



LAWS OF KENYA

TRANSPORT LICENSING ACT

CHAPTER 404

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CHAPTER 404

TRANSPORT LICENSING ACT
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CHAPTER 404

TRANSPORT LICENSING ACT

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An Act of Parliament to provide for the co-ordination and control of means of and facilities for transport

[Act No. 40 of 1937, Cap. 237 (1948). Act No. 23 of 1955, Act No. 39 of 1956, L.N. 342/1956, L.N. 343/1956, L.N. 172/1960, L.N. 173/1960, L.N. 256/1963, L.N. 462/1963, L.N. 2/1964, Act No. 21 of 1966, Act No. 9 of 1967, Act No. 8 of 1968, Act No. 5 of 1971, Act No. 13 of 1978, Act No. 2 of 2002, Act No. 6 of 2005, Act No. 7 of 2007, Act No. 9 of 2007.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Transport Licensing Act.

2. Interpretation

In this Act, except where the context otherwise requires—

“**authorized vehicle**” means any vehicle or ship duly licensed under the relevant provisions of this Act;

“**carriage of goods**” includes the haulage of goods;

“**chairman**” means the chairman of the Transport Licensing Board established under section 3;

“**driver**” in relation to a trailer means the driver of the vehicle by which the trailer is drawn, and where a separate person acts as steersman of a motor vehicle includes that person as well as any other person engaged in the driving of the vehicle, and “drive” shall be construed accordingly;

“**fare**” means any sum payable in respect of a journey on a vehicle duly licensed under a road service licence, or, in the case of a ship, duly licensed under an inland water transport licence;

“**goods**” includes goods or burden of any description;

“**goods vehicle**” means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted;

“**licence**” means a licence granted under this Act;

“**Minister**” means the Minister for the time being responsible for matters relating to transport;

“**motor vehicle**” means a mechanically propelled vehicle intended or adapted for use on roads and includes a trailer but does not include a tractor;

“**owner**” in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement means the person in lawful possession of the vehicle under that agreement and, in the case of any vehicle or ship, in relation to the licence issued in respect of the vehicle or ship means the person in lawful possession of the vehicle or ship specified in the licence;

“**public interest**” means the interests and convenience of the inhabitants of Kenya as a whole;

“**public service vehicle**” has the same meaning as in the Traffic Act (Cap. 403);

“**road**” means the carriageway or portion of any road to which the public has right of access for vehicular traffic, being that portion commonly in use for vehicular traffic, and includes the portion of any bridge used for that purpose;

“**ship**” includes every description of vessel used in navigation propelled otherwise than by oars or hand paddles and every lighter, barge or like vessel used in navigation however propelled;

“**trailer**” has the same meaning as in the Traffic Act (Cap. 403)

[Act No. 23 of 1955, s. 2, L.N. 462/1963, Act No. 2 of 2002, Sch.]

PART II – APPOINTMENT OF TRANSPORT LICENSING BOARD AND LICENSING OF FORMS OF TRANSPORT

3. Licensing Authority

- (a) There is hereby established a Transport Licensing Board, hereinafter referred to as the Licensing Authority, which shall consist of a Chairman appointed by the President, and eight other members appointed by the Minister, one to represent the Nairobi Area and one to represent each province:

Provided that, if for any reason the Minister considers it desirable so to do, he may appoint not more than two other persons to be members of the Licensing Authority for any meeting of such Authority.

- (b) Before the Minister makes any appointment under this subsection, the person to be so appointed shall be required to declare whether he has any, and if so what, financial interest in any transport undertaking operating in Kenya.

- (2) No person shall be appointed a member of the Licensing Authority—

- (a) if he is insolvent or has assigned his estate for the benefit of his creditors or has made an arrangement with his creditors;
- (b) if he is of unsound mind or has been convicted of an offence and sentenced to imprisonment therefor without the option of a fine.

(3) A member of the Licensing Authority shall become disqualified]to retain, and shall *ipso facto* cease to hold, his office as such member if he becomes subject to any of the disabilities set out in subsection (2), or if he is absent from four consecutive meetings of the Licensing Authority without the leave of the Licensing Authority.

(4) Where any member of the Licensing Authority is absent from Kenya for any period in excess of six months, the Minister may, at the request of the chairman, by notice in the *Gazette*, appoint a member in substitution for the member who is so absent from Kenya; and any member so appointed shall hold office until the member in whose place he has been appointed returns to Kenya.

(5) The Minister may remove, on the ground of incapacity or misbehaviour, any member of the Licensing Authority from his office.

(6) If a member of the Licensing Authority is removed or vacates his office under this section, or dies or resigns before the expiry of the period for which he was appointed, his place shall be filled by an appointment by the Minister; and any person appointed to fill the place of such member shall hold office for the remainder of the period for which such member would otherwise have held office.

(7) The members of the Licensing Authority shall hold office for three years, and each member shall be eligible for reappointment to the Licensing Authority at the expiration of each such period.

(8) In the event of the absence of the chairman from any meeting of the Licensing Authority the members present shall choose one of their number to act as chairman for that meeting.

(9) At all meeting of the Licensing Authority the chairman or the person chosen to act as chairman under subsection (8), together with two other members of the Licensing Authority, shall form a quorum.

(10) Meetings of the Licensing Authority shall be held at such times, on such occasions and at such places as the chairman may determine.

(11) The chairman or the person chosen to act as chairman under subsection (8) shall have a deliberative vote and in the case of equality of votes shall also have a casting vote; a decision of the majority of the members present at a meeting of the Licensing Authority shall be deemed to be the decision of the Licensing Authority.

(12) The business of the Licensing Authority shall be conducted in such manner as the Licensing Authority may determine.

(13) The chairman of the Licensing Authority may, with the approval of the Minister, appoint such persons to act as officers and servants of the Licensing Authority as he considers requisite to enable it to discharge its duties under this Act.

(14) The Minister may pay to the members of the Licensing Authority and to the officers and servants appointed under subsection (13) such salaries, remuneration and allowances (if any) as the Minister may, with the consent of the Treasury, determine; and there shall be defrayed out of moneys provided by Parliament the expenses of the Minister so incurred.

- (a) The Licensing Authority may delegate to any individual member or members of the Licensing Authority or to any other person the power and authority to carry out on its behalf such duties, powers or functions as the Licensing Authority may determine, and, at the time of delegating any such power or authority or at any time thereafter, the Licensing Authority may give such directions as to the manner in which such power or authority is to be exercised, and may impose such conditions or restrictions upon the exercise of such power or authority, as it may see fit.

(b) The Licensing Authority may at any time revoke, modify or increase any delegation made under this subsection.

(16) All licences issued under this Act and all communications from the Licensing Authority shall be under the hand of the chairman or of some person duly authorized by the chairman; and a notification of any such authorization shall be published in the *Gazette* under the hand of the chairman.

(17) The chairman shall submit to the Minister for publication an annual report of the proceedings of the Licensing Authority containing particulars with respect to such matters as the Minister may direct.

(18) No member of the Licensing Authority or any officer thereof shall be personally liable for any act or default done or omitted to be done in good faith in the course of the operations of the Licensing Authority under this Act.

[Act No. 23 of 1955, s. 3, L.N. 342/1956, L.N. 172/1960, L.N. 462/1963, Act No. 21 of 1966, 2nd Sch., Act No. 9 of 1967, Sch.]

4. Licensing of transport

(1) No person shall, except under and in accordance with the terms of a licence

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- (a) use a motor vehicle on a road for the carriage of goods—
 - (i) for hire or reward; or
 - (ii) for or in connection with any trade or business carried on by him;
 - (b) for hire or reward convey any person by means of any motor vehicle designed or adapted to carry more than four person and the driver of such vehicle;
 - (c) upon the inland waters of Kenya convey by means of any ship—
 - (i) any goods or any person for hire or reward; or
 - (ii) any goods for or in connection with any trade or business carried on by him.

(2) When a goods vehicle is being used on a road for the carriage of goods, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire or hire purchase, and in any other case the person in whose ownership or possession the vehicle is, shall for the purposes of this Act be deemed to be the person by whom the vehicle is being used.

(3) Where at any time goods are carried in a goods vehicle, being a vehicle which has been let on hire by the person who at the time of the carriage of the goods is within the meaning of this Act the user of the vehicle, the goods shall be deemed to be carried by that person for hire or reward.

(4) For the purposes of this Act—

- (a) the delivery or collection by a person of goods sold, used or let on hire or hire purchase in the course of a trade or business carried on by him;
- (b) the delivery or collection by a person of goods which have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by him;

- (c) the carriage by a person engaged in agriculture in any locality of goods for or in connection with the business of agriculture carried on by another person that locality, so long as the goods are carried in a vehicle which the person carrying them is authorized by a licence to use for the carriage of goods for or in connection with his agricultural business.
- (d) the carriage of goods in a vehicle which is being used under and in accordance with the regulation applicable to a dealer's general licence issued under the Traffic Act (Cap. 403);
- (e) the carriage of goods in a vehicle by a manufacture agent or dealer, whilst the vehicle is being used by him for demonstration purposes,

shall not be deemed to constitute a carrying of goods for hire or reward.

(5) This section shall not apply—

- (a) to the use of a vehicle for the purposes of funerals;
- (b) to the use of a vehicle for towing a disabled motor vehicle or for removing goods from a disabled vehicle to a place of safety;
- (c) to the use of any ship owned by the Government.

(6) The Minister may, by notice in the *Gazette*, exempt any person or class of persons or any vehicle or class of vehicles from all or any of the provisions of this Act and for the purposes of this subsection, "vehicle" includes ship.

(7) Any person who contravenes subsection (1) 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.

[Act No. 23 of 1955, s. 4, L.N. 343/1956, L.N. 173/1960, Act No. 5 of 1971, Sch.]

5. Classes of licences

(1) The following classes of licences may be issued under this Act—

- (a) for goods vehicles—
 - (i) a public carrier's licence;
 - (ii) *Deleted by Act No. 9 of 2007, s. 45(a);*
 - (iii) *Deleted by Act No. 9 of 2007, s. 45(a).*
- (b) for passenger and public service vehicles, a road service licence; a road service licence issued in respect of a public service vehicle may authorize the holder to carry for hire or reward both goods and passengers;
- (c) for ships, an inland water transport licence; An inland water transport licence shall entitle the holder thereof to use an authorized ship, subject to any conditions attached to the licence, for the carriage of goods and passengers or goods or passengers:

Provided that, where the authorized route is to include the operation of the authorized ship on the inland waters of Uganda or Tanzania, the Licensing Authority shall, if it considers such a course necessary, first ascertain the views of the authorities of those territories.

- (a) A public carrier's licence (in this Act referred to as an A licence) shall entitle the holder thereof to use the authorized vehicles, subject to any conditions attached to the licence, for the carriage of goods for hire or reward, or for the

(b) In relation to a licence held by a person carrying on a dock or harbour undertaking, the reference in this subsection to the use of authorized vehicles for the carriage of goods for or in connection with the business of the holder of a licence as a carrier of goods shall include a reference to the use of such vehicles for the carriage of goods for or in connection with that undertaking.

(3) Deleted by Act No. 9 of 2007, s. 45(b).

(4) Deleted by Act No. 9 of 2007, s. 45(b).

(a) The vehicles authorized to be used under a licence shall be—

(i) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under a hire purchase agreement, as are specified in the licence;

(ii) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire or hire purchase, not exceeding at any time such maximum number as is specified in the licence.

(b) For the purposes of this subsection, different types of motor vehicles or different types of trailers, as the case may be, may be distinguished in a licence and a maximum number may be specified in the licence for vehicles or trailers of each type.

(6) A motor vehicle specified in the licence shall, not while it remains so specified, be capable of being effectively specified in any other licence.

(7) A person may be the holder of two or more licences whether of the same class or of different classes.

[Act No. 23 of 1955, s. 5, Act No. 9 of 1967, Sch., Act No. 9 of 2007, s. 45.]

6. Exclusive licences

(1) Notwithstanding any other provisions of this Act, the Licensing Authority may, with the approval of the Minister, and subject to such conditions as it may think fit to impose, grant to any person an exclusive licence authorizing such person to operate vehicles or ships, as the case may be, for the carriage of passengers or goods in such areas, over such routes or between such places and for such period as the Licensing Authority may decide, and the provisions of this Act regarding applications for and objections to the grant of a licence shall apply to the applications for and grant of any exclusive licence as herein mentioned.

(2) Where the Licensing Authority intends to grant an exclusive licence under subsection (1) it shall, by notice in the *Gazette* and in a local newspaper circulating in the area to which the proposed exclusive licence relates, give notice of its intention to grant such licence, and no such licence shall be granted until a period of one month after the date of publication of such notice has elapsed.

[Act No. 23 of 1955, s. 8, L.N. 462/1963.]

7. Discretion of Licensing Authority to refuse licences and considerations for the exercise of discretion

The Licensing Authority shall have full power in its discretion either to grant or to refuse any application for any licence, or to grant a licence subject to such conditions as it may see fit to impose, and, in exercising its discretion, the Licensing Authority shall have regard primarily to the public interest, including the interest or interests of persons requiring, as well as those of person providing, facilities for transport, and to such other matters as may be prescribed:

Provided that the Licensing Authority shall, before granting any road service licence in respect of any vehicle or vehicles for the carriage of passengers from, through or into, the area of jurisdiction of any county council or municipal council, consult and have regard to the wishes of such council respecting the place or places in the area of such council at which the vehicle may stop or start and the route to be taken by such vehicle.

[Act No. 23 of 1955, s. 7, L.N. 256/1963.]

PART III – GENERAL PROVISIONS WITH REGARD TO LICENCES**8. Conditions of licences**

(1) It shall be a condition of every goods vehicle or road service licence—

- (a) that any authorized vehicles are maintained in a fit and serviceable condition;
- (b) that the provisions of any law for the time being in force relating to limits of speed and weight, laden and unladen, the loading of goods vehicles, and the number of passengers to be carried, are complied with in relation to the authorized vehicles; and
- (c) that the provisions of this Act, and of any rules made by the Licensing Authority relating to the keeping of records, shall be complied with.

(2) The Licensing Authority may attach to a licence of any class all or any of the following conditions—

- (a) a condition that the authorized vehicles or ships shall or shall not be used in a specified area or over specified routes;
- (b) a condition that certain classes or descriptions of goods shall or shall not be carried;
- (c) a condition specifying the charges or the maximum or minimum charges to be made for the carriage of goods;
- (d) such other conditions as may be prescribed in the public interest or with a view to preventing uneconomic competition,

and in addition to the above in the case of goods vehicle or road service licences

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- (e) a condition specifying the number and type of vehicles and trailers to be used, and in addition to the above in the case of B licences—
 - (f) a condition that they shall be so used only in a specified district or between specified places.

(3) Subject to the provisions of this Act and to the regulations, the Licensing Authority may attach to a road service licence such conditions as it may think fit with regard to the matters to which it is required to have regard under that section, and in particular for securing that—

- (a) the fares shall not be unreasonable;
- (b) where desirable in the public interest the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the routes or any part thereof, or in proximity thereto;
- (c) copies of the time-table and fare-table shall be carried and be available for inspection in vehicles used on the service;
- (d) passengers shall not be taken up or shall not be set down except at specified points or shall not be set down between specified points,

and generally for securing the safety and convenience of the public; and the Licensing Authority may from time to time vary in such manner as it thinks fit the conditions attached to a road service licence.

(4) The Licensing Authority may, from time to time, cancel or vary any of the conditions attached to a licence under this Act.

(5) In the exercise of its powers under this section, the Licensing Authority shall have regard to the wishes of every council consulted under the proviso to section 7.

(6) Any person who, being the holder of a goods vehicle or road service licence or being the person in charge of the vehicle in respect of which such licence is issued, 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.

[Act No. 23 of 1955, s. 11, L.N. 256/1963, Act No. 5 of 1971, Sch., Act No. 2 of 2002, Sch.]

9. Exceptions from conditions of licences

In the case of a goods vehicle licence, and notwithstanding that a vehicle is an authorized vehicle, the conditions of the licence shall not apply while the vehicle is being used for any purpose for which it might lawfully be used without the authority of a licence.

[Act No. 23 of 1955, s. 23.]

10. Duration of licences

(1) Subject to the provisions of subsection (2), every licence shall, unless previously revoked, remain in force for one year from the date of issue:

Provided that, if on the date of the expiration of a licence proceedings are pending before the Licensing Authority on an application for the grant of a new licence in substitution for an existing licence held by the applicant, the existing licence shall continue in force until such application is disposed of.

(2) With a view to enabling goods vehicles, passenger carrying vehicles or any ship to be used temporarily—

- (a) for the purpose of a seasonal business;

- (b) for the purpose of the execution of a particular piece of work; or
- (c) for any other purpose of limited duration,

a licence of any class may be granted for a period not exceeding three months, and any licence granted under this subsection or subsection (3) is in this Act referred to as a short-term licence.

(3) Without prejudice to the generality of subsection (2), the chairman may grant short-term licences if he is satisfied that the demand for the use of the vehicles to be so authorized is urgent and that the demand does not conflict with the provisions of the public interest, including the interest or interests of persons requiring, as well as of persons providing facilities for transport.

(4) If on the date of the expiration of a goods vehicle licence, other than a short-term licence, proceedings are pending before the Licensing Authority on an application by the holder of that licence for the grant to him of a new licence, the existing licence shall continue in force until the application is disposed of, without prejudice, however, to the exercise in the meantime of the powers of suspension and revocation conferred by this Act.

[Act No. 23 of 1955, s. 6, Act No. 2 of 2002, Sch.,
Act No. 6 of 2005, s. 38, Act No. 7 of 2007, Sch.]

11. Variation of licences

(1) On the application of the holder of any type of licence, the Licensing Authority may direct that an additional vehicle or vehicles or ship or ships be specified thereon or that any vehicle or vehicles or ship or ships be removed therefrom, and the provisions of this Act shall apply accordingly.

(2) On the application of the holder of any type of licence to vary the route thereon, the Licensing Authority shall take such action as may be necessary in the manner prescribed for new applications.

[Act No. 23 of 1955, s. 12.]

12. Licences not transferable

No licence of any class shall be transferable except with the written consent of the Licensing Authority, and, in the case of an exclusive licence, with the written consent of the Minister, endorsed on such licence.

13. Power to revoke or suspend licences

(1) A licence of any class may be revoked or suspended by the Licensing Authority on the ground that any of the conditions of the licence have not been complied with or that the authorized vehicle has not been used for a period of three months.

(2) *Deleted by Act No. 13 of 1978, Sch.*

(3) In any case where a licence is revoked or suspended the Licensing Authority shall, if requested by the licence holder, state in writing under the hand of the chairman the grounds for the revocation or suspension.

(4) The Licensing Authority may, in lieu of revoking or suspending a goods vehicle licence, direct that any one or more of the vehicles specified therein shall be removed therefrom, or that the maximum number of motor vehicles or of trailers specified in the licence shall be reduced, and references in this or any

other section of this Act to the revocation or suspension of a licence shall be construed as including a reference to the giving of a direction under this subsection.

14. Licence expires on sale or transfer

Where the holder of a licence issued under this Act sells, transfers (otherwise than by way of security for any purpose) or otherwise disposes of the vehicle or ship or of any business in respect of which such licence was issued, such licence shall, unless any written consent mentioned in section 11 has been endorsed on such licence, expire with effect from the date of such sale, transfer or other disposal, and the vendor or transferor, or person who otherwise disposed of such vehicle or ship or business, shall return to the Licensing Authority the identity certificates and the licences issued under such identity certificates.

[Act No. 23 of 1955, s. 13, Act No. 13 of 1978, Sch.]

15. Power to hold inquiries

(1) The Licensing Authority may hold such inquiries as it thinks necessary for the proper exercise of its functions under this Act, including inquiries into an applicant's reliability and financial stability, and the facilities at his disposal for carrying out mechanical repairs.

(2) The Licensing Authority shall have the power to summon any applicant to attend before it and to give evidence or to produce any paper, book, record or document in the possession or under the control of that person.

(3) A summons to attend to give evidence or to produce documents before the Licensing Authority shall be issued under the hand and the direction of the Chairman of the Licensing Authority.

(4) In every summons under subsection (3) there shall be stated the place where and the time, not being later than seven days after receipt of the summons, when the person summoned is required to attend and the particular documents which he is required to produce, and the summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof with some adult person at his usual or last known place of abode in Kenya, and there shall be paid or tendered to the person so summoned, if he does not reside within four miles of the place of attendance specified in the summons, such sum for his expenses as may be approved by the Minister.

(5) A summons under this section may be served by an officer of the Licensing Authority or by a police officer.

(6) The provisions of this section shall apply *mutatis mutandis* with respect to the Appeal Tribunal appointed under section 19(2) of this Act.

[Act No. 23 of 1955, s. 23.]

16. Power to call for further particulars

A person applying for a licence under this Act shall, in addition to any particulars which he is required to furnish with his application, give to the Licensing Authority any information which it may reasonably require for the discharging of its duties in relation to the application and in particular shall, if required by the Licensing Authority, submit to the Licensing Authority such particulars as the Licensing Authority may require with respect to any business

as a carrier of passengers or goods for hire or reward carried on by the applicant at any time before the making of the application and of the rates charged or proposed to be charged by the applicant and of the wages and conditions and hours of employment of persons employed in connection with the vehicles or ships proposed to be used under the licence.

[Act No. 23 of 1955, s. 23, Act No. 2 of 2002, Sch.]

17. Applicant to furnish details of vehicle within three months

When an application for any type of licence has been approved by the Licensing Authority, the applicant, in those cases where at the time of his application he has not yet purchased but intends to purchase a vehicle, in respect of which the application was made, must furnish the prescribed details required of such vehicle within three months after the date of approval and if he fails so to do no subsequent application made by the same person for a similar licence, shall, except at the discretion of the chairman, be entertained or adjudicated upon by the Licensing Authority until a period of six months from the date of such application has expired; and the decision of the chairman under this section shall be final and conclusive.

[Act No. 23 of 1955, s. 23.]

18. Applications, if refused, not to be entertained again for six months

Notwithstanding anything in this Act contained, where an application has been made by any person for a licence under this Act and has been refused, no subsequent application made by the same person for a similar licence shall, except at the discretion of the chairman, be entertained or adjudicated upon by the Licensing Authority until a period of six months from the date of such application has expired; and the decision of the chairman under this section shall be final and conclusive.

[Act No. 23 of 1955, s. 23.]

19. Appeals against decision of Licensing Authority

(1) Any person who—

- (a) being an applicant for the grant or variation of a licence, is aggrieved by the decision of the Licensing Authority on the application; or
- (b) having duly made an objection to any such application as aforesaid, being an objection which the Licensing Authority is bound to take into consideration, is aggrieved by the decision of the Licensing Authority thereon; or
- (c) being the holder of a licence, is aggrieved by the revocation or suspension thereof,

may within the time and in the manner prescribed appeal to the Appeal Tribunal appointed under subsection (2); any such appeal shall be accompanied by a non-refundable cash deposit of two thousand shillings.

(2) For the purposes of hearing appeals under this section, there shall be a Transport Licensing Appeal Tribunal (hereinafter referred to as the Tribunal), consisting of a chairman appointed by the President and four other members appointed by the Minister:

Provided that, before the Minister makes any appointment under this subsection, every person to be so appointed shall be required to declare whether he has any, and if so what, financial interest in any transport undertaking operating in Kenya.

(3) The members of the Tribunal shall hold office for such term and under such conditions as the Minister may determine.

(4) Save as may be prescribed, the Tribunal may regulate its procedure and proceedings as it may think fit.

(5) Three members of the Tribunal shall form a quorum.

(6) The Tribunal may, on any appeal, affirm or reverse the decision of the Licensing Authority, or make such other order as to the Tribunal appears necessary and just.

(7) Where the Tribunal has received an appeal under this section, it shall peruse the same and, if it considers that the grounds of appeal are frivolous or vexatious or do not disclose sufficient reason for interfering with the decision of the Licensing Authority, may summarily reject the appeal.

(8) Any decision of the Tribunal under this section shall be final and conclusive.

[Act No. 23 of 1955, s. 15, L.N 462/1963, Sch., Act No 9 of 1967, Sch., Act No. 8 of 1968, Sch.]

PART IV – OFFENCES AND PROSECUTIONS

20. Forgery, etc., of licences

(1) If, with intent to deceive, any person—

- (a) forges within the meaning of Chapter XXXIV of the Penal Code (Cap. 63), or alters or uses or lends to or allows to be used by any other person, a licence, or any document, plate or mark by which the subject of the licence is to be identified as being licensed under this Act; or
- (b) makes or has in his possession any document, plate or mark so closely resembling a licence, or any such document, plate or mark as aforesaid, as to be calculated to deceive; or
- (c) alters an entry in a record under section 29,

he shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

(2) If any person, for the purpose of obtaining the grant of a licence to himself or any other person, or the variation of a licence, or for the purpose of preventing the grant or variation of any licence or of procuring the importation of any condition or limitation in relation to a licence, knowingly makes any false statement, he shall be guilty of an offence and liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

[Act No. 5 of 1971, Sch.]

21. Offences

Any person who drives or uses a goods vehicle, motor vehicle or ship in contravention of any of the provisions of this Act, or being the owner of such

vehicle or ship permits it to be so used, and any driver or other person in charge of any vehicle or ship, in respect of which any class of licence has been granted under this Act, who drives or uses such vehicle or ship in contravention of any condition of such licence, or being the owner of such vehicle or ship permits it to be so used, shall be guilty of an offence and liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

[Act No. 5 of 1971, Sch., Act No. 2 of 2002, Sch.]

22. Offences cognisable

All offences under this Act shall be cognizable to the police.

[Act No. 23 of 1955, s. 16, Act No. 5 of 1971, Sch.]

23. Offence for grantee to operate vehicle on grantor's licence

Where any person has been issued with a licence in respect of any vehicle or ship under this Act, and he transfers such vehicle or ship to any other person by way of security for any purpose, it shall be an offence, save with the consent of the Licensing Authority, for the grantee to operate such vehicle or ship under the licence issued to the grantor in respect of such vehicle or ship and any person guilty of such offence shall be liable, in the case of a first offence, to a fine not exceeding ten thousand shillings, and in the case of a second or subsequent offence to a fine not exceeding twenty thousand shillings.

[Act No. 23 of 1955, s. 20.]

24. Repealed by Act No. 5 of 1971, Sch.

PART V – MISCELLANEOUS PROVISIONS

25. Protection of public interest

(1) It is hereby declared that nothing in this Act is to be treated as conferring on the holder of a licence of any class any right to the continuance of any benefits arising from the provisions of this Act, or from a licence, or from any conditions attached to a licence.

(2) The grant of a licence of any class under this Act shall not relieve the holder from complying with the provisions of any law in force in respect to motor vehicles or ships.

[Act No. 23 of 1955, s. 23, Act No. 5 of 1971, Sch.]

26. Power to stop and inspect vehicles

(1) Any police officer in uniform may stop any vehicle or ship and may inspect any vehicle or ship with a view to ascertaining whether or not the provisions of this Act or of any regulations made thereunder are being complied with, and may demand for inspection the production of any licence, certificate, document or record of any description whatsoever which may, under the provisions of this Act or of any regulations made thereunder, be required to be carried on such vehicle or ship, and may require the driver or any other person travelling on such vehicle

or ship to give such information as such police officer may reasonably request in order to ascertain whether or not the provisions of this Act or regulations are being complied with.

(2) Any person who obstructs any police officer in the exercise of the powers conferred on such police officer by this section, or fails to comply with any lawful order given by such police officer or refuses to give any information when requested so to do by such police officer, shall be guilty of an offence 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.

[Act No. 23 of 1955, s. 23, Act No. 5 of 1971, Sch., Act No. 2 of 2002, Sch.]

27. Financial provisions

(1) All fees payable under this Act and all fines imposed in respect of offences under this Act or the regulations shall be paid into the Consolidated Fund.

(2) Notwithstanding the provisions of subsection (1), the Licensing Authority may retain such percentage of the monies collected under this section as may be approved by the Treasury for purposes of defraying the expenses of the Authority and the Appeal Tribunal appointed under section 19(2).

[Act No. 23 of 1955, s. 23.]

28. Fees in respect of licences

Such fees payable at such times and in such manner as the Minister may prescribe shall be charged by the Licensing Authority in respect of the grant or variation of licences.

[Act No. 5 of 1971, Sch.]

29. Rules in respect of records as to hours of work, journeys, loads, etc.

(1) The Licensing Authority may make rules to provide for the keeping by the holder of a licence of current records showing—

- (a) as respects every person employed by him as a driver or statutory attendant of an authorized vehicle, or master of a ship, the times at which that person commenced and ceased work and particulars of his intervals of rest and the like information as respects himself when acting as such a driver or attendant or master;
- (b) as respects every journey of a vehicle or ship on which goods are carried under the licence, particulars of the journey, of the rates charged and of the greatest weight of goods carried by the vehicle or ship at any time during the period to which the record relates and the description and destination of the goods carried;
- (c) as respects certain journeys of a vehicle on which passengers are carried, particulars of the passengers travelling on board such vehicle in such form as the Licensing Authority may specify,

and such rules may make provisions for requiring drivers of authorized vehicles and masters of ships to carry such documents, and to make such entries therein, as may be prescribed in such rules.

(2) Subject to the provisions of the rules, the Licensing Authority may dispense with the observance, as respects the carriage of goods under a licence granted by it, of any requirements of the rules, and may grant such dispensation either generally or as respects any particular vehicle or ship or as respects the use of vehicles or ships for any particular purpose.

(3) The holder of a licence shall preserve every record kept under the rules for a period of six months, commencing on the date on which the record is made, and for such further period, not exceeding six months, as may be required by the Licensing Authority or a police officer not below the rank of Superintendent, and during the period for which he is required by or under this subsection to preserve a record shall, if required so to do at any time by the Licensing Authority or by any person authorized in that behalf by the Licensing Authority or by any person authorized in that behalf by a police officer not below the rank of Superintendent, produce the record for the inspection of the Licensing Authority or of the person so authorized.

(4) If any person fails to comply with the provisions of this section or of the rules, he shall be guilty of an offence and liable, in the case of a first offence, to a fine not exceeding thirty thousand shillings, and in the case of a second or subsequent offence to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

[L.N. 343/1956, L.N. 173/1960.]

30. General power of making regulations

The Minister may make regulations for any purpose for which regulations may be made under this Act and for prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect, and, in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

- (a) the particulars to be furnished for any of the purposes of this Act;
- (b) the procedure on applications for, and the determination of questions in connection with, the grant, variation, suspension and revocation of licences;
- (c) the issue of licences, and the issue of copies of licences in the case of licences lost or destroyed;
- (d) the means by which vehicles or ships are to be identified, whether by plates, marks or otherwise, as being authorized for use under this Act;
- (e) the custody of licences, the production, return and cancellation of licences on expiration, suspension or revocation, and the custody, production and return of documents and plates; and
- (f) the notification to the Licensing Authority of vehicles or ships which have ceased to be used under a licence,

and in the case of vehicles different regulations may be made as respects different classes or descriptions thereof and as respects the same class or description of vehicles in different circumstances.

[Act No. 23 of 1955, s. 19, Act No. 5 of 1971, Sch.]
