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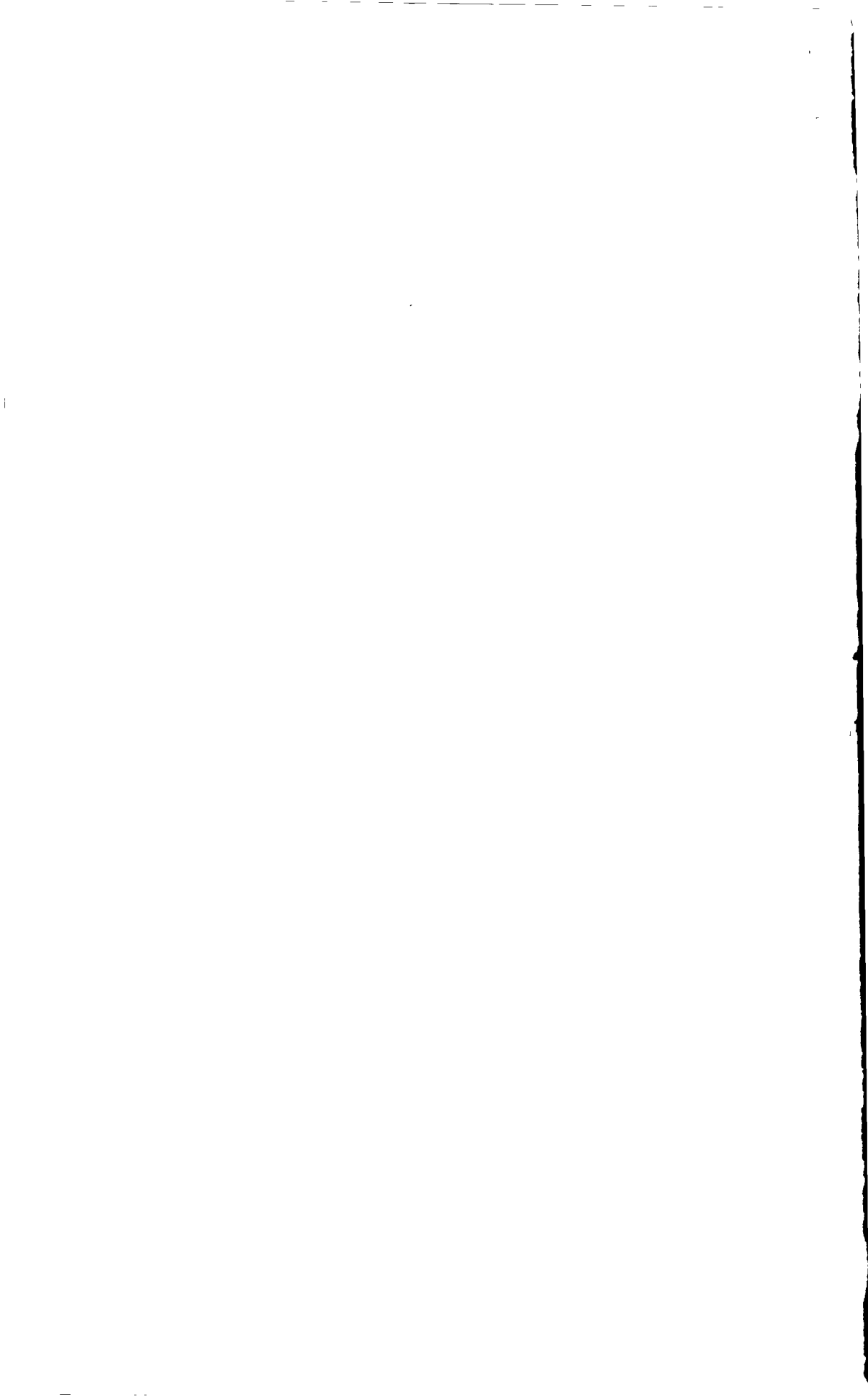
ACTS, 2017

NAIROBI, 3rd August, 2017

CONTENT

Act—	PAGE
The Traffic (Amendment) Act, 2017	559

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THE TRAFFIC (AMENDMENT) ACT**No. 26 of 2017***Date of Assent: 21st July, 2017**Date of Commencement: 16th August, 2017***An ACT of Parliament to amend the Traffic Act****ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Traffic (Amendment) Act, 2017.

Short title.

2. Section 42 of the Traffic Act (hereinafter referred to as “the Principal Act”) is amended by inserting the following new subsections immediately after subsection (3)—

Amendment of section 42 of Cap 403.

“(3A) A person shall not drive, or, being the owner or person in charge of a vehicle, cause or permit any other person to drive, any vehicle at a speed exceeding fifty kilometres per hour on any road within the boundaries of—

- (a) a nursery, primary or secondary school; or
- (b) an area used by children when crossing to and from school as may be designated as a pedestrian crossing by the highway authority.

(3B) The highway authority shall—

- (a) erect and maintain traffic signs as prescribed in the Act so as plainly to indicate to drivers entering or leaving such roads or areas referred to under subsection (3A) where the fifty kilometres per hour speed limit restriction begins and ends;
- (b) erect, construct and maintain speed limiting road design features such as speed bumps or rumble strips, and traffic circles on the roads referred to under subsection (3A) at the areas specifically designated for pedestrian crossing or on any road within a built up area or any section of a road where forward visibility is short;

- (c) ensure that traffic routes in the vicinity of nursery, primary or secondary schools and those giving access to the schools are planned, designed, equipped and maintained with safety features such as wide pavements, footpaths, cycle-tracks, roadside barriers, pedestrian crossings and underpasses and footbridges with appropriate signs and markings; and
- (d) ensure that there are no man-made or natural obstructions, including stationary vehicles on roads and parking areas in the vicinity of schools that might block children's view of the road and vehicles travelling along it, or drivers' view of children."

3. The principal Act is amended in section 43 by inserting the following new subsections immediately after subsection (1)—

Amendment of section 43 of Cap 403.

(1A) A person who contravenes the provisions of subsection (3A) of section 42 shall be liable to a fine not exceeding twenty thousand shillings.

(1B) A police officer shall serve upon the person driving or in charge of a vehicle and who commits an offence under section 42 (1), (2), (3) and (3A), with a police notification of traffic offence in the prescribed form charging the person of having committed the offence under the section.

(1C) The police notification served under subsection (1B) shall require the person to attend court to answer such charge as may be preferred within forty eight hours of service of the notification.

(1D) The procedure stipulated under section 117 (4), (5), (6), (7), (8), (9) and (10) shall apply to this section.

4. The principal Act is amended by inserting the following new section immediately after section 105A—

Insertion of new section 105B in Cap. 403.

Child safety in motor vehicles.

105B. (1) A person or institution shall not designate or use a vehicle for transporting children to and from school or non-school related activity unless the vehicle meets the prescribed standards

(2) Notwithstanding subsection (1), a motor vehicle designated for transporting children to or from school or for any non-school related activity when they are in a group shall—

- (a) be fitted with safety belts designed to be used by children;
- (b) be painted in yellow colour and have other signage as may be prescribed;
- (c) comply with the conditions imposed on public service vehicles under this Act; and
- (d) not operate between the hours of 10:00 pm and 5:00 am.

(3) The Cabinet Secretary shall prescribe—

- (a) the maximum number of children that a vehicle designated for transporting them to and from school can carry, depending on the class of the vehicle;
- (b) for continuous inspection of vehicles transporting children;
- (c) for specialized instructions to be provided and undertaken by any person driving a vehicle for children transport.

(4) A person who contravenes this section commits an offence and shall be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding two months or to both.

(5) Notwithstanding subsection (4), a person who being the registered owner or driver of a vehicle used for transporting children, who authorizes or permits the use of a vehicle used for transporting children or is negligent to prevent contravention with

this Act commits an offence and shall be liable to a fine not exceeding thirty thousand shillings or imprisonment for a term not exceeding two months, or to both.

(6) Subsections (1), (2)(a) and (b) shall come into force within twelve months after the enactment of this Act.

(7) The Cabinet Secretary shall, within a period not exceeding twelve months after the enactment of this Act, make the Regulations prescribing matters required to be prescribed under this section.

