

## LEGAL NOTICE NO. 65

## THE TRAFFIC ACT

(Cap. 403)

IN EXERCISE of the powers conferred by section 119 (1) of the Traffic Act, the Minister for Transport makes the following Rules:—

## THE TRAFFIC (AMENDMENT) RULES, 2005

1. These Rules may be cited as the Traffic (Amendment) Rules, 2005.

2. The Traffic Rules are amended—

(a) in rule 5, by inserting the following new paragraph (4)—

(4) The badge referred to in section 98 (5) of the Act shall be in the form set out in the Third Schedule.

(b) by deleting rule 22A and substituting therefor the following new rule—

22A (1) No motor vehicle shall be used or driven on a road unless it is fitted with seat belts in the following manner:

*Manner of Fitting:*

(1) A seat belt per seating position in a motor vehicle, and if seating accommodation is provided for more than two persons abreast, whether by a continuous seat known as a "bench seat" or by separate seats, the seat belts for the persons other than those seated next to the body of the vehicle may consist only of a lap strap position of seat belt.

(2) The owner of any motor vehicle used or driven on a road contrary to paragraph (1) shall be guilty of an offence and liable to a fine of one thousand shillings for every seat that is not fitted or, if fitted, is not of the proper standard or specification.

(3) No person shall be in a motor vehicle which is in motion on a road and occupy a seat in that vehicle in respect of which a seat belt is fitted in accordance with this rule without wearing the seat belt.

(4) A person who does not wear a seat belt as required under paragraph (3) shall be guilty of an offence and liable to a fine of five hundred shillings.

(5) It shall be the responsibility of the conductor of a public service vehicle, and where there is no conductor, the driver of that vehicle, to keep the seat belt in a clean, dry and generally wearable condition.

(6) Any driver or conductor who contravenes paragraph (5) shall be guilty of an offence and liable to a fine of five hundred shillings.

(c) by deleting rule 41A (1) and substituting therefor the following new rule—

41A (1) The engine of—

(a) every public service vehicle, except taxi cabs:

(b) every commercial vehicle whose tare weight exceeds 3048 kg.

shall be fitted with a speed governor which—

(i) conforms to such specifications as the Minister may by notice in the Gazette prescribe;

(ii) is adjusted so that all times, and in any load condition, the vehicle cannot exceed the speed of 80 kph.

(2) Every vehicle to which this rule applies shall have exhibited on it a certificate issued by a certifying officer to the effect that it is fitted with the speed governor complying with the prescribed specifications.

(d) in rule 57, by inserting the word "and every *matatu*" immediately after the word "omnibus";

(e) in rule 58, by inserting the word "and every *matatu*" immediately after the word "omnibus"

(f) in rule 59, by inserting the words "and every *matatu*" immediately after the word "omnibus";

(g) by inserting the following new rule 55A immediately after Rule 55—

55A (1) With effect from 4th August 2005, every *matatu* shall have painted on both sides and on the rear, a broken horizontal yellow band having a width of 150 millimetres and of a consistency sufficient to enable such band to be clearly visible by day at a distance of at least 275 metres.

(2) The portions of the horizontal band referred to in paragraph (1) which are not of the yellow colour shall be of the colour of the motor vehicle as specified in the vehicle's registration book.

(3) The portions of the horizontal band referred to in paragraph (1) which are not of the yellow colour shall not be more than 10 centimetres in width and shall be separated by yellow portions of not less than 60 centimetres in width.

Fitting of speed governors.

Horizontal band on *matatus*.

(4) If the main body-work of a *matatu* is so coloured such that the yellow portions of the band required under this rule do not contrast prominently therewith so as not to be clearly visible by day at a distance of at least 275 metres, then there shall be painted parallel to, and continuous to the yellow band, a band of same dark colour and of the width of not less than 75 millimetres on either side.

(5) The band referred to in paragraph (4) shall be of sufficient consistency to enable the broken yellow band to be clearly visible by day at a distance of at least 275 metres.

(6) There shall be prominently exhibited in every *matatu* a recent photograph of the head and shoulders of the driver who for the time being has charge of the *matatu* and the photograph shall be taken full face without hat, of postcard size and such photograph shall be—

(a) of such nature and so displayed in a conspicuous place in the *matatu* so as to enable any person entering, seated in or alighting from the *matatu* to clearly see 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, his public service vehicle licence and driver's licence, and the signature of the police officer signifying such approval.

(h) In PART VII—

(i) by deleting the words "AND MATATU" appearing in the heading of PART VII;

(ii) in by deleting the expression the words "or matatu" wherever they appear in rules 70, 71 and 72;

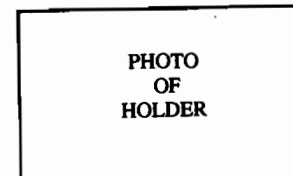
(i) by deleting the Third Schedule and substituting therefor the following new Schedule—

## THIRD SCHEDULE

r. 5 (4))

## PUBLIC SERVICE VEHICLE DRIVER'S/CONDUCTOR'S BADGE

## PUBLIC SERVICE VEHICLE DRIVER'S/CONDUCTOR'S BADGE



Name .....

ID No. ....

Licence No. (for driver) .....

Designation .....

Employer .....

Date of Issue .....

Signature of Holder .....

.....  
Authorizing Officer

Serial Number

(j) by deleting the Fourth Schedule.

Dated the 2nd June, 2005.

CHRISTOPHER MURUNGARU,  
Minister for Transport.