its area of jurisdiction for vehicles or vehicles of any particular class or description, having regard to both the interests of traffic and the interests of owners and occupiers of adjoining property;
- (b) prescribe the manner in which vehicles shall stand in or be driven into or out of the designated parking place;
- (c) provide that a vehicle may not be left continuously in the designated parking place for longer than a specified period;
- (d) provide that a vehicle which has been taken away from the space in which it was left in the designated parking place shall not again be left in that designated parking place until after the expiration of such interval as may be prescribed;
- (e) empower an inspector, or police officer or any specified person to effect the moving, in case of emergency, of vehicles left in a designated parking place, or the moving of vehicles left in a designated parking place in contravention of this Part or any by-laws made thereunder, to suspend the use of a parking place or any part thereof when expedient and to provide for the temporary removal of a parking meter;
- (f) provide for the reservation of spaces in a parking place for the exclusive use of Ministers, Assistant Ministers, Permanent Secretaries of Ministries and heads of diplomatic missions;
- (g) provide for the removal from a parking place, and the safe custody, of any vehicle in respect of which any requirement of this Part has been contravened in relation to a parking place, and for the recovery of the cost of removal and safe custody;
- (h) prohibiting or restricting the carrying on of trades or other activities or the doing of any other thing within a designated parking place;
- (i) prescribe anything which under this Part may be prescribed;
- (j) make such incidental or consequential provision as appears to the local authority requisite for the purpose of the satisfactory operation of a parking place or for giving effect to the provisions and purposes of this Part.

Power to make by-laws for designated parking places.  
13 of 1968, s. 2.  
20 of 1989, Sch.

(2) The procedure for the making, approval and publication of by-laws made under subsection (1) shall be that prescribed in the Local Government Act, and, for the purposes of their enforcement and the disposal of fines imposed for their contravention, such by-laws shall

Cap. 265.

be deemed to be by-laws made by the same local authority under that Act.

(3) Notwithstanding anything to the contrary contained in any written law, by-laws made by a local authority under subsection (1) may provide for the use of clamps on motor vehicles parked elsewhere than in a designated parking place.

Charges for use of  
designated parking  
places.

13 of 1968, s. 2.  
14 of 1991, Sch.

**72B.** (1) There shall be paid to the local authority in respect of a vehicle left in a designated parking place charges calculated in accordance with this section or in such other manner as the local authority may by by-laws prescribe.

(2) There shall be a prescribed standard period for each designated parking place and, subject to this section, the amount of the charge for a vehicle left in the parking place for a time not exceeding the standard period, called the initial charge, shall be such amount, called the standard amount, as may be prescribed, and the initial charge shall be payable on the leaving of the vehicle in the parking place:

Provided that—

- (i) if it is so prescribed, the initial charge for a vehicle for a time not exceeding one-half of the standard period shall be one-half of the standard amount; and
- (ii) where paragraph (i) has effect, and it is further so prescribed, then, if before the end of the prescribed time a further payment of one-half of the standard amount is made, the two payments shall be treated as a single payment of an initial charge of the standard amount made on the leaving of the vehicle.

(3) If a vehicle is left in the parking place after the period for which payment was made by the initial charge has expired, the amount of the charge shall be the amount of the initial charge together with such additional amount, called an excess charge, as may be prescribed, and the excess charge shall be payable in such manner and at such time as may be prescribed.

(4) A parking meter of a type approved by the Minister shall be provided for each space in a designated parking place, and shall be erected as close to that space as is practicable; and -

- (a) payment of the initial charge shall be made by the insertion of coins in the parking meter and turning the handle of the parking meter to its full extent so as to indicate the length of time paid for;
- (b) subject to paragraph (c), if, at any time while a vehicle is left in the parking place, the specified indication appears

in the parking meter for the space in which the vehicle is left, it shall be presumed unless the contrary is proved that the initial charge has been duly paid and that the period for which payment was made by the initial charge has already expired;

- (c) if it is proved that the time for which the vehicle has been left in the parking place is less than the standard period, or (where proviso (i) to subsection (2) has effect) less than half the standard period, paragraph (b) shall not have effect but it shall be presumed unless the contrary is proved that the initial charge has not been duly paid for the vehicle.

- (5) Notwithstanding anything contained in this section, a local authority may, by by-laws, prescribe other methods for the payment of parking fees in respect of a vehicle left in each designated parking place.

**72C.** (1) Where an excess charge has been incurred in respect of a vehicle, an inspector shall attach to the vehicle in a conspicuous position a notice, which shall contain the prescribed particulars.

Supplemental provisions regarding excess charge.  
13 of 1968, s. 2.

(2) Where a notice has been attached to a vehicle under subsection (1), any person (other than the owner or driver of the vehicle or an inspector) who removes the notice, except with the authority of the driver, shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

(3) Where an inspector has attached a notice to a vehicle under subsection (1), the vehicle may remain left in the same space in the parking place for a period of two hours from the time specified in the notice, without becoming liable to pay a further excess charge, but at the end of that period a further excess charge shall become payable.

**72D.** Notwithstanding this Part-

- (a) a vehicle may be left in a space in a parking place without payment of the initial charge if the parking meter for the space does not show the specified indication:

Exceptions.  
13 of 1968.

Provided that, the vehicle remains in the space after the specified indication appears, it shall be treated for the purpose of this Part as having been left in the space at the time the specified indication appeared;

- (b) the following vehicles may be parked in a designated parking place without payment of an initial charge or an excess charge-
  - (i) police vehicles while on duty;

- (ii) ambulances while on duty;
  - (iii) fire service vehicles while on duty;
  - (iv) a vehicle waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
  - (v) a vehicle parked by reason of its breakdown for a period not exceeding two hours;
- (c) a vehicle may be parked in a designated parking place without payment of an initial charge or an excess charge during such hours or days as may be prescribed as hours or days during which no charges are payable under this Part:

Provided that, a vehicle which remains in the parking place after the end of those hours or days shall be treated for the purposes of this Part as having been left in the parking place immediately after the end of those hours.

Meters may be taken out of use.  
13 of 1968, s. 2.

**72E.** (1) An inspector may place a cover bearing the words “Meter Out of Use” over any parking meter or parking meter case in or adjacent to a designated parking place—

- (a) if the parking meter is out of order or has been removed;
- (b) for the purpose of facilitating the movement of traffic or promoting its safety;
- (c) for the purpose of any building operation, demolition or excavation adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place, or the laying, erection, alteration or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of water or electricity or of any telegraphic line or other public utility service;
- (d) for the convenience of occupiers of premises adjacent to the parking place on the occasion of the removal of furniture, otherwise than by way of trade; or
- (e) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed.

(2) Where a parking meter for a space in a parking place bears a cover bearing the words “Meter Out of Use”, no vehicle shall be left in that space.

Duty of local authority concerning parking meters.  
13 of 1968, s. 2.

**72F.** Where parking meters are installed in a designated parking place, it shall be the duty of the local authority to take the prescribed steps to ensure that they are maintained in good working order, and in particular -

- (a) for causing them to be periodically inspected; and
- (b) for causing any faults then or at any other time found to be

- remedied or the parking meters replaced; and
- (c) for testing the meters (both before they are brought into use and not less frequently than the prescribed intervals and on other prescribed occasions); and
- (d) recording the date of testing and the persons carrying out the testing.

**72G.** (1) Where -

- (a) a vehicle is left in a designated parking place, and any initial charge or excess charge which is thereby incurred is not duly paid; or
- (b) a vehicle is left in a designated parking place and any of the provisions of this Part or of any by-laws made thereunder relating to the manner in which vehicles shall stand in or be driven into or out of parking places is thereby contravened; or
- (c) a vehicle is left in a designated parking place otherwise than as authorized by this Part or by any by-laws made thereunder, the owner of the vehicle and the driver of the vehicle shall each be guilty of an offence and liable to a fine not exceeding two hundred shillings, or in the case of a second or subsequent offence to a fine not exceeding five hundred shillings:

Offences concerning  
designated parking  
places.  
13 of 1968, s. 2.

Provided that -

- (i) the owner of the vehicle shall not be guilty of an offence if he proves that the vehicle was being driven without his permission; and
- (ii) where the owner of a vehicle has been convicted of an offence under this subsection, the driver of the vehicle shall not be convicted of such an offence in respect of the same act or omission, and, where the driver of a vehicle has been convicted of an offence under this subsection, the owner of the vehicle shall not be convicted of such an offence in respect of the same act or omission.

(2) In subsection (1), “driver”, in relation to a vehicle, means the person who was driving the vehicle at the time it was left in the designated parking place.

(3) Where, in a prosecution for an offence under this Part, it is proved that the charge which has become due, or any part of that charge, has not been duly paid, the court, in addition to or instead of imposing a penalty in respect of the offence, shall order the payment of the money not paid, and any sum ordered to be so paid shall be recoverable as a penalty.

(4) Any person who, whether he is the driver of a vehicle or not, contravenes any by-laws made under this Part, otherwise than in the manner specified in subsection (1), shall be guilty of an offence and liable to a fine not exceeding two hundred shillings, or in the case of a second or subsequent offence to a fine not exceeding five hundred shillings.

(5) Any person who -

- (a) wilfully damages a parking meter or its case or stand; or
- (b) with intent to defraud, interferes with a parking meter, or operates or attempts to operate a parking meter by the insertion of anything other than a coin of the appropriate denomination; or
- (c) without the authority of the local authority, paints, marks or otherwise disfigures a parking meter or its case or stand; or
- (d) without the authority of the local authority, uses a parking meter or its case or stand for the purpose of advertisement,

shall be guilty of an offence and liable to imprisonment for a term not exceeding three months or to a fine not exceeding two thousand five hundred shillings or to both.

(6) In a prosecution for an offence under this section, it shall be assumed unless the contrary is shown that any apparatus in or adjacent to a designated parking place, being an apparatus operated by the insertion of coins, is a parking meter of a type approved under section 72B(4).

(7) Where in a prosecution for an offence under this section of failing to pay an excess charge it is not proved that the excess charge had become due, but it is proved that the initial charge had not been paid, the accused person may be convicted of an offence under this section of failing to pay the initial charge.

(8) Where a parking meter relating to the space in which a vehicle is left in a parking place indicates that the period for which payment made for the vehicle by the initial charge has expired, and the local authority by whom the parking place is controlled is satisfied that that initial charge was not paid, acceptance by the local authority of payment of the excess charge shall be a bar to prosecution for an offence under this section of failing duly to pay the initial charge.

**72H.** The exercise by a local authority of its powers under this Part shall not render the local authority liable in respect of any loss or damage to any vehicle or to the contents or fittings thereof.

**72I.** In this Part -

Interpretation of this Part.  
13 of 1968, s. 2.

“excess charge” means the charge called an excess charge in section 72B (3) (including an excess charge payable in the circumstances described in section 72C (3);

“initial charge” means the charge called an initial charge in section 72B (2);

“inspector” means a person appointed by the local authority as an inspector for the purposes of this Part;

“parking meter” means a parking meter within the meaning of section 72B (4);

“parking place” means a parking place designated by by-laws under section 72A (1);

“prescribed” means prescribed by by-laws made under section 72A (1);

“specified indication” means the device contained in a parking meter the appearance of which shows that the time for which a vehicle may be parked in a space in a parking place has expired.

**PART VI B - PARKING ELSEWHERE THAN IN DESIGNATED PARKING PLACES**

**72J.** Without prejudice to its powers to make by-laws under section 72A, a local authority may -

Power to make by-laws for parking elsewhere than in designated parking places.  
13 of 1968, s. 2.

- (a) provide parking places on roads or on other places under its control, within its area of jurisdiction, for vehicles or vehicles of any particular class or description (including the provision of omnibus stations), having regard to both the interests of traffic and the interests of owners and occupiers of adjoining property;
- (b) by by-laws provide in relation to such parking places for any matter Which under section 72A (1) may be provided for in relation to designated parking places (other than the matter mentioned in paragraph (e) of that subsection), and impose charges for the use of parking places so provided and provide penalties for the contravention of the by-laws,

and subsection (2) of that section shall apply in respect of any such by-laws.

## PART VII - ACCIDENTS

Duty to stop and  
report.  
52 of 1959, s. 9.

**73.** (1) If, in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby injury or damage is caused to any person, vehicle, dog or cattle, the driver of the motor vehicle shall stop, and if required to do so by any person having reasonable grounds for so requiring give his name and address, and also the name and address of the owner and the identification marks of the vehicle.

(2) Any other person in the vehicle at the time of the accident shall also, if required to do so, give his name and address.

(3) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, or if any injury has been caused to any person, dog or cattle, the driver shall report the accident at a police station or to a police officer as soon as reasonably possible, and in any case within twenty- four hours of the occurrence thereof.

(4) The owner of a motor vehicle shall supply the police with all information necessary for the identification of a driver involved in an accident.

Inspection of vehicle  
involved in an  
accident.

**74.** Where an accident arises out of the presence of a motor vehicle on a road, any police officer may inspect any vehicle in connexion with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is, and if any person obstructs such police officer in the performance of his duty under this section he shall be guilty of an offence.

Penalties under this  
Part.

**75.** Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable on first conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months, and on each subsequent conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both.

PART VIII - SUSPENSION, CANCELLATION AND ENDORSEMENT OF  
DRIVING LICENCES

Powers of court.  
1 of 1986, s. 21.

**76.** (1) Any court before which a person is convicted of any offence in connexion with the driving of a motor vehicle may -

- (a) if the person convicted holds a driving licence or provisional driving licence, suspend the licence for such time as the court thinks fit, or cancel the licence and declare the person convicted disqualified for obtaining another licence for a stated period;



- (b) if the person convicted holds a driving licence, suspend the licence until such time as the person passes a driving test under section 39;
- (c) if the person convicted does not hold a driving licence or provisional driving licence, declare him disqualified for obtaining a licence for a stated period;
- (d) limit any suspension, cancellation or disqualification imposed under this section to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed;
- (e) without prejudice to section 67 (2) if the person convicted holds a driving licence, order that particulars of the conviction be endorsed thereon.

(2) In any case where a court disqualifies a person for obtaining a driving licence until he has passed a driving test, a licensing officer shall issue such person on application and on payment of the prescribed fee with a provisional driving licence.

(3) An order disqualifying a person for obtaining a driving licence shall be deemed to be an order disqualifying him for obtaining either a driving licence or a provisional driving licence.

**77.** An appeal shall lie against any order made by a court under section 76 in the same manner as against a conviction, and the court making the order or the court to which the appeal lies may suspend the operation of the order pending the determination of the appeal.

Right of appeal.

**78.** (1) In any case where a court under any provisions of this Act has ordered the suspension of a driving licence or provisional driving licence, the licence shall be deemed to be cancelled in respect of the class or classes of motor vehicles in respect of which the order was made.

Cancellation of driving licence.

(2) On the application of any person for a new driving licence endorsed in respect of any class or classes of motor vehicles in respect of which the applicant's licence has been cancelled, the licensing officer shall treat such person as if he were applying for a driving licence in respect of such class or classes of motor vehicles for the first time, and shall in no circumstances issue him with a driving licence until he has passed the prescribed test.

(3) Notwithstanding the provisions of paragraph (a) of subsection (1) of section 31, the possession of a driving licence or certificate of competency issued by a competent authority shall not, in any case, exempt an applicant for a driving licence from passing the prescribed driving test, if such applicant has been disqualified for holding or obtaining a driving licence.

Production of driving  
licence.  
1 of 1986, s. 22.

**79.** (1) Where a person is charged with an offence under this Act for which the penalty may be or shall include disqualification for holding or obtaining a licence, or suspension, cancellation or endorsement of a licence, he shall, if he holds a driving licence or provisional driving licence, produce that licence at the time of the hearing to the court by which the charge is to be heard.

(2) A person to whom subsection (1) applies shall, before the hearing, be served by a police officer, either personally or by registered post, with notice in such form as may be prescribed informing him of the provisions of this section.

(3) At the time when a person to whom subsection (1) applies is charged with the offence, a police officer in uniform may demand from that person any driving licence or provisional driving licence which he holds and if the licence is delivered the police officer shall deliver it to the court by which the charge is to be heard.

(4) A person who fails to comply with subsection (1), unless he shows good cause to the contrary, shall be guilty of an offence and liable forthwith by order of the court to a fine of five hundred shillings or to imprisonment for a term not exceeding one month.

(5) Without prejudice to subsection (4), a person who fails to comply with subsection (1) and who is convicted before any court of an offence in connexion with the driving of a motor vehicle shall, if he holds a driving licence or provisional driving licence, produce such licence within such time as the court may direct for the purpose of endorsement.

Custody of licence  
while suspended or  
cancelled.

**80.** (1) Where a court orders particulars to be endorsed on a driving licence or provisional driving licence held by any person, or where by a conviction or order of a court such a licence is cancelled, the court shall send notice of this conviction or order to the Registrar and, in a case where a person's licence is cancelled, shall also on the production of the licence for the purpose of endorsement retain it and forward it to the Registrar.

(2) Where the suspension, cancellation or disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the Registrar to whom that person's licence has been forwarded under this section shall forthwith after the receipt thereof issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is thereby authorized to drive.

**81.** If any person who under this Part is disqualified for holding or obtaining a driving licence or provisional driving licence applies for or obtains a licence while he is so disqualified, or if any person while he is so disqualified drives a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, drives a motor vehicle of that class or description, on a road, or if any person who has been refused a licence applies for or obtains a licence without disclosing such refusal, he shall be guilty of an offence and liable to imprisonment for a term not exceeding nine months or to a fine not exceeding three thousand shillings; and a licence obtained by any person disqualified as aforesaid shall be of no effect.

Fraudulent application for driving licence.

**82.** On the issue of a driving licence or provisional driving licence to any person, the particulars endorsed on any previous licence held by him shall be inserted in the new licence, unless he has previously become entitled under section 84 to the issue of a licence free from endorsement.

Particulars of endorsement to be inserted in new licence.

**83.** If any person whose driving licence or provisional driving licence has been ordered to be endorsed, and who has not previously become entitled under section 84 to have a licence issued to him free from endorsement, applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months; and any licence so obtained shall be of no effect.

Applying for licence without disclosing endorsement.

**84.** Where a person in respect of whom an order has been made under this Part requiring the endorsement of any licence or provisional driving licence held by him has during a continuous period of three years or upwards since the order was made had no other such order made against him, he shall be entitled, at any time, on application and subject to the payment of the prescribed fee and to the surrender of any subsisting permit, to have issued to him a new licence free from endorsement:

Issue of new licence free from endorsement.

Provided that in reckoning the said period of three years any period during which the person was by virtue of the order disqualified for holding or obtaining a permit shall be excluded.

#### PART IX - OFFENCES BY DRIVERS OF VEHICLES OTHER THAN MOTOR VEHICLES AND OTHER ROAD USERS

**85.** Any person who when driving or attempting to drive, or when in charge of a vehicle, other than a motor vehicle, on a road or other public place is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle shall be guilty

Driving under influence of drink.

of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

Reckless driving.

**86.** Any person who on any road or in any public place drives any vehicle, other than a motor vehicle, recklessly or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic which is actually at the time or which might reasonably be expected to be on the road, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

Careless driving.

**87.** Any person who on any road or in any public place drives a vehicle, other than a motor vehicle, without due care or attention, or in such a manner as to be an annoyance to the public, shall be guilty of an offence and liable to a fine not exceeding two hundred shillings.

Carelessness while in charge of animals.  
5 of 1971, s. 3.

**88.** Any person driving or conducting any cattle, dog or other animal who, on any road, fails to exercise reasonable care to keep it or them under proper control, or allows such cattle, dog or animal to become a danger or annoyance to the public, shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

Restrictions on riding bicycles.

**89.** (1) Not more than one person shall be carried in addition to the rider on any bicycle, nor shall any such one person be so carried otherwise than sitting on a carrier securely fixed to the bicycle or on a step especially fitted to carry a passenger.

(2) No person shall carry on a bicycle a load which because of its size or the manner in which it is carried is likely to be a danger to other persons using a road.

(3) Any person contravening the provisions of this section shall be guilty of an offence and liable to a fine not exceeding two hundred shillings.

#### PART X - MISCELLANEOUS PROVISIONS AS TO ROADS

Offences in connexion with roads.

**90.** (1) No owner or person in charge of a vehicle drawn by animals shall allow an animal which is of materially defective vision to be used for drawing such vehicle on a road.

(2) No person shall do any of the following on a road -

- (a) wilfully or negligently lead or drive any animal or vehicle on a footpath or in a road drain;
- (b) play any games to the annoyance, inconvenience or danger of persons using the road;

- (c) wilfully obstruct the free passage of persons or vehicles passing along the road;
- (d) drive or conduct any vehicle drawn by animals without having reins to guide the animals, unless a person leads the animals in such a manner as to have proper control over them;
- (e) when driving a vehicle, sleep whilst such vehicle is in motion;
- (f) permit any cattle to be at large without being under such efficient control as to prevent their damaging the road;
- (g) outspan any animals from a wagon or cart.

**91.** (1) Every person who, without the written permission of the highway authority -

Encroachment on and damage to roads.  
38 of 1968, Sch.

- (a) encroaches on a road or on any land reserved therefore at the side or sides thereof by making or erecting any building, fence, ditch, advertisement sign or other obstacle, or by digging thereon or by planting or sowing any tree, shrub or seeds thereon; or
- (b) deposits or causes to be deposited in any manner whatever on a road any material or matter, other than road-making materials deposited for the purpose of making up or repairing the road; or
- (c) digs up, removes or alters in any way the soil or surface of a road, or of any land reserved therefor at the side or sides thereof, or if done for the purpose of moving a vehicle without immediately thereafter making good the damage; or
- (d) wilfully fills up, alters or obstructs any ditch or drain, whether on a road or contiguous thereto, made by or under the control of the highway authority, to carry water off the road or to keep it from flowing on to the road; or
- (e) allows any sludge or any filthy or noisome matter to flow from any building or land in his occupation on to a road or into any ditch or drain made by the highway authority; or
- (f) causes or allows any timber, sledge, plough or other heavy material, vehicle or implement not wholly raised above the ground on wheels to be dragged on a road; or
- (g) pitches any tent, booth or stall on a road; or
- (h) makes any fire on any road,

shall be guilty of an offence.

(2) It shall be lawful for the highway authority to remove anything whatsoever which has been placed or erected on a road or land reserved therefor in contravention of this section.

Prohibition on use of tracked vehicles, etc.

**92.** (1) No person shall use or cause or permit to be used on any road any vehicle or trailer having ribbed, studded or spiked wheels or fitted with chain or crawler type metal track:

Provided that this subsection shall not apply -

- (i) where such wheels or tracks are fitted with special rims or street plates which would ensure an even contact with the road surface;
- (ii) to any road set aside by a highway authority for the use of ox-drawn vehicles;
- (iii) in any case where the highway authority has given permission in writing for the use of such a vehicle and such permission is carried on the vehicle to which it relates.

(2) No person shall use or cause or permit to be used on any road any ox-drawn vehicle not fitted with pneumatic tyres except on a road set aside for ox-drawn vehicles or on a road where no alternative road in a reasonably usable condition exists for ox-drawn vehicles.

(3) No person shall use or cause or permit to be used on any road which has a bituminous surface any vehicle the wheels of which are fitted with non-skid chains or any device of a similar kind for a similar purpose.

Non-liability of highway authority for damage.

**93.** (1) The highway authority shall not be liable for any loss or damage which may be caused to any person or property through the condition of a road or the failure of a road to sustain the weight of a vehicle.

(2) Nothing in this Act shall affect the right of the highway authority or of any person to recover compensation from the owner or driver of any vehicle for any loss, damage or injury which may be sustained by the highway authority or such person by the use of a vehicle.

Penalties under this Part.  
5 of 1971, s. 3.

**94.** Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

#### PART XI - PUBLIC SERVICE VEHICLES

Public service vehicles to be licenced.  
5 of 1971, s. 4,  
1 of 1986, s. 23.

**95.** (1) No person shall own, drive or be in charge of any public service vehicle on a road, unless there is in force in relation to such vehicle a public service vehicle licence issued under this Part.

(2) Any person who contravenes this section shall be guilty of an offence and liable -

- (a) on first conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both;
- (b) on second or subsequent conviction, to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding one year or to both.

**96.** (1) Application for the licensing of any motor vehicle as a public service vehicle shall be made by the registered owner of the vehicle.

Application for public service vehicle licence.  
52 of 1959, s. 10,  
10 of 1984, s.5.

(2) An application under subsection (1) shall be made to a licensing officer in the prescribed form and in the prescribed manner.

(3) No public service vehicle licence shall be issued in respect of any motor vehicle -

- (a) other than to the registered owner of such vehicle;
- (b) which is not registered and licensed under Parts II and III;
- (c) which does not comply with the provisions of this Act as to construction, equipment and use;
- (d) which is intended to be used as an omnibus, unless the owner of such vehicle is in possession of a valid road service licence in respect thereof issued under the Transport Licensing Act and unless such vehicle complies with any conditions attached to such licence;
- (e) which is intended to be used as a taxicab, unless such vehicle has been registered as a taxicab under any by-laws in force in a municipality or township;
- (f) unless a certificate authorizing the issue of such a licence is granted to the applicant by a police officer of or above the rank of Assistant Superintendent, who shall certify that the applicant is a fit and proper person to hold such a licence; or
- (g) which has not previously been so licensed, or the construction of which has been altered or modified in any way since it was last so licensed, and which is intended to be used as an omnibus, unless the owner of the vehicle has obtained in respect thereof a certificate of fitness in the prescribed form signed by the certifying officer, and has paid the prescribed fee;
- (h) which is intended to be used as a *matatu* unless the vehicle has been inspected by an authorized officer appointed under subsection (3) of section 3 and has complied with the provisions of this Act with regard to construction, equipment and use.

Cap. 404.

Issue and conditions  
of licence.  
14 of 1962, ss. 6, 8.

**97.** (1) The licensing officer, if he is satisfied that the provisions of subsection (3) of section 96 have been complied with, shall, upon payment of the prescribed fee, issue such licence as may be prescribed.

(2) Public service vehicle licences shall be issued for such period as may be prescribed :

Provided that, where a period is so prescribed, a licence issued before the period is prescribed shall not be invalid solely by reason that the period for which it was issued is different from that prescribed.

(3) Where any public service vehicle licence is cancelled or withdrawn for any reason during the period of its validity, no refund of licence fee shall be made in respect of the unexpired period of the licence.

(4) Every licence issued under this section shall be carried on the vehicle to which it relates in the prescribed manner.

(5) A public service vehicle licence shall not be transferred or assigned to any other person or vehicle.

(6) Whenever the holder of any public service vehicle licence ceases to be the owner of the vehicle specified in the licence, he shall forthwith return the licence to the Registrar, and the vehicle shall from the date of such change of ownership cease to be licensed as a public service vehicle.

(7) If any public service vehicle licence is lost, or becomes illegible, the owner of the vehicle to which such licence relates shall where the licence is illegible forthwith apply to the Registrar in the prescribed form for a duplicate thereof and shall return it to the Registrar; the Registrar shall, on payment of the prescribed fee, issue a duplicate licence; and where any public service vehicle licence which has been lost is subsequently found, the holder of a duplicate public service vehicle licence issued under this subsection shall forthwith deliver up to the Registrar such duplicate.

Drivers and  
conductors to be  
licenced.  
10 of 1984, s. 6.

**98.** (1) A person shall not drive or act as the conductor of a public service vehicle on a road unless he is licensed for the purpose under this Part, and a person shall not employ or permit any person who is not so licensed so to do:

Provided that this subsection shall not apply to any person who has hired a public service vehicle for the purpose of driving the vehicle himself and whose passengers, if any, are not carried for hire or reward,



nor to any driver or conductor of a public service vehicle which is not carrying passengers.

(2) A person shall not be disqualified for obtaining a licence to drive, or a licence to act as the conductor of, a public service vehicle unless he is, in the case of a licence to drive, over the age of twenty-four years, and, in the case of a licence to act as a conductor, over the age of eighteen years.

(3) Upon application being made in the prescribed manner and in the prescribed form, the Registrar, if he is satisfied that the information given in the application form is correct, and that the applicant -

- (a) for a public service vehicle driver's licence is the holder of a valid driving licence in respect of that class or classes of vehicles for which a public service vehicle driver's licence is required; and
- (b) is not disqualified under any Act from holding or obtaining a driving licence, public service vehicle driver's or conductor's licence as the case may be; and
- (c) fulfils and complies with such other conditions as may be prescribed and is not disqualified by reason of age,

shall, upon payment of the prescribed fee, issue such licence:

Provided that no licence to drive or act as the conductor of a public service vehicle shall be issued to any person unless such person has been granted a certificate by a police officer not below the rank of Assistant Superintendent to the effect that he is a fit and proper person to hold such a licence.

(4) A licence to drive, or a licence to act as the conductor of, a public service vehicle shall be valid for two years from the date of issue unless it is previously cancelled, suspended or revoked under this Part; and, where any such licence is cancelled, suspended or revoked for any reason, no refund of licence fee shall be payable in respect of any unexpired period of the licence.

(5) A person licensed as a driver or conductor of a public service vehicle shall not drive or act as a conductor of such vehicle on a road without wearing the prescribed badge:

Provided that this subsection shall not apply to any person who hires a motor vehicle for the purpose of driving such a vehicle himself and whose passengers, if any, are not carried for hire or reward, nor to any driver or conductor of a public service vehicle which is not carrying passengers.

(6) In the event of any public service vehicle driver's or conductor's licence or badge becoming lost or rendered illegible, the holder thereof shall forthwith apply to the Registrar in the prescribed form, which shall be accompanied by the prescribed fee, for a duplicate thereof.

(7) Where any original licence or badge is found after being lost, the duplicate thereof, if any, shall forthwith be returned to the Registrar.

Power to cancel or  
suspended licence.

**99.** (1) Any licence issued under this Part may be cancelled at any time by the Registrar if he is satisfied that, by reason of the conduct of the holder of such licence or the condition of any vehicle in respect of which the licence is issued, such cancellation would be in the public interest; and upon receipt of a notice of such cancellation, the licence holder shall forthwith deliver up such licence to the Registrar.

(2) Any court before which a person is convicted of any offence under this Part, or any offence relating to the construction, equipment, condition or use of a public service vehicle, may -

- (a) if the person convicted holds a licence issued under this Part, cancel such licence and declare the person convicted disqualified for holding or obtaining another such licence for a stated period, and any licence so cancelled shall be surrendered to the court, which shall forward it to the Registrar;
- (b) if the person convicted is not the holder of any licence under this Part, declare him disqualified for obtaining such a licence for a stated period, and shall in such case notify the Registrar of such order,

and shall -

- (i) if the person convicted holds a licence to drive or act as the conductor of a public service vehicle, endorse the details of such conviction on the licence within such time as the court may direct for the purpose of endorsement;
- (ii) if the person convicted is not the holder of such a licence, order the Registrar to endorse such details on any such licence subsequently issued to such person.

(3) Any person aggrieved by the refusal or failure to grant or by the suspension or cancellation of a licence under this Part or by any limitation imposed thereon by the Registrar or by a police officer may appeal in writing to a subordinate court of the first or second class, whose decision shall be final, and any such licence shall continue in force during the period of its validity until the appeal has been disposed of.

**100.** (1) The Registrar shall in respect of any public service vehicle determine the maximum number of passengers, whether sitting or standing, and the weight of baggage or goods allowed to be carried at any time on such vehicle or on any vehicle of a similar class or description:

Passengers and loads.  
1 of 1986, s. 24.

Provided that such determination shall have regard to the provisions of this Act with regard to construction, seating capacity and weight.

(2) If any public service vehicle carries more persons, baggage or goods than it is licensed to carry, the driver, the conductor and the owner of such vehicle shall each be guilty of an offence and liable to a fine not exceeding twenty thousand shillings:

Provided that rules made under this Act may provide that a person who is guilty of an offence under this subsection shall be liable to pay a fine according to a prescribed scale, but so that no person shall be liable to pay a fine greater than the maximum provided by this subsection.

(2A) In the case of a second or subsequent offence against subsection (2) in respect of a public service vehicle within one year of conviction for a previous offence against subsection (2) in respect of the same vehicle, the court shall exercise the power conferred by section 99 (2) by ordering the suspension of the public service vehicle licence for that vehicle for a period of no less than thirty days.

(2B) If, in the opinion of a police officer in uniform, subsection (2) is being contravened, he may order -

- (a) any person who appears to him to be an excess passenger off the public service vehicle; or
- (b) the driver, conductor or owner of the public service vehicle to remove any excess baggage or goods.

(2C) If a person refuses or delays or fails to comply with an order by a police officer in uniform under subsection (2B), he shall be guilty of an offence and liable, whether or not he is in addition liable to any penalty for contravening subsection (2) or (3), to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding one month.

(3) No person who is requested by the owner, driver or conductor of a public service vehicle not to enter the vehicle shall enter or attempt to enter the vehicle when it is carrying the full number of persons it is licensed to carry; and any person disobeying such a request shall be guilty of an offence and liable to a fine of not less than two hundred shillings and not exceeding five hundred shillings.

- (4) For the purposes of this section -
- (a) “owner” includes any person acting as manager or managing agent of the vehicle (under whatever name or title) on behalf of or under any arrangement with the owner; and if subsection (2) is contravened that person and the actual owner are each liable;
  - (b) a child who is under the apparent age of five years and who does not occupy a seat shall not count as a person;
  - (c) any two children each of whom is over the apparent age of five years and under the apparent age of twelve years shall count as one passenger.

Non-payment of fare.

**101.** (1) Where, at any place on its scheduled route, a motor omnibus is, by reference to the relevant timetable, more than four hours late, owing to a breakdown or any fault or neglect of the owner or his servants or agents, any passenger who has paid his fare may elect to alight from the motor omnibus and recover that proportion of the fare paid by him in respect of the uncompleted portion of his journey.

(2) Where a fare is recoverable under subsection (1), it shall be the duty of the person who received the fare to repay it to the passenger on demand; and any person failing so to repay a fare shall be guilty of an offence and liable to a fine not exceeding two hundred shillings in addition to being ordered to repay the fare, and the amount of the fare shall be recoverable as a fine.

(3) Any person who fails to pay any sum due from him by way of fare for accommodation in a public service vehicle shall be guilty of an offence and liable to a fine not exceeding two hundred shillings.

(4) Upon any conviction for an offence under this section, the court may, in addition to the imposition of a fine, make an order for the payment of any sum due by the offender by way of fare, and may further, if it thinks fit, award costs and compensation against the offender in respect of any loss of time incurred by the owner, driver or conductor of the vehicle in attending the court.

Regulation of public  
service vehicles.  
10 of 1984, s. 7.

**102.** (1) No person shall cause or permit any private hire vehicle to ply for hire on any taxi rank, road, car park or other public place.

(2) No person shall own, drive or be in charge of any taxicab unless such vehicle is painted in such colour or colours or is permanently marked in such manner as may be prescribed, and no vehicle, not being a taxicab, shall be painted or marked in the manner prescribed for a taxicab.

(3) The owner of every taxicab and every private hire vehicle shall keep or cause to be kept a record in the prescribed form of every separate period of hire of such vehicle; and such record shall be made available for inspection by the police on demand:

Provided that this subsection shall not apply to any taxicab in respect of any journey which is wholly within the boundaries of the municipality or township in which it is registered.

(4) The highway authority may, after consultation with the officer in charge of the police in the area concerned, appoint stopping places where omnibuses may set down and pick up passengers, and no driver of an omnibus shall stop his vehicle to set down or pick up passengers on any road where stopping places have been provided other than at such stopping places.

(5) No person shall drive or permit to be used a public service vehicle in a dirty or neglected condition.

**103.** (1) No person shall, for the purpose of obtaining passengers for any public service vehicle, make any noise or sound any instrument, or do anything which causes or is likely to cause annoyance, inconvenience or danger to the public.

Touting.  
1 of 1986, s. 25,  
11 of 1993, sch.

(2) A person who contravenes or fails to comply with this section shall be guilty of an offence and liable to a fine of not less than two thousand shillings and not more than five thousand shillings, and in addition the court may order the confiscation of the instrument by which the offence is committed.

**104.** Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable, where no penalty is specifically provided, to a fine of not less than two thousand shillings and not more than five thousand shillings.

Penalties under this  
Part.  
1 of 1986, s. 26;  
11 of 1993, Sch.

## PART XII - GENERAL

**105.** (1) It shall be lawful for any police officer in uniform to stop any vehicle, and for any police officer, licensing officer or inspector -

- (a) to enter any vehicle;
- (b) to drive any vehicle or cause any vehicle to be driven;
- (c) upon reasonable suspicion of any offence under this Act, to order and require the owner of any vehicle to bring the vehicle to him,

Inspection of  
vehicles.  
1 of 1986, s. 27.

for the purpose of carrying out any examination and test of the vehicle with a view to ascertaining whether the provisions of this Act are being complied with or with a view to ascertaining whether the vehicle is being used in contravention of this Act.

(2) Any person who fails to comply with any instruction or order given under this section shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

Removal of vehicles  
from road.  
1 of 1986, s. 28.

**106.** (1) Where any vehicle is found in use on a road in contravention of the provisions of this Act, or where any vehicle has been left on any road or other public place in such circumstances as to make it appear that such vehicle has been abandoned or should be removed to a place of safety, or where any vehicle has been left on a road in a position which causes or is likely to cause danger to other road users and the owner or driver cannot readily be found, it shall be lawful for any police officer or any inspector to take the vehicle or cause it to be taken to a police station or other place of safety by such method, route and under such conditions as he may consider necessary, having regard to all the circumstances of the case.

(2) Where under subsection (1) it is considered necessary to have a vehicle towed, transported, driven or otherwise removed, or where it is considered necessary to carry out emergency repairs or to adjust or off-load any part of the load of such vehicle, any expense incurred thereby shall be payable by the owner of the vehicle, and no such vehicle shall be released from the police station or other place of safety until either -

- (a) such expenses have been paid to the person to whom they are due; or
- (b) such person certifies in writing that he is willing to allow the vehicle to be removed before he receives such expenses due to him.

(3) A police officer or inspector who orders the removal of a vehicle under this section shall not be held liable for any damage to or loss of any item from such vehicle during its removal to or detention at a police station or other place of safety.

(4) Any police officer, licensing officer or inspector, if he is of the opinion that any vehicle is being used in contravention of section 55 or section 56 or in contravention of any rules relating to the construction, use and equipment of vehicles, may by order prohibit the use of such vehicle, under such conditions and for such purposes as he may consider necessary for the safety of the public or to ensure that such vehicle does comply with the provisions of section 55 or 56; and any such order shall remain in force until the repairs specified therein have been satisfactorily

completed and the vehicle has been certified as complying with the rules relating to construction, use, equipment and weight.

(4A) Where a police officer, licensing officer or inspector makes an order under subsection (4) he may remove the vehicle identification plates and the vehicle licence and, if he does so, shall deliver them to the Registrar to be kept while that order remains in force.

(5) Any person who permits the use of, or drives, any vehicle in respect of which any prohibition or restriction is in force other than in conformity with any conditions or for such purpose as may have been specified shall be guilty of an offence and liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(6) Any order issued under this section shall be in writing.

(7) Where any vehicle is required to be examined and tested for the purpose of being certified as complying with the provisions of this Act, the fee, if any, shall be paid by the owner of the vehicle.

(8) Any person who fails to comply with any instruction or order given under this section shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

**107.** It shall be lawful for any police officer to detain at a police station or other place of safety any vehicle which has been removed from a road or other public place under section 106 until such inquiries have been made by the police as they may think necessary in the circumstances of the case.

Detention of vehicles.

**108.** (1) If in any proceedings under this Act any question arises as to whether a vehicle does or does not comply with any provisions of this Act, the certificate of an inspector to the effect that he has examined the vehicle and as to the result of his examination may be read as evidence although the inspector is not called as a witness.

Certificate of inspector to be admissible in evidence.

(2) The court, if it thinks fit, may summon and examine the inspector as to the subject matter of his certificate.

**109.** In any proceedings under this Act, an extract from the records of registered vehicles, certified under the hand of a licensing officer, may be received in evidence although the licensing officer is not called as a witness, and shall be *prima facie* evidence of the facts therein set forth.

Certified extract from records to be admissible in evidence.

Owner or other person to furnish name and address of driver of vehicle.

**110.** The owner of any vehicle and any other person who is able to provide such information shall, as soon as reasonably possible and in any case within seven days after having received a verbal or written request for such information, give such information as he may be required by a police officer to give as to the identity of the driver of such vehicle.

Owner to keep list of drivers employed.  
1 of 1986, s. 29.

**111.** (1) Any person who employs any other person to drive a motor vehicle shall keep a written record of the name, address and driving licence number of such other person.

(2) Such record shall be preserved for a period of six months after the date when such person ceases to be employed as a driver, and shall be made available to any police officer on demand.

(3) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

Verification of facts.

**112.** Any person to whom any application is made for anything to be done under this Act may require any facts stated in the information to be verified to his satisfaction.

Giving false information.

**113.** Any person who makes any statement which to his knowledge is false or in any respect misleading in connexion with any information lawfully demanded or required under this Act shall be guilty of an offence and be liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding twelve months or to both, and if such statement is made to any person in connexion with an application for any licence or permit the court convicting such person may also order that such licence or permit be not granted for a stated period.

Fraudulent imitation, etc., of documents.

**114.** (1) Any person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by any other person, any licence, document, plate or mark issued or prescribed under this Act shall be guilty of an offence and liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(2) A police officer may take possession of any licence, document, plate or mark relating to any suspected offence under this section.

Endorsements of licence to be proof of conviction.

**115.** Notwithstanding any provisions to the contrary in any Act contained, it shall be lawful for a court to accept the particulars of endorsements on any licence issued in compliance with this Act as *prima facie* evidence of previous convictions recorded against the holder thereof.



**116.** (1) Notwithstanding the requirements of or provisions in any Act contained, it shall be lawful for any police officer to serve, either personally or by registered post, upon any person who is reasonably suspected of having committed any offence in connexion with the driving or use of any vehicle which is punishable only by a fine, or by a fine and imprisonment for a period not exceeding six months, a notice in the prescribed form requiring such person to attend court in answer to the charges stated thereon, at such place and on such date and time (which may be later in the day on which the notice is served or on any subsequent date) as are shown on such notice or to appear by advocate or to enter a written plea of guilty:

Notice to attend court  
1 of 1986, s. 30.

Provided that -

- (i) such notice shall be served not later than fourteen days from the date upon which the offence is alleged to have been committed;
- (ii) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that the name and address of the accused could not with reasonable diligence have been ascertained in time for such notice to be served as aforesaid, or that the accused by his own conduct contributed to the failure.

(2) Such notice as aforesaid shall for all purposes be regarded as a summons issued under the Criminal Procedure Code.

Cap.75.

(3) A copy of such notice as aforesaid shall be placed before the court by which the charge is to be heard before the time fixed for such hearing.

**117.** (1) The Minister may prescribe -

(a) a schedule of minor traffic offences (in this section referred to as the scheduled minor offences) which may be dealt with and prosecuted in accordance with the provisions of this section, and may for the purposes of this section prescribe a statutory maximum penalty, which shall not exceed the penalty prescribed for such offence by this Act, for any of the scheduled minor offences to be so dealt with and prosecuted; and

Minor traffic  
offences.  
52 of 1959, s. 11,  
L.N. 242/1964,  
1 of 1986, s. 31.

(b) a form of police notification of a traffic offence for use under this section.

(2) Subject to this section, any statutory maximum penalty prescribed under subsection (1) shall, notwithstanding that any other penalty may be prescribed by this Act, have effect for offences dealt with under this section.

(3) Notwithstanding any provision contained in this or any other Act, it shall be lawful for any police officer to serve, either personally or by affixing the same prominently to the vehicle concerned, upon the owner or person in charge of any motor vehicle who is reasonably suspected of having committed any of the scheduled minor offences, a police notification of a traffic offence in the prescribed form charging such person with having committed the offence or offences indicated in the notification and requiring such person to attend court to answer such charge or charges, at such time (which if the police notification is served personally on the owner or person in charge of the motor vehicle, may be within forty-eight hours of such service; or if the police notification is affixed prominently to the vehicle concerned, shall not be sooner than seven days after the date of such service) as is shown on such notification.

Cap.75. (4) Such notification as aforesaid shall for all purposes be regarded as a summons issued under the Criminal Procedure Code:

Provided that the person served with the notification shall not be obliged to attend court in answer to the charge if he has pleaded guilty in writing and sent the notification, together with the amount of the statutory maximum penalty or penalties for the offence or offences to which he has pleaded guilty, by prepaid registered post or by hand, to the court indicated in the notification so as to reach that court within the time indicated in the notification.

(5) The court may, on receipt of a plea of guilty, proceed to conviction and may, after considering any mitigating circumstances stated in writing or personally by the accused, pass a sentence imposing the statutory maximum penalty or remitting the penalty in whole or in part and direct that a refund of the whole or of any portion of the penalty remitted to be made to the accused.

(6) If any person served with a notification under this section fails to comply with such notification, the person to be liable for the offence shall be the registered owner of the vehicle or, when the registered owner is a company, the person appointed by the company to be liable under this subsection or, in default of such appointment, the secretary, or person performing the duties of secretary, of such company, unless it is shown by such person, owner or secretary, as the case may be, that he was not in charge of the vehicle at the relevant time and he satisfies the court that he has given all information at his disposal to the police or the court to enable the person who was in charge at the relevant time to be summoned.

(7) A copy of the notification shall be placed before the court by which the charge is to be dealt with at the time fixed for the attendance

of the accused to answer the charge, and, unless the court otherwise directs, such copy may be used as a charge sheet.

(8) If any person having been served with a notification issued under this section fails either to attend the court on the day and at the time specified in such notice or to plead guilty and pay the statutory maximum penalty in the manner indicated before such day, he may be brought before the court either by summons or by warrant and, unless he shows good cause to the contrary, shall be guilty of an offence and liable forthwith by order of the court to a fine not exceeding two hundred shillings or to imprisonment for a term not exceeding one month.

(9) (a) If any person, other than an authorized person, removes from a vehicle a police notification of a traffic offence which has been affixed thereto by a police officer in pursuance of this section, or any portion of such notification, or tears or defaces the same, he shall be guilty of an offence and liable on first conviction to a fine not exceeding two hundred shillings, and on each subsequent conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months.

(b) In this subsection, "authorized person" means the owner or person in charge of the vehicle or any person authorized by the owner to remove the notification.

(10) Any owner or person in charge of a vehicle who finds affixed thereto a police notification of a traffic offence which appears to have been torn or defaced so that it is not fully legible shall within two days report, either in writing or personally, to the police station of the area in which the notification was found, and if he fails so to report he shall be guilty of an offence and liable to a fine not exceeding one hundred shillings.

**118.** (1) Any person who acts in contravention of or fails to comply with the provisions of this Act, or who acts in contravention of or who fails to comply with the conditions of any licence, order, demand, requirement or direction issued under or in pursuance of this Act, shall be guilty of an offence.

General penalty.  
5 of 1971, s. 5.

(2) Any person who is guilty of an offence under this Act for which no penalty is otherwise provided shall be liable -

(a) for a first offence, to a fine not exceeding five hundred shillings;

(b) for a second or subsequent offence, to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

(3) All offences under this Act shall be cognizable to the police.

Local authority  
may make by-laws  
regulating taxicabs,  
etc.

L.N. 256/1963.

**118A.** (1) A municipal council, and a county council may make by-laws:

- (a) for controlling taxicabs within its area;
- (b) for fixing the number of taxicabs permitted in its area;
- (c) for requiring the installation and providing for the inspection of meters on such taxicabs;
- (d) for licensing the drivers of such taxicabs;
- (e) for fixing the fees for any such licences; and
- (f) for prohibiting the parking of taxicabs, except for the picking up or depositing passengers or loads, elsewhere than on stands provided for taxicabs.

(2) Every municipal council, urban council and area council may make by-laws for controlling animal or human drawn vehicles which are not licensed under any of the other provisions of this Act.

(3) The procedure for the making, approval and publication of by-laws made under subsection (1) and subsection (2) shall be that prescribed in the Local Government Act, and, for the purposes of their enforcement and the disposal of fines imposed for their contravention, such by-laws shall be deemed to be by-laws made by the same local authority under that Act.

Cap. 265.

(4) In this section, “controlling” includes regulating, inspecting, supervising and licensing.

Rules.  
39 of 1956, Sch.,  
L.N. 242/1964,  
5 of 1971, s. 6,  
19 of 1982, Sch.,  
1 of 1986, s. 32.  
7 of 2007.

**119.** (1) The Minister may make rules prescribing -

- (a) anything required by this Act to be prescribed;
- (b) the forms to be used for any purposes of this Act;
- (c) the weight of goods and passengers, the number of passengers which vehicles may carry, the method by which seating capacity is to be determined and the gross weight of vehicle;
- (d) the weight and size of vehicles which may be permitted on any class of road and the manner in which, if at all, vehicles whose weight or size is in excess of the prescribed maximum weight or size may be allowed to use any road;
- (da) devices to be fitted to any class or type of vehicle for restricting their speed to a specified speed (and different devices and different speeds may be prescribed for different classes or types of vehicles);
- (db) tachographs or other instruments for recording their speed and other details of their operation to be fitted to any class or type of vehicle;
- (dc) the standards for or inspection, approval, calibration

- or testing of devices, tachographs or other instruments prescribed under paragraphs (da) or (db);
- (e) the construction of, and equipment to be carried by, any class of vehicle, and in particular the type of tyres lights and warning instruments to be carried by any class of vehicle, and any restriction in the carrying or use of lights, and warning instruments;
  - (ea) by reference to shape, construction or any other qualities, types of helmet or head-dress which may or must be worn as affording protection to persons on or in motor-cycles, or motor-cycles of different classes or descriptions, from injury in the event of accident, and prohibiting the manufacture or sale of helmets or head-dresses which do not comply with such rules;
  - (eb) subject to such exceptions as may be prescribed, the wearing of seat belts of such description as may be prescribed by persons who are driving or riding in any class or type of vehicle (and different rules may be prescribed for different classes or types of vehicles);
  - (ec) the standards for, construction of or approval of seat belts prescribed under paragraph (eb);
  - (f) the carrying on any class of vehicle of any special identification plates, and the fees to be charged for such plates;
  - (fa) the carrying on any class of vehicle of reflecting triangles for the purpose of section 53 (3) and the construction of, standards for, approval or supply and fees to be charged for such triangles;
  - (g) all matters relating to the inspection, registration, licensing, regulation and control of vehicles and to the conditions which may be imposed in regard thereto;
  - (ga) all such matters relating to the regulation of establishments or persons engaged in teaching for gain the driving of motor vehicles as the Minister may deem necessary for the proper control of such establishments or persons, including the grant, revocation or variation of licences and appeals relating thereto, the testing of instructors, the inspection of vehicles and premises, and the fees payable for any of the above matters;
  - (h) the regulation of the conduct of drivers and conductors of public service vehicles, and the wearing by them of special badges and uniforms, and the fees to be paid for any badges provided by an authority;
  - (i) conditions of service and hours of work for persons employed by owners of public service and commercial vehicles;
  - (ia) the records to be kept by the drivers of any class or type of vehicle (and different rules may be prescribed for different

classes or types of vehicles);

- (j) the regulation of the carriage of luggage and goods on public service vehicles;
- (k) the rules of the road, and the signals to be given and obeyed by the drivers of vehicles;
- (ka) all such matters as the Minister may deem necessary for the establishment on roads, and the regulation of the use of, crossings for foot passengers, including the indication of such crossings by marks or devices on or near roadways or otherwise, the precedence of vehicles and foot passengers respectively, and generally with respect to the movement of traffic (including foot passengers) at and in the vicinity of such crossings;
- (l) the procedure to be adopted and the conditions to be observed in connexion with the issue of documents necessary for international travel, and the use of such documents in Kenya;
- (m) the conditions on which motor vehicles licensed outside Kenya may be used within Kenya and on which persons holding driving licences or permits issued outside Kenya may be allowed to drive within Kenya;
- (n) measures for controlling or prohibiting the movement of vehicles of any specified class or description between the hours of 6.45 p.m. and 6.15 a.m.;
- (na) measures for enforcing the provisions of sections 44(1) and 45 which shall include prescribed limits of alcohol and drugs concentration, provision of specimens for analysis, choice of tests and devices, and the protection of persons under treatment.
- (o) measures for controlling or prohibiting the use of vehicles of any specified class or description on any sea beach or foreshore or other place to which the public have access;
- (p) measures for generally restricting or regulating the use of vehicles in such manner as the circumstances and safety on the roads may appear to him to require, and for the further, better or more convenient carrying out of any provisions of this Act;
- (q) the penalties which may be imposed for the breach of such rules not exceeding-
  - (i) in the case of a first conviction, a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding two years or both;
  - (ii) in the case of a second or subsequent conviction, a fine not exceeding four hundred thousand shillings or imprisonment for a term not exceeding four years or both.

7 of 2007.

7 of 2007.

7 of 2007.

- (2) In any case when the Minister has not prescribed a suitable form under paragraph (b) of subsection (1), the Registrar may direct that a particular form shall be used for a particular purpose.

**120.** The Minister may, by notice published in the Gazette, suspend, restrict or limit the application of any of the provisions of this Act or of any subsidiary legislation made thereunder, either generally or in respect of any particular class or classes or description of vehicle, for such period and subject to such conditions as he may think fit, and, similarly, may exempt any vehicle or any class or classes or description of vehicle from all or any of such provisions.

Power to suspend  
and exempt from  
provisions.  
L.N. 242/1988,  
8 of 1968, Sch.

[Subsidiary]

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## SUBSIDIARY LEGISLATION

### Exclusion under section 15(3)

Taxicabs required to be inspected by or on behalf of a local authority under any by-law of the local authority from operation of section 17(2). L.N. 23/1967.

### Approval of fuel under section 51

Gasohol.

L.N. 15/1984.

### Authorization under section 70(2)

The erection is authorized of a sign (other than the traffic sign of the prescribed size, colour and type) indicating that the road is closed to vehicles of a particular type or within specified hours or under specified conditions. L.N. 178/1956.

### Authorization under section 71(1)

All officers in charge of Ministry of Public Works divisions are authorised to represent the highway authority for the purposes of this subsection. L.N. 1374/1955.

### By-laws under section 72A and 72J

*(These are not reproduced as being of local application only.)*

Naivasha (Omnibus Terminus) By-laws.	L.N.25/1969.
Thika (Omnibus Terminus) By-laws.	L.N. 43/1969.
Nairobi (Designated Parking Places) By-laws.	L.N.168/1978.
Nairobi (Country Omnibus Stations) By-laws	L.N.238/1970.
amended by	L.N.255/1977.
Mombasa (Designated Parking Places) By-laws.	L.N.239/1970.
Taita-Taveta (Parking Places and Omnibus Stations) By-laws.	L.N.87/1976.
Meru (Omnibus Station) By-laws.	L.N.134/1976.
Kisii (Omnibus Station) By-laws.	L.N.152/1976.
Kakamega (Parking Places and Omnibus Stations) By-laws.	L.N.240/1976.
Nakuru (Designated Parking Places ) By-laws.	L.N.39/1977.
Homa Bay (Omnibus Station) By-laws.	L.N.40/1977.
Bungoma (Parking Places and Omnibus Stations) By-laws.	L.N.41/1977.
Kitale (Omnibus Stations and Parking Places) By-laws.	L.N.80/1977.
Embu (Parking Places and Omnibus Stations) By-laws.	L.N.102/1977.
Kiambu (Omnibus Station) By-laws.	L.N.131/1977.
Nakuru (Omnibus Stations) By-laws.	L.N. 135/1977.
Webuye (Omnibus Station) By-laws.	L.N.193/1977.
Kisumu (Designated Parking Places ) By-laws.	L.N.67/1978.

### By-laws under section 118A

*(These are not reproduced as being of local application only.)*

[Subsidiary]

L.N. 37/2008.

THE TRAFFIC ACT  
(CAP. 403)

**THE CITY OF NAIROBI (OMNIBUS STATIONS) BY-LAWS,  
2008**

Citation.

1. These By-laws may be cited as the City Council of Nairobi (Omnibus Stations) By-laws, 2008.

Interpretation.

2. In these By-laws, except where the context otherwise requires—

“council” means the City Council of Nairobi;

“country omnibus” means an omnibus carrying passengers for hire or reward departing to or arriving from any place outside the city;

“country bus stop” means a stopping place designated and appointed as a country omnibus stop under section 102(4) of the Act;

“omnibus” means a public service vehicle licensed under Part XI of the Act having seating accommodation for more than seven passengers exclusive of the driver; and include a country omnibus;

“omnibus station” means any station that is established by the council from time to time;

“owner” means any person whether a company or association or body of persons corporate or incorporate in whose name an omnibus is registered and, in the case of an omnibus subject to a hire purchase agreement, includes the hirer under the agreement;

“station supervisor” means the person appointed in writing by the council to manage, control and supervise the omnibus station or omnibus stations specified in such appointment and includes his duly authorized assistant;

“town clerk” means the person for the time being holding the office of the town clerk of the council, his deputy and any other officer of the council authorized by the town clerk in writing for the purpose of these by-laws.

Start and termination  
of a journey.

3. (1) No driver of an omnibus when carrying passengers for hire or reward shall, without the prior written permission of the Town Clerk, start or terminate any journey.

[Subsidiary]

(2) Every driver of an omnibus when carrying passengers for hire or reward shall follow such routes as are laid down by the Council for the purpose of starting or terminating any journey.

Completion of  
schedule journey.

4. No driver of omnibus when carrying passengers for hire or reward, once having departed from an omnibus station, shall return to that omnibus station until he has completed the scheduled journey in respect of such departure.

5. No omnibus, whilst plying for hire or reward and carrying passengers, shall, without the prior written permission of the Town Clerk, be parked in any place other than an omnibus station:

Provided that nothing in this by-law shall apply to any omnibus standing at any stopping place designated as an omnibus stop for the purpose only of –

(a) Picking up passengers on the outward journey for destinations outside the omnibus station; or

(b) Setting down passengers from outside the omnibus station on the onward journey.

Approval of  
timetable.

6. (1) An owner of an omnibus utilizing an omnibus station shall furnish the Town Clerk with a copy of his operative timetable indicating the scheduled times of arrival and departure of all services, and the Town Clerk may in his discretion approve such a timetable.

(2) Before the Town Clerk approves a submitted timetable he may, if he deems necessary require that amendments and alterations be made to it in the interests of the efficient and smooth running of an omnibus station.

(3) An owner of a motor omnibus shall adhere to his approved timetable.

(4) No motor omnibus shall remain within the omnibus station for a period exceeding one hour or such other period as the council may from time to time determine.

(5) Where the approved timetable provides an interval exceeding one hour between the arrival and departure of any motor omnibus, such omnibus shall be removed from the omnibus station to a lawful place of parking not being a parking provided adjacent to a carriage way and it shall not be returned to the omnibus station earlier than thirty minutes before the departure time.

**[Subsidiary]**

Manner of parking in an omnibus station.

7. (1) All motor omnibus within an omnibus station shall be under the directions of a station supervisor and the drivers of any such omnibus shall at all times comply with and obey all instruction directions and orders given by the station supervisor in respect of the place and manner of parking, the time of departure and arrival and any other matters conducive to the efficient and safe operation of an omnibus station.

(2) No motor omnibus once having been parked in a parking bay shall be removed from such a bay without the express permission of the station supervisor except when starting a journey.

(3) The Council may from time to time lay down conditions covering such matters as are referred to in paragraph (1) of this by-law and may cause such conditions to be prominently displayed at an omnibus station.

Removal of omnibus.

8.(1) Where a motor omnibus is left in an omnibus station otherwise than in the manner authorized by part VIA of the Act or by these by-laws, the station supervisor or a police officer may have the same removed and kept in safe custody.

(2) An owner of a motor omnibus removed in pursuance of Paragraph (1) of this by-law shall not be entitled to recover the same until he has paid to the council such a fee as shall be approved by the council from time to time.

Persons in an omnibus.

9. Any person including an employee of the owner of an omnibus but not the owner of an omnibus shall be deemed to be there for the purpose of being carried therein for hire or reward.

Sales.

10. No person shall use, or cause to be used any motor omnibus parked in the omnibus station for purpose of effecting any sale purchase or exchange of any goods.

Manner of entering an omnibus.

11. Where six or more persons are waiting to enter a motor omnibus at an omnibus station they shall form a queue, and no person shall enter or attempt to enter an omnibus ahead of any person in such a queue.

Instructions and directions of station supervisor.

12. Every person in an omnibus shall comply with and obey all lawful instructions, directions or others given by a station supervisor for the purpose for that purpose by the council.

Conduct of persons.

13. No person shall deposit or cause to be deposited in an omnibus station any refuse or garbage otherwise than in receptacle provided for that purpose by the council.

[Subsidiary]

14. No person at omnibus station or at a country omnibus station shall –

(a) willfully interfere with or obstruct a station supervisor acting in the performance of his duties;

(b) willfully interfere with or obstruct any person alighting from or entering or intending to board an omnibus;

(c) enter or attempt to board an omnibus otherwise than by the doors provided for that purpose;

(d) willfully obstruct any driver or conductor or an omnibus from acting in the performance of his duty as a driver or conductor;

(e) otherwise behave in a disorderly manner.

15. No person shall, within an omnibus station –

Nuisance.

(a) urinate in a place other than a lavatory;

(b) interfere with or molest any other person;

(c) tout or shout or call out for customers;

(d) cause any disturbance or use any offensive, injurious or unbecoming language;

(e) damage, deface, foul, misuse or interfere with any part of such omnibus station or any equipment, fitting or fixture provided thereon or therein;

(f) spit;

(g) play games or loiter therein or thereabouts;

(h) operate or cause or suffer to be operated an instrument fitted into an omnibus capable of giving audible and efficient warning of its approach or position in such a manner as to be so loud and so continuous or repeated as to cause annoyance and to be a nuisance to the public.

16. Where ticket offices are provided by the Council on payment of rent, no person shall within or in the vicinity of an omnibus station buy or sell a ticket or any document purporting to entitle a person to travel on any omnibus except at such ticket offices.

Ticket offices.

17. No omnibus shall depart from the omnibus station until every passenger therein has been issued with a ticket for his journey.

Issue of tickets.

18. No person shall hawk, solicit or carry on any trade within or in the vicinity of an omnibus station except with the prior written permission of the Town Clerk.

Hawking and trading.

19. The Council may provide suitable trading facilities in an omnibus station and such facilities may be let or hired out upon such conditions as it may from time to time determine.

Trading facilities.

20. (1) The owner of any omnibus using an omnibus station shall pay to the Council such fees as the council may prescribe with the

Fees and charges.

[Subsidiary]

approval of the Minister.

(2) For the purpose of this by-law any omnibus driven into an omnibus station shall be deemed to be using the omnibus station.

(3) No person shall drive an omnibus into an omnibus station when the fee due in respect thereof has not first been paid.

Offences and  
penalties.

21. (1) In the case of a first offence, to a fine not exceeding two thousand Kenya shillings, or imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or

(2) In the case of a second or subsequent offence, to a fine not exceeding three thousand Kenya shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Revocation of  
L.N. 1083/1948

22. By-laws 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393.

[Subsidiary]

23. The following are the authorized routes and designated parking areas for omnibuses;

Terminus	Route	Destination	Route Description
Circular	CBD Shuttle A	Circular within CBD	Muthurwa-Globe Cinema Roundabout (via Haile Selassie Avenue – Moi Avenue-Muranga Road) Community (via Tom Mboya Street – Cabral Street-Moi Avenue –Kenyatta Avenue - Ngong Road) and back to Muthurwa (via Ngong Road - Haile Selassie Avenue
Circular	CBD Shuttle	Circular within CBD	Muthurwa –Community (via Haile Selassie Avenue and Ngong road) Globe Cinema (via Ngong Road-Kenyatta Avenue Moi Avenue-Muranga Road) and back to Muthurwa (via Tom Mboya Street – Moi Avenue – Haile Selassie Avenue
Muthurwa	19” C”	Komarock	Komarock Estate-Kangundo Road, Outer Ring Road – Jogoo Road, Muthurwa
Muthurwa	19/60	Kayole	Kayole Estate – Kangundo Road – Outer Ring Road – Jogoo Road Muthurwa
Muthurwa	60/35	Umoja	Umoja Estate-Kangundo Road-Outer Ring Road-Jogoo Road Muthurwa
Muthurwa	39	Ruai	Ruai-Kangundo Road-Outer Ring Road-Jogoo Road-Muthurwa
Muthurwa		Kangundo	Kangundo Road-Outer Ring Road-Jogoo Road-Muthurwa
Muthurwa	10	Maringo	Maringo-Jogoo Road Muthurwa

## [Subsidiary]

Muthurwa	33	Embakasi	Embakasi-Airport North-Outer Ring Road-Jogoo Road-Muthurwa
Muthurwa	34"B"	Greenfield/Sahara	Green Fields/Sahara-Outer Ring Road-Jogoo Road-Muthurwa
Muthurwa	58	Buru Buru	Buru Buru-Mumias Road-Jogoo Road-Muthurwa
Muthurwa	36	Dandora	Dandora-Komarock Road-Mumias Road-Mutarakwa-Jogoo Road-Muthurwa
Muthurwa	56	Kariobangi South	Kariobangi South-Heshima Road-Jogoo Road-Muthurwa
Muthurwa	23	Outer Ring Estate	Outer Ring Estate-Mumias Road-Buru Buru Road-Heshima Road-Jogoo Road-Muthurwa
Muthurwa	71	Lunga Lunga	Lunga Lunga-Likoni Road-Jogoo Road-Muthurwa
Hakati Road Terminus	11	South B	From South B: Dunga Road-Bunyala Road-Uhuru Highway-Haile Selassie Avenue-Race Course Road-Uyoma Road-Hakati From Hakati Road Terminus: Hakati Road-Mfangano Street-Ronald Ngala Street-Moi Avenue-Haile Selassie Avenue-Uhuru Highway-Bunyala Road-Dunga Road-South B
Hakati Road Terminus	33B (via Mombasa Road)	Embakasi	Embakasi-North Airport Road-Mombasa Road-Uhuru Highway, Haile Selassie Avenue-Race Course Road-Uyoma Road-Hakati
Muthurwa	69/72	Enterprise Road (Industrial Area)	Enterprise Road-Lusaka Road-Muthurwa



[Subsidiary]	Nairobi (Taxi-Cab) By-laws
L.N. 169/1963.	amended by
L.N. 62/1964.	amended by
L.N. 262/1976.	Mombasa (Carts) By-laws
	amended by
L.N. 645/1963.	amended by
L.N. 226/1969.	
L.N. 42/1977.	Nakuru (Taxi-Cab) By-laws.
L.N. 98/1965.	Kericho (Carts) By-laws.
	Kisumu (Taxi-Cab) By-laws
L.N. 234/1965.	amended by
L.N. 133/1966.	Nairobi (Carts) B y-laws.
L.N. 280/1969.	Eldoret (Taxi-Cab) By-laws.
L.N. 299/1966.	Thika (Carts) By-laws.
L.N. 59/1967.	Naivasha (Carts) By-laws.
L.N. 13/1968.	Kiunga (Carts) By-laws.
L.N. 296/1968.	Faza (Carts) By-laws.
L.N. 60/1969.	Lamu (Carts) By-laws.
L.N. 63/1969.	Witu (Carts) By-laws.
L.N. 64/1969.	Kisii (Taxi-Cab) By-laws.
L.N. 67/1969.	Karatina (Carts) By-laws
L.N. 151/1976.	Kisumu (Carts) By-laws
L.N. 180/1976.	
L.N. 52/1978.	

Rules under section 117

THE TRAFFIC (MINOR OFFENCES ) RULES

- L.N. 110/1975,  
L.N. 43/1984.

1. These rules may be cited as the Traffic (Minor Offences) Rules.

2. The minor traffic offences which may be dealt with and prosecuted in accordance with the provisions of section 117 of the Act shall be those specified in the First Schedule.

3. The statutory maximum penalty which may be imposed in respect of each of the minor traffic offences specified in the First Schedule shall, for the purposes of section 117 of the Act, be the statutory maximum penalty specified in that Schedule in relation to each such offence.

4. The form of police notification of a traffic offence for use under section 117 of the Act shall be the form in the Second Schedule.

[Subsidiary]

**FIRST SCHEDULE**  
SCHEDULED MINOR OFFENCES

(rr. 2 and 3)

<i>Section of the Act or Rule of the Traffic Rules</i>	<i>Nature of Offences</i>	<i>Statutory Maximum Penalty</i>
		<i>Sh.</i>
1. Sections 12(1) and 14	Failure to carry identification plate or mark.....	400
2. Sections 12(1) and 14; rule 7	Using identification plate or mark other as prescribed .....	400
3. Rule 7(3)	Defective identification plate or mark.....	100
4. Rule 38	Failure to display “P.S.V.” sign as required .....	100
5. Sections 15(1) and 29	Using an unlicensed motor vehicle	500
6. Sections 20 and 29	Failure to display vehicle licence.....	100
7. Sections 32(4) and 41; rule 12(1)(b)	Learner failing to carry two “L” plates.....	100
8. Sections 42(1) and 43(1)	Exceeding speed limit prescribed for class of vehicle.....	500
9. Sections 42(3) and 4 and 43(1)	Exceeding speed limit of 50 k.p.h. or as prescribed by a traffic sign.....	300
10. Sections 52 (a) and 67	Failure to obey direction of uniformed police officer.....	200
11. Sections 52A (1) (a) and 67	Leaving a vehicle in a parking area for a period in excess of time prescribed by a traffic sign .....	100
12. Sections 52A	Contravention or failing to comply	

## [Subsidiary]

(1) (b) and 67	with a traffic sign relating to the manner in which vehicles should stand in, or be driven into or out of, a parking area.....	200
13. Sections 52A (1)(c) and 67	Leaving a vehicle in contravention of traffic sign relating to a parking area.....	100
14. Sections 53(1) and 67	Allowing a vehicle to remain where it causes or is likely to cause obstruction or inconvenience to traffic.....	300
15. Sections 55 and 58; rule 25	Using a vehicle without prescribed reflectors.....	100
16. Sections 55 and 58; rule 26	Failure to carry an efficient silencer.....	300
17. Sections 55 and 58; rule 27(1)	Using a vehicle emitting smoke or visible vapour.....	500
18. Sections 55 and 58; rule 29	Using a vehicle without a driving mirror.....	100
19. Sections 66(a) and 67	Leaving a vehicle unattended with engine running.....	100
20. Sections 90 (2)(a) and 94	Driving a vehicle on a footpath.....	200
21. Rule 34(3)	Unnecessary use of warning instrument when stationary.....	200
22. Rule 64(b) and 69	Omnibus driver failing to stop close to nearside .....	200
23. Rule 74	Driver of slow moving vehicle failing to keep close to nearside.....	200
24. Rule 79	Travelling backwards for unnecessary distance or time.....	200
25. Rule 80	Travelling with part of body outside moving vehicle.....	200

[Subsidiary]

26. Rule 81	Filling with petrol while engine running, or person failing to keep distance prescribed.....100
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**SECOND SCHEDULE**

(r. 4)

## POLICE NOTIFICATION OF TRAFFIC OFFENCE

## THE TRAFFIC ACT

(Cap. 403)

## THE TRAFFIC (MINOR OFFENCES) RULES

TO: THE OWNER OR PERSON IN CHARGE OF VEHICLE NO.: .....

1. You are charged with offence[s] No[s]. ..... (*see reverse*)  
 committed at ..... on ....., 19....., at ..... a.m./p.m.

2. If you do not admit the charge[s] you are hereby required to attend at the Traffic Court, ....., on the ..... day of ....., 19....., at ..... a.m. to answer the said charge[s].

3. If you do admit the charge[s] you should -

- (i) complete and sign the admission at X on the reverse of this notification and send this notification, together with the amount of the statutory maximum penalty for the offence[s], by prepaid *registered* post or by hand to the Traffic Court, ....., so as to reach the court within seven (7) days from the date of issue of this notification;
- (ii) if you wish, submit with your remittance any mitigating circumstances which you desire the magistrate to take into account.

4. If, after considering any mitigating circumstances, the court decides to remit the penalty or any part thereof, you will be informed by letter, whereupon you should promptly attend the court concerned to collect the amount refunded.

5. WARNING. - Failure to comply with this notification renders you liable to arrest and heavy penalties including imprisonment.

(*Reverse of Police Notification of Traffic Offence*)

## SCHEDULE OF OFFENCES UNDER THE TRAFFIC ACT AND THE TRAFFIC RULES

*Here must be set out the offences and penalties set out in the First Schedule.*

## FOR POLICE USE ONLY

(*For Personal Service*)

Name .....

Address .....

.....

[Subsidiary]

.....  
*Signature of Issuing Officer*  
Station.....  
Time ..... a.m./p.m.  
Date of issue ....., 19.....

*(Reverse of Police Notification of Traffic Offence) - (Contd.)*

X

ADMISSION OF GUILT  
*(Do not detach)*

I admit the charge(s) specified on the front of this notification.  
*Full name (IN BLOCK LETTERS)*.....  
*Address (residential or business)*.....  
*P.O. Box* .....  
*Telephone No.*.....  
*Driving Licence or Certificate of Competency No.*.....  
*Date of Expiry of Driving Licence*.....

*Signature*.....  
*Date*....., 19.....

*To be sent to the Traffic Court addressed as overleaf with above-mentioned amount - see paragraph 3.)*

For Court Use Only.

**Rules under section 119****THE TRAFFIC RULES****ARRANGEMENT OF RULES****PART I – PRELIMINARY***Rule*

- 1 – Citation.
- 2 – Interpretation.
- 3 – Offences under Act and Rules.
- 4 – Fees.
- 5 – Forms, marks, etc.

**PART II – REGISTRATION AND LICENSING OF VEHICLES**

- 6 – Identification marks.
- 7 – Identification plates.
- 7A – Authorization permits.
- 8 – Manner of carrying licence.
- 8A – Manner of carrying vehicle licence certificate.
- 8B - *Deleted*.
- 9 – Vehicles exempted from registration and licensing.

**PART III – DRIVING LICENCES AND TESTS**

- 10 – Vehicles requiring inspection report.
- 10A – Inspection certificate.
- 11 – Validity of licences and permits.
- 12 – Provisional licences.
- 13 – Driving test.
- 14 – Driving licence.
- 15 – Register of driving tests.
- 16 – Applicant to provide vehicle.
- 17 – Driving tests – classes of vehicles.

**PART IV – CONSTRUCTION, EQUIPMENT AND USE OF VEHICLES**

- 18 – Wheels and tyres of motor vehicles and trailers.
- 19 – Wheels and tyres of other vehicles.
- 20 – Wheels and tyres to be adequate.
- 21 – Springs.
- 22 – Brakes.
- 22A – Fitting of seat belts.
- 23 – Lights on motor vehicles.
- 24 – Lights on vehicles other than motor vehicles.
- 25 – Reflectors and warning signs.

[Subsidiary]

*Rule*

- 25A—Motor cycles.
- 26—Silencers.
- 27—Emission of smoke and sparks.
- 28—Reversibility.
- 29—Reflecting mirror.
- 30—Windscreens and windows.
- 31—Vehicles steered from left-hand side.
- 32—Types of direction indicator.
- 33—Safety glass.
- 34—Warning instruments.
- 35—Wings.
- 36—Trailer couplings.
- 37—Speedometers.
- 38—Windscreen wipers.
- 38A—Public service vehicle plates.

PART V – SPECIAL PROVISIONS RELATING TO MOTOR OMNIBUSES OR *Matatus*

- 39—Markings on commercial vehicles and trailers.
- 40—Trailer plates.
- 41—Weights and dimensions of vehicles.
- 41A—Fitting of governors.
- 42—Body construction.
- 43—Wheel tracks.
- 44—Doors and steps.
- 45—Emergency window or panel.
- 46—Access to doors and emergency exits.
- 47—Ventilation.
- 48—Interior illumination.
- 49—Destination indicators.
- 50—Signalling devices.
- 51—Internal height.
- 52—Clearance.
- 53—Windscreen.
- 54—Windows.
- 54A—Tinted motor vehicle windows.
- 55—Name-plates.
- 55A—Horizontal band on *matatus*.
- 56—Fire extinguishers and first-aid outfits.
- 57—Conductors.
- 58—Trailers.
- 59—Routes.
- 60—Petrol, etc.
- 61—Luggage.

[Subsidiary]

PART VI – SPECIAL PROVISIONS RELATING TO DRIVERS, CONDUCTORS AND PASSENGERS OF  
MOTOR OMNIBUSES OR Matatus

*Rule*

- 62 – Interpretation of Part.
- 63 – Conduct of drivers and conductors.
- 64 – Conduct of driver.
- 65 – Conduct of conductor.
- 65A - Badges and uniform.
- 66 – Conduct of passengers.
- 67 – Powers of authorized persons and police.
- 68 – Lost property.
- 69 – Penalties under this Part.

PART VII – SPECIAL PROVISIONS RELATING TO TAXICABS

- 70 – Yellow bands.
- 71 – Photographs.
- 72 – Penalties under Part.

PART VIII – TRAFFIC REGULATION

- 73 – Meeting or overtaking traffic.
- 74 – Slow-moving traffic.
- 75 – Duty to keep left.
- 76 – Turning left.
- 77 – Turning right.
- 78 – Change of traffic lane.
- 78A – Traffic on roundabouts.
- 79 – Travelling backwards.
- 80 – Travelling with part of body outside vehicle.
- 81 – Filling petrol.
- 82 – Pedal cyclists.
- 83 – Priority for police, fire engines and ambulances.
- 84 – (*Deleted*).

PART IX – SEATING AND PASSENGER CAPACITY OF VEHICLES

- 85 – Arrangements of seats in motor omnibuses.
- 86 – Seating capacity of public service vehicles.
- 87 – Driver's seat in motor omnibus or commercial vehicle.
- 88 – Passengers on commercial vehicles.
- 89 – Children.
- 90 – Penalties under Part.

PART X – INTERNATIONAL TRAFFIC

- 91 – Interpretation of Part.
- 92 – Issue of international documents.



[Subsidiary]

*Rule*

- 93 – International circulation permit.
- 94 – Exemption from registration and licensing.
- 95 – Distinguishing sign.
- 96 – Transfer of vehicles.
- 97 – Removal of distinguishing sign and plate.
- 98 – (*Deleted*).
- 99 – Penalties under Part.

SCHEDULES

**THE TRAFFIC RULES**

PART I – PRELIMINARY

G.N. 1902/1953,  
L.N. 30/1957,  
L.N. 426/1957,  
L.N. 547/1959,  
L.N. 99/ 1960,  
L.N. 256/1963,  
L.N. 311/1964,  
L.N. 377/1964,  
L.N. 225/1966,  
L.N. 9/1967,  
L.N. 45/1967,  
L.N. 46/1967,  
L.N. 121/1967,  
L.N. 199/1967,  
L.N. 257/1967,  
L.N. 269/1967,  
L.N. 93/1968,  
L.N. 94/1968,  
L.N. 140/1969,  
L.N. 181/1969,  
L.N. 30/1971,  
L.N. 119/1971,  
L.N. 209/1971,  
L.N. 121/1972,  
L.N. 179/1972,  
L.N. 258/1972,  
L.N. 136/1973,  
L.N. 231/1973,  
L.N. 47/1974,  
L.N. 63/1974,  
L.N. 82/1974,  
L.N. 310/1974,  
L.N. 9/1975,  
L.N. 26/1975,  
L.N. 99/1976,  
L.N. 130/1977,

## [Subsidiary]

L.N. 55/1978,  
L.N. 66/1978,  
L.N. 108/1979,  
L.N. 120/1979,  
L.N. 40/1981,  
L.N. 165/1981,  
L.N. 166/1981,  
L.N. 82/1982,  
L.N. 105/1982,  
L.N. 5/1983,  
L.N. 25/1984,  
L.N. 44/1984,  
L.N. 145/1984,  
L.N. 154/1984,  
L.N. 161/1984,  
L.N. 204/1984,  
L.N. 92/1985,  
L.N. 110/1985,  
L.N. 148/1985,  
L.N. 308/1986,  
L.N. 361/ 1986,  
L.N. 7/1987,  
L.N. 267/1987,  
L.N. 351/1987,  
L.N. 242/1988,  
L.N. 58/1989,  
L.N. 341/1989,  
L.N. 166/1990,  
L.N. 381/1990,  
L.N. 10/1991,  
L.N. 270/1991,  
L.N. 135/1992,  
L.N. 84/1993,  
L.N. 173/2009.

1. These rules may be cited as the Traffic Rules.

Citation.

2. In these Rules, unless the context otherwise requires –

Interpretation.

“articulated vehicle” means any motor vehicle with a trailer having no front axle and so attached that part of the trailer is superimposed upon the motor vehicle and a substantial part of the weight of the trailer and of its load is borne by the motor vehicle (such trailer being called a semi-trailer);

“authorized permit” means a permit issued under rules 7A (1) and 94;

“foreign”, in relation to any vehicle, means a vehicle registered in a country outside Kenya;

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[Subsidiary]

“laden weight” of a vehicle means the weight of the vehicle and its load when the vehicle is stationary and ready for the road, and includes the weight of the driver and of any other person carried for the time being;

“night” means the interval between 6.45 o’clock in the evening and 6.15 o’clock in the morning of the next succeeding day;

“overall length” means the overall length of a vehicle exclusive of any starting handle and any hood when down;

“overall width” means the width measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of any driving mirror;

“overhang” means the distance measured horizontally and parallel to the longitudinal axis of the vehicle between two vertical planes at right angles to such axis, the one passing through that point of the vehicle (exclusive of any hood when down) which projects furthest to the rear and the other passing –

- (a) in the case of a motor vehicle having two axles one of which is not a steering axle, through the centre point of that axle;
- (b) in the case of a motor vehicle having three axles –
  - (i) where the front axle is the only steering axle, through a point four inches in rear of the centre of a straight line joining the centre points of the rear and middle axles;
  - (ii) where the rear axle is the only steering axle, through the centre point of the middle axle;
  - (iii) where all the axles but one are steering axles, through the centre point of the rearmost axle which is not a steering axle;
- (c) in the case of a motor vehicle (whether having two axles or three axles) where all the axles are steering axles, through a point situated on the longitudinal axis of the vehicle and such that a line drawn from it at right angles to that axis will pass through the centre of the minimum turning circle of the vehicle;

“overtaking” means passing or attempting to pass any other vehicle proceeding in the same direction;

“pneumatic tyre” means a tyre which complies in all respects with the following requirements –

- (a) it shall be provided with a continuous close chamber containing air at a pressure substantially exceeding

[Subsidiary]

- atmospheric pressure when the tyre is in the condition in which it is normally used, but is not subjected to any load;
- (b) it shall be capable of being inflated and deflated without removal from the wheel or vehicle;
  - (c) it shall be such that, when it is deflated and is subjected to a normal load, the sides of the tyre collapse;

“reflective material” means material complying with the specifications contained in Part I of the Tenth Schedule;

“seat belt” means a restraining harness fitted in a motor vehicle to be worn by a person occupying a seat in the motor vehicle, which harness shall –

- (i) when worn, consist of a diagonal portion extending from the wearer’s shoulder to the opposite hip and a lap strap extending across the wearer’s lap;
- (ii) be so constructed and anchored as to allow for its adjustment to accommodate variation of physical size of the wearer; and
- (iii) be constructed and anchored and fitted in accordance with the standard and specifications established under the Standards Act by the Kenya Bureau of Standards, or approved by the Kenya Bureau of Standards, for materials, fastenings, anchorages and operations for seat belts;

Cap. 496.

“towed vehicle” means any vehicle which is being towed by any other vehicle by means of any device whatsoever, but does not include any sidecar attached to a motor cycle nor any trailer forming part of an articulated vehicle;

“traffic lane” means, where any road has been divided into two or more sections by any markings on the road surface or by any physical means providing for the use of the road by two or more lines of traffic in one direction, any such section;

“wheelbase” of a vehicle means the distance from the centre of the front axle –

- (a) in the case of a vehicle with two axles, to the centre of the rear axle;
- (b) in the case of a vehicle with three axles, to a point four inches behind a line midway between the two rear axles;
- (c) in any other case, to a point on the longitudinal axis of the vehicle being the point from which a line, if projected at right angles, will pass through the centre of the minimum turning circle of the vehicle.

[Subsidiary]  
and Rules.

Rules, nothing in these Rules shall be deemed to affect the liability of any person to be prosecuted under the Act:

Provided that no person shall be prosecuted twice for the same act or omission.

Fees.

4. The fees set out in Part I of the First Schedule shall be payable in regard to the respective matters therein contained.

Forms, marks etc.

5. (1) Every application, licence or other document, and every badge or mark, prescribed under the Act or these Rules shall, except as otherwise provided, be made in conformity with the appropriate form set out in the Second Schedule.

(2) On the first licensing of any vehicle, the applicant for such licence shall apply in Form I, and thereafter every application for a licence or transfer in respect of that vehicle shall be made in Form II, in the Second Schedule.

(3) When no other provision is specifically made, any authority or person having power to issue any certificate or licence under the Act shall, on proof to his satisfaction that such certificate or licence has been lost or destroyed, and on payment of the prescribed fee, issue a duplicate of the certificate or licence to the person entitled thereto.

L.N. 65/2005.

(4) The badge referred to in section 98 (5) of the Act shall be in the form set out in the Third Schedule.

## PART II - REGISTRATION AND LICENSING OF VEHICLES

Identification marks.

6. (1) The identification mark of a vehicle assigned pursuant to subsection (5) of section 6 of the Act shall include the letter or letters indicating the place where the vehicle is registered as provided for by the Registrar, and a number that shall be assigned to the vehicle by the licensing officer.

(2) An identification plate issued to a dealer with a dealer's general licence under subsection (1) of section 23 of the Act shall include the letters K.G., and a number that shall be assigned by the Registrar.

Identification plates.

7. (1) The following provisions of this rule shall apply to identification plates carried pursuant to section 12 of the Act and to plates carried for use under a dealer's general licence –

- (a) every plate shall be rectangular in shape;
- (b) every vehicle other than a motor cycle or trailer shall have fixed thereon one identification plate on the front elevation

[Subsidiary]

thereof and one on the back elevation thereof; in both cases, the plate shall be fixed in a horizontal position at right angles to the longitudinal axis of the vehicle;

- (c) every motor cycle shall have fixed thereon one plate at the rear in a horizontal position at right angles to the longitudinal axis of the cycle;
- (d) every trailer shall have fixed thereon one plate at the back in a horizontal position at right angles to its longitudinal axis;
- (e) the ground of every dealer's general identification plate on a motor vehicle used under the authority of a dealer's general licence shall be white, and the distinctive letters and numbers thereon shall be red;
- (f) every letter or number on an identification plate shall be not less than 90 millimeters high and every part of every such letter and number shall be at least 15 millimetres broad; the total width of the space taken up by every such letter or number (except in the case of the letter "I" and the number "1") shall be at least 65 millimetres;

Provided that in the case of the plate for a motor cycle the letters shall be not less than 40 millimetres high, every part of every letter and number shall be at least 15 millimetres broad and the total width of the space taken up by every letter or number (except in the case of the letter "I" and the number "1") shall be at least 30 millimetres;

- (g) the space between adjoining letter and adjoining numbers shall be 12 millimetres, and there shall be a margin between the nearest part of any letter or number and the top and bottom of the plate of at least 12 millimetres, and between the nearest part of any letter or number and the sides of the plate of at least 12 millimetres in the case of motor cycles and at least 25 millimetres in the case of all other vehicles;
- (h) the space between the last letter and the first number, or vice versa as the case may be, shall be 40 millimetres, and where the letters and numbers are in separate lines the space between the upper and lower lines shall be 20 millimetres.

(2) (a) Every motor vehicle or trailer first registered after 31<sup>st</sup> May, 1974, shall be fitted with reflective plates unless it is being operated under the authority of a dealer's general licence.

(b) Where a motor vehicle or trailer is not, on 1<sup>st</sup> June, 1974, fitted with reflective plates, the owner thereof shall, on the first occasion after that date upon which an application is made for a licence for the vehicle or trailer, inform the licensing officer accordingly and apply for the issue of reflective plates to him.

(c) Notwithstanding any other provision of these Rules, any

[Subsidiary]

reflective identification plates fitted to a motor vehicle or trailer after 31<sup>st</sup> May, 1974, shall be deemed not to comply with the provisions of these Rules unless –

- (i) they were issued by or on behalf of the Registrar; and
- (ii) they bear the mark of authorization set out in the Eleventh Schedule.

- (d) The fees payable for issue of plates under paragraph (c) shall be as prescribed in the First Schedule.
- (e) With effect from the 1<sup>st</sup> June, 1977, no person shall manufacture or sell reflective number plates without the written authority of the Registrar of Motor Vehicles.

(3) Any person who –

- (a) uses on a road a motor vehicle or trailer the identification plates of which are not clearly visible or legible; or
  - (b) is the owner of a motor vehicle or trailer the identification plates of which are, by reason of damage thereto, illegible or which contain any letter or number other than the identification marks assigned to the vehicle or trailer (or any letter or number other than the identification marks authorized by the Registrar), or which do not comply with the provisions of this rule; or
  - (c) fails to comply with the provisions of subparagraph (b) of paragraph (2) or fails to fit to the vehicle or trailer concerned identification plates issued under that paragraph,
- shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

(4) In this rule, “fitted with reflective plates” means carrying identification plates, as required by subparagraphs (b), (c) and (d) of paragraph (1), comprising –

- (a) distinctive letters and numbers in white on a background of green reflective material for vehicles owned by local authorities;
- (b) distinctive letters and numbers in white on a background of blue reflective material for vehicles owned by such other public bodies as the Permanent Secretary in the Office of the President may from time to time, in writing, notify the Registrar and the public bodies concerned; and
- (c) distinctive letters and numbers in black on a background of reflective material which –
  - (i) in the case of the plate on the front elevation or front mudguard, is white; and
  - (ii) in the case of the plate on the rear elevation is yellow, for all other vehicles.

(5) Where a vehicle is registered in Burundi, Ethiopia, Rwanda,

Somalia, Sudan, Tanzania, Uganda, Zaire or Zambia in addition to being registered under the Act, nothing in this rule shall be construed so as to prohibit the simultaneous exhibition of identification plates carried pursuant to the law of any such country and identification plates carried pursuant to section 12 of the Act.

[Subsidiary]

7A. (1) Any person who brings a foreign vehicle to Kenya by road or by other means shall report the presence of such vehicle to a licensing officer at the nearest point of entry or at any Government office where vehicle licences are normally issued and shall submit an application in the prescribed form for an authorization permit which shall be accompanied by the foreign vehicle registration book.

Authorization  
permits.  
L.N. 187/1994.

(2) For the purpose of this rule, the points of entry and exit shall be Lunga Lunga, Taveta, Namanga, Isebania, Busia, Malaba, Mandera, Moyale, Liboi, Keekorok, Oloitokitok, Lwakhakha, Kilindini, Lamu and Lokichogio.

(3) In the case of a private vehicle, the licensing officer may issue to the applicant free of charge, an authorization permit in the prescribed form valid for a period of seven days; and if the owner of the vehicle desires to keep the vehicle in Kenya for a period exceeding seven days, and there is not then in force in respect of the vehicle an international certificate, the Registrar may, on production of the authorization permit and payment of the prescribed fee, issue to the owner a licence for the vehicle valid for a period not exceeding three months but renewable on expiry:

Provided that the aggregate period during which the vehicle may be kept in Kenya shall not exceed twelve months.

(4) No such fee or any part thereof shall be refundable to the owner if the owner takes or sends the vehicle out of Kenya before expiry of the licence; and on expiry of the licence the vehicle shall, on application by the owner, be registered and licensed in Kenya, or shall be removed from Kenya.

(5) In the case of a foreign commercial or public service vehicle in respect of which there is not in force an international certificate or P.T.A. carrier licence the licensing officer may, on payment of the prescribed fee, issue in respect of the vehicle an authorization permit in the prescribed form valid for a period not exceeding thirty days but renewable on expiry for an aggregate period not exceeding twelve months from the date of entry into Kenya and the owner shall, on expiration of the authorization period, remove the vehicle from or send it out of Kenya:



[Subsidiary]

Provided that where the owner desires to keep the vehicle in Kenya for a period exceeding twelve months, he shall have the vehicle registered and licenced in Kenya before the expiry of the authorization period under this paragraph.

(6) When removing the vehicle from Kenya, the owner shall produce to the licensing officer at the nearest point of exit the authorization permit or licence, as the case may be, and if the permit or licence has expired the prescribed fee for each day the vehicle has been in Kenya after the expiry of the permit or licence shall be payable.

(7) Any person who contravenes or fails to comply with the provisions of this rule shall be guilty of an offence and liable –

- (a) in the case of a first conviction, to a fine not exceeding two thousand shillings or imprisonment for a term not exceeding six months or both;
- (b) in the case of a second or subsequent conviction, to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding one year or both.

(8) This rule shall not apply to foreign vehicles owned or operated by Kenatco Transport Company Limited.

Manner of carrying  
licence.

8. (1) Every vehicle licence issued under section 17 or 17A of the Act, and every public service vehicle licence issued under section 97 of the Act shall be carried on the vehicle –

- (a) in the case of a motor-cycle, in any prominent position on the cycle;
- (b) in the case of a motor-cycle with side-car, either as provided in paragraph (a) or on the nearside of the side-car in front of the seat;
- (c) in the case of a trailer, on the nearside of the trailer;
- (d) in the case of all other vehicles, on the nearside of the vehicle in front of the front seat, and facing either forward or to the nearside of the road.

(2) The licence shall be carried in a conspicuous and reasonably vertical position behind the glass of the wind-screen or nearside window, so that the front of the licence is clearly visible at all times by daylight to a person standing in front of the vehicle or to the left or near side thereof:

Provided that, in the case of a motor-cycle or a vehicle not fitted with a windscreen or windows, the certificate shall be suitably carried in a weatherproof holder having a transparent face.

(3) A dealer's general licence shall be carried on the front identification plate issued with the licence, in the holder provided for that purpose.

[Subsidiary]

(4) A licence shall be removed as soon as it has expired and be replaced with a licence of current validity.

8A. Every vehicle licence certificate issued under section 20A of the Act shall be carried on the vehicle in respect of which it is issued affixed to the identification plate.

Manner of carrying vehicle licence certificate.

8B. *Deleted by L.N. 33/2007.*

9. (1) The following classes of vehicles shall be exempt from registration and licensing under Parts II and III of the Act –

Vehicles exempted from registration and licensing.

- (a) vehicles the property of the President;
- (b) vehicles owned by the armed forces;
- (c) (*Deleted by L.N.209/1971*);
- (d) vehicles used under the authority of a dealer's general licence.

(2) The following classes of vehicles shall be exempt from licensing under the Act –

- (a) vehicles owned by –
  - (i) the Government;
  - (ii) municipal councils;
  - (iii) urban or area councils;
  - (iv) county councils;
- (b) vehicles used solely as ambulances by the St. John Ambulance Association or by the Kenya Red Cross Society;
- (c) vehicles owned and used solely by the Navy, Army and Air Force Institute;
- (d) vehicles the property of any country, or of any consular representative (if such consular representative is not engaged in any other business or profession in Kenya) of a country with which agreement exists with Kenya affording adequate reciprocity in the exemption of such vehicles from road traffic licensing;
- (e) vehicles which are used solely on any road or other place to which the public have no general right of access.

### PART III - DRIVING LICENCES AND TESTS

10. The classes of motor vehicles in respect of which a licensing officer shall require production of an inspection report under section 17 (2) of the Act shall be –

Vehicles requiring inspection report.

- (a) public service vehicles;
- (b) commercial vehicles;
- (c) heavy commercial vehicles.

**[Subsidiary]**

Inspection certificate.

10A. A vehicle inspection certificate issued under section 17A of the Act shall be in form XXIIA set out in Second Schedule and shall be displayed in the manner prescribed under rule 8.

Validity of licences and permits.

11. (1) The following licences and permits shall be deemed to be driving licences in respect of the class or classes of vehicles for which they are issued, and throughout the period of their validity, except where otherwise hereinafter specified –

- (a) a valid driving licence or driving permit issued in Uganda, Tanzania or Ethiopia;
- (b) a service driving permit issued by the Naval, Army or Air Force authorities, but only for the purpose of driving Naval, Army or Air Force vehicles on duty and subject to the permit being issued and used in compliance with any regulations or instructions in force in relation thereto;
- (c) a convention driving permit, held by a person resident outside Kenya;
- (d) a domestic driving permit issued in a country outside Kenya to a person resident outside Kenya, which shall be valid only for a period of ninety days from the date of the holder's entry into Kenya;
- (e) where by reason of delays in printing or otherwise the form of driving licence prescribed in the Second Schedule is temporarily unavailable, the form prescribed in that Schedule as an interim driving licence;

Provided that, notwithstanding the foregoing provisions of this paragraph, a permit of a kind referred to in subparagraph (c) or subparagraph (d) shall not be valid so as to permit a person under the age of eighteen years to drive a motor vehicle.

(2) In paragraph (1) –

“convention driving permit” means an international driving permit issued under the authority of a country outside Kenya which is a party to the Geneva Convention on Road Traffic of 1926 or the United Nations Convention on Road Traffic of 1949;

“domestic driving permit” means a document issued under the law of a country outside Kenya authorizing the holder to drive motor vehicles, or a specified class or description of motor vehicles, in that country.

Provisional licences.

12. (1) A provisional licence shall be subject to the following conditions –

- (a) the holder of the provisional licence shall not drive a motor vehicle unless he is, at all times whilst so driving,

[Subsidiary]

accompanied in the vehicle by a person sitting next to him who holds a valid driving licence for the class of vehicle concerned:

Provided that this paragraph shall not apply to the driving of-

- (i) a motor cycle that is carried on two wheels without a sidecar attached; or
- (ii) a motor vehicle whose construction is such that it provides no accommodation for a person to sit next to the driver;
- (b) the holder of the provisional licence shall not drive a motor vehicle unless, at all times whilst he is so driving, there is exhibited on the front and rear of such vehicle, in such a manner as to be plainly visible to any person in front of or behind the vehicle, a distinguishing mark in the form set out in the Fifth Schedule;
- (c) the holder of the provisional licence shall not –
  - (i) carry any passenger on a motor cycle that is carried on two wheels without a sidecar attached;
  - (ii) drive any motor vehicle which is carrying passengers for hire or reward.

(2) Any person who, not being the holder of a provisional licence; drives any motor vehicle upon the front or rear of which is exhibited a distinguishing mark in the form set out in the Fifth Schedule shall be guilty of an offence.

13. (1) Any person who is required by the Act to pass a driving test shall apply in writing in the prescribed test application form to a licensing officer, who shall, on payment by the applicant of the prescribed fee, enter the date of payment and his signature, and the date, time and place allotted for the test, in the spaces provided for that purpose on the form. Driving test.

(2) The applicant shall produce his test application form, completed as aforesaid, to a driving test examiner appointed under subsection (3) of section 3 of the Act, who shall make arrangements for the driving test to be carried out, and shall either –

- (a) if he is satisfied, having regard to the requirements and provisions of the Act, that the applicant is competent to drive the class or classes of vehicle named in the test application form, issue him with a certificate of competency in the prescribed form; or
- (b) if he is not so satisfied, endorse the test application form to the effect that the applicant has failed to pass the test; and shall in either case retain the test application form.

**[Subsidiary]**

Driving licence.

14 (1) An applicant for a driving licence or provisional licence or for the endorsement of an existing licence in respect of another class or classes of vehicle, shall produce to a licensing officer –

- (a) the application form and fee prescribed;
- (b) two unmounted copies of a recent photograph of the head and shoulders of the applicant, taken full face without hat, 45 millimetres long by 35 millimetres wide and printed on normal photographic paper;
- (c) his certificate of competency, licence or permit as required by paragraph (a) of subsection (1) of section 31 of the Act:

Provided that subparagraphs (b) and (c) shall not apply to an applicant for a provisional licence only.

(2) On receipt of the document or documents and fee required by paragraph (1), the licensing officer shall, if satisfied with regard thereto, arrange for the issue or endorsement, as the case may be, of the licence.

Register of driving tests.

15. There shall be kept by every driving test examiner a driving test register in which will be entered the name and address of every applicant for a driving test, the serial number of the test application form, the date on which such test was given, the result of such test and, if the applicant was issued with a certificate of competency, the number of the certificate and class of vehicles to which it related.

Applicant to provide vehicle.

16. Every person presenting himself for a driving test in accordance with rule 13 shall provide for that purpose a vehicle, in good roadworthy condition, of the class named in the test application form.

Driving tests - classes of vehicles.

17. For the purpose of paragraph (a) of subsection (1) of section 31 of the Act, any person who has passed a test of competence to drive a motor vehicle of the class or type specified in the first column of the Sixth Schedule shall be deemed to have passed a test of competence to drive all motor vehicles of such other classes or types as are specified in the second column of that Schedule in relation to such first-mentioned class or type:

Provided that any person who has passed a test of competence to drive a heavy commercial vehicle or motor omnibus shall be deemed to have passed a test of competence to drive a *matatu*.

#### PART IV - CONSTRUCTION, EQUIPMENT AND USE OF VEHICLES

Wheels and tyres of motor vehicles and trailers.

18. (1) No motor vehicle (other than a road roller) or trailer shall be driven on any road unless it is fitted with wheels and adequately inflated pneumatic tyres, or other type of wheel or tyre approved in writing by the highway authority:

[Subsidiary]

Provided that –

- (i) a tractor normally used for agricultural purposes may be fitted with solid rubber tyres on the front wheels; but any such tractor shall only be driven on a road whilst proceeding to or from work or being delivered to a new owner;
- (ii) in special circumstances the highway authority may on a particular occasion issue a permit, subject to such conditions as it may impose, for a vehicle to be so driven which does not comply with this rule.

(2) A recut pneumatic tyre shall not be fitted to any wheel of a motor vehicle.

(3) In paragraph (2), “recut pneumatic tyre” means a pneumatic tyre in which an existing tread pattern has been cut or burnt deeper or a new tread pattern has been cut or burnt, except where the pattern is cut entirely in additional material added to the type for the purpose.

19. (1) Subject to rule 18, no vehicle the gross weight of which exceeds 450 kg. shall, except on the written authority of the highway authority, be used on any road unless fitted with wheels and adequately inflated pneumatic tyres:

Wheels and tyres of other vehicles.

Provided that this paragraph shall not apply in respect of a road constructed or maintained solely for use by vehicles not fitted with pneumatic tyres.

(2) No vehicle fitted with wheels without pneumatic tyres shall be used on a road if any wheel or tyre fitted to the vehicle is so defective that it does not bear evenly on the level surface when the vehicle is moving thereon.

20. Every vehicle used on a road shall be equipped with such tyres and wheels as are adequate to carry safely the permitted maximum laden weight of the vehicle.

Wheels and tyres to be adequate.

21. Every motor vehicle, other than a tractor or motor cycle, shall be equipped with suitable and sufficient springs between each wheel and the frame of the vehicle.

Springs.

22. (1) Every motor vehicle shall be equipped with two entirely independent and efficient braking systems, or with one efficient braking system having two independent means of operation, in either case so designed and constructed that the failure of any single portion of any braking system shall not prevent the brakes on two wheels, or, in the

Brakes on motor vehicles.

## [Subsidiary]

case of a vehicle having less than four wheels, on one wheel, from operating effectively so as to bring the vehicle to rest within the distance and under the conditions specified in paragraph (10):

Provided that, in the case of a single braking system, the two means of operation shall not be deemed to be otherwise than independent solely by reason of the fact that they are connected either directly or indirectly to the same cross shaft.

(2) In the case of a motor vehicle having more than three wheels and equipped with two independent braking systems, each such system shall be so designed and constructed that, if the brakes thereof act either directly or indirectly on two wheels, they shall act on two wheels on the same axle.

(3) In all cases the brakes operated by one of the means of operation shall –

- (a) be applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device; and
- (b) act directly upon the wheels and not through the transmission gear.

Brakes on  
steam-driven  
vehicles.

(4) In the case of a steam-driven vehicle, the engine of the vehicle shall be deemed to be one independent braking system if the engine is capable of being reversed, and is incapable of being disconnected from all the road wheels other than the steering wheels except by the sustained effort of the driver.

Brakes on trailers.

- (5) (a) Every trailer having a permissible laden weight exceeding one ton or exceeding one-half of the unladen weight of the drawing vehicle shall be equipped with at least one braking device capable of –
- (i) acting symmetrically on at least half the number of wheels on each side of the trailer;
  - (ii) preventing the rotation of the wheels when the trailer is uncoupled;
  - (iii) automatically stopping the trailer if the trailer becomes detached whilst in motion; and
  - (iv) in the case of a trailer having a permissible laden weight exceeding 3,500 kg., being operated from the towing vehicle.
- (b) Every trailer whose permissible laden weight does not exceed one ton shall, unless fitted with a device capable of automatically stopping the trailer if the trailer becomes detached whilst in motion, be equipped in addition to the

main towing attachment with a secondary attachment in the form of a chain or wire rope of adequate strength.

[Subsidiary]

(6) The provisions of paragraph (5) shall apply to every semi-trailer in an articulated vehicle:

Brakes on semi-trailers.

Provided that a semi-trailer having a permissible laden weight exceeding 750 kg. shall be equipped with at least one braking device capable of being operated by applying the service brake from the drawing vehicle.

(7) Every combination of a motor vehicle and one or more trailers shall be equipped with brakes capable of controlling the movement of and of stopping the combination in an efficient, safe and rapid way under any conditions of loading on any up or down gradient on which it is operated.

Brakes on combinations of vehicles.

(8) Except in the case of motor cycles with or without side-cars attached, every motor vehicle shall be equipped with a braking system so designed and constructed that it can be set so as effectually to prevent two at least, or in the case of a vehicle with only three wheels one, of the wheels from revolving when the vehicle is unattended.

Parking brakes.

(9) Every vehicle used on a road, other than as provided for in this rule, shall be equipped with a brake or brakes capable of bringing it to rest within a reasonable distance.

Brakes on other vehicles.

(10) The braking system on every motor vehicle shall be so constructed and maintained as to bring the motor vehicle to a stop in a distance of 7.5 metres when running at a rate of 25 kilometres per hour on level ground; in order to measure the adequacy of a braking system under this paragraph it shall be lawful for any police officer or inspector to use a Tapley meter or other instrument of the like function specified for the purpose by the Commissioner of Police, and any reading on such meter or instrument of less than 30 per cent shall be prima facie evidence of the inability of the brakes tested to conform to the requirements of this paragraph.

Braking efficiency

22A. (1) No motor vehicle shall be used or driven on a road unless it is fitted with seat belts in the following manner:

Fitting of seat belts.  
L.N. 65/2005.

*Manner of Fitting:*

(a) A seat belt per seating position in a motor vehicle, and if seating accommodation is provided for more than two persons abreast, whether by a continuous seat known as a "bench seat" or by separate seats, the seat belts for the persons other than those seated next to the



[Subsidiary]

body of the vehicle may consist only of a lap strap position of seat belt.

(2) The owner of any motor vehicle used or driven on a road contrary to paragraph (1) shall be guilty of an offence and liable to a fine of one thousand shillings for every seat that is not fitted or, if fitted, is not of the proper standard or specification.

(3) No person shall be in a motor vehicle which is in motion on a road and occupy a seat in that vehicle in respect of which a seat belt is fitted in accordance with this rule without wearing the seat belt.

(4) A person who does not wear a seat belt as required under paragraph (3) shall be guilty of an offence and liable to a fine of five hundred shillings.

(5) It shall be the responsibility of the conductor of a public service vehicle, and where there is no conductor, the driver of that vehicle, to keep the seat belt in a clean, dry and generally wearable condition.

(6) Any driver or conductor who contravenes paragraph 5 shall be guilty of an offence and liable to a fine of five hundred shillings.

Lights on motor  
vehicles.

23. (1) Every motor vehicle shall be equipped with two lamps at the front of the vehicle, one on each side; and when a motor vehicle is in motion on a road at night the two lamps at the front of the vehicle shall be lighted and the rays from the lamps shall be white or yellow, and, if the vehicle is capable of proceeding at a speed greater than 30 kilometres an hour, shall be of such intensity as to illuminate the road ahead for a distance of at least 100 metres:

Provided that –

- (i) a motor cycle shall show one such light as aforesaid, but if a side-car is attached to the motor-cycle there shall be shown on that side of the side-car not adjacent to the motor cycle an additional light of sufficient intensity as to be visible for a distance of at least 150 metres at night;
- (ii) when a motor vehicle is in motion at night on a road lighted by electric lamps, it shall be lawful for such vehicle to show two lights in front of the kind and in the manner described in paragraph (2) in place of the lamps described in this paragraph.

(2) Every motor vehicle and every trailer not attached to a motor vehicle shall, when stationary on a road at night, other than in a car park or in a place reserved for parking in a street where adequate lighting

[Subsidiary]

is normally provided, show two lights in front, one at each side, of sufficient intensity to indicate the presence of the motor vehicle or trailer from a distance of 150 metres to approaching traffic:

Provided that a motor cycle not attached to a side-car shall show one such light as aforesaid.

(3) Every motor vehicle or trailer, when on a road at night, and whether in motion or stationary, shall carry two lamps at the rear of the vehicle of such intensity as to indicate clearly within a distance of not less than 200 metres (in the absence of fog, mist or rain) its presence on the road to traffic approaching from behind, and the lamps shall –

- (a) be mounted securely to the body-work or chassis of the vehicle at a height of not less than 20 cm. and not more than 1.5 m.;
- (b) be positioned so that they are not more than 10 cm. inboard from the outer extremity of the body or chassis, and at least one lamp shall be so constructed as to provide an uncoloured light of sufficient intensity to illuminate clearly the figures and numbers on the rear identification plate, unless other means of so illuminating that plate are provided:

Provided that –

- (i) where a trailer is attached to a tractor vehicle it shall be sufficient if the lamps are carried at the rear of the trailer;
  - (ii) a motor cycle not attached to a side-car shall carry one lamp.
- (4) (a) All lamps required by paragraph (1) shall be equipped with a means of eliminating any dazzling effect produced by such lamps, but such elimination shall in every case leave sufficient light to illuminate clearly the road ahead for at least 25 metres.
- (b) Such elimination shall be effected –
- (i) on the approach from the opposite direction of another vehicle;
  - (ii) where in the interests of safety it is necessary.
  - (iii) where the lamp is used pursuant to paragraph (7).

(5) No motor vehicle shall be equipped with more than one swivelling light.

(6) No spot-light or swivelling light shall be used –

- (a) in place of head-lights, save to complete a journey where the head-lights have been damaged;

## [Subsidiary]

- (b) in such a manner as to impede the vision of, or cause annoyance to, any user of the road.

(7) Every motor cycle shall, when in motion in daylight hours, have its front lamp lighted.

Lights on vehicles  
other than motor  
vehicles.

24. Every vehicle other than a motor vehicle or trailer, when on a road at night whether in motion or stationary, shall—

- (a) be equipped with two lamps showing a white light, so fixed and lighted as to indicate clearly to approaching traffic from a distance of 150 metres the presence and width of the vehicle and of any load carried thereon; and
- (b) two lamps to the rear so as to indicate clearly its presence on the road to traffic approaching from behind:

Provided that —

- (i) in the case of a bicycle, it shall be sufficient to show one only of the lamps referred to in paragraph (a) and paragraph (b);
- (ii) this rule shall not apply in respect of a vehicle stationary in a car park, or in a place reserved for parking in a street where adequate lighting is normally provided.

Reflectors and  
warning signs.

25. (1) In addition to the lamps required or permitted to be carried on vehicles under these Rules, reflectors and warning signs shall also be carried as follows —

- (a) on a bicycle or a power-assisted bicycle —
  - (i) one red reflector fitted at the rear thereof not less than 45 centimetres above ground level; and
  - (ii) on and after 1<sup>st</sup> January, 1970, a warning sign, securely affixed to the rear mudguard and extending upwards from the rear lower edge thereof, conforming to the dimensions and details set out in Part II of the Tenth Schedule:

Provided that, in the case of a bicycle or a power-assisted bicycle having a rear wheel the diameter of which does not exceed 50 centimetres —

- (i) if such a bicycle is constructed so as to be suitable only for use by a child, nothing in this subparagraph shall apply thereto; and
- (ii) in any other case, such warning sign shall be mounted on a metal plate, above the rear wheel, or on the offside, of the vehicle and having the lower edge of the sign not less than 30 centimetres above ground level;

(b) on a motor cycle that is carried on two wheels without a side-car attached, one red reflector fitted at the rear thereof not less than 45 centimetres above ground level;

(c) on a heavy vehicle, or on a trailer having a tareweight exceeding 225 kilograms –

(i) at the front - a warning sign consisting of a continuous strip of white reflective material, not less than 5 centimetres wide, mounted on a metal panel facing in a forward direction extending horizontally for such distance as is necessary to indicate the overall width of the vehicle, or to within 30 centimetres on either side thereof, and so placed that the lower edge of such sign is not less than 30 centimetres and the upper edge not more than 120 centimetres above ground level;

(ii) at each side of the rear - a warning sign conforming to the dimensions and details set out in Part III of the Tenth Schedule mounted on a metal panel so placed that the lower edge of the sign is not less than 60 centimetres and the upper edge not more than 150 centimetres above ground level, and the outer edge is not more than 15 centimetres from the side of the vehicle;

(d) on a medium vehicle on or after 1<sup>st</sup> January, 1970 –

(i) which is not fitted with reflective plates, as that expression is defined in rule 7 (4), each of which is fitted centrally on the central longitudinal axis of the vehicle, the warning signs set forth in subparagraph (c); or

(ii) which is so fitted with reflective plates either the warning signs so set forth or two red reflectors on the back thereof fitted respectively not more than 30 centimetres from a line parallel to the longitudinal axis of the vehicle through the lateral extremity of the vehicle on each side, and placed at the same height which shall not be less than 75 centimetres and not more than 180 centimetres above ground level;

(e) on a heavy vehicle or a medium vehicle two white, yellow or colourless reflectors on the front thereof fitted respectively not more than 30 centimetres from a line parallel to the longitudinal axis of the vehicle through the lateral extremity of the vehicle on each side, and placed at the same height which shall not be less than 75 centimetres and not more than 180 centimetres above ground level;

(f) on any vehicle not hereinbefore in this rule specifically mentioned, one red reflector fitted on the offside rear of the vehicle not less than 50 centimetres and not more than 180 centimetres above ground level.

(2) Every reflector carried on a vehicle pursuant to this rule –

## [Subsidiary]

- (a) shall be securely affixed to the vehicle so as to be clearly visible from directly in front of or behind such vehicle, as the case may be;
- (b) shall if circular, be not less than 4 centimetres in diameter or, if not circular, be of an area of not less than 12.5 square centimetres and be of such shape that a circle of 25 millimetres in diameter may be inscribed therein.

(3) Where a rear light of a vehicle is so constructed that, when not showing a light, it is an efficient red reflector facing to the rear and complies with the provisions of this rule applicable to such vehicle, it shall be treated as being such a reflector when it is, as well as when it is not, showing a light.

(4) Every warning sign required by this rule to be carried on a vehicle, and every reflective plate, shall at all times be maintained in a reasonably clean condition.

(5) Where under this rule a warning sign is required to be mounted on a metal plate, such plate –

- (a) shall, in all its surface dimensions, be no smaller than the corresponding dimensions of the warning sign concerned; and
- (b) shall be securely mounted on the body, chassis or frame of the vehicle at right angles to the longitudinal axis of the vehicle so that the warning sign is facing directly forwards or rearwards, as the case may be.

(6) Where the structure of any vehicle is such that it is not possible to comply with the provisions of this rule relating to the size or position of warning signs which are applicable to such vehicle, such signs shall be fitted of such size and in such position as to comply with such positions as nearly as may be.

(7) For the purposes of this rule and the Tenth Schedule to these Rules but not subrule (8) of this rule –

“commercial vehicle” means any motor lorry, truck, van (including a vehicle commonly known as a “pick up”), breakdown van or like motor vehicle, but does not include a vehicle commonly known as a “station wagon”;

“heavy vehicle” means a motor vehicle, having a tareweight exceeding two tonnes, which is either a commercial vehicle or a public service vehicle;

[Subsidiary]

“medium vehicle” means a motor vehicle, having a tareweight not exceeding two tonnes, which is either a commercial vehicle or a public service vehicle licensed to carry more than five passengers.

(8) For the purposes of section 53 (2) (aa) of the Act, the reflecting triangles shall be of the dimensions specified in Part IV of the Tenth Schedule and shall be constructed in accordance with the Kenya Standard Specification for portable reflective warning triangles for motor vehicles being standard No. KS 03-815: 1987.

25 A. (1) A person shall not ride on a motor cycle of any kind, class or description without wearing a helmet and a jacket that has reflectors.

Motor cycles.  
L.N. 173/2009.

(2) A person who rides a motor cycle shall provide a helmet and a jacket that has reflectors to be worn by the passenger, and shall carry only one passenger at a time.

(3) A passenger shall wear a helmet and a jacket which has reflectors as provided under paragraph (2).

(4) Every motor cycle shall be insured against third party risks in accordance with the Motor Vehicle (Third Party) Insurance Act.

Cap. 405.

(5) For the purposes of this regulation a helmet shall be of such shape, construction and quality as may, from time to time, be prescribed by the Minister by notice in the gazette.

(6) A person shall not ride a motorcycle unless that person has a valid driving licence issued in accordance with the provisions of the Act.

(7) For the purposes of this rule, “ride” means to operate, manage or to be in control of a motor cycle.

(8) A person who contravenes or fails to comply with the provisions of this rule commits an offence and is liable to a fine of five thousand shillings or, in default of payment, to imprisonment for a term not exceeding three months.

26. Every motor vehicle propelled by an internal combustion engine or a compression ignition engine shall be so constructed that the exhaust gases from the engine cannot escape into the atmosphere without first passing through a silencer, expansion chamber or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise which would otherwise be caused by the escape of those gases.

Silencers.

**[Subsidiary]**

Emission of smoke  
and sparks.

27. (1) Every motor vehicle shall be so constructed, maintained and used that no smoke or visible vapour is emitted therefrom.

(2) Every motor vehicle using solid fuel shall be fitted with an efficient appliance for the purpose of preventing the emission of sparks or grit, and also with a tray or shield to prevent ashes and cinders from falling on to the road.

Reversibility.

28. Every motor vehicle whose weight unladen exceeds 8 cwt. shall be so constructed and maintained as to be capable of travelling either forwards or backwards.

Reflecting mirror.

29. Every motor vehicle shall be equipped with a reflecting mirror, so constructed and fitted as to enable the driver to be or become aware of the presence in the rear of any other vehicle.

Windscreens and  
windows.

30. (1) Every motor vehicle shall be so designed, constructed and used that the driver controlling it has a full view of the road and traffic ahead.

(2) The windscreen and windows of every motor vehicle shall be kept free from the application of any material which has, or is capable of having, reflective properties.

(3) The windscreen of every motor vehicle shall be kept in such condition that the driver's view is not impeded.

Vehicles steered from  
left-hand side.

31. (1) Every motor vehicle registered in Kenya which is steered from the left or nearside shall have painted on the rear left side a

white arrow pointing to the left, such arrow to be not less than one foot long and two inches broad and to be clearly visible to traffic approaching from behind.

(2) Every motor vehicle registered in Kenya, other than a commercial vehicle, which is steered from the left or nearside shall be equipped with direction indicators of a type mentioned in rule 32 and shall be fitted at the rear with a red light which lights when the brakes are applied.

(3) Every commercial vehicle registered in Kenya which is steered from the left or nearside shall be equipped with mechanical direction indicators capable of being worked by hand by the driver; and shall be fitted at the rear with a red light which lights when the brakes are applied.

32. (1) Subject to rule 31, when a motor vehicle is equipped with direction indicators, such indicators shall be of one of the following types –

[Subsidiary]  
Types of direction  
indicator.

- (a) a movable arm capable of protruding beyond each side of the vehicle and illuminated by a steady amber light when the arm is in the horizontal position;
- (b) a constantly blinking or flashing amber light affixed to each side of the vehicle;
- (c) a constantly blinking or flashing light placed at each side of the front and rear of the vehicle; the colour of such lights shall be white or orange towards the front and red or orange towards the rear.

(2) No lights on any motor vehicle, with the exception of direction indicators, shall be flashing or blinking lights.

33. The glass of any windscreens and windows facing to the front on the outside of any motor vehicle shall be of a type which, upon impact, does not fly into fragments capable of causing severe cuts:

Safety glass

Provided that this rule shall not apply to any vehicle which was first registered in Kenya before the 1<sup>st</sup> January, 1930.

34. (1) Every motor vehicle and bicycle shall be fitted with an instrument capable of giving audible and sufficient warning of its approach or position:

Warning instruments.

Provided that no such instrument shall consist of a gong bell (other than a bicycle bell) or siren, except in the case of a vehicle being used for fire brigade, ambulance or police purposes.

(2) Every driver of a motor vehicle or bicycle shall, when it is necessary for the safety or convenience of the public, give audible warning of his approach or position by using the warning instrument required by this rule.

(3) When a motor vehicle is stationary on a road or parking place, no person shall use or permit to be used in connexion therewith any warning instrument, except when such use is necessary on grounds of safety; and no such instrument shall be used in such a manner as to be a nuisance to the public.

35. (1) Every motor vehicle other than a tractor shall be fitted with wings or other similar fittings to catch, so far as practicable, mud, water or stones thrown up by the rotation of the wheels, unless adequate protection is afforded by the body of the vehicle:

Wings.



[Subsidiary]

Provided that this rule shall not apply to a vehicle which is being driven to any place for the purpose of having bodywork fitted or repaired.

(2) Every bicycle and power-assisted bicycle shall be fitted with an adequate rear mudguard extending from a point forward of the saddle bracket rearwards over and around the rear wheel to a point no higher from ground level than the hub of that wheel.

Trailer couplings.

36. Whenever a trailer is attached to any vehicle, the coupling shall be efficient for the purpose, and shall be maintained in a safe condition.

Speedometers.

37. (1) Every motor vehicle shall be fitted with a speedometer for recording the speed of such vehicle with reasonable accuracy:

Provided that this rule shall not apply to any tractor, or any engineering or agricultural machinery, or any special vehicle constructed for use by a disabled driver, or any motor cycle the cylinder capacity of which does not exceed 100 c.c., or any vehicle which by reason of its construction is incapable of exceeding 30 kilometres per hour on level ground under its own power.

(2) Every speedometer shall be fitted in such a manner as to be visible to the driver at all times, and shall be maintained in good working order.

(3) Any person who drives or uses on a road a vehicle which does not conform to the requirements of this rule shall be guilty of an offence, unless he proves that it was not practicable, by reason of the

make or type of the vehicle, or for other good reason, to fit or maintain a speedometer thereto.

(4) In any case, it shall be no defence in any proceedings for exceeding a speed limit to plead that because a vehicle was not fitted with a speedometer, or because the speedometer fitted was not working the driver was not aware of the speed of such vehicle.

Windscreen wipers.

38. An efficient windscreen wiper shall be fitted to every vehicle which is so constructed that the driver cannot, by opening the windscreen or otherwise, obtain an adequate view to the front of the vehicle without looking through the windscreen.

Public service vehicle  
plates.

38A. (1) Every public service vehicle, with the exception of *matatus*, shall display, on both front and rear elevations, a sign consisting of the letters "P.S.V." in black on a white background of such size as

to

[Subsidiary]

be clearly visible at a distance of thirty metres.

(2) Every public service vehicle operating as a *matatu* shall display, on both front and rear elevations, a sign consisting of the letters “P.S.V.” in white on a blue background of such size as to be clearly visible at a distance of thirty metres.

(3) The owner of a public service vehicle being driven on a road which does not carry a sign required by this rule shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

39. The owner of every commercial vehicle or trailer shall cause to be painted or otherwise clearly marked in the English language in a conspicuous position on the right or offside of every such vehicle, in letters not less than one inch in height which shall at all times be kept clearly legible –

Markings on commercial vehicles and trailers.

- (a) the name and address of the owner of the vehicle;
- (b) the registered tare weight of the vehicle; and
- (c) the maximum weight the vehicle is authorized to carry.

40. The owner of every trailer or towed vehicle (other than a vehicle which requires to be towed on account of a breakdown) shall have affixed in a conspicuous position on the rear thereof the letter “T” in the form in the diagram contained in the Seventh Schedule.

Trailer plates.

41. (1) (a) Subject to section 56 of the Act, the maximum weights and dimensions referred to in section 55 (2) of the Act shall be as set out in the Twelfth Schedule.
- (b) The volumes of liquid products not specified in the

Weights and dimensions of vehicles.  
L.N. 118/2008.

Thirteenth Schedule which may be loaded into each category of bulk liquid tank shall not exceed the axle load limits set out in this rule.

(2) A person who drives or uses on a road a vehicle in respect of which the weights set out in paragraph 2 (1), (2) or (3) of the Twelfth Schedule are exceeded, shall as respects each overloaded axle or any excess over the maximum permitted weight, be guilty of an offence against section 58 of the Act, and shall, in respect of that offence, on conviction, pay a fine not less than the appropriate fine according to the following scale –

[Subsidiary]

<i>Degree of Each Axle Overloading or Excess Gross Vehicle Weight in Kilograms (kg.)</i>	<i>Fine (KSh.)</i>	
	<i>Fine on First Conviction (KSh.)</i>	<i>Fine on Second or Subsequent Conviction (Ksh)</i>
Less than 1,000 kg.	5,000	10,000
1,000 kg. or more but less than 2,000 kg	10,000	20,000
2,000 kg. or more but less than 3,000 kg	15,000	30,000
3,000 kg. or more but less than 4,000 kg	20,000	40,000
4,000 kg. or more but less than 5,000 kg	30,000	60,000
5,000 kg. or more but less than 6,000 kg	50,000	100,000
6,000 kg. or more but less than 7,000 kg	75,000	150,000
7,000 kg. or more but less than 8,000 kg	100,000	200,000
8,000 kg. or more but less than 9,000 kg	150,000	300,000
9,000 kg. or more but less than 10,000 kg	175,000	350,000
10,000 kg. or more	200,000	400,000

(3) The volumeric capacity of a vehicle, trailer or mounted tank, constructed for the purpose of transporting liquids in bulk, shall not exceed the maximum volume provided in the following scale –

<i>Type of Vehicle or Trailer</i>	<i>Maximum Volume</i> <i>Bulk Liquid Tank</i>
(i) Two axle goods vehicle not exceeding 7,000 kg. tare weight	11 cubic metres
(ii) Three axle goods vehicle not exceeding 7,000 kg. tare weight	18 cubic metres
(iii) Three axle goods vehicle whose tare weight exceeds 7,000 kg. but does not exceed 10,000 kg	14 cubic metres
(iv) Two axle draw bar trailer not exceeding 6,000 kg. tare weight	12 cubic metres
(v) Three axle draw bar trailer not exceeding 8,000 kg. tare weight	17 cubic metres
(vi) Three axle semi-trailer drawn by a three axle prime mover not exceeding 18,000 kg. total tare weight	35 cubic metres
(vii) Three axle semi-trailer drawn by a two axle prime mover not exceeding 17,000 kg. total tare weight	28 cubic metres
(viii) Two axle semi-trailer drawn by a three axle prime mover not exceeding 17,000 kg. total tare weight	24 cubic metres

- (ix) Two axle semi-trailer drawn by a two axle prime mover not exceeding 15,000 kg. total tare weight 19 cubic metres [Subsidiary]

- (4) (a) The maximum volumes of specific liquid products permitted to be loaded into each category of bulk liquid tank shall be those specified in the Thirteenth Schedule.
- (b) No person shall load for transportation on a public road quantities of bulk liquid exceeding those specified under subparagraph (a).
- (c) No person shall transport on a public road quantities of bulk liquid exceeding those specified under sub- paragraph (a).
- (5) (a) Every tank mounted on a vehicle or trailer for the purpose of transporting bulk liquids shall have depicted on or affixed to each side a sign or legend of the dimensions specified in the Thirteenth Schedule detailing the following –
- (i) the type of vehicle, trailer or vehicle-trailer combination on which it is mounted depicted pictorially clearly showing the axle configuration and volume of tank expressed in cubic metres;
- (ii) the maximum volume of bulk liquid permitted of each type of liquid product capable of being transported in the tank as specified in the Thirteenth Schedule, appearing in tabular form below the pictorial illustration specified under subparagraph (i):

Provided that vehicles transporting liquids in bulk which are not specified in the Thirteenth Schedule shall only bear the pictorial illustration specified in subparagraph (i).

- (b) In the case of semi-trailers drawn by a tractor or prime mover, the sign or legend shall depict, in addition to the volume of the tank, the axle configuration of the trailer and the tractor or prime mover drawing the trailer.
- (c) In the case of vehicles where the possibility of one or more different prime movers in terms of axle configuration exists, all relevant signs or legends shall be affixed to the site of the tank.
- (d) The maximum volumes of each type of liquid product capable of being transported in a particular semi-trailer mounted tank shall reflect the axle configuration of the tractor or prime mover.
- (e) The signs or legends under subparagraph (a) shall consist of black characters on a white background, and shall be located on each side of the tank mid-way between the top and the base

[Subsidiary]

of the tank at the point nearest to the end of the tank which is closest to the front of the vehicle or trailer and the means of providing the sign or legend shall be at the discretion of the owner of the vehicle or trailer:

Provided that such means shall ensure the durability and legibility of the sign or legend under the conditions prevailing during transport operations.

- (6) (a) Any person who contravenes the provisions of paragraphs (3), (4) (b) and (5) shall be guilty of an offence and liable

Fitting of speed  
governors.

L.N. 161/2003,  
L.N. 83/2004,  
L.N. 97/2004,  
L.N. 65/2005.

41A. (1) The engine of -

- (a) every public service vehicle, except taxi cabs;  
(b) every commercial vehicle whose tare weight exceeds 3048 kg.

shall be fitted with a speed governor which -

- (i) conforms to such specifications as the Minister may by

notice in the Gazette prescribe;

- (ii) is adjusted so that all times, and in any load condition, the vehicle cannot exceed the speed of 80 kph.

(2) Every vehicle to which this rule applies shall have exhibited on it a certificate issued by a certifying officer to the effect that it is fitted with the speed governor complying with the prescribed specifications.

(3) Every public service vehicle purchase after 31st December, 2003, shall be fitted with a speed governor before it can be licensed.

(4) Every owner of a public service vehicle shall be held liable for non-compliance or tampering with speed governor fitted in his / her motor vehicle.

(5) Any person who owns, drives or causes to be driven or has charge of a public service vehicle other than in accordance with the provisions of this Part shall be guilty of an offence and liable-

(a) in the case of a first conviction, to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding six months or both; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding one year or both.

PART V - SPECIAL PROVISIONS RELATING TO MOTOR OMNIBUSES AND  
MATATUS

42. The body of a motor omnibus or *matatu* shall be so constructed and maintained as to provide adequate safety for persons travelling therein.

Body construction.

43. The distance between the wheel tracks of the front or of the rear wheels of a motor omnibus, taken from centre in line with the axles, shall not be less than 1.42 metres, and shall in every case be sufficient to ensure the stability of the vehicle.

Wheel tracks.

44. (1) Every motor omnibus shall be provided with at least two exits, one of which may be an emergency window or panel as referred to in rule 45.

Doors and steps.

(2) At least one such exit shall be fitted with a door or doors, except where the omnibus has been licensed to carry standing passengers as well as sitting passengers, and each such door shall be not less than 450 millimetres in width, and shall be so constructed as to permit of the free entrance and exit of passengers at all times.

(3) Steps shall be provided at each doorway with suitable supports to assist persons when entering or leaving the omnibus.

(4) The lowest step shall not be more than 450 millimetres above the ground, the rises of all steps shall be closed and the treads of steps shall be fitted with a form of tread-plate approved by an inspector.

(5) There shall be no entrance on the offside of the omnibus other than the driver's door.

45. (1) Every motor omnibus registered in Kenya shall be fitted with an emergency window or panel capable of immediate release in case of accident.

Emergency window or panel.

(2) Emergency windows or panels shall be –

- (a) where the overall width of the omnibus is less than 2.44 metres, at least 1.22 metres by 440 millimetres in size;
- (b) where the overall width of the omnibus is 2.44 metres or more, at least 1.53 metres by 440 millimetres in size.

(3) Emergency windows or panels shall be marked as such and instructions for opening such windows or panels shall be clearly shown thereon.

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[Subsidiary]

(4) Emergency windows or panels shall be kept in working order, and shall be tested at least once every month while the omnibus is in use, and may be tested at any reasonable time by an inspector or by a police officer.

Access to doors and emergency exits.

46. (1) There shall be a clear passage to all doors and the emergency window or panel for all passengers in a motor omnibus:

Provided that this paragraph shall not apply to an omnibus constructed to carry separate classes of passengers if a separate door and emergency panel is provided for each class.

(2) No seat, luggage, parcel or other object shall be placed in a motor omnibus so as to obstruct persons attempting to reach any door, emergency window or panel.

Ventilation.

47. There shall be adequate ventilation for both the passengers and the driver of a motor omnibus or *matatu* without the necessity of opening the sides thereof or any main windows or windscreen.

Interior illumination.

48. (1) The inside of every motor omnibus or *matatu* shall be adequately illuminated when on a road at night; all wires conveying electric current shall be so installed and insulated as not to be a source of danger to persons using the omnibus or *matatu*.

(2) Means shall be provided to prevent light from the inside of the omnibus or *matatu* from incommoding the driver.

Destination indicators.

49. Every motor omnibus or *matatu* shall have at least one suitable indicator which shall show clearly the destination of the omnibus.

Signalling devices.

50. Every motor omnibus or *matatu* shall be fitted with a bell or other suitable device for the purpose of enabling passengers to signal to the driver or conductor.

Internal height.

51. The internal height of a motor omnibus in the centre line of the omnibus from its floor to the inside of the roof shall not be less than 1.68 metres.

Clearance.

52. All the underparts of a motor omnibus inside the pivots of the front axle and steering arms, as far back as the rear axle, shall clear the ground by at least 18 millimetres; and in calculating such clearance allowance shall be made for wear of tyres and springs and other causes likely to reduce clearance.

Windscreen.

53. Every motor omnibus or *matatu* registered in Kenya shall be

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fitted with a windscreen which shall be made of safety glass.

54. (1) Every motor omnibus or *matatu* registered in Kenya shall be fitted with adequate window space. Windows.

(2) Every such space shall be capable of being closed, but only by glass of adequate strength or canvas.

(3) Where such window spaces are closed with glass, every alternate window in the sides of the omnibus or *matatu* shall be capable of being opened.

54 A (1) A person shall not drive or operate a public service vehicle that is fitted with tinted windows or tinted windscreen. Tinted motor vehicle windows.  
L.N. 173/2009.

(2) For the purposes of this rule, “tinted” means shaded, coloured or treated in a similar manner so that the persons or objects inside are not ordinarily seen clearly from outside.

55. The owner of every motor omnibus or *matatu* shall cause to be painted or otherwise clearly marked in the English language in a conspicuous position on the right or offside of every such vehicle in letters not less than one inch in height which shall at all times be kept clearly legible – Name-plates.  
L.N. 161/2003,  
L.N. 83/2004.

- (a) the name and address of the owner of the vehicle;
- (b) the route the vehicle operates on as allocated by the Transport Licensing Board;
- (c) the registered tare weight of the vehicle in kg.; and
- (d) the number of passengers the vehicle is licensed to carry.

55A. (1) With effect from 4<sup>th</sup> August 2005, every *matatu* shall have painted on both sides and on the rear, a broken horizontal yellow band having a width of 150 millimetres and of a consistency sufficient to enable such band to be clearly visible by day at a distance of at least 275 metres. Horizontal band on *matatus*.  
L.N. 65/2005.

(2) The portions of the horizontal band referred to in paragraph (1) which are not of the yellow colour shall be of the colour of the motor vehicle as specified in the vehicle’s registration book.

(3) The portions of the horizontal band referred to in paragraph (1) which are not of the yellow colour shall not be more than 10 centimetres in width and shall be separated by yellow portions of not less than 60 centimetres in width.

(4) If the main body-work of a *matatu* is so coloured such that the yellow portions of the band required under this rule do not contrast



[Subsidiary]

prominently therewith so as not to be clearly visible by day at a distance of at least 275 metres, then there shall be painted parallel to, and continuous to the yellow band, a band of same dark colour and of the width of not less than 75 millimetres on either side.

(5) The band referred to in paragraph (4) shall be of sufficient consistency to enable the broken yellow band to be clearly visible by day at a distance of at least 275 metres.

(6) There shall be prominently exhibited in every *matatu* a recent photograph of the head and shoulders of the driver who for the time being has charge of the *matatu* and the photograph shall be taken full face without hat, of postcard size and such photograph shall be -

- (a) of such nature and so displayed in a conspicuous place in the *matatu* so as to enable any person entering, seated in or alighting from the *matatu* to clearly see the photograph; and
- (b) approved by a police officer of, or above, the rank of Assistant Superintendent and having endorsed on the reverse of the photograph the particulars of the driver's identity card, his public service vehicle licence and driver's licence, and the signature of the police officer signifying such approval.

Fire extinguishers  
and first aid outfits.

56. (1) Every motor omnibus or *matatu* shall carry an efficient fire extinguisher, which shall be maintained in perfect order and shall be carried in such a position as to be readily available for use at any time.

(2) Every motor omnibus or *matatu* which operates outside the limits of a municipality shall carry a first-aid outfit sufficient to deal with any reasonable emergency; such outfit shall always be kept in first-class condition, and shall be available for inspection at any time by a medical officer, an inspector of vehicles or any police officer.

Conductors.  
L.N. 65/2005.

57. Every motor omnibus and every *matatu* carrying passengers for hire or reward shall carry a conductor licensed under section 98 of the Act:

Provided that the Commissioner of Police may, if he is of the opinion that a conductor is not necessary for the safe operation of the vehicle and the safety of the passengers, grant written exemption from the requirements of this rule in respect of any motor omnibus, subject to such conditions, if any, as may be imposed in such written exemption, which shall at all times be carried on the vehicle to which it relates.

Trailers.  
L.N. 65/2005.

58. No motor omnibus and every *matatu*, while carrying passengers, shall tow a trailer or be towed by another vehicle.

[Subsidiary]

59. Every driver of a motor omnibus and every *matatu* shall, after leaving a stand or garage with passengers, proceed direct to the place or places included in the route of such motor omnibus without unnecessary delay, and shall not return to the place of departure except on the scheduled return journey, save in the event of a breakdown, or when ordered by a police officer or inspector so to return.

Routes.  
L.N. 65/2005.

59A(1) No driver of any class of vehicle shall, while the vehicle is in motion, use a mobile phone or any other communication equipment not permanently fixed to the vehicle, which distracts or is likely to distract the driver from driving.

Conduct of drivers.  
L.N. 119/2001.

(2) A person who contravenes any of the provisions of paragraph (1) of this rule shall be guilty of an offence.

60. No petrol, kerosene or other inflammable liquid shall be carried in or on a motor omnibus or *matatu* except –

Petrol, etc.

(a) in the fuel tank; or

(b) in quantities not exceeding 36 litres placed in containers which are so constructed and maintained as to prevent leakage or evaporation; and such containers shall be carried on the rear portion of the roof of

the vehicle in such manner as to prevent them from moving whilst the vehicle is in motion.

61. (1) No luggage, goods, merchandise or bicycles shall be carried on or in any motor omnibus or *matatu* except on or in one of the following places, which places shall at all times be so maintained as to provide for the security of every such item –

Luggage.

(a) on the roof where guard rails have been fitted;

(b) in a special compartment provided for luggage.

(2) Notwithstanding anything contained in paragraph (1), light hand luggage or parcels may be carried inside a motor omnibus or *matatu*, with the permission of the conductor or of the driver where no conductor is carried.

#### PART VI - SPECIAL PROVISIONS RELATING TO DRIVERS, CONDUCTORS AND PASSENGERS OF MOTOR OMNIBUSES OR *Matatus*

62. In this Part –

Interpretation of Part.

“authorized person” includes the owner of the omnibus or *matatu* concerned or any person employed by him upon or in connexion with such omnibus or *matatu*;

[Subsidiary]

“passenger” means any person who is in or on, or is about to enter, a motor omnibus or *matatu*.

Conduct of drivers  
and conductors.

63. The driver and the conductor of a motor omnibus or *matatu*—

- (a) shall behave in a civil and orderly manner;
- (b) shall not smoke in or on the omnibus or *matatu* when it has passengers on board;
- (c) shall take all reasonable precautions to ensure the safety of passengers in or on, or entering or alighting from, the omnibus or the *matatu*;
- (d) shall not wilfully deceive or refuse to inform any passenger omnibus or *matatu* as to the fare for any journey;
- (e) shall not obstruct, and shall not, on request at any reasonable time, refuse or neglect to give all reasonable information and assistance to, any person having authority to examine the omnibus or *matatu*;
- (f) shall not operate any musical instrument in such a manner as to be a nuisance to the passengers or other road users.

Penalties under Part.  
L.N. 173/2009.

64. The driver of a motor omnibus or *matatu* —

- (a) shall not when the omnibus or *matatu* is in motion enter into conversation with the conductor or any other person without reasonable cause;
- (b) shall, when picking up or setting down passengers, stop the omnibus or *matatu* as close as may be to the left or nearside of the road;
- (c) shall not allow the *matatu* or omnibus to remain stationary on a road, except at a terminus or at a stand or place where the omnibus or *matatu* is specially authorized by law to stop;
- (d) shall not pick or set down passengers, in any urban area, at a place that is not authorized as a bus stop or bus terminal.

Conduct of  
conductor.  
L.N. 173/2009.

65. The conductor of a motor omnibus or *matatu* —

- (a) shall not when the omnibus or *matatu* is in motion, distract the driver’s attention without reasonable cause or speak to him unless it is necessary to do so in order to give directions as to the stopping of the omnibus or *matatu*;
- (b) shall take all reasonable precautions to ensure that the route, fares and destination of the omnibus are clearly and correctly displayed by every means provided for the purpose;
- (c) shall endeavour to the best of his ability to ensure the observance of the provisions of these Rules which relate to the conduct of passengers;
- (d) shall not allow the *matatu* or omnibus to remain stationary on a road, except at a terminus or at a stand or place where the omnibus or *matatu* is specially authorized by law to stop;

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(e) shall not be under the influence of drink or drugs.

(f) shall not direct the driver to pick or set down passengers, in any urban area, at a place that is not authorized as a bus stop or bus terminal.

65A.(1) With effect from 31st December, 2003, every driver and every conductor of public service shall wear a special badge and uniform.

Badges and uniform.  
L.N 161/2003,  
L.N 83/2004.

(2) The uniform referred to in paragraph (1), shall in the case of a driver be navy blue in colour and in the case of a conductor be maroon in colour.

(3) The badges will be provided by the Registrar of Motor Vehicles upon payment of a prescribed fee.

(4) With effect from 1<sup>st</sup> February, 2004, every driver of a public service vehicle shall undergo compulsory testing after every two years to ascertain his or her competence.

(5) Every owner of a public service vehicle shall employ at least one driver and one conductor who shall be security vetted.

(6) Every conductor or driver of a public service vehicle shall only take up employment as such upon being vetted pursuant to paragraph (5) and shall be paid a permanent monthly salary by the owner of the public service vehicle.

66. (1) No passenger shall –

- (a) use obscene or offensive language or conduct himself in a riotous or disorderly manner; or
- (b) enter or alight from or attempt to enter or alight from the omnibus otherwise than by the doors or openings provided for the purpose; or
- (c) when entering or attempting to enter the omnibus or *matatu*, wilfully and unreasonably impede any other person seeking to enter the omnibus or *matatu* or to alight therefrom; or
- (d) enter or remain in or on the omnibus or *matatu* when requested not to do so by an authorized person on the ground that the omnibus or *matatu* is carrying its full complement of passengers; or
- (e) travel in or on any part of the omnibus or *matatu* not provided for the conveyance of passengers; or
- (f) wilfully do or cause to be done with respect to any part of the omnibus or *matatu* or its equipment anything which is calculated to obstruct or interfere with the working of the

Conduct of  
passengers.  
L.N. 173/2009.

[Subsidiary]

- omnibus or *matatu* or to cause injury or discomfort to any person; or
- (g) when the omnibus or *matatu* is in motion, distract the driver's attention without reasonable cause or speak to him unless it is necessary to do so in order to make any request as to the stopping of the omnibus or *matatu*; or
  - (h) give any signal which might be interpreted by the driver as a signal from the conductor to start; or
  - (i) spit upon or from, or wilfully damage, soil or defile, any part of the omnibus or *matatu*; or
  - (j) when in or on the omnibus or *matatu*, distribute printed or similar matter of any description, or distribute any article, for the purpose of advertising; or
  - (k) wilfully remove, displace, deface or alter any number-plate, notice-board, fare table, route indicator or destination board or any printed or other notice or advertisement in or on the omnibus or *matatu*; or
  - (l) when in or on the omnibus or *matatu*, to the annoyance of other persons travelling therein use or operate any noisy instrument or otherwise make or combine with any other person or persons to make any excessive noise by singing, shouting or otherwise; or
  - (m) when in or on the omnibus or *matatu*, throw any money or other article to be scrambled for by any person on the road or footway; or throw out of the omnibus or *matatu* any bottle, liquid or litter or any article or thing likely to cause danger, injury or annoyance to any person or damage to any property; or
  - (n) attach to or trail from the omnibus or *matatu* any streamer, balloon, flag or other article in such manner as to overhang the road;
  - (o) wilfully obstruct or impede any authorized person in the execution of his duty; or
  - (p) smoke or carry a lighted pipe, cigar or cigarette on or on any part of the omnibus or *matatu* in respect of which a notice is exhibited declaring that smoking is prohibited; or
  - (q) when in or on the omnibus or *matatu*, beg or hawk any article for sale; or
  - (r) if his condition is such as to be offensive to other passengers, or the condition of his dress or clothing is such that it may reasonably be expected to soil or injure the lining or cushions of the omnibus or *matatu* or the clothing of other passengers, enter or remain in or on the omnibus or *matatu* after an authorized person has requested him either not to enter or to leave the omnibus or *matatu* and in such latter case has tendered to him the amount of any fare previously paid; or
  - (s) enter or travel in or on the omnibus or *matatu* with petrol or

[Subsidiary]

- any dangerous or offensive article, or, except with the consent of an authorized person, bring into or on to the omnibus or *matatu* any bulky or cumbersome article or place any such article elsewhere in or on the omnibus or *matatu* than as directed by an authorized person; or
- (t) bring any animal into or on to the omnibus or *matatu* without the consent of an authorized person, or retain any animal in or on the omnibus or *matatu* after being requested by an authorized person to remove it, or place any animal elsewhere in or on the omnibus or *matatu* than as directed by an authorized person; or
  - (u) fraudulently use or attempt to use any ticket which has been –
    - (i) altered or defaced; or
    - (ii) issued to another person, if such ticket bears thereon an indication that it is not transferable; or
  - (v) if he is in a state of intoxication, enter or attempt to enter, or having entered refuse to leave, the omnibus or *matatu*; or
  - (w) enter or alight from any omnibus or *matatu* while the omnibus or *matatu* is in motion, or attempt to do so.
  - (x) alight or board a *matatu* or omnibus, in any urban area, at a place which is not authorized as a bus stop or bus terminal.

(2) Every passenger shall –

- (a) unless he is the holder of a ticket or, if no tickets are issued, has paid the fare in respect of that journey, immediately upon demand or, if no demand has been made, before leaving the omnibus or *matatu*, declare the journey he intends to take or has taken and pay the conductor the fare for the whole of such journey, and if tickets are issued accept the ticket provided therefor;
- (b) if requested by an authorized person, leave the omnibus or *matatu* on completion of the journey for which he has paid;
- (c) show his ticket on a route where tickets are issued, when required to do so by any authorized person, or in default thereof pay the fare for the journey taken or to be taken by him;
- (d) if required to do so by an authorized person, surrender his ticket at the end of the journey covered by that ticket;
- (e) if required to do so by an authorized person, surrender any period or season ticket held by him at the expiry of the period for which it was issued to him;
- (f) if required to do so by an authorized person, surrender any ticket held by him in exchange for a new ticket covering the journey or journeys which he is still entitled to take.

[Subsidiary]  
Powers of authorized  
persons and police.

67. Any passenger who is reasonably suspected of contravening these Rules shall –

- (a) give his name and address to a police officer or to the driver or conductor or other authorized person on demand;
- (b) immediately quit the omnibus if requested to do so by the driver or conductor thereof;
- (c) if he refuses to quit the omnibus or *matatu* after being lawfully requested to do so by the conductor or driver or by any police officer, be removed therefrom by such conductor, driver or officer.

Lost property.

68. (1) The conductor or, where there is no conductor, the driver of an omnibus or *matatu* shall, after the completion of each journey, search for any property left in the vehicle, and shall without undue delay take such property, unless it is first claimed by the owner, to the nearest police station, or hand it to a person authorized by the owner of the omnibus or *matatu*, who shall within seventy-two hours take such property to the nearest police station.

(2) All such property, if claimed by the owner within two months after the date on which it was brought to the police station, shall be delivered to the owner, and if not so claimed shall be sold by public

auction and the net proceeds, after deducting all expenses, which shall include a reward fee for the finder thereof of a sum equal to twenty per cent of the amount realized by such auction, shall be paid into the Consolidated Fund.

Penalties under this  
Part.  
L.N. 173/2009.

69. A person who contravenes or fails to comply with any of the provisions of this Part commits an offence and is liable to a fine of not less than ten thousand shillings and not exceeding fifteen thousand shillings or, in default of payment, to imprisonment for a term not exceeding six months.

#### PART VII - SPECIAL PROVISIONS RELATING TO TAXICABS

Yellow bands.  
L.N. 161/2003.  
L.N. 65/2005.

70. (1) With effect from 1<sup>st</sup> January, 2004, every taxicab shall have painted on both sides and on the rear a continuous horizontal yellow band having a width of 150 millimetres and of a consistency sufficient to enable such band to be clearly visible by day at a distance of not less than 275 metres.

(2) If the main body-work of a taxicab is so coloured that the yellow band required under this rule does not contrast prominently therewith so as to be clearly visible at a distance of at least 275 metres, then the main body-work, or so much of it as runs parallel to and at a distance of not less than 75 millimetres on either side of and contiguous

to the aforesaid yellow band, shall be painted a dark colour of sufficient consistency to enable the yellow band to be clearly visible at the distance aforesaid.

[Subsidiary]

71. There shall be prominently exhibited in every taxicab a recent photograph of the head and shoulders of the driver who for the time being has charge of the taxicab and the photograph shall be taken full face without hat, of postcard size and such photograph shall be –

Photographs.  
L.N. 65/2005.

- (a) of such nature and so displayed as to enable any person riding in the back of the taxicab clearly to identify the driver thereof with the photograph; and
- (b) approved by a police officer of or above the rank of Assistance Superintendent and having endorsed on the reverse of the photograph the particulars of the driver's identity card, public service vehicle licence and taxi driver's licence, and the signature of such police officer signifying such approval as aforesaid.

72. Any person who –

- (a) contravenes or otherwise fails to comply with the provisions of this Part; or
- (b) owns, drives, causes to be driven or has charge of a taxi-cab other than in accordance with the provisions of this

Penalties under this  
part.  
L.N. 65/2005.

Part, shall be guilty of an offence and liable to a fine not exceeding six hundred shillings or, in default of payment, to imprisonment for a term not exceeding two months or to both.

#### PART VIII - TRAFFIC REGULATION

73. (1) Every vehicle meeting or being overtaken by other traffic shall be kept as close to the left or nearside of the road as possible.

Meeting or  
overtaking traffic.

(2) Every vehicle overtaking other traffic shall be kept to the right or offside of such traffic.

(3) Animals which are being led may be passed or overtaken on whichever side is the safer.

(4) No vehicle shall be driven so as to overtake other traffic unless the driver of the vehicle has a clear and unobstructed view of the road ahead; the driver shall not overtake such traffic unless he sees that the road ahead is clear for a sufficient distance to enable him, after overtaking, to return to his proper side before he encounters any traffic coming from the opposite direction.



**[Subsidiary]**

(5) No vehicle shall overtake other traffic when such vehicle is rounding a corner, or at any place where roads intersect or fork, or where a road passes over the brow of a hill or over a hump-backed bridge, or where the driver of the vehicle is unable to see sufficiently far ahead to enable him to overtake with safety.

(6) Any vehicle meeting another vehicle on a road shall, where necessary to allow safe passage for any reason, slow down, and the driver of an unladen vehicle shall give right of way to any laden vehicle in such circumstances.

(7) Vehicles ascending any hill shall, where necessary, be given the right of way by oncoming vehicles.

(8) The driver of any vehicle which is being driven on its offside of the road shall give way to any oncoming traffic.

(9) Notwithstanding the provisions of this rule, it shall be lawful for vehicles to overtake in the near or left-hand traffic lane and for meeting traffic to pass in their appropriate lane on any road which has been divided into three or more traffic lanes by islands, bollards or markings on the road.

**Slow-moving traffic.**

74. Where, for any reason, any vehicle is proceeding at a slow rate of speed which is causing obstruction to other traffic, the driver of such vehicle shall keep close to his nearside and permit other vehicles to overtake him.

**Duty to keep left.**

75. Save where the contrary is allowed by a police officer in the execution of his duty or by the indication of any traffic sign, drivers of vehicles shall drive to the left side of all roundabouts, street islands or street refuges.

**Turning left.**

76. Every vehicle when turning to the left from one road into another road shall keep close to the left side of each such road.

**Turning right.**

77. Every vehicle when turning to the right from one road into another road shall drive round the point of intersection of the centre lines of the two roads or round any island or mark which may have been erected or marked for the guidance of traffic.

**Change of traffic lane.**

78. No vehicle shall be driven from one traffic lane to another such lane unless the driver thereof has first made sure that he will not inconvenience traffic in such other lane.

**Traffic on roundabouts.**

78A. (1) The driver of a vehicle which is about to enter a roundabout shall give way to any other vehicle which is already in the

roundabout and shall, if necessary, stop before entering the roundabout in order to allow any such other vehicle to proceed.

[Subsidiary]

(2) No person shall drive any vehicle into a roundabout unless, at the time of entry of the vehicle into the roundabout, it is reasonable to suppose that the vehicle will not be forced to stop in the roundabout by reason of traffic already therein.

(3) Where a road entering a roundabout is divided into traffic lanes bearing carriageway markings indicating the direction or directions which may be taken by traffic proceeding in any such lane, no driver of a vehicle shall –

- (a) proceed in the roundabout in any direction other than one permitted by the marking on the lane by which he enters the roundabout; or
- (b) cross from one such lane into another whilst in the roundabout or within twenty-five metres after the point of exit therefrom.

(4) For the purposes of this rule, a vehicle shall be deemed to have entered or been driven into, or to be in, a roundabout –

- (a) where a broken line has been placed at the perimeter of

the roundabout transversely to the road or traffic lane along which such vehicle has approached the roundabout, when its front wheels have crossed such line; or

- (b) in any other case, when its front wheels have crossed the actual perimeter of the roundabout.

(5) Any person who contravenes any provision of this rule shall be guilty of an offence and liable –

(a) in the case of a first conviction therefor, to a fine not exceeding one thousand shillings; and

(b) in the case of a second or subsequent conviction for such offence, to a fine not exceeding two thousand shillings, or to imprisonment for a term not exceeding three months, or to both.

79. No person shall cause a motor vehicle to travel backwards for a greater distance or time than may be requisite for the safety or reasonable convenience of the occupants of that vehicle or of other traffic on the road.

Travelling  
backwards.

80. No driver or passenger in any vehicle shall, except for the purpose of giving a signal, or in the event of any emergency, or for the purpose of test or repair, permit any part of his body to protrude outside such vehicle whilst it is in motion.

Travelling with part  
of body outside  
vehicle.

[Subsidiary]  
Filling petrol.

81. No person shall fill with petrol any motor vehicle while the engine is running, or while any light, other than an electric light is alight on the vehicle, nor shall any person, whilst a motor vehicle is being filled with petrol, smoke, strike a light or exhibit any flame within 10 feet of such vehicle.

Pedal cyclists.

82. Pedal cyclists shall in no case proceed more than two abreast.

Priority for police,  
fire engines and  
ambulances.

83. Every driver shall, upon hearing the sound of any gong, bell (other than a bicycle bell) or siren, indicating the approach of a police vehicle, ambulance or fire engine, at once give such vehicle right of way, and if necessary pull his vehicle to the nearside of the road and stop until the police vehicle, ambulance or fire engine has passed.

84. (*Deleted by L.N.310/1974.*)

#### PART IX - SEATING AND PASSENGER CAPACITY OF VEHICLES

Arrangement of seats  
in motor omnibuses.

85. (1) The distance between the backs of the seats on a motor omnibus, when the seats are so placed that they are facing one another, shall not be less than 1,420 millimetres.

(2) Where seats are placed behind each other on a motor omnibus, the distance between the backs of any two seats so placed shall not be less than 380 millimetres.

(3) Where the seats of a motor omnibus are placed lengthwise along the sides of the omnibus, any seats constructed on any portion of the intervening space between the seats so placed shall –

- (a) be constructed either as separate single seats, each of which shall face the front of the omnibus, or in sets of two single seats back to back, one facing to the front and the other to the rear;
- (b) be placed so as to be equidistant on both sides from the sides of the omnibus; and
- (c) be 380 millimetres in width and have clear space on all sides of not less than 400 millimetres.

Seating capacity  
of public service  
vehicles.

86. In determining the number of persons for which any public service vehicle has seating capacity, the following provisions shall, apply –

- (a) in the case of a vehicle registered as a motor omnibus –
  - (i) where separate seats are provided for each person, one person shall be counted for each separate seat provided;
  - (ii) where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of

sixteen inches measured in a straight line lengthwise on the front of each seat; and where a continuous seat is fitted with arms for the purpose of separating the seating spaces, and the arms are so constructed that they can be folded back or otherwise put out of use, the seat shall be measured as it had been fitted with arms;

[Subsidiary]

- (b) in the case of a vehicle registered as a *matatu*, the seating capacity shall be determined by the certifying officer at the time of mandatory inspection, on the basis of the difference between the tare weight of the vehicle (including any modification work), and the gross weight of the vehicle as specified by the manufacturer, both figures to be expressed in kilogrammes, as applied to the number of units of sixty-five kilogrammes which would be equivalent to the difference between the two load figures.

87. (1) There shall be provided for the exclusive use of the driver of every motor omnibus or *matatu* and every commercial vehicle a single seat or a section of continuous seat the front edge of which is not less than two feet in length; and such seat shall be placed and constructed so that the driver is able to control the vehicle effectively and with safety.

Driver's seat in motor omnibus, *matatu* or commercial vehicle.

(2) No person or goods of any description shall be carried in such a position or in such a manner as to occupy any part of a driver's seat or so as to obstruct his movements or view when he is driving the vehicle.

(3) No person or goods shall be carried on the right or offside of any driver of a right-hand drive vehicle, nor to the left or nearside of the driver of a left-hand drive vehicle.

88. (1) No person shall be permitted by the owner, driver or other person in charge of a commercial vehicle to travel on the vehicle whilst it is being used on a road otherwise than sitting on the seats provided for passengers; the number of such seats shall be calculated in the same manner as for a motor omnibus.

Passengers on commercial vehicles.

(2) (*Deleted by L.N. 89/2007.*)

89. For the purposes of this Part –

Children.

- (a) a child who is under the apparent age of five years shall not count as a passenger;
- (b) any two children, each of whom is over the apparent age of five years and under the apparent age of 12 years, shall count as one passenger.

**[Subsidiary]**

Penalties under this  
Part.

90. Any person who owns, drives, causes to be driven or has charge of a vehicle other than in accordance with the provisions of this Part shall be guilty of an offence and liable to a fine not exceeding six hundred shillings or to imprisonment for a term not exceeding two months or to both.

PART X - INTERNATIONAL TRAFFIC

Interpretation of this  
Part.

91. In this Part, unless the context otherwise requires –

“international certificate” means an international certificate for motor vehicles issued in accordance with an international convention;

“international convention” includes the following conventions–

- (a) the International Convention Relative to Motor Traffic concluded at Paris on the 24<sup>th</sup> April, 1926;
- (b) the International Convention Regarding the Taxation of Foreign Motor Vehicles concluded at Geneva on the 30<sup>th</sup> March, 1931;
- (c) the Convention on Road Traffic concluded at Geneva on the 19<sup>th</sup> September, 1949;

“international driving permit” means an international driving permit issued in accordance with an international convention.

Issue of international  
documents.

92. The Registrar shall, if he deems it necessary, appoint a competent authority to issue international driving permits, and any documents permitting the international movement of motor vehicles, and the Registrar or such authority shall –

- (a) examine or cause to be examined any motor vehicle registered in Kenya which is submitted for examination and, if satisfied after examination that such vehicle is suitable for use on the highway in another country and that it fulfils the conditions specified by international convention, issue on payment of the prescribed fee an international certificate for motor vehicles;
- (b) examine any person submitting himself for examination and, if upon examination he is found to be competent as provided by international convention, issue to him on payment of the prescribed fee an international driving permit:

Provided that no international driving permit shall be issued to any person who is under eighteen years of age.

International  
circulation permit.

93. The person in charge of a motor vehicle arriving in Kenya and proposing to use the vehicle under this Part shall, within seven days of such arrival, produce for inspection by a licensing officer –

- (a) the international certificate;
- (b) the fiscal permit or customs duty receipt; and
- (c) the certificate of insurance or certificate of security required by the Insurance (Motor Vehicles Third Party Risks) Act,

[Subsidiary]

Cap. 405.

in respect of such vehicle, and on being satisfied with regard to these documents the licensing officer shall issue in respect of such vehicle a document to be known as an international circulation permit, which shall be carried on such vehicle in the manner prescribed in paragraphs (1) and (2) of rule 8.

94. (1) A motor vehicle in respect of which a valid international certificate is in force shall not be required to be registered under the Act while in use in Kenya until the expiry of one year from the date of the issue of such certificate.

Exemption from registration and licensing.

(2) A motor vehicle in respect of which a valid international certificate is in force shall not be required to be licensed under the Act while in use in Kenya during the currency of such certificate for a period or periods not exceeding in the aggregate –

- (a) in the case of a public service vehicle or commercial vehicle, 30 days; and

- (b) in the case of any other vehicle, 90 days.

(3) The owner of a motor vehicle referred to in paragraph (2) shall, on entering Kenya, obtain an authorization permit valid for a period not exceeding seven days in accordance with rule 7A and shall on expiry of such permit obtain an international circulation permit.

(4) Upon the expiry of the period or periods referred to in paragraph (2) the motor vehicle shall either be registered and licensed in accordance with Parts II and III of the Act or removed from Kenya.

95. A motor vehicle in use in Kenya under this Part shall carry, in addition to any identification marks prescribed by the law of the country in which it is registered, fixed in a conspicuous manner on the back of the vehicle the distinguishing sign of the place of registration of the vehicle as described in Annex 4 of the International Convention on Road Traffic signed at Geneva on the 19<sup>th</sup> September, 1949 (which Annex is for the purpose of information reproduced in the Ninth Schedule to these Rules.

Distinguishing sign.

96. No person using a motor vehicle in Kenya under this Part shall transfer such vehicle to any other person unless he has first obtained the permission in writing of the Registrar so to do.

Transfer of vehicles.

[Subsidiary]

Removal of distinguishing sign and plate.

97. (1) Upon the expiry of any period in respect of which a vehicle is permitted to remain in Kenya under this Part, the owner or driver of the vehicle shall forthwith remove the distinguishing sign referred to in rule 95.

(2) No vehicle which is registered in Kenya shall display any international distinguishing sign or plate other than the letters E.A.K.

98. (Deleted by L.N.209/1971.)

Penalties under Part.

99. Any person who contravenes or otherwise fails to comply with the provisions of this Part shall be guilty of an offence and liable—

- (a) in the case of a first conviction, to a fine not exceeding two thousand shillings or imprisonment for a term not exceeding six months;
- (b) in the case of a second or subsequent conviction, to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding one year or to both.

L.N. 290/1994,  
L.N. 393/1995,  
L.N. 127/1996,  
L.N. 163/1997,  
L.N. 104/2002,  
L.N. 56/2006.

FIRST SCHEDULE

(rr. 4, 7 and 7A)

FEES

Registration of Vehicles

On original registration-	Ksh.
A motor vehicle with less than four wheels	565
A motor vehicle with four wheels and with engine capacity-	
(a) not exceeding 1000 cc .....	1,700
(b) exceeding 1000 cc but not exceeding 1200 cc .....	2,100
(c) exceeding 1200 cc but not exceeding 1500cc .....	2,300
(d) exceeding 1500 cc but not exceeding 1700 cc .....	2,800
(e) exceeding 1700 cc but not exceeding 2000 cc .....	3,300
(f) exceeding 2000 cc but not exceeding 2500 cc .....	5,100
(g) exceeding 2500 cc but not exceeding 3000 cc .....	7,000
(h) exceeding 3000 cc .....	8,300
A trailer with less than four wheels .....	450
Trailer with four wheels or more .....	1,275
For all types of tractors and mobile cranes .....	450
Transfer of ownership .....	500
Duplicate registration book .....	2,000
Replacement of registration book .....	400

*Driving Licences*

[Subsidiary]

	KSh.
Provisional licence .....	600
Driving test booking fees .....	600
Full licence:	
(i) annual .....	700
(ii) triennial .....	1,800
Annual renewal .....	600
Triennial renewal .....	1,400
Duplicate driving licence .....	400

*Vehicle Licences*

Dealers general licence -	
(i) On new applications .....	18,500
(ii) Renewal of dealer's general licence .....	6,300
(iii) Duplicate of dealer's general licence .....	3,600
(iv) New motor vehicles .....	9,600
(v) Used motor vehicles .....	4,200
(vi) Issue a pair of Kenya Garage Plates .....	2,900
(vii) Issue of single Kenya Garage Plates .....	1,600

*Public Service Vehicles*

Driver's licence (with badge) .....	700
Conductor's licence (with badge) .....	700

*Miscellaneous*

Copy of vehicle records .....	500
Inspection of vehicles -	
booking fee for inspection .....	1,000

*Foreign Private Vehicles*

Private vehicle licence	Per month	For three months	For additional period under r.7A(6) (per day)
	US\$	US\$	US\$
For vehicles -			
(i) not exceeding 2,000 cubic centimetres	20	50	1
(ii) exceeding 2,000 cubic centimetres	40	100	2

*Foreign Commercial and Public Service Vehicles*

Foreign commercial and public service vehicles authorization permit.	Per Month US\$	Additional period under r.7A(6) per day U.S.\$
For vehicles not exceeding 3,000 kg. tareweight	20	1



[Subsidiary]

Form 1

IMPORTANT: When it is required to license a vehicle at the time of registration, this form may be used for both purposes without the necessity of completing Form C. Unless this application is completed in every respect, delay may occur in the issue of a licence.

For Official Use Only

Serial Number of Licence .....

Prepared by .....

Checked by .....

## (A) APPLICATION:

I apply to be registered as the owner of the vehicle described below. I also apply for a licence for:- (tick one box)

☐ 4 months or commencing .....19.....

☐ 12 months (Months)

Date

Amount to pay

Registration Fee Sh. 10 00

Licence Fee Sh.

Total Sh.

## (B) INSURANCE:

Name of company issuing third party insurance.....

1	2	3	4	5	6	7	8	9	10	11	

12 13

14

15	16	17	18				

19 20

21	22						

23 24 25 26 27

28	29	30	31	32	33	34	35	36	37

38

39	40	41	42	43			

44

45	46	47	48	49	50	51	52

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54	55	56	57	58	59	60	61	62	63	64	65	66	67	68

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462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480

481

## (C) PARTICULARS OF VEHICLE:

(Tick or fill boxes where appropriate)

1. Motor Vehicle ☐ Trailer ☐ Motor cycle ☐

2. Make.....

3. Body type..... (See Note 1 overleaf)

4. Other vehicle description .....

5. Year of manufacture 19.....

6. Tareweight .....kgs.

7. Manufacturers chassis or frame number

8. Number of axles.....

9. Value K£.....

10. Principal body color: (tick one box only)

white/cream ☐ yellow/gold ☐

red/maroon/pink ☐ brown/beige ☐

orange ☐ black ☐

blue/turquoise ☐ grey ☐

green ☐ purple/violet ☐

11. Is it a new vehicle? (see Note 2 overleaf) Yes ☐ No ☐

12. Has the vehicle previously been registered? Yes ☐ No ☐

If yes, Country .....and

Registration mark/number.....

13. Use:

(a) Private ☐ carrying capacity

(b) commercial: ☐ .....kgs.

goods

(c) Commercial: ☐ seating .....

public service

14. Expected normal location of vehicle:

.....Road..... Area/Estate

.....Town..... District

15. Motor vehicle only: -

(a) Method of propulsion (see Note 3 overleaf)

Petrol ☐ Diesel ☐ Other oil ☐

Steam ☐ Electricity ☐

(b) Engine identification number

(c) Rating (cubic centimetres)

(D) DECLARATION:

I declare that the foregoing particulars are true and complete.

Usual signature.....

Name (in full) .....

(Block Capitals)

Postal address.....

Town.....

Date .....19 .....

## SECOND SCHEDULE

APPLICATION FOR REGISTRATION AND LICENCE OF MOTOR VEHICLE OR TRAILER

(Section 6 (2), rule 5)

46

47

48 49 50 51 52

53 54 55 56 57

58

59 60 61 62 63 64 65 66 67 68

69 70 71 72

73 74 75 76 77 78 79 80

81 82 83 84 85 86 87 88 89 90

91 92 93 94 95 96 97 98 99 100

101 102 103 104 105 106 107 108 109 110

111 112 113 114 115 116 117 118 119 120

121 122 123 124 125 126 127 128 129 130

131 132 133 134 135 136 137 138 139 140

141 142 143 144 145 146 147 148 149 150

151 152 153 154 155 156 157 158 159 160

161 162 163 164 165 166 167 168 169 170

171 172 173 174 175 176 177 178 179 180

181 182 183 184 185 186 187 188 189 190

191 192 193 194 195 196 197 198 199 200

## FORM 1 – (Contd.)

## NOTES

1. In the case of a motor-cycle particulars of side-car (if any) must be given.

In the case of a lorry description of body should be either *Platform, Sided, High Sided, With Stays, Tipping or Totally Enclosed*.

In the case the case of car description of body should be either *Saloon, L.V.D, Box Body, Panel Van, Station Wagon, Open Tourer of Special Type*.

2. If a new vehicle, evidence such as the manufacturer's or an accredited agent's sales delivery note, invoice or the like should be supplied.

If not a new vehicle, a satisfactory explanation must be supplied as to why it has not previously been registered.

If imported, by other means than through an accredited agent, the owner must be in possession of an export permit, other than a temporary permit or permit for exportation for a limited period only, showing that the vehicle has been lawfully exported from its country of origin or the country in which it was last registered, if such is required by the law of that country, and proof that the vehicle has been lawfully imported into Kenya.

The term "*Other Oil*" includes gas oil, kerosene, tractor vaporizing oil and paraffin. Where a vehicle is propelled by either diesel or other oil, even though the engine may be started up with another fuel (e.g. petrol) the answer to question (g) overleaf should be "diesel oil" or "other oil" as the case may be.

When completed, this form must be sent or taken to a licensing officer, together with the fee payable and, if a licence is required, a current certificate of insurance or certificate of security in respect of Third Party Risks (and the registration book if the vehicle has been previously registered).



## FORM II - (CONTD.)

[Subsidiary]

## 3. TRANSFER OF OWNERSHIP (Cap. 403, section 9)

Certified I have transferred the vehicle described above and its registration book to:-

Name.....  
 of Postal Address) Box.....Town.....  
*Signed*.....  
 Date..... Full Name.....  
 of (Postal Address) Box.....  
 Town.....

Amount to pay

Sh.....  
 Receipt No.

## 4. DECLARATION

I declare that the foregoing particulars are true and complete and that the above vehicle, Registration No..... is currently insured\* by .....

Certificate No.

Name in full..... (25)

(Block Capitals)

of Box.....(5) Town.....(15)

*Date*..... *Signed*.....

(owner)

Ins. Co.

Checked by

\*Delete if vehicle not in use on road.

## NOTES

1. *Application for licence for motor vehicle or trailer*

Complete section 1,2 and 4 of this form in full. The licence may be obtained from any outstation which undertakes to issue motor vehicle licences, provided the particulars on either page 4 or 5 of the registration book are correct and have been recorded by the Registrar.

2. *Application for transfer of ownership of motor vehicle or trailer*

Complete section 1,3 and 4. Section 2 need not be completed if a new licence is not required at the time of transfer of ownership.

3. *Change of registration particulars*

Complete section 1 of this form to show current particulars of the vehicle. Supporting documentation should be available for inspection where applicable (e.g. showing the source of a substituted engine). Section 4 must be completed in all cases, sections 2 and 3 only if applicable.

4. Unless this application is completed in duplicate as indicated below, delay may occur in processing. This form may be used for one vehicle only. This application must be taken or sent to a licensing officer together with:-

- (a) Fee payable.
- (b) Registration book.
- (c) Current Insurance Certificate (not the policy).
- (d) Vehicle inspection report (commercial vehicles only).

[Subsidiary]

Only cash, postal orders, bank orders or guaranteed cheques will be accepted for payment at Nairobi, and should be made payable to the Registrar of Motor Vehicle P. O. Box 30440. Nairobi.

5. Vehicle type: Indicate as applicable

- 00 Saloon

01 Station Wagon

02 Pick-up

03 Lorry

04 Bus

06 Special Purpose-  
Ambulance, Fire  
Engine, etc.
- 07 Trailer

08 roller, grader and crane

09 Wheeled tractor

10 Crawler tractor

11 Motor cycle

12 Three-wheeler

FORMS III and IV - (deleted by L.N. 119/1971).

FORM V - (deleted by L.N. 56/2006).

FORM VI

APPLICATION FOR DEALER’S GENERAL LICENCE  
(Sections 23 and 25)

[Name]..... (Block capitals) of [Postal Address] ..... ..... hereby declare that I am carrying on the business of a dealer in or manufacturer or repairer of motor vehicles at - .....Road ..... Town/District, and apply for*- (a) .....dealer’s general licence[s] (b) ..... identification plate[s] (c) ..... renewal licence[s] in respect of plates[s] No.[s]..... already in my possession. Signature..... Date..... 19 .....	<div>For Official Use</div> <div>Serial number(s) of licences(s) Issued .....</div> <div>Serial number(s) of plate(s) issued ..... .....</div> <div>Date Stamp</div> <div>Licence Fees</div> <div>Licence(s)..... Sh..... Plate(s)..... Sh..... Total ..... Sh.....</div>
---	---

\*Delete items not applicable.

When a Dealer’s General Licence expires or is cancelled or otherwise ceases to be valid under the provisions of the Act, the holder of the licence shall deliver to the Registrar the identification plates which were issued to such holder with such licence, unless a renewal licence is issued for the same plates.

When completed this form should be sent with fee and certificate of insurance to -  
The Registrar of Motor Vehicles,  
P. O. Box 30041,  
Nairobi.

## FORM VII

[Subsidiary]

APPLICATION FOR DRIVING OR PROVISIONAL LICENCE OR FOR ENDORSEMENT OF EXISTING  
LICENCE  
(Section 34)

(A) APPLICATION		For Official Use Only
I apply for -	<div style="display: flex; align-items: center; justify-content: center;"> <div style="font-size: 4em; margin-right: 10px;">{</div> <div style="text-align: center;"> PROVISIONAL DRIVING ENDORSEMENT OF EXISTING </div> <div style="font-size: 4em; margin-left: 10px;">}</div> </div>	Licence
to entitle me to drive-		
(a) Motor omnibuses.		Licence No
(b) Heavy commercial vehicles.		
(c) Commercial vehicles exceeding 1,800 kg. tare weight.		Date.....
(d) Tractors.		
(e) Motor-cars and commercial vehicles not exceeding 1,800 kg. tare weight.		
(f) Motor cycles up to and including 50 c.c.capacity.		
(g) Motor cycles over 50 c.c. capacity.		
(h) Invalid carriages.		
(i).....		
(to be specified)		
<i>[Strike out items not applicable]</i>		
		Fee
		Sh. ....
(B) PARTICULARS TO BE FURNISHED BY APPLICANT		
1. Surname <i>[block capitals]</i>		
2. Other Names <i>(also insert Mr., Mrs. or Miss as the case may be)</i>		
3. Residential Address		
4. Postal Address		
5. Age <i>(If over 18 years answer "over 18")</i>		
6.(a) Number of years you have held a driving licence .....		
(b) Country of issue .....		
(c) Classes of vehicles for which licence valid .....		
(d) Kenya certificate of competency number		
7. Has a Court at any time ordered a conviction to be endorsed on your licence (or certificate or competency) <i>(Answer "Yes" or "No")</i> .		
8. Are you disqualified by any Court for holding or obtaining a licence <i>(Answer "Yes" or "No")</i> .		
(C) DECLARATION AS TO PHYSICAL FITNESS OF APPLICANT		
9. Do you certify that you are not suffering from epilepsy or from sudden attacks of disabling giddiness or fainting <i>(Answer "Yes" or "No")</i> .		
10. Can you read at a distance of 25 metres in good daylight (with glasses if worn) a motor-car number plate containing six letters and numbers <i>(Answer "Yes" or "No")</i> .		
11. Are you without either hand or foot, or are you suffering from any defect in movement control or muscular power, of either arm or leg. <i>(Answer "Yes" or "No"; if yes give particulars of the disability)</i> .		
12. Are you suffering from any other disease, mental or physical, or disability which would be likely to cause the driving by you of a motor vehicle to be a source of danger to the public. <i>(Answer "Yes" or "No", if yes give particulars of the disability)</i> .		

[Subsidiary]

FORM VII - (*Contd.*)  
(*Reverse*)

I declare that to the best of my knowledge and belief the answers given above are true; I further declare that I have studied the Highway Code, and that I am aware that it is an offence for a person to use a motor vehicle on public roads (subject to statutory exceptions) unless there is in force a policy of insurance or a security against third party risks covering the use by that person of that vehicle.

Date \_\_\_\_\_ Signature of applicant \_\_\_\_\_

I enclose two copies of a recent photograph (size 35 mm. by 45 mm.) (head and shoulders) (full face without hat)

(NOT REQUIRED IF APPLICATION is for a Provisional Licence or for endorsement of FURTHER CLASSES)

## OFFICIAL USE ONLY

Authority for \_\_\_\_\_

Granting Licence \_\_\_\_\_

## DRIVING LICENCE

## FORM VIII

Page 1

Surname.....  
 Other names.....  
 Date of birth .....  
 C. of C. No. ....

Issued by the Registrar of Motor Vehicles,  
 Nairobi.

Date .....

.....  
*Signature of Authority*

.....  
*Signature of Licensee*

Photograph  
 35 mm. by 45 mm.

Page 2

## VEHICLES FOR WHICH LICENCE IS VALID

Motor omnibuses	<input type="radio"/>	Heavy commercial vehicles	<input type="radio"/>
Commercial vehicles exceeding 1,800 kg. tare weight	<input type="radio"/>	Tractors	<input type="radio"/>
Motor-cars and commercial vehicles not exceeding 1,800 kg. tare weight.	<input type="radio"/>	Motor cycles up to and including 50 c.c. capacity	<input type="radio"/>
Motor cycles over 50 c.c. capacity	<input type="radio"/>	Invalid carriages	<input type="radio"/>
Special type (specified)			<input type="radio"/>
.....			
.....			

See page 4 for special conditions.



[Subsidiary]

FORM VIII - (Contd.)

Page 3

No. ....

GOVERNMENT OF KENYA

DRIVING LICENCE

Name .....  
.....

Address .....  
.....

is hereby licenced to drive the classes of vehicles authorized by official stamp on page 2  
until.....

Fee of Sh..... received.

Date.....

.....  
*Signature of Authority*

.....  
*Signature of Licensee*

Page 4

SPECIAL CONDITLONS  
(if any)

Page 5

Page 6

Page

ENDORSEMENTS

[Subsidiary]

No. ....

FORM IX

## GOVERNMENT OF KENYA

## INTERIM DRIVING LICENCE

*(Rule 11 (1)(e))*

Name.....

Address.....

.....

is hereby authorized to drive the following classes of vehicles until..... inclusive,  
or until a driving licence is issued to him, whichever is the earlier: -

Classes.....

.....

.....

C. of C. Number.....

Fee paid Sh.....

.....  
*Signature of Authority*

Date .....

No. ....

FORM X

## GOVERNMENT OF KENYA

## PROVISIONAL DRIVING LICENCE

*(Section 37 (1))*

hereby license –

Name.....

Address.....

To Drive Class.....Vehicle

from..... to.....inclusive

Date.....Signature of Licensing Officer.....

Fee paid Sh. 50

[See Conditions Overleaf]

[Subsidiary]

## FORM X - (Contd.)

(Reverse)

CONDITIONS ATTACHED TO THE DRIVING OF MOTOR VEHICLES BY  
THE HOLDER OF A PROVISIONAL LICENCE

- (1) The holder of a provisional licence, when driving any vehicle which he has not qualified by test to drive, must carry the prescribed "L" plate at the front and back of the vehicle.
- (2) He must be accompanied by a supervisor, except when undergoing the driving test or when driving a solo motor cycle or a vehicle, other than a motor-car, not constructed or adapted to carry more than one person. The supervisor must hold a current licence to drive the class of vehicle being driven by the provisional licence holder.
- (3) When driving a solo motor cycle, he must not carry any pillion passenger except a licence holder qualified as in (2) above.

## FORM XI

APPLICATION FOR DUPLICATION REGISTRATION BOOK OR DUPLICATE LICENCE  
(Sections 6 (6), 21, 38, 97 (7) and 98 (6))

- (1) Registration book issued for vehicle.....  
(registration mark)
- (2) Vehicle licence issued for vehicle.....  
(registration mark)
- (3) Driving licence issued on.....  
(approximate date)
- (4) Provisional licence issued on.....  
(approximate date)
- (5) P.S.V. licence.....  
(registration mark)
- (6) P.S.V. driver's licence issued on .....  
(approximate date)
- (7) P.S.V. conductor's licence issued on....  
(approximate date)

I hereby declare that the above.....has been lost or rendered illegible.

The circumstances of the lost or defacement were as follows:-

I therefore request that a duplicate be issued, on payment by me of Sh. 5.

Usual signature.....

Name (in full).....

(in block capitals)

Address.....

Date.....

NOTE. - If you require a duplicate driving licence, you must submit two copies of a recent photograph (size 35 mm. by 45 mm.) (head and shoulders) (full face without hat).

[Subsidiary]

## FORM XII

No.....

TEST APPLICATION FORM  
(Rule 13 (1))I. ....  
(full name in block capitals)of.....  
(postal address)holding provisional licence number ..... and/or driving licence number.....  
require to undergo a driving test in respect of vehicles of class.....

Signature of applicant.....

Fee paid Sh. 5.

Date .....

Signature of licensing officer. ....

Driving test allotted as follows: -

Date.....

Time.....

Place.....

NOTE - Failure to attend at the date, time and place specified will necessitate a fresh application  
and fee if a driving test is still required.

## FORM XIII

DRIVER'S CERTIFICATE OF COMPETENCY  
(Rule 13 (2))

To the Registrar.

I hereby certify that, after examination of-

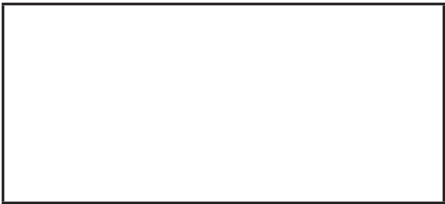
Surname.....Other Names.....

Address....., who held Test Application  
Form No. ....dated....., and whose signature has been placed below in my  
presence, he/she is competent to drive on roads a motor vehicle of the class herein specified.CLASS OF MOTOR VEHICLE.....  
(in words)

Dated at..... this.....day of....., 19.....

Signature of driving test examiner.....

[Subsidiary]



Signature of person examined .....

[Subsidiary]  
FORM XIVAPPLICATION FOR LICENCE FOR PUBLIC SERVICE VEHICLE  
(Section 96 (1))

APPLICATION	FOR OFFICIAL USE ONLY
I (name) .....	Serial No. of licence.....
(Postal address).....	Prepared by .....
.....	Checked by .....
being the registered owner of vehicle No. ....	Date Stamp
hereby apply for a Public Service Vehicle licence for the period expiring 31 <sup>st</sup> December for the above vehicle to be used as*:- Motor Omnibus Taxicab Private Hire Vehicle *Delete items not applicable.	
The vehicle is normally kept by me at .....	AMOUNT TO PAY
..... Road..... Town/District.	Sh.....
District of operation .....	LICENCE FEES
.....	For each passenger which the vehicle is licenced to carry, Sh. 10 per annum.
Passenger seating capacity .....	
Certificate of fitness No. ....	
Road Service licence No. (in case of omnibus) .....	
Taxicab licence No. ....	
Issued by .....	
on [date] .....	

## B) DECLARATION

I declare that the foregoing particulars are true and complete.

Usual signature.....

Date.....

## (C) POLICE CERTIFICATE

I certify that the applicant is a fit and proper person to hold the licence applied for

.....  
[To be signed by a police officer of or above the  
rank of Assistant Superintendent]

## IMPORTANT

*Manner of Application.*- Complete this form where indicated and present it to a police officer (Assistant Superintendent or higher rank) of the district where the vehicle is normally kept. After the officer has completed the certificate (C), the form should be presented by the applicant to a licensing officer, together with the fee payable and certificate of insurance.

[Subsidiary]

FORM XV

PUBLIC SERVICE VEHICLE LICENCE

ORIGINAL  
REPUBLIC OF KENYA

THE TRAFFIC ACT

(Section 97 (1))

Cheque No. ....

Cash .....



STATION .....

ISSUING OFFICER .....

*Note.-* This licence is not transferable except with the written consent of the licensing authority

(REVERSE)

SURRENDER OF LICENCE

This licence may be surrender at any time during its currency to a licensing officer at the station of issue under refund obtained in respect of each complete month of the period of the currency of the licence which is unexpired at the date of surrender. In order that a refund may date from the beginning of any month, either-

- (a) the licence must be handed in at the licensing office on or before the last day of the preceeding month; or
- (b) if the licence is sent by post, it must be posted before midnight on the last day of the month. HANDING IN ON THE FIRST WILL NOT DO.

[Subsidiary]  
FORM XVA

## PUBLIC SERVICE VEHICLE LICENCE (MATATU)

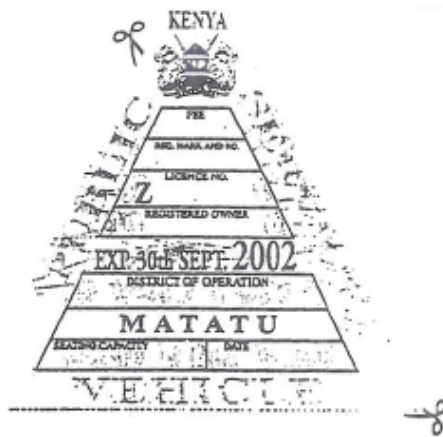
ORIGINAL  
REPUBLIC OF KENYA

THE TRAFFIC ACT

(Section 97 (1))

Cheque No. ....

Cash .....



STATION .....

ISSUING OFFICER .....

*Note.-* This licence is not transferable except with the written consent of the licensing authority.

(REVERSE)

## SURRENDER OF LICENCE

This licence may be surrendered at any time during its currency to a licensing officer at the station of issue under refund obtained in respect of each complete month of the period of the currency of the licence which is unexpired at the date of surrender. In order that a refund may date from the beginning of any month, either-

- (a) the licence must be handed in at the licensing office on or before the last day of the preceeding month; or
- (b) if the licence is sent by post, it must be posted before midnight on the last day of the month. HANDING IN ON THE FIRST WILL NOT DO.



[Subsidiary]

FORM XVI

APPLICATION FOR LICENCE TO DRIVE PUBLIC SERVICE VEHICLE  
(Section 98 (3))

(A) APPLICATION	
I (surname) ..... (other names) ..... Nationality ..... Identity Certificate No. .... Postal address..... ..... Residing ..... Road .....Town/District, being the holder of valid driving licence No. .... hereby apply for a Public Service driver's licence I am ..... years of age. Signature of applicant ..... Date.....	<i>For Official Use</i> Serial number of licence and badge ..... Prepared by ..... Checked by .....  Date Stamp

(B) POLICE CERTIFICATE

I certify that the applicant is a fit and proper person to hold a Public Service Vehicle driver's licence.

.....  
[To be signed by a police officer of or above the  
rank of Assistant Superintendent]

IMPORTANT

*Manner of Application.* - Complete this form where indicated and present it to a police officer (Assistant Superintendent or higher rank) of the district where you reside. After the officer has completed the certificate (B), the form should be presented to a licencing officer together with a fee of Sh. 10.

[Subsidiary]

## FORM XVII

APPLICATION FOR LICENCE TO ACT AS CONDUCTOR OF PUBLIC SERVICE  
VEHICLE  
(Section 98 (3))

(A) APPLICATION	
I (surname) .....	<i>For Official Use</i>
(other names) .....	Serial number of licence and badge
Nationality .....	Prepared by .....
Identity Certificate No. ....	Checked by .....
Postal address.....	
.....	
Residing .....Road	Date Stamp
.....Town/District,	
hereby apply for a licence to act as the conductor of a public service vehicle.	
I am ..... years of age.	
Date ..... Signature of applicant .....	

## (B) POLICE CERTIFICATE

I certify that the applicant is a fit and proper person to hold a Public Service Vehicle Conductor's licence.

.....  
[To be signed by a police officer of or above  
the rank of Assistant Superintendent]

## IMPORTANT

*Manner of Application.-* Complete this form where indicated and present it to a police officer (Assistant Superintendent or higher rank) of the district where you reside. After the officer has completed the certificate (B), the form should be presented to a licensing officer together with a fee of Sh. 10.



[Subsidiary]  
FORM XIX

NOTICE TO ATTEND COURT  
(Section 116(1))

ORIGINAL - To alleged offender.  
DUPLICATE - To Court.  
TRIPLICATE - To be Retained.

No. ....

To .....  
of .....

You are hereby required to attend ..... Court  
at [*place*] ..... at ..... a.m./p.m.  
on ..... the ..... day of ....., 19 .....,  
to Answer a Charge of:

.....  
.....

contrary to .....  
such offence having been committed at .....a.m./p.m. on  
[*date*] .....at .....

Signed.....

Police Station .....

Office stamp  
and date

(Please Turn to Reverse)

NOTE. - If you so desire, you may appear by advocate or enter a written plea of guilty.  
If you desire to enter a written plea of guilty, you must do so on this Notice, and  
return it to the officer in charge of the police station named on the reverse side of  
this form without delay, by registered post or personally.

WRITTEN PLEA OF GUILTY

....., being the person named overleaf, hereby enter a plea of  
guilty to the charge specified overleaf.

Signed.....

[Subsidiary]  
FORM XX

MAXIMUM SPEED MARK  
(Section 42 (2))



NOTES:-

- 1. The diameter of the circle shall not be less than 200 millimetres; each figure of the number shall be 90 millimetres in height and 65 millimetres in total width, and the width of every part of each figure shall be 15 millimetres.
- 2. The figures shall be either black on a white background or white on a black background.
- 3. The number to be exhibited shall conform to the maximum speed limit of the vehicle concerned, as specified in the traffic (Speed Limits) Rules.

FORM XXI

APPLICATION FOR VEHICLE INSPECTION  
(Section 17 (3))

No. ....

I .....  
[Full name in block capitals]  
of .....  
(Postal address)  
hereby apply for inspection of vehicle No. ....  
[Identification mark]

[Subsidiary]

## FORM XXI - (Contd.)

Fee paid Shs. 40.                      Signature of applicant .....  
   Signature of Licensing Officer.....  
   Station .....

Date .....

Inspection arranged as follows:-

Date..... Time..... Place.....

*Important*

1. The Registration Book appertaining to the above vehicle should be produced at the time of inspection, together with this form.
2. The vehicle should be brought for inspection unladen and in a clean condition, and must be accompanied by all parts which are necessary to or ordinarily used with the vehicle when used on the road (i.e. spare wheel and tyre, too and other equipment belonging thereto).
3. Failure to appear at the time and place stated may result in forfeiture of fee.

[Subsidiary]

FORM XXII

VEHICLE INSPECTION REPORT  
(Section 17 (3))  
(Required prior to licensing)

V.I.R. No. ....

Application No. ....

.....  
*Identification mark*

Owner's Name .....

and

Address .....

Make and Model  
of Vehicle .. ..

For P.S.V.'s only

Passenger Carrying Capacity:- .....

Type .. ..

(i) Upper deck seated .....

Gross Vehicle Weight .....kg. (ii) Lower deck seated .....

Tare Weight .. .....kg. (iii) Lower deck standing .....

Total passengers .....

Equivalent passenger weight ..... kg.

Personal baggage or other  
load permitted ..... kg.

Load Capacity .....kg. ....kg.  
=====

Size of tyres:-

Front ..... Rear .....

I have inspected the above vehicle, and find that -

\*(a) it complies with the provisions of the Traffic Act and of the Rules made thereunder;

\*(b) It does not comply with the provisions of the Traffic Act and of the Rules made thereunder because of the following minor remediable defects -

[Subsidiary]

## FORM XXII - (Contd.)

- (i).....  
 (ii).....

(If this vehicle is produced before me with all the above defects remedied on or before ....., and if no more defects have arisen, I will endorse this report to state that the vehicle complies with the provisions of the Traffic Act and of the Rules made thereunder); or

\*(c) it does not comply with the provisions of the Traffic Act and of the Rules made thereunder because of the following defects, which in my opinion render the vehicle unsafe to use on a road -

- (i).....  
 (ii).....

.....  
*Vehicle Inspector*

Date of Inspection .....Place .....

Received the above report.

.....  
*Owner or representative*

NOTE. - This document MUST be produced to a Licensing Officer at the time of application for a vehicle licence.

*ENDORSEMENT in the case of a report under Part B only.*

I have again inspected the above vehicle and find that it now complies with the provisions of the Traffic Act and of the Rules made thereunder.

.....  
*Vehicle Inspector*

Date of re-inspection .....

\* Delete whichever is not applicable.



[Subsidiary]

FORM XXIIA

VEHICLE INSPECTION CERTIFICATE  
(Section 17 (A))



FORM XXIII

CERTIFICATE OF FITNESS  
(Section 92(2) (g))

C of F No. ....

.....

*Identification Mark*

(For omnibuses not previously licensed or, if previously licensed, the construction of which has been altered or modified.)

Owner's Name .....

and

Address .....

Make and Model of

Vehicle .. ..

Passenger Carrying Capacity:-

(i) Upper deck seated .....

Gross Vehicle Weight .. .....kg.

(ii) Lower deck seated .....

(iii) Lower deck standing .....

[Subsidiary]

Tare Weight .....kg.

Total passengers .. ..

Equivalent passenger weight ..... kg.

Personal baggage or other  
load permitted .. .. kg.

\_\_\_\_\_

\_\_\_\_\_

..... kg.

..... kg.

=====

=====

Size of tyres:-

Front ..... Rear .....

I hereby certify that I have examined the above vehicle, and find that it complies with the provisions of the Traffic Act of the Rules made thereunder, and is fit to be licensed as a public service vehicle for use as an omnibus.

.....

*Certifying Officer*

Place .....

Date received .....

.....

*Owner or representative*



[Subsidiary]  
FORM XXV

AUTHORIZATION PERMIT FOR A FOREIGN PRIVATE VEHICLE  
AND A VEHICLE CARRYING INTERNATIONAL CERTIFICATE  
(Rule 7A (3))

FREE

Reg. No. .... No. ....  
Name of owner .....  
Address in Kenya .....  
.....  
Locality .....  
Colour .....  
Authorized to be in Kenya from ....., 19.....  
to ....., 19..... *Issuing Office*  
Fee: Sh. ....  
Date ....., 19... *Station*

FORM XXVI

AUTHORIZATION PERMIT FOR A FOREIGN COMMERCIAL  
OR PUBLIC SERVICE VEHICLE  
(Rule 7A (5))

Reg. No. .... No. ....  
Name of owner .....  
Address in Kenya .....  
.....  
Locality .....  
Tareweight .....  
Make and body.....  
Authorized to be in Kenya from ....., 19.....  
to ....., 19..... *Issuing Officer*  
Fee: Sh. .... *Station*  
Date ....., 19...

[Subsidiary]

FORM XXVII

LICENCE FOR FOREIGN PRIVATE VEHICLE  
(Rule 7A (3))

Licence No. ....  
Fee: Sh. 100  
Expiring .....  
Make .....  
Colour .....  
Date .....  
Collector .....  
Station .....

FORM XXVIII

VEHICLE LICENCE CERTIFICATE



THIRD SCHEDULE

(r .5. (4))

PUBLIC SERVICE VEHICLE DRIVER'S/CONDUCTOR'S BADGE	
<div>PHOTO OF HOLDER</div>	Name .....
	ID No. ....
	Licence No. (for driver) .....
	Designation .....
	Employer .....
	Date of Issue .....
	Signature of Holder .....
<div>..... <i>Authorizing Officer</i></div>	
Serial Number	

[Subsidiary]

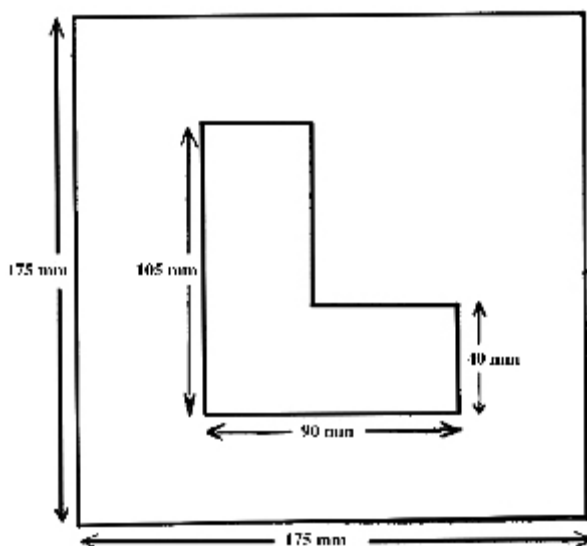
FOURTH SCHEDULE - (Deleted by L.N. 65/2005).

## FIFTH SCHEDULE

(r .12 (1) (b))

DIAGRAM OF DISTINGUISHING MARK TO BE DISPLAYED ON A MOTOR VEHICLE WHILST BEING  
DRIVEN BY THE HOLDER OF A PROVISIONAL LICENCE.

Red letter on white ground



The corners of the white ground may be rounded off.

[Subsidiary]

## SIXTH SCHEDULE

(r.17)

## CLASSES OF VEHICLES COVERED BY DRIVING TEST

CLASS OR TYPE	ADDITIONAL CLASSES OR TYPES COVERED
1. Heavy commercial vehicles.	2. Motor omnibuses.  3. Commercial vehicles exceeding 1,800 kg. tare-weight.  4. Motor-cars and commercial vehicles not exceeding 1,800 kg. tare weight.
2. Motor omnibuses.	3. Commercial vehicles exceeding 1,800 kg. tare weight.  4. Motor-cars, and commercial vehicles not exceeding 1,800 kg. tare weight.
3. Commercial vehicles exceeding 1,800 kg. tare weight.	4. Motor-cars, and commercial vehicles not exceeding 1,800 kg. tare weight.
4. Motor-cars, and commercial vehicles not exceeding 1,800 kg tare weight.	Nil.
5. Motor cycles exceeding 50 c.c. capacity.	6. Motor cycles not exceeding 50 c.c. capacity.
6. Motor cycles not exceeding 50 c.c. capacity.	Nil.
7. Tractors.	Nil.
8. Invalid carriages.	Nil.
9. Special types.	Nil.

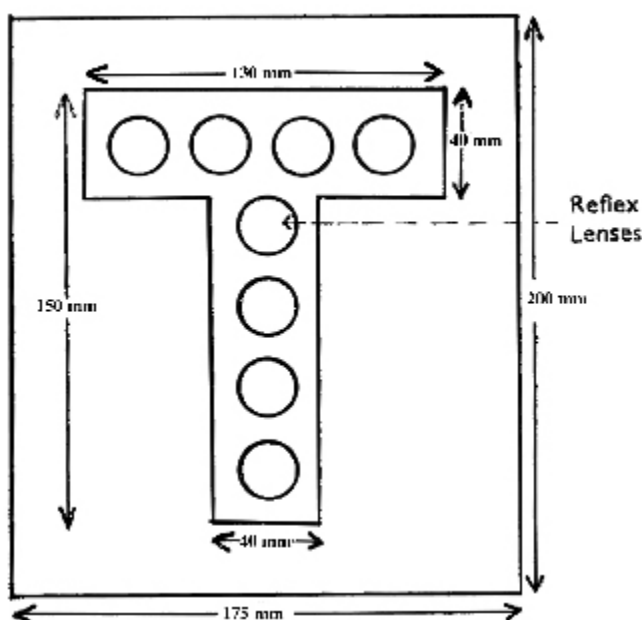
[Subsidiary]

## SEVENTH SCHEDULE

(r.39(2))

## DISTINGUISHING MARK FOR TRAILER OR TOWED VEHICLE

White letter on black ground



The corners of the black ground may be rounded off.

EIGHTH SCHEDULE (*Deleted by L.N. 310/1974*).

## NINTH SCHEDULE

(r. 95)

## INTERNATIONAL ROAD TRAFFIC CONVENTION

(19th September, 1949)

## ANNEX 4. - DISTINGUISHING SIGNS OF VEHICLES IN INTERNATIONAL TRAFFIC

1. The distinguishing sign shall be composed of one to three letters in capital Latin characters. The letters shall have a minimum height of 80 mm. (3.1 in.) and their strokes a width of 10 mm. (0.4 in.). The letters shall be painted in black on a white ground of elliptical form with the major axis horizontal.



[Subsidiary]

2. If the distinguishing sign is composed of three letters, the dimensions of the ellipse shall be at least 240 mm. (9.4 in.) in width and 145 mm. (5.7 in.) in height. The dimensions may be reduced to 175 mm. (6.9 in.) in width and 115 mm. (4.5 in.) in height if the sign carries less than three letters.

As regards the distinguishing signs for motor cycles, the dimension of the ellipse, whether the sign is composed of one, two or three letters, may be reduced to 175mm. (6.9 in.) in width and 115 mm. (4.5 in.) in height.

3. The distinctive letters for the different States and territories are as follows:-

*(These are not set out here and for information on the letters assigned to individual countries (e.g. Kenya-EAK) reference should be made to the Convention.)*

Any State which has not already done so shall on signature or ratification of, or accession to, this Convention, notify the Secretary-General of the distinctive letters elected by that State.

4. When the distinguishing sign is carried on a special plate this plate shall be fixed in a vertical or nearly vertical position and in a plane perpendicular to the longitudinal axis of the vehicle itself, this shall be done on a vertical or nearly vertical surface at the back of the vehicle.

## TENTH SCHEDULE

### PART I

#### SPECIFICATIONS FOR REFLECTIVE MATERIALS

##### *(Rule 2)*

(1) Reflective material shall be retro-reflective sheeting consisting of spherical lens elements embedded within a transparent plastic material having a smooth flat outer surface and a precoated adhesive backing.

(2) The minimum reflective brightness values of the retro-reflective sheeting shall, as compared to magnesium oxide (MgO), be:-

## TENTH SCHEDULE - (Contd.)

<i>Color</i>	<i>Angle of Incidence</i>	<i>Reflective Value to MgO</i>	<i>Angle of Divergence Compared</i>
Red.....	20 degrees	10	0.5 degrees
Red.....	50 degrees	3	0.5 degrees
White.....	20 degrees	50	0.5 degrees
White.....	50 degrees	20	0.5 degrees
Yellow.....	20 degrees	35	0.5 degrees
Yellow.....	50 degrees	10	0.5 degrees

(3) In addition to the minimum reflective brightness value, the retro-reflective sheeting shall comply with the following minimum standards-

- (a) it shall have such wide-angle characteristics that it is brilliantly visible when placed at an angle of forty-five degrees to a light source;
- (b) when the surface of the sheeting is entirely wet with water it shall retain not less than ninety per centum of the basic minimum reflective brightness applicable;
- (c) it shall be solvent resistant so as to be capable of withstanding normal cleaning with petrol, diesel fuel, mineral spirits, turpentine and methanol.

(4) A warning sign or reflective plate, notwithstanding that the reflective material of which it is composed complies with the above specifications, shall be deemed not to be a warning sign or reflective plate for any of the provisions of these Rules if, in a clean condition it is not clearly visible to the naked eye from a distance of 225 metres, in the case of a bicycle or power-assisted bicycle, or 450 metres in any other case, at night in dry, clear weather when illuminated at the said distance by the undipped headlights of a motor vehicle, comply with rule 23 (1) of these Rules.

[Subsidiary]

## TENTH SCHEDULE - (Contd.)

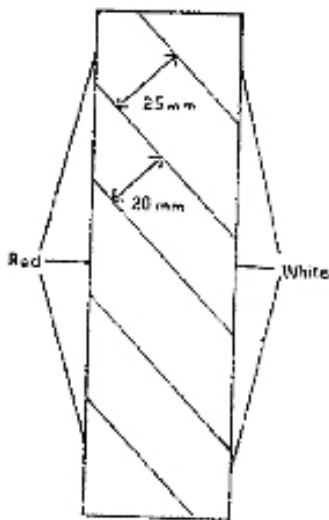
## PART II

## WARNING SIGNAL FOR BICYCLES AND POWER-ASSISTED BICYCLES

(Rule 25 (1) (a))

(1) The warning sign to be carried on a bicycle or power-assisted bicycle shall consist of a strip of reflective material, at least 15 centimetres long by 4 centimetres wide, having alternate diagonal stripes of red and white at approximately forty-five degrees to the edge of the strip.

(2) The reflective strip may be fitted in two portions, one above and one below a reflector carried on the mud-guard of the bicycle, so, however, that the total length of such portions is not less than 15 centimetres.



(3) The perpendicular width of each full white strip shall be 20 millimetres and of each full red strip 25 millimetres, with an allowable variation in each case of  $\pm 1$  millimetre.

## PART III

## WARNING SIGNS FOR MOTOR VEHICLES

(Rule 25(1)(c) and (d))

(1) The warning signs to be carried at the rear of a heavy vehicle or a medium vehicle shall consist of reflective material having alternate diagonal stripes of red and white at approximately forty-five degrees to the edges of such material.

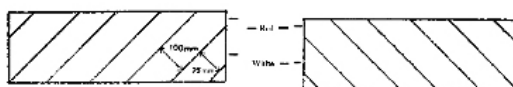
(2) The perpendicular width of each full white strip shall be 75 millimetres and of each full red strip 100 millimetres, with an allowable variation in each case of  $\pm 2$  millimetres.

[Subsidiary]

(3) Rear warning signs shall be -

- (a) in the case of a heavy vehicle, 60 centimetres long by 30 centimetres high;
- (b) in the case of a medium vehicle, 30 centimetres long by 30 centimetres high, with an allowable variation in each case of  $\pm 1$  centimetre.

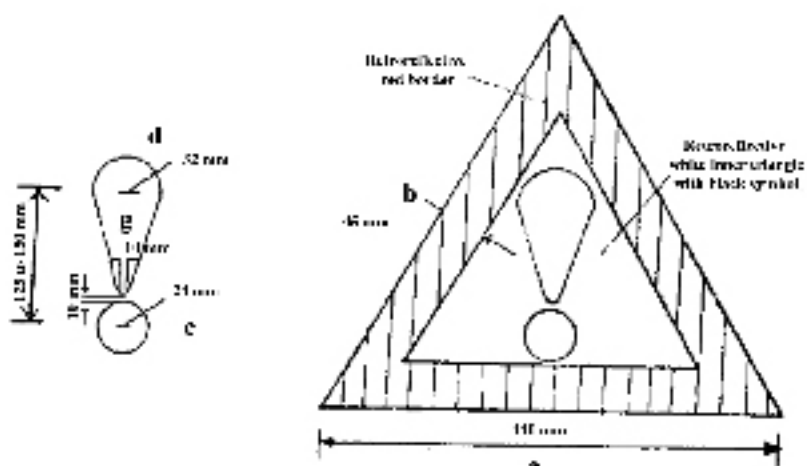
(4) Each pair of rear warning signs shall be so affixed that the diagonals represented by the stripes are mutually opposed, as indicated in the diagram below.



#### PART IV

#### PORTABLE WARNING TRIANGLE

(Rule 25(8))



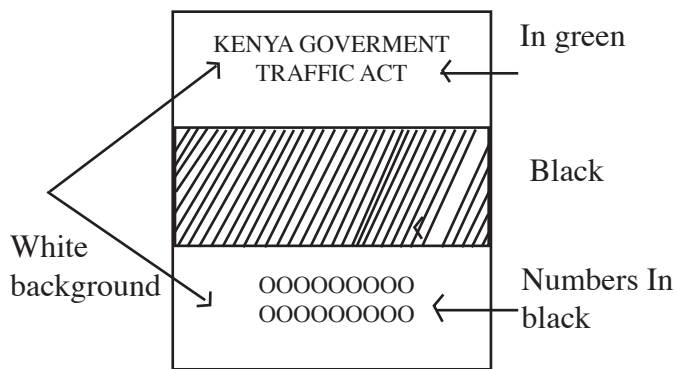
#### NOTES

1. Not to scale.
2. Triangle is equilateral.
3. All dimensions give the minimum requirements.
- a = 440 mm
- b = 45 mm
- c = 24 mm
- d = 32 mm
- e = 125-150 mm
- f = 10 mm
- g = 10 mm

4. The Traffic (Amendment) (No. 2) Rules, 1988 are revoked. L.N. 560/1988.

[Subsidiary]

ELEVENTH SCHEDULE  
AUTHORISED MARK  
(Rule 7(2)(c))



L.N. 112/1999,  
L.N. 145/2007,  
L.N. 118/2008.

TWELFTH SCHEDULE (r. 41)

PART 1-WEIGHTS AND DIMENSIONS OF VEHICLES

1. In this Schedule-

“tandem axle group” means two axles suspended and interconnected in such manner that any load imposed upon them will automatically be distributed to the two axles either equally or in proportions predetermined by the design of the suspension system, regardless of the road profile or road condition;

“triple axle group” means three axles suspended and interconnected in such a manner that any load imposed upon them will automatically be distributed to the three axles either equally or in proportions predetermined by the design of the suspension system regardless of the road profiles or road condition.

2. (1) The maximum weight which may be transmitted to the road in the case of a vehicle fitted with pneumatic tyres, whether laden or unladen, shall not exceed-

- (a) by way of any single axle fitted with four or more wheels ..... 10,000kg.
- (b) by way of any single steering axle, whether controlled by a drawbar or driver operated steering mechanism ..... 8,000 kilograms

[Subsidiary]

- (c) by way of any a tandem axle group  
having four wheels on each axle ..... 16,000kg
- (d) by way of a triple axle group ..... 24,000kg.  
having four wheels on each axle .....

Provided that in the case of any axle or axle group (excluding a single steering axle) where one or more of the axles is fitted with only two wheels, the appropriate maximum allowable load figure given in this subparagraph shall be reduced by twenty-five per cent.

(2) Notwithstanding subparagraph (1), the maximum total weight of any vehicle or combination of vehicles fitted with pneumatic tyres, whether laden or unladen, shall not exceed the following –

- (a) vehicle with two axles ..... 18,000kg.
- (b) vehicle with three axles ..... 24,000kg.
- (c) vehicle and semi-trailer with total of three  
axles ..... 28,000kg.
- (d) vehicle with four axles ..... 28,000kg.
- (e) vehicle and drawbar trailer with total of  
four axles ..... 34,000kg.
- (f) vehicle and semi-trailer with total of  
four axles ..... 36,000kg.
- (g) vehicle and semi-trailer with total of  
five axles ..... 42,000kg.
- (h) vehicle and drawbar trailer with total of  
five axles ..... 42,000kg.
- (i) vehicle and semi-trailer with total of six  
axles ..... 48,000kg.
- (j) vehicle and drawbar trailer with total of six  
axles ..... 48,000kg.

(3) The maximum total weight of a vehicle fitted with solid tyres, lawfully on a road under these Rules, shall be seventy-five per cent of the maximum weight specified for a similar type of vehicle with pneumatic tyres under subparagraph (1) or (2).

[Subsidiary]

(4) Not more than seventy-five per cent of the laden weight of any motor vehicle (other than a motor cycle) shall be transmitted to the road by any two wheels of the vehicle.

(5) For the purposes of this paragraph, each person apparently over the age of sixteen years, and every two persons of or under that age, shall be deemed to weigh 65 kg. when carried on a vehicle.

(6) Where the application of the provisions of subparagraph (2) result in two or more different weights being applicable to a particular vehicle, the lower or the lowest weight shall be the maximum weight of that vehicle for the purpose of section 55 (2) of the Act

(7) No vehicle with a rigid chassis shall have more than three axles except for a vehicle with two steering axles and two rear axles.

(8) The maximum number of axles which may be fitted on any combination of a motor vehicle and a semi-trailer or motor vehicle and drawbar trailer shall be six.

(9) The maximum number of axles in any axle group fitted on any trailer shall not exceed –

(a) on a drawbar trailer, 2 axles; and

(b) on a semi-trailer, 3 axles.

3. The maximum vehicle dimensions referred to in section 55 (2) of the Act shall be as follows –

(a) the maximum overall width of a motor vehicle together with any load projecting beyond the overall width of the vehicle, shall not exceed 2.65 metres;

(b) the maximum overall height of a motor vehicle or combination of vehicles, either laden or unladen, shall not exceed 4.2 metres measured from the road surface;

(c) notwithstanding subparagraph (b), a vehicle body shall not be constructed, nor shall the vehicle be loaded, to a height that will impair its stability; and maximum body heights shall be determined by the inspector of motor vehicles in accordance with vehicle testing standards;

(d) no part of a vehicle, whether laden or unladen, other than the driving mirror or direction indicators, shall project more than

15 cm. beyond the outside wall of the outermost rear tyre;

(e) the maximum overall length of any motor vehicle or combination of vehicles, together with any load projecting beyond the overall length of the vehicle, shall not exceed –

(i) for a rigid chassis goods or passenger vehicle, or drawbar trailer (in that case including the length of the drawbar in a horizontal position), irrespective of the number of axles, 11 metres;

(ii) for an articulated vehicle including the semi-trailer, 17.4 metres;

(iii) for a combination of vehicles consisting of either a motor vehicle and a drawbar trailer, or a vehicle and a semi-trailer with a drawbar trailer coupled to the latter, 22 metres.

4. The overhang of a vehicle shall not exceed 60 per cent of the wheel base of the vehicle.

5. No load shall be carried on a vehicle –

(a) which projects beyond the maximum overall length of the vehicle by more than 1.8 metres;

(b) which projects to the rear beyond the maximum overall length of the vehicle by more than 60 cm., but a load may project not more than 1.8 metres where the rear extremity of the load is plainly indicated by a conspicuous red marker during the day and by a red light at night.

6. No motor vehicle shall tow more than one trailer or other towed vehicle on a road; but a semi-trailer directly superimposed on the drawing vehicle shall not be counted as a trailer for the purposes of this paragraph.

7. Where a trailer or vehicle is towed on a road by a motor vehicle the towing vehicle shall not be more than 4.5 metres long.

8. No trailer shall be used on a paved or all weather road if the weight or dimensions of the trailer exceed those laid down for a motor vehicle having the same number of axles as the trailer in paragraph 1 (1) and (2).



[Subsidiary]

9. No vehicle or tractor fitted with crawler type shall travel on a road which has a bituminous surface.

PART II - VEHICLE AXLE CONFIGURATION

Diagram 1: Rigid Body Vehicle - 2 Axles [paragraph 2 (2) (a)]

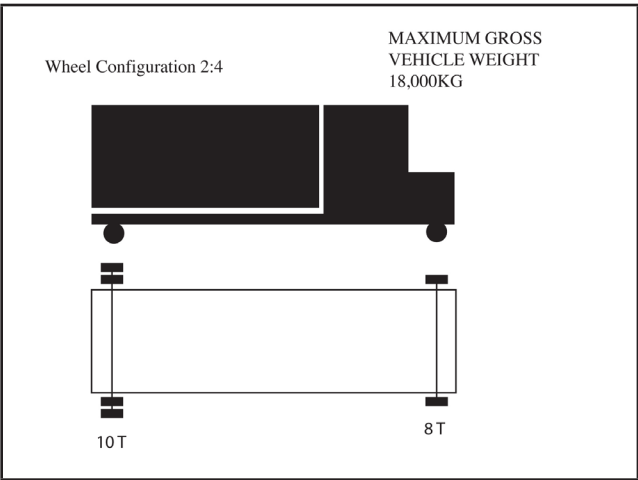
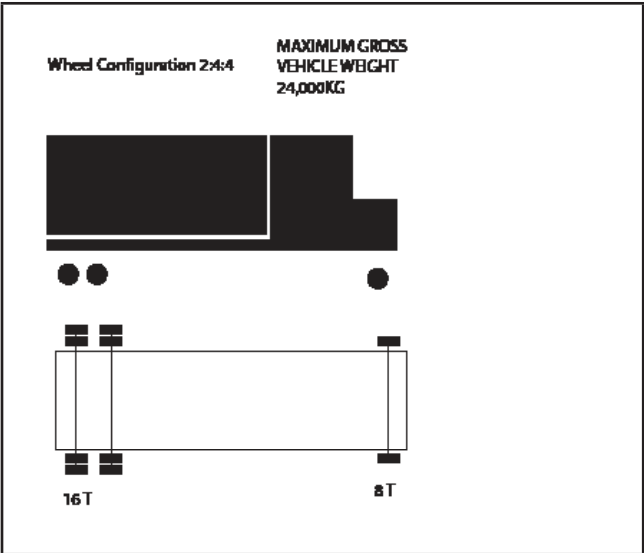


Diagram 2: Rigid Body Vehicle - 3 Axles [paragraph 2 (2) (b)]



[Subsidiary]

Diagram 3: Vehicle & Semi-Trailer-3 Axles [Paragraph 2 (2)(c)]

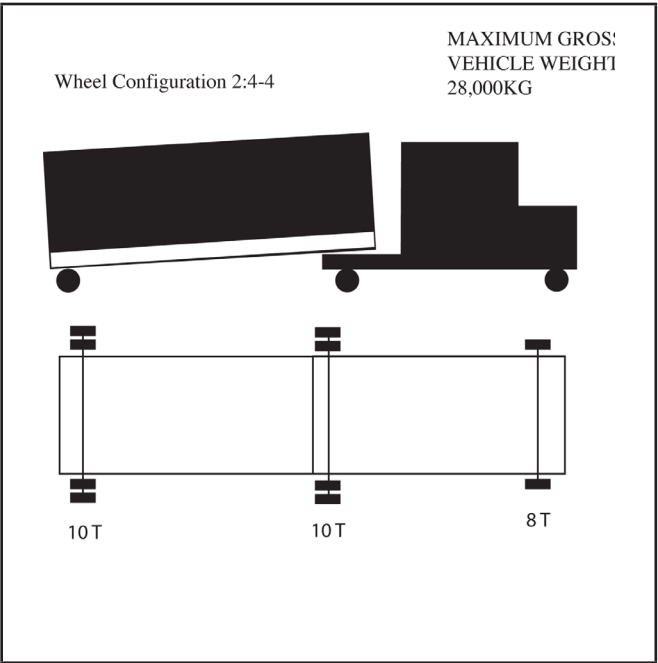
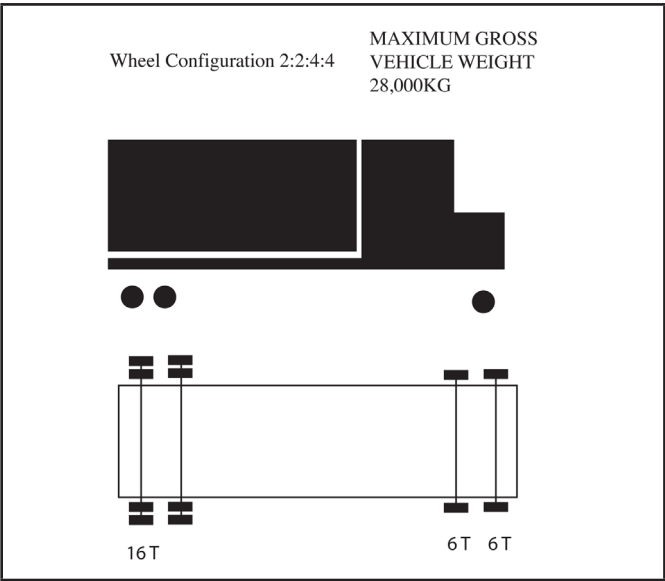


Diagram4: Rigid Body Vehicle - 4 Axles [Paragraph 2 (2)(d)]



[Subsidiary]

Diagram 5: Vehicle & Semi-Trailer-4 Axles [Paragraph 2 (2) (e)]

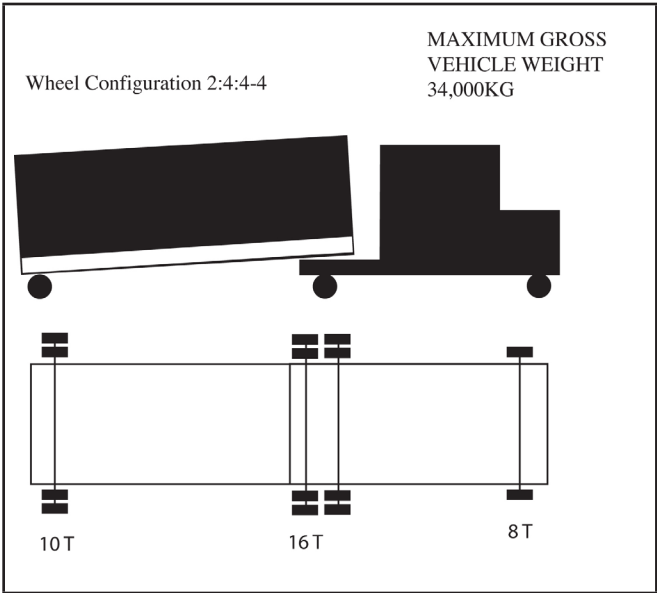
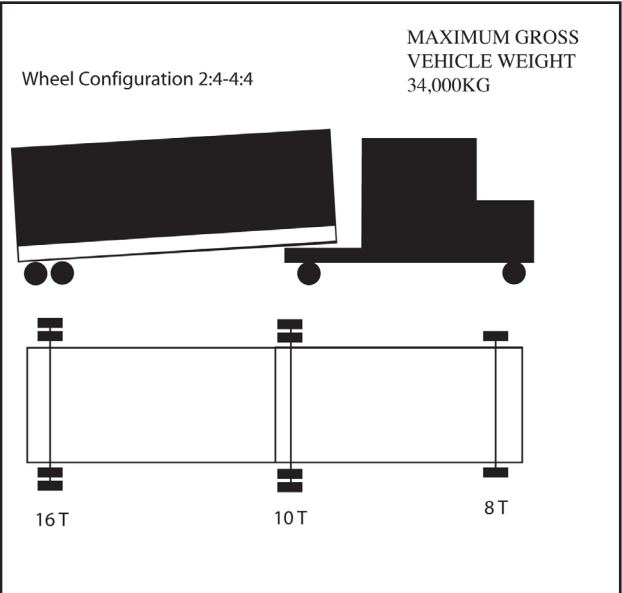


Diagram 6: Vehicle & Semi-Trailer-4 Axles [Paragraph 2 (2) (e)]



[Subsidiary]

Diagram 7: Vehicle & Drawbar Trailer-4 Axles [Paragraph 2 (2) (f)]

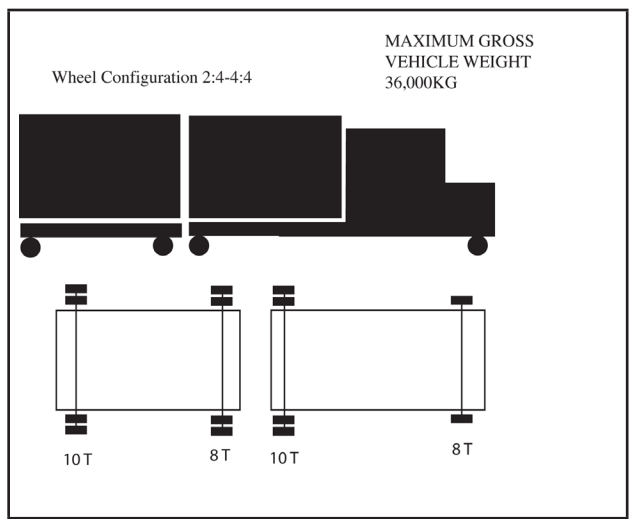
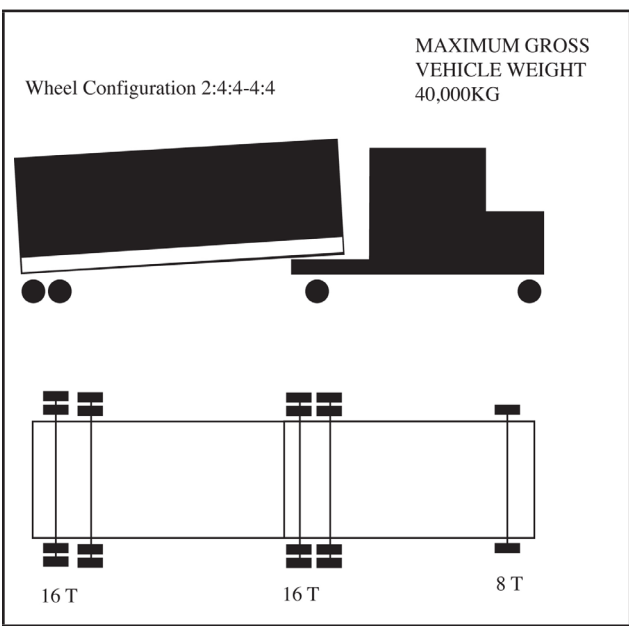


Diagram 8: Vehicle Semi -Trailer-5 Axles [Paragraph 2 (2) (g)]



[Subsidiary]

Diagram 9: Vehicle Semi -Trailer-5 Axles [Paragraph 2 (2) (g)]

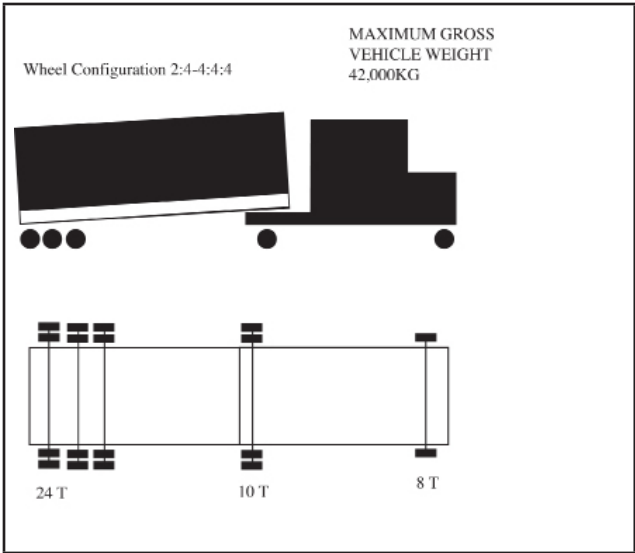
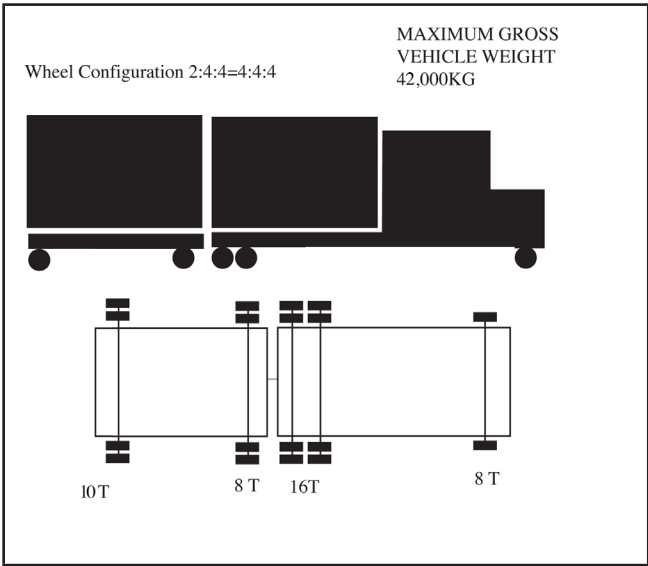


Diagram 10: Vehicle & Drawbar Trailer-5 Axles [Paragraph 2 (2)(h)]



[Subsidiary]

Diagram 11: Vehicle & Semi -Trailer-6 Axles [Paragraph 2 (2)(i)]

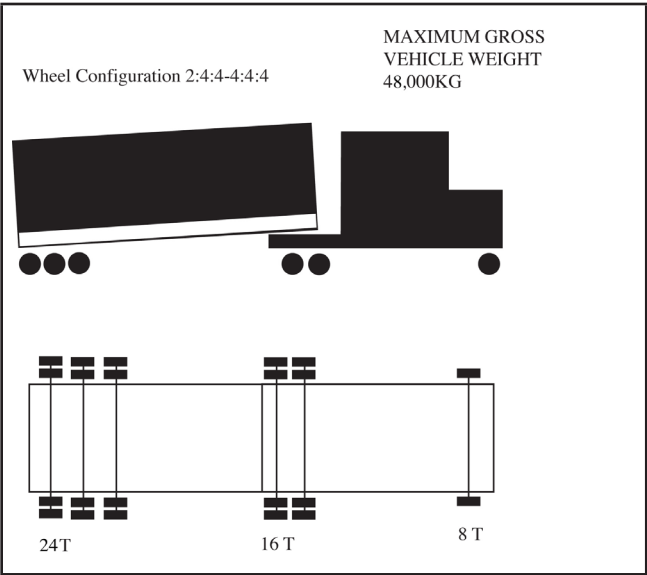
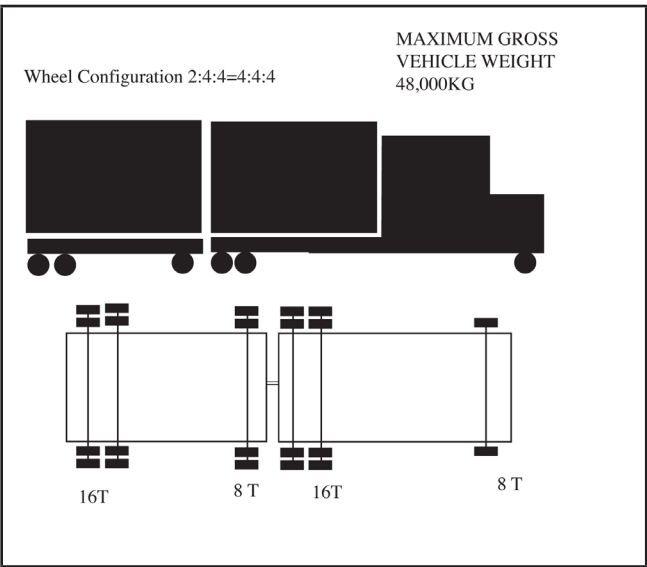


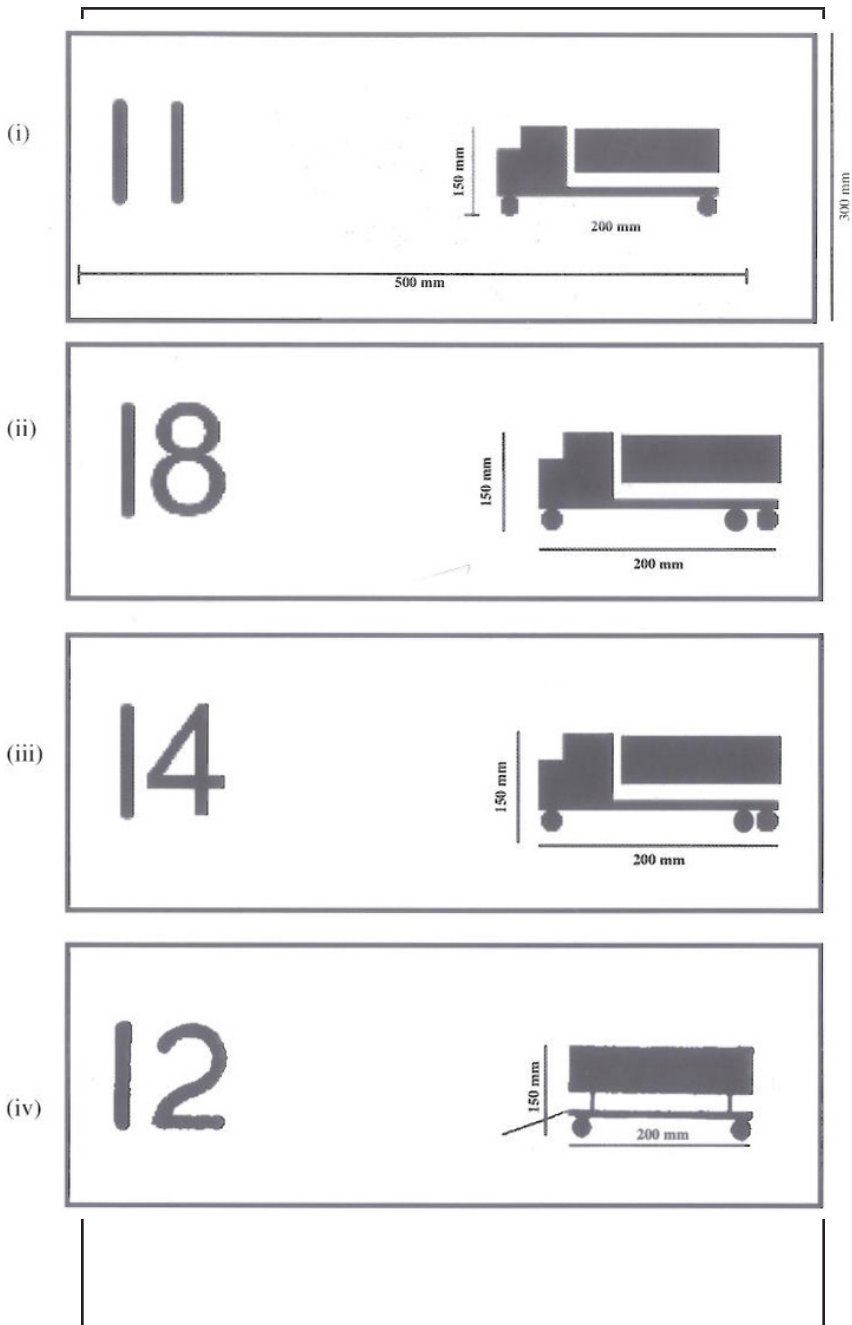
Diagram 12: Vehicle & Drawbar Trailer-6 Axles [Paragraph 2 (2)(j)]



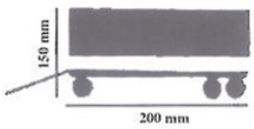
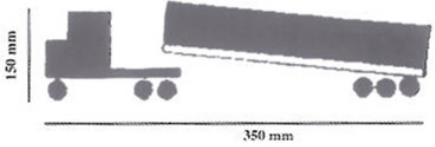
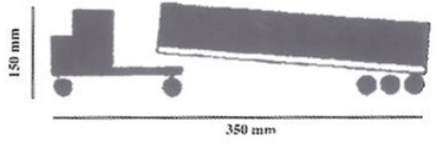
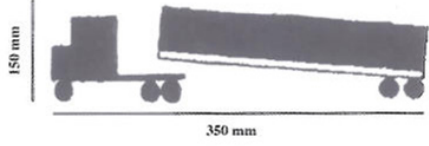
[Subsidiary]

THIRTEENTH SCHEDULE

MAXIMUM VOLUME OF BULK LIQUID TANK



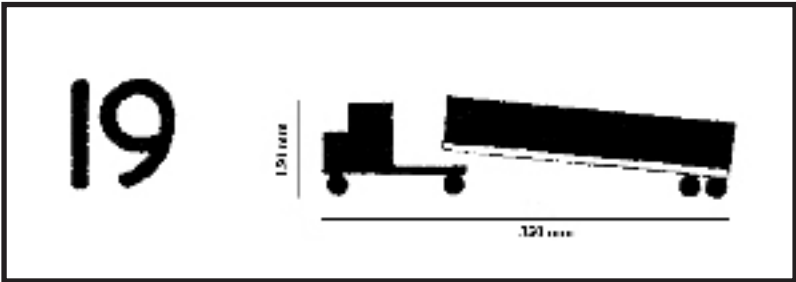
THIRTEENTH SCHEDULE (Contd.)

(v)	<div><div>17</div><div></div></div>
(vi)	<div><div>35</div><div></div></div>
(vii)	<div><div>28</div><div></div></div>
(viii)	<div><div>24</div><div></div></div>



[Subsidiary]

THIRTEENTH SCHEDULE (Contd.)

(ix)	
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THIRTEENTH SCHEDULE (Contd.)

MAXIMUM ALLOWABLE VOLUME BY PRODUCT (M <sup>3</sup> )								
Product .....	(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(ix)
Regular Petrol.....	11	18	14	12	17	35	28	19
Super Petrol.....	11	18	14	12	17	35	28	19
Kerosene.....	11	17	14	12	16	34	27	18
Aviation .....	11	17	14	12	16	34	27	18
Poper Alcohol.....	11	17	14	12	16	34	27	18
Diesel.....	10	16	13	11	15	31	25	17
Industrial Diesel .....	9	15	12	10	14	30	24	16
150mm. ....	50mm.	50mm.	50mm.	50mm.	50mm.	50mm.	50mm.	50mm.
=====								

[Subsidiary]

THE TRAFFIC (VEHICLE LICENCES) (DURATION, FEES  
AND REFUND) (AMENDMENT) RULES, 2002

*(Repealed by LN 57/2006.)*

L.N. 232/1971,  
L.N. 167/1990,  
L.N. 55/206.

**THE TRAFFIC (DRIVING SCHOOLS) RULES**

PART 1 - PRELIMINARY

Citation and  
commencement.

1. These Rules may be cited as the Traffic (Driving Schools) Rules.

Interpretation.

2. In these Rules, unless the context otherwise requires –

“appropriate fee” in respect of any matter, means the fee specified in regard to that matter in the First Schedule;

“certificate of competency” means a certificate, to the effect that the person named therein has successfully undertaken a test of competency, signed by the person conducting the test;

“class” in respect of a motor vehicle means a class of motor vehicle specified in section 4 of the Act;

“Commissioner” means the Commissioner of Police, or any police officer authorized by the Commissioner to exercise any of the powers or perform any of the duties conferred or imposed upon the Commissioner by any of the provisions of these Rules;

“driving instructor” means the holder of an instructor’s licence;

“driving school” means an establishment set up or maintained under the authority, and for the purposes, of a valid school licence;

“Form” means the appropriate form in the Second Schedule;

“inspector” means the Chief Inspector of Driving Schools and an Inspector of Driving Schools appointed under rule 27;

“instructor’s licence” means a licence issued under Part II of these Rules authorizing the holder thereof, for gain or reward, to engage, or hold himself out as being willing to engage, in the teaching of the theory and practice of the driving of motor vehicles;

“medical certificate” means a certificate in Form 1 signed by a medical practitioner;

[Subsidiary]

“the Minister” means the Minister for the time being responsible for matters relating to the Kenya Police Force;

“proprietor” means the holder of a school licence;

“pupil” means any person who is being given instruction in the theory or practice of the driving of a motor vehicle by a driving instructor or driving school;

“Registrar” means the Registrar of Motor Vehicles appointed under section 3 of the Act;

“scheduled offence” means any of the offences specified in the Third Schedule;

“school licence” means a licence issued under Part III authorizing the holder thereof to set up or maintain an establishment for the purpose of teaching, for gain or reward, all respects for use in the teaching of the practice of driving;

“test of competency” means a test, conducted by a person authorized in that behalf by the Commissioner, designed to test the competency of the person tested in respect of –

- (a) his standard of driving of motor vehicles;
- (b) his knowledge of the theory of such driving;
- (c) his knowledge of road traffic law, road signs and the highway code;
- (d) his ability to instruct others in such driving and knowledge;

“vehicle inspection report” means a report made by a person authorized in that behalf by the Commissioner stating that, as a result of an examination made by such person, he is satisfied that the vehicle specified in the report is suitable in all respects for use in the teaching of the practice of driving a motor vehicle of the class concerned.

## PART II - DRIVING INSTRUCTORS

3. (1) No person shall, for gain or reward, engage in, or hold himself out as being willing to engage in, the teaching of the theory or practice of the driving of motor vehicles unless he is the holder of a valid instructor's licence:

Control of driving instructors.

Provided that nothing in this paragraph shall apply to any person solely by reason of any article contributed by him to a newspaper or other periodical publication or of any advertisement made by or on behalf of the proprietor of the driving school.

## [Subsidiary]

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable –

- (a) in the case of a first conviction for such offence, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both;
- (b) in the case of a second or subsequent conviction for such offence, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(3) A person convicted of an offence under this rule shall not be eligible to hold any licence under these Rules for a period of five years after the date of such conviction.

Application for  
instructor's licence.

4. (1) Any person wishing to obtain an instructor's licence shall make application in that behalf to the Commissioner in Form 2 and such application shall be submitted in duplicate accompanied by a medical certificate and a certificate of competency, both dated not earlier than three months prior to the date of the application.

(2) The Commissioner may require an applicant for an instructor's licence to furnish, within such reasonable time as the Commissioner may specify, such information in addition to, or in amplification of, the matters stated in the application as the Commissioner may think necessary for the proper consideration of the application, and where an applicant fails to furnish such information, within such time, the Commissioner may refuse to approve the application.

Issue of instructor's  
licence.

5. (1) After consideration of an application for an instructor's licence, the Commissioner may –

- (a) refuse to approve the application; or
- (b) approve the application either with or without special conditions to which he may consider that the licence should be subject,

and the Commissioner shall endorse the application accordingly and return one copy thereof to the applicant.

(2) Upon presentation to the Registrar of a copy of an application for an instructor's licence duly endorsed with the approval of the Commissioner and accompanied by –

- (a) two unmounted copies of a recent photograph of the head and shoulders of the applicant taken full face without hat, measuring approximately 45 millimetres long by 35 millimetres wide and mounted on normal photographic paper; and
- (b) the appropriate fee,

[Subsidiary]

the Registrar shall issue to the applicant an instructor's licence in Form 3, and the Registrar shall ensure that any special conditions attached to the approval of the Commissioner are duly endorsed upon the licence.

6. Notwithstanding any other provision of these Rules, the Commissioner shall not approve an application for an instructor's licence in any case where the applicant –

Restriction on approval of application for instructor's licence.

- (a) has not attained the age of twenty-five years; or
- (b) has not held a driving licence entitling him to drive vehicles of the class or classes on which he wishes to give instruction for a minimum of five years; or
- (c) is ineligible, by reason of any other provision of these Rules, to hold a licence; or
- (d) has, within the period of five years immediately preceding the date of the application, been convicted of a scheduled offence.

7. (1) The Commissioner shall revoke an instructor's licence if, at any time during the validity thereof, the holder of the licence is convicted of any scheduled offence or for any reason ceases to hold a driving licence.

Revocation or variation of instructor's licence.

(2) The Commissioner may revoke an instructor's licence, or may vary any of the terms and conditions thereof, if, at any time during the validity of the licence, the licence holder is convicted of any offence under the Act or any Rules made thereunder, other than a scheduled offence, or if the Commissioner is satisfied that –

- (a) the licence holder is for any reason incapable of giving proper instruction in the theory or practice of the driving of motor vehicles, or of any particular class of motor vehicle; or
- (b) the standing or nature of the instruction given by the licence holder is unsatisfactory; or
- (c) any of the terms and conditions of the licence have not been complied with.

(3) Before exercising any of the powers conferred by paragraph (2), the Commissioner shall give reasonable and full opportunity to the licence holder to make representations concerning the proposed exercise and shall then hear and consider any such representations.

(4) Where an instructor's licence is revoked or varied under this rule, the Commissioner shall notify the licence holder and the Registrar accordingly and shall require the licence holder to surrender, within fourteen days after the date of the notification, to surrender the licence to the Registrar for cancellation or variation, as the case may be, and if

**[Subsidiary]**

the licence holder fails so to surrender the licence he shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

Validity and renewal  
of instructor's  
licence.

8. (1) Subject to these Rules, an instructor's licence shall be valid for a period of two years from the date of issue or renewal thereof, as the case may be.

(2) An instructor's licence shall be renewed by the Registrar upon application duly made in Form 4, accompanied by a medical certificate and a certificate of competency both dated not earlier than three months prior to the date of the application, and upon payment of the appropriate fee.

Miscellaneous  
provisions relating to  
driving instructors.

9.(1) A driving instructor shall carry with him his instructor's licence at all times when he is engaged in giving instruction to a pupil, and shall, upon request made to him whilst so engaged by an inspector or a police officer, produce his licence for examination.

(2) Where an inspector has reason to doubt the competency of a driving instructor as such, he may require the instructor to take a test of competency, and in any such case the instructor shall not give any instruction to a pupil from the time of receipt of such request until he has received a certificate of competency as a result of such test.

(3) No driving instructor shall give any instruction to a pupil on or concerning any class of vehicle which is not a class in respect of which the instructor is authorized to give instruction by his instructor's licence.

(4) Any driving instructor who contravenes or fails to comply with any of the provisions of this rule or with any request made thereunder shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

### PART III – DRIVING SCHOOLS

Control of driving  
schools.

10. (1) No person shall set up or maintain any establishment, or use any premises, for teaching, for gain or reward, the theory and practice of the driving of motor vehicles by the use of vehicles which belong to, or are hired by or on behalf of, such person or establishment, unless he is the holder of a school licence.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and liable –

- (a) in the case of a first conviction for such offence, to a fine not exceeding two thousand shillings, or to imprisonment for a term not exceeding six months or to both;

[Subsidiary]

- (b) in the case of a second or subsequent conviction for such offence, to a fine not exceeding five thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both.

(3) A person convicted of an offence under this rule shall not be eligible to hold any licence under these Rules for a period of five years after the date of such conviction.

11. (1) Any person wishing to obtain a school licence shall make application in that behalf to the Commissioner in Form 5, and such application shall be submitted in duplicate accompanied by – Application for school licence.

- (a) a vehicle inspection report, dated not earlier than one month prior to the date of the application, of every motor vehicle which it is proposed shall be used for the instruction of pupils in the practice of driving; and
- (b) a comprehensive insurance policy covering each of such vehicles as driving school vehicles.

(2) The Commissioner may require an applicant for a school licence to furnish, within such reasonable time as the Commissioner may specify such information in addition to, or in amplification of, the matters stated in the application as the Commissioner may think necessary for the proper consideration of the application, and where an applicant fails to furnish any such information, within such time, the Commissioner may refuse to approve the application.

(3) Before considering an application for a school licence, the Commissioner may cause the premises mentioned in the application as the intended location of the proposed school to be examined by an inspector in order to ascertain whether or not such premises are suitable, and adequately equipped, for the purposes of the proposed school.

12. (1) After consideration of an application for a school licence, the Commissioner may – Issue of school licence.

- (a) refuse to approve the application; or
- (b) approve the application either with or without special conditions to which he may consider that the licence should be subject,

and the Commissioner shall endorse the application accordingly and return one copy thereof to the applicant together with the documents which accompanied the application.

(2) Upon presentation to the Registrar of a copy of an application for a school licence duly endorsed with the approval of the



**[Subsidiary]**

Commissioner, and upon payment of the appropriate fee, the Registrar shall issue to the applicant a school licence in Form 6, and the Registrar shall ensure that any special conditions attached to the approval of the Commissioner are duly endorsed upon the licence.

(3) A school licence shall only authorize the use as a driving school of the premises named therein, and no other premises shall be considered to be so authorized by such licence.

Restriction on  
approval of  
application for school  
licence.

13. Notwithstanding any other provision of these Rules, the Commissioner shall not approve an application for a school licence in any case where the applicant –

- (a) has not attained the age of twenty-five years; or
- (b) is ineligible, by reason of any provision of these Rules, to hold a licence.

Revocation or  
variation of school  
licence.

14. (1) The Commissioner may revoke a school licence, or may vary any of the terms or conditions thereof, if he is satisfied that –

- (a) any motor vehicle being used for any of the purposes of the licence is not suitable for that purpose; or
- (b) the standard or nature or duration of instruction given is insufficient or unsatisfactory; or
- (c) the proprietor has, within any one period of three years, been twice convicted of offences under these Rules.

(2) Before exercising any of the powers conferred by paragraph (1), the Commissioner shall give reasonable and full opportunity to the proprietor to make representations concerning the proposed exercise and shall then hear and consider any such representations.

Validity and renewal  
of school licence.

15. (1) Subject to these Rules, a school licence shall be valid for a period of twelve months from the date of issue or renewal thereof, as the case may be.

(2) A school licence shall be renewed by the Registrar upon application duly made in Form 7 and upon payment of the appropriate fee.

Driving school  
vehicles.

16. (1) No vehicle shall be used which is not of a class in respect of which the driving school concerned is authorized by the school licence to give instruction.

(2) No vehicle shall be used unless it is, at the time of use, entered on the school licence:

[Subsidiary]

Provided that the Commissioner may give written authority for a vehicle which is not so entered to be used during such period as may be necessary to enable the licence to be suitably amended.

(3) No vehicle shall be used during any period when it is not in good mechanical condition or when it is not completely roadworthy in all respects.

(4) No vehicle shall be used unless the proprietor is in possession—

- (a) of a vehicle inspection report in respect of that vehicle dated not earlier than six months prior to such use;
- (b) a current comprehensive policy of insurance covering such vehicle as a driving school vehicle;
- (c) a current policy of insurance covering the driving test examiner.

(5) No vehicle, other than a motor cycle or invalid carriage, shall be used unless it is equipped with —

- (a) a minimum dual control facility of brake and clutch;
- (b) two reflecting mirrors so constructed and fitted as to enable both the pupil and the instructor at all times to be or become aware of the presence to the rear of any other vehicle;
- (c) flashing direction indicators in full operating condition.

(6) No motor car shall be used unless it is equipped with safety belts for both front seats.

(7) No vehicle shall be used unless —

- (a) it exhibits the name and address of the driving school; and
- (b) in addition to exhibiting the special plates required by rule 12(1) (b) of the Traffic Rules, it is clearly marked, in such a manner as to be clearly visible by a person to the front and to the rear of the vehicle with words “CAUTION – DRIVER UNDER INSTRUCTION”.

(8) Where any vehicle is used in contravention of any of the provisions of this rule, the proprietor of the driving school concerned shall be guilty of an offence and liable —

- (a) in the case of a first conviction for such offence, to a fine not exceeding one thousand shillings;
- (b) in the case of a second or subsequent conviction for such offence, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both.

## [Subsidiary]

(9) In this rule “used” means used by a driving school for the purpose of giving instruction to a pupil in the practice of driving a motor vehicle, and for the purposes of this rule a motor vehicle shall be deemed to be being so used at any time when a pupil of the driving school is present in the driver’s seat of the vehicle.

Only driving  
instructors to give  
instruction at driving  
school.

17. A proprietor shall not cause or permit any instruction to be given to a pupil by any person who is not the holder of a valid instructor’s licence authorizing him to give instruction on the class of vehicle concerned, and any proprietor who contravenes the provisions of this rule shall be guilty of an offence and liable –

- (a) in the case of a first conviction for such offence, to a fine not exceeding one thousand shillings;
- (b) in the case of a second or subsequent conviction for such offence, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both.

## PART IV - DRIVING INSTRUCTION

Passengers.

18. (1) At any time when a pupil is being instructed in the practice of driving a motor vehicle –

- (a) not more than one passenger may, if the pupil so desires, be carried in a motor car;
- (b) no passengers may be carried in a motor vehicle of any other class.

(2) In this rule, “passenger” means any person other than the driving instructor and the pupil actually under instruction at the wheel of the vehicle, but does not include an inspector travelling in the vehicle in the course of his duties as such.

(3) Where any passenger is carried in a motor vehicle in contravention of this rule, the driving instructor concerned shall be guilty of an offence and liable to a fine not exceeding five hundred shillings in respect of every passenger so carried.

Periods of instruction  
by, and charges of,  
driving school.

19.(1) No single period of instruction given by a driving school to a pupil in the practice of driving a motor vehicle shall be less than sixty minutes in duration.

(2) Except where a written contract providing for a single payment in respect of a full course of instruction is entered into between a driving school and a pupil prior to the commencement of such course, no driving school shall charge more than thirty-five shillings for each hour, or *pro rata* for part of an hour, of instruction.

[Subsidiary]

(3) In the case of any contravention of this rule, the proprietor of the driving school concerned shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

20. (1) Every proprietor, and every driving instructor who is not employed by a driving school and who is not himself a proprietor, shall keep a record in Form 8 of all instruction given to pupils.

Records of instruction.

(2) Every entry in a record kept under this rule shall be made in ink immediately after the conclusion of each period of instruction given to a pupil to which such entry relates.

(3) No record kept under this rule shall be destroyed by any person except with the written authorization of an inspector.

(4) Any person who contravenes or fails to comply with any of the provisions of this rule shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

#### PART V - GENERAL

21. (1) The holder of any licence under these Rules who wishes to obtain any variation of any of the terms or conditions of such licence shall make application in that behalf to the Commissioner in Form 9 which shall be submitted in duplicate.

Variation of licence.

(2) The Commissioner may require an applicant under this rule to furnish, within such reasonable time as the Commissioner may specify, such information in addition to, or in amplification of, the matters contained in the application as the Commissioner may think necessary for the proper consideration of the application, and where an applicant fails to furnish such information, within such time, the Commissioner may refuse to approve the application.

(3) The Commissioner may either approve or refuse to approve an application under this rule and shall endorse his decision on the application and return one copy thereof to the applicant.

(4) Upon presentation to the Registrar of a copy of an application under this rule duly endorsed with the approval of the Commissioner, and upon payment of the appropriate fee, the Registrar shall amend the licence concerned accordingly.

22. (1) Where the Commissioner-

(a) refuses to approve an application under these Rules for any licence or any variation of the terms or conditions thereof;

or

Reasons for decisions to be given.

[Subsidiary]

- (b) approves such application for a licence subject to conditions not acceptable to the applicant; or
- (c) revokes any licence under these Rules, or varies the terms and conditions of such licence otherwise than at the request of the licence holder,

he shall, if so requested by the applicant or licence holder, as the case may be, state in writing the reasons for his decision.

(2) Reasons shall be given under this rule by the Commissioner within thirty days of the receipt by him of the request to furnish such reasons.

Appeals.

23. (1) Any applicant or licence holder who is aggrieved by any such decision of the Commissioner in his case as is mentioned in paragraph (1) of rule 22 may, within thirty days after the receipt by him of notification of such decision, appeal against that decision to the Minister:

Provided that where the Commissioner has not complied with a request to furnish reasons for his decision within the period of fourteen days mentioned in paragraph (2) of that rule, the appeal concerned may be made within twenty-one days after the receipt of such reasons by the appellant.

- (2) Where an appeal is made under this rule-
  - (a) against a refusal to approve an application by reason of any of the provisions of rule 6 or 13; or
  - (b) against a revocation of a licence under any of the provisions of paragraph (1) of rule 7,

the Minister shall not allow such appeal on any ground other than that the particular provision invoked by the Commissioner did not in fact apply to the appellant at the time of the decision concerned.

(3) Every notice of appeal under this rule shall be accompanied by the appropriate fee which shall in no case be refundable.

(4) The decision of the Minister in any appeal under this rule shall be final.

Restriction on  
re-application.

24. Where approval of any application for a licence, or for any variation of the terms or conditions of a licence, has been refused by the Commissioner, or where any appeal against any such refusal has been dismissed by the Minister, no similar application by the applicant concerned shall be considered within six months after the date of such refusal or dismissal as the case may be.

[Subsidiary]

25. Every licence issued under these Rules shall be personal to the person named therein and shall not be transferable to any other person, and any person who-

Licences personal to holders.

- (a) makes use, or attempts to make use, of any such licence when he is not the person named therein; or
- (b) being the holder of any such licence, permits any other person to make use, or attempt to make use, of such licence,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both.

26.(1) Any person who-

Penalty for misstatement, etc.

- (a) in any certificate, application or record issued or made for any of the purposes of these Rules, makes any statement which, to his knowledge, is false or in any way misleading, or which he does not believe to be true; or
- (b) makes any material alteration in any licence or record issued or kept under these Rules,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both.

(2) A person convicted of an offence under this rule in respect of an application made by him for a licence shall not be eligible to hold any licence under these Rules for a period of five years after the date of such conviction.

27. (1) The Minister may, from among persons in the public service, appoint a Chief Inspector of Driving Schools and so many Inspectors of Driving Schools as he may consider necessary for the proper administration of these Rules.

Inspectors of Driving Schools.

(2) An inspector –

- (a) may enter the premises of any driving school during the normal hours of business of such school, or at any other time when he has reason to believe that instruction to pupils is being given on or from such premises, for the purpose of examining any of the books, records, vehicles or other equipment used by, or pertaining to, the school or in order to ascertain the standard of instruction given by the school;
- (b) shall have, in respect of any motor vehicle which is entered on a school licence, or which is for the time being used by a driving school for the purposes of the school, all the powers conferred by the Act upon a police officer and upon an inspector of vehicles;

[Subsidiary]

(c) may accompany any driving instructor who is engaged in giving instruction to a pupil on behalf of a driving school for the purposes of examining and reporting upon the standard of instruction given by such instructor.

(3) Any person who obstructs or attempts to distract, an inspector in the performance of his duties, or who fails to comply with any reasonable request made by an inspector for the production of any book, record or other thing for examination, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

Exemptions.

28. The Minister may give written exemption to any person or establishment from all or any of the provisions of these Rules.

Duplicate licences.

29. Where the Registrar is satisfied that any licence issued under these Rules has been lost or destroyed, or has become defaced or mutilated, he may, upon payment of the appropriate fee, issue a duplicate thereof which shall be valid for the remaining period of validity of the licence of which it is a duplicate.

Fees.

30. The several fees set forth in the First Schedule shall be payable in respect of the matters specified in that Schedule.

L.N. 105/2002,  
L.N. 55/2006,  
Sub Leg.

FIRST SCHEDULE  
FEES

(rr. 2 and 30)

<i>Matter</i>	<i>Fee Sh.</i>
Issue or renewal of instructor's licence .....	200
Issue or renewal of a school licence.....	11,000
Variation of any licence.....	200
Duplicate of any licence.....	20
Test of competency.....	50
Examination of a vehicle for the purpose of a vehicle inspection report.....	40
Appeal.....	100

[Subsidiary]

## SECOND SCHEDULE

(r.2)

## FORMS

## MEDICAL CERTIFICATE

## FORM 1

I hereby certify that I .....  
 of..... (address  
 have today personally examined ..... of  
 ..... (address)  
 with a view to ascertaining his medical fitness to hold a driving  
 instructor's licence with the results noted below. I further certify that I  
 have explained the subjoined "Declaration by Applicant" to the aforesaid  
 and that his signature has been affixed thereto in my presence.

## RESULTS OF EXAMINATION

- (a) Apparent age .....
- (b) Vision without glasses                      R.        L.  
       With glasses (if worn)                    R.        L.
- (c) Colour perception –  
       (1) (State whether normal by ishahara pseudoiso-  
           chromatic plate test;  
       (2) if not, test for signal red, signal green and amber by  
           a suitable lantern).  
       (1) .....  
       (2) .....
- (d) Hearing .....
- (e) Limbs (state whether unrestricted use of all limbs or  
       otherwise)- .....  
       ....  
       .....
- (f) Are there any medical signs of intemperate habits or drug  
       addition? .....
- (g) General health (state whether reactions normal, and whether  
       free of any disease, temporary or otherwise, which might  
       produce faintness or undue fatigue) –  
       .....  
       .....

As a result of my examination I am/am not\* satisfied that  
 the applicant is a medically fit person to hold a driving instructor's  
 licence.

Date .....

*Medical Practitioner*



[Subsidiary]

FORM 1 - (Contd.)

DECLARATION BY APPLICANT

I declare that I am not subject to epilepsy and do not suffer from fits; and that my physique, vision, hearing and bodily and mental fitness are such as to warrant the issue to me of a driving instructor’s licence.

I further declare that the answers to the questions put to me by the above medical practitioner are true and complete, and I understand that if any statement made by me is false or misleading I am liable to a fine not exceeding two thousand shillings.

Date .....  
*Signature of Applicant*

\*Delete whichever is inapplicable  
\_\_\_\_\_

FORM 2

APPLICATION FOR INSTRUCTOR’S LICENCE

I hereby apply for an instructor’s licence under the Traffic (Driving School) Rules. I certify that the particulars given below are true, that I am not addicted to the use of narcotic drugs or to the excessive use of intoxicating liquor, that I hold a current driving licence for all the classes of vehicles on which I desire to give instruction, and that I am not ineligible to hold the licence hereby applied for under any of the provisions of the above Rules –

Full name .....  
Address (postal) .....  
Address (residential).....  
Age last birthday ..... years.  
Language spoken .....  
Give date of first issue of driving licence in respect of each  
class of vehicle on which it is desired to give instruction  
.....  
.....

I have been convicted of the following offences in connexion with the driving of a motor vehicle during the five years immediately preceding the date of this application (if no such conviction state “None”) .....

[Subsidiary]

## FORM 2 - (Contd.)

Class(es) of vehicle in respect of which it is desired to give instruction

.....  
 .....

I enclose herewith a medical certificate in the prescribed form dated ..... and a certificate of competency dated .....

Date .....

*Signature of Applicant*

## INSTRUCTOR'S LICENCE

FORM 3

Licence No. ....

..... of ..... is hereby authorized to give instruction in the theory and practice of the driving of motor vehicles of class(es) .....

Date of issue

.....

PHOTOGRAPH  
OF HOLDER

.....

*Registrar of Motor Vehicles*

.....

*Signature of Holder*

\_\_\_\_\_

FORM 4

## APPLICATION FOR RENEWAL OF INSTRUCTOR'S LICENCE

I, ..... of ....., being the holder of instructor's licence No. .... issued/renewed\* on ..... hereby apply for the renewal of the said licence with effect from .....

I enclose herewith a medical certificate in the prescribed form dated ..... and a certificate of competency dated .....

[Subsidiary]

FORM 4 - (Contd.)

I certify that at the date of this application I possess a valid driving licence authorizing me to drive motor vehicles of class(es) ..... and that I have not become ineligible under any of the Traffic (Driving Schools) Rules to hold an instructor’s licence.

Date .....  
Signature of Applicant

\*Delete whichever is inapplicable.

\_\_\_\_\_

FORM 5

APPLICATION FOR SCHOOL LICENCE

I hereby apply for a driving school licence under the Traffic (Driving Schools) Rules, and I certify that the following particulars are true -

Full name .....  
Postal address .....  
Location and description of premises where school is to be established .....  
.....

I append hereto the proposed curriculum for a complete course of driving instruction at the proposed school (including periods of theoretical and practical instruction).

The details of vehicles to be used at the proposed school are –

Registration No.	Type	Year of Manufacture	Details of Dual Controls
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

Appropriate vehicles will/will not\* be available for pupil’s driving test at a charge of .....  
.....

Fees to be charged for –  
(a) a full course of instruction .....  
(b) for each hour of instruction .....

I certify that I have attained the age of twenty-five years and, at the date of this application, I am not ineligible by reason of any of the said Rules to hold a school licence.

## FORM 5 - (Contd.)

I enclose herewith current comprehensive insurance policy/policies\* covering the said vehicles as driving school vehicles and vehicle inspection reports in respect of such vehicles.

Date .....

*Signature of Applicant*

\*Delete whichever is inapplicable.

## FORM 6

## SCHOOL LICENCE

Licence No. ....

..... of ..... is hereby authorized to establish and maintain a driving school at .....  
..... (*physical site of premises*) subject to the following conditions –

- (a) instruction may be given only in respect of the driving of motor vehicles of class(es) .....  
.....;

- (b) practical instruction in driving shall only be given on the following vehicles–

<i>Registration No.</i>	<i>Type of Body</i>
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

(c) (*insert any special conditions*) .....

Date of issue .....

*Registrar of Motor Vehicles*

## FORM 7

## APPLICATION FOR RENEWAL OF SCHOOL LICENCE

I, ..... of ....., being the holder of school licence No. .... issued/renewed\* on ..... hereby apply for the renewal of the said licence with effect from .....

[Subsidiary]

FORM 7 - (Contd.)

I certify that, at the date of this application, I have not become ineligible under any of the Traffic (Driving Schools) Rules to hold a school licence.

Date .....

*Signature of Applicant*

\*Delete whichever is inapplicable.

\_\_\_\_\_

FORM 8

RECORD OF INSTRUCTION GIVEN

Name of driving school/instructor .....

Number of school/instructor's licence .....

Date	Name of Pupil	Period of Instruction		Type of Instruction
		From	To	

\_\_\_\_\_

FORM 9

APPLICATION FOR VARIATION OF LICENCE

I, ..... of .....  
being the holder of instructor's/school\* licence No. ....hereby  
apply for the said licence to be varied as follows -.....  
.....  
.....  
.....  
.....  
.....

Date .....

*Signature of Applicant*

\*Delete whichever is inapplicable.

## THIRD SCHEDULE

## SCHEDULED OFFENCES

<i>Offence</i>	<i>Section of Act</i>
Exceeding maximum speed of vehicle	42(1)
Exceeding local speed limit	42(3)
Driving under influence of drink or drugs	44
Causing death by driving or obstruction	46
Reckless driving	47

[Subsidiary]

L.N. 304/1964,  
L.N. 44/1973.

## THE TRAFFIC (NYALI BRIDGE) RULES

1. These Rules may be cited as the Traffic (Nyali Bridge) Rules.

2. In these Rules, unless the context otherwise requires -

“bridge” means the bridge situated in the Municipality of Mombasa erected across Nyali Creek from subdivision 7, Section XL VI, on Mombasa Island to subdivision 4/6, Section I, Mainland North;

“bridge owner” means Nyali Limited or the owner for the time being of the bridge;

“hamali cart” means a four-wheeled cart for the carriage of goods, propelled by human energy;

“hand cart” means a two- or three-wheeled cart for the carriage of goods, propelled by human energy;

“overtaking” means passing or attempting to pass any other vehicle proceeding in the same direction;

“prescribed charges” means the charges which the bridge-owner is entitled to charge the public for crossing the bridge as authorized by an Agreement between the Government of Kenya and Nyali Limited dated the 9<sup>th</sup> day of October, 1929, as amended by an Agreement dated the 16<sup>th</sup> day of September, 1965, or as further amended from time to time;

“toll collector” means a person or persons employed and authorized by the bridge owner to collect the prescribed charges;

“vehicle” does not include a bicycle.

3. Any person who drives any vehicle over the bridge except by the central or main thoroughfare of the bridge shall be guilty of an offence.

4. Any person who rides a bicycle over the bridge except by that part of the bridge reserved for the use of bicycles and erected on the western side of the bridge shall be guilty of an offence.

5. Any pedestrian who crosses the bridge except by that part of the bridge reserved for the use of pedestrians and erected on the eastern side of the bridge shall be guilty of an offence.

[Subsidiary]

6. Any person who drives a vehicle whilst on the bridge so as to overtake any other moving vehicle except a hamali cart or a hand cart shall be guilty of an offence.

7. Any person who drives, or being the owner or person in charge of a vehicle causes or permits any other person to drive, any vehicle on the bridge at a speed in excess of ten miles per hour shall be guilty of an offence.

8. (1) No pedestrian shall loiter on the bridge, and no vehicle or bicycle, except in the event of accident or mechanical breakdown, shall stop on the bridge.

(2) Any person who contravenes this rule shall be guilty of an offence.

8A. Any person who wishes to utilize the bridge or who has utilized the bridge and who -

- (a) refuses to stop and to pay the prescribed charges; or
- (b) fraudulently or forcibly passes the toll collector without paying the prescribed charges; or
- (c) wilfully obstructs the toll collector or other person employed by the bridge owner in connexion with the use of the bridge;

shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

8B. (1) The maximum weight of any vehicle laden or unladen driven across the bridge shall not exceed 12,000 kg. gross, and shall not exceed -

- (a) on its front axle - 5,000 kg.; and
- (b) on its rear axle - 7,000 kg.

(2) Any person who, without the consent of the bridge owner, drives or causes or permits to be driven on to or across the bridge any vehicle laden or unladen of a weight in excess of the maximum prescribed by paragraph (1) shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

(3) Any person who, while driving or using any vehicle laden or unladen the weight of which the bridge owner or any person employed by the bridge owner in connexion with the use of the bridge has reasonable cause to believe is or may be in excess of the maximum weight prescribed by paragraph (1), refuses or neglects within a reasonable time to obey any request by the bridge owner or by any person so employed -

- (a) to stop such vehicle; or



[Subsidiary]

- (b) to submit such vehicle for inspection or weighing by the bridge owner or by a vehicle inspector appointed under the Act; or
  - (c) to refrain from driving or causing or permitting such vehicle to be driven on to or across the bridge;
- shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

8C. There shall be exhibited by the bridge owner at a conspicuous place at both the approaches to the bridge a notice or notices in English and Swahili indicating -

- (a) the amount of the prescribed charges; and
- (b) the maximum weights of vehicles using the bridge as set out in rule 8B.

9. Any person who is guilty of an offence under these Rules for which no other penalty is provided shall be liable to a fine not exceeding five hundred shillings.

10. These Rules are in addition to and not in derogation of any other written law for the time being in force relating to traffic on the roads.

### **THE TRAFFIC (MOVEMENT) RULES**

LN.83/1970,  
L.N.204/1980,  
L.N.56/1983,  
L.N.210/1983,  
L.N.72/1985,  
L.N.180/1985.  
Cap. 320.

1. These Rules may be cited as the Traffic (Movement) Rules.

2. In these Rules, “agricultural produce”, has the meaning assigned to that term by the Agricultural Produce Marketing Act.

3. (1) No commercial vehicle having a tare weight of 3 tonnes or over shall, while carrying agricultural produce, be driven on any road between the hours of 6 p.m. and 6 a.m.

(2) Where any vehicle is driven on a road in contravention of this rule the driver and the owner shall each be guilty of an offence and liable -

- (a) in the case of a first offence, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months or both;
- (b) in case of a second or subsequent offence to a fine not exceeding five thousand shillings or to imprisonment for term not exceeding six months or to both.

4. These Rules shall not apply to vehicles carrying goods which, if prevented from moving between the hours of 6 p.m. and 6 a.m., will perish or deteriorate.

[Subsidiary]

L.N. 310/1974.

**THE TRAFFIC SIGNS RULES**

1. These Rules may be cited as the Traffic Signs Rules.

Citation.

2. In these Rules, unless the context otherwise requires –

Interpretation.

“carriageway marking” means a traffic sign consisting of a line or mark placed on the carriageway of a road;

“Class” in relation to any traffic sign means a sign of the appropriate class specified in rule 3;

“kerb marking” means a traffic sign consisting of a line or mark placed on an upstanding kerb along a road;

“longitudinal line” means a line placed on the carriageway of a road and following approximately the direction of traffic flow;

“mandatory requirement” means the prohibition, regulation or restriction imposed by a traffic sign;

“traffic sign” includes any rectangular plate, bearing an inscription or symbol or miniature symbol or any combination thereof, which has been authorized by a highway authority and lawfully erected therewith;

“transverse line” means a line placed on the carriageway of a road transversely to the traffic flow and extending across that portion of the road, or the traffic lanes, to which it applies.

3. For the purposes of these Rules traffic signs shall be classified as follows-

Classification of traffic signs.

Class A – Regulatory Signs;

Class B – Warning Signs;

Class C – Traffic Light Signals;

Class D – Carriageway Markings and Kerb Markings.

4. (1) Every traffic sign shall be so erected or demarcated as to be clearly visible to drivers to whom it is included to apply.

Legibility.

(2) No traffic sign shall be deemed to be unlawful merely because it is damaged or defaced or does not conform entirely to any requirement of these Rules provided that its significance is reasonably capable of being understood.

5. (1) Subject to section 70 of the Act–

## [Subsidiary]

- (a) every traffic sign of Class A and Class B shall–
  - (i) conform to the appropriate dimensions specified in the Schedule; and
  - (ii) so far as possible conform to the shape and relative proportions illustrated in relation thereto in the Schedule; and
  - (iii) conform to the colour specified in relation thereto in the Schedule; and
- (b) the average thickness of each stroke forming part of a letter or numeral displayed on a traffic sign of Class A, Class B or Class C shall be not less than one-seventh of the height of such letter or numeral.

(2) A highway authority may, in respect of any traffic sign of Class A or Class B in the Schedule, and subject to paragraph (1) –

- (a) add a rectangular plate bearing an inscription or symbol or miniature symbol or any combination thereof; or
- (b) vary the direction of any symbol in the form of an arrow; or
- (c) substitute any other word or numeral that is appropriate,

to such extent only as may be necessary for the purpose of regulating or restricting the use of vehicles or conveying a warning by means of such traffic sign.

Effect of traffic signs  
of Class A.

6. (1) The significance of each of the traffic signs of Class A except those numbered P29, P30, P39, P40 and M11 shall be a mandatory requirement and shall, save in the case of one which prohibits, regulates or restricts the parking or waiting of any vehicle, apply to all drivers who approach the face of such sign from the front and who pass, or would but for the presence of such sign be at liberty lawfully to pass, beyond such sign on to any road or part thereof governed or affected thereby.

(2) The prohibition, regulation or restriction of the parking or waiting of any vehicle signified by a traffic sign of Class A (other than one which merely indicates the point of entry to a controlled parking zone) shall apply to that side of the road at which it is situated so however that the indication given by such a sign shall cease to apply beyond any junction on that side with another road.

Types and meaning  
of abbreviations.

7. Any of the following abbreviations may be displayed on a traffic sign of Class A or Class B in conjunction with a numeral, and each such abbreviation shall have the meaning hereinafter respectively assigned to it –

[Subsidiary]

<i>Abbreviation</i>	<i>Meaning</i>
kg.....	kilograms.
km.....	kilometers.
kph.....	kilometers per hour.
m.....	metres.
min.....	minutes.
T .....	metric tons (i.e. megagrams).

8. Subject to these Rules, the traffic signs of Class A and their significance shall be as set out under Class A in the Schedule. Class A. Regulatory signs.

9. Subject to these Rules, the traffic signs of Class B and their significance shall be as set out under Class B in the Schedule. Class B. Warning signs.

10. A traffic light signal unit may be used for controlling the movement of vehicles subject to the following provisions – Class C. Traffic light signals.

- (a) three lights shall be used each with a lens facing the stream of traffic which the signal is intended to control, one red, one amber and one green;
- (b) the lenses showing the colours aforesaid shall be arranged vertically, the red lens uppermost and the green lens lowermost;
- (c) each lens shall be separately illuminated, and the effective diameter thereof shall be not less than 200 millimetres nor more than 300 millimetres;
- (d) the height of the centre of the green lens from the carriage-way shall be not less than 2.25 metres except that-
  - (i) where desirable owing to the gradient of any road this height may be increased to not more than 3.0 metres; and
  - (ii) in the case of a suspended traffic light signal unit such height shall be not less than 5.0 metres when measured perpendicularly from the ground;
- (e) the centres of the lenses shall be not more than 400 millimetres apart;
- (f) the unit casing shall be painted black or grey and any post used to support the same shall be painted grey;
- (g) the word “STOP” in black lettering may be placed upon the red lens and subject to the provisions of rule 12 no other lettering or symbol shall be used upon that or any other lens or in connexion with such unit;
- (h) the sequence of the lights shown for the purpose of controlling the movement of vehicles shall be-
  - (i) red;
  - (ii) red and amber;
  - (iii) green;

[Subsidiary]

(iv) amber.

Significance of traffic  
lights for vehicles.

11. The significance of the lights specified in rule 10 when illuminated shall be as follows-

- (a) the red light imposes a mandatory requirement that every vehicle travelling in that portion of the road or in the traffic lane to which the light applies shall stop before crossing the continuous white transverse line placed on the carriage-way and shall prohibit such crossing until-
  - (i) the green light is illuminated; and
  - (ii) such crossing can be accomplished without endangering or inconveniencing any other vehicle;
- (b) the amber and red lights shown together shall be taken to denote an impending change in the indication given by the traffic light signals from a red to a green light, but shall not in any way affect the mandatory requirement imposed by the red light;
- (c) the green light indicates that all vehicles may cross the said continuous white transverse line with due regard to the safety of other road users and subject to the directions of any police officer in uniform or other authorized person who may be engaged in the regulation of traffic;
- (d) the amber light shown alone imposes a mandatory requirement that every vehicle traveling in the carriageway or traffic lane to which that light applies shall stop before crossing the said continuous white transverse line, except in the case of any vehicle which, when that light is first illuminated, is so close to that line that it cannot safely be stopped before crossing that line;
- (e) notwithstanding the foregoing provisions of this rule-
  - (i) where a green arrow is shown in conjunction with a traffic light signal, a vehicle may proceed in the direction indicated by such arrow with due regard to the safety of other road users during such time as such arrow remains illuminated notwithstanding that it would otherwise be required by such signal to stop;
  - (ii) where necessary a highway authority may apply any additional restriction of direction by indications on or near a traffic light signal.

Traffic lights and  
their significance for  
pedestrians.

12.(1) A pedestrian traffic light signal unit may be used for controlling the movement of pedestrians, and in such case the unit shall incorporate either-

- (a) a light facing across the carriageway with a lens which, when illuminated, shows either the words "CROSS" or "CROSS NOW" in white or green letters, or the figure of a walking

[Subsidiary]

- pedestrian in green, against a black background; or
- (b) two lights arranged vertically, each with a lens the centres of which are not more than 400 millimetres apart facing across the carriageway, the uppermost lens of which, when illuminated, shows the word “WAIT” in red letters or the figure of a stationary pedestrian in red, against a black background and the lowermost lens of which, when illuminated, shows the words “CROSS” or “CROSS NOW” in white or green letters or the figure of a walking pedestrian in green, against a black background.

(2) Each lens of a traffic light signal unit under this rule shall be separately illuminated, and the effective diameter thereof shall be not less than 200 millimetres nor more than 300 millimetres.

(3) The significance of the lights specified in this rule when illuminated shall be as follows-

- (a) a white or green light indicates that pedestrians may commence and continue to cross the carriageway controlled by that light, within the area delineated by a carriageway marking consisting of two continuous white transverse lines, with due regard to the safety of other road users;
- (b) a red light imposes a mandatory requirement that-
- (i) pedestrians on such crossing place shall as soon as reasonably practicable give way to any traffic on the carriageway;
- (ii) no pedestrian shall attempt or commence to cross the carriageway until the red light is extinguished.

(4) Any pedestrian who fails to comply with the mandatory requirement imposed by the red light under subparagraph (b) of paragraph (3) shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

13. A traffic light signal unit may be used for the purpose of temporarily controlling the movement of vehicles on a road where road works are in progress, or where for some other reason the width of the carriageway is temporarily restricted in which case the provisions of rules 11 and 12 shall apply thereto save that-

Temporary traffic signs.

- (a) references to crossing a continuous white transverse line placed on the carriageway shall in the absence of such a line be deemed to include a reference to passing beyond the point where such unit is situated;
- (b) the height of the centre of the green lens from the carriageway shall be not less than 1.50 metres and not greater than 2.30 metres;
- (c) the amber signal may be excluded from such unit in which

## [Subsidiary]

case it shall be so constructed that the red and the green lights are not illuminated at the same time and that the illumination of one shall follow the other without any appreciable interval of time;

- (d) the legs which support such unit shall be painted in grey or in alternate black and white horizontal bands of equal width.

Class D.  
Carriageway  
markings and kerb  
markings.

14. Subject to the Act and these Rules, carriageway markings and kerb markings may be used for the purpose of conveying a warning or information to drivers, or imposing a mandatory requirement to be obeyed by the driver of a vehicle of any kind.

Colour and width of  
road markings.

15. (1) Carriageway markings relating to the regulation of opposing traffic flows and kerb markings to control the parking or stopping of vehicles shall be coloured yellow, and all other carriageway or kerb markings shall be coloured white.

(2) All lines forming part of a carriageway marking shall be at least 100 millimetres wide:

Provided that no carriageway marking shall be deemed to be unlawful merely because any such line is less than 100 millimetres wide if the line is clearly visible.

Yellow longitudinal  
lines.

16. (1) A carriageway marking consisting of one or two continuous yellow longitudinal lines shall impose a mandatory requirement that every vehicle being driven along the length of road to which the marking applies shall be so driven as to keep the marking on the right-hand or off-side of the vehicle.

(2) A carriageway marking consisting of a continuous yellow longitudinal line in conjunction with a broken yellow longitudinal line shall prohibit the crossing or straddling of the continuous line by every vehicle being driven along the length of road to which the marking applies, unless-

- (a) the broken line is crossed or straddled immediately before the continuous line is crossed or straddled; or
- (b) the lines are crossed for the purpose of returning to the left-hand side of the road following a crossing or straddling which was lawful under subparagraph (a); and
- (c) in either case, such crossing or straddling can be accomplished without endangering or inconveniencing any vehicle travelling along the road.

White longitudinal  
lines.

17. (1) A carriageway marking consisting of a continuous white longitudinal line, other than a line used to define the extreme outer edge of the carriageway, shall prohibit the crossing or straddling of that line by every vehicle being driven along the length of road to which the marking applies.

[Subsidiary]

(2) A carriageway marking consisting of a continuous white longitudinal line accompanied by a broken white longitudinal line shall prohibit the crossing or straddling of the continuous line by every vehicle being driven along the length of road to which the marking applies, unless-

- (a) the broken line is crossed or straddled immediately before the continuous line is crossed or straddled; and
- (b) such crossing or straddling can be accomplished without endangering or inconveniencing any vehicle travelling along the road.

(3) A carriageway marking consisting of a broken white longitudinal line shall prohibit the crossing or straddling of that line by every vehicle being driven along the length of road to which the marking applies at any time when such crossing or straddling would endanger or inconvenience any vehicle travelling in the traffic lane which is being encroached upon.

18. A carriageway marking consisting of a continuous or broken white transverse line shall impose a mandatory requirement that every vehicle travelling along the portion of the road or in the traffic lane to which the marking applies shall, before crossing the line, comply with the indication of any accompanying traffic sign of Class A or Class C and shall not proceed beyond such line if to do so would inconvenience or endanger any vehicle.

Transverse lines.

19. A kerb marking consisting of a continuous yellow line, whether accompanied by another traffic sign or not, shall prohibit the stopping of any vehicle, other than a bicycle, on the length of road adjacent thereto between the two ends of the marking, otherwise than for as long as may be necessary-

Kerb markings.

- (a) to comply with the movement of traffic or the requirements of another traffic sign; or
- (b) to enable a person to board or to alight from the vehicle; or
- (c) to enable goods to be loaded on to or unloaded from the vehicle.

20. A carriageway marking comprising an area hatched with white or yellow diagonal lines bounded by continuous lines of the same colour shall prohibit the crossing or straddling of such continuous lines by every vehicle unless the size or construction of a vehicle renders it necessary for such area to be encroached upon and the encroachment is no more than is reasonable in all the circumstances.

Hatched areas.



**[Subsidiary]**

Pedestrian crossings

21.(1) A carriageway marking consisting of a series of white longitudinal strips extending transversely across the width of the carriageway accompanied by the traffic sign numbered 130 of Class A in the Schedule shall indicate a crossing place for pedestrians and shall impose a mandatory requirement that every vehicle approaching such crossing place shall give way to any pedestrian crossing the area of carriageway indicated by the strips.

(2) A carriageway marking consisting of two white transverse lines accompanied by the traffic sign numbered P27B of Class A in the schedule or a traffic sign of Class C shall indicate crossing place for pedestrians and shall impose a mandatory requirement that every vehicle approaching such crossing place shall comply with the indication given by such traffic sign and not encroach upon the indicated area of carriageway between the lines if to do so would endanger or inconvenience a pedestrian thereon.

(3) Any pedestrian at or in the immediate vicinity of any such crossing place as is mentioned in this rule who is respectively using, or intending to make use of, such crossing place shall, with due regard to the indication being given to traffic by any accompanying traffic sign of Class C governing that crossing place and in every case to the convenience and safety of other road users, commence and continue to cross the area of carriageway indicated and shall, when crossing, as soon as reasonably practicable, give way to traffic on the carriageway.

(4) Any pedestrian who fails to comply with any of the provisions of sub-rule (3) shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

Restricted parking  
limits.

22. A carriageway marking consisting of two or more continuous white transverse lines accompanied by any traffic sign of Class A indicating that parking or waiting is prohibited or restricted to vehicles of a specified type shall prohibit or restrict the waiting, within the area bounded by the outermost lines, of any vehicle other than one of the specified type.

Exemptions

23. (1) The mandatory requirement of a traffic sign of Class D shall not apply-

- (a) to a vehicle being used for fire brigade, ambulance or police purposes so long as the disregard of such traffic sign is essential in all the circumstances of the case and does not endanger any other vehicle;
- (b) to anything done by a vehicle through circumstances beyond the control of the driver, or to avoid an accident;
- (c) to anything done in order to pass a stationary vehicle or

other obstruction so long as the disregard of such traffic sign is essential for that purpose and such passing may be accomplished without endangering or inconveniencing any other vehicle;

[Subsidiary]

- (d) to anything done with the permission of, or to comply with any direction given by, a police officer in uniform or other authorized person who may be engaged in the regulation of traffic.

(2) The mandatory requirement of a carriageway marking consisting of one continuous yellow longitudinal line shall not apply to a vehicle joining or leaving the road on the carriageway of which such line is placed so long as such manoeuvre can be accomplished without endangering or inconveniencing any other vehicle.

24. (1) Subject to the provisions of paragraph (2) the driver of any vehicle who fails to comply with any prohibition or other mandatory requirement of a traffic sign of Class A or Class C or a carriageway marking shall be guilty of an offence and liable-

Offences and penalties.

- (a) in the case of a first conviction for such offence, to a fine not exceeding two thousand shillings or imprisonment for a term not exceeding six months or to both.
- (b) in the case of a second or subsequent conviction for such offence, to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding one year or to both.

(2) The driver of any vehicle who fails to comply with any prohibition or other mandatory requirement of a kerb marking, or a carriageway marking under rule 22 and the accompanying traffic sign, or a traffic sign relating to the parking or waiting of any vehicle, shall be guilty of an offence and liable-

- (a) in the case of a first conviction for such offence, to a fine not exceeding one thousand shillings;
- (b) in the case of a second or subsequent conviction for such offence, to a fine not exceeding two thousand shillings or imprisonment for a term not exceeding six months or to both.

25. Any person who wilfully damages, defaces or displaces a traffic sign shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

Penalty for damaging traffic signs.

26. (1) Nothing in these Rules shall affect the validity or significance of any traffic sign specified in the Eighth Schedule to the Traffic Rules (now revoked) which was in existence at or immediately before the date of commencement of these Rules so long as such sign

Saving.  
Cap. 403,  
Sub. Leg.

[Subsidiary]

conforms to the requirements of the said Schedule.

(2) After the date of commencement of these Rules no highway authority shall cause or permit to be placed on or near a road any traffic sign for any of the purposes specified in these Rules which does not comply with the provisions of these Rules.

#### SCHEDULE (Rules 5, 8 and 9)

##### TRAFFIC SIGNS

##### *Dimensions*

That part of a traffic sign of Class A or Class B, other than a symbol, which consists of -

- (a) a triangle, shall be equilateral with outer sides of not less than 700 millimetres measured between each actual or theoretical corner;
- (b) a circle, shall be of a diameter of not less than 600 millimetres:

Cap. 265.

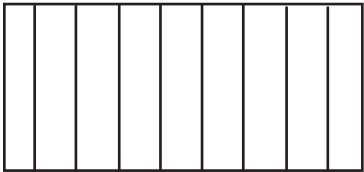
Provided that in any municipality as defined in section 2 (1) of the Local Government Act, the diameter may be of not less than 300 millimetres;

- (c) an octagon, shall be regular and of a perpendicular height measured between the centres of any two opposite sides of not less than 700 millimetres;
- (d) a rectangle, shall be of sides of not less than 100 millimetres and 300 millimetres respectively.

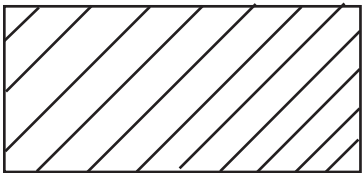
##### *Colour*

Every part of a traffic sign of Class A and Class B shall correspond with the colour signified by the shading illustrated in the following colour code and shown on the diagram of that sign, except that in the absence of shading the corresponding part of each traffic sign shall be white and, unless otherwise indicated, every symbol and all lettering and numbering thereon shall be black:

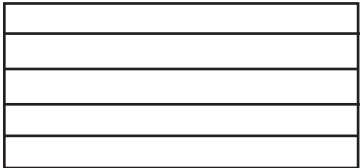
[Subsidiary]



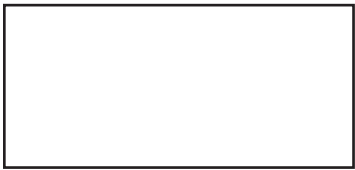
RED



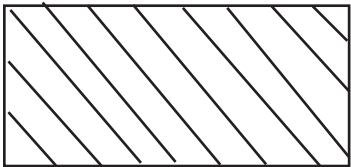
BLUE



YELLOW



WHITE



GREEN



BLACK



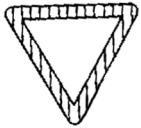
GREY

[Subsidiary]

## CLASS A—REGULATORY SIGNS



- R1. STOP and do not proceed into the junction unless to do so is possible without causing danger or inconvenience to any other vehicle.



- R2. GIVE WAY and, if traffic is approaching (from the right or left, stop unless it is possible to proceed without causing danger or inconvenience to such traffic.



- P1. NO ENTRY. Entry forbidden to all vehicles.



- P2. ROAD CLOSED. Road forbidden to all vehicles.



- P3. Entry forbidden to all motor vehicles having more than two wheels.



- P4. Entry forbidden to all motorcycles without a side car.



- P5. Entry forbidden to all bicycles.



- P7. Entry forbidden to all pedestrians.

[Subsidiary]

CLASS A—REGULATORY SIGNS (*Contd.*)

P8. Entry forbidden to all animal drawn vehicles.



P9. Entry forbidden to all handcarts.



P10. Entry forbidden to all power driven agricultural vehicles.



P11. Entry forbidden to all heavy commercial vehicles.



P12. Entry forbidden to all motor vehicles.

P13. Entry forbidden to all motor, and animal drawn, vehicles.  
Any combination of the types of vehicles prohibited may be illustrated by the symbols.P14. Entry forbidden to all vehicles exceeding such  
measurement of width as may be shown.P15. Entry forbidden to all vehicles exceeding such  
measurement of height as may be shown.P16. Entry forbidden to all vehicles having a laden weight  
exceeding such weight as may be shown.

[Subsidiary]

CLASS A—REGULATORY SIGNS (*Contd.*)



- P17. Entry forbidden to all vehicles having a laden weight on any one axle exceeding such weight as may be shown.



- P18. Entry forbidden to all vehicles or any combination of vehicles exceeding such length as may be shown.



- P19. Distance to be kept between moving vehicles must be not less than such distance as may be shown.



- P20. Left turn prohibited to all vehicles.



- P21. Right turn prohibited to all vehicles.



- P22. About turn (or "U" turn) prohibited to all vehicles.



- P23. NO OVERTAKING. Overtaking of any four-wheeled motor vehicle by any other four-wheeled motor vehicle prohibited.



- P24. Overtaking of any four-wheeled motor vehicle by any other motor vehicle whose tareweight exceeds 3,050 kg. prohibited.



- P25. SPEED LIMIT. No vehicle to exceed such speed in kilometres per hour as is indicated by the numerals.

[Subsidiary]

CLASS A—REGULATORY SIGNS (*Contd.*)

- P26. Use of audible warning signals prohibited except in case of emergency or as otherwise indicated.



- P27A. STOP AT CONTROL. No vehicle to proceed (unless authorised) beyond such form of control as may be specified without stopping there.



- P27B. STOP. CHILDREN CROSSING.



- P28. PRIORITY FOR ONCOMING TRAFFIC. Drivers must not proceed unless it is possible to do so without causing danger or inconvenience to any oncoming traffic.



- P29. END OF PROHIBITION. Marks the exit from an area regulated by signs of Class A, and cancels their operation.



- P30. End of speed limit or of such other prohibition or restriction imposed by a Class A traffic sign as may be indicated by symbol.



- P32. NO PARKING. All parking of vehicles prohibited. The prohibition may be limited or excluded by reference to distance, to a period of time, or to a class or description of vehicles, by means of a rectangular plate.



- P33. NO PARKING OR WAITING. All parking and waiting of vehicles prohibited. The prohibition may be limited or excluded by reference to distance, to a period of time, or to a class or description of vehicle, by means of a rectangular plate.



- P37. Parking prohibited on odd dates.



[Subsidiary]

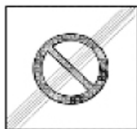
CLASS A—REGULATORY SIGNS (*Contd.*)



P38.      Parking prohibited on even dates.



P39.      CONTROLLED PARKING ZONE. Indicates to drivers of all vehicles the point of entry to a controlled parking zone, i.e. an area in which parking is regulated. An indication of the nature of any restriction and of any particular authorization may be displayed by means of a rectangular plate (example illustrated).



P40.      Marks an exit from a controlled parking zone.



M1.      Requires all vehicles to turn to the left. (The direction of the arrow may be reversed in which case all vehicles are required to turn to the right.)



M2.      Requires all vehicles to travel straight ahead.



M3.      Requires all vehicles to turn to the right at the next junction. (The direction of the arrow may be reversed in which case all vehicles are required to turn to the left at the next junction.)



M4.      Requires all vehicles either to travel straight ahead or to turn to the right (or to the left if the direction of the horizontal arrow is reversed) at the next junction.

[Subsidiary]

CLASS A—REGULATORY SIGNS (*Contd.*)

- M5. Requires all vehicles to pass to the left (or, if the direction of the arrow so indicates, to the right) of the sign.



- M7. Bicycles must keep to the track governed by this sign. Entry of all other vehicles and of cattle and pedestrians prohibited.



- M8. Pedestrians must keep to the track governed by this sign. Entry of all vehicles and cattle prohibited.



- M9. Drivers of cattle must pass along the track governed by this sign. Entry of all vehicles prohibited.



- M10. MINIMUM SPEED REQUIRED. All motor vehicles must travel at a speed in kilometres per hour of or in excess of that which is indicated by the numerals.



- M11. Cancels the requirement of the sign M10.

**RAILWAY CROSSINGS:**

- W34. *Single track crossing.* - All vehicles must give way to any train on or near the crossing.

- W35. *Multiple track crossing.* - All vehicles must give way to any train on or near the crossing.



Red flashing lights may be used in conjunction with traffic sign W34 or W35. When the red lights are flashing all vehicles must stop before reaching the railway crossing and shall not cross or attempt to cross the railway track until the red lights have ceased to flash. If a road barrier is in position every vehicle must stop before reaching the barrier and shall not proceed until the barrier has been raised.

[Subsidiary]

CLASS A—REGULATORY SIGNS (*Contd.*)

130. CROSSING PLACE FOR  
PEDESTRIANS.

## CLASS B - WARNING SIGNS



- W1. Sharp left-hand bend ahead



- W2. Sharp right-hand bend ahead.



- W3. Sharp bends ahead, the first one to the left.



- W4. Sharp bends ahead, the first one to the right.



- W5. Steep descent ahead.



- W6. Steep ascent ahead.

CLASS B - WARNING SIGNS (*Contd.*)

W7. Road narrows ahead.



W8. Road narrows (from right) ahead.



W9. Road narrows (from left) ahead.



W10. River bank or quay side (without barrier) ahead.



W11. Uneven road surface ahead.



W12. Severe bump ahead.



W13A. Severe dip ahead.



W13B. River-bed crossing (drift) ahead.

[Subsidiary]

**CLASS B - WARNING SIGNS** (*Contd.*)

W14. Slippery road surface ahead.



W15. Road surface of loose stones ahead.



W16. Danger of falling and fallen rocks ahead.



W17. Crossing for pedestrians ahead.



W18. Section of road ahead frequented by children.



W19. Section of road ahead frequented by bicyclists.



W20. Cattle crossing place ahead.

CLASS B - WARNING SIGNS (*Contd.*)

W21. Section of road ahead frequented by wild animals.



W22. Roadworks in progress ahead.



W23. Junction controlled by traffic light signals ahead.



W24. Section of road ahead frequently crossed by low-flying aircraft.



W25. Two-way traffic ahead.



W26. Hazard ahead.



W27. Road junction ahead.

[Subsidiary]

**CLASS B - WARNING SIGNS (Contd.)**



W28A. Junction ahead with road on which traffic is required to stop or give way.



W28B. Junction ahead with road entering from the left\* on which traffic is required to stop or give way.  
\* *Note.* - or the right if symbol so indicates.



W29. Junction ahead with acceleration lane of a road entering from the left\* on which traffic is required to give way.  
\**Note.* - or the right if symbol so indicates.



W30. Roundabout ahead.



W31. Railway crossing controlled by barrier ahead.



W32. Uncontrolled railway crossing ahead.



W33. Distance indicators.



W36. Dangerous change in direction of road.

CLASS B - WARNING SIGNS (*Contd.*)



W37. Exit from main road.



W38. Hazard demarcation.

Rules under section 119

L.N. 62/1975,  
L.N. 309/1986.

THE TRAFFIC (SPEED LIMITS) RULES

1. These Rules may be cited as the Traffic (Speed Limits) Rules.
2. The speeds set forth in the second column of the Schedule shall, for the purposes of subsection (1) of section 42 of the Act, be the maximum speeds for the respective classes of vehicles set forth in the first column of the Schedule.
3. All the classes of vehicles, other than class 1 (a), set forth in the first column of the Schedule shall be classes to which subsection (2) of section 42 of this Act (which requires the appropriate maximum speed to be marked on a vehicle) applies.

SCHEDULE

<i>Class of vehicle</i>	<i>Maximum speed in kilometres per hour</i>
1.(a)(i) Motor cycles and motor cars, including motor cars normally used for hire but excluding all other public service vehicles, when travelling on dual carriageway highways	110
(ii) Motor cycles and motor cars including all cars normally used for hire but excluding all other public service vehicles when travelling on single carriageway highways	100



[Subsidiary]

- (b) All commercial vehicles, motor omnibuses, *matatus* and public service vehicles (excluding self drive hire cars) travelling on any type of road) 80
- (c) Articulated vehicles and other motor vehicles not drawing trailer on any type of road 80
- 2. All motor vehicles drawing one trailer on any type of road 65
- 3. Motor vehicles not fitted with pneumatic tyres 30

**Suspensions, restrictions and limitations of the application of the Act under section 120**

L.N 100/1960.                   The application of paragraph (g) of subsection (3) of section 96 of the Act is suspended.

L.N 194/1971.                   Vehicles, described by reference to chassis numbers exempted from the provision of rule 39 of the Traffic Rules -

237028733	262094417 G
170074	25317233 C
35100050	DMB1230400 SC
26207413D	252095048
26302715 D	BA98JP66846
228121798	26206119 C
BC05HT87845	26303644 G
25327240 D	152102634
BC05FY 8619	262089309
215171051	BA98JB-70132
25323862 D	26206602 D
26302289 C	MB94304SC
31601002 G	98131
BA98HT-79093	69743
M 15556	31600047 B
BA98HB74153	217068250
2302143075	

L.N. 252/1978.                   All motor vehicles with seating accommodation for more than seven, but not more than nine passengers, are exempted from the provision of Part V of the Traffic Rules.