

(Legislative Supplement No. 50)

LEGAL NOTICE NO. 161

THE TRAFFIC ACT

(Cap. 403)

IN EXERCISE of the powers conferred by section 119 (1) of the Traffic Act, the Minister for Transport and Communications makes the following Rules:—

THE TRAFFIC (AMENDMENT) RULES, 2003

1. These Rules may be cited as the Traffic (Amendment) Rules, 2003.

2. The Traffic Rules are amended—

Sub. Leg.

(a) in rule 22A—

- (i) by deleting the class of vehicles and the manner of fitting of seat-belts specified in subparagraph (ii);
- (ii) by inserting the following new paragraphs (6) and (7) immediately after paragraph (5)—

“(6) With effect from the 2nd November, 2003, every public service vehicle including motor omni-buses, *matatu* and private hire vehicles shall be equipped and fitted with a seat-belt in the manner specified in this paragraph—

MANNER OF FITTING

A seat-belt per seating position in the motor vehicle, and if seating accommodation is provided for more than two persons abreast, whether by means of a continuous seat commonly known as a “bench seat” or by separate seats, the seat-belts for the persons other than those seated next to the body of the car, may consist only of the cap-strap position of the seat-belt.

(7) No public service vehicle including motor omni-buses, *matatus* and private hire vehicles shall be used or driven on a road after the 2nd November, 2003, unless it is fitted and equipped with seat-belts in accordance with paragraph (6) and the owner of any vehicle driven in contravention of this paragraph shall be guilty of an offence and liable to a fine of five hundred shillings in respect of each seat-belt that is not fitted or which is fitted but is not of the proper standard or specification.”

(b) by deleting rule 41A and substituting therefor the following new rule—

“41A. (1) With effect from 1st February, 2004, the engine of—

- (a) every public service vehicle except taxis and private hire vehicles;
 - (b) every commercial vehicle whose tare weight exceeds 3,048 kg. shall be fitted with a speed governor which—
 - (i) is of a type approved in writing by the Minister; and
 - (ii) is adjusted so that at all times and in any load condition the vehicle cannot exceed 80 kph.
- (2) In this rule “governor” means a device to control the speed of the engine by any method.
- (3) Every public service vehicle purchased after 31st December, 2003, shall be fitted with a speed governor before it can be licensed to operate.”
- (c) in rule 55 by renumbering the existing paragraphs (b) and (c) as paragraph (c) and (d) and inserting the following new paragraph (b)—
 - “(b) the route number the vehicle operates on;”
 - (d) by inserting the following new rule 65A immediately after rule 65—
 - “65A (1) With effect from 31st December, 2003, every driver and every conductor of a public service shall wear a special badge and uniform.
 - (2) The badges will be provided by the Registrar of Motor Vehicles upon payment of a prescribed fee.
 - (3) With effect from 1st February, 2004, every driver of a public service vehicle shall undergo compulsory testing after every two years to ascertain his or her competence.
 - (4) Every owner of a public service vehicle shall employ one driver and one conductor who shall be security vetted.
 - (5) Every conductor or driver of a public service vehicle shall only take up employment as such upon being vetted pursuant to paragraph (4) and shall be paid a permanent salary by the owner of the public service vehicle.
 - (e) in Part VII by deleting Part VII and substituting therefor the following new Part VII—

“PART VII—SPECIAL PROVISIONS RELATING TO TAXICABS AND
MATATUS

Yellow bands.

70. (1) With effect from 1st January, 2004, every taxicab or matatu 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 taxi-cab or *matatu* 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.

71. There shall be prominently exhibited in every taxicab or *matatu* a recent photograph of the head and shoulders of the driver who for the time being has charge of the taxicab or *matatu* and the photograph shall be taken full face without hat, of postcard size and such photograph shall be—

Photographs.

- (a) of such nature and so displayed as to enable any person riding in the back of the taxicab or *matatu* 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 or *matatu* 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 or *matatu* 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, in default of payment, to imprisonment for a term not exceeding two months or to both."

Penalties under this Part.

3. Legal Notice No. 351 of 1987, is repealed.

Dated the 24th September, 2003.

JOHN MICHUKI,
Minister for Transport and Communications.