

(Legislative Supplement No. 4)

## CORRIGENDUM

Legal Notice No. 275 of 1967, page 484: —

In the First Schedule, *substitute* "Sh. 39/60" for "Sh. 29/60".

LEGAL NOTICE NO. 13

(244108)

## THE TRAFFIC ACT

(Cap. 403)

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

THE MUNICIPAL COUNCIL OF THIKA  
(HAMALI CARTS AND HAND CARTS) BY-LAWS 1967

1. These By-laws may be cited as the Municipal Council of Thika (Hamali Carts and Hand Carts) By-laws 1967.

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

"council" means the Municipal Council of Thika;

"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; and

"Town Clerk" means the person for the time being holding the office of Town Clerk of Thika, 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 license 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 therefore prescribed in the 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—

- (a) load any hamali cart with a load exceeding one ton in weight or with a load exceeding ten feet in height measured from the ground; or
- (b) use any hamali cart width of which, whether loaded or unloaded, exceeds eight feet.

(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 one 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) Any person who contravenes the provisions of paragraph (1), (2), and (3) of this by-law shall be guilty of an offence against these By-laws.

9. (1) If the council are satisfied it is expedient for facilitating the passage of traffic it may from time to time make a resolution as regards any public street in the municipality prohibiting the use of

the street by hamali carts or hand carts either generally or subject to exceptions specified in the resolution and either at all times or at times, on days or during periods so specified:

Provided that every such resolution shall be published in the Gazette and notices to that effect shall be posted in conspicuous places within the Municipality.

(2) Any person who contravenes the provisions of paragraph (1) of this by-law 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.

#### 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 Licences Issued After 1st July</i>
Hamali Carts ..	Sh. 40	Sh. 25
Hand Carts ..	30	20

By Order of the Municipal Council of Thika.

Made this 30th day of November 1967.

F. W. KAGWE,  
*Town Clerk.*

Approved this 22nd day of December 1967.

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