

SPECIAL ISSUE

Kenya Gazette Supplement No. 6 (Machakos County Acts No. 5)



REPUBLIC OF KENYA

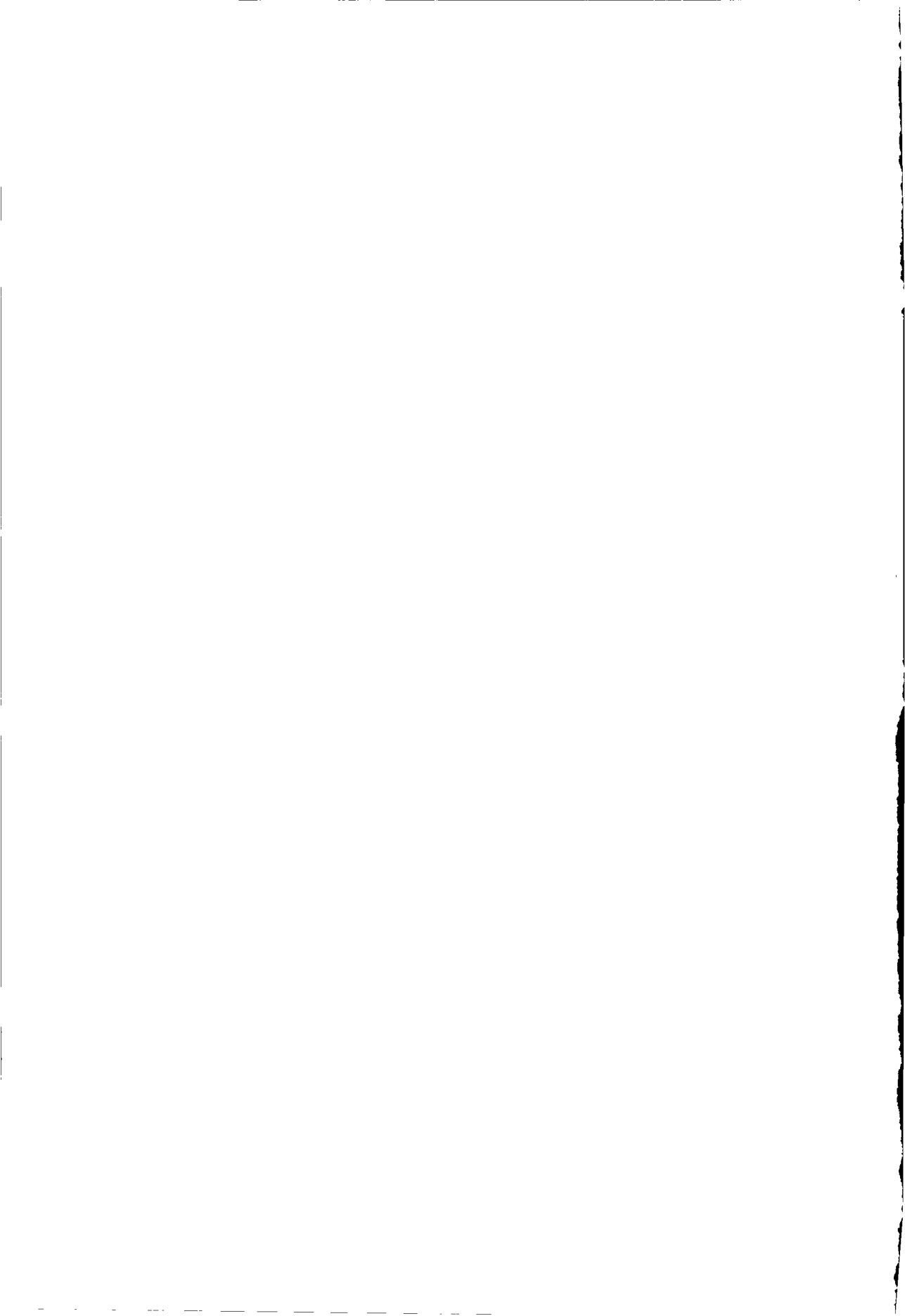
KENYA GAZETTE SUPPLEMENT

MACHAKOS COUNTY ACTS, 2016

NAIROBI, 12th April, 2017

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**THE MACHAKOS COUNTY NON-MOTORIZED VEHICLES
ACT, 2016**

No. 5 of 2016

Date of Assent: 25th November, 2016

Date of Commencement: 26th April, 2017

ARRANGEMENT OF CLAUSES

Clause

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AN ACT of the County Assembly of Machakos to regulate non-motorized vehicles activities; and for connected purposes

ENACTED by the County Assembly of Machakos as follows—

PART I—PRELIMINARY

Short Title

1. This Act may be cited as the Machakos County Non-Motorized Vehicles Act, 2016.

Interpretation

2. In this Act, unless the context otherwise requires—

“authorized officer” has the meaning assigned to in section 2 of the County Governments Act;

“director” means the Director responsible for matters relating to transport;

“executive committee member” means County Executive Committee Member for responsible for matters relating to transport; and

“non-motorized vehicle” means an Animal or Human drawn Vessel used for the carriage of goods or persons and includes bicycles, handcarts and hamali carts;

Object of the Act

3. The object and purpose of this Act is to—

- (1) regulate the operations of non-motorized vehicle in the county;
- (2) designate commuter motor vehicle stations; and
- (3) create order in the operation of non-motorized vehicles.

PART II—ADMINISTRATION

Application for a Permit

4. A person shall not operate or use any non-motorized vehicle for any commercial purposes without a permit.

Registration

5. (1) A person who operates a non-motorized vehicle for commercial purposes shall apply for registration of such vehicle with the Director.

(2) Upon registration under sub section (1), the Director shall issue a registration plate bearing a registration number and date of issue and the

plate shall be affixed to a conspicuous place on the outside body of the non-motorized vehicle.

(3) In this section, 'commercial purposes' include the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly in connection with any business or other undertaking intended for profit.

Misuse of Non-motorized Vehicle

6. (1) No person shall unlawfully take, use, have possession of, remove, damage or destroy any plate affixed to any non-motorized vehicle.

(2) A person who violates the provisions of sub section (1) commits an offence.

Maximum load

7. (1) A person in charge of a non-motorized vehicle shall ensure that any load is securely fastened to the vehicle.

(2) A person shall not carry or cause to be carried any article on a non-motorized vehicle so as to project more than two meters behind the body of that vehicle or more than forty five centimeters outside the wheels hubs of the vehicle.

(3) A person who contravenes this section commits an offence.

Prohibition of Minors

8. (1) No person under the age of eighteen years shall use, drive, manage or control a non-motorized vehicle for commercial purposes.

(2) Any person who contravenes the provision of sub section (1) commits an offence.

Designated places

9. The Director shall designate parking places for non-motorized vehicles.

Traffic rules

10. A person in charge of a non-motorized vehicle shall while propelling the vehicle observe traffic rules.

Order

11. (1) The Director may issue orders for the implementation of this Act.

(2) Every such order shall be published in the Gazette.

(3) A person who fails to comply with an order issued under sub section (1) commits an offence and shall be liable upon conviction to a fine not exceeding one thousand shillings or imprisonment for a term not exceeding one month or both.

PART III—GENERAL PROVISIONS

General Penalties

12. Any person who contravenes any provisions of this Act, for which no penalty is provided shall, on conviction, be liable to a fine not exceeding one thousand shillings or to an imprisonment for a term not exceeding one month or to both.

Regulations

13. The Executive Committee Member may make Regulations generally for the better carrying out the provisions of this Act.