

SPECIAL ISSUE

Machakos County Gazette Supplement No. 10 (Bills No. 8)



REPUBLIC OF KENYA

**MACHAKOS COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2016

NAIROBI, 27th July, 2016

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**MACHAKOS COUNTY NON-MOTORIZED VEHICLES BILL,
2016**

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**THE MACHAKOS COUNTY NON-MOTORIZED VEHICLES
BILL, 2016**

A Bill for

**AN ACT of Machakos County Assembly to regulate non-motorized
vehicles activities; and for connected purposes**

ENACTED by the Machakos County Assembly as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Machakos County Non-Motorized Vehicles Act, 2016.

Interpretation

2. In this Act, unless the context otherwise requires—

“authorized officer” means any person acting under the authority of the Director responsible for transport;

Director means the Director for the time being responsible for matters relating to transport;

“executive committee member” means county executive committee member for the time being responsible for matters relating to transport; and

“non-motorized vehicle” means an animal or human drawn vessel used for the carriage of goods or persons and includes bicycles, handcarts and hamali carts;

Objectives of the Act

3. The objectives and purpose of this Act is to regulate the operations of non-motorized vehicle in the county.

PART II—ADMINISTRATION

Application for a permit

4. (1) A person shall not operate or use any non-motorized vehicle for any commercial purposes without a permit.

(2) In this section, ‘commercial purposes include the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

Application in writing

5. (1) An application for grant of a permit shall—
 - (a) be lodged with the Director;
 - (b) be in the approved form;
 - (c) contain such information and be accompanied by such documents as are required by the approved form;
 - (d) be signed in manner specified in the approved form; and
 - (e) be accompanied by the prescribed application fee.
- (2) An application may be made in an electronic format approved by the Director.
- (3) The Director may, before determining an application, require the applicant to provide additional information or documents necessary to enable the application to be determined.
- (4) An application fee once paid shall not be refundable.
- (5) The authorized officer may cause such a non-motorized vehicle to be inspected prior to issuance of a permit.

Duration of a permit

6. A permit issued under this Act shall be valid until the 31st December of the year in respect of which it is issued.

Suspension of permits

7. The Director may suspend a permit if the permit holder breaches or fails to comply with the conditions subject to which the permit was issued.

Director to issue permit

8. The Director shall issue with every permit, a plate bearing a registration number and date of issue and the plate shall be affixed to a conspicuous place on the outside body of the non-motorized vehicle.

Misuse of non-motorized vehicle

9. (1) No persons shall unlawfully take, use, have possession of, remove, damage or destroy any plate affixed to any non-motorized vehicle.

(2) A person who violates the provisions of sub section (1) commits an offence.

Maximum load

10. (1) A person in charge of a non-motorized vehicle shall ensure that the any load is securely fastened to the vehicle.

(2) A person shall not carry or cause to be carried any article on a non-motorized vehicle so as to project more than two meters behind the body of that vehicle or more than thirty centimeters outside the wheels hubs of the vehicle.

(3) A person who contravenes this section commits an offence.

Minors not licensed

11. (1) No person under the age of eighteen years shall be licensed to use, drive, manage or control a non-motorized vehicle for commercial purposes.

(2) Any person who causes or permits any person under the age of eighteen years to use, drive, manage or control a non-motorized vehicle or bicycle for commercial purposes commits an offence.

Control of non-motorized vehicles

12. The Director shall designate parking places for non-motorized vehicle.

Traffic rules

13. A person in charge of a non-motorized vehicle shall while propelling the vehicle observe traffic rules.

Order

14. (1) The Director may issue order the proper implementation of this Act.

(2) Every such order shall be published in the Gazette.

(3) Person who uses or causes to be used non-motorized vehicles in contravention of a prohibition imposed by an order made by the Director or fails to comply with the provisions of this section, commits an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding seven months or both.

PART III—GENERAL PROVISIONS

General Penalties

15. Any person who contravenes any provisions of this Act, for which no penalty is provided shall, on conviction, be liable to a fine not exceeding twenty thousand shillings or to an imprisonment for a term not exceeding three months or to both.

Regulations

16. The Executive Committee Member may make Regulations generally for the better carrying out the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The Primary objective of this Bill is to establish a framework for to regulate the use and operation of non-motorized vehicles within the county.

The structure of the Bill is as follows—

Part I—(Clauses 1-3) of the Bill contains preliminary provisions. This includes the title of the Bill, interpretation of terms as used in the Bill and objective of the Bill.

Part II—(Clauses 4-14) of the Bill contains provision of the substantive part of the Bill. In this part, it contains provisions for application, duration, and suspension of a permit. It also contains provisions on misuse of not motorized vehicles, the maximum load that is allowed to be carried and how it should be controlled.

Part III—9 (Clauses 15-16) contains the preliminary provisions. This part delegates legislative authority to the executive committee member to make Regulations. It also contains penalties for offences created in this Bill.

The enactment of this Bill will not occasional additional expenditure on the county.

Dated the 5th May, 2016.

PENINA KALUKI,
Member of County Assembly.