

THE TRAFFIC (AMENDMENT OF LAWS) ACT, 1971
No. 5 of 1971

Date of Assent: 29th January, 1971

Date of Commencement: 29th January, 1971

An Act of Parliament to amend the Traffic Act, the Transport Licensing Act and the Insurance (Motor Vehicles Third Party Risks) Act so as to increase the penalties for certain offences thereunder, to confer powers to make certain regulations, and to make other amendments, for the further promotion of road safety

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Traffic (Amendment of Laws) Act, 1971.

The Traffic Act

Amendment
of sections 48
and 49 of
Cap. 403.

2. Section 48 and subsection (3) of section 49 of the Traffic Act are hereby amended by the deletion of the words “whether or not the requirements of section 50 of this Act have been satisfied as regards that offence”.

Amendment
of sections 88
and 94 of
Cap. 403.

3. Sections 88 and 94 of the Traffic Act are hereby amended by the deletion of the words “two hundred” and the substitution therefor of the words “five hundred”.

Amendment
of section 95
of Cap. 403.

4. Section 95 of the Traffic Act is hereby amended by the deletion of subsection (2) and the substitution therefor of the following—

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to—

(a) for a first conviction, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment;

(b) for a second or subsequent conviction, to a fine not exceeding five thousand shillings or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

5. Subsection (1) of section 118 of the Traffic Act is hereby amended by the deletion of the words "or of any regulations made thereunder" and of the words "or such regulations".

Amendment
of section 118
of Cap. 403.

6. Subsection (1) of section 119 of the Traffic Act is hereby amended—

Amendment
of section 119
of Cap 403.

(a) by the deletion of paragraph (g) and the substitution therefor of the following—

(g) the penalties which may be imposed for the breach of such rules not exceeding—

(i) in the case of a first conviction, a fine not exceeding two thousand shillings or imprisonment for a term not exceeding six months, or both such fine and imprisonment;

(ii) in the case of a second or subsequent conviction, a fine not exceeding five thousand shillings or imprisonment for a term not exceeding one year, or both such fine and imprisonment;

(b) by the insertion in their proper alphabetical order of the following new paragraphs—

(ea) by reference to shape, construction or any other qualities, types of helmet or head-dress which may or must be worn as affording protection to persons on or in motor-cycles, or motor cycles of different classes or descriptions, from injury in the event of accident, and prohibiting the manufacture or sale of helmets or head-dresses which do not comply with such rules;

(ga) all such matters relating to the regulation of establishments or persons engaged in teaching for gain the driving of motor vehicles as the Minister may deem necessary for the proper control of such establishments or persons, including the grant, revocation or variation of licences and appeals relating thereto, the testing of instructors, the inspection of vehicles and premises, and the fees payable for any of the above matters;

(ka) all such matters as the Minister may deem necessary for the establishment on roads, and the regulation of the use of, crossings for foot passengers, including the indication of such crossings by marks or devices on or near roadways or otherwise, the precedence of vehicles and foot passengers respectively, and generally with respect to the movement of traffic (including foot passengers) at and in the vicinity of such crossings.

The Transport Licensing Act

Amendment
of various
provisions of
Cap. 404.

7. The provisions of the Transport Licensing Act specified in the first column of the Schedule to this Act are hereby amended in the manner specified in relation thereto in the second column of the said Schedule.

The Insurance (Motor Vehicles Third Party Risks) Act

Amendment
of section 4 of
Cap. 405.

8. Section 4 of the Insurance (Motor Vehicles Third Party Risks) Act is hereby amended by the deletion of subsection (2) and the substitution therefor of the following—

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, and such person upon a first conviction for such offence may, and upon a second or subsequent conviction for any such offence shall unless the court for special reason thinks fit to order otherwise, be disqualified from holding or obtaining a driving licence or provisional licence under the Traffic Act for a period of twelve months from the date of such conviction or for such longer period as the court may think fit.

Cap. 403.

Amendment
of section 9
of Cap. 405.

9. Section 9 of the Insurance (Motor Vehicles Third Party Risks) Act is hereby amended—

(a) in subsection (3) by the deletion of the words “on any occasion when the driver was required under this section to produce his certificate of insurance”;

(b) by the insertion after subsection (2) of the following new subsection (2A)—

(2A) The Minister may by rules require the display on a motor vehicle of a current certificate of insurance in such form, which may or may not be the same as that prescribed for the purposes of section 7 of this Act, as may be specified, and where such a certificate is so displayed the provisions of this section relating to the production of a certificate of insurance shall not apply.

10. Section 17 of the Insurance (Motor Vehicles Third Party Risks) Act is hereby amended—

Amendment
of section 17
of Cap. 405.

(a) by the deletion of the words “one thousand” and the substitution therefor of the words “two thousand”;

(b) by the deletion of the words “three months” and the substitution therefor of the words “six months”.

SCHEDULE

(s. 7)

Provision

Amendment

s. 4. Add new subsection—

(7) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

s. 8. Add new subsection—

(6) Any person who, being the holder of a goods vehicle or road service licence, fails to comply with any condition imposed by or under the provisions of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

s. 20 (1). Delete “not exceeding two thousand shillings”.

s. 20 (2). Replace “one thousand” with “five thousand”.
Replace “six months” with “one year”.

SCHEDULE—(Contd.)

<i>Provision</i>	<i>Amendment</i>
s. 21.	Add at the end "and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment".
s. 23.	Add at the end "and any person guilty of such offence shall be liable, in the case of a first offence, to a fine not exceeding one thousand shillings, and in the case of a second or subsequent offence to a fine not exceeding two thousand shillings".
s. 24.	Delete.
s. 26 (2) and s. 29 (4).	Add at the end "and liable, in the case of a first offence, to a fine not exceeding two thousand shillings, and in the case of a second or subsequent offence to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment".