

CHAPTER 405

**THE INSURANCE (MOTOR VEHICLE
THIRD PARTY RISKS) ACT**

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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SPECIFICATION OF COUNTRIES

[Legal Notice 398 of 1989]

IN EXERCISE of the powers conferred by sections 9A and 18 of the Insurance (Motor Vehicles Third Party Risks) Act, the Minister for Transport and Communications specifies the following countries to be countries for the purposes of section 9A of the Act—

- Angola
 - Burundi
 - Comoros
 - Djibouti
 - Ethiopia
 - Lesotho
 - Malawi
 - Mauritius
 - Mozambique
 - Rwanda
 - Somalia
 - Swaziland
 - Tanzania
 - Uganda
 - Zambia
 - Zimbabwe
-

THE PREFERENTIAL TRADE AREA (MOTOR VEHICLES THIRD PARTY RISKS) RULES

[Legal Notice 399 of 1989]

1. These Rules may be cited as the Preferential Trade Area Insurance (Motor Vehicles Third Party Risks) Rules, 1989.

2. In these Rules unless the context otherwise requires—

“accident” means a happening related to a motor vehicle, causing personal injuries and or material damage and therefore engages the third party liability of the PTA policy order;

“Council” means the Council of the Bureaux established under Article 15 of the Protocol on the establishment of a Third Party Motor Vehicles Insurance Scheme, and which has as its major role to co-ordinate and supervise the activities of the National Bureaux;

“insurance policy” means the PTA document issued by the PTA insurer evidencing an agreement to insure and containing the conditions of the agreement concluded whereby the insurer undertakes for a specific fee to indemnify the insured for the losses arising out of the perils and accidents specified in the contract;

“motor vehicle” means any PTA motor vehicle which is constructed or adopted for the use of carriage of persons or goods by road and includes any trailer or semi-trailer designed to be drawn by such a vehicle;

“the Protocol” means the Protocol on the establishment of a Third Party Motor Vehicle Insurance Scheme;

“National Bureaux” means the National Bureaux established under Article 15 of the Protocol on the establishment of a Third party Motor Vehicle Insurance Scheme;

“PTA” means Preferential Trade Area for Eastern and Southern African States established by Article 2 of the Treaty for the establishment of Preferential Trade Area for Eastern and Southern African States, in these rules referred to as PTA;

“Yellow card” means the yellow card that shall be issued by the National Bureaux of PTA member states and shall be evidence of a Third Party liability cover obtained in accordance with these regulations or any law, or regulations in force in the PTA country where the accident occurred.

3. (1) All motorists intending to proceed to PTA (1) member state shall be required before undertaking such a journey to take out an insurance policy with a National Bureaux authorized to undertake that type of policy.

(2) On taking out the policy of insurance the insured shall be issued by the National Bureaux with a yellow card, which shall be in form A specified in the Schedule.

4. The yellow card shall be issued for a period commencing not earlier than the date on which liability under the Insurance policy to which it relates commences and ending not earlier than the expiry date of such policy and in all circumstances not for a period longer than one calendar year.

5. (1) The yellow card shall be carried on all motor vehicles on the left or near side of the motor vehicle in front of the front seat and facing either forward or to the rear side of the road.

(2) The yellow card shall be carried in a conspicuous and reasonably vertical position behind the glass of the windscreen or rearside window, so that the front of the certificate shall be clearly visible at all times by daylight to a person standing in front of the motor vehicle or to the left or near side thereof.

6. Each National Bureaux shall on behalf of its member insurers claims arising from accidents caused abroad by holders of the yellow cards it has issued and shall also handle

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claims arising from accidents caused in its country by holders of yellow cards issued by the National Bureaux of other parties to this protocol.

7. The Council of the Bureaux shall be responsible for the overall co-ordination and general supervision of all the National Bureaux of the member states who are parties to this protocol in accordance with the provisions of Article 16 of the protocol.

8. The PTA yellow card shall be removed as soon as it has expired and replaced with a yellow card of current validity.

SCHEDULE

FORM A

PTA YELLOW INSURANCE CARD**CARTE JAUNE D'ASSURANCE DE LE ZEP****CARTA AMERELA DE SEGUROS DA ZCP**

Card relating to compulsory motor vehicle third party liability insurance (issued under the authority of Council of Bureaux)	ORIGINAL: for the insured/pour l'assure/para o segu-rado
Carte relative a Eassuranc,e obligatoire de la responsabilite civil automobile (emise sous Eautorite du Conseil des Bureaux)	2. Card serial No. No. de serie de la carte No. da serie da carta
Carta relativa ao seguro obrigatOrio de responsabilidade civil automovel (emitido pela autoridate do Conselho de Bureaux)	
1. Name and adress of the policy holder	3. Valid from to Valable du au Valido de ate
Nom et adresse du preneur d'assurance Nome e endereco do portador de apolice seguro	
4. Type of body and make of vehicle Carrosserie & marque du vehicule Carrocaria e marca do vieculo	5. Registration No. day monthyear day monthyear No. jour mois anneejour nois annee d'immatriculation dia nes ano dia nes ano No. de matricula (both dates inclusive) (ces deux jours compris) (ambos os dias inclusos)
9. This card has been delivered by/ Cette carte est delivree par /Esta carta foi emitida por : (Name and address of insurance company) (Nom et adresse de la societe d'assurance) (Nome e endereco da companhia de seguro)	6. Chassis No. du Chasis No. do Chassis 7. Engine No. du moteur No. do motor 8. Insurance policy No. de la police de'asurannce No. da apolice do seguro

<p>12. Code/Codigo Cross items which do not apply Buffer les mentions inappropriées Riscar menções inapropriadas A. Car/Voiture/Carro B. Lorry or Tractor/Camion ou traceur/ Camiao ou tractor C. Bus/Autobus ou Autocar/Onibus ou Autocarro D. Trailer/Remorque/Reboque E. Motor-cycle or other cycles fitted with auxiliary engine /Motorcyclettes ou autres engins a deux roues/ Motocicleta ou outros motoveiculos de</p>	<p>10. Name and address of issuing Bureaux Nom et adresse du Bureau emetteur Nome e enderego do Bureau emissor</p>
<p>14. Signature of insured/Signature de Passure/assinatura do segurado</p> <p>In each country visited, the Bureau of the country assumes, in respect of the use of the vehicle referred to herein, the liability of the insurer in accordance with the laws in the country relative to compulsory insurance. Dans chaque pays visite, le Bureau de ce pays assume pour ce qui a trait a l'utilisation du vehicule decrit ci-contre, la responsabilite qu'aurait un assureur conformement aux-lois de ce pays relatives a ('obligation d'assurance. Em cada pais vistado, o respectivo bureau assume no que se relaciona com a utilizacao do veiculo descrito, a responsabilidade que compete au segurador de acordo com as leis do pais relatives ao seguro obrigatorio.</p>	<p>11. Signature and stamp of insurer Signature et cachet de Passureur Assinatura e selo do segurador</p> <p>13. Cancel country inapplicable Reyar les pays dans lesquels cette carte n'est pas valable. Riscar os paises nos quais esta carta nao valida.</p>
<p>(a) In case of an accident occurring in a country being visited the insured assumes responsibility to notify the National Bureaux of the country of accident. (b) The insured undertakes to co- operate fully with the National Bureaux of the country of the accident in all investigations relating to the accident. Notes pour l'assure: (a) En cas d'accident dans un pays visite, l'assure se chargers de</p>	<p>15. Names and addresses of National Bureaux/Noms et adresses des Bureaux-Nationaux/Nomes enderecos dos Bureaux nacionais.</p>

ANG BOT BUR COM DJI ETH KEN LES MAD MAL
MAU MOZ RWA SEY SOM SWA TAN UGA ZAM ZIM

[Subsidiary]

contractor le Bureau National du pays
oh l'accident est survenu.

(b) l'assure s'engage a colter
pleinement avec le Bureau National
du pays oil est survenu l'accident dans
l'instruction du dossier relatif a cet
accident.

Indiacoges para o asegurado:

(a) Em caso de acidente no pais
visitado, o asegurado devera
encarregar-se de tomar contacto corn
o Bureau National do pais em que se
deu o acidente.

(b) O asegurado Pica sujeito a cooperar
plenamente com o Bureau National
do pais em que se deu o acidente no
que respeita as investigacoes sobre o
respectivo acidente.

THE INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) (CERTIFICATE OF INSURANCE) RULES

[Legal Notice 10 of 1999, Legal Notice 92 of 2019, Legal Notice 70 of 2022]

1. These Rules may be cited as the Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) Rules, 1999.

2. In these Rules "certificate of insurance" means a certificate issued under section 7 of the Act, and "certificate" means a certificate of insurance.

3. (1) A certificate of insurance shall—

- (a) in the case of a motor vehicle used by fare paying passengers such as matatus, buses, taxis, private and public hire and self drive vehicles, and motorcycle and three-wheelers used by fare-paying customers be in Form 1 in the First Schedule;
- (b) in the case of a motor vehicle being used for business such as tractors, lorries, trucks, pick-ups, trailers and dealers in, manufacturers or repairers of motor vehicles be in Form 2 in the First Schedule;
- (c) in the case of private motor cars used for social, domestic and leisure purposes be in Form 3 in the First Schedule;
- (d) in the case of motor-cycles and motorized three-wheelers used for social, domestic and leisure purposes be in Form 4 in the First Schedule;

and shall be printed in square security printed disc in the manner specified in the Second Schedule:

Provided that the name of the policy-holder shall not be entered on the original certificate of insurance to be carried and displayed on the motor vehicle, but shall be entered only on the duplicate certificate.

(2) A certificate of insurance shall—

- (a) be issued for a period commencing not earlier than the date on which liability under the insurance policy to which it relates commences and ending not earlier than the expiry date of such policy; and
- (b) be issued only by an authorized employee of a licensed motor vehicle insurer.

[L.N. 92/2019]

4. (1) A temporary certificate of insurance may be issued to a person for the purpose of enabling him to either—

- (a) obtain registration of, and a vehicle licence for, a vehicle not previously registered; or
- (b) obtain registration of change of ownership of a vehicle.

(2) A temporary certificate of insurance shall—

- (a) be valid for thirty days from the date of issue; and
- (b) indicate the engine or chassis number of vehicle registration number or such identification as may be directed by the Registrar of Motor Vehicles or his representative from time to time.

(3) Not more than one temporary certificate of insurance shall be issued in respect of any one of the circumstances referred to in sub-paragraphs (a) and (b) of paragraph (1).

5. (1) A certificate of insurance shall be carried—

- (a) in the case of a motor-cycle, on the left or near side of the motor-cycle in a position which does not impede or affect the safe riding of the motor-cycle;
- (b) in the case of a motor-cycle with a sidecar, on the left or near side of the sidecar in front of the seat; and

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- (c) in the case of all other motor vehicles, on the left or near side of the motor vehicle in front of the front seat, and facing either forward or to the nearside of the road.

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

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

(3) A certificate shall be removed on expiry and replaced with a certificate of current validity.

6. The evidence to be produced for the purpose of paragraph (a) of section 14 of the Act shall be a duplicate of the original certificate issued in the relevant form in the First Schedule marked "NOT FOR DISPLAY" and which shall be retained by the Registrar of Motor Vehicles.

7. At the time of issuance of the certificate of insurance, the insurer shall be deemed to have satisfied himself as to the vehicles' compliance with the "Conditions for issue of Licence" and the "Vehicle Inspection Certificates" in accordance with section 17 and 17A of the Traffic Act (Cap. 403).

FIRST SCHEDULE

[r. 3(1)(a)]

FORM 1

We, the insurer named overleaf, hereby certify that a policy of the Insurance (Motor Vehicles Third Party Risks) Act, Cap. 405 (of Kenya) has been issued as shown overleaf.

Iwapo kuna mabadiliko ya miliki au utumishi wa gari hili, cheti hiki pamoja na nakili yake lazima virudishiwe mwenye bima kabla ya siku saba (7) Kumalizika tokea siku ya mabadiliko.


In the event of change of ownership or use of vehicle, this certificate and duplicate must be returned to the insurer within seven (7) days of the date of change.

(Reverse side)

CERTIFICATE OF INSURANCE			
No.A	0000000		
Name of Policy Holder			
Policy N. & Cover	DATE	TIME	
INSURANCE			
COMMENCING			
EXPIRING			
REGISTRATION NO			
LICENCED TO CARRY	MAXIMUM FARE		
	PAYING PASSENGERS		
ISSUED BY:			
SIGNED:			
PSV			
READ OVERLEAF			

(Reverse side as in Form 1)

FORM 2


CERTIFICATE OF INSURANCE			
NO.B	0000000		
Name of Policy Holder			
Policy N. & Cover			
INSURANCE			
COMMENCING			
EXPIRING			
REGISTRATION NO			
TONNAGE			
ISSUED BY:			
COMMERCIAL VEHICLE			
READ OVERFLEAF			

[Subsidiary]

(Reverse side as in Form 1)

FORM 3

CERTIFICATE OF INSURANCE



NO.C 000000
Name of
Policy Holder AS PER POLICY

Policy N. & Cover

INSURANCE DATE TIME
COMMENCING
EXPIRING
REGISTRATION NO


ISSUED BY:
SIGNED:

PRIVATE CAR
READ OVERFLEAF

(Reverse side as in Form 1)

FORM 4

CERTIFICATE OF INSURANCE



NO.D 000000
Name of
Policy Holder AS PER POLICY

Policy N. & Cover

INSURANCE DATE TIME
COMMENCING
EXPIRING
REGISTRATION NO

LICENCED TO CARRY PASSENGERS MAXIMUM

ISSUED BY:
SIGNED:

MOTORCYCLE
READ OVERFLEAF

(Reverse side as in Form 1)

SECOND SCHEDULE

MANNER OF PRINTING OF FORMS

Form 1.—Fine line pattern background comprising two colours, red/yellow, which gradually merge into each other, with a black text overprint.

Form 2.—Fine line pattern background comprising two colours, blue/red, which gradually merge into each other, with a black text overprint.

Form 3.—Fine line pattern background comprising two colours, green/brown, which gradually merge into each other, with a black text overprint.

Form 4.—Fine line pattern background comprising two colours, brown/purple, which gradually merge into each other, with a black text overprint.

8. Legal Notice No. 53 of 1986 is revoked.
