

LEGAL NOTICE NO. 52

THE TRAFFIC ACT

(Cap. 403)

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

THE COUNTY COUNCIL OF KISUMU (CARTS) BY-LAWS, 1978

1. These By-laws may be cited as the County Council of Kisumu (Carts) By-laws, 1978.

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

“cart” means an animal or human drawn vehicle used for the carriage of goods;

“council” means the County Council of Kisumu;

“licence” means a licence granted by the council under these By-laws;

“licensee” means the holder of a licence;

“clerk” means the person for the time being holding the office of the clerk to the council, his deputy or any other person authorized by the clerk to the council in writing for the purpose of these By-laws.

3. (1) No person shall use or permit to be used a cart within the area of jurisdiction of the council unless the owner thereof has been granted and is in 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) An application for the licence by the owner of a cart shall be made to the clerk who may cause such a cart to be inspected and may refuse to license such a cart 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 cart;

(c) the date on which the licence expires;

(d) the maximum load which such vehicle is permitted to carry; and

(e) any other 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 earlier revoked, expire on the thirty-first day of December of the year in respect of 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 to be determined by the council from time to time pursuant to regulation 148 of the Local Government Regulations, 1963.

6. (1) The clerk shall issue, with every licence, a plate bearing a registration number and the date of issue; and such plate shall be affixed to a conspicuous place on the outside body of the cart in respect of which it is issued.

(2) No person shall unlawfully take, use, have possession of, remove, damage or destroy any plate affixed or intended to be affixed to any cart during the period of its validity.

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

7. (1) No person shall load or cause to be loaded a 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 cart shall ensure that the load is securely fastened to the cart.

(3) Every cart shall have rubber tyres on all its wheels.

(4) No person shall, except with the written permission of the clerk obtained in writing and in accordance with the conditions which may be attached to such permission, carry or cause to be carried any article on any cart so as to project more than six feet behind the hindermost part of the body of such a cart or more than one foot outside the wheel hubs of such a cart.

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

8. The clerk may, with the consent of the licensee and upon the payment of a fee to be determined by the council from time to time pursuant to regulation 148 of the Local Government Regulations, 1963, 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 in respect of which it was first issued.

9. 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, provided that the aggregate of such additional fine shall not exceed two hundred shillings.

10. The council may refuse to renew a licence if the holder of such licence has been convicted within the preceding twenty-four months of any offence under these By-laws.

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

Made this 28th day of February, 1978.

By Order of the County Council of Kisumu.

P. F. A. MEMBO,
Clerk to the Council.

Approved this 9th day of March, 1978.

R. S. MATANO,
Minister for Local Government.