

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 163 (Acts No. 37)*



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***KENYA GAZETTE SUPPLEMENT***

**ACTS, 2012**

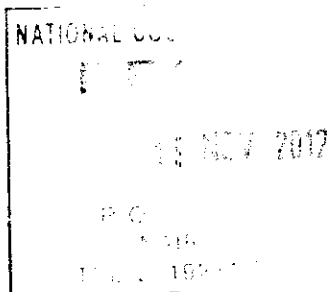
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**NAIROBI, 9th November, 2012**

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**THE TRAFFIC (AMENDMENT) ACT**

**No. 37 of 2012**

*Date of Assent: 1st November, 2012*

*Date of Commencement: 9th November, 2012*

**AN ACT of Parliament to amend the Traffic Act and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows -

1. This Act may be cited as the Traffic (Amendment) Act, 2012.

Short title.

2. The principal Act is amended in section 30(4) by-

Amendment of section 30 of Cap. 403.

(a) deleting the words "of twelve months".

(b) deleting the words "at the option of the holder thereof".

3. The principal Act is amended by inserting the following new section immediately after section 69 -

Insertion of new section 69A in Cap. 403.

Mounting of roadblocks.

**69A.** (1) The Inspector-General of the Police may, by notice in the Gazette, designate a place along a public road on which a police roadblock may be mounted.

(2) A roadblock shall not be mounted in a place other than the place designated under subsection (1), but may be mounted in a non-designated place only in exceptional circumstances certified as such by the Inspector-General or by an officer authorised on that behalf by the Inspector-General.

Amendment of  
section 70 of  
Cap. 403.

4. The principal Act is amended in section 70 by -

- (a) inserting the following new subsection immediately after subsection (1) -

“(1A) Without prejudice to the generality of subsection (1), a highway authority shall cause to be placed on or near a road traffic signs prescribing speed limits on the road.”;

- (b) inserting the following new subsections immediately after subsection (5) -

“(5A) The driving licence of a person who has been convicted for the violation of a speed limit prescribed for a road under subsection (1A) shall be invalidated for a period not less than three years -

(a) if the violation of the limit is by more than twenty kilometres per hour; and

(b) the violation is repeated three or more different times.

“(5B) A person who violates a speed limit prescribed for a road under subsection (1A) by more than twenty kilometres

per hour commits an offence and shall be liable, on conviction, to imprisonment for a term of not less than three months, or a fine of not less than twenty thousand shillings, or both."

5. The principal Act is amended in section 71 by inserting the following new subsection immediately after subsection (1) -

Amendment of section 71 of Cap. 403.

"(1A) The highway authority shall, except in the case of an emergency, as may be determined by the authority, and by notice in the Gazette and in at least two newspapers with national circulation, give notice of the intention to close the road or any part thereof at least seven days before the closure."

6. The principal Act is amended in section 100 by deleting the words "shall each be guilty of an offence and liable to a fine not exceeding twenty thousand shillings" appearing in subsection (2), and substituting therefor the words "commits an offence each and shall be liable, upon conviction, to a fine not exceeding twenty thousand shillings and an additional amount of five thousand shillings for each person in excess of the licensed capacity."

Amendment of section 100 of Cap. 403.

7. The principal Act is amended by inserting the following new sections immediately after section 103 -

Insertion of new section in Cap. 403.

Uniforms  
and special  
badge.

**103A.(1)** Every driver and every conductor of a public service vehicle shall wear a special badge and uniform.

(2) The uniform referred to in

subsection (1) shall be prescribed by the Registrar of Motor Vehicles and shall, in the case of a driver, be navy blue in colour and in the case of a conductor, be maroon in colour.

(3) The special badges required under subsection (1) shall be provided by the Registrar of Motor Vehicles upon satisfaction of all requirements and upon payment of the prescribed fee.

(4) Every driver of a public service vehicle shall undergo compulsory testing after every two years to ascertain his or her competence.

(5) Every owner of a public service vehicle shall employ at least one driver and one conductor who shall be the holder of a certificate of good conduct issued by the relevant authority.

(6) Every conductor or driver of a public service vehicle shall only take up employment as such upon being vetted pursuant to subsection (5) and shall be paid a permanent monthly salary by the owner of the public service vehicle.

(7) A person who contravenes or fails to comply with the provisions of this section commits an offence and shall be liable, upon conviction, to imprisonment for a term not exceeding twelve months, or to a fine of not less than ten thousand shillings, or both.

Helmets and  
reflector  
jackets.

**103B.(1)** A person, including a

passenger, shall not ride on a motor cycle of any kind, class or description without wearing a helmet and a jacket that has reflectors.

(2) A person who rides a motor cycle shall provide a helmet and a jacket that has reflectors to be worn by the passenger, and shall carry only one passenger at a time.

(3) Every motor cycle shall be insured against third party risks in accordance with the Insurance (Motor Vehicles Third Party Risks) Act.

Cap. 405

(4) For the purposes of this section, a helmet shall be of such shape, construction and quality as may, from time to time, be prescribed by the Minister by notice in the gazette.

(5) A person shall not ride a motorcycle unless that person has a valid driving licence issued in accordance with the provisions of the Act.

(5A) The registered owner of a motorcycle shall ensure that any person who rides the motorcycle has a valid driving licence issued in accordance with the provisions of this Act.

(6) For the purpose of this section, "ride" means to operate, manage or to be in control of a motor cycle.

(7) A person who contravenes or fails to comply with the provisions of this section

commits an offence and is liable to a fine not exceeding ten thousand shillings or, in default of payment, to imprisonment for a term not exceeding twelve months.

Unauthorised  
driving.

**103C.** (1) A person who, while not being the designated driver of a public service vehicle, drives the vehicle while not being authorised to do so commits an offence.

(2) The driver of a public service vehicle who lets an unauthorised person drive the vehicle commits an offence.

(3) A person who is convicted of an offence under this section shall be liable to imprisonment for a term not exceeding three years, or a fine not exceeding one hundred thousand shillings.

Insertion of new  
sections 117A  
and 117B in Cap.  
403.

**8.** The principal Act is amended by inserting the following new sections immediately after section 117 -

Preparation  
of summary  
document.

**117A.** The Inspector-General of the Police shall cause to be prepared a document showing the offences set out in this Act and their respective penalties, in a summary form, and the document shall be made available to all law enforcement officers for purposes of enforcing this Act.

Officer  
Commanding  
Police  
Division to  
be in charge  
of Traffic  
matters.

**117B.** In each police division, the Officer Commanding Police Division shall be responsible for traffic matters within the division and all police officers shall be responsible for traffic matters."