

THE INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) (AMENDMENT) ACT, 1978

No. 14 of 1978

Date of Assent: 8th November, 1978

Date of Commencement: By Notice

An Act of Parliament to amend the Insurance (Motor Vehicles Third Party Risks) Act in relation to the mandatory display of certificates of insurance and security and other matters

ENACTED by the Parliament of Kenya as follows:—

Short title and commencement.

1. This Act may be cited as the Insurance (Motor Vehicles Third Party Risks) (Amendment) Act, 1978, and shall come into operation on such day as the Minister may, by notice in the Gazette, appoint; and the Minister may appoint different days for different provisions.

Amendment of section 3 of Cap. 405.

2. The Insurance (Motor Vehicles Third Party Risks) Act, hereinafter called the principal Act, is amended in section 3 by deleting the definition of “policy of insurance”.

Amendment of section 6 of Cap. 405.

3. The principal Act is amended in section 6—

(a) by inserting in subsection (2) after the words “in the prescribed form” a comma and the words “, subject to such fee”;

(b) by substituting a semi-colon for the full stop at the end of subsection (2) and adding the following—

and where the owner owns more than one vehicle in respect of which such a security has been approved, the Minister shall issue a separate certificate of security or a copy of the original certificate in respect of each such vehicle.;

(c) by adding the following new subsection—

(4) In this section “Minister” means the Minister for the time being responsible for finance.

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4. Section 7 of the principal Act is amended by deleting from subsection (1) the words “at the same time as a cover note is issued”.

Amendment of
section 7
of Cap. 405.

5. Section 8 of the principal Act is amended by inserting a comma after the word “cease” in the third line.

Amendment of
section 8
of Cap. 405.

6. The principal Act is amended by repealing section 9 and substituting the following—

Repeal and
replacement of
section 9
of Cap. 405.

Display, etc.,
of certificate
of insurance.

9. (1) Any person driving a motor vehicle on a road or owning a motor vehicle so driven, in respect of which a policy of insurance is required to be in force under this Act, shall carry and display or cause to be carried and displayed on the vehicle a certificate of insurance in the prescribed form, place and manner.

(2) If, in any case, owing to the presence of a motor vehicle on a road an accident occurs whereby injury is caused to any person, and a certificate of insurance required under this Act is not inspected by a police officer at or near the site of the accident, the driver or the owner of that vehicle shall as soon as reasonably possible, and in any case within twenty-four hours of the occurrence of the accident, show or cause to be shown at a police station or to a police officer the certificate of insurance in force in respect of that vehicle, either on the vehicle, or, if the vehicle cannot reasonably be produced, detached from the vehicle.

(3) Any person who fails to display a certificate of insurance in accordance with subsection (1) of this section or to comply with the requirements of subsection (2) of this section shall be guilty of an offence.

(4) The owner of a motor vehicle shall, within seven days after having received an oral or a written request to that effect, give such information as he may be required to give by a police officer for the purpose of determining whether the vehicle was or was not being driven in contravention of section 4 of this Act, and if the owner fails to do so he shall be guilty of an offence.

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Amendment of
section 10
of Cap. 405.

7. Section 10 of the principal Act is amended by deleting subsection (2) (c) (iii) thereof and substituting the following—

(iii) either before or after the happening of the said event, but within a period of twenty-eight days from the taking effect of the cancellation of the policy, the insurer has notified the Registrar of Motor Vehicles and the Commissioner of Police in writing of the failure to surrender the certificate.

Amendment of
section 11
of Cap. 405.

8. Section 11 of the principal Act is amended by deleting the words “or wilfully does any act which disentitles him” and substituting “or does or omits to do anything by virtue of which he becomes disentitled”.

Amendment of
of section 17
of Cap. 405.

9. Section 17 of the principal Act is amended by deleting the commas and words “, on conviction by a subordinate court of the first or second class, to a fine not exceeding two thousand shillings” and substituting the words “to a fine not exceeding five thousand shillings”.