

LEGAL NOTICE No. 98

(244103)

THE TRAFFIC ACT

(Cap. 403)

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

THE NAKURU MUNICIPAL (TAXICABS) BY-LAWS, 1964

1. These By-laws may be cited as the Nakuru Municipal (Taxicabs) By-laws, 1964.

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

“Council” means the Municipal Council of Nakuru;

“municipality” means the Municipality of Nakuru;

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

“ply for hire” includes—

(i) standing on any taxistand;

(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 taxicab;

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

“rickshaw taxicab” means a taxicab 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 the right of access for vehicular traffic;

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

“taxistand” means any area demarcated by the Council and indicated by notice board to be a place where taxicabs 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 taxicab 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.

Cap. 403.

4. An application for the registration of a taxicab 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 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 taxicabs 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 taxicab if the number so fixed by the Council under this by-law would be exceeded by the registration of such taxicab or if the owner of such taxicab 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 taxicab shall be registered quarterly.

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

(3) The owner of a taxicab shall on the registration of such taxicab, 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) No taxicab shall ply for hire within the municipality except from a taxistand:

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

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

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

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

(3) The drivers of the first two taxicabs standing in any taxistand shall remain at their vehicles ready for hire.

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

9. (1) The owner or driver of a taxicab shall cause to be exhibited, in a conspicuous place inside every taxicab 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 the fee prescribed in the First Schedule to these By-laws.

(3) The owner of a taxicab 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 taxicab.

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

10. (1) Every taxicab shall at all times be maintained in a clean condition.

(2) Every owner of a taxicab shall cause—

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

(b) the floor 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 taxicab shall provide sufficient means by which any person in the taxicab may communicate with the driver, and, on all taxicabs, other than rickshaw taxicabs, shall provide windows and doors on each side of the taxicab with means of opening and closing such doors from both inside and outside the taxicab.

(4) Any owner of a taxicab 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.

11. The driver of a taxicab whilst in charge of a taxicab—

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

Provided that the engaged taxicab 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:

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

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

Cap. 403,
(Sub. Leg.).

- (d) shall not, subject to the provisions of rule 89 of the Traffic Rules, carry at any time in his taxicab 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 11 (b) of these By-laws from being in the taxicab, or unless such taxicab has already been hired or unless such taxicab 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 taxistand and if such taxicab is not standing in a taxistand;
 - (i) shall not for the purpose of taking up or depositing a passenger or load, stop such taxicab except at the side of a road;
 - (j) shall not smoke whilst driving a fare-paying passenger in such taxicab;
 - (k) shall conduct himself with civility and propriety towards every person who is seeking to hire or who is being conveyed in such taxicab;
 - (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 taxicab.
- (2) Any driver of a taxicab who contravenes the provisions of this by-law shall be guilty of an offence.

12. A taxicab 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 taxicab 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 Third Schedule to these By-laws.

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

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

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

14. (1) Any person who summons a taxicab 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 taxicab has come to the place to which such taxicab has proceeded as a result of such summons.

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

15. (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 taxicab 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.

16. 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.

17. The Nakuru Municipality (Taxicabs) By-laws, 1949, are hereby revoked. G.N. 547/49.

FIRST SCHEDULE

(By-laws 4 (1) and 9 (2))

	<i>Sh. cts.</i>
Registration of taxicabs for 3 months or part thereof ..	20 00
Tariff card for taxicabs	— 50

SECOND SCHEDULE

(By-law 6)

CERTIFICATE OF REGISTRATION OF A TAXICAB

I certify that the vehicle having the registration number
 in the name of
 has been duly registered as a taxicab
 under the terms of the Nakuru Municipal (Taxicabs) By-laws, 1964,
 for the quarter ending 19.....

.....
Town Clerk.

..... Date

Registration Fee Sh. paid 19....

Receipt No.

Signed

Designation

THIRD SCHEDULE

(By-law 9)

MAXIMUM FARES PAYABLE FOR THE USE OF TAXICABS,
CASH PAYMENTS ONLY

	<i>Taxicabs</i> <i>Sh. cts.</i>	<i>Rickshaw</i> <i>Taxicabs</i> <i>Sh. cts.</i>
<i>Part I.—If hired by distance</i>		
Up to 2 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	— 90
for each passenger over two— per journey	1 00	— —
Waiting time: for each 15 minutes ..	2 00	1 00
<i>Part II.—If hired by time—</i>		
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 taxicabs 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 passenger 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 30th day of September 1964.

By Order of the Municipal Council of Nakuru.

K. M. LOUIS,
Town Clerk.

Approved this 5th day of April 1965.

L. G. SAGINI,
Minister for Local Government.