

SPECIAL ISSUE

COUNTY ASSEMBLIES FORUM (CAF)

P. O. Box 73552 - 00200,

NAIROBI, KENYA

Kenya Gazette Supplement No. 10 (Kericho County Acts No. 4)

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KERICHO COUNTY ACTS, 2019

NAIROBI, 31st October, 2019

CONTENT

Act—

PAGE

The Kericho County Taxi-Cabs Act, 2019 1

NATIONAL COUNCIL FOR LAW REPORTING

RECEIVED

03 DEC 2019

P. O. Box 10443 - 00100

NAIROBI, KENYA

TEL: 2719231 FAX: 2712694

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE KERICHO COUNTY TAXI-CABS ACT, 2019

No. 4 of 2019

Date of Assent: 30th September, 2019

Date of Commencement: See Section 1

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title.
- 2 —Interpretation.
- 3—Application.

PART II—PERMIT

- 4—Permits.
- 5—Application for permit.
- 6—Executive Committee member to issue permit.
- 7—Power to refuse.
- 8—Documents to be submitted with the application.
- 9—Transfer of permit.
- 10—Permit to Corporation.
- 11—Duplicate permit or plate.
- 12—Limitation on the number of Taxi-Cabs.

PART III—PROVISIONS APPLICABLE TO TAXI-CABS

- 13—Inspection.
- 14—Permit plate.
- 15—Fitting in Taxi-cab.
- 16—Taxi meters.
- 17—Identification.

**PART IV—PROVISIONS APPLICABLE TO TAXI-CABS
DRIVERS**

- 18—Conduct of driver.
- 19—Use of taxi meters.
- 20—Quarterly reports.

No. 4

Kericho County Taxi-Cabs

21—Prohibition of importuning for hire.

22— Additional passengers.

PART V—FARES AND DESIGNATED TAXI AREAS

23—Fare.

24—Designated Taxi Areas

25—Prohibition against excessive fares

PART VI—MISCELLANEOUS

26—unlicensed vehicles

27—Unlicensed Drivers

28—Presumption as to plying for hire

29— Penalties.

30— Revocation

2019

3
Kericho County Taxi-Cabs

THE KERICHO COUNTY TAXI-CABS ACT, 2019

AN ACT of the County Assembly of Kericho to provide for the regulation and management of taxi-cabs within the county and for connected purposes

ENACTED by the County Assembly of the Kericho County as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Kericho County Taxi-Cabs Act, 2019 and shall come into operation on such a date as the County Executive Committee Member for transport may, in consultation with the Governor, appoint.

Interpretation

2. In this Act, except where the context otherwise requires—

“county engineer” means the person for the time being holding the office of Engineer in the Kericho County and includes his deputy and any other authorized officer;

“executive committee member” means the Executive Committee Member responsible for transport and includes any authorized officer in that behalf;

“permit” means a permit issued under this Act;

“owner” means the person in whose name a taxi-cab or prospective taxi-cab is registered under Part II of the Traffic Act, and in the case of a vehicle subject to a hire purchase agreement, includes the hirer;

“passenger” means a person carried in a taxi-cab for hire or reward;

“ply for hire” in relation to a taxi-cab, includes —

(a) standing on any taxi rank;

(b) standing or travelling whilst exhibiting a "For Hire" notice or any other word or sign implying that the vehicle is a taxi cab;

“Sacco society” has the meaning assigned to it in the Sacco Societies Act;

“sealed” means sealed by an official of Kericho County duly authorized by the executive committee member to do so;

“taxi-cab” means a motor vehicle constructed or adopted to carry not more than four passengers, excluding the driver, which is licensed under this Act to ply for hire;

“vehicle” does not include the motor omnibus as defined by section 2 of the Traffic Act.

Application

3. This Act shall apply to a taxi-cab and its owner and driver and includes the owner of any vehicle who permits such vehicle to ply for hire as a taxi-cab and the driver of any vehicle who drives such vehicle as a taxi-cab within the Municipalities in Kericho County.

PART II— PERMIT

Permits.

4. (1) The permits which may be issued under this Act are—

- (a) a taxi-cab permit; and
- (b) a taxi-cab drivers permit.

(2) Subject to section 7, a permit shall expire on the 31st December in the year which it is issued.

Application for permit.

5. (1) An application for a taxi-cab permit shall be made on the prescribed form and shall be signed by the owner of the vehicle.

(2) An application for a taxi-cab driver's license shall be made in the prescribed form and shall be signed by the applicant.

(3) An application for a permit shall be made by the owner or driver through a Sacco society or a company.

(4) The executive committee member may refuse to accept an application form which is not completed correctly.

(5) An application form shall be delivered to the executive committee member at least one calendar month before the date on which the permit is intended to take effect:

(6) Notwithstanding subsection (5) the executive committee member may accept an application and issue a permit at any time.

Executive Committee member to issue permit

6. (1) On application being made in accordance with the provisions of section 5, the Executive Committee Member shall, subject to the provisions of sections 7 and 13, issue a permit.

(2) A permit issued under subsection (1) in the case of a taxi-cab permit, be in the form specified in the First Schedule and in the case of a taxi-cab drivers permit in the form specified in the Second Schedule.

(3) The executive committee member shall issue, in addition to the permit in respect of which application is made—

- (a) in the case of a taxi-cab permit, a permit plate bearing the number of the permit issued and the number of passengers the vehicle is permitted to carry;
- (b) in the case of taxi-cab drivers permit, a badge bearing the permit number of the permit issued and his or her photograph; and
- (c) require all taxi-cab drivers to wear the prescribed uniform when on duty.

(4) There shall be paid to the County Government at the time a permit, plate or badge issued pursuant to subsections (1), (2) and (3) the fees prescribed in the Kericho County Revenue Act.

(5) Every permit shall be under the hand of the executive committee member or of such other officer of the County as he may in writing authorize in that behalf.

Power to refuse.

7. (1) The executive committee member shall refuse to issue permit and he or she may at any time cancel a permit if—

- (a) in the case of a taxi-cab permit —
 - (i) the owner is not resident in Kenya or is an undischarged bankrupt; or
 - (ii) the issue of the permit is prohibited by section 13 of this Act; or the vehicle to which the application permit relates does not comply with the requirements stipulated in this Act or in the Traffic Act, or of any Rules made thereunder, or, in the opinion of the county engineer, does not comply with any of the requirements of this Act or is otherwise unfit for use as a taxi-cab and the county engineer so certifies in writing; or
 - (iii) the vehicle to which the application or permit relates has an engine capacity of less than 800 c.c.; and
- (b) in the case of a tax-cab driver's permit—
 - (i) the applicant is unable to comply with the provisions of the Third Schedule; or
 - (ii) if the applicant or licensee is; not the holder of a valid Kenyan driving license for the type of vehicle to be used as a taxi-cab issued under the Traffic Act; or

- (iii) if the applicant fails to satisfy the executive committee member that he or she is fit and proper person to hold such a permit.

(2) The executive committee member may refuse to issue a taxi-cab driver's license if the applicant has been convicted of an offence under the Traffic Act or this Act and is suspended from driving a motor vehicle.

(3) The executive committee member may at his or her discretion issue a permit on the condition that the applicant demonstrates compliance within a stipulated period failing which the permit shall be withdrawn upon the expiry of the stipulated period.

Documents to be submitted with the application.

8. A person applying for a permit shall submit to the County Government certified copies of—

- (a) certificate of registration as a company under the companies Act, or a cooperative under the Sacco Societies Act;
- (b) a list of its directors and senior management officers;
- (c) a lease or certificate of ownership of the head office from which it is operating or intends to operate the taxi cab business;
- (d) personal identification number certificate issued by the Kenya Revenue Authority;
- (e) compliance with the county business operating requirements;
- (f) tax compliance certificate issued by the Kenya Revenue Authority;
- (g) where the taxi was previously operated by a licensee other than the one applying for the permit, a letter of no objection from the previous owner;
- (h) a description of the operator's management system, safety management system and customer complaints handling system;
- (i) an inventory of the facilities available to the operator for the operation of the passenger transport service;
- (j) the code of conduct for the employees, agents and sub-contractors;
- (k) a list of the staff it has in its employment and their job descriptions and qualifications;
- (l) the contracts of the drivers of the Taxi-Cabs in respect to which the application for the license is being made;

- (m) the driving license, identity cards, and certificate of good conduct of each person who shall drive the Taxi-Cabs in respect to which the application is made;
- (n) the certificate of ownership or other evidence of ownership in the name of the owner of the taxi cab or contract or franchise agreement between the applicant and the operator or intended operator of the taxi cab;
- (o) the current third party insurance cover with an insurer who meets such minimum conditions as may be prescribed by the county.

Transfer of permit

9. (1) A permit issued to an operator shall not be transferrable to another vehicle or another operator.

(2) No permit shall be transferred so as to apply to a vehicle other than that in respect of which the original application was made and the permit issued.

Permit to Corporation.

10. (1) A taxi-cab permit shall only be issued to a body corporate or a Sacco society registered under the Sacco Societies Act.

(2) A person desirous of operating a taxi cab shall be a member of a body corporate which shall —

- (a) be licensed to operate if the body corporate owns a minimum of fifteen serviceable vehicles or in respect of which an application for a permit has been or is to be lodged;
- (b) have a code of conduct governing its employees, agents and sub-contractors;
- (c) comply with labour laws and regulations including in respect to statutory deductions, health and safety of the workplace, insurance under Work Injuries Benefits Act, 2007 statutory leave days and written contracts of employment for the staff.

Duplicate permit or plate.

11. (1) An application for a duplicate permit or badge shall be made in writing to executive committee member and shall set forth details of the lost permit, plate or badge, as the case may be, and the manner in which the same was lost or destroyed.

(2) The executive committee member shall, if satisfied as to the facts disclosed in the application referred to in subsection (1), and on payment

of such fee as may be prescribed in the gazetted fees and charges, issue to the applicant a duplicate permit, badge or plate, as the case may be.

Limitation on the number of Taxi-Cabs.

12. (1) The executive committee member may by notice in the Gazette limit the number of taxi-cabs which may operate within the county at any one time during the next following year, and he or she shall not in that year issue any taxi- cab permit in excess of the number contained in such notice or any amendment thereto.

(2) The executive committee member shall, within 14 days of the adoption of a resolution under subsection (1), cause any such resolution or amendment thereof as specified in subsection (1) to be published in a newspaper circulating within the county.

PART III—PROVISIONS APPLICABLE TO TAXI-CABS

Inspection.

13. (1) An owner shall, when so required in writing by Executive Inspection Committee Member, cause his taxi-cab to be produced for inspection.

(2) Subject to subsection (5), no taxi-cab having been inspected and certified as fit for use as a taxi-cab, shall be required to be re-inspected within a period of six months from the date of such certification.

(3) The executive committee member may, on the advice of the county engineer after such examination, suspend the permit in respect of any taxi-cab until such time as the vehicle is, in the opinion of the county engineer, fit in all respects to be used as a taxi-cab.

(4) There shall be paid to the County Government at the time of each such examination, as is set out in subsection (1), such fee as may be prescribed by a notice in the *Gazette*.

(5) Notwithstanding subsection (4) a fee prescribed in the Gazetted fees and charges shall be payable by the owner for each subsequent inspection where a vehicle has to be inspected two or more times before it is certified by the county engineer as being fit for use as a taxi-cab.

(6) An owner shall within forty-eight hours of an occurrence of an accident, in which damage is caused to a taxi-cab, report it in writing to the executive committee member and the base commander.

(7) Upon receipt of notification of an accident, as is set out in subsection (6), the executive committee member may immediately require the taxi-cab to be—

- (a) re-inspected; and
- (b) produced for inspection within forty-eight hours of the time of posting a notice to this effect by registered post to the last known address of the owner.
- (8) Any owner who —
 - (a) contravenes or fails to comply with any of the provisions of this Act; or
 - (b) permits the taxi-cab to be on hire or to ply for hire while the permit relating thereto is suspended; shall be guilty of an offence under this Act.

Permit plate.

14. (1) An owner shall cause the permit plate issued pursuant to subsection (2) in section (2) to be attached to the vehicle and maintained in such a manner and position as the executive committee member may direct.

(2) Any owner who causes or permits a taxi-cab to be on hire or to ply for hire without the plate referred to in Permit plate.

subsection (1) being attached thereto or with such plate so defaced that any figure or material particular thereon is illegible shall be guilty of an offence under this Act.

(3) An owner shall within seven days of the expiry of his taxi-cab permit either by expiry of time, surrender or cancellation under sections 7 or 32 return to the executive committee the permit plate referred to in subsection (1).

Fitting in taxi cab.

15. (1) An owner shall in respect of a taxi-cab —
- (a) provide and maintain sufficient means by which any passenger may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide and maintain any necessary windows and a means of opening and closing at least one window on each side;
 - (d) cause the seats to be properly cushioned and covered;
 - (e) cause the floor to be provided with a proper carpet, or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

- (g) provide and maintain adequate means of securing luggage carried on the vehicle;
- (h) provide and maintain adequate internal lighting with at least one light switch so fitted as to enable a passenger to operate it;
- (i) provide and maintain easily accessible means for a passenger to open at least one door on each side of the vehicle from the inside.

(2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or to ply for hire while the provisions of subsection (1) are not complied with, shall be guilty of an offence under this Act.

Taxi meters.

16. (1) Every taxi-cab shall be provided with a taxi- meter of a type approved by the executive committee member which shall be maintained in proper working order and shall be set to indicate no greater fares than those prescribed under this Act.

(2) The taxi-meter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any passenger and for that purpose the letters and figures shall be capable of being suitably illuminated.

(3) Where the taxi-meter provided under subsection (1) is not fitted with a flag or other device bearing the words "For Hire" clearly visible to persons outside the vehicle, the owner shall cause the vehicle to be provided with a sign so constructed as to comply with the following requirements —

- (a) the sign shall bear the words "For Hire" in plain letters at least one and a half inches in height;
- (b) the sign shall be capable of being operated so that it indicates clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire and for that purpose the letters and figures shall be capable of being suitably illuminated.

(4) The taxi-meter and all fittings thereof shall be so sealed that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or seals.

(5) Any person who plies for hire in any taxi-cab or permits any other person to do so while

- (a) no taxi-meter is fitted thereto; or
- (b) the taxi-meter is not in working order; or
- (c) the taxi-meter is not sealed

(d) shall be guilty of an offence under this Act.

Identification.

17. (1) Every taxi-cab shall have painted on the outside of both front doors of the vehicle and affixed inside in a position plainly visible to a passenger, in legible letters and figures—

- (a) the name of the owner; and
- (b) the business address of the owner; and
- (c) the number of the permit issued in respect of the vehicle pursuant to section 6; and
- (d) the number of passengers the taxi-cab is permitted to carry.

(2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or to ply for hire with any such painting or sign as is mentioned in subsection (1) so defaced that any letter or figure is illegible, shall be guilty of an offence under this Act.

**PART IV—PROVISIONS APPLICABLE TO TAXI
CAB DRIVERS**

Conduct of driver.

18. (1) Every driver of a taxi-cab shall while in charge of the taxi-cab—

- (a) behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons conveyed in or entering into or alighting from the vehicle and the security of passengers' luggage;
- (b) where he has been hired to be in attendance with the vehicle at an appointed time and place, unless prevented or delayed by some cause outside his control, punctually attend with such vehicle at such appointed time and place;
- (c) subject to any directions given by the hirer, when hired to drive to some particular destination proceed to that destination by the shortest available route;
- (d) not convey in the vehicle any greater number of passengers than the number for which it is permitted;
- (e) wear the prescribed uniform and permit badge issued to him or her pursuant to section 6, in such a position and manner as to be plainly and distinctly visible;
- (f) ensure that passenger is treated courteously;

- (g) ensure that the music played is acceptable and does not exceed the prescribed limits in the course of the journey;
- (h) ensure the passengers are issued with receipts for the fare paid;
- (i) report any accidents involving their Taxi-Cabs immediately to the relevant authorities;
- (j) keep a record of the defects identified during the defects inspection or service for a minimum period of six months and the actions taken to rectify the defects;
- (k) ensure that no taxi cab is transferred from one Sacco to another without prior permission from the County Government;
- (l) where the vehicle is so constructed as to carry luggage, when requested by any person hiring or seeking to hire the vehicle
 - (i) convey on the vehicle a reasonable amount of luggage;
 - (ii) secure any luggage carried outside the vehicle;
 - (iii) afford reasonable assistance in loading and unloading the vehicle;
 - (iv) afford reasonable assistance in removing the luggage to or from the entrance of any house, station or place at which he may take up or set down such person;
- (m) if any property left in the vehicle be found by or handed to him or her, convey such property (if not sooner claimed by or on behalf of the owner thereof) within 24 hours to a police station in the county and leave it in the custody of a police officer on his giving a receipt for it;
- (n) except when engaged on hire or obstructed by traffic or other reasons beyond his or her control, not allow the vehicle to stand on any street or other public place elsewhere than at a taxi-rank;
- (o) if, to his or her knowledge, he or she has conveyed a person suffering from or who is a carrier of any infectious or contagious disease, forthwith report to the department of the medical officer of health at the designated department of the medical officer of health in the county and carry out such instructions as he or she may receive with respect to the disinfection of his or her vehicle;
- (p) while his or her vehicle is on hire or ply for hire as the case may be, carry his driver's license and produce the same to a county inspector or police officer if requested so to do;
- (q) be clean in person and clothing;

(r) refrain from smoking or spitting whilst carrying passengers.

(2) Any driver who contravenes or fails to comply with any of the provisions of this Act shall be guilty of an offence under this Act.

Use of taxi meters.

19. (1) The driver of a taxi-cab shall—

- (a) when plying for hire keep the taxi meter locked in the position in which no fare is recorded on the face of the taxi-meter or, if a sign is provided pursuant to section 16(3) so operate the sign that the words "for Hire" are clearly and conveniently legible to a person outside the vehicle;
- (b) as soon as the vehicle is hired operate the said sign so that the words "for Hire" are not visible to persons outside the vehicle;
- (c) as soon as the vehicle is hired, bring the machinery of the taxi meter into action;
- (d) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the night, as defined in the provisions of the Traffic Act or regulations made thereunder, and Cap. 403, also at any other time at the request of the hirer.

(2) Any driver who contravenes or fails to comply with any of the provisions of this Act shall be guilty of an offence under this Act.

Quarterly reports.

20. Every operator of a taxi cab shall submit a report to the county on a quarterly basis with particulars of—

- (a) any accidents in which any of the Taxi-Cabs it is operating may have been involved in during the reporting period and shall attach a certified copy of the report of investigation of the cause of each accident and action taken in respect to each accident;
- (b) the number and nature of passenger complaints received during the reporting period and action taken in respect to each complaint;
- (c) any members who have ceased to be its members during the reporting period and reasons;
- (d) the traffic offences committed by the drivers during the reporting period and the penalties imposed against the body, drivers or other employees during the reporting period.

Prohibition of importuning for hire.

21. Any driver who, when plying for hire, importunes any person to hire the vehicle by calling out or otherwise attracting their attention or makes use of the services of any other person for that purpose, shall be guilty of an offence under this Act.

Additional passengers.

22. Any driver of a taxi-cab who when on hire accepts any other passengers without the consent of the original hirer shall be guilty of an offence under this Act.

PART V—FARES

Fare

23. (1) The owner or driver of a taxi-cab shall be entitled to demand for the hire of the vehicle the fare prescribed by the permit plate unless the hirer expresses at the commencement of the hiring to engage by time.

(2) Notwithstanding subsection (1), where the hiring is by distance the owner or driver thereof shall not be entitled to demand a fare greater than that on the face of the taximeter, unless extra charges are displayed on the tariff card.

Designated Taxi areas

24. (1) The executive committee member shall designate taxi parking areas and no taxi cab may park outside such designated area.

(2) Any person who contravenes subsection (1) commits an offence.

Prohibition against excessive fares.

25. Any owner or driver of a taxi-cab who demands a greater fare than that authorized by section 23 shall be guilty of an offence under this Act.

PART VI—MISCELLANEOUS

Unlicensed vehicles.

26. (1) An owner of a vehicle who permits the vehicle to be on hire or to ply for hire within the county while no permit issued under the section 6 is in force in respect of such vehicle shall be guilty of an offence under this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence under this Act.

Unlicensed drivers.

27. Any person, who not being the holder of a taxi-cab driver's licence issued under section 6, drives a vehicle while on hire or plying for hire shall be guilty of an offence under this Act.

Presumption as to plying for hire

28. For the purpose of any proceedings under sections 25 or 26, a vehicle which without good and sufficient reason parks in the immediate vicinity of a railway station, omnibus stop or taxi rank for a period of more than ten minutes during any three days in any one period of seven days, shall, until the contrary is proved be deemed to be plying for hire.

Penalties

29. (1) A person guilty of an offence under this Act shall be liable on conviction to a fine not exceeding twenty thousand shillings in respect of a first offence and not exceeding thirty thousand shillings in respect of a second or subsequent offence or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent offence or to both such fine and imprisonment.

(2) Any person who within any period of two years, is twice convicted of an offence or offences under this Act shall be liable, in addition or any other penalty which the court may impose, to have his permit cancelled by the court from such date as the court may think fit and the court may order that any such person shall be debarred from obtaining a permit for a period, not exceeding one year.

Revocation

30. (1) The County Council of Kericho (Taxi-Cab) By- Revocation. Laws, 1967, are revoked.

(2) Notwithstanding subsection (1), all permits or licences issued in respect of taxi-cabs which are in force at the date of coming into force of this Act shall be deemed to be permits issued under these rules and shall remain valid until they expire, after which they shall be renewed under this Act.

FIRST SCHEDULE: TAXI-CAB PERMIT

(Section 6(2))

TAXI CAB PERMIT No

Permit is hereby granted to

of

To ply for hire with taxi-cab hereunder described, in accordance with
Provisions of the Kericho County Taxi-Cabs Act, 2019

Make of vehicle

Registration number

Maximum number of passengers

Subject to the provisions of the said Act, this Taxi Cab permit expires on
31st December,

Date

Signature

For: County Executive Committee Member for Transport, Kericho
County.

The permit is only valid if a machine receipt is printed below

2019

17
Kericho County Taxi-Cabs

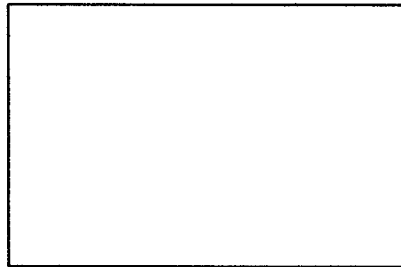
SECOND SCHEDULE

(Section 6(2))

TAXI-CAB DRIVER'S PERMIT

Permit is hereby granted to
of

to drive a taxi-cab in the Kericho Town in accordance with the Kericho
County Taxi-Cabs Act, 2019 Subject to the provisions of the said Act, this
permit expires on the 31st December.



Photograph

Date.....

Signature

For County Executive Committee Member for Transport, Kericho County

This permit is only valid if a machine receipt is printed below

**THIRD SCHEDULE REQUIREMENTS FOR TAXI CAB DRIVER'S
PERMIT**

An applicant for taxi cab driver's permit under this Act shall—

- (a) have a thorough knowledge of the tariff of fares authorized for the time being by Section 23 of this Act;
- (b) have a thorough knowledge of routes, places and distances within the county and of the Traffic Act and relevant rules and laws;
- (c) be able to understand English, or Swahili and read and write numbers in English or Swahili;
- (d) be at least 21 years of age;
- (e) produce testimonials of good conduct from two responsible persons who have known him for a period of at least 12 months;
- (f) produce a medical certificate that he or she is free from infirmity of mind and body;
- (g) produce two copies of passport size photograph as a means of identification;
- (h) produce a current Kenyan driving licence valid for the type of

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA