

THE TRAFFIC ORDINANCE

(Cap. 403)

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

THE MOMBASA MUNICIPAL (HAMALI CARTS AND HAND CARTS) BY-LAWS, 1963

1. These By-laws may be cited as the Mombasa Municipal (Hamali Carts and Hand Carts) By-laws, 1963.

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

“council” means the Mombasa Municipal 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 the provisions of these By-laws;

“municipality” means the area under the control and jurisdiction of the council;

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

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

(2) Any person who contravenes the provisions of paragraph (1) of this by-law shall be guilty of an offence against these By-laws.

4. (1) Application for a licence by the owner of a hamali cart or hand cart shall be made to the Town 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;
- (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 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 Town 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 against these By-laws.

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 the provisions of paragraph (1) of this by-law shall be guilty of an offence against these By-laws.

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 carry or cause to be carried any article on 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 1 foot outside the wheel hubs of such vehicle, except with the written permission of the Town Clerk obtained in writing and in accordance with the terms of any conditions which may be attached to such permission.

(4) No person shall cause or permit any hamali cart to stand in or be propelled along or use in any other manner any of the streets mentioned in the Second Schedule to 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 the provisions of paragraph (1), (2), (3) or (4) of this by-law shall be guilty of an offence against these By-laws.

9. Any person who propels or causes or permits to be propelled any hamali cart along any street within the Municipality during the hours of 11.45 to 12.30, 13.30 to 14.30 and 15.45 to 16.30, shall be guilty of an offence against these By-laws.

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 the provisions of paragraph (1) of this by-law shall be guilty of an offence against these By-laws.

11. The Town 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 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 against these By-laws shall be liable to a fine not exceeding Sh. 200 or to imprisonment for a term not exceeding one month and in the case of a continuing offence, to a further fine not exceeding Sh. 20 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 cancel a licence if the holder of such licence has been convicted within the preceding twenty-four months of any offence against these By-laws.

14. Offences against these By-laws shall be cognisable to the Police.

15. By-laws 232 to 244 inclusive, the definitions of "hamali cart", "hand cart", "inspector of vehicles" and "vehicle" in by-law 231, by-law 259, the Ninth Schedule and items relating to hamali carts and hand carts appearing in paragraph "C" of the First Schedule to the Mombasa Municipal By-laws are hereby revoked:

Provided that any licence issued under the revoked By-laws shall remain valid until the date specified on the licence.

FIRST SCHEDULE

COLUMN I	COLUMN II	COLUMN III
	<i>For Full Year 1st January to 31st December</i>	<i>Part Year Where Licences Issued After 1st July</i>
	<i>Sh.</i>	<i>Sh.</i>
Hamali Carts ..	40	20
Hand Carts ..	20	10

SECOND SCHEDULE

Streets in which hamali carts are prohibited:—

Azania Drive, Buxton Road, Cliffe Avenue, Kilindini and Fort Jesus Road (between Tangania Road and Treasury Square), Kizingo Road, Makupa Road and Sir Mbarak Road, Tudor Road Prince Charles Street, Ras Serani Road and Salim Road.

By Order of the Municipal Council of Mombasa.

Made this 6th day of August 1963.

A. V. RATCLIFF,
Town Clerk.

Approved this 18th/day of September 1963.

S. O. AYODO,
Minister for Local Government.