

LEGAL NOTICE No. 151

THE TRAFFIC ACT

(Cap. 403)

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

THE TOWN COUNCIL OF KISII (TAXI-CAB) BY-LAWS, 1976

PART I—INTRODUCTORY

Citation. 1. These By-laws may be cited as the Town Council of Kisii (Taxi-Cab) By-laws, 1976.

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

“council” means the Town Council of Kisii;

“licence” means a valid licence issued under by-law 6;

Cap. 403. “owner” means the person in whose name a taxi-cab or prospective taxi-cab is registered under Part II of the Traffic Act and in relation to a vehicle which is the subject of a hire purchase agreement or hiring agreement, includes the person in possession of the vehicle under that agreement;

“passenger” means a person carried in a vehicle for hire or reward;

“ply for hire” includes—

(i) standing on any taxi rank;

(ii) standing or travelling whilst exhibiting a “For Hire” notice or any other word or sign implying that the vehicle is a taxi-cab;

(iii) being offered for hire by any notice, advertisement or announcement;

“sealed” means sealed by an officer of the council duly authorized by the town engineer so to do;

“taxi-cab” means any public service motor vehicle constructed or adapted to carry not more than seven passengers, exclusive of the driver, which is licensed to ply for hire or reward;

“taxi rank” means any one of the places prescribed by the council under by-law 28;

“town” means the town of Kisii;

“town clerk” means the person for the time being holding the office of town clerk of Kisii and includes the deputy town clerk;

“town engineer” means the person for the time being holding the office of town engineer of Kisii and includes the deputy town engineer;

“vehicle” does not include a motor omnibus as defined by section 2 of the Traffic Act.

Application. 3. These By-laws shall apply to a taxi-cab and its owner and driver and the owner of any vehicle who permits such vehicle to ply for hire as a taxi-cab and the driver of any vehicle who drives such vehicle as a taxi-cab.

PART II—LICENCES

4. (1) The licences which may be issued under these By-laws are— Licences.

(a) a taxi-cab licence; and

(b) a taxi-cab driver's licence.

(2) Subject to by-law 7 and by-law 32, a licence shall expire on the 31st December in the year for which it is issued.

5. (1) An application for a taxi-cab licence shall be made in the form provided in that behalf by the town clerk and shall be signed by the owner. Application for licence.

(2) An application for a taxi-cab driver's licence shall be made in the form provided in that behalf by the town clerk and shall be signed by the applicant.

(3) An application form shall be completed in the English language and the town clerk may refuse to accept an application form which is not correctly completed.

(4) An application form shall be delivered to the town clerk at least two months before the date on which the licence is intended to take effect.

6. (1) On application being made in accordance with by-law 5, the town clerk shall, subject to by-law 7 and by-law 13, and after consultation with the police as regards section 96 (3) (f) of the Traffic Act, issue a licence which shall, in the case of a taxi-cab licence, be in the form specified in the First Schedule and, in the case of a taxi-cab driver's licence, be in the form specified in the Second Schedule. Town clerk to issue licence.

(2) The town clerk shall issue, in addition to the licence in respect of which application is made—

(a) in the case of a taxi-cab licence, a licence plate bearing the number of the licence issued and the number of passengers the vehicle is licensed to carry, and a tariff card showing the maximum taxi-cab fares authorized under Part V; and

(b) in the case of a taxi-cab driver's licence a badge bearing the number of the licence issued.

(3) There shall be paid to the council at the time a licence, plate or badge is issued pursuant to paragraph (1) or (2), the fees prescribed therefor in the Third Schedule.

(4) Every licence shall be under the hand of the town clerk or such other officer of the council as he may, in writing, authorize in that behalf.

7. (1) The town clerk shall refuse to issue, and the council may at any time cancel, a licence if— Power to refuse licence.

(a) in the case of a taxi-cab licence—

(i) the owner is not resident within Kenya or is an undischarged bankrupt; or

(ii) the issue of the licence is prohibited by by-law 13; or

(iii) the vehicle to which the application or licence relates does not comply with the requirements of the Traffic Act, or of any rules made thereunder, or, in the opinion

of the town engineer, does not comply with any of the requirements of these By-laws or is otherwise unfit for use as a taxi-cab and the town engineer so certifies in writing; or

(iv) the vehicle to which the application or licence relates has an engine capacity of less than 800 c.c.; and

(b) in the case of a taxi-cab driver's licence—

(i) the applicant is unable to comply with the Fourth Schedule; or

(ii) if the applicant or licensee is not the holder of a valid Kenya driving licence for the type of vehicle to be used as a taxi-cab issued under the Traffic Act; or

(iii) if the applicant is not a fit and proper person to hold such a licence.

(2) The town clerk may cancel or refuse to issue a taxi-cab driver's licence if the applicant has been convicted of an offence against the Traffic Act or these By-laws.

Transfer of
licence.

8. (1) The town clerk may, subject to by-law 7, with the consent of the holder thereof upon payment of a fee of twenty shillings, transfer a taxi-cab licence from the holder to another person.

(2) No licence shall be transferred so as to apply to a vehicle other than that in respect of which the original application was made and the licence issued.

Licence to
corporation.

9. A taxi-cab licence issued to a body corporate shall be issued in the name of the body to the secretary thereof.

Duplicate
licence or
plate.

10. (1) An application for a duplicate licence or licence plate or badge shall be made in writing to the town clerk and shall set forth details of the lost licence, plate or badge, as the case may be, and the manner in which the same was lost or destroyed.

(2) The town clerk shall, if satisfied as to the facts disclosed in the application referred to in paragraph (1) of this by-law, and on payment of a fee of ten shillings in the case of a taxi-cab licence or plate and five shillings in the case of a taxi-cab driver's licence or badge, issue a duplicate thereof.

Power to carry
on business.

11. (1) In the event of the death, bankruptcy, unsoundness of mind or absence from Kenya of a person holding a taxi-cab licence it shall be lawful for the purposes of these By-laws and, subject to by-law 7, for the widow, executor, administrator, trustee or manager or any other person approved by the town clerk in writing to carry on until the end of the year in respect of which the licence has been issued the business of such licence without any transfer or grant of a new licence.

(2) Any person permitted to carry on a business under paragraph (1) shall possess all the rights and be liable to all the duties and obligations of the original licensee under these By-laws.

Surrender of
licence.

12. Where a licence is surrendered to the town clerk on or before the 30th June in any year, a refund of half the fee thereof shall be made.

13. (1) The council may by resolution limit the number of taxi-cabs which may operate within the town at any time during the next ensuing year, and the town clerk shall not in that year issue any taxi-cab licence in excess of the number contained in such resolution or any amendment thereto.

Limitation on
number of
taxi-cabs.

(2) The town clerk shall, within 14 days of its adoption by the council, cause any such resolution or amendment as is mentioned in paragraph (1) to be published in a newspaper circulating within the town.

PART III—PROVISIONS APPLICABLE TO TAXI-CABS

14. (1) An owner shall, when so required in writing by the town clerk, cause his taxi-cab to be produced for examination:

Examination.

Provided that, subject to the provisions of paragraph (5), no taxi-cab, having been examined and certified as fit for use as a taxi-cab, shall be required to be re-examined within a period of three months from the date of such certification.

(2) The town clerk may, on the advice of the town engineer after such examination, suspend the licence in respect of any taxi-cab until such time as the vehicle is, in the opinion of the town engineer, fit in all respects to be used as a taxi-cab.

(3) There shall be paid to the council at the time for each such examination, as is referred to in paragraph (1), a fee of shillings ten in respect thereof:

Provided that if a vehicle necessarily has to be examined two or more times before it is certified by the town engineer as being fit for use as a taxi-cab, a fee of shillings thirty shall be payable by the owner for each examination subsequent to the first.

(4) An owner shall within forty-eight hours of its occurrence, report in writing to the town clerk any accident in which damage is caused to a taxi-cab.

(5) On receipt of notification of an accident, as is provided for in paragraph (4), the town clerk may immediately require the taxi-cab to be re-examined, and such taxi-cab shall then be produced for examination within forty-eight hours of the time of posting a notice to this effect by registered post to the last known address of the owner.

(6) Any owner who—

(a) contravenes or fails to comply with this by-law; or

(b) permits the vehicle to be on hire or to ply for hire whilst the licence relating thereto is suspended; shall be guilty of an offence.

15. An owner and driver of a taxi-cab shall cause to be exhibited in such vehicle in a position clearly visible to a passenger the tariff card issued pursuant to paragraph (2) of by-law 6.

Tariff card.

Licence plate.

16. (1) An owner shall cause the licence plate issued pursuant to the provisions of paragraph (2) of by-law 6 to be attached to the vehicle and maintained in such a manner and position as the town engineer may direct.

(2) Any owner who causes or permits a taxi-cab to be on hire or to ply for hire without the plate referred to in paragraph (1) being attached thereto or with such plate so defaced that any figure or material particular thereon is illegible shall be guilty of an offence against these By-laws.

Fittings in taxi-cabs.

(3) An owner shall within seven days of the expiry of his taxi-cab licence either by effluxion of time, surrender or cancellation under by-law 7 or by-law 32 return to the town clerk the licence plate referred to in paragraph (1).

17. (1) An owner shall in respect of a taxi-cab—

- (a) provide and maintain sufficient means by which any passenger may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide and maintain any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned and covered;
- (e) cause the floor to be provided with a proper carpet, or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide and maintain adequate means of securing luggage carried on the vehicle;
- (h) provide and maintain adequate internal lighting with at least one light switch so fitted as to enable a passenger to operate it;
- (i) provide and maintain easily accessible means for a passenger to open at least one door on each side of the vehicle from the inside;
- (j) provide efficient fire extinguishers which shall be always maintained in perfect order and shall be carried in such a position as to be readily available for use at any time;
- (k) provide first aid box with perfect medical equipment and medicines.

(2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or ply for hire whilst paragraph (1) not complied with, shall be guilty of an offence against these By-laws.

Taxi-meters.

18. (1) Every taxi-cab shall be provided with a taxi-meter of a type approved by the town engineer which shall be maintained in proper working order and shall be set to indicate no greater fares than those prescribed by by-law 26.

(2) The taxi-meter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any passenger, and for that purpose the letters and figures shall be capable of being suitably illuminated.

(3) If the taxi-meter provided under paragraph (1) is not fitted with a flag or other device bearing the words "For Hire" clearly visible to persons outside the vehicle the owner shall cause the vehicle to be provided with a sign so constructed as to comply with the following requirements—

(a) the sign shall bear the words "For Hire" in letters at least one and a half inches in height;

(b) the sign shall be capable of being operated so that it indicates clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire, and for that purpose the letters and figures shall be capable of being suitably illuminated.

(4) The taxi-meter and all fittings thereof shall be so sealed that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or seals.

(5) Any person who plies for hire in any taxi-cab or permits any other person so to do whilst—

(a) no taxi-meter is fitted thereto; or

(b) the taxi-meter is not in working order; or

(c) the taxi-meter is not sealed;

shall be guilty of an offence.

19. (1) Every taxi-cab shall have painted on the outside of both front doors of the vehicle and affixed inside in a position plainly visible to a passenger, in legible letters and figures— Identification.

(a) the name of the owner; and

(b) the business address of the owner; and

(c) the number of the licence issued in respect of the vehicle pursuant to by-law 6; and

(d) the number of passengers the taxi-cab is licensed to carry.

(2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or to ply for hire with any such painting or sign as is mentioned in paragraph (1) so defaced that any letter or figure is illegible, shall be guilty of an offence.

PART IV—PROVISIONS APPLICABLE TO TAXI-CAB DRIVERS

20. (1) Every driver of a taxi-cab shall, whilst in charge of the taxi-cab— Drivers of taxi-cabs.

(a) behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of a person conveyed in, or entering into, such a taxi-cab, and ensure the safety of the passenger's luggage;

- (b) punctually attend with such taxi-cab at an appointed time and place if he is hired to be in attendance with such taxi-cab at the appointed time and place, unless he is prevented or delayed by circumstances outside his control;
- (c) and subject to any directions given by the hirer, when hired to drive to some particular destination, proceed to that destination by the shortest available route;
- (d) not convey in the vehicle any greater number of passengers than the number for which it is licensed;
- (e) wear the licence badge issued to him pursuant to by-law 6, in such a position and manner as to be plainly and distinctly visible;
- (f) when requested by any person hiring or seeking to hire the vehicle—
 - (i) convey on the vehicle a reasonable amount of luggage;
 - (ii) secure any luggage carried outside the vehicle;
 - (iii) afford reasonable assistance in loading and unloading the vehicle;
 - (iv) afford reasonable assistance in removing the luggage to or from the entrance of any house, station or place at which he may take up or set down such person:

Provided that this paragraph does not apply in the case of a taxi-cab which is not so constructed as to carry luggage;

- (g) if any property left in the vehicle is found by or handed to him, convey such property (if not sooner claimed by or on behalf of the owner thereof) within 24 hours to a police station in the town, and leave it in the custody of a police officer on his giving a receipt for it;
- (h) except when engaged on hire or obstructed by traffic or other reasons beyond his control, not allow the vehicle to stand on any street or other public place elsewhere than a taxi-rank;
- (i) refuse to convey any person who to his knowledge is suffering from infectious or contagious disease, or is a carrier of any such disease:

Provided that if, to his knowledge, he has conveyed a person suffering from or who is a carrier of any infectious or contagious disease, forthwith report to the department of the medical officer of health at the Town Hall, Kisii, and carry out such instructions as he may receive with respect to the disinfection of his vehicle;

- (j) carry his taxi-cab driver's licence and produce the same to a town inspector or police officer if requested so to do;
- (k) be clean in person and clothing;
- (l) refrain from smoking or spitting whilst carrying a passenger.

(2) Any driver of a taxi-cab who contravenes or fails to comply with this by-law shall be guilty of an offence.

21. (1) The driver of a taxi-cab shall—

Use of
taxi-meters.

(a) when plying for hire, keep the taxi-meter locked in the position in which no fare is recorded on the face of the taxi-meter or, if a sign is provided pursuant to paragraph (3) of by-law 18, so operate the sign that the words "For Hire" are clearly and conveniently legible to a person outside the vehicle;

(b) as soon as the vehicle is hired, operate the said sign so that the words "For Hire" are not visible to persons outside the vehicle;

(c) as soon as the vehicle is hired, bring the machinery of the taxi-meter into action;

(d) cause the dial of the taxi-meter to be kept properly illuminated throughout any part of the hiring which is during the night, as defined in the Traffic Rules, and also at any other time at the request of the hirer.

Cap. 403.
(Sub. Leg.).

(2) Any driver who contravenes or fails to comply with this by-law shall be guilty of an offence.

22. Any driver who, when plying for hire, importunes any person to hire the vehicle by calling out or otherwise attracting their attention or makes use of the services of any other person for that purpose, shall be guilty of an offence.

Prohibition
of importuning
for fares.

23. (1) The driver of a taxi-cab, when plying for hire in any street, shall—

Use of
taxi-ranks.

(a) proceed with reasonable speed to a taxi-rank;

(b) if a taxi-rank, at any time of his arrival, is occupied by the full number of vehicles authorized to occupy it, proceed to another rank;

(c) subject to subparagraph (b), when drawing up at a taxi-rank, station the vehicle immediately behind the hindermost vehicle on the rank;

(d) when any other vehicle immediately in front is driven off or moved forward, cause his vehicle to be moved forward so as to fill the place previously occupied by the vehicle so moved off or driven forward;

(e) when in front or in the next to the front position in a taxi-rank remain with the vehicle ready for hire.

(2) Any driver who contravenes or fails to comply with this by-law shall be guilty of an offence.

24. (1) Subject to subparagraph (d) of paragraph (1) of by-law 19, the driver of a taxi-cab, unless already on hire or returning to the garage, shall not refuse to accept any person as a passenger unless—

Refusal
of passengers.

(a) he believes on reasonable grounds that such person is suffering from an infectious or contagious disease; or

(b) he believes on reasonable grounds that the acceptance of such person would result in damage to the vehicle or danger himself or other passengers.

(2) Any driver who contravenes or fails to comply with paragraph (1) shall be guilty of an offence.

Additional passengers.

25. Any driver of a taxi-cab who when on hire, accepts any other passenger or passengers without the consent of the original hirer, shall be guilty of an offence.

PART V—FARES

Fares.

26. The owner or driver of a taxi-cab shall be entitled to demand for hire of the vehicle the fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring to engage by time:

Provided that where the hiring is by distance the owner or driver thereof shall not be entitled to demand a fare greater than that on the face of the taxi-meter, save for any extra charges authorized by the following table which may not be recorded on the face of the taxi-meter.

	<i>Maximum Fares</i> <i>Sh. cts</i>
(i) Distance:	
If the whole distance does not exceed one mile	2 00
If the distance exceeds one mile, for the first mile 	2 00
For subsequent mileage at the rate of (per quarter-mile or part thereof) 	50
(ii) Waiting time:	
For each 15 minutes 	2 00
(iii) Extra charges:	
For each article of luggage conveyed on a luggage rack outside the vehicle per journey	1 00
For each passenger in excess of two per mile	1 00

Prohibition against demanding greater fares.

27. Any owner or driver of a taxi-cab who demands a greater fare than that authorized by by-law 26 shall be guilty of an offence.

PART VI—MISCELLANEOUS

Position of taxi-ranks.

28. (1) The council may by resolution prescribe an area to be a taxi-rank.

(2) The position of each taxi-rank prescribed in accordance with paragraph (1) shall be indicated by a sign erected by the council adjacent thereto and shall state the maximum number of vehicles authorized to occupy the rank.

(3) Any person who parks a vehicle other than a taxi-cab in an area prescribed under paragraph (1) as a taxi-rank shall be guilty of an offence.

29. (1) An owner of a vehicle who permits such vehicle to be on hire or to ply for hire within the town whilst no licence issued under by-law 6 is in force in respect of such vehicle shall be guilty of an offence.

(2) Any person who shall—

(a) drive a vehicle on hire; or

(b) ply for hire in a vehicle,

whilst no licence issued under by-law 6 is in force in respect of such vehicle shall be guilty of an offence.

30. Any person who, not being the holder of a taxi-cab driver's licence issued under by-law 6, drives a vehicle whilst on hire or plying for hire, shall be guilty of an offence.

Unlicensed driver.

31. For the purpose of any proceedings under by-law 29 or 30, a vehicle which without good and sufficient reason stands in the immediate vicinity of a railway station, omnibus stop or taxi-rank for a period of more than ten minutes during any three days in any one period of seven consecutive days, shall, until the contrary is proved, be deemed to be plying for hire.

Presumption as to plying for hire.

32. (1) Any person who is guilty of an offence under these By-laws shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding one month or both such fine and such imprisonment.

Penalties.

(2) Any person who within any period of two consecutive years, is twice convicted of an offence or offences against these By-laws shall be liable, in addition to any other penalty which the court may impose, to have his licence cancelled by the court from such date as the court may think fit, and the court may order that any such person shall be debarred from obtaining a licence for a period, not exceeding one year.

(3) Offences under these By-laws shall be cognizable to the police.

FIRST SCHEDULE

(By-law 6)

TOWN COUNCIL OF KISII (TAXI-CAB) BY-LAWS, 1976

TAXI-CAB LICENCE

No.

Licence is hereby granted to

of
to ply for hire with the taxi-cab hereinunder described, in accordance with the Town Council of Kisii (Taxi-Cab) By-laws, 1976.

Make of vehicle

Registration No.

Maximum number of passengers

SCHEDULE—(Contd.)

Subject to the said By-laws, this licence shall expire on the 31st December, 19.....

Date

Town Hall, Kisii.

.....
Town Clerk, Town Council of Kisii.

SECOND SCHEDULE

(By-law 6)

TOWN COUNCIL OF KISHI (TAXI-CAB) BY-LAWS, 1976

TAXI-CAB DRIVER'S LICENCE

No.

Licence is hereby granted to
.....
of
to drive a taxi-cab in the Town Council of Kisii in accordance with the Town Council of Kisii (Taxi-Cab) By-laws, 1976.

Subject to the said By-laws, this licence shall expire on the 31st December, 19.....

PHOTOGRAPH

Date

Town Hall, Kisii.

.....
Town Clerk, Town Council of Kisii.

THIRD SCHEDULE

(By-law 6)

LICENCE FEES

The fees set out in the second column shall be payable in respect of the licences, plates and badges set out in the first column.

<i>Licence</i>	<i>Fee Sh.</i>
(a) Taxi-cab licence issued before the 1st day of July in any year	150
(b) Taxi-cab licence issued after the 30th day of June in any year	100
(c) Taxi-cab driver's licence	10
(d) Taxi-cab licence plate	5
(e) Taxi-cab driver's licence badge	1

FOURTH SCHEDULE

(By-law 7)

An application for a taxi-cab driver's licence under these By-laws must—

- (1) have a thorough knowledge of the tariff of fares authorized for the time being, by-law 26;
- (2) have a thorough knowledge of routes, places and distances within the town and the Traffic Act and relevant Rules and By-laws;
- (3) be able to understand English and read and write numbers in English;
- (4) be at least 18 years of age;
- (5) be at least five feet in height;
- (6) produce testimonials of good conduct from two responsible persons who have known him for a period of at least 12 months;
- (7) produce a medical certificate that he is free from infirmity of mind and body;
- (8) produce two copies of a photograph as a means of identification;
- (9) produce a current Kenya driving licence valid for the type of vehicle to be used as a taxi-cab.

Made this 21st day of June, 1976.

By Order of the Town Council of Kisii.

P. N. ANASSI,
Town Clerk.

Approved this 8th day of July, 1976.

R. S. MATANO,
Minister for Local Government.