

LEGAL NOTICE No. 59

THE TRAFFIC ACT

(Cap. 403)

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

THE ELDORET MUNICIPAL (TAXI-CABS) BY-LAWS, 1966

1. These By-laws may be cited as the Eldoret Municipal (Taxi-cabs) By-Laws, 1966.

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

“council” means the Municipal Council of Eldoret;

“municipality” means the Municipality of Eldoret;

“owner”, in relation to a rickshaw taxi-cab or taxi-cab, means the person in whose name a taxi-cab or rickshaw taxi-cab is registered under by-law 6 of these By-laws;

“ply for hire” includes—

(i) standing on any taxi-stand;

(ii) being offered for hire by any notice, advertisement or announcement;

(iii) standing or travelling whilst exhibiting a “For Hire” notice of any kind;

(iv) displaying any word or sign on a vehicle implying that the vehicle is a taxi-cab;

“public service vehicle” means a motor vehicle used for carrying passengers for hire or reward;

“rickshaw taxi-cab” means a taxi-cab fitted with only three road wheels and constructed or adapted to carry not more than two passengers;

“street” means any street, highway, road, sanitary lane or thoroughfare to which the public has right of access for vehicular traffic;

“taxi-cab” means any public service vehicle constructed or adapted to carry not more than seven passengers exclusive of the driver;

“taxi-stand” means any area demarcated by the council and indicated by notice boards to be a place where taxi-cabs may stand for hire;

“Town Clerk” means the person for the time being performing the duties of the Town Clerk of the Council.

3. (1) No vehicle shall ply for hire as a taxi-cab in the municipality unless such vehicle has been duly registered by the Town Clerk under the provisions of these By-Laws.

(2) The owner or driver of any vehicle who contravenes this by-law shall be guilty of an offence.

4. An application for the registration of a taxi-cab shall be made to the Town Clerk who shall not register it until the applicant furnishes the inspection report mentioned in section 17 (2) of the Traffic Act, and in the certificate granted under section 96 (3) (f) of that Act and has paid the registration fee set out in the First Schedule to these By-laws.

5. (1) The council may, by resolution before the end of any year, fix the number of taxi-cabs which shall be allowed to operate within the municipality during the next ensuing year:

Provided that the Town Clerk may, notwithstanding that an applicant has furnished the inspection report and certificate required under by-law 4 of these By-laws, refuse to register any taxi-cab if the number so fixed by the council under this by-law would be exceeded by the registration of such taxi-cab or if the owner of such taxi-cab has been convicted of an offence under these By-laws.

(2) When a resolution under paragraph (1) of this by-law has been passed, the Town Clerk shall publish a notice to that effect in a newspaper circulating within the municipality.

6. (1) Every taxi-cab shall be registered yearly, half-yearly or quarterly.

(2) The registration of a taxi-cab shall expire on the 31st March, on the 30th June, on the 30th September and the 31st December in each year.

(3) The owner of a taxi-cab shall on the registration of such taxi-cab, be provided by the Town Clerk with a certificate in the form set out in the Second Schedule to these By-laws.

(4) Any person who contravenes the provisions of paragraph (1) of this by-law shall be guilty of an offence.

7. (1) Every taxi-cab shall have painted on both sides and on the rear a continuous horizontal yellow band having a width of 6 inches and of a consistency sufficient to enable such band to be clearly visible by day at a distance of not less than 300 yards.

(2) If the main body-work of a taxi-cab 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 300 yards, then the main body-work, or so much of it as runs parallel to and at a distance of not less than 3 inches 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.

8. (1) No taxi-cab shall ply for hire within the municipality except from a taxi-stand:

Provided that nothing in this by-law shall prohibit the driver of a taxi-cab proceeding to a taxi-stand, or returning from an engagement, if signalled by a prospective passenger from picking up or transporting such passenger.

(2) Any driver of a taxi-cab who contravenes the provisions of this by-law shall be guilty of an offence.

9. There shall be prominently exhibited in every taxi-cab a recent photograph of the head and shoulders of the driver for the time being of the taxi-cab taken full without hat, of postcard size, such photograph being—

- (a) of such nature and so displayed as to enable any person riding in the back of the taxi-cab clearly to identify the driver thereof with the photograph; and
- (b) approved by a police officer of or above the rank of Assistant 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 licence, and the signature of such police officer signifying such approval as aforesaid.

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 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 such fine and such imprisonment.

10. (1) All tax-cabs shall take up their stand on a taxi-stand in order of their arrival, and upon any person calling for a taxi-cab, the taxi-cab first in position in the stand shall go forward to accept the passenger and the place vacated by such taxi-cab moving off the stand shall be occupied by the taxi-cab immediately behind it, and all other taxi-cabs shall move one place forward in the stand.

(2) At every taxi-stand a notice board shall be fixed by the council showing the number of taxi-cabs allowed on the stand, and no driver of a taxi-cab shall bring or attempt to bring his vehicle on to any taxi-stand on which the maximum number of taxi-cabs allowed on such stand are already there.

(3) The drivers of the first two taxi-cabs standing in any taxi-stand shall remain at their vehicles ready for hire.

(4) Any driver of a taxi-cab who contravenes any provisions of this by-law shall be guilty of an offence.

11. (1) The owner or driver of a taxi-cab shall cause to be exhibited, in a conspicuous place inside every taxi-cab a tariff of fares in accordance with the Third Schedule to these By-Laws.

(2) The Town Clerk may issue a tariff card to any applicant and shall charge therefor any extra copy the fee prescribed in the First Schedule to these By-laws.

(3) The owner of a taxi-cab shall cause to be painted on the outside of the front doors on each side of the vehicle (and affixed inside the vehicle in a position plainly visible to a passenger) in legible letters and figures the name and the business address of the proprietor of such taxi-cab.

(4) Any owner or driver of a taxi-cab who contravenes any provisions of this by-law shall be guilty of an offence.

12. (1) Every taxi-cab shall at all times be maintained in a clean condition.

(2) Every owner of a taxi-cab shall cause—

(a) the seats to be properly cushioned or covered;

(b) the floors to be provided with a proper carpet or mat or other suitable covering; and

(c) the roof to be kept watertight and windows whole.

(3) Every owner of a taxi-cab shall provide sufficient means by which any person in the taxi-cab may communicate with the driver, and, on all taxi-cabs, other than rickshaw taxi-cabs, shall provide windows and doors on each side of the taxi-cab with means of opening and closing such doors from both inside and outside the taxi-cab.

(4) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or ply for hire in contravention of this by-law shall be guilty of an offence.

13. (1) The driver of a taxi-cab whilst in charge of a taxi-cab—

(a) shall not remain in any place in a street other than on a taxi-stand except when actually engaged on hire:

Provided that the engaged taxi-cab may, whilst waiting for a passenger who has engaged it, occupy any place set aside by the council and demarcated as a stand for private vehicles;

(b) shall refrain from conveying any person who to his knowledge is suffering from infectious or contagious disease, nothing in this by-law shall be deemed to override the provisions of the Public Health Act:

Provided that if he has conveyed such a person, he shall forthwith take such taxi-cab to the Municipal Health Office for disinfection;

(c) shall convey persons upon the seats provided for that purpose;

(d) shall not, subject to the provisions of rule 89 of the Traffic Rules, carry at any time in his taxi-cab any passengers in excess of the number for which such vehicle is licensed to carry;

(e) shall not refuse to accept any offer of hire from any person, except from a person prohibited under by-law 13 (b) of these By-laws from being in the taxi-cab, or unless such taxi-cab is being returned to its garage after work;

(f) shall not accept an additional passenger or passengers without the permission of the original hirer or hirers;

(g) shall not, except by public advertisement, solicit for hire, custom or patronage;

(h) shall not accept a passenger if such passenger is within a radius of a hundred yards of a taxi-stand and if such taxi-cab is not standing in a taxi-stand;

(i) shall not for the purpose of taking up or depositing a passenger or load, stop such taxi-cab except at the side of the road;

(j) shall not smoke whilst driving a fare-paying passenger in such taxi-cab;

(k) shall conduct himself with civility and propriety towards every person who is seeking to hire or who is being conveyed in such taxi-cab;

(l) shall be clean in person and in clothing; and

(m) shall drive to the nearest police station and deliver any property left by any passenger in such taxi-cab;

(2) Any driver of a taxi-cab who contravenes the provisions of this by-law shall be guilty of an offence.

14. A taxi-cab may be hired either by time or distance, but the hirer shall inform the person in charge thereof at the time of hiring whether he intends to hire such taxi-cab by time or by distance:

Provided that in the absence of such an arrangement the hirer may be charged the rates set out in Part I of the Third Schedule to these By-laws.

15. (1) The driver of a taxi-cab may be required by the hirer thereof to wait at any place to which the hirer may have proceeded in such taxi-cab:

Provided that the taxi-cab shall not wait in any street so as to cause an obstruction to traffic.

(2) Any driver of a taxi-cab who contravenes this by-law shall be guilty of an offence.

16. (1) Any person who summons a taxi-cab and fails to employ the same shall, if so required by the driver thereof, pay the return fare only as set out in Part I of the Third Schedule to these By-laws, from the place from which such taxi-cab has come to the place to which such taxi-cab has proceeded as a result of such summons.

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

17. (1) The certificate of registration mentioned in by-law 6 (3) of the By-laws shall be produced on demand made by any police officer or municipal inspector.

(2) Any driver of a tax-cab who refuses or fails without reasonable excuse to produce such certificate of registration on demand under this by-law shall be guilty of an offence.

18. Any person who is guilty of an offence under these By-laws shall be liable:

(a) for a first offence to a fine not exceeding five hundred shillings;

(b) for a second or subsequent offence, to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

## FIRST SCHEDULE

(By-laws 4 (1) and 11 (2))

	<i>Sh. cts.</i>
Registration of taxi-cabs for three months—	
or part thereof .. .. .	20 00
for six months .. .. .	35 00
for twelve months .. .. .	60 00
Tariff Card for taxi-cab—	
for each extra copy .. .. .	00 50

## SECOND SCHEDULE

(By-law 6)

## CERTIFICATE OF REGISTRATION OF A TAXI-CAB

I certify that the vehicle having registration number .....

in the name of .....

has been duly registered as a taxi-cab under the terms of the Eldoret Municipal (Taxi-cabs) By-laws 1966, for a quarter ending .....

196..

six months ending .....

196..

year ending .....

196..

*Town Clerk*

Registration Fee of Sh. .... paid .....

196..

Receipt No. ....

Signed: .....

Designation: .....

## THIRD SCHEDULE

(By-law 11)

MINIMUM FARES PAYABLE FOR THE USE OF TAXI-CABS—CASH  
PAYMENTS ONLY

		<i>Rickshaw</i>	<i>Taxi-cabs</i>
	<i>Sh. cts.</i>	<i>Taxi-cabs</i>	<i>Sh. cts.</i>
<i>Part I—if hired by distance</i>			
Up to two passengers—			
for the first mile or part of a mile ..	2 00	1 00	
for each subsequent mile or part of a mile	1 50	0 90	
for each passenger over two—per journey	1 00	—	
waiting time: for each 15 minutes ..	2 00	—	

*Part II—if hired by time*

For every seven passengers or less number, for which the vehicle is licensed to accommodate—

for the first hour or part of an hour ..	15 00	10 00
for each subsequent 20 minutes ..	5 00	2 50

The above fares shall operate only within the area of the municipality.

No charges shall be payable for taxi-cabs returning from engagements or for proceeding to an engagement to take up passengers.

Fares shall not be paid in advance. It is an offence on the part of the taxi driver to refuse to accept any passengers to whom no reasonable objection can be taken.

Only luggage which can be reasonably accommodated in or upon the vehicle in which the passenger is travelling shall be accepted and conveyed by the driver of such vehicle, and for every such package or parcel of luggage so carried (other than normal hand luggage) there may be imposed a charge at the rate of fifty cents per package or parcel for the whole journey.

Made this 27th day of October 1966.

By order of the Municipal Council of Eldoret.

J. R. ASEMBO,  
*Town Clerk.*

Approved this 13th day of February 1967.

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

LEGAL NOTICE No. 60

(L.G. 2310)

THE KENYA (LOCAL GOVERNMENT) (PENSIONS)  
REGULATIONS 1963  
(L.N. 200 of 1963)

IN EXERCISE of the powers conferred by regulation 8 of the Kenya (Local Government) (Pensions) Regulations 1963, the Minister for Local Government hereby makes the following Rules:—

THE KENYA LOCAL GOVERNMENT OFFICERS'  
SUPERANNUATION FUND (AMENDMENT) RULES 1967

1. These Rules may be cited as the Kenya Local Government Officers' Superannuation Fund (Amendment) Rules 1967.

2. The Third Schedule to the Kenya Local Government Officers' Superannuation Fund Rules 1963 is amended by deleting from Part I thereof the words "Kisumu Municipal Council" and the entry relating thereto, and by inserting in Part II thereof the following entry:—

L.N. 313/63.

<i>Name</i>	<i>Date</i>
KISUMU MUNICIPAL COUNCIL	1ST APRIL 1963

Made this 16th day of February 1967.

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