

LEGAL NOTICE No. 296

THE TRAFFIC ACT

(Cap. 403)

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

THE NAIVASHA AREA COUNCIL (HAMALI CARTS AND HAND CARTS) BY-LAWS 1968

1. These By-laws may be cited as the Naivasha Area Council (Hamali Carts and Hand Carts) By-laws 1968.

In these By-laws, except where the context otherwise requires—

“clerk” means the person for the time being holding the office of Clerk of 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 Naivasha 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 a hand cart within the area of the jurisdiction of the Council unless the owner thereof has been granted and is in lawful possession of an unexpired licence issued by the Clerk under these By-laws, nor otherwise than in accordance with the terms, if any, of the licence.

(2) Any person who contravenes paragraph (1) of this by-law shall be guilty of an offence.

4. (1) An application for a 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;

(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 therefor prescribed in the First Schedule to these By-laws.

6. (1) The 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 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) 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 Clerk obtained in writing and in accordance with the terms of any conditions which may be attached to such permission.

(4) No person shall cause or permit any hamali cart to stand in or be propelled along or use in any other manner any of the streets specified in the Second Schedule to these By-laws:

Provided that nothing in these By-laws shall prevent any person from causing or permitting a hamali cart to cross any of the streets specified in the Second Schedule by the most direct route when proceeding along any other street or streets.

(5) Any person who contravenes paragraph (1), (2), (3) or (4) of this by-law shall be guilty of an offence.

9. Any person who propels or causes or permits to be propelled any hamali cart along any street within the Township during the hours of 11.45 a.m. to 12.30 p.m., 1.30 p.m. to 2.30 p.m. and 3.45 to 4.30 p.m., shall be guilty of an offence.

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 paragraph (1) of this by-law shall be guilty of an offence.

11. The Clerk may, with the consent of the licence holder, 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.

12. Any person who is guilty of an offence under 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 under these By-laws.

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

FIRST SCHEDULE

(By-law 5 (2))

COLUMN 1	COLUMN 2 <i>For full year 1st January to 31st December</i>	COLUMN 3 <i>Part year where licences issued after 1st July</i>
	Sh.	Sh.
Hamali Carts	40	20
Hand Carts	20	10

SECOND SCHEDULE

(By-law 8 (4))

Streets in which hamali carts are prohibited:—

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By Order of the Area Council of Naivasha.

Made this 12th day of July 1968.

C. BAKHOYA,
Clerk of the Council.

Approved this 21st day of August 1968.

L. G. SAGINI,
Minister for Local Government.