

LEGAL NOTICE No. 234

(252479)

THE TRAFFIC ACT

(Cap. 403)

IN EXERCISE of the powers conferred by section 118A of the Traffic Act, the Kericho Urban Council hereby makes the following By-laws:—

THE KERICHO URBAN COUNCIL (HAMALI CARTS AND HAND CARTS) BY-LAWS, 1965

1. These By-laws may be cited as the Kericho Urban Council (Hamali Carts and Hand Carts) By-laws, 1965.

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

“Clerk” means the person for the time being holding the office of the Clerk of the Council, his deputy and any other officer of the Council authorized by the Clerk in writing for the purpose of these By-laws;

“Council” means the Kericho Urban Council;

“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;

“licence” means a licence granted by the Council under these By-laws;

“licensee” means a person granted a licence under these By-laws;

“urban area” means the area under the control and jurisdiction of the Council.

3. (1) No person shall use or permit to be used a hamali cart or a hand cart within the urban area unless the owner thereof has been granted and is in lawful possession of an unexpired licence issued by the Clerk under these By-laws, nor otherwise than in accordance with the terms, if any, of the licence.

(2) Any person who contravenes this by-law shall be guilty of an offence.

4. (1) Application for a licence by the owner of a hamali cart or hand cart shall be made to the Clerk, who may cause such vehicle to be inspected and may refuse to licence such vehicle if its condition is unsatisfactory.

(2) The licence shall be in such form as may be determined from time to time by the Council and shall contain—

(a) the name and address of the licensee;

(b) a description of the licensed vehicle;

(c) the date on which the licence expires;

(d) the maximum load which such vehicle is permitted to carry; and

(e) any conditions which the Council may deem it necessary to impose.

5. (1) No licence shall be granted for a longer period than one year and every licence shall unless soon revoked expire on the thirty-first December of the year in which it is granted;

(2) The licensee shall pay to the Council upon the issue of every licence under these By-laws the appropriate fee therefor prescribed in the First Schedule to these By-laws.

6. (1) The Clerk shall issue with every licence a plate bearing a registration number and the year of issue.

(2) A licensee shall ensure that the plate referred to in paragraph (1) of this by-law shall be affixed to the vehicle in a conspicuous place.

(3) Any licensee who contravenes the provisions of paragraph (2) of this by-law shall be guilty of an offence.

7. (1) No person shall unlawfully take, use, have possession of, remove, damage or destroy any plate affixed or intended to be affixed to any hamali cart or hand cart during the period of its validity.

(2) Any person who contravenes this by-law shall be guilty of an offence.

8. (1) No person shall load or cause to be loaded a hamali cart with a load exceeding one ton in weight or ten feet in height measured from the ground.

(2) Every person who loads or is in charge of a hamali cart or a hand cart shall ensure that the load is securely fastened to the vehicle.

(3) No person shall except with the written permission of the Clerk obtained in writing and in accordance with the terms of any conditions which may be attached to such permission carry or cause to be carried any article or any hamali cart or hand cart so as to project more than six feet behind the hindermost part of the body of such vehicle or more than six feet in front of the foremost part of the body of such vehicle or more than one foot outside the wheel hubs of such vehicle.

(4) No person shall cause or permit any hamali cart to stand in or be propelled along or used in any other manner in any of the streets mentioned in the Second Schedule of these By-laws;

Provided that nothing in these By-laws shall prevent any person from causing or permitting a hamali cart to cross any of the streets mentioned in the Second Schedule by the most direct route when proceeding along any other street or streets.

(5) Any person who contravenes any provision of this by-law shall be guilty of an offence.

9. Any person who propels, or causes or permits to be propelled, any hamali cart along any street within the urban area during the hours of 6 p.m. to 6 a.m. shall be guilty of an offence.

10. (1) No person shall for the purpose of taking up or depositing a load from a hamali cart or hand cart stop such hamali cart or hand cart except at the side of the road.

(2) Any person who contravenes this by-law shall be guilty of an offence.

11. The Clerk may, with the consent of the licence holder, upon the payment of a fee of two shillings and fifty cents (Sh. 2/50) transfer a licence from the holder thereof to another person:

Provided that no licence shall be transferred in such a manner as to make it cover any vehicle other than that in respect of which such a licence was first issued.

12. Any person who is guilty of an offence under the By-laws shall be liable to a fine not exceeding two hundred shillings or a term of imprisonment not exceeding one month and in the case of a continuing offence, to a further fine not exceeding twenty shillings for every day or part thereof during which such offence shall be continued.

13. The Council may refuse to renew a licence and may also revoke a licence if the holder of such licence has been convicted within the preceding twenty-four months of any offence under these By-laws.

14. Offences against these By-laws shall be cognizable to the police.

FIRST SCHEDULE (By-law 5)

<i>Column I</i>	<i>Column II</i>	<i>Column III</i>
	<i>For full year 1st January to 31st December</i>	<i>Part year where licence issued after 1st July</i>
	<i>Sh.</i>	<i>Sh.</i>
Hamali Carts .. ..	40	20
Hand Carts .. ..	20	10

SECOND SCHEDULE (By-law 8)

Streets in which hamali carts with steel wheels are prohibited—

Orusa Road, Temple Road, Uhuru Road, Kenyatta Road,  
Kalenjin Road, Hospital Road, Tengecha Road.

By Order of the Kericho Urban Council.

Made this 15th day of April 1965.

S. L. VINCENT,  
*Clerk of the Council.*

Approved this 9th day of August 1965.

L. G. SAGINI,  
*Minister for Local Government.*