

SUMMARY OF THE TRAFFIC (AMMENDMENT) BILL 2014.

The Traffic Bill 2014 seeks to amend the Traffic Act, Cap 403 Laws of Kenya, by introducing safety measures and enforcement mechanisms in furtherance of the achievement of said objectives. It seeks to be enacted by the National Assembly and cited as the Traffic Act 2014, coming into operation thirty days after its publication in the Gazette.

The Bill seeks to amend several sections of the Cap 403 which include inter alia;

1. An amendment of section 42 of the principal Act (Cap 403). This amendment seeks to introduce a new subsection 3A and 3B immediately after section (3). These sections will seek to;
 - 3(A) will seek to establish a speed restriction of a speed not exceeding thirty kilometres per hour on persons operating vehicles within the precincts of or any roads leading to;
 - Nursery school, primary and secondary schools
 - Sections on roads used by children to access learning institutions
 - 3 (B) (1) will seek to place a duty on the Highway Authority and/or the respective County Government to establish Speed calming measures and safety features by;
 - Erecting and maintaining signs to notify drivers of the zones mentioned at 3A and the expected speed limits.
 - Erect, construct and maintain speed limiting road designs such as speed bumps, road rumble strips and/or traffic circles at areas designated in 3A.
 - Establish crossing zones on section of a designated road where forward visibility is short and notice of the road users of such shortage.
 - Ensure that traffic routes in the vicinity of the designated zones are maintained with safety features that include but are not limited to wide pavements, footpaths, cycle-tracks, roadside barriers, pedestrian crossings and underpasses and footbridges with appropriate signs and markings.
 - Ensure that there are no man made obstructions which negate the view of the road in the designated areas, or the signs by both drivers, and pedestrians.

SUMMARY OF THE TRAFFIC (AMMENDMENT) BILL 2014.

- 3 (B) (2) seeks to place a duty on the Cabinet secretary to prescribe other designs of schools and their environment to promote and ensure safety of children.
2. Amendment of section 43 of the Principal Act which shall seek to delete subsection (1) and replace it with;
- 43. 1 (A) will seek to place liability on persons found in contravention of section 42. A police officer shall serve person, a notification, in prescribed form, of the offence under this section.
 - 1 (B) seeks to have person served with such notification presented in court within forty eight hours of such notification to answer such charge.
 - 1 (C) seeks to have the procedure stipulated under section 117 (4), (5), (6), (7), (8), (9) and (10) shall apply to this section.
3. The Principal Act is amended by inserting a new section 105B after section 105A.
- 105 (B) (1) This shall seek to place a duty on persons and/or institutions not to designate vehicles to the transport of children to and from school if they do not conform to the set standards.
 - 105 (B) (2) seeks to place a duty on persons or institutions to ensure that vehicles designated for such purpose are fitted with the prescribed child safety equipment, design safety features or structures.
 - 105 (B) (3) seeks to insist that the child safety equipment, design features and structures referred to in subsection (1) shall be in accordance with the prescribed standards.
 - 105 (B) (4) seeks to place a duty on person(s) who, carries or permits another person to carry a child under the age of eight years, on board a vehicle to ensure that;
 - Such vehicle is fitted with the prescribed child restraint device or seat; and the child is always placed in the device or seat whenever on the board the vehicle.
 - Such vehicle is painted in yellow colours and any other signage that may be prescribed.
 - The vehicle to comply with the conditions on public service vehicles as stipulated under the Traffic Act.

SUMMARY OF THE TRAFFIC (AMMENDMENT) BILL 2014.

- Ensure that the vehicle does not operate between the hours of 10:00 pm and 6:00 pm
 - 105 (B) (5) stipulates that such child restraint devices shall meet the prescribed standards.
 - 105 (B) (6) Stipulates that any person employed or designated to drive children to and from schools, shall be expected to meet the requirements for drivers of public service vehicles.

 - 105 (B) (7) places a duty on the Cabinet Secretary to prescribe;
 - 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;
 - The continuous inspection of vehicles transporting children;
 - Specialised instructions to be provided and undertaken by any person driving a vehicles for children transport.
 - Regulations on the school road transport system

 - 105 (B) (8) seeks to create an offence for person(s) who contravenes this section making them liable to a fine of fifty thousand shillings or to imprisonment for a term not exceeding two months or to both.
 - 105 (B) (9) seeks to extend such liability as envisaged in (8) to a person who authorizes or permits the use of a vehicle not fit to be used for transporting children or is negligent to prevent contravention this law to a fine not exceeding fifty thousand or imprisonment for a term not exceeding three months or to both.
4. The Schedule to the Principal Act is amended by insertion of a first schedule whose content shall be the stipulated penalties for breach of this legislation.

SUMMARY OF THE TRAFFIC (AMMENDMENT) BILL 2014.

MEMORANDUM OF OBJECTS AND REASON

The purpose of the Bill is to ensure safety of children on the road especially around school or when using school transport.

Clause 1 provides the short title of the Bill.

Clause 2 seeks to regulate the speed around schools in order to protect children when crossing the road to or from school. The clause obligates the Highway Authority to ensure that there are speed-calming measures around schools. The clause is intended to reduce significantly the road crashes involving children around schools where they are most vulnerable due to high concentrated child population around schools.

Clause 3 seeks to prescribe fixed statutory penalties for offences related to speed. The Clause proposes maximum penalties depending on the level at which one exceeds the speed limit. It is intended that the Clause will improve efficiency in enforcement of offences related to speed as well as reduce corruption, which emanates with offenders seeking to avoid spending lengthy time in court.

Clause 4 seeks to provide for safety of children in motor vehicles used for school transport. The clause is intended to ensure safety of children when being transported to and from school in motor vehicles designated for school transport. Currently, children using school transport system are normally at risk since there are no regulations in regard to the safety standards and numbers that a motor vehicle can carry.

Clause 5 provides for statutory penalties