

LEGAL NOTICE NO. 173

THE TRAFFIC ACT

(Cap. 403)

IN EXERCISE of the powers conferred by section 119 of the Traffic Act, the Minister for Transport makes the following Rules-

THE TRAFFIC (AMENDMENT) RULES, 2009

1. These Rules may be cited as the Traffic (Amendment) Rules, 2009.

2. The Traffic Rules, in these Rules referred to as the "principal Rules" are amended by inserting the following new rule immediately after rule 25-

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.

(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 Insurance (Motor Vehicles Third Party Risks) Act.

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(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.

3. The Principal Rules are amended by inserting the following new rule immediately after rule 54-

Tinted motor vehicle windows.

54 A (1) A person shall not drive or operate a public service vehicle that is fitted with tinted windows or tinted windscreen.

(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.

4. Rule 64 of the principal Rules is amended-

(a) by deleting paragraph (c) and substituting therefor following paragraph-

(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;

(b) by inserting the following new paragraph immediately after paragraph (c)-

(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.

5. Rule 65 of the principal Rules is amended-

(a) by deleting paragraph (d) and substituting therefor the following paragraph -

(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;

(b) shall by inserting the following new paragraph immediately after paragraph (e)-

(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.

6. Rule 66 (1) is amended by inserting the following new paragraph immediately after paragraph (w)-

(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.

7. The principal Rules are amended by deleting rule 69 and substituting therefor the following new rule –

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.

Penalties under this Part.

Dated the 1st December, 2009.

C. A. MWAKWERE,
Minister for Transport.