SPECIAL ISSUE

Kenya Gazette Supplement No 13 (Garissa County Bills No 8)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

GARISSA COUNTY BILLS, 2018

NAIROBI, 9th October, 2018

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Bill for Introduction into the County Assembly of Garissa —

The Garissa County Omnibus Stations and Parking Bill, 2018 1

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PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI
THE GARISSA COUNTY OMNIBUS STATIONS AND PARKING BILL, 2018

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THE GARISSA COUNTY OMNIBUS STATIONS AND PARKING BILL, 2018

A Bill for

AN ACT of Garissa County Assembly to regulate omnibus activities in the county and to ensure order and cleanliness in the omnibus stations and for connected purposes

ENACTED by the Garissa County Assembly as follows—

PART I—PRELIMINARY

Short title

1 This Act may be cited as the Garissa County Omnibus Stations and Parking Act, 2018 and shall come into force upon publication in the Gazette

Interpretation

2 In this Act, unless the context otherwise requires—

“authorized officer” includes the Enforcement Officer or any person acting under the authority of the chief officer,

“department” means the department of urban development,

“director” means the person for the time being holding the office of the director of the directorate of urban planning and development and includes his deputy and any other officer of the department authorized by the director in writing for purpose of this act,

“chief officer” means the person for the time being holding the office of the chief officer to the directorate of urban planning and development and includes his deputy and any other officer of the department authorized by the director in writing for purpose of this act,

“Executive Committee Member” means the county Executive Committee Member for the time being responsible for Urban development,

“omnibus” means a public service vehicle having seating capacity of more than ten (10) passengers exclusive of the driver,

“omnibus station” means such omnibus stations as may from time to time be prescribed,

“park” means to draw up a vehicle and leave the same stationary in a street or public place for a continuous period exceeding five minutes,

“permits” includes licenses, fees or charges issued under the provisions of this Act,
“station supervisor” means the person appointed to manage, control and supervise the omnibus station specified in such appointment and includes their authorized assistant, and

“vehicle” includes any motorcycle, tractor, trailer, wagon, hand cart, pedal bicycle and any other motor or manual or electric vehicle,

**Objects and purposes**

3 The object and purpose of this Act is to provide for a legislative framework for regulating omnibus activities and in particular to—

(a) require the licensing of omnibus activities,

(b) designate omnibus stations, and

(c) provide for the institutional framework for regulating omnibus station

**PART II—REGULATION PROVISIONS**

**Executive Committee Member**

4 The Executive Committee Member shall be responsible for enforcing the provisions of this Act

**Parking fees**

5 A person engaging in any passenger transport business shall pay parking fees as prescribed in the county finance Act

**Starting or terminating a journey**

6 (1) A driver of an omnibus when carrying passengers for hire or reward shall only start or terminate a journey at an omnibus station or other designated places

(2) A driver of an omnibus when carrying passengers for hire or reward shall follow such routes as are prescribed for the purpose of starting or terminating the journey

**Complete journey**

7 A driver of an omnibus when carrying passengers for hire or reward, once having departed from an omnibus station, shall not return to that omnibus station until they have completed the scheduled journey in respect of such departure of scheduled journey

**Parking places**

8 (1) An omnibus, whilst plying for hire or reward and carrying passengers, shall not be parked in any place other than omnibus stations
(2) Despite subsection (1) nothing in this section shall apply to an omnibus stopping at the designated place prescribed as an omnibus stop for the purpose only of—

(a) Picking up passengers on the outward journey for destination outside the omnibus station, or

(b) Setting down passengers from outside the omnibus station on the onward journey

Approval of timetable

9 (1) An owner of an omnibus utilizing an omnibus station shall furnish the authorized officer with a copy of their operative timetable indicating the scheduled arrival and departure times, and the authorized officer may in his/her discretion approve such a timetable

(2) Before the authorized officer approves a submitted timetable he/she may, if necessary require that amendments be made to it in the interests of the efficient and smooth running of an omnibus station

(3) An owner/operator of a motor omnibus shall adhere to their approved timetable

(4) A motor omnibus shall not remain within the omnibus station if not scheduled for travel based on the approved timetable

(5) Where the approved timetable provides an interval exceeding one hour between the arrival and departure of any motor omnibus, such omnibus shall be removed from the omnibus station to a lawful place of parking not being parking provided adjacent to a carriageway and it shall not be returned to the omnibus station earlier than thirty minutes before departure time

Manner of parking

10 (1) All motor omnibuses within an omnibus station shall be under the directions of a station supervisor and the drivers of any such omnibus shall at times comply with and obey all instruction and orders given by the station supervisor in respect of the place and manner of parking, the time of departure and arrival and any other matters conducive to the efficient and safe operation of an omnibus station

(2) A motor omnibus once having been parked in a parking bay shall not be removed from such a bay without the express permission of the station supervisor except when starting a journey

(3) An Authorized Officer may from time to time lay down conditions covering such matters referred to in subsection (1) and may cause such conditions to be prominently displayed at an omnibus station
Removal of omnibus

11 (1) Where a motor omnibus is left in an omnibus station otherwise than in the manner prescribed by this law, the station supervisor or a Police officer may have the same removed and kept in safe custody

(2) An owner/operator of a motor omnibus removed in pursuance of subsection (1) shall not be entitled to recover such omnibus until they have paid to the department the prescribed fee within twenty four hours or the duration the vehicle has been in custody together with the total sum in respect of expenses incurred in removing and keeping the same in safe custody

Sales

12 A person shall not use, or cause to be used any motor omnibus parked in the omnibus station for purpose of effecting any sale, purchase or exchange of any goods

Manner of boarding an omnibus

13 Where six or more persons are waiting to board a motor omnibus at an omnibus station they shall form a queue, and no person shall board or attempt to board an omnibus ahead of any person in such a queue

Instructions and directions of station supervisor

14 Every person in an omnibus shall comply with and obey all lawful instructions, directions or orders given by a station supervisor for the purpose of controlling or supervising the omnibus station

Power of arrest

15 A police officer or an authorized officer shall have powers to arrest any person who contravenes the provisions of this Act

Powers of police officers or authorized officers

16 (1) A police officer or an authorized officer shall have the power to arrest, tow, detain, or confiscate vehicles where a provision of this Act has been contravened

(2) A person, who obstructs a police officer or an authorized officer from enforcing the provisions of this Act, commits an offence

(3) If a vehicle is towed or detained, the authorized officer or police officer shall release it to the owner after payment of the towing charges, other expenses and after meeting the requirements of this Act
Conduct of persons

17 A person shall not deposit or cause to be deposited in an omnibus station any refuse or garbage otherwise than in receptacle provided for that purpose by the Department.

Obstruction

18 A person at omnibus station or at a country omnibus station shall not—

(a) willfully interfere with or obstruct a station supervisor acting in the performance of his duties,

(b) willfully interfere with or obstruct any person alighting from or boarding or intending to board an omnibus,

(c) enter or attempt to board an omnibus otherwise than by the doors provided for that purpose,

(d) willfully obstruct any driver or conductor of an omnibus from acting in the performance of his/her duty as a driver or conductor, or

(e) Otherwise behave in a disorderly manner.

Nuisance

19 A person shall not, within an omnibus station—

(a) urinate in a place other than a lavatory,

(b) interfere with or molest any other person,

(c) tout or shout or call out for customers

(d) cause any disturbance or use any offensive, or abusive language,

(e) damage, deface, foul, misuse or interfere with any part of such omnibus station or any equipment, fitting or fixture provided thereon or therein,

(f) spit,

(g) play games or loiter therein or thereabouts, or

(h) operate or cause or to operate an instrument fitted into an omnibus capable of giving audible and efficient warning of its approach or position in such a manner as to be so loud and so continuous or repeated as to cause annoyance and be a nuisance to the public.
Ticket offices

20. Where ticket offices are provided by the Department on payment of rent, a person shall not within or in the vicinity of an omnibus station buy or sell a ticket or any document purporting to entitle a person to travel on any omnibus except at such ticket offices.

Hawking and trading

21. A person shall not hawk, solicit or carry on any trade within or in the vicinity of an omnibus station.

Trading facilities

24. The Department may provide suitable trading facilities in an omnibus station and such facilities may be let or hired out upon such condition as it may from time to time determine.

Fees and charges

25. (1) The owner/operator of any omnibus using an omnibus station shall pay to the department such fees as may be prescribed.

(2) For the purpose of this section any omnibus driven into an omnibus station shall be deemed to be using the omnibus station.

(3) A person shall not drive an omnibus into an omnibus station when the fees due in that respect thereof has not been paid.

Protection from personal liability

26. No matter or thing done by any authorized officer, employee or agent of the department shall, if the matter or thing is done in good faith while executing the functions, powers or duties under this Act, render the authorized officer, employee or agent personally liable for any action, claim or demand whatsoever.

Offences and penalties

27. (1) A person who contravenes any of the provisions of this Act commits an offence, and is liable upon conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding twelve months or to both.

(2) In case of a subsequent conviction for the same offence referred to in subsection (1) the fine shall not exceed one hundred thousand shillings or a term of imprisonment not exceeding three years or both.

Regulations

28. The County Executive Committee Member may make regulations for the better carrying out of the provisions of this Act.
MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to omnibus activities in the county and to ensure order in the omnibus stations. The Act requires that a person before operating an omnibus be permitted in accordance with the Act. It also establishes the institutional framework.

The structure of the Bill is as follows—

**Part I** (clauses 1–3) of the Bill contains preliminary provisions. These include the title of the Bill, interpretation of terms and a statement of objects of the Act. Among the objects are the requirements to require the licensing of omnibus activities, designate omnibus stations, and provide for the institutional framework for regulating omnibus stations.

**Part II** (clauses 4–27) of the Bill provides for substantive provisions. The Director of Urban Planning and Development will be responsible for enforcing the provisions of the Bill assisted by other authorized officers through the power of delegation. Additionally, regulation provisions such as when an omnibus starts and when it completes a journey, parking places, timetables before being followed by omnibus need to be approved by the Executive Committee Member, manner of parking. Further, how passengers are to conduct themselves has also been catered for, manner of entering an omnibus, that instructions and directions of station supervisor need to be followed, among others.

The enactment of this Bill shall occasion additional expenditure of public funds which shall be provided through the estimates.

SULEIMAN MOHAMED,
Chairperson, Committee on Lands, Housing and Urban Planning