

LEGAL NOTICE No. 67

(256671)

## THE TRAFFIC ACT

(Cap 403)

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

### THE WITU AREA COUNCIL (HAMALI CARTS AND HAND CARTS) BY-LAWS 1969

1. These By-laws may be cited as the Witu Area Council (Hamali Carts and Hand Carts) By-laws 1969.

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

“Clerk” means the person for the time being holding the office of the Clerk to 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 Witu Area 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.

3. (1) No person shall use or permit to be used a hamali cart or hand cart within the area of jurisdiction of the Council unless the owner thereof has been granted and is in lawful possession of a valid licence issued by the Clerk under these by-laws.

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

4. (1) Application for the 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 necessary to impose.

5. (1) No licence shall be granted for a longer period than one year and every licence shall unless otherwise revoked previously, expire on the thirty-first day of December in 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 thereof prescribed in the Schedule to these By-laws.

6. (1) The Clerk shall issue with every licence a plate bearing a registration number and the date 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 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 paragraph (1) of 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) All hamali carts and hand carts shall have rubber tyres on all wheels so as to prevent damage to the roads.

(4) No person shall, except with the written permission of the Clerk obtained in writing and in accordance with terms of any conditions which may be attached to such permission, 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 one foot outside the wheel hubs of such vehicle.

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

9. The Clerk may, with the consent of the licence holder and upon the payment of a fee of two shillings and fifty cents 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.

10. Any person who is found guilty of an offence under these By-laws shall be liable to a fine not exceeding two hundred shillings or to imprisonment for a term 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.

11. 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 under these By-laws.

12. Offences under these By-laws shall be cognizable to the police.

SCHEDULE

<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 ..	15	8
Hand Carts ..	10	5

By Order of the Witu Area Council.

Made this 13th day of January 1969.

A. A. MAAWIYA,  
*Clerk to the Council.*

Approved this 4th day of February 1969.

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