

## CHAPTER 361

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## CHAPTER 361

### THE TRAFFIC AND ROAD SAFETY ACT, 1998.

*Commencement:* 11 September, 1998;  
15 March, 1999;  
(except ss. 107, 108, 109, 110);  
see section 1.

**An Act to consolidate and amend the law relating to road traffic; to provide for the National Road Safety Council and the Transport Licensing Board; to revise the penalties prescribed in relation to road traffic offences and for other purposes connected with road traffic and road safety.**

#### PART I—PRELIMINARY.

##### 1. Commencement.

This Act shall come into force on such date as the Minister may, by statutory instrument appoint; but the Minister may appoint different dates for different provisions of this Act.

##### 2. Interpretation.

- (1) In this Act, unless the context otherwise requires—
  - (a) “articulated vehicle” means a combination of vehicles comprising a tractor and semitrailer so attached to the tractor that part of the semitrailer is superimposed upon the tractor and when the semitrailer is uniformly loaded, not less than 20 percent of the weight of its load is borne by the tractor;
  - (b) “basic licence” means a licence issued under section 102;
  - (c) “bicycle” means any vehicle which has at least two wheels which is propelled by means of pedals or hand cranks solely by the muscular energy of the person riding it;
  - (d) “board” means the Transport Licensing Board established under section 61;
  - (e) “carriageway” means that part of a road normally used by vehicular traffic but does not include that part of a road which consists of a street refuge or central reservation whether within the limits of a pedestrian crossing or not;



- (f) “chief licensing officer” means the chief licensing officer of motor vehicles designated under section 3 and includes a deputy chief licensing officer of motor vehicles;
- (g) “contract omnibus” means a public service vehicle not carrying passengers at separate fares;
- (h) “council” has the meaning assigned to it by section 168;
- (i) “country taxicab” means an unrestricted public service vehicle, not being a town taxicab;
- (j) “currency point” means the value of a currency point specified in the First Schedule;
- (k) “dealer” means a person who trades in or repairs for financial reward or gain on his or her own account motor vehicles or tractors or manufactures or trades in spare parts as defined in section 29(7);
- (l) “driver”—
  - (i) in relation to a motor vehicle, means a person who drives or attempts to drive or is in charge of a motor vehicle or other vehicle (including a cycle) or an instructor of a learner driver;
  - (ii) in relation to animals, means a person who guides cattle, singly or in herds, or flocks or draught, pack or saddle animals on a road; and
  - (iii) in relation to a towed vehicle, means a person who drives the towing vehicle;
- (m) “driver permit” means a permit issued under Part IV of this Act;
- (n) “driving school” means a school established under section 37 in which persons wishing to drive motor vehicles receive instruction in driving motor vehicles;
- (o) “dual-purpose vehicle” means a vehicle that is constructed or adapted for the carriage of passengers and of goods or burden of any description, the unladen weight of which does not exceed two tonnes and which either—
  - (i) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of controls of the vehicle can be, transmitted to all the wheels of the vehicles; or
  - (ii) the vehicle is permanently fitted with a rigid roof, with or without a sliding panel; and
  - (iii) the area of the vehicle behind the driver’s seat is permanently fitted with at least transverse seats (fixed or folding) for two or more passengers which are properly

sprung and cushioned and provided with upholstered backrests attached either to the seats or to the side or the floor of the vehicle and lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than two thousand square centimetres on each side and not less than eight hundred square centimetres at the rear and the distance between the rearmost part of the steering wheel and the backrests of the rearmost row of such transverse seat is not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

- (p) “engineering plant” means movable plant or equipment being a self-propelled vehicle or trailer designed or constructed for special purposes of engineering operations which, where proceeding on a road, does not carry any load other than such as is necessary for its propulsion or equipment;
- (q) “examining officer” means a person appointed as an examining officer under section 4(1)(c);
- (r) “excess charge” means the amount additional to the initial charge for a vehicle left in a parking place for a time exceeding the standard period prescribed for the parking place as indicated on the parking meter;
- (s) “goods operator’s licence” means a licence issued under section 83;
- (t) “goods vehicle” means a heavy motorcar which is constructed or adapted for use for the conveyance of goods or burden of any description;
- (u) “heavy goods vehicle” means a heavy motorcar which is constructed or adapted for use for the conveyance of goods or burden of any description exceeding a weight prescribed by regulations;
- (v) “heavy motorcar” means a motor vehicle, not being a motorcycle, which is constructed to carry a load or passengers, the permissible maximum weight of which exceeds 22,500 kilograms;
- (w) “heavy omnibus” means a motor vehicle having seating accommodation for more than sixty passengers exclusive of the driver;
- (x) “heavy tractor” means a tractor the weight of which exceeds two tonnes;

- (y) “initial charge” means the amount of the charge for a vehicle left in a parking place for a time not exceeding the standard period prescribed for the parking place and as indicated on the parking meter;
- (z) “insurance” includes a cover note;
- (aa) “learner driving permit” means a permit issued under section 39 to a person to drive a motor vehicle or tractor under the personal supervision of a licensed instructor;
- (bb) “licensed instructor” means a person licensed under section 37(3) to instruct persons to drive a motor vehicle, trailer or engineering plant;
- (cc) “licensing officer” means a person appointed as a licensing officer under section 4(1)(a);
- (dd) “licensing period” means any one of the periods mentioned in section 17(2);
- (ee) “licensing year” has the meaning assigned to it in sections 6 and 60;
- (ff) “light goods vehicle” means a motorcar which is constructed or adapted for use for the conveyance of goods or burden of any description;
- (gg) “light omnibus” means a motor vehicle having seating accommodation for more than seven but not exceeding twenty passengers exclusive of the driver;
- (hh) “manufacture” with its grammatical variations and cognate expressions, means to subject any physical matter to any process—
  - (i) which materially changes the matter in substance, character or appearance; and
  - (ii) which results in the matter, after being so processed, being “spare parts” as defined in section 29(7);
- (ii) “medium goods vehicle” means a medium motorcar which is constructed or adapted for use for the conveyance of goods or burden of any description;
- (jj) “medium motorcar” means a motor vehicle, not being a motorcycle, which is constructed to carry a load or passengers the permissible maximum weight of which exceeds 3,500 kilograms but does not exceed 22,500 kilograms;
- (kk) “medium omnibus” means a motor vehicle having seating accommodation for more than twenty but not exceeding sixty passengers exclusive of the driver;
- (ll) “Minister” means the Minister to whom functions under this Act

are assigned;

- (mm) “motorcar” means a motor vehicle, not being a motorcycle, which is constructed to carry a load or passengers, the permissible maximum weight of which does not exceed thirty-five hundred kilograms, and in the case of a passenger vehicle which is constructed or adapted to carry not more than seven passengers exclusive of the driver;
- (nn) “motorcycle” means a motor vehicle with less than four wheels, the unladen weight of which does not exceed four hundred kilograms;
- (oo) “motor vehicle” means any self-propelled vehicle intended or adapted for use on the roads;
- (pp) “neighbouring country” means a country prescribed by the Minister by regulations;
- (qq) “one-way street” means any road on which driving other than in one direction is prohibited at all times;
- (rr) “owner” means—
  - (i) in the case of a vehicle which is for the time being registered under this Act and is not being used under a hiring agreement or hire-purchase agreement or a finance lease agreement, means the person appearing as the owner of the vehicle in the register kept by the chief licensing officer under this Act; and
  - (ii) in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement or a finance lease agreement, means the person in possession of the vehicle under that agreement;
- (ss) “owner’s transport vehicle” means a goods vehicle of an employer of labour in respect of which a permit is granted under section 88 to carry the employees or agents of that employer;
- (tt) “parking meter” means an apparatus for use on or in the vicinity of a parking place for indicating, as respects a space provided at that parking place for the leaving of vehicles, whether the initial charge has been paid and whether the period for which payment was made by the initial charge has expired;
- (uu) “passenger vehicle” means a vehicle that is constructed or adapted solely for the carriage of passengers and their effects and includes a dual-purpose vehicle;
- (vv) “pedestrian crossing” means a crossing for foot passengers of the part of a road normally used by vehicular traffic established under this Act and indicated by traffic signs in accordance with

- the regulations applicable to that crossing;
- (ww) “points system” means a method by which numerical values are assigned to driving offences in proportion to the seriousness of the offence;
  - (xx) “prescribed” means prescribed by regulations;
  - (yy) “prescribed limit” has the meaning assigned to it by section 117;
  - (zz) “private omnibus” means a passenger vehicle not being a public service vehicle having seating accommodation for more than seven passengers excluding the driver;
  - (aaa) “produce seller’s transport vehicle” means a goods vehicle in respect of which a permit is granted under section 88 for the carriage on that vehicle of the seller, his or her agents and their goods or local produce;
  - (bbb) “public omnibus” means a public service vehicle that carries passengers at separate fares on a previously determined route;
  - (ccc) “public service vehicle” means a motor vehicle licensed to carry passengers for hire or reward;
  - (ddd) “register” means a register which includes information stored for use in a computer and any other apparatus;
  - (eee) “registered practitioner” has the meaning assigned to it under the Medical and Dental Practitioners Act;
  - (fff) “regulations” means regulations made under this Act;
  - (ggg) “rental vehicle” means a motorcar used as a passenger vehicle which is a public service vehicle not carrying passengers at separate fares and which plies for hire at a licensed fixed place of business not being a taxi rank or road, on daily, weekly or monthly basis or for a specific journey;
  - (hhh) “road” means any highway and any other road to which the public have access and includes bridges over which a road passes and includes also car parks whether public or private;
  - (iii) “semitrailer” means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its weight and of the weight of its load is borne by the motor vehicle;
  - (jjj) “street parking place” and “off-street parking place” refer respectively to parking places on land which does, and on land which does not, form part of a road;
  - (kkk) “temporary contract omnibus” means a goods vehicle licensed by the board under section 81, to be used as a temporary contract omnibus;
  - (lll) “temporary public omnibus” means a goods vehicle licenced by

the board under section 82 to be used as a temporary public omnibus;

- (mmm) “tour operator’s vehicle” means a motor vehicle licensed for tours within Uganda;
- (nnn) “town taxicab” means a motorcar used as a passenger vehicle which stands on a rank or plies for hire on a road or a fixed place of business and is licensed to carry passengers for hire or reward under a contract express or implied for the use of the vehicle as a whole at the authorised fee and rates displayed on the vehicle and the sum indicated on the meter;
- (ooo) “tractor” means a self-propelled road vehicle which is not constructed itself to carry a load other than such as is necessary for its propulsion and equipment but which is constructed or adapted for the purpose of drawing or propelling a vehicle;
- (ppp) “traffic sign” means any object or device (whether fixed or portable) for conveying to traffic, warnings, information, requirements, restrictions or prohibitions of any description specified by the Minister by regulations and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions;
- (qqq) “traffic warden” means a person appointed as a traffic warden under section 166(1);
- (rrr) “trailer” means any vehicle designed to be drawn or propelled by a motor vehicle but does not include—
  - (i) an integral sidecar, integral forecar or integral trailer attached to a motorcycle (which shall be regarded as forming part of the vehicle to which it is attached);
  - (ii) engineering plant;
  - (iii) agricultural implement not constructed or adapted for the conveyance of goods or burden of any description when drawn by a farmer’s power-driven vehicle;
- (sss) “vehicle” includes a machine or implement of any kind drawn or propelled along roads whether by animal, mechanical, electrical or any other motive power; and
- (ttt) “vehicle inspector” means a person appointed as a vehicle inspector under section 4(1)(b).

(2) Where, for the purposes of Part V of this Act, there is reasonable doubt whether a person is a citizen of Uganda, the burden of proof shall be upon that person.

(3) For the purposes of Part V of this Act, a “company” whether incorporated in Uganda or not, and a “firm” the firm name of which is registered in Uganda, shall be regarded as a citizen of Uganda if, in the case of a company, more than 51 percent of its share capital, or in the case of a firm, more than 51 percent of its partnership property, is held by or on behalf of persons who are citizens of Uganda.

(4) A statutory declaration made by a director, partner or other person responsible for the management of that company or firm referred to in subsection (3) that to the best of his or her knowledge and belief more than 51 percent of the share capital of the company or more than 51 percent of the partnership property of the firm is held as described in subsection (3) shall be prima facie evidence that it is so held.

## PART II—ADMINISTRATION.

### **3. Chief licensing officer of motor vehicles.**

(1) Subject to any written law relating to the appointment of persons to the public service, the Minister shall, by notice in the Gazette, designate a public officer as a chief licensing officer of motor vehicles.

(2) The Minister may, by notice in the Gazette designate one or more public officers as deputy chief licensing officers of motor vehicles for such parts of Uganda as shall be specified in the notice.

(3) Any designation under this section shall be effected in consultation with the Minister responsible for internal affairs.

### **4. Licensing officers, etc.**

(1) There shall be appointed for the purposes of this Act, the following public officers—

- (a) licensing officers;
- (b) vehicle inspectors; and
- (c) examining officers,

and such other persons as may be necessary for carrying out the provisions of this Act.

(2) All licensing officers and all vehicle inspectors shall be under the direction of the chief licensing officer.

## **5. Control by Minister.**

The chief licensing officer shall be subject to the overall control of the Minister on matters of policy and shall comply with any directions on such matters given by the Minister.

### *Records.*

## **6. Licensing year defined.**

Except as provided in section 60, “licensing year” means a period of twelve months beginning with the date of first registration of the motor vehicle, trailer or engineering plant.

## **7. Registers.**

- (1) The chief licensing officer shall keep in the prescribed form—
  - (a) registers of all motor vehicles, trailers and engineering plant registered in Uganda; and
  - (b) registers of registration plates and licences issued for motor vehicles, trailers and engineering plant, and shall cause every licensing officer to keep registers of all motor vehicles, trailers and engineering plant registered by him or her and registration plates and licences issued by him or her.

- (2) All registers shall be open for inspection on demand by a police officer who shall be entitled to copy any entry in a register.

## **8. Searches.**

All registers in the custody of the chief licensing officer and licensing officers shall be open for inspection by members of the public during prescribed hours upon payment of the prescribed fee.

## **9. Certified copies.**

- (1) The chief licensing officer shall, upon payment of the prescribed fee, furnish to an applicant a certified copy of any entry in any register.

- (2) The copy of any entry in a register which is certified under the



hand of the chief licensing officer to be a correct copy shall be prima facie evidence in all court proceedings of the facts contained in it.

PART III—REGISTRATION AND LICENSING OF MOTOR VEHICLES, ETC.

**10. Prohibition of possession of motor vehicles, etc. without registration.**

No person shall possess a motor vehicle, trailer or engineering plant, other than a motor vehicle, trailer or engineering plant exempted from the provisions of this Act, unless the motor vehicle, trailer or engineering plant is registered under this Act.

**11. Classification of motor vehicles, etc.**

(1) For the purposes of this Act, motor vehicles, trailers and engineering plant shall be divided into the following classes—

- (a) heavy goods vehicles;
- (b) heavy omnibuses;
- (c) heavy tractors;
- (d) medium goods vehicles;
- (e) medium omnibuses;
- (f) light goods vehicles;
- (g) light omnibus;
- (h) tractors;
- (i) motorcars and dual-purpose vehicles excluding light goods vehicles;
- (j) engineering plant;
- (k) motorcycles;
- (l) pedestrian controlled vehicles;
- (m) trailers and semitrailers.

(2) Regulations made under section 178 may provide—

- (a) that any provision of this Act which would otherwise apply to hover vehicles shall not apply to them, or shall apply to them subject to such modifications as may be specified in the regulations; or
- (b) that any provision of this Act which would not otherwise apply to hover vehicles shall apply to them subject to such modifications, if any, as may be specified in the regulations.

## **12. Application for registration of motor vehicles, etc.**

(1) An application for the registration of a motor vehicle, trailer or engineering plant shall be made in the prescribed form by the owner of the motor vehicle, trailer or engineering plant to a licensing officer and shall be accompanied by the prescribed fee.

(2) Subject to this Act, any person, whatever his or her age, may be registered as the owner of a motor vehicle, tractor or engineering plant if he or she has legal capacity to own it.

(3) Every application for the registration of a motor vehicle, trailer or engineering plant shall be accompanied by or combined with an application for a licence and insurance of the motor vehicle, trailer or engineering plant.

(4) Every application for the registration of a motor vehicle, trailer or engineering plant shall state the name and address of any person (other than the owner) in whom the property of the motor vehicle, trailer or engineering plant or any absolute or conditional right or licence to take possession of the motor vehicle, trailer or engineering plant is vested or whether it is the subject of a hire-purchase agreement or a bill of sale or similar agreement.

(5) Where the name of any person is stated in the application in accordance with subsection (4), that person shall be recorded in the register and in the registration book as the proprietor of the motor vehicle, trailer or engineering plant.

(6) Subject to subsection (8), where a person is recorded in the register and in the registration book as the proprietor of any motor vehicle, trailer or engineering plant—

- (a) no change of proprietorship shall be recorded except upon his or her application or with his or her consent in writing; and
- (b) any change of proprietorship shall be registered subject to the continuation of his or her recording as the proprietor unless his or her consent in writing to the cancelling of that recording is lodged with the chief licensing officer.

(7) Where a person who is recorded as the proprietor of a motor vehicle, trailer or engineering plant ceases to be the proprietor, he or she shall

sign a consent in the prescribed form to the cancelling of his or her recording as proprietor and shall, subject to regulations, lodge the cancellation with the chief licensing officer or give or send it to the owner of the motor vehicle, trailer or engineering plant.

(8) Where it appears to the chief licensing officer that a person who is recorded as proprietor of a motor vehicle, trailer or engineering plant is no longer the proprietor, he or she may, by notice in writing in the prescribed form, require that person to show cause within fourteen days after receipt of the notice, why the recording should not be cancelled.

(9) Where a person fails to show cause as required by a notice under subsection (8), the chief licensing officer may cancel the recording of that person as proprietor of the motor vehicle, trailer or engineering plant concerned.

(10) Where under a hire-purchase agreement or a bill of sale or similar agreement, the proprietor of a motor vehicle, trailer or engineering plant recovers possession from the person registered as the owner, the proprietor shall, within twenty-one days after recovering possession, send or deliver to the chief licensing officer together with the prescribed fee, a notice in or to the effect of the prescribed form of the recovery of possession of the motor vehicle, trailer or engineering plant.

(11) Upon receiving a notice given under subsection (10) together with the prescribed fee, the chief licensing officer shall record in the register in relation to the motor vehicle, trailer or engineering plant concerned, the fact and date of the recovery of possession by the proprietor and shall cancel the entries in the register relating to the owner of the motor vehicle, trailer or engineering plant and thereupon, the proprietor shall, for the purposes of this Act, be taken to be the registered owner until the motor vehicle, trailer or engineering plant is disposed of or possession of it is restored to the person previously recorded in the register as the owner.

(12) Where the proprietor of a motor vehicle, trailer or engineering plant recovers possession of the motor vehicle, trailer or engineering plant but subsequently restores possession to the person previously recorded in the register as the owner, the proprietor shall send or deliver to the chief licensing officer, within fourteen days after restoring possession, a notice in or to the effect of the prescribed form, of restoration of possession of the motor vehicle, trailer or engineering plant.

(13) Upon receiving a notice given under subsection (12), the chief licensing officer shall reinstate in the register the entries cancelled under subsection (11).

(14) Where the property in a motor vehicle, trailer or engineering plant or any absolute or conditional right or licence to take possession of the motor vehicle, trailer or engineering plant is or becomes vested in the proprietor of the motor vehicle, trailer or engineering plant, the owner shall, as soon as possible, forward to the chief licensing officer the certificate of registration, together with a notice in the prescribed form, of the name and address of the proprietor.

(15) The chief licensing officer or any licensing officer or any other person concerned in the keeping of the register shall not be required to make any inquiry into the ownership or proprietorship of any motor vehicle, trailer or engineering plant beyond what appears in the particulars shown in the application notice, consent or any other document received by him or her under this Act and regulations, but shall be responsible only for making such entries in the register and upon any certificate in such a way as appears to be in accordance with the particulars so shown.

### **13. Registration of motor vehicles, etc.**

(1) A licensing officer shall, prior to the registration of a motor vehicle, trailer or engineering plant, verify the particulars in the application for registration and shall satisfy himself or herself that—

- (a) the motor vehicle, trailer or engineering plant is in a fit and proper condition for the purpose for which it is intended to be used, and he or she shall, for that purpose send the motor vehicle, trailer or engineering plant to a vehicle inspector for examination;
- (b) the motor vehicle, trailer or engineering plant has been lawfully exported from its country of origin or the country in which it was last registered, and that the applicant is in possession of an export permit relating to the motor vehicle, trailer or engineering plant other than a temporary permit or permit for exportation for a limited period only, if that is required by the law of the country of origin or of last registration;
- (c) the motor vehicle, trailer or engineering plant has been lawfully imported into Uganda; and
- (d) any tax or duty due in respect of the motor vehicle, trailer or

engineering plant under any written law has been paid.

(2) If an application is made to register a goods vehicle or trailer the body of which has not been made by the manufacturers of the chassis, or the load capacity of which has not been declared by the manufacturers, a licensing officer shall not register the goods vehicle or trailer until a vehicle inspector has determined its load capacity.

(3) The decision of a vehicle inspector under subsection (2) is final.

(4) A licensing officer shall, when satisfied as to the particulars of a motor vehicle, trailer or engineering plant contained in an application for registration, enter the particulars in his or her register and shall assign the motor vehicle, trailer or engineering plant a number or mark to be shown on the registration plates to be affixed to the motor vehicle, trailer or engineering plant and shall issue to the applicant registration plates and a registration book in the prescribed form for the motor vehicle, trailer or engineering plant.

(5) Where a motor vehicle, trailer or engineering plant is owned by more than one person, the registration shall be effected in the name of one of the owners nominated by all of the owners or, where the owners are the members of an unincorporated body, by the governing body of that unincorporated body.

(6) The registration of a motor vehicle, trailer or engineering plant shall not be effected under a business name (whether registered or unregistered) or under the name of any unincorporated body.

(7) Any person who, without lawful authority or excuse—

- (a) makes any registration plate which resembles a registration plate issued by the licensing officer;
- (b) knowingly has in his or her possession a registration plate so issued;
- (c) knowingly has in his or her possession a registration plate which resembles a registration plate so issued and which is likely to deceive;
- (d) uses any registration plate so issued which is altered or defaced;
- (e) fraudulently or knowingly alters or defaces any registration plate so issued;
- (f) fraudulently uses, lends or permits to be used a registration plate

- so issued; or
- (g) buys or sells any registration plate which resembles a registration plate so issued and which is likely to deceive,
- commits an offence and is liable—
- (h) in the case of a first offence, to imprisonment of not less than one year and not exceeding three years;
  - (i) in case of a second or subsequent offence, to imprisonment of not less than two years and not exceeding five years.

(8) Where a person is convicted of an offence under subsection (7), the court shall, in addition to any penalty imposed under that subsection, order the forfeiture of any registration plate to which the offence relates and may also order the forfeiture of any machine or equipment used in the manufacture of the registration plate and the closure of the workshop or factory where the registration plate was manufactured.

#### **14. Reregistration of motor vehicles, etc.**

Every owner of a motor vehicle, trailer or engineering plant registered under any enactment repealed by this Act, shall, on the coming into force of this Act, reregister and relicence that motor vehicle, trailer or engineering plant in accordance with this Act, within such period and in such manner as may be prescribed.

#### *Licensing of motor vehicles, etc.*

#### **15. Licence for possessing motor vehicle, etc.**

No person shall own or possess a motor vehicle, trailer or engineering plant or use it on a road, other than a motor vehicle, trailer or engineering plant exempted from the provisions of this Act, unless the motor vehicle, trailer or engineering plant is licensed under and in accordance with this Part of this Act.

#### **16. Application for licence for motor vehicle, etc.**

An application for a licence for a motor vehicle, trailer or engineering plant shall be made in the prescribed form by the owner of the motor vehicle, trailer or engineering plant to a licensing officer and shall be accompanied by the prescribed fee and the registration book, and the applicant shall produce the motor vehicle, trailer or engineering plant for inspection.

**17. Issue of licence for motor vehicle, etc.**

(1) On receipt of an application for a licence for a motor vehicle, trailer or engineering plant, a licensing officer shall, if he or she is satisfied that—

- (a) the motor vehicle, trailer or engineering plant is duly registered;
  - (b) the particulars in the register relating to the motor vehicle, trailer or engineering plant are correct; and
  - (c) all other provisions of this Act have been complied with,
- issue a licence in the prescribed form in respect of the motor vehicle, trailer or engineering plant.

(2) A licence issued under subsection (1) may be for a period of four, eight or twelve months, except that the prescribed fee for a licence issued at the time of the registration of the motor vehicle, trailer or engineering plant during a licensing year shall be computed at the rate of one-twelfth for each complete month which remains within the licensing year including the month in which the licence is issued.

(3) Notwithstanding any provision of this Act, if the owner of a motor vehicle, trailer or engineering plant informs a licensing officer that he or she does not intend to use the motor vehicle, trailer or engineering plant for a stated period and surrenders the registration plates of the motor vehicle, trailer or engineering plant, he or she shall be exempted from the provisions of this Part of this Act.

*Alteration of records.*

**18. Change of registration particulars.**

(1) The owner of a motor vehicle, trailer or engineering plant shall, if change of circumstances affect the accuracy of the registered particulars of his or her motor vehicle, trailer or engineering plant, forward the registration book with the prescribed fee to a licensing officer to enable the register and the registration book to be amended, and shall supply the licensing officer with such information as the licensing officer may require.

(2) A police officer of or above the rank of assistant inspector of police may seize any registration book which does not contain accurate particulars of a motor vehicle, trailer or engineering plant and forward it to

a licensing officer for the register and the registration book to be amended or cancelled.

(3) A person aggrieved by any amendment or cancellation under subsection (2) may within thirty days appeal to the board against the decision, and the board may confirm or reverse a decision.

**19. Cancellation of registration on destruction or permanent removal of motor vehicle, etc.**

(1) If any registered motor vehicle, trailer or engineering plant is destroyed or becomes permanently useless as a motor vehicle, trailer or engineering plant or is removed permanently from Uganda, the owner of the motor vehicle, trailer or engineering plant shall immediately give to a licensing officer notice of its destruction, condition or removal, as the case may be, and shall deliver to the licensing officer the registration book of the motor vehicle, trailer or engineering plant and its registration plates.

(2) Upon receipt of the notice and other matters referred to in subsection (1), the licensing officer shall send the notice to the chief licensing officer who shall cancel the registration of the motor vehicle, trailer or engineering plant.

**20. Cancellation of registration for not renewing licence.**

(1) If no licence is issued for any registered motor vehicle, trailer or engineering plant for any licensing year, the chief licensing officer may, at any time after the expiration of that year, but before any licence is issued for the motor vehicle, trailer or engineering plant for any subsequent licensing year, cancel the registration of the motor vehicle, trailer or engineering plant except that the cancellation shall not take effect until thirty days have elapsed after the expiration of the first-mentioned licensing year.

(2) Upon cancellation of the registration of the motor vehicle, trailer or engineering plant under subsection (1), any person in possession of the registration plates relating to the motor vehicle, trailer or engineering plant shall surrender the plates to the chief licensing officer.

(3) Notwithstanding subsections (1) and (2), if the owner of any registered motor vehicle, trailer or engineering plant fails to notify the licensing officer as provided for in section 17(3) or fails to renew the licence



on or before the date it is due for renewal, the chief licensing officer shall notify in writing a senior police officer of the facts; and upon receipt of the notice the police shall proceed to the place where the vehicle is lying and remove the registration plates of the vehicle and return them to the licensing officer.

(4) The expenses of removing and returning the registration plates to the licensing officer shall be borne by the owner of the vehicle from which the registration plates have been removed.

#### **21. No licence for deregistered vehicle until reregistered.**

Where the registration of a motor vehicle, trailer or engineering plant has been cancelled, a licence shall not be issued in respect of it until it is again registered and the prescribed registration fee is paid.

#### **22. Change of classification for licences.**

(1) When a motor vehicle, trailer or engineering plant has been altered or it is intended that its use be changed so that the classification of the motor vehicle, trailer or engineering plant for the purpose of licence fees payable under this Act is changed, the owner shall, before the motor vehicle, trailer or engineering plant is used on the road after the alteration, or under the different use, surrender for cancellation his or her current licence to the licensing officer.

(2) Upon the surrender of a licence under subsection (1) and the payment by the owner of the prescribed fee, the licensing officer shall issue the owner with a new licence applicable to the motor vehicle, trailer or engineering plant, and the applicant shall be entitled to a refund of fees paid for the cancelled licence on the basis provided for by section 23.

#### **23. Refund of fees on cancellation of licence.**

In any case where a licence issued under section 17 is surrendered for cancellation, the owner of the motor vehicle, trailer or engineering plant in respect of which it was issued shall, on surrendering his or her registration plates, be entitled to a refund of the prescribed fee calculated at the rate of one-twelfth of the annual fee applicable for each complete month during which, but for the cancellation, the licence would have remained valid.

**24. Application for dealer's plates and dealer's vehicle licence.**

A dealer in, or manufacturer of, or repairer of, motor vehicles, trailers or engineering plant may apply to a licensing officer in the prescribed form accompanied by the prescribed fee for one or more sets of special registration plates, in this Part of this Act referred to as dealer's plates, and a dealer's vehicle licence in respect of each set of dealer's plates.

**25. Issue of dealer's plates and dealer's vehicle licence.**

Upon receipt of an application under section 24, a licensing officer shall, if satisfied that the applicant is a dealer in, manufacturer of, or repairer of, motor vehicles, trailers or engineering plant, issue him or her with the vehicle dealer's plates and dealer's vehicle licence applied for.

**26. Use of dealer's plates.**

(1) No motor vehicle, trailer or engineering plant shall proceed from the premises of a dealer, manufacturer or repairer of motor vehicles, trailers or engineering plant and be used on a road for any of the following purposes—

- (a) proceeding to or returning from an inspection by an inspector;
- (b) proceeding from the premises of a dealer to a railway station or wharf for entraining or shipment, or from a train or ship to those premises;
- (c) test or trial during or after completion, construction, assembly or repair;
- (d) test or trial by or on behalf of an intending purchaser, or for proceeding to or from the place where the purchaser intends to keep it;
- (e) proceeding to or from a public weighbridge for the purpose of its weight being ascertained or to or from a place for registration;
- (f) exportation to or importation from a neighbouring country;
- (g) proceeding from the premises of a dealer to the premises of a purchaser or of another dealer or manufacturer;
- (h) proceeding to or returning from a workshop in which a body is to be or has been fitted to the motor vehicle, trailer or engineering plant or where the motor vehicle, trailer or engineering plant is to be or has been painted or repaired; or
- (i) proceeding to or returning from an exhibition of motor vehicles, trailers or engineering plant,

unless the motor vehicle, trailer or engineering plant is displaying valid dealer's plates issued under section 25.

(2) No motor vehicle, trailer or engineering plant shall be used on any road under the authority of a dealer's vehicle licence—

- (a) to convey passengers or goods for profit or reward;
- (b) to carry or convey any goods whatsoever except such load as may be necessary for the purpose of testing the motor vehicle, trailer or engineering plant; and no such load, and no part of it shall be removed from the motor vehicle, trailer or engineering plant at any time between the departure from and the return to the loading place of the motor vehicle, trailer or engineering plant, except in the case of an accident.

(3) No motor vehicle, trailer or engineering plant shall be used on any road under the authority of a dealer's vehicle licence unless the holder of the licence or a person duly authorised by him or her accompanies the motor vehicle, trailer or engineering plant.

(4) Not more than two persons in addition to the driver shall travel in a motor vehicle, trailer or engineering plant displaying dealer's plates.

(5) A dealer's vehicle licence shall remain in force for one year from the date of issue unless the licence is cancelled or the dealer ceases to carry on the business, when it shall expire.

(6) A dealer's vehicle licence shall not be transferable without the written consent of a licensing officer.

## **27. Cancellation of dealer's vehicle licence.**

(1) A licensing officer may at any time cancel a dealer's vehicle licence for a breach of any of the provisions of this Act relating to dealer's vehicle licences and dealer's plates.

(2) Any person aggrieved by the decision of a licensing officer under subsection (1) may, within one month after the service on him or her of notice of the cancellation, appeal to the board, and the board may confirm or reverse the decision.

## **28. Return of dealer's plates.**

When a dealer's vehicle licence expires the holder of the licence shall return the dealer's plates relating to the licence to a licensing officer; except that the dealer's plates may be retained by the holder of a dealer's vehicle licence who is issued with a new dealer's vehicle licence in respect of the same plates.

## **29. Licence for manufacturing or dealing in motor vehicles, etc. and spare parts.**

(1) Notwithstanding any other written law, no person shall repair motor vehicles, trailers or engineering plant for trade or manufacture or deal in new, secondhand or reconditioned motor vehicles, trailers or engineering plant, or new or secondhand or reconditioned spare parts for motor vehicles, trailers or engineering plant or replicas of them unless he or she has an approved place of business and is in possession of a licence or a trading licence issued for that purpose under the Trade (Licensing) Act or the Industrial Licensing Act, as the case may be.

(2) For the purpose of this section, "approved place of business" means a place of business approved under the licence or trading licence referred to in subsection (1).

(3) Every person who is issued with a manufacturer's licence or a trading licence under subsection (1) shall keep in the prescribed manner written records of transactions made and details of spare parts manufactured, bought or sold in the prescribed form.

(4) A police officer or any person authorised by the Minister may, at any reasonable time, enter and inspect an approved place of business in which a person holding a manufacturer's licence or trading licence carries on business, or in which he or she has reasonable grounds to suspect that the business of repairing motor vehicles, trailers or engineering plant for trade or manufacturing or dealing in new, secondhand or reconditioned spare parts for motor vehicles, trailers or engineering plant is being carried on in contravention of this Act and may take possession of any written records kept under this section or of any unauthorised or unaccounted for spare parts found at the premises or place.

(5) Any person who repairs any motor vehicle, trailer or engineering

plant for trade or manufactures or deals in new, secondhand or reconditioned motor vehicles, trailers or engineering plant or new or secondhand or reconditioned spare parts for motor vehicles, trailers or engineering plant or replicas of them, commits an offence if he or she—

- (a) does not have an approved place of business and is not in possession of a valid licence;
- (b) has an approved place of business but is not in possession of a valid licence for the place of business;
- (c) does not keep in the prescribed manner written records of transactions made; or
- (d) does not keep in the prescribed manner and form details of spare parts manufactured, bought or sold.

(6) A person who commits an offence under subsection (5) is liable to a fine of not less than thirty currency points and not exceeding ninety currency points or imprisonment of not less than one year and not exceeding three years or both.

(7) For the purposes of this section, “spare parts” includes all standard components, including ignition keys, tyres and tubes or replicas of them, whether or not made or fitted by a manufacturer of a motor vehicle, trailer or engineering plant.

*Supplementary provisions.*

**30. Presumption of owner of vehicle.**

The person in whose name a motor vehicle, trailer or engineering plant not subject to a hiring agreement, or a hire-purchase agreement or a finance lease agreement is registered shall, unless the contrary is proved, be presumed to be the owner of the motor vehicle, trailer or engineering plant.

**31. Notice of change of ownership.**

(1) Within fourteen days after the sale or other disposition of any kind of any registered motor vehicle, trailer or engineering plant, the person selling or otherwise disposing of it shall—

- (a) notify, in the prescribed form accompanied by the prescribed fee, a licensing officer of the sale or disposition, the name and address of the new owner, the mileage recorded on the mileage recorder (if any) of the motor vehicle, trailer or engineering plant and such

- other particulars as may be prescribed; and
- (b) deliver the registration book and the registration plates of the motor vehicle, trailer or engineering plant to the licensing officer.

(2) Subsection (1) shall not apply to a change of possession consequent on a contract of hiring where the period of hiring does not exceed three months or where the registered owner continues to employ and pay the driver of the motor vehicle, trailer or engineering plant.

(3) Where a motor vehicle, trailer or engineering plant which is subject to a hire-purchase agreement is lawfully repossessed under the terms of that agreement, subsection (1) shall apply as if the registered owner had sold or otherwise disposed of the motor vehicle, trailer or engineering plant to the person entitled to repossess it.

(4) A licensing officer shall, in registering the change of ownership of a motor vehicle, trailer or engineering plant, make an entry of the change of ownership in the appropriate register and shall amend the registration book accordingly or complete the new registration book and deliver the amended registration book or a new registration book to the new registered owner of the motor vehicle, trailer or engineering plant.

### **32. Exemption from registration, licensing, etc.**

The Minister may, by statutory order, for a fixed period prescribed in the order, provide for the exemption, either wholly or partially, and either unconditionally or upon conditions, of persons or of their motor vehicles, trailers or engineering plant or of any classes of such persons or motor vehicles, trailers or engineering plant, from any of the requirements of this Part or regulations made under or by virtue of this Part.

### **33. Offences and penalties.**

- (1) Any person who uses or permits to be used on any road a motor vehicle, trailer or engineering plant—
  - (a) which is not registered in accordance with this Part of this Act;
  - (b) without the prescribed registration plates issued and affixed in the prescribed manner;
  - (c) without a licence to use that motor vehicle, trailer or engineering plant issued for the licensing period in question and affixed in the prescribed manner;

(d) without any insurance prescribed by law for that use; or  
(e) while any registration plate or licence affixed to it in the prescribed manner is in any way obscured or is rendered or allowed to become not easily distinguishable by night or by day, commits an offence and is liable on conviction to a fine of not less than ten currency points and not exceeding forty currency points or imprisonment of not less than one year and not exceeding two years or both.

(2) Any person who uses or permits to be used on any road a motor vehicle, trailer or engineering plant—

(a) of which he or she is the owner unless he or she or his or her authorised agent has possession of the registration book issued in relation to it; or

(b) for which a licence fee has been paid less than the fee payable for a vehicle of that class,

commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding fifteen currency points or to imprisonment not exceeding six months or both.

(3) Any person who affixes or causes to be affixed to any motor vehicle, trailer or engineering plant—

(a) any registration plate not authorised by this Act or by regulations and which is likely to be mistaken for any authorised registration plate; or

(b) any licence not being the licence issued for that motor vehicle, trailer or engineering plant for the licensing period in question or authorised to be used on that motor vehicle, trailer or engineering plant for that licensing period,

commits an offence and is liable on conviction to a fine not exceeding thirty currency points or imprisonment not exceeding twelve months or both.

(4) Any person who gives false information or who makes an incorrect statement—

(a) when effecting or changing the registration of a motor vehicle, trailer or engineering plant;

(b) when applying for a licence or a change of licence for a motor vehicle, trailer or engineering plant;

(c) as to the mileage recorded on the mileage recorder (if any) of a motor vehicle, trailer or engineering plant;

(d) when effecting the change of ownership of a motor vehicle, trailer or engineering plant; or

(e) when applying for a dealer's vehicle licence, commits an offence and is liable to a fine of not less than ten currency points and not exceeding thirty currency points or imprisonment not exceeding six months or both.

(5) Any person who—

- (a) alters the mileage recorder (if any) on a motor vehicle, trailer or engineering plant so as to reduce the mileage recorded;
- (b) obtains, uses or permits to be used dealer's plates otherwise than in accordance with this Part of this Act;
- (c) fails to surrender his or her registration plates or his or her registration book for alteration or cancellation as required so to do under this Part of this Act; or
- (d) fails to surrender his or her licence and registration plates for alteration or cancellation as required so to do under this Part of this Act,

commits an offence and is liable to a fine of not less than five currency points and not exceeding fifteen currency points or imprisonment not exceeding six months or both.

(6) When a person is charged with an offence under subsection (1)(c) or (d) or (2)(a), it shall be a good defence that at the time of the alleged offence—

- (a) a licence to use a motor vehicle, trailer or engineering plant for the previous licensing year was affixed in the prescribed manner;
- (b) application for a licence for the current licensing period, together with the prescribed form of nomination of an insurance company and the appropriate fees and premium, had been forwarded to a licensing officer; and
- (c) the licence had not at that time been received from the licensing officer.

(7) Where a person is charged with an offence under subsection (1)(a) or (f), it shall be a good defence that an application had been made in the prescribed manner to a licensing officer to have the motor vehicle, trailer or engineering plant registered in his or her name and the registration book had not at that time been received from the licensing officer.

#### **34. Regulations for purposes of Part III.**

Regulations may be made under section 178 for all or any of the following



purposes—

- (a) regulating the registration of motor vehicles, trailers or engineering plant and the issue of registration plates and licences for them and from time to time requiring owners of motor vehicles, trailers or engineering plant to furnish all such particulars as may be required for that purpose;
- (b) providing for the proper recording of particulars, as referred to in paragraph (a) of this section, registers, for the cancellation of registration books of motor vehicles, trailers or engineering plant or for the return of registration plates and licences issued under this Part of this Act or where incorrect particulars have been furnished or registration books or licences have been issued in error;
- (c) prescribing forms and materials of registration plates and licences, the size, shape and character of the numbers or distinguishing marks to be shown on them, the number of registration plates to be affixed to each motor vehicle, trailer or engineering plant and the mode in which the registration plates and licences are to be affixed;
- (d) prescribing forms of applications, registration books, identification marks, certificates and other matters that may be required for the purposes of this Part of this Act and prescribing conditions on which duplicates or substitutes for any registration plate or licence or any registration book or other document may be issued;
- (e) prescribing the form of written records of particulars of transactions made and details of spare parts bought or sold;
- (f) prescribing the fees or charges to be paid for—
  - (i) the registration or reregistration of various classes of motor vehicles, trailers or engineering plant;
  - (ii) registration plates;
  - (iii) licences for various classes of motor vehicles, trailers or engineering plant;
  - (iv) the alteration or cancellation of particulars of registration of a motor vehicle, trailer or engineering plant;
  - (v) the alteration or cancellation of a licence issued for a motor vehicle, trailer or engineering plant;
  - (vi) searches of registers;
  - (vii) certified copies of records;
  - (viii) dealer's motor vehicle licence;
  - (ix) dealer's plates;

- (x) notice of change of ownership of a motor vehicle, trailer or engineering plant;
- (xi) duplicate copies of, or substitutes for registration books, licences, registration plates or other documents;
- (g) prescribing anything to be prescribed under this Part of this Act.

#### PART IV—DRIVING PERMITS.

##### *Issue of driving permits.*

### **35. Prohibition of driving without a valid driving permit.**

(1) No person shall drive any class of motor vehicle, trailer or engineering plant on a road unless he or she holds a valid driving permit or a valid learner driving permit endorsed in respect of that group of motor vehicle, trailer or engineering plant.

(2) Any person driving a motor vehicle, trailer or engineering plant on a road shall, upon a request by a police officer produce his or her driving permit or valid learner driving permit within forty-eight hours after the request.

(3) No person who owns or who has charge of a motor vehicle, trailer or engineering plant of any group shall allow or permit any person to drive the motor vehicle, trailer or engineering plant unless the person driving is the holder of a valid driving permit or a valid learner driving permit endorsed in respect of that group of motor vehicle, trailer or engineering plant.

(4) No person shall be entitled to more than one driving permit, but the driving permit may be endorsed to permit him or her to drive one or more groups of motor vehicle, trailer or engineering plant.

### **36. Grouping of motor vehicles, etc. for driving permits.**

(1) For the purpose of the issue of driving permits, motor vehicles shall be divided into the following groups—

- (a) Group A—motorcycles;
- (b) Group B—motorcars and dual-purpose motor vehicles;
- (c) Group CM—medium goods motor vehicles and heavy tractors;
- (d) Group CH—heavy goods vehicles;
- (e) Group DL—light omnibuses;

- (f) Group DM—medium omnibuses;
- (g) Group DH—heavy omnibuses;
- (h) Group E—combination of vehicles;
- (i) Group F—pedestrian-controlled vehicles;
- (j) Group G—engineering plant;
- (k) Group H—tractors;
- (l) Group I—hover vehicles.

(2) An applicant for a Group E or G driving permit shall, before being granted the driving permit, hold a driving permit in Group B, CM, CH, DL, DM or DH which equates to maximum permissible weight or the maximum permissible number of passengers to the combination of vehicles or the engineering plant which the applicant proposes to drive.

(3) A driving permit for Group B, CM, CH, DL, DM or DH shall permit a person to drive a combination of motor vehicles if the permissible maximum weight of the drawn motor vehicle does not exceed seven hundred and fifty kilograms or the unladen weight of the drawing motor vehicle, whichever is the less.

(4) The Minister may, by statutory order, amend the groups of motor vehicles for driving permits specified under this section.

### **37. Licensing of driving schools and instructors.**

(1) The director of transport and communications may, upon application by any person and the payment of the prescribed fee, licence that person to operate a driving school for the teaching of persons to operate motor vehicles, trailers or engineering plant safely and efficiently, subject to such terms as may be prescribed in relation to the licence.

(2) No person shall operate a driving school except under and in accordance with a licence issued under subsection (1).

(3) The director of transport and communications may, on the application of any person in the prescribed form accompanied by the prescribed fee, issue an instructor's licence to an applicant.

(4) Before issuing a licence under subsection (3), the chief licensing officer shall satisfy himself or herself that the applicant has complied with all prescribed requirements for an instructor's licence and shall issue a

certificate to that effect.

(5) A licence issued under subsection (3) may be issued for such duration and upon such terms and conditions as may be prescribed, and shall not be transferable.

(6) Any person who instructs any other person to drive any group of motor vehicle, trailer or engineering plant without a valid licence issued under this section or, being a licensed instructor, instructs any person to drive a motorcycle, a motorcar, a dual-purpose vehicle or a tractor otherwise than as a student enrolled in a driving school, commits an offence and is liable on conviction to a fine of not less than ten currency points and not more than fifty currency points.

(7) Any person who—

(a) operates a driving school contrary to this section;

(b) instructs any other person to drive any group of motor vehicle, trailer or engineering plant without a valid instructor's licence issued under this section; or

(c) being a licensed instructor, instructs any person to drive a motorcycle, a motorcar, a dual-purpose vehicle, or a tractor otherwise than as a student enrolled in a driving school,

commits an offence and is liable on conviction to a fine of not less than ten currency points and not exceeding fifty currency points.

### **38. Learner drivers.**

(1) Every person who wishes to drive a Group A, B, F or H motor vehicle and who—

(a) does not possess a valid driving permit;

(b) is not disqualified from driving Group A, B, F or H motor vehicles; or

(c) is of and above the age of eighteen years; and

(d) is certified by a medical practitioner to be in good physical and mental health,

shall receive instruction from a licensed instructor in the group of the motor vehicle in respect of which he or she seeks a driving permit, and in the case of a motorcar or dual-purpose vehicle, tractor or motorcycle shall enroll as a student and receive instruction from a driving school.

(2) Every person who wishes to drive a Group CM, CH, DL, DM,

DH, E, G or I motor vehicle and who—

- (a) does not possess a valid driving permit for the appropriate group;
- (b) is not disqualified from driving;
- (c) is over the age of twenty-five years;
- (d) is certified by a medical practitioner to be in good physical and mental health; and
- (e) possesses a valid Group B driving permit,

shall receive instruction from a licensed instructor in the group of motor vehicles in respect of which he or she seeks to have his or her driving permit extended.

(3) No person required to receive instructions from a licensed instructor under subsection (2) shall be issued with a driving permit in respect of any of the groups of motor vehicles to which the instruction relates unless he or she has been issued with a certificate from the Transport Licensing Board that he or she has satisfactorily completed the course of instructions.

(4) If the applicant for a driving permit fails to produce his or her birth certificate, or any other proof or evidence of age, the opinion of the licensing officer shall be conclusive as to the person's age.

(5) No person shall be granted a driving permit under subsection (2) unless he or she has undergone a prescribed course which includes training in elementary mechanics.

### **39. Learner driving permit.**

(1) A licensing officer may, upon the application of a learner driver in the prescribed form accompanied by the prescribed fee, and in the case of an application to drive a Group A, B or H motor vehicle, upon being satisfied that the applicant is registered with a driving school, issue the applicant with a learner driving permit in the prescribed form permitting him or her to drive while under the personal supervision of his or her instructor except that a motorcycle may be driven by a driver unaccompanied.

(2) A valid Group B driving permit shall be regarded as a learner driving permit for the purposes of section 38(2).

(3) A learner driving permit shall be valid for three months and may, in the discretion of the licensing officer, be renewed for further periods of

three months at a time upon payment of the prescribed fee, but no learner driving permit shall be renewable after a period of twelve months beginning with the date on which it was first issued unless the applicant has, within twelve months, submitted himself or herself for at least one driving test.

#### **40. “L” Plates.**

(1) Upon payment of the prescribed fee, the chief licensing officer shall issue to every licensed instructor a set of “L” identification plates in the prescribed form for the motor vehicle, trailer or engineering plant used by the instructor for the purpose of instruction.

(2) When a motor vehicle, trailer or engineering plant is being used by a licensed instructor for the purposes of instructing a learner driver, it shall display the “L” plates issued under subsection (1) in the prescribed position at the front and at the back of the vehicle.

#### **41. Driving tests.**

- (1) When, in the opinion of the licensed instructor, a learner driver—
- (a) is competent to drive a motor vehicle, trailer or engineering plant of the group for which he or she desires a driving permit; and
  - (b) has a good knowledge of this Act and regulations and, in particular—
    - (i) the highway code; and
    - (ii) prescribed road signals and road signs,

the licensed driving instructor shall apply to a licensing officer for the learner driver to be tested.

(2) Driving tests shall be conducted, upon payment of the prescribed fee, by such examining persons as may be authorised by the Minister in accordance with this Act and regulations.

(3) No person with a disability shall be denied a driving permit by reason of his or her disability.

#### **42. Driving permits.**

(1) An application for a driving permit or a learner driving permit, except an application for a renewal of the permit, shall be made in person to a licensing officer in the prescribed form, accompanied by the prescribed fee,

and the particulars required in such form and the licence shall be signed by the applicant in the presence of the licensing officer.

(2) If the applicant satisfies an examining officer of the matters referred to in section 41(1)(a) and (b), he or she shall, upon payment of the prescribed fee, be issued with a driving permit in the prescribed form by a licensing officer.

(3) A driving permit shall be valid for twelve months or three years from the date of issue but may, on application being made in the prescribed form and on payment of the prescribed fee, be renewed for further periods of twelve months or three years at a time, as the case may be.

(4) Where a driving permit has for any reason not been renewed within a period of five years or more from the date of issue or renewal of the permit, it shall lapse; but the holder of the permit shall be eligible, on application, to be issued with a learner driving permit in accordance with section 39.

(5) The holder of a valid Group B driving permit who satisfies an examining officer of the matters referred to in section 41(1)(a) and any special provisions of this Act governing the motor vehicle, trailer or engineering plant of the group in respect of which he or she seeks to have his or her driving permit extended shall be entitled to have his or her Group B driving permit extended by a licensing officer to cover that group.

(6) The holder of a driving permit for any group of motor vehicles whose permit is extended to cover any other group of motor vehicles shall be entitled to a driving permit for that group of motor vehicles upon passing the prescribed tests.

(7) Notwithstanding anything in this section and section 41, a driving permit may be issued by the licensing officer to any person without requiring that person to undergo a test of competency to drive if the person is or has within the period of the last five years been the holder of a driving permit or driver's licence issued to him or her under the laws of Uganda or of any part of the Commonwealth or other country where the permit or licence is only granted after a prescribed test has been passed and the examining officer is satisfied that the person—

(a) has been so tested as to his or her ability to drive a motor vehicle of the group or groups in respect of which he or she has applied

- for a driving permit; and
- (b) has a knowledge of this Act and regulations and, in particular—
    - (i) the highway code; and
    - (ii) the prescribed road signals and road signs.

(8) Subsection (7) shall be construed so as not to limit the operation and effect of this Part of this Act, otherwise than as provided in this section.

(9) Regulations made under section 178 may provide for the grant under subsection (7) of licences valid for a period not less than seven days and not more than six months as may be specified in the licence.

#### **43. Conditional driving permits.**

Where the applicant for a driving permit is a person suffering from any bodily defect or incapacity, any driving permit issued under section 42 may be issued conditionally upon the observance of the conditions set in it, including, where appropriate, a condition that the driving permit shall relate only to a specified class of motor vehicle especially constructed or adapted for the applicant's use.

#### **44. Cancellation of documents, etc. issued corruptly.**

(1) Any person who corruptly offers, solicits, receives or agrees to receive for himself or herself or any other person any gift as an inducement to or a reward for issuing any document required to be issued under this Act commits an offence and is liable on conviction to a fine of not less than thirty currency points and not exceeding seventy currency points or imprisonment of not less than two years and not exceeding five years or both.

(2) Any court before which any person is convicted of an offence under subsection (1) for issuing any document required to be issued under this Act in contravention of any provision of this Act shall declare any document so issued invalid and any other document obtained on the authority of that document to be cancelled.

#### **45. Special provisions for public service vehicles.**

(1) Notwithstanding anything in this Part of this Act, a person shall not be permitted to drive a public service vehicle or a private omnibus—

- (a) unless he or she has held a driving permit for a Group B motor



- vehicle for not less than five years;
- (b) if the public service vehicle or private omnibus he or she proposes to drive falls within Group DL, DM, DH or E, unless—
    - (i) his or her permit has been extended to cover the appropriate group;
    - (ii) he or she has completed such tests and complied with such other matters as may be prescribed;
    - (iii) he or she holds a certificate to that effect signed by the secretary to the board; and
    - (iv) he or she has been issued with a driver's badge by the secretary to the board.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment of not less than two years and not exceeding five years.

*Disqualification and endorsement of driving permit.*

**46. Mandatory cancellation or suspension of driving permit.**

- (1) Any court before which a person is convicted of—
  - (a) a first offence under any provision of sections 108, 109, 110, 111 and 121(1)(b) may cancel that person's driving permit for a period of not less than eighteen months and not exceeding three years and may declare that person to be disqualified from obtaining a driving permit of any type for the stated period;
  - (b) a first offence under section 118 may cancel that person's driving permit for a period of not less than six months and not exceeding one year and may declare that person to be disqualified from obtaining a driving permit of any type for the stated period;
  - (c) a first offence under section 119 or under 121(1)(b) may suspend that person's driving permit for a period of not less than six months but not exceeding one year and may declare that person to be disqualified from obtaining a driving permit of any type for the stated period;
  - (d) a first offence under paragraph of section 121(1)(a) or (b) may disqualify that person from driving or cancel that person's driving permit, as the case may be, for a period not less than six months and less than three years respectively, and may declare that person to be disqualified from obtaining a driving permit of any type for the stated period;

- (e) a second or subsequent offence under sections 108, 109, 110, 111 shall cancel that person's driving permit for a period of not less than two years and not exceeding four years and shall declare that person to be disqualified from obtaining a driving permit of any type for the stated period;
- (f) an offence under section 126 may suspend that person's driving permit for a period of not less than six months and not exceeding two years and shall declare that person to be disqualified from obtaining a driving permit of any type for the stated period;
- (g) a second or subsequent offence under section 119 or under section 121(1)(b) may suspend that person's driving permit for a period of not less than twelve months but not exceeding three years and may declare that person to be disqualified from obtaining a driving permit of any type for the stated period;
- (h) a second or subsequent offence under section 121(1)(a) or (b) may declare that person to be further disqualified from obtaining a driving permit for six years or ten years, respectively;
- (i) in case of an offence under section 108 where death is caused by the offence, shall cancel that person's driving permit and declare him or her to be disqualified from obtaining a driving permit of any type;
- (j) an offence under section 112 where the proportion of alcohol in his or her blood exceeds the prescribed limit, then whether or not it exceeds one hundred and fifty milligrams of alcohol in one hundred litres of blood at the time he or she provided the specimen may—
  - (i) on first conviction suspend that person's driving permit for a period of not less than six months and not more than twelve months;
  - (ii) on a second conviction suspend that person's driving permit for a period of not less than two years and not more than five years; and
  - (iii) on a third or subsequent conviction cancel that person's driving permit,

unless the court for special reasons thinks fit to order a shorter period of cancellation or suspension of that person's driving permit and to order him or her to be disqualified from obtaining a driving permit for a shorter period or not to order him or her to be disqualified.

(2) The court shall, if the person convicted holds a driving permit, endorse the particulars of the conviction on the driving permit.

**47. Particulars of convictions to be endorsed.**

Any court before which a holder of a licence specified in section 69 or the driver of a vehicle operating under such a licence is convicted of an offence against this Act shall endorse the particulars of the conviction on the licence and notify the particulars of the conviction to the secretary to the board and the Inspector General of Police.

**48. Discretionary powers of cancellation or suspension.**

- (1) Any court before which a person is convicted of—
  - (a) an offence under section 120 may, in its discretion, cancel or suspend that person's driving permit for a period of not less than six months nor more than twelve months and declare that person to be disqualified from obtaining a driving permit of any type for the stated period; or
  - (b) any offence under this Act while his or her driving permit is endorsed, may, in its discretion, cancel or suspend that person's driving permit for a period not exceeding one year and declare that person to be disqualified from obtaining a driving permit of any type for the stated period.

(2) The court shall endorse the particulars of the conviction on the driving permit.

**49. Endorsement.**

A court before which a person is convicted of any offence under this Act shall endorse the particulars of the conviction on the convicted person's driving permit.

**50. Appeal.**

An appeal shall lie against an order made by the court under section 46, 48 or 49 in the same manner as an appeal against a conviction, and, if an appeal is lodged, the court making the order or the court to which the appeal lies may suspend the operation of the order pending the determination of the appeal.

## **51. Issue of duplicate or substitute driving permits.**

(1) If a driving permit is lost, defaced or mutilated, a licensing officer shall, on payment of the prescribed fee, issue to the holder of the licence a duplicate driving permit or learner driving permit, as the case may be.

(2) Where any driving permit or learner driving permit which has been lost is subsequently found, the holder of the licence shall deliver up to the licensing officer any duplicate issued under subsection (1).

(3) On the issue of a duplicate or substitute driving permit to any person, the licensing officer shall enter on that driving permit the particulars endorsed on any previous driving permit held by that person unless the holder has previously become entitled under this Act to the issue of a driving permit free from endorsement.

(4) A person whose driving permit is endorsed by a court under section 49 (who has not previously become entitled under this Act to have a driving permit issued to him or her free from endorsement) who applies for or obtains a driving permit without giving the particulars of the endorsement entered on his or her driving permit commits an offence and is liable on conviction to a fine not exceeding thirty currency points or imprisonment not exceeding twelve months or both; and any driving permit so obtained shall be declared invalid by the court.

(5) When a person whose driving permit is endorsed by a court under section 49 has had, during a continuous period of three years or more from the day when the endorsement was entered on his or her driving permit, no other endorsement entered on his or her driving permit, he or she shall, on application, be entitled at any time, subject to the payment of the prescribed fee, on surrendering any subsisting driving permit, to have a new driving permit issued to him or her free from endorsement.

(6) In reckoning the period of three years for the purposes of subsection (5), any period during which the applicant's driving permit was suspended by an order of a court for holding or obtaining a driving permit shall be excluded.

## **52. Production of driving permit on cancellation or endorsement.**

Every person whose driving permit is suspended or cancelled or whose

driving permit is required for endorsement under section 46, 48 or 49 shall surrender the driving permit to the court for particulars of the conviction to be endorsed on the driving permit.

**53. Custody of driving permit while cancelled, etc.**

Where the court cancels or suspends a driving permit or orders a driving permit to be endorsed under section 46, 48 or 49, the court shall send notice of it to the chief licensing officer and shall, in every case where a person's driving permit is cancelled or suspended, forward the driving permit to the chief licensing officer.

**54. Application for driving permit after cancellation.**

A person who applies for a driving permit after a period of cancellation has expired shall—

- (a) where the period of cancellation is more than two years;
- (b) where the cause of the cancellation was dangerous or careless or reckless driving under sections 108 or 109 or 110; or
- (c) where the cause of the cancellation occurred within a period of one year from the date of issue of the cancelled licence,

only be required to undergo a driving test in accordance with section 41(2).

**55. Removal of disqualification.**

(1) A person who, by virtue of a conviction or order, is disqualified from holding or obtaining a driving permit may, at any time after the expiration of twelve months from the date of the conviction or order, apply to the chief magistrate's court to remove the disqualification, and the court may, if it thinks fit, and having regard to—

- (a) the character of that person;
- (b) his or her conduct subsequent to the conviction or order;
- (c) the nature of the offence; and
- (d) any other circumstance of the case,

either by order remove the disqualification from such date as may be specified by the High Court, or refuse the application.

(2) Where an application under subsection (1) has been refused, a further application under that subsection shall not be entertained within three months after the date of the refusal of the application.

(3) If, under this section, the High Court orders a disqualification to be removed, it shall cause particulars of the order to be endorsed on the driving permit, if any, previously held by the applicant and may, in any case, order the applicant to pay the whole or any part of the costs of the application.

#### **56. Automatic disqualification.**

Any person who—

- (a) is disqualified from obtaining a driving permit;
- (b) has had his or her driving permit cancelled; or
- (c) in any way is prohibited from driving any group of motor vehicle, trailer or engineering plant,

in any other country shall be disqualified from driving in Uganda as if the disqualification, cancellation or prohibition had been made by a court in Uganda.

#### **57. Offences and penalties.**

Any person who—

- (a) owns a motor vehicle, trailer or engineering plant which is used on a road for the purpose of teaching a person to drive a motor vehicle, trailer or engineering plant when at the time the motor vehicle, trailer or engineering plant is being used for teaching and there is no person in the motor vehicle, trailer or engineering plant holding a valid instructor's licence issued under this Part of this Act;
- (b) teaches or instructs any person to drive a motor vehicle, trailer or engineering plant on a road when he or she is not in possession of a valid instructor's licence issued under this Part of this Act;
- (c) while in possession of a learner driving permit, drives a motor vehicle, trailer or engineering plant without a person holding a valid instructor's licence being in or on the motor vehicle, trailer or engineering plant at the time;
- (d) while in possession of a learner driving permit, drives a motor vehicle, trailer or engineering plant which is not at the time displaying "L" plates affixed in the prescribed manner;
- (e) not being a licensed instructor drives a motor vehicle, trailer or engineering plant which is displaying "L" plates;
- (f) being the manager, controller or conductor of a driving school permits a motor vehicle used for the purposes of instruction to be

driven by a learner driver when no licensed instructor is present in the motor vehicle at the time or which is not at the time displaying “L” plates affixed in the prescribed manner;

- (g) being the holder of a valid instructor’s licence, permits a motor vehicle, trailer or engineering plant other than a motor vehicle, trailer or engineering plant authorised to be used for the purposes of instructing a learner driver;
- (h) being the holder of a valid instructor’s licence, permits a motor vehicle, trailer or engineering plant to be driven by a learner driver when the motor vehicle, trailer or engineering plant is not at the time displaying “L” plates affixed in the prescribed manner;
- (i) fails without reasonable excuse to produce his or her driving permit or learner driving permit under section 35(2); or
- (j) makes a false statement or gives false information when applying for any licence or driving permit under this Part of this Act,

commits an offence and is liable on conviction to a fine of not less than ten currency points and not exceeding forty currency points or imprisonment of not less than six months and not exceeding three years or both.

**58. Offences for applying, obtaining driving permit or driving while disqualified.**

(1) Every person who is disqualified under this Act from obtaining a driving permit and who applies for or obtains a driving permit while he or she is so disqualified commits an offence and is liable on conviction to imprisonment of not less than one year and not exceeding three years; and any driving permit so obtained shall be of no effect.

(2) A police officer in uniform may apprehend, without a warrant, any person whom he or she finds driving a motor vehicle, trailer or engineering plant while he or she is disqualified from holding or obtaining a licence under this Act, whether or not by an order of a court, or, if the disqualification is limited to the driving of a motor vehicle, trailer or engineering plant of a particular group of description, a motor vehicle while he or she is so disqualified.

**59. Regulations for purposes of Part IV.**

Regulations may be made under section 178 for all or any of the following purposes—

- (a) regulating the licensing of driving instructors, applications for and the issue of licences for them, the examination, testing and control of driving instructors, the period of and the manner and circumstances in which licences may be renewed or cancelled and the manner in which instruction is to be given;
- (b) providing for the examination and testing of applicants for driving permits, the manner in which applicants are to be tested and the renewal of driving permits;
- (c) providing for the special examination and testing of holders of driving permits in any case where it is considered by the chief licensing officer necessary in the interests of public safety, and for the revocation of their licences if the holders refuse or neglect to be examined or tested or are otherwise found to be for any reason unfit to continue to hold their licences;
- (d) prescribing forms and materials of “L” plates, the size, shape and character of the letters to be shown on them, the number of those plates to be affixed to a motor vehicle, trailer or engineering plant and the mode in which they are to be affixed;
- (e) prescribing forms of applications, licences, permits and other matters that are required to be prescribed under this Part of this Act, registers of driving permits and licences issued under this Part, the correction, alteration or cancellation of entries in those registers, the issue of duplicates or substitutes for any licence, permit or plate that may be issued;
- (f) the mode in which driving permits are to be suspended, cancelled or endorsed and the form in which cancellation and endorsements shall be entered on driving permits;
- (g) the fees to be paid for—
  - (i) the issue of an instructor’s licence;
  - (ii) the issue of a learner driving permit;
  - (iii) the issue of a driving permit;
  - (iv) the issue of “L” plates;
  - (v) the testing of a motor vehicle, trailer or engineering plant to be used for the purpose of instruction;
  - (vi) the testing and examining of drivers;
  - (vii) alteration of records and permits; and
  - (viii) duplicate of records of or substitutes for licences, permits or plates;
- (h) defining the persons who are forbidden to drive under this Part of this Act because of their physical or mental condition and providing for the test to be carried out on those persons and the



standard by which a person should be taken to be incapable of driving a motor vehicle, trailer or engineering plant under this Act;

- (i) specifying the conditions to be satisfied before a driving school is licensed, including the qualifications of instructors, the number and conditions of motor vehicles, trailers or engineering plant and other teaching aids to be used in the driving school and the conditions and adequacy of premises to be used and the curriculum to be followed;
- (j) prescribing anything to be prescribed under this Part of this Act.

PART V—LICENCES FOR PUBLIC SERVICE, PRIVATE OMNIBUS AND GOODS VEHICLES.

*Transport Licensing Board.*

**60. Licensing year defined for purposes of Part V.**

In this Part of this Act, the expression “licensing year” means a period of twelve months from the date of issue of the licence.

**61. Establishment of Transport Licensing Board.**

(1) There shall be a Transport Licensing Board consisting of the following—

- (a) a chairperson appointed by the Minister;
- (b) the Inspector General of Police or his or her representative;
- (c) the chairperson of the National Road Safety Council;
- (d) the Solicitor General or his or her representative;
- (e) two representatives appointed by the Minister to represent the travel industry;
- (f) two other members appointed by the Minister one of whom shall be from the motor industry;
- (g) the director of transport in the Ministry responsible for transport.

(2) There shall be a secretary to the board who shall be a public officer and such other staff as may be necessary for the efficient performance of the functions of the board.

## **62. Term of office of members of the board.**

(1) The chairperson and other members of the board shall hold office for a term of two years.

(2) The chairperson or any other member of the board may, by notice in writing signed by him or her and addressed to the Minister, resign his or her membership.

(3) The Minister may remove the chairperson or any member of the board from office for inability to perform the functions of his or her office or for any other reasonable cause.

(4) A person who ceases to be a member of the board shall be eligible for reappointment.

(5) If the chairperson or any member of the board is, for any other reason, unable to exercise the powers or perform the duties of his or her office, the Minister may appoint another person to be a temporary member of the board during the absence or incapacity of the chairperson or member.

(6) If the chairperson or a member of the board dies, resigns, is removed from office or, for any other reason, ceases to hold office, the Minister may appoint another person to take the place of that chairperson or member; and the person so appointed shall hold office until the expiration of the term of office of the chairperson or member in whose place he or she is appointed.

## **63. Functions of the board.**

The board shall—

- (a) carry out its duties under this Act and the regulations;
- (b) regulate the use of public service vehicles, private omnibuses and goods vehicles other than owner's transport and producer sellers' vehicles throughout Uganda; and
- (c) discharge such other functions as the Minister may, from time to time by statutory order, direct.

## **64. Powers of the board.**

The board may exercise any of the powers vested in it under this Act and

may do all such things as are likely to facilitate, or are incidental or conducive to, the better carrying out of its functions.

**65. Quorum at meetings of the board.**

(1) Four members of the board shall constitute a quorum at any meeting of the board.

(2) All acts, matters and things authorised and required to be done by the board shall be decided by resolution at any meeting of the board at which a quorum is present.

(3) The chairperson at any meeting of the board shall, in addition to his or her vote as a member of the board, have a casting vote.

(4) Subject to this section, the board may regulate its own procedure.

**66. Protection of board members and staff.**

No act or omission by any member of the board or any officer or other staff of the board done in good faith in the execution of the functions of that member, officer or staff shall render him or her personally liable to any criminal or civil proceedings in respect of that act or omission.

*Registers.*

**67. Registers.**

(1) The board shall keep in the prescribed form registers of all licences issued under this Part of this Act.

(2) All registers shall be open for inspection on demand by a police officer who is entitled to copy any entry in a register.

**68. Searches.**

All registers in the custody of the board may be open for inspection by members of the public during prescribed hours and upon payment of the prescribed fee.

**69. Certified copies.**

(1) The secretary to the board shall, upon payment of the prescribed fee, furnish to an applicant a certified copy of any entry in a register.

(2) The copy of any entry in a register which is certified under the hand of the secretary to the board to be a true copy is prima facie evidence in all court proceedings of the facts contained in the register.

**70. Classification of vehicle operator's licence.**

(1) Licences issued by the board under this Part of this Act shall be divided into the following classes—

- (a) public omnibus operator's licence;
- (b) temporary public omnibus operator's licence;
- (c) private omnibus operator's licence;
- (d) contract omnibus operator's licence;
- (e) temporary contract omnibus operator's licence;
- (f) goods operator's licence;
- (g) town taxicab operator's licence;
- (h) country taxicab operator's licence;
- (i) rental vehicle operator's licence;
- (j) basic licence; and
- (k) special licence.

(2) A tourist agent vehicle operator's licence shall be issued under section 3(2) of the Tourist Agents (Licensing) Act.

**71. Minister to organise public transport and keep statistics, etc.**

(1) The Minister shall cause the road passenger transport industry to be organised, as far as possible, on a route basis, and the business shall be divided into express and local services in such a way that licensed operators keep within their catchment areas and on the routes for which they are licensed.

(2) The board shall furnish to the Minister once in every year a list of routes and packages of routes covering the whole of Uganda, selected and assembled so as to provide transport services to meet reasonable passenger demand and which will be reasonably efficient and economic either as listed singly or otherwise for both large and small prospective operators.

(3) In compiling the routes and package for routes due regard and consideration shall be given to—

- (a) the needs of the public;
- (b) the desirability of providing services which are both efficient and economic;
- (c) the coordination, so far as possible, of all forms of passenger transport both in any particular area and in the whole of Uganda;
- (d) any decision of the Minister or the High Court arising from section 92;
- (e) the transport policy agreed upon between Uganda and any other State.

(4) The Minister shall for the purposes of subsections (2) and (3) cause to be made a regular collection, storage and analysis of comprehensive road transport data and statistics in respect of road vehicles used for the carriage of passengers and goods for hire and reward and passengers and goods carried and the industry generally, including, but not limited to, vehicle operating costs, road factors, frequency and efficiency of services and passenger demand.

## **72. Application for private and contract omnibus operator's licence.**

(1) Any person who wishes to carry passengers in an omnibus without charge shall apply to the board in the prescribed form accompanied by the prescribed fee for a private omnibus operator's licence.

(2) Any person who wishes to carry passengers for hire or reward over such routes not being fixed routes and at such rates as may be agreed upon by that person and the passengers shall apply to the board in the prescribed form accompanied by the prescribed fee for a contract omnibus operator's licence.

(3) An applicant for any class of an omnibus operator's licence shall comply with any matters which may be prescribed, and the application shall be accompanied by any other forms or documents as may be prescribed.

## **73. Omnibus and country taxicab operator's licence.**

(1) Subject to this Act, a public omnibus and a country taxicab operator's licence shall authorise the holder of the licence—

- (a) to run a service for the carriage of passengers over such fixed route or routes as the board may direct;
- (b) to run a scheduled service over such routes at such frequency and regularity as the board may direct; and
- (c) to incorporate such intermediate stops on any route as the board may direct.

(2) A private omnibus operator's licence shall authorise the holder of the licence to run an omnibus for the carriage of passengers subject to the conditions specified in the licence.

(3) A contract omnibus operator's licence shall authorise the holder of the licence—

- (a) to contract with any person or group of passengers to carry passengers between such places as the board may direct;
- (b) to charge such fixed amount for the hire of the omnibus to carry passengers between different places as the board may direct.

**74. Procedure of board for public omnibus and country taxicab operator's licence.**

(1) Within one month after receipt of the information under section 71(2) and (3), the secretary to the board shall cause it to be published in the Gazette and in at least one newspaper circulating in Uganda for the information of the public and prospective public omnibus and country taxicab operators and shall invite applications from those operators to assist the board in its subsequent deliberations.

(2) Not less than two months after the advertisement has been published under subsection (1), the board shall meet to consider, allocate and offer one or more of the previously advertised routes or packages of routes to prospective transport operators.

(3) Within fourteen days after the receipt of a notification of the decision of the board delivered under the hand of the secretary to the board, the prospective operator shall signify in writing his or her unconditional acceptance or rejection of any offer received, as the case may be.

**75. Grant of omnibus and country taxicab operator's licence.**

- (1) Subject to this section, the board may grant to an applicant an

omnibus or a country taxicab operator's licence of the class applied for to provide such service as may be specified in the licence; but the board shall not grant an operator's licence for an omnibus or country taxicab, unless it has received an unconditional acceptance of an offer made to the operator under section 74(3).

(2) The board shall not offer, grant or renew a public omnibus or country taxicab operator's licence to any person who—

- (a) has been convicted of an offence involving fraud or dishonesty within two years before the date of his or her application;
- (b) is in breach of a condition of any previously held operator's licence;
- (c) has had a public service operator's licence of any type held by him or her cancelled under this Act or any other enactment,

and shall have due regard to the reliability, character and financial stability of that person, the condition of his or her motor vehicles and the facilities at his or her disposal for the general maintenance of service on the route or routes or combination of routes.

(3) In considering the grant of a private and contract omnibus operator's licence, the board shall have due regard to—

- (a) the needs of the public;
- (b) the desirability of providing services which are both efficient and economic;
- (c) the coordination, so far as possible, of all forms of passenger transport both in any particular area and in the whole of Uganda;
- (d) the interests of any person holding omnibus operator's licences over any route or routes or part of routes, and of any persons who are providing transport facilities along or near the route or routes or combination of routes concerned;
- (e) any representation or objection relating to the grant of the licence lodged with the board under this Act or the regulations;
- (f) the agreed transport policy of neighbouring countries.

(4) A private and contract omnibus operator's licence shall be for the duration of a licensing year and may be granted subject to such terms and conditions as the board may think fit to impose.

(5) The board shall not grant or renew a private or contract omnibus operator's licence to any applicant who—

- (a) has been convicted of an offence involving fraud or dishonesty

- within two years from the date of application;
- (b) is in breach of a condition of his or her operator's licence;
  - (c) has had a public service operator's licence of any type held by him or her cancelled under this Act or any other enactment.

(6) Unless earlier revoked, a public omnibus and a country taxicab operator's licence shall be for a period of five years after which it shall be subject to review as provided for in subsections of section 71(2) and (3).

(7) An omnibus operator's licence shall not be transferred except with the consent of the board.

(8) The board shall not issue an omnibus or country taxicab operator's licence under this Act unless it is satisfied that the motor vehicle in respect of which a licence is required complies with the requirements of this Act and the regulations.

**76. Public omnibus and country taxicab operator to give notice to the board.**

(1) A licensed public omnibus or country taxicab operator shall give a minimum of six months' notice to the board of his or her intention to surrender his or her licence or of his or her intention not to seek renewal of his or her other licence after its expiration.

(2) Any person who causes a breakdown in any sector of the road transport industry or a deterioration in service to the public by failure to give the required notice specified by subsection (1), or by failure to comply with conditions attached to his or her operator's licence which results in that licence being revoked by the board under section 75(6), commits an offence and is liable on conviction to a fine of not less than ten currency points and not exceeding fifty currency points.

(3) Where it is proved that any body of persons, whether corporate or unincorporated, has committed an offence under subsection (2) any person who, at the time of the commission of the offence, was a director, partner or responsible officer of that body shall also be liable to the penalties prescribed for the offence unless he or she proves that the offence was committed without his or her knowledge or consent and that he or she took all reasonable steps to ensure compliance with the relevant provisions.



**77. Road services not to be suspended without permission.**

(1) Where the holder of an operator's licence wishes to suspend the operation of any service authorised under the licence held by him or her otherwise than for reasons beyond his or her control, he or she shall obtain the prior permission of the secretary to the board.

(2) In requesting permission under subsection (1), the holder shall state the reasons and the period for which he or she wishes it to remain in force.

(3) In any case, when the service is suspended for reasons beyond the control of the holder of the licence and where the duration of the suspension exceeds three days, the holder of the licence shall send notification of the suspension to the secretary.

(4) Any person who contravenes this section commits an offence and is liable upon conviction to a fine not exceeding thirty currency points or imprisonment not exceeding twelve months or both.

**78. Temporary replacement of authorised vehicles.**

(1) Where a vehicle specified in an operator's licence for a public service (in this Part referred to as "the specified vehicle") has been destroyed, rendered unfit for service or withdrawn from service for overhaul or repair, and the holder of the licence desires permission until that vehicle is replaced or rendered fit for service again for the temporary use in its place of another vehicle (in this Part referred to as "the substitute vehicle") which vehicle he or she is not authorised to use under his or her existing licence, and the carrying capacity of which does not exceed by more than 10 percent the carrying capacity of the specified vehicle, he or she may apply by letter to the secretary to the board requesting permission to use the substitute vehicle in place of the specified vehicle.

(2) The holder shall, if the secretary so requires, send to the secretary the vehicle licence and registration plates of the specified vehicle.

(3) If the secretary to the board decides to grant the permission, he or she shall, if he or she thinks it necessary, retain the vehicle licence and registration plates of the specified vehicle so long as the substitute vehicle remains in use.

(4) Upon the return to the secretary of the vehicle licence of the substitute vehicle, the secretary shall return to the licence holder the vehicle licence and registration plates of the specified vehicle if it has been in his or her possession.

(5) Permission granted under this section shall be valid for a period of three months after which it shall expire.

#### **79. Duration of licences.**

(1) A licence granted under sections 75, 81, 84 or 87 shall remain in force for the period stated on the licence or until it is revoked by the board or until it is surrendered by the holder of the licence.

(2) A licence granted under sections 75, 81, 84, 87 or 100 shall not be transferred or assigned except with prior consent in writing of the board.

(3) An application for the consent of the board to transfer or assign a licence shall be made in writing in such form as the board may direct.

#### **80. Extension of routes.**

The board may, at any time extend or vary any route or combination of routes in respect of which it has granted a licence under section 75 notwithstanding that the extension or variation has not been advertised in accordance with section 74 if the board is satisfied that the extension or variation is in the public interest and is of such a nature as not to affect adversely the interests of any other person providing transport facilities.

#### **81. Temporary public omnibus operator's licence.**

(1) Where a demand exists to move passengers to and from places in Uganda which are not linked by a licensed public operator's omnibus service, the board may, on application, grant a temporary omnibus or country taxicab operator's licence in respect of a goods motor vehicle to be used as a temporary public omnibus or as a temporary contract omnibus.

(2) In granting to an applicant a temporary omnibus operator's licence under this section, the board may relax any regulations relating to the construction of the body of an omnibus but may impose any other conditions

as it sees fit.

(3) In dealing with an application for the renewal of a licence issued under this section, the board shall consider whether, under all the circumstances then obtaining, the applicant should be required to regularise the type of vehicle he she proposes to use on the service.

(4) Subject to the general directions of the board, a public officer designated (for any particular area) by the Minister may, subject to such conditions as the officer may impose, issue a permit authorising any person to carry a stated number of passengers on a goods vehicle for hire or reward, either at separate fares or at a single inclusive fare for the whole journey.

(5) The board may, depending on the capacity of the vehicle, by regulations, specify the maximum number of passengers excluding the driver and the conductor permitted to be carried on a goods vehicle licensed under this section.

(6) A goods vehicle licensed under this section shall not be permitted to carry, at any one time, more than twenty-five persons excluding the driver and the conductor.

(7) Nothing in this section shall be taken to permit the carrying on any vehicle of a load exceeding the maximum permitted load of the vehicle.

## **82. Temporary licence.**

(1) Notwithstanding anything in this Act, the secretary may, if he or she considers the immediate provision of a road service necessary for the convenience of the public, grant temporarily a public omnibus operator's licence in respect of that road service subject to such conditions as the secretary considers necessary, for a period of three months, which may be extended for a further period not exceeding three months.

(2) Any licensee who fails to comply with any condition of a licence granted to him or her in accordance with this section commits an offence and is liable on conviction to a fine not exceeding ten currency points.

(3) The secretary may at any time revoke a licence granted under this section if the secretary is satisfied that the licensee has failed to comply with any condition of his or her licence or of any provision of this Act or the

regulations.

**83. Application for goods operator's licence.**

(1) Any person who wishes to carry goods in a goods vehicle or omnibus for reward shall apply to the board in the prescribed form accompanied by the prescribed fee for a goods operator's licence.

(2) An applicant for a goods operator's licence shall comply with any matters which may be prescribed and the application shall be accompanied by other forms or documents as may be prescribed.

**84. Grant of goods operator's licence.**

(1) Subject to this section, the board may grant to an applicant a goods operator's licence to provide such service as may be specified in the licence.

(2) A goods operator's licence shall be for the duration of a licensing year and may be subject to such terms and conditions as the board may think fit.

(3) The board may not grant or renew a goods operator's licence to any applicant who—

- (a) has been convicted of an offence involving fraud or dishonesty within two years before the date of his or her application;
- (b) is in breach of a condition of his or her goods operator's licence;
- (c) has had a public service operator's licence of any type held by him or her cancelled under this Act or any other enactment.

(4) A goods operator's licence shall not be transferable.

(5) The board shall not issue a goods operator's licence under this Act unless it is satisfied that the motor vehicle to be used complies with the requirements of this Act and the regulations.

**85. Application for town taxicab and rental vehicle operator's licence.**

(1) The owner of a motor vehicle who wishes to use that motor vehicle for the carriage of passengers for hire or reward within the city, municipality or town shall apply to the board in the prescribed form

accompanied by the prescribed fee for an operator's licence.

(2) The owner of a motor vehicle who wishes to hire out that motor vehicle for hire or reward on a daily, weekly or monthly basis shall apply to the board in the prescribed manner accompanied by the prescribed fee for a rental vehicle operator's licence.

(3) An applicant for any class of licence under this section shall comply with any matters which may be prescribed and the application shall be accompanied by any other forms or documents as may be prescribed.

#### **86. Town taxicab and rental vehicle operator's licence.**

A rental vehicle operator's licence shall authorise the holder of the licence to hire out the motor vehicles specified in the licence for hire or reward at an agreed rate or sum on a daily, weekly or monthly basis.

#### **87. Grant of town taxicab, country taxicab and rental vehicle operator's licence.**

(1) Subject to this section, the board may grant to any applicant an operator's licence of the class applied for under section 85 to provide such service as may be specified in the licence.

(2) In considering the grant of an operator's licence under this section, the board shall have regard to—

- (a) the needs of the public;
- (b) the desirability of providing services which are both efficient and economic;
- (c) the coordination, so far as possible, of all forms of passenger transport both in any particular area and in the whole of Uganda;
- (d) the reliability, character and financial stability of each applicant for a licence and the facilities at his or her disposal for the general maintenance of the service;
- (e) the interests of any persons holding omnibus operator's licences over any route or routes or part of the route or routes or combination of routes or part of the routes, and of any persons who are providing transport facilities along or near the route or routes or combination of routes concerned.

(3) An operator's licence granted under this section shall be for the

duration of a licensing year and may be subject to such terms and conditions as the board may think fit.

(4) The board may not grant or renew an operator's licence to any applicant who—

- (a) has been convicted of an offence involving fraud or dishonesty within two years before the date of his or her application;
- (b) is in breach of a condition of his or her operator's licence;
- (c) has had a vehicle operator's licence of any type held by him or her cancelled under this Act or any other enactment.

(5) The board shall not licence a town taxicab or rental motor vehicle under this Act, unless it is satisfied that the motor vehicle complies with the requirements of this Act and the regulations.

#### **88. Grant of owner's transport vehicle permit.**

Any employer of labour may make an application to the licensing officer in the prescribed manner and, on payment of the prescribed fee, may be granted a permit to be known as an "owner's transport vehicle permit" to carry his or her employees or agents on any goods vehicle owned by him or her to and from their places of work.

#### **89. Renewal of certain vehicle operator's licence.**

(1) Not less than one month before the end of a licensing year, every holder of a vehicle operator's licence, other than the holder of a public omnibus or country taxicab operator's licence, who intends to renew his or her licence shall apply to the board in the prescribed manner accompanied by the prescribed fee and any other forms or documents that may be prescribed.

(2) The board shall, if satisfied as to the particulars shown in the application and if satisfied that all requirements of this Act and the regulations have been complied with, renew the licence of the applicant for the next licensing year.

(3) In renewing a licence under this section, the board may make such amendments to the licence and impose such new terms and conditions as it considers fit.

## **90. Amendment of licence.**

(1) The holder of a vehicle operator's licence shall, if a change of circumstances affects the accuracy of his or her licence or if he or she wishes to have any particulars of his or her licence amended, apply to the board in the prescribed manner for the amendment of his or her licence.

(2) In the case of an application for an amendment of an omnibus or country taxicab operator's licence, the board shall, if it is of the opinion that the proposed amendment is of major importance, cause the application to be advertised and, not less than two months after an advertisement has been published, the board shall meet to consider the application as if the application were for a new omnibus or country taxicab operator's licence.

(3) In all other cases, the board may, in its discretion, grant the application and the applicant's licence shall be amended accordingly.

## **91. Review of licences.**

(1) The board may, if it is of the opinion that any vehicle operator's licence or any class of vehicle operator's licence should be reviewed, cause to be published in the Gazette and in at least one newspaper circulating in Uganda a notice in the prescribed form of its intention to hold a meeting, which may be attended by the public.

(2) The board shall at the same time serve a copy of the notice on the holders of the licences affected.

(3) The public may at the meeting make representations or objections to the review of the licence.

(4) Not less than one month after the date of publication of a notice under subsection (1), the board shall meet and hear any representations, if any, from the holders of any licences affected and any other representations or objections to the review of the licence.

(5) The board shall have regard to the same considerations as if it were considering a grant of a licence of the class affected and may, in its discretion, order the amendment of any licence or the cancellation of any licence so, however, that an amendment to or cancellation of any licence ordered under this section shall not have effect until the end of the licensing

year in which the review is held.

**92. Appeal to the Minister.**

- (1) Any person who—
  - (a) being an applicant for the grant or variation of a licence which may be issued under this Part of this Act, is aggrieved by the decision of the board or by any condition attached to the licence;
  - (b) having duly made an objection to or a representation concerning any application under this Part is aggrieved by the decision of the board on it; or
  - (c) being the holder of a licence under this Part of this Act, is aggrieved by the revocation or suspension of the licence, or by any variation of the conditions, attached to it,

may appeal to the Minister within thirty days after the date of the notice of the decision appealed against.

(2) Any person mentioned in subsection (1), who is dissatisfied with the decision of the Minister, may appeal to the High Court on a question of law within thirty days after the date of the decision of the Minister is notified to him or her.

**93. Protection of Minister and members of board from civil suit.**

No action shall be brought against the Minister, or against a member of the board in respect of any act done or order made by him or her in good faith in the execution of any function conferred on him or her under this Act and the regulations.

**94. Operator's vehicle licence.**

- (1) Operator's vehicle licences shall be divided into the following classes—
  - (a) Class O—
    - (i) public omnibus vehicle licence;
    - (ii) private omnibus vehicle licence;
    - (iii) contract omnibus vehicle licence;
    - (iv) temporary public omnibus vehicle licence;
    - (v) temporary contract omnibus vehicle licence;
  - (b) Class G—goods vehicle licence;
  - (c) Class T—town taxicab vehicle licence;



- (d) Class C—country taxicab vehicle licence;
- (e) Class A—tourist agent vehicle licence; and
- (f) Class R—rental vehicle licence.

(2) Any person who holds a vehicle operator's licence of a class specified in section 70, or a renewal of a licence issued under section 3(2) of the Tourist Agents (Licensing) Act, shall, before commencing or renewing at the beginning of a licensing year any operations on the road authorised by the licence, apply to the board in the prescribed manner for an operator's vehicle licence in respect of every vehicle he or she intends to use for any operations on the road specified in that licence.

(3) If the board is satisfied that a motor vehicle is licensed under section 17(1) and that it complies with regulations made under or for the purposes of sections 106(b) and 131, it may grant to any applicant an operator's vehicle licence in respect of that motor vehicle.

#### **95. Cancellation of licence.**

- (1) If the holder of a vehicle operator's licence—
  - (a) has been convicted of an offence involving fraud or dishonesty relating to the having of a vehicle operator's licence; or
  - (b) is in breach of a condition of his or her operator's licence, his or her licence shall be cancelled by the board.

(2) Subject to section 76(1), the holder of a vehicle operator's licence may at any time surrender his or her licence to the secretary to the board for cancellation.

#### **96. Alteration of records.**

(1) The secretary to the board shall, in any case where a vehicle operator's licence has been amended, renewed or cancelled, amend the registers accordingly.

(2) The secretary to the board may correct any clerical errors appearing in any register.

(3) Every correction or amendment to any register made under this section shall be initialled and dated by the chief licensing officer.

**97. Recovery of fares and wilful damage to public service vehicle.**

(1) Any person who—

(a) fails to pay any sum due from him or her for accommodation in a public service vehicle, when plying for hire, on demand made by the owner of the motor vehicle or by the person authorised by the owner to receive that sum; or

(b) wilfully damages any public service vehicle,

commits an offence and is liable on conviction to a fine of not less than twice the fare and not exceeding twenty-five currency points.

(2) Upon any conviction for an offence under subsection (1), the magistrate, instead of or in addition to the imposition of a fine, may make an order for the payment by the offender of a sum by way of damages or of any sum due by the offender, and may further, if he or she thinks fit, award costs and compensation against the offender in respect of any loss of time incurred by the owner, driver or conductor of the public service vehicle in attending the court.

(3) A police officer in uniform may arrest without warrant any person who commits an offence under this section unless that person gives to that officer his or her name and address and satisfies the police officer that he or she will duly answer any summons or other proceedings which may be taken against him or her.

**98. Recovery of fares by passenger.**

(1) Where, at any place on its route, a public service vehicle is more than one hour late owing to a breakdown or any fault or neglect of the owner, his or her servants or agents, any passenger who has paid his or her fare may elect to alight from the public service vehicle and recover the full fare paid by him or her.

(2) Where a fare is recoverable under subsection (1), it shall be the duty of the person who received the fare to repay it to the passenger on demand or provide an alternative public service vehicle or other suitable vehicle for passengers to enable them to reach their destinations.

(3) Any person liable to repay a fare under this section who fails to repay that fare commits an offence and is liable on conviction to a fine of not less than one currency point and not exceeding five currency points in

addition to being ordered to repay the fare; and the amount of the fare shall be recoverable as a fine.

**99. Prohibition of touting.**

(1) No owner, driver or conductor, or person acting on behalf of the owner, driver or conductor of a public service vehicle authorised to carry passengers shall make any noise or sound any instrument in order to attract the attention of the public or of a possible passenger, or by troublesome or frequent demands or by persistent following, hold out the vehicle for hire to the public, or attempt to induce any person to become a passenger of the vehicle in such a manner as to constitute a nuisance, or act in any way so as to cause annoyance or inconvenience to any person.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than two currency points and not exceeding fifteen currency points or imprisonment not exceeding six months or both.

**100. Goods vehicle to be licenced to carry passengers.**

(1) No person shall use a goods vehicle on a road for the carriage of passengers for hire or reward or of non-fare paying passengers or of goods except in accordance with the terms of a basic licence.

(2) Any person wishing to obtain a basic licence for the carriage of passengers for hire or reward or non-fare paying passengers or for goods may apply to the board.

(3) An application for a basic licence shall be in the prescribed form, accompanied by the prescribed fee.

(4) A basic licence shall be issued in respect of one trip or more trips or generally.

(5) A basic licence shall be valid for one year and may be renewed.

**101. Special licence.**

(1) Where a person wishes to use a goods vehicle to carry passengers for a special purpose, he or she may apply to a police officer not below the

rank of inspector at the nearest police station.

(2) An application for any special licence shall be in the prescribed form, accompanied by the prescribed fee.

### **102. Conditions for issue of basic or special licence.**

(1) The board shall issue a basic licence or, as the case may be, a police officer referred to in section 101 shall issue a special licence only if satisfied that—

- (a) the goods vehicle is registered;
- (b) the particulars in the registration books are correct;
- (c) the goods vehicle is insured against third party risks in accordance with the Motor Vehicle Insurance (Third Party Risks) Act; and
- (d) the road licence in respect of the goods vehicles has not been cancelled under section 95.

(2) The insurance premium payable in respect of a goods vehicle shall be determined on the basis of the number of passengers or the maximum weight of goods authorised to be carried and on the period for which the insurance coverage is required and on the engine capacity of the vehicle.

### **103. Inspection of goods vehicles.**

Before issuing a licence to carry passengers or goods or both in respect of any goods vehicle, the board shall require the applicant to produce an inspection report showing that the goods vehicle has been examined by an inspector of vehicles and that a certificate of fitness to carry passengers or goods has been issued in respect of the goods vehicle.

### **104. Limitation of loads.**

(1) No goods vehicle shall be used on a road with a load greater than the load specified by the manufacturer of the chassis of the goods vehicle.

(2) No goods vehicle shall be used on a road if it is loaded in such a manner as to make it a danger to other persons using the road or to persons travelling on the goods vehicle; and if any load or part of a load falls from any such goods vehicle, that fact shall be prima facie evidence that the goods

vehicle was loaded in a dangerous manner, until the contrary is proved to the satisfaction of the court.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding fifty currency points.

(4) For the purposes of this section, persons travelling on a goods vehicle shall be taken to be part of the load.

### **105. Offences and penalties.**

- (1) Any person who—
- (a) uses a motor vehicle for the carriage of passengers or goods for hire or reward when not licensed to do so; or
  - (b) being a holder of a vehicles operator's licence, carries passengers or goods in breach of his or her licence or any of the terms or conditions of his or her licence,

commits an offence and is liable on conviction to a fine of not less than fifteen currency points and not exceeding sixty and fifty currency points or a term of imprisonment of not less than six months and not exceeding three years or both.

(2) Any person who gives false information or who makes an incorrect statement when applying for—

- (a) a licence;
- (b) an amendment of a licence;
- (c) a renewal of a licence;
- (d) cancellation of his or her licence,

under this Part of this Act commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding thirty currency points or to imprisonment of not less than three months and not exceeding twelve months or both.

### **106. Regulations for purposes of Part V.**

Regulations may be made under section 178 for all or any of the following purposes—

- (a) prescribing forms of applications and licences under this Part of this Act and all other forms that may be required in relation to such licences or to any application in respect of them;

- (b) prescribing the testing of motor vehicles to be used under a vehicle operator's licence and the application for the form of the licence and the conditions relating to the grant of an operator's vehicle licence for such motor vehicles;
- (c) prescribing registers to be kept under this Part of this Act, the form of the registers, the matters to be entered in the registers and the means by which entries in them shall be verified;
- (d) prescribing the accounts and records required to be kept by any holder of a vehicle operator's licence and prescribing the forms in which the accounts and records shall be verified;
- (e) providing for the furnishing by any person of information for any purpose under this Part of this Act and prescribing the nature of the information and the form, manner and time in or at which it is to be furnished;
- (f) prescribing all other forms that may be necessary for any purpose of this Part of this Act;
- (g) providing for the custody, production and cancellation of licences issued under this Part of this Act or under the regulations and providing for and requiring the return of the licence upon cancellation or amendment;
- (h) prescribing the conditions on which duplicates of or substitutes for any document may be issued, and the fees to be paid in respect of the issue of any documents;
- (i) regulating the procedure of the board;
- (j) prescribing matters in relation to the design, construction, equipment, condition and inspection of motor vehicles that may be used under a vehicle operator's licence;
- (k) providing for and regulating the issue, duration, conditions and revocation of certificates of fitness for motor vehicles that may be used under a vehicle operator's licence and generally prescribing the conditions upon or subject to which they may be used and regulating the use of the certificates;
- (l) prescribing the documents, plates and marks and signs to be carried by or shown on vehicles to be used under a vehicle operator's licence and the manner in which they are to be carried and providing for and regulating the issue, duration, conditions, revocation and replacement of those documents, plates and marks;
- (m) regulating the carriage of passengers, passengers' luggage and of goods in motor vehicles used under a vehicle operator's licence and the claiming of lost luggage and goods;

- (n) prescribing any matters that may be necessary with respect to taxicab stands and other places of hiring taxicabs and telephones for use in connection with them and with respect to the hiring of taxicabs;
- (o) prescribing the fares that may be charged for the carriage of passengers in any motor vehicle used under a vehicle operator's licence, and the recovery of or reimbursement of those fares;
- (p) limiting the hours during which and the conditions upon or subject to which any person may drive a motor vehicle used under a vehicle operator's licence;
- (q) providing for the holders of taxicab licences to join organisations or societies of taxicab licence holders;
- (r) generally regulating the carrying on of the services of public service vehicles and goods vehicles;
- (s) prescribing the fees to be paid for—
  - (i) any licence issued under this Part of this Act;
  - (ii) the renewal of a licence issued under this Part of this Act;
  - (iii) the amendment or cancellation of a licence issued under this Part of this Act;
  - (iv) searches of registers;
  - (v) certified copies of licences;
  - (vi) duplicate copies of licences;
  - (vii) the testing or examination of any motor vehicle under this Part of this Act;
- (t) prescribing anything to be prescribed under this Part of this Act.

#### PART VI—USE OF MOTOR VEHICLES.

### **107. Condition of motor vehicle, etc. for use on a road.**

(1) No motor vehicle, trailer or engineering plant shall be used on a road unless the motor vehicle, trailer or engineering plant and all its parts and equipment, including tyres and lights, are in good repair and in efficient working order and are in such condition that the driving of the vehicle on the road either in the daytime or at night is not likely to be a danger to the persons travelling on the motor vehicle, trailer or engineering plant or to other users of the road.

(2) No motor vehicle, trailer or engineering plant shall be used on a road with a load greater than the load capacity declared by the manufacturers of the chassis of the motor vehicle, trailer or engineering plant or the capacity

determined by a vehicle inspector under section 13(2).

(3) No motor vehicle, trailer or engineering plant shall be used on a road if the distribution, packing and adjustment of the load is such as to make it a danger to persons travelling on the motor vehicle, trailer or engineering plant or to other users of the road.

(4) For the purpose of subsections (2) and (3), persons travelling on a motor vehicle, trailer or engineering plant shall be taken to be part of the load except that—

- (a) a child who is under the apparent age of five years and who does not occupy a seat shall not be taken to be a passenger;
- (b) any two children, each of whom is over the apparent age of five years and under the apparent age of twelve years, shall be taken to be one passenger; and
- (c) in the case of a vehicle licensed under section 94, subsections (2) and (3) of this section shall, with regard to the number of passengers carried, be taken to be complied with if the number does not exceed the number permitted by the licence.

(5) Any person who uses on a road a motor vehicle, trailer or engineering plant in contravention of subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine of not less than fifteen currency points and not exceeding sixty currency points or imprisonment of not less than six months and not exceeding two years or both.

(6) For the purpose of subsection (5)—

- (a) in the case of a contravention of subsection (1), any person who is shown to the satisfaction of the court to have been responsible for the maintenance of the motor vehicle, trailer or engineering plant; and
- (b) in the case of a contravention of subsection (2) or (3), any person who is shown to the satisfaction of the court to have been responsible for the loading of the motor vehicle, trailer or engineering plant,

shall be taken to have committed the like offence and is liable on conviction to the same penalties provided under this section.

(7) Where a person is convicted of an offence under subsection (1), (2) or (3) in respect of the same motor vehicle, trailer or engineering plant two or more times within twelve months, the court may order the chief



licensing officer to suspend the licence of that vehicle, trailer or engineering plant issued under section 17 for six months.

(8) The owner of the motor vehicle, trailer or engineering plant, the licence in relation to which is ordered to be suspended under subsection (7), shall return the licence and the registration plates of the motor vehicle, trailer or engineering plant to the chief licensing officer, who shall return the licence and the registration plates or issue another licence and registration plates in respect of that motor vehicle, trailer or engineering plant after the expiration of the period of suspension on production by the applicant of a vehicle inspector's certificate stating that the vehicle is fit in all respects for use on a road.

(9) When a motor vehicle, trailer or engineering plant licence has been suspended under subsection (7), no refund of licence fee shall be made.

(10) A court shall, in sentencing any person under subsection (5), in addition to any other penalty which it may impose, order the chief licensing officer to suspend the licence of the vehicle issued under section 17 for a period not exceeding two years.

(11) Where an order is made in respect of a vehicle under subsection (10), the owner of the vehicle shall return the licence and registration plates of the vehicle to the chief licensing officer and the operator's vehicle licence issued under section 94 to the secretary to the board.

(12) The chief licensing officer shall return the licence and the registration plates in respect of the vehicle after the expiration of the suspension and on production by the applicant of a vehicle inspector's certificate that the motor vehicle is fit in all respects for use on a road.

#### **108. Causing bodily injury or death through dangerous driving, etc.**

- (1) Every person who—
  - (a) causes bodily injury to or the death of any person by the driving of a motor vehicle, trailer or engineering plant recklessly or at a speed or in a manner which, having regard to all the circumstances of the case, is dangerous to the public or to any person;
  - (b) while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, is in

charge of a motor vehicle, trailer or engineering plant and by an act or omission in relation to it causes bodily injury to or the death of any person,  
commits an offence and is liable on conviction to a fine of not less than seventy-five currency points and not exceeding two hundred currency points or imprisonment of not less than two years and not exceeding five years or both.

(2) The court which convicts a person under subsection (1) may award to any person injured by the offence or the dependent of any person whose death arises out of the commission of the offence, compensation not exceeding 50 percent of any fine paid by the convicted person in respect of the offence.

### **109. Causing bodily injury or death through careless driving.**

Every person who causes bodily injury to or the death of any person by carelessly using a motor vehicle, trailer or engineering plant commits an offence and is liable on conviction to a fine of not less than sixty currency points and not exceeding one hundred and fifty currency points or imprisonment of not less than two years and not exceeding three years or both.

### **110. Reckless or dangerous driving.**

(1) A person who, on any road—  
(a) recklessly drives a motor vehicle, trailer or engineering plant;  
(b) drives a motor vehicle, trailer or engineering plant at a speed which, having regard to all the circumstances of the case, is or might be dangerous to the public or to any person; or  
(c) drives a motor vehicle, trailer or engineering plant in a manner which, having regard to all the circumstances of the case, is or might be dangerous to the public or to any person,  
commits an offence and is liable on conviction to a fine of not less than sixty currency points and not exceeding ninety currency points or imprisonment of not less than two years and not exceeding three years or both.

(2) Any police officer may arrest without warrant the driver of any motor vehicle, trailer or engineering plant who commits an offence under this section within his or her view—

(a) if the driver refuses to give his or her name and address;

- (b) if the police officer has reason to believe that the name or address so given is false; or
- (c) if the motor vehicle, trailer or engineering plant does not bear an identification plate.

(3) Where a person is convicted of aiding, abetting, counselling, procuring or inciting the commission of an offence under this section, and it is proved that he or she was present in the vehicle at the time of the offence of which he or she is convicted, the conviction shall, for the purposes of the provisions of this Act relating to disqualification for holding or obtaining driving permits, be taken to be in respect of an offence in connection with the driving of a motor vehicle, trailer or engineering plant.

### **111. Driving while under the influence of drink or drugs.**

Every person who, while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the motor vehicle, trailer or engineering plant, drives or attempts to drive a motor vehicle, trailer or engineering plant on any road commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding sixty currency points or imprisonment of not less than six months and not exceeding two years or both.

### **112. Driving of a motor vehicle with blood alcohol concentration above the prescribed limit.**

(1) Every person who drives or attempts to drive or is in charge of a motor vehicle, trailer or engineering plant on a road or other public place, having consumed alcohol in such quantity that the proportion of the alcohol in his or her blood, as ascertained from a laboratory test for which he or she subsequently provides a specimen under section 113, exceeds the prescribed limit at the time he or she provides the specimen commits an offence and is liable on conviction to a fine of not less than fifteen currency points and not exceeding sixty currency points or imprisonment not exceeding six months and not exceeding two years or both.

(2) A person shall not be convicted under this section of being in charge of a motor vehicle, trailer or engineering plant if he or she proves that at the material time the circumstances were such that there was no likelihood of his or her driving it so long as there was any probability of his or her having alcohol in his or her blood in a proportion exceeding the prescribed

limit.

(3) In determining for the purpose of subsection (2) the likelihood of a person driving a motor vehicle, trailer or engineering plant when he or she is injured or the vehicle is damaged, the court may disregard the fact that he or she had been injured or that the vehicle had been damaged.

(4) Notwithstanding subsection (1), (2) or (3), any person who, when driving or in charge of or during any period of duty in connection with the driving of a motor vehicle licensed under section 94 drinks any intoxicating liquor commits an offence and is liable on conviction to a fine not exceeding thirty currency points or imprisonment not exceeding twelve months or both.

(5) Any person who induces or entices any driver or any person in charge of a motor vehicle licensed under section 94 to drink any intoxicating liquor commits an offence and is liable on conviction to the same penalties prescribed under subsection (4).

### **113. Blood tests.**

(1) A police officer in uniform may require any pedestrian or any person driving or attempting to drive or in charge of a motor vehicle, or motorcycle, or bicycle, trailer or engineering plant on a road or other public place to accompany him or her to a police station or the surgery of a registered practitioner to provide a specimen of blood for a laboratory test there if the police officer has reasonable cause—

- (a) to suspect him or her of having alcohol in his or her body; or
- (b) to suspect him or her of having committed a traffic offence while the motor vehicle, trailer or engineering plant was in motion.

(2) If an accident occurs owing to the presence of a motor vehicle, trailer or engineering plant on a road or other public place, a police officer in uniform may require any person who he or she has reasonable cause to believe was driving or attempting to drive or in charge of the motor vehicle, trailer or engineering plant at the time of the accident to accompany him or her to a police station or the surgery of a registered practitioner to provide a specimen of blood for a laboratory test.

(3) A person shall not be required to provide a specimen of blood under subsection (2) while at a hospital as a patient if the registered practitioner in immediate charge of his or her case is not first notified of the

proposal to make the requirement or objects to the provision of a specimen of blood on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(4) If a person required by a police officer in uniform under subsection (1) or (2) to provide a specimen of blood for a laboratory test fails to do so and the police officer has reasonable cause to suspect him or her of having alcohol in his or her body, the police officer may arrest that person without warrant except while he or she is at a hospital as a patient.

(5) Any person required to provide a specimen of blood under this section who, without lawful excuse, refuses to provide the specimen, commits an offence and is liable on conviction to a fine not exceeding ten currency points, and the failure to provide a specimen of blood shall be taken by the court as prima facie evidence that the accused's blood alcohol is above the prescribed limit.

#### **114. Breath analyser test.**

A police officer in uniform may in any reasonable place carry out on any person who may be required by him or her to provide a specimen of blood under section 113, a breath analyser test; and subsections (3) and (4) of that section shall, with the necessary modifications, apply to him or her as they apply to a person required to provide a specimen of blood and who fails or refuses to do so.

#### **115. Persons authorised to withdraw and analyse blood.**

(1) When a person submits to a blood test at the request of a police officer made under section 113, only a registered practitioner or a registered nurse may withdraw blood for the purpose of determining the alcohol content in the blood.

(2) Chemical analysis of the person's blood shall be considered valid under this section if performed, according to methods approved by the chief medical officer, by a person possessing a valid permit issued by the chief medical officer for the purpose.

(3) The chief medical officer may approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct any analysis referred to in subsection (2) and issue permits which

shall be subject to termination or revocation at the discretion of the chief medical officer.

(4) A person tested under this section may have a registered practitioner, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing to administer a chemical test in addition to any test administered at the direction of the police officer; but failure or inability to obtain an additional test by such a person shall not preclude the admission of evidence relating to a test taken at the direction of a police officer in accordance with this section.

(5) Upon the request of the person who submits to a blood test under this section, full information concerning the test shall be made available to him or her or his or her advocate.

#### **116. Detention of persons while affected by alcohol.**

Any person required to provide a specimen of blood for laboratory test under this Act may after that be detained at a police station until it appears to a police officer that the proportion of alcohol in that person's blood does not exceed the prescribed limit and in any case not exceeding twelve hours.

#### **117. Definition of prescribed limit.**

For the purpose of this Act, "prescribed limit" means such proportion of alcohol in such proportion of blood as the Minister may by regulations prescribe.

#### **118. Being in charge of motor vehicle while under influence of drink or drug.**

Every person who, while under the influence of drink or drug to such an extent as to be incapable of having proper control of a motor vehicle, trailer or engineering plant, is in charge of a motor vehicle, trailer or engineering plant on any road, but not so as to be liable for a conviction under subsection 108(2) or 111 commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding thirty currency points.

#### **119. Careless or inconsiderate use of motor vehicle.**

Every person who uses, parks or stands a motor vehicle, trailer or

engineering plant on any road carelessly or without reasonable consideration for other persons using the road commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding thirty currency points or imprisonment of not less than one month and not exceeding one year or both.

## **120. Speeding.**

- (1) Every person who—
  - (a) drives a motor vehicle, trailer or engineering plant of any class or description on a road at a greater speed than the prescribed maximum speed limit in respect of that road under this Act, or
  - (b) aids, abets, counsels or procures any other person to drive a motor vehicle, trailer or engineering plant at a speed in excess of a speed limit lawfully imposed,

commits an offence and is liable on conviction to a fine of not less than fifteen currency points and not exceeding sixty currency points or imprisonment of not less than six months and not exceeding two years or both.

(2) A person charged under this section with the offence of driving a motor vehicle, trailer or engineering plant of any class or description on the road at a speed greater than the maximum speed allowed shall not be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the motor vehicle, trailer or engineering plant at that greater speed.

## **121. Driving while disqualified or without driving permit.**

- (1) A person who drives a motor vehicle, trailer or engineering plant on a road while he or she is—
  - (a) disqualified from driving, or while he or she is not in possession of a valid driving permit or is in possession of a learner driving permit and is driving unaccompanied in the motor vehicle, trailer or engineering plant by a licensed instructor or driving, accompanied by a licensed instructor, in an unauthorised motor vehicle, trailer or engineering plant; or
  - (b) disqualified from driving because his or her driving permit has been cancelled by a court,

commits an offence and is liable on conviction to a fine of not less than thirty currency points and not exceeding one hundred and fifty currency points or

imprisonment of not less than one year and not exceeding five years or both.

(2) A person who drives a motor vehicle, trailer or engineering plant on a road while disqualified from driving because his or her driving permit has been suspended by a court commits an offence and is liable on conviction to a fine of not less than thirty currency points and not exceeding ninety currency points or imprisonment of not less than one year and not exceeding three years or both.

(3) Any person who drives a motor vehicle, trailer or engineering plant while disqualified for being without a valid driving permit issued for a motor vehicle, trailer or engineering plant of that group or drives a public service vehicle or a private omnibus without a valid certificate issued by the secretary to the board commits an offence and is liable on conviction to a fine of not less than fifteen currency points and not exceeding sixty currency points or imprisonment of not less than six months and not exceeding two years or both.

(4) A person who drives a motor vehicle, trailer or engineering plant on a road while in possession of a valid driving permit which is capable of being renewed but has not been renewed commits an offence and is liable on conviction to a fine of not less than two currency points and not exceeding five currency points.

## **122. Compliance with speed limit not a defence to other charges.**

It is no defence in any proceedings for an offence relating to the use of a motor vehicle, trailer or engineering plant on any road, other than an offence of exceeding any speed limit, that at the time of the alleged offence the motor vehicle, trailer or engineering plant was being driven at a speed not exceeding any limit of speed duly fixed in respect of that road and motor vehicle, trailer or engineering plant.

## **123. Emergency motor vehicles.**

(1) Notwithstanding this Act and subject to this section, the driver of an authorised emergency motor vehicle, trailer or engineering plant may, where the observance of this Act would be likely to hinder the use of an authorised emergency motor vehicle, trailer or engineering plant for the purpose for which it is being used—



- (a) park or stand in any place on a road, whether or not that place is a parking place;
- (b) after slowing down, as may be necessary for safe operation, proceed past a red or stop sign;
- (c) exceed the prescribed speed limit, so long as he or she does not endanger life or property; or
- (d) disregard any regulation governing direction of movement or turning in a specified direction.

(2) The exemption granted by this section to an authorised emergency motor vehicle, trailer or engineering plant shall apply only when the driver of the motor vehicle, trailer or engineering plant, while in motion, sounds an audible signal by bell, siren or exhaust whistle, as may be reasonably necessary, or, if the motor vehicle, trailer or engineering plant is equipped with the flashing beacon of a type prescribed by the Minister, is exhibiting a light visible under normal atmospheric conditions from a distance of one hundred and fifty metres to the front of the motor vehicle, trailer or engineering plant.

(3) This section does not relieve the driver of an authorised emergency motor vehicle, trailer or engineering plant from the duty to drive with due regard and care for the safety of persons or property, nor protect the driver from consequences of his or her disregard for the safety of such persons or property.

(4) Upon the immediate approach of an authorised emergency motor vehicle, trailer or engineering plant, the driver of every other motor vehicle, trailer or engineering plant shall, except when otherwise directed by a police officer in uniform, give the right of way, and shall immediately drive to a position parallel to and as close as possible to the left-hand edge of the curb of the roadway, clear of any intersection, and shall stop and remain in that position until the authorised emergency motor vehicle, trailer or engineering plant has passed.

(5) For the purposes of this section, “authorised emergency motor vehicle” means a motor vehicle, trailer or engineering plant for the purposes of the police, fire brigade, ambulances, the military motor vehicles of the armed forces and such other motor vehicles, trailers or engineering plant as may be designated by the Minister in consultation with the chief licensing officer by statutory order.

(6) A person who fails to comply with this section commits an offence and is liable on conviction to a fine of not less than fifteen currency points and not exceeding sixty currency points or imprisonment of not less than six months and not exceeding two years or both.

#### **124. Compulsory stopping at railway crossings.**

(1) Subject to this section, the driver of a motor vehicle, trailer or engineering plant shall, before entering on any railway level-crossing, stop clear of the line for such time as may be necessary to make adequate observations to ascertain whether or not the line is clear.

(2) Subsection (1) does not apply to any railway level-crossing that is for the time being controlled on the approach to the railway line by a police officer or traffic warden or railway-crossing keeper, or to any railway level-crossing at which a warning device in the form of a barrier arm is for the time being erected.

#### **125. Duties of drivers in case of accidents.**

(1) Where an accident, arising directly or indirectly from the use of a motor vehicle, trailer or engineering plant, occurs to any person or to any motor vehicle, trailer or engineering plant, the driver of the motor vehicle, trailer or engineering plant shall stop if, having regard to all the circumstances, it is reasonably safe to do so and shall ascertain whether any person has been injured, in which event it shall be his or her duty to render all practicable assistance to the injured person.

(2) Where the driver does not stop as required by subsection (1) for fear of his or her safety, he or she shall immediately report the accident at the nearest police station.

(3) In case of any accident, if any person is injured by the accident, the driver of the motor vehicle, trailer or engineering plant—

- (a) shall give to any police officer present and to any person concerned, his or her name and address and also the name and address of the owner and the number of the registration plates assigned to the vehicle; and
- (b) shall report the accident in person at the nearest police station or to a police officer as soon as reasonably practicable and in any case not later than twenty-four hours after the time of the

accident, unless the driver is incapable of doing so by reason of injuries sustained by him or her in the accident.

(4) In the case of any accident, if no person is injured by the accident, the driver of the motor vehicle, trailer or engineering plant shall give to the person concerned his or her name and address, the name and address of the owner of the motor vehicle, trailer or engineering plant and the number of the registration plates assigned to the motor vehicle, trailer or engineering plant.

(5) Whenever the driver of the motor vehicle, trailer or engineering plant—

- (a) is physically incapable of giving immediate notice of an accident as required by subsection (3) and there is another occupant in the motor vehicle, trailer or engineering plant at the time of the accident capable of doing so, that occupant shall give or cause to be given the particulars of the accident not given by the driver;
- (b) is physically incapable of making a report of an accident as required by subsection (3), and the driver is not the owner of the motor vehicle, trailer or engineering plant, then the owner of the motor vehicle, trailer or engineering plant involved in the accident shall, after learning of the accident, make the report of the accident not made by the driver.

(6) If, as result of being involved in an accident, a motor vehicle, trailer or engineering plant appears to a police officer in uniform to be in such condition that it would not be fit or safe for use on a road, the officer may remove the vehicle's registration plates and return them to the licensing officer.

(7) A motor vehicle, trailer or engineering plant from which the registration plates have been removed under subsection (6) shall not thereafter be driven under its own motive power on a road until it has been tested and been given a certificate of fitness by a vehicle inspector and the licensing officer is satisfied that the registration plates can be reissued to the owner of the vehicle.

(8) Any person who fails to comply with any provision of this section commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding thirty currency points.

### **126. Riding in a dangerous position.**

(1) Except for the purpose of testing or repairing a motor vehicle, trailer or engineering plant, no person shall ride or be carried on the footboard, tailboard, steps, mudguards, canopy or roofing of any motor vehicle, trailer or engineering plant or in any manner or position as is in the circumstances unsafe.

(2) No person shall ride or be carried on any load upon a motor vehicle, trailer or engineering plant if it is unsafe by reason of the insufficiency of space available for that person to stand or sit or by reason of the position in which he or she is carried of the height or arrangement of the load.

(3) Any person who contravenes any provision of this section commits an offence.

### **127. Restriction on pillion riding.**

(1) Not more than one person in addition to the driver shall be carried on any two-wheeled motorcycle; and no person shall be so carried otherwise than on a proper seat securely fixed to the cycle.

(2) Any person who contravenes any provision of this section commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding thirty currency points or imprisonment of not less than two years or both.

### **128. Obstructing driver of a motor vehicle, etc.**

(1) No person in a motor vehicle, trailer or engineering plant shall molest or obstruct the driver of the motor vehicle, trailer or engineering plant while it is in motion.

(2) No person shall carry passengers in a motor vehicle, trailer or engineering plant in such numbers or in such position as to be likely to interfere with the safe driving of the motor vehicle, trailer or engineering plant.

(3) Any person who contravenes any provision of this section commits an offence and is liable on conviction to a fine of not less than five

currency points and not exceeding thirty currency points or imprisonment of not less than two years or both.

**129. Causing damage to a motor vehicle.**

Any person who throws away any object at a motor vehicle, trailer or engineering plant or at any person in or on the motor vehicle, trailer or engineering plant or places any object on any road or by any means impedes the progress of any motor vehicle, trailer or engineering plant by which injury or damage might be caused to the motor vehicle, trailer or engineering plant  
or person commits an offence.

**130. Taking motor vehicle without owner's consent.**

(1) Any person, whether employed by the owner of the motor vehicle, trailer or engineering plant or not, who takes and drives away or attempts to take and drive away any motor vehicle, trailer or engineering plant without the consent of the owner or his or her agent commits an offence and is liable on conviction to a fine not exceeding thirty currency points or imprisonment not exceeding twelve months or both.

(2) In any trial for an offence under this section, the court shall not convict the accused if satisfied that the accused acted in the reasonable belief that he or she had lawful authority or in the reasonable belief that the owner would, in the circumstances of the case, have given his or her consent if he or she had been asked for it.

(3) If, in any prosecution for stealing a motor vehicle, trailer or engineering plant, the court is of the opinion that the defendant is not guilty of stealing the motor vehicle, trailer or engineering plant but is guilty of an offence under this section, the court may find him or her guilty of an offence under this section.

(4) Any police officer may arrest without warrant any person reasonably suspected by him or her of having committed or attempting to commit an offence under this section.

(5) In addition to any penalty specified in this section, the court may order that the convicted person shall pay to the owner of the motor vehicle, trailer or engineering plant such sum as represents fair compensation for any

damage sustained by the owner of the motor vehicle, trailer or engineering plant.

### **131. Regulations for purposes of Part VI.**

Regulations may be made under section 178 for all or any of the following purposes—

- (a) providing for minimising the noise and the issue of smoke or fumes from the working of any motor vehicle, trailer or engineering plant;
- (b) providing for the safe carriage of goods and passengers in motor vehicles, trailers and engineering plant, for the licensing of conductors and baggage attendants and for the conduct of drivers, conductors, baggage attendants and passengers in motor vehicles;
- (c) restricting or prohibiting the use of motor vehicles, trailers or engineering plant that, owing to defects of construction or equipment or disrepair, are unsuitable for safe use;
- (d) prescribing the construction of motor vehicles, trailers or engineering plant and the equipment to be used on them;
- (e) prescribing the affixing of efficient brakes and good tyres on motor vehicles, trailers or engineering plant and the kinds of lamps that may be carried on motor vehicles, trailers or engineering plant, requiring the carrying of those lamps and prescribing how and when they are to be used;
- (f) regulating the attaching and use of bells, alarms, reflectors, direction indicators and other instruments for giving notice of the approach, position or course of motor vehicles, trailers or engineering plant, or for assisting in their control; prescribing the kinds of them to be used on different classes of motor vehicles, trailers or engineering plant; and prohibiting the use on any class of motor vehicle, trailer or engineering plant of any bell, alarm, reflector, direction indicator or other above-mentioned instrument of a kind that is not prescribed for use on that class of motor vehicle, trailer or engineering plant or of a kind that is prescribed for use on any other class of motor vehicle, trailer or engineering plant;
- (g) prescribing the maximum weight and maximum dimension of any motor vehicle, trailer or engineering plant, and any load on it that may be used on any road, the maximum weight that may be transmitted on the road surface by the wheel or wheels on any one axle of a motor vehicle, trailer or engineering plant and the

- maximum and minimum air pressure of the tyres of any motor vehicle, trailer or engineering plant;
- (h) providing for the periodical examination of motor vehicles, trailers and engineering plant and the issue of certificates of fitness;
  - (i) requiring any person who sells a motor vehicle, trailer or engineering plant intended to be used on the road to deliver to the purchaser at the time of the sale a current certificate of fitness issued within a specified time before the sale and certifying that the motor vehicle, trailer or engineering plant has been inspected in accordance with the regulations and complies with the requirements of the regulations concerning construction, equipment and condition of motor vehicles, trailers or engineering plant;
  - (j) limiting the hours during which and regulating the conditions upon which any person may drive a public service vehicle;
  - (k) fixing for the safety of the public or the better preservation of roads the maximum speed of motor vehicles, trailers or engineering plant or of specified classes of motor vehicles, trailers or engineering plant on any specified road or in any locality or throughout Uganda, or fixing maximum speeds of motor vehicles, trailers or engineering plant on specified classes of road;
  - (l) prescribing the duties and regulating the conduct of persons using roads for any purpose and, in particular, of persons in charge of or riding in a motor vehicle, trailer or engineering plant on roads and of persons in charge of or driving or leading animals on roads;
  - (m) prescribing the construction and equipment and testing of bicycles and regulating their use on roads;
  - (n) regulating the control of pedestrians on roads;
  - (o) making provision for ensuring adequate safety for cyclists and pedestrians and persons with inability and disability on the road and, in particular, the provision of rack or rump for storage of support equipment used by persons with a disability;
  - (p) prescribing the fees to be paid for any certificate of fitness issued under this Part of this Act;
  - (q) generally regulating traffic of all classes, whether vehicular, pedestrian, animal or otherwise, and prohibiting traffic or any class of traffic, either absolutely or conditionally, on any specified road;

- (r) providing for use of speed controlling and measuring devices, portable or other weighbridges, brake testing devices, vehicle lights testing devices, camera records, tyre checking equipment and the construction, type or standard of any such equipment;
- (s) generally regulating the use of motor vehicles, trailers or engineering plant and prescribing the conditions upon which they may be used; and
- (t) prescribing anything to be prescribed under this Part of this Act.

#### PART VII—CONTROL OF TRAFFIC.

##### **132. Traffic signs.**

(1) The chief licensing officer may cause traffic signs of such kinds, designs, material, size and colour as shall be prescribed to be erected or marked on the ground at such places as he or she may determine.

(2) In any proceedings under this Act, traffic signs shall be presumed to be lawfully erected and of the lawful kind, design, material, size and colour until the contrary is proved.

(3) No board or notice which might be confused with a traffic sign or other traffic device which might render it less visible or effective or might dazzle road users or distract their attention in a way prejudicial to traffic safety shall be erected on or near a road.

##### **133. Pedestrian crossings.**

(1) The chief licensing officer may cause pedestrian crossings in such form as may be prescribed to be placed across roads at such places as he or she may determine.

(2) In any proceedings under this Act, every pedestrian crossing shall be presumed to have been lawfully placed and to be in a lawful form until the contrary is proved.

##### **134. Permits for herds, funeral procession or parade.**

(1) No herd exceeding fifty animals and no procession other than a funeral or wedding procession or parade containing two hundred or more persons or fifty or more vehicles, excepting military vehicles of the armed



forces or vehicles of the police force, shall occupy, march or proceed along any road or street except in accordance with a permit issued by the Inspector General of Police, and subject to such conditions as may be specified on the permit.

(2) Any person in charge of any cattle, dog or other domestic animal who, on any road or in any public place, fails to keep it or them under proper control, or allows it or them to become a danger or annoyance to the public, commits an offence and is liable on conviction to a fine of not less than three currency points and not exceeding ten currency points.

### **135. Temporary speed restrictions.**

Notwithstanding any other provision of this Act or the regulations, the Minister may, by statutory order, prescribe temporary maximum speed limits for motor vehicles, trailers or engineering plant of different classes or descriptions on any part of any road for such period as may be specified in the order.

### **136. Closure of road.**

The Minister may, by statutory order, close any road or part of a road to all motor vehicles, trailers or engineering plant for such period as may be specified in the order.

### **137. Restriction of traffic on road.**

The Minister may, by statutory order, restrict the use of a road or any part of the road to such classes or descriptions of motor vehicles, trailers or engineering plant and for such period as may be specified in the order.

### **138. One-way traffic.**

The Minister may, by statutory order, restrict the use of a road to one-way traffic for such period as may be specified in the order.

### **139. Parking places.**

The Minister may, by statutory order, set aside parts of roads as parking places for all or any class of motor vehicles, trailers or engineering plant.

#### **140. Special parking places.**

The Minister may, by statutory order, set aside parts of roads as places for—

- (a) bus stops;
- (b) taxicab stands; and
- (c) loading zones for goods vehicles.

#### **141. Regulations for purposes of Part VII.**

Regulations may be made under section 178 for all or any of the following purposes—

- (a) the erection and maintenance of uniform signs, lights and notices and the making of and maintenance of road markings for the guidance, direction and use of persons using roads;
- (b) prescribing the size, colour, design, dimensions and other details of signs, lights, notices and other road markings, the materials of which they are to be made and the manner in which they are to be erected, made and maintained;
- (c) the classification of roads with reference to their suitability for use by different classes of motor vehicles, trailers or engineering plant;
- (d) the provision and control of, and prescribing the form of, pedestrian crossings;
- (e) the control of road works and the maintenance of road works;
- (f) providing for car parks, bus parks and parking places, their control and the provision of parking meters at parking places;
- (g) prescribing anything to be prescribed under this Part of this Act; and
- (h) generally for the control of traffic on roads.

### PART VIII—ENFORCEMENT.

#### *Enforcement.*

#### **142. Duties of police.**

Without prejudice to any powers or duties of the police under this Act or any other enactment for the time being in force, it shall be the duty of the police—

- (a) to regulate all traffic and to keep order and prevent obstruction in all roads, parking places, thoroughfares or other places of public

- resort;
- (b) to divert traffic temporarily, to close and deny public access to any road, parking place, thoroughfare or other place of public resort,

where any emergency or any anticipated event appears to render advisable such a course.

### **143. Records of traffic offences.**

(1) The police shall keep a record of all offences against this Act of which any person has been charged together with a record of the final disposition of all the alleged offences.

(2) All records kept under this section shall be so maintained as to show all types of offences and the total of each, and shall accumulate during the period of not less than five years after which the records shall be maintained complete so as to show all types of offences at any time during the last five years.

(3) All forms for records and all notices of offences of the forms shall be serially numbered; and for each month and year, a written record shall be kept available to the public showing the disposal of all such forms.

(4) All records and reports made under this section shall be public records.

### **144. Filing of accident reports and drivers files.**

The Inspector General of Police shall maintain or cause to be maintained a suitable system of filing traffic accident reports and individual drivers files, a record of traffic accidents, warnings, arrests, convictions and complaints reported for each driver.

### **145. Inspector General to submit annual traffic accident and safety report.**

The Inspector General of Police shall annually prepare and submit to the Minister a traffic report containing information on traffic matters in Uganda as follows—

- (a) the number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent data on safety

- activities of the police;
- (b) the number of traffic accidents investigated and other pertinent data on safety activities of the police.

**146. Power to demand production of driving permits.**

(1) Any person driving a motor vehicle, trailer or engineering plant on a road shall carry his or her driving permit and, on being so required by a police officer in uniform, produce it for examination; except that a person shall not be convicted of an offence under this section by reason only of failure to carry or produce his or her driving permit, if he or she produces it to the police within five days at such police station within Uganda as may be specified by the police officer at the time its production was required.

(2) Any person driving a motor vehicle, trailer or engineering plant on a road shall, on being so requested by a police officer in uniform, produce his or her registration book within five days beginning with the day of the demand at such police station or to a licensing officer within Uganda as may be specified by the police officer at the time its production is required.

(3) Notwithstanding subsections (1) and (2), any person intending to drive a motor vehicle, trailer or engineering plant over the Uganda border shall carry his or her driving permit, a fair copy of the registration book bearing such certificate as may be prescribed by the Minister by statutory instrument and the insurance certificate in respect of the motor vehicle, trailer or engineering plant and shall produce them on demand to a police officer in uniform or customs officer before he or she is permitted to drive his or her motor vehicle, trailer or engineering plant across the Uganda border.

(4) Subsection (3) shall not limit or be construed to limit the authority of a customs officer or any other officer to require the production of any other documents required to be produced by any other written law at any customs post or any other post of exit from Uganda.

**147. Power to demand name and address of owner of vehicle.**

The driver of a motor vehicle, trailer or engineering plant shall stop at the request of a police officer in uniform; and if the police officer has reasonable cause to demand his or her name and address, he or she shall give the police officer his or her name and address and, if he or she is not the owner of the vehicle, shall also give the name and address of the owner.

**148. Employer to keep record of driver.**

Any person who employs any other person to drive a motor vehicle, trailer or engineering plant shall at all times keep a written record of the name and driving permit number of that other person, and shall on demand by a police officer in uniform, produce the record for inspection.

**149. Owner or hirer, etc. to give identity of driver.**

Where any police officer in uniform has reason to suspect that an offence in connection with a motor vehicle, trailer or engineering plant has been committed—

- (a) the owner or hirer of the motor vehicle, trailer or engineering plant shall give to the police officer any information within his or her knowledge as to the identity of the driver;
- (b) any other person shall give to the police officer any information within his or her knowledge as to the identity of the driver.

**150. Examination of vehicle on road.**

(1) Any police officer in uniform may stop and examine any motor vehicle, trailer or engineering plant on a road if he or she is of the opinion that the motor vehicle, trailer or engineering plant—

- (a) is in such a condition as to be unfit for the purpose for which it is intended;
- (b) is in such a condition that the driving of the motor vehicle, trailer or engineering plant by day or by night is likely to be a danger to any person or the public;
- (c) has a load greater than the load capacity declared by the manufacturers of the chassis of the motor vehicle, trailer or engineering plant or greater than the load capacity determined by a vehicle inspector under this Act; or
- (d) is loaded in such a manner as to make it a danger to any person.

(2) Where the examination under subsection (1) reveals that the motor vehicle, trailer or engineering plant is unfit or a danger to any person or that it has a load greater than the load capacity declared by the manufacturers of the chassis of the vehicle, the police officer may—

- (a) if he or she considers it sufficiently safe, taking all the relevant facts into consideration, for the motor vehicle, trailer or

engineering plant to be moved under its own motive power, order that it be driven immediately to the nearest police station or workplace of a vehicle inspector, whichever is the more convenient;

- (b) if he or she considers that the motor vehicle, trailer or engineering plant is overloaded, order that the motor vehicle, trailer or engineering plant be driven immediately to the nearest weighbridge and weighed or order that the load be made safe before the motor vehicle, trailer or engineering plant is moved; or
- (c) if he or she considers it would not be safe for the motor vehicle, trailer or engineering plant to be driven under its own motive power, order that the motor vehicle, trailer or engineering plant be towed immediately to the nearest police station or workplace of a vehicle inspector, whichever is the more convenient.

#### **151. Power to order examination.**

(1) Any police officer in uniform above the rank of assistant inspector who has reason to believe that a motor vehicle, trailer or engineering plant has ceased to be fit for the purpose for which it is licensed may order that the motor vehicle, trailer or engineering plant be produced for examination by a vehicle inspector at a specified time and place.

(2) An order given under subsection (1) shall be taken to be an order prohibiting the use of the vehicle pending the examination other than the driving of it direct to the place specified in the order; except that the person in charge of the motor vehicle, trailer or engineering plant shall be allowed to remove any goods of a personal or perishable nature before the examination under this section.

#### **152. Examination by inspector.**

(1) A vehicle inspector may, after examining a motor vehicle, trailer or engineering plant—

- (a) approve it as being fit for the purpose for which it is licensed and issue a certificate of fitness in respect of it;
- (b) permit the motor vehicle, trailer or engineering plant to be driven or towed direct to a workshop for the purpose of being repaired on the condition that the motor vehicle, trailer or engineering plant will be returned direct to the vehicle inspector after the

- completion of repairs for further examination; or
- (c) condemn the motor vehicle, trailer or engineering plant.

(2) If a motor vehicle, trailer or engineering plant is condemned or is unfit for the purpose for which it is being used and is likely to be a danger to any person until it has been repaired, the vehicle inspector shall immediately remove the vehicle's registration plates and return them to the licensing officer.

(3) The licensing officer shall either cancel the registration and licence of the motor vehicle, trailer or engineering plant if condemned or shall suspend the licence of the motor vehicle, trailer or engineering plant until he or she is notified by the vehicle inspector that the motor vehicle, trailer or engineering plant is fit for the purpose for which it was licensed.

(4) The owner of a motor vehicle, the registration and licence of which is cancelled or suspended under subsection (3), may appeal against the decision of the licensing officer within thirty days to a court presided over by a magistrate grade I.

### **153. Removal of abandoned vehicle.**

(1) Any police officer may take possession of and remove any motor vehicle, trailer or engineering plant which is on the road or road reserve if it appears to him or her that the motor vehicle, trailer or engineering plant has been abandoned by the owner, and either—

- (a) it is unregistered; or
- (b) no licence to use the motor vehicle, trailer or engineering plant has been issued.

(2) If any motor vehicle, trailer or engineering plant moved under subsection (1) is not claimed and the expenses of removal and storage of it are not paid by the owner or some other person having an interest in it within two months from the date of removal, the chief licensing officer shall cause a notice of his or her intention to sell by auction the motor vehicle, trailer or engineering plant to be published in the Gazette and in at least two national newspapers.

(3) Thirty days after the notice, the motor vehicle, trailer or engineering plant shall be sold by auction and disposed of to any person, who shall then become the lawful owner of the motor vehicle, trailer or

engineering plant.

(4) The proceeds of any sale under subsection (3) shall be applied in payment of the costs and charges attending the sale, including the costs of the advertisement, and of the expenses of removal and storage of the motor vehicle, trailer or engineering plant, and the residue, if any, shall be payable to the former owner of the motor vehicle, trailer or engineering plant.

#### **154. Removal of broken-down vehicle.**

(1) It shall be the duty of the owner and of the driver or of any other person in control or in charge of a broken-down motor vehicle, trailer or engineering plant on any road to remove or to take all reasonable steps to secure the removal of the motor vehicle, trailer or engineering plant as soon as practicable from that road.

- (2) A police officer in uniform, if he or she is of the opinion—
  - (a) that the owner or driver or other person in control or in charge of a broken-down motor vehicle, trailer or engineering plant on any road has failed to take any necessary steps to remove the motor vehicle, trailer or engineering plant or cause it to be removed in accordance with subsection (1); or
  - (b) that the motor vehicle, trailer or engineering plant constitutes a danger to traffic,

may immediately remove the motor vehicle, trailer or engineering plant, or use the services of any other person or persons to remove the motor vehicle, trailer or engineering plant in a manner and to a place he or she thinks fit, and for that purpose may provide and use any plant and apparatus and take all other steps which he or she may consider necessary.

(3) Where a police officer removes any broken-down motor vehicle, trailer or engineering plant or uses the services of any other person or persons to remove the motor vehicle, trailer or engineering plant in accordance with subsection (2)—

- (a) the police shall provide reasonable security for the broken-down motor vehicle, trailer or engineering plant;
- (b) the expenses of and incidental to the removal shall be recoverable summarily as a civil debt from the owner of the motor vehicle, trailer or engineering plant; and
- (c) except upon proof of failure to exercise reasonable care, neither the police officer nor any person whose services are used by him



or her under this section is liable to any action or demand for the recovery of any damage to the broken-down motor vehicle, trailer or engineering plant or otherwise in respect of the removal of the motor vehicle, trailer or engineering plant.

(4) Any person who, without reasonable excuse, acts in contravention of or fails to carry out his or her duty under subsection (1) commits an offence and is liable on conviction to a fine not exceeding three currency points.

(5) For the purposes of this section, “broken-down motor vehicle, trailer or engineering plant” means any motor vehicle, trailer or engineering plant, whether mechanically propelled or drawn by any draught animal which from any cause whatsoever has become incapable of movement by its motive power or by the draught animal, as the case may be.

#### **155. Removal of vehicle from parking place.**

(1) Any police officer in uniform may take possession of and remove any motor vehicle, trailer or engineering plant which is in a metered parking place where—

- (a) a period of not less than two hours has elapsed from the time at which the motor vehicle, trailer or engineering plant first appeared to have been parked in contravention of the regulations; and
- (b) the parking meter in respect of the parking place in which the motor vehicle, trailer or engineering plant was parked or permitted to remain has been inspected and found to be free from any defect.

(2) Section 153(2), (3) and (4) shall apply to a motor vehicle, trailer or engineering plant removed under this section.

#### **156. Police may require motor vehicle to be driven to police station.**

A police officer in uniform may, after stopping any motor vehicle, trailer or engineering plant which he or she reasonably suspects of being, or having been, used in the commission of an offence, order its driver to drive it to the nearest convenient police station in order that—

- (a) particulars may be taken of the motor vehicle, trailer or engineering plant, its registration and its vehicle licence;

- (b) the names and addresses of the driver owner and any passenger may be obtained; and
- (c) details of the place at which each passenger entered the motor vehicle and his or her destination may be obtained.

**157. False information.**

No person shall make any statement when required to do so under this Part of this Act which to his or her knowledge is false or in any respect misleading.

**158. Offences and penalties.**

Any person who—

- (a) fails to comply with or who contravenes any requirement, direction or order made under this Part of this Act;
- (b) obstructs a police officer in the execution of his or her duty under this Part of this Act; or
- (c) contravenes section 157,

commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding thirty currency points or imprisonment of not less than three months and not exceeding one year or both.

*Institution of proceedings.*

**159. Warning to be given before prosecution.**

(1) Where a person is prosecuted for an offence under Part VI of this Act (excluding the regulations), he or she shall not be convicted unless—

- (a) he or she was warned in writing at the time the offence was committed that the question of prosecuting him or her for an offence under Part VI of this Act would be considered;
- (b) within twenty-eight days after the commission of the offence, a summons for the offence was served on him or her; or
- (c) within twenty-eight days after a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on him or her or sent by registered post to him or her or the person registered as the owner of the motor vehicle, trailer or engineering plant at the time of the commission of the offence.

- (2) Notwithstanding anything in subsection (1)—
  - (a) failure to comply with a requirement of subsection (1) shall not be a bar to the conviction of the accused in any case where the court is satisfied that—
    - (i) neither the name and address of the accused nor the name and address of the registered owner of the motor vehicle, trailer or engineering plant could, with reasonable diligence, have been ascertained in time for a summons to be served or for a notice to be served or sent under that subsection; or
    - (ii) the accused by his or her own conduct contributed to the failure; and
  - (b) the requirements of this section shall, in every case, be presumed to have been complied with until the contrary is proved.

#### **160. Application of Part VIII.**

(1) This Part of this Act shall apply to all proceedings in relation to the contravention of any of the provisions of this Act (in this Part referred to as “traffic proceedings”).

(2) The provisions of this Part of this Act are in addition to and not in substitution for the provisions of the Magistrates Courts Act.

#### **161. Institution of traffic proceedings.**

- (1) Traffic proceedings may be instituted—
  - (a) in the manner provided by the Magistrates Courts Act; or
  - (b) by the completion, service and filing of a traffic charge and summons in the manner provided in this Act.

(2) A traffic charge and summons shall be in the form set out in the Second Schedule to this Act.

(3) The Chief Justice may, by statutory order, amend the form referred to in subsection (2).

#### **162. Traffic charge and summons.**

(1) When any police officer in uniform has reasonable cause to suspect that any person has contravened any of the provisions of this Act or

the regulations, he or she may forthwith complete and serve upon that person a traffic charge and summons containing the particulars referred to in section 161.

(2) Where a traffic charge and summons has been served upon any person, a copy of the traffic charge and summons shall be lodged with the court specified in the charge.

(3) A person upon whom a traffic charge and summons has been served shall attend the sitting of the court specified in the traffic charge and summons, and the court shall then proceed to hear and determine the matter in accordance with the Magistrates Courts Act.

(4) Where, in any traffic proceedings, any person to whom subsection (3) applies fails to appear before the court at the time and place specified in the traffic charge and summons, the court shall—

- (a) proceed to hear and determine the charge in his or her absence where the offence charged is punishable by a fine only and may impose the penalty provided in respect of the offence; or
- (b) in any case where the offence charged may be punishable with imprisonment, issue a warrant for the arrest of that person.

### **163. Irregularities in proceedings.**

No finding, sentence or order passed by a court of competent jurisdiction shall be reversed or altered on appeal or revision on account of any error, omission or irregularity in the complaint, summons, warrant, charge, traffic charge and summons, order, judgment or other proceedings under this Part unless the error, omission, irregularity or misdirection has in fact occasioned a failure of justice; and in determining whether any error, omission or irregularity has occasioned a failure of justice, the court shall have regard to the question whether the objection could and should have been raised at an earlier stage in the proceedings under this Act.

### **164. Admissibility of certificates.**

A copy of any certificate of fitness purporting to be issued by a vehicle inspector to the effect that he or she has examined a motor vehicle, trailer or engineering plant and as to the result of the examination shall, if certified by the chief licensing officer, be prima facie evidence in any court proceedings of the facts contained in it; but the court may summon and examine the

vehicle inspector as to the subject matter of his or her certificate.

**165. Punishment without prosecution.**

(1) This section applies to any offence created by this Act or the regulations which is punishable on conviction for a minor traffic offence and being an offence in respect of a motor vehicle, trailer or engineering plant—

- (a) by its obstructing a road, or waiting, or being left or parked or being loaded or unloaded in a road; or
- (b) by the nonpayment of the charge made at a street parking place.

(2) Where a police officer or traffic warden has reason to believe that any person is committing or has committed an offence to which this section applies, he or she may give him or her the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section.

(3) Where the notice has been given, no person is liable to be convicted of the offence in question if the fixed penalty is paid in accordance with this section before the expiration of twenty-eight days after the date of the notice or before the date on which proceedings are begun, whichever event last occurs.

(4) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against any person for that offence by any police officer or traffic warden until the end of the twenty-eight days after the date of the notice.

(5) Payment of a fixed penalty under this section shall be made to an officer prescribed by the Minister, and sums paid by way of fixed penalty for any offence shall be treated for the purposes of this section as if they were fines imposed on conviction for that offence.

(6) A notice under subsection (2) shall specify the offence alleged and give such particulars of the offence as are necessary for giving reasonable information of the allegation and shall state also the period during which proceedings will not be taken for the offence, the amount of the fixed penalty, and the officers to whom and the address at which the fixed penalty may be paid.

(7) Where a police officer or traffic warden finds a vehicle on an

occasion and has reason to believe that, on that occasion, there is being or has been committed in respect of it an offence to which this section applies, he or she may proceed under this section as if he or she had found a person reasonably believed by him or her to be committing the offence, and for that purpose, a notice affixed to the motor vehicle, trailer or engineering plant shall be taken to be given to the person liable for that offence.

(8) A notice affixed to a motor vehicle, trailer or engineering plant under subsection (7) shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question.

(9) Any person who contravenes subsection (8) commits an offence and is liable on conviction to a fine of not less than three currency points and not exceeding fifteen currency points or imprisonment of not less than one month and not exceeding six months.

(10) The fixed penalty for an offence under this section shall be two currency points except that the Minister may, by regulations provide for the fixed penalty to be less than two currency points or more than that but not more than ten currency points.

(11) In any proceedings for an offence to which subsection (1) applies, no reference shall be made after the conviction of the accused to the giving or affixing of any notice under this section or to the payment or nonpayment of a fixed penalty unless, in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving or affixing of a notice, or as the case may be, to that payment or nonpayment.

(12) This section applies to such areas as the Minister may, by statutory order, specify.

(13) The Minister may make regulations under section 180 for all or any of the following purposes—

- (a) prescribing the form of notice under subsection (2);
- (b) prescribing the officers to whom a fixed penalty is payable, their duties and the information to be supplied to them;
- (c) specifying the areas where the fixed penalty procedure shall have effect;
- (d) providing for the fixed penalty which is not more than ten

- currency points; and
- (e) prescribing a schedule of other minor traffic offences which may be dealt with in accordance with this section.

### **166. Appointment of traffic wardens.**

(1) Subject to any written law relating to the appointment of persons to the service of local authorities, there shall be appointed by or under the direction of the Inspector General of Police such number of persons as the Minister considers necessary, to be known as traffic wardens, who shall discharge, in aid of the police, such functions in connection with the control and regulation of road traffic or the enforcement of the law relating to road traffic as may be prescribed.

(2) No person shall be appointed traffic warden if that person is a police officer or is not adequately qualified and suitably trained, before undertaking the duties assigned to traffic wardens under this section.

(3) Every traffic warden appointed by virtue of this section shall wear at all times when he or she is on duty such uniform as the Minister may approve.

### **167. Regulations.**

Regulations may be made under section 178—

- (a) prescribing the “point system” by which offences are assigned a fixed points value in proportion to the seriousness of the offences and providing for action to be taken by the Inspector General of Police against a driver who commits a series of driving offences within a prescribed period;
- (b) prescribing devices that may be carried on motor vehicles, trailers or engineering plant to minimise accidents on roads;
- (c) prescribing records to be kept under this Part of this Act;
- (d) prescribing anything to be prescribed under this Part of this Act.

## **PART IX—NATIONAL ROAD SAFETY COUNCIL.**

### **168. Establishment of National Road Safety Council.**

(1) There shall be a council to be called the National Road Safety Council (in this Act referred to as “the council”) which shall consist of the

chairperson, a vice chairperson and such other persons as may be necessary for the efficient performance of the functions of the council, appointed by the Minister by notice published in the Gazette, except that the council shall include a representative or representatives of persons connected with the importation, production, marketing or operation of motor vehicles, trailers or engineering plant.

(2) The council shall have a secretary who shall be a public officer within the Ministry responsible for transport.

### **169. Functions of the council.**

The functions for which the council is established are—

- (a) to provide a stronger central organisation to intensify activity and to exploit fully and continuously available knowledge and experience in all matters connected with the road safety;
- (b) to promote and use research into causes of traffic road accidents;
- (c) to promote and use statistical research as to the number, types and cost of traffic accidents;
- (d) to diagnose from research and statistical records or any other sources, causes of road accidents and to suggest countermeasures to combat accident problems;
- (e) to identify local accident hazards, devise and suggest remedies and advise the authorities concerned to promote action;
- (f) to make proposals for amending traffic and road safety legislation with a view to reducing road traffic accidents;
- (g) to encourage and provide training and education for road users;
- (h) to increase the road user's knowledge of particular hazards, how they arise and how to cope with them;
- (i) to induce a more positive attitude to road safety through lectures, demonstrations, campaigns or any other means;
- (j) to alter the road user's behaviour so that he or she does not put himself or herself or others at risk;
- (k) to collect, prepare and disseminate educational material on road safety;
- (l) to prepare and promulgate fully integrated programmes of public information and publicity by means of all appropriate media of mass communication;
- (m) to advise on current or projected ideas concerning motor vehicle, trailer or engineering plant design, equipment and maintenance with particular reference to safety devices;



- (n) to discharge such other functions as the Minister may, by statutory instrument, prescribe.

**170. Term of office of members of council.**

(1) A member of the council shall hold office for a period of two years and shall be eligible for reappointment.

(2) A member of the council may, by notice in writing addressed to the Minister, resign his or her membership.

(3) The Minister may remove any member of the council from office for inability to perform the functions of his or her office or for any other cause.

(4) If any member of the council is, for any other reason, unable to exercise the powers or perform the duties of his or her office, the Minister may appoint another person to be a temporary member of the council during the absence or incapacity of that member.

(5) If a member of the council dies, resigns, is removed from office, or, for any other reason, ceases to hold office, the Minister shall appoint another person to take the place of that member; and the person so appointed shall hold office until the expiration of the term of office of the member in whose place he or she is appointed.

PART X—MISCELLANEOUS.

**171. Persons propelling pushcarts or riding animals, etc.**

Every person propelling any pushcart, or riding a bicycle or animal upon a road or driving any animal drawn vehicle shall, *mutatis mutandis*, be subject to this Act.

**172. Restrictions on riding bicycles.**

Not more than one person over the age of seven years shall be carried in addition to the driver on any bicycle, nor shall any such one person be so carried otherwise than sitting on a carrier securely fixed to the bicycle or on a step especially fitted to carry a passenger.

### **173. Damage to road or bridge.**

(1) If, by reason of an offence against this Act, damage is caused to any road or any works erected in connection with the road or any road signs, the authority responsible for the repair of the road may cause the damage to be made good, and may, either before or after the damage is made good, recover the estimated or actual cost from the owner of the vehicle causing the damage.

(2) A certificate signed by the chief licensing officer, or any person authorised by him or her as to the cost of making good the damage referred to in subsection (1), shall be prima facie evidence of the amount payable by the owner of the vehicle.

### **174. Application of the Act to persons in the public service and vehicles of the Government.**

Except where otherwise permitted by this Act or by any other written law, this Act applies to persons in and vehicles owned by or used in the service of the Government or any local authority.

### **175. Exemptions.**

The Minister may, by statutory order, grant an exemption, either wholly or partially, and either unconditionally or upon conditions, to persons or to their vehicles from any of the requirements of this Act.

### **176. General penalties for contravention.**

(1) Every person who contravenes or does any act prohibited by this Act or who fails or omits to perform an act required by this Act the contravention or failure to comply with which is not made an offence under any other provisions of this Act or the regulations commits an offence and is liable on conviction to a fine not exceeding thirty currency points or imprisonment not exceeding one year or both.

(2) Every person who wilfully fails or refuses to comply with any lawful order or direction of a police officer or traffic warden in uniform the failure to comply with which is not made an offence under any other provision of this Act commits an offence and is liable on conviction to a fine of not less than five currency points and not exceeding thirty currency points

or imprisonment not exceeding one year or both.

(3) Every parent or guardian who permits or authorises a child or ward under his or her care to do or perform anything prohibited by this Act commits an offence and is liable on conviction to a fine not exceeding thirty currency points or imprisonment not exceeding one year or both.

### **177. Compensation.**

Any court which convicts any person of an offence under this Act may direct that an amount not exceeding 50 percent out of any fine paid by the convicted person be paid to any person who has suffered any loss as a result of the offence.

### **178. General power to make regulations.**

(1) The Minister may make regulations for the purpose of giving full effect to the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under this section for all or any of the following purposes—

- (a) prescribing the manner of convening and the frequency of meetings of the council, the rules of procedure to apply at its meetings, the co-option of persons to the council and for the recording and keeping of minutes;
- (b) providing for the establishment and procedure of committees of the council, for the co-option of any persons to those committees and for the payment of allowances to committee members;
- (c) providing for the establishment, membership, procedure, functions and duties of local authorities or any other area road safety committees and for the co-option of persons or bodies to such committees;
- (d) providing for the appointment and the remuneration of such persons as may be necessary for carrying out the provisions of this Act;
- (e) providing for the inspection of motor vehicles, trailers or engineering plant for any purpose under this Act by any person other than the licensing officer and for the terms and conditions of such inspection;
- (f) providing for the payment of Treasury grants to and the keeping

of accounts by the council and authorising the council to receive gifts and to award prizes or any other incentives in cash or in kind;

- (g) prescribing the wearing of safety belts by drivers and passengers of motor vehicles, the wearing of crash helmets by motorcyclists and the use of reflectors on any road;
- (h) regulating the use of mobile telephones in motor vehicles, trailers or engineering plant;
- (i) prescribing the conditions on which motor vehicles licensed outside Uganda may be used within Uganda and on which persons holding driving licences or permits issued outside Uganda may be allowed to drive within Uganda;
- (j) prescribing the maximum axle weights and dimensions of motor vehicles, trailers or engineering plant to be used on any road;
- (k) providing that without prejudice to any penalty prescribed under this Act, where a vehicle is found on any road to be in excess of the maximum prescribed axle weight for that road any police officer may—
  - (i) direct the driver or other person in charge of the motor vehicle, trailer or engineering plant to park it by the roadside and remove the excess weight at the expense of the owner or other person responsible for the motor vehicle, trailer or engineering plant; or
  - (ii) impound the motor vehicle, trailer or engineering plant until the excess weight is removed at the expense of the owner or other person responsible for the load;
- (l) prescribing anything required or authorised to be prescribed under this Act and otherwise providing for anything required or authorised to be provided for by regulations under this Act; and
- (m) generally for better carrying out the purposes and provisions of this Act.

(3) Regulations made under this section may, in relation to any contravention of the regulations—

- (a) prescribe any penalty not less than a fine of two currency points and not exceeding a fine of thirty currency points or imprisonment not exceeding two years, or both;
- (b) prescribe a severer penalty in respect of a second or subsequent conviction of the same offence;
- (c) in the case of a continuing offence, provide for the imposition of an additional penalty not exceeding a fine of ten currency points

- in respect of each day on which the offence continues;
- (d) empower the court to forfeit anything used or involved in the commission of the contravention.

**179. Minister's power to amend First Schedule.**

The Minister may, by statutory instrument with the approval of the Cabinet, amend the First Schedule to this Act.

**180. Repeals and transitional provisions.**

- (1) The Traffic and Road Safety Act, 1970, is repealed.
  - (2) Notwithstanding subsection (1)—
    - (a) any statutory instrument made under the enactment repealed by this Act and in force immediately before the commencement of this Act shall continue in force and be taken to have been made under the corresponding provisions of this Act until it is revoked;
    - (b) until new appointments are made under this Act any appointments made under the enactment repealed by this Act shall be taken to have been made under the corresponding provisions of this Act;
    - (c) any orders, directions or other acts lawfully done under any provision of the enactment repealed by this Act and in force immediately before the coming into force of this Act shall be taken to have been issued, made or done under the corresponding provisions of this Act and shall continue in force until they are revoked or cancelled;
    - (d) subject to section 14, every licence issued under the enactment repealed by this Act and in force immediately before the commencement of this Act shall be taken to have been issued under the corresponding provisions of this Act and shall continue in force until it expires.
  - (3) This section shall have effect without prejudice to the general effect of sections 12 and 13 of the Interpretation Act.
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## **SCHEDULES**

*First Schedule.*

s. 2.

### **Currency point.**

A currency point is equivalent to twenty thousand shillings.

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*Second Schedule.*

s. 161.

**Traffic charges and summons, and affidavit of service.**

The Republic of Uganda.

Traffic Charges and Summons.  
*The Traffic and Road Safety Act.*

In the magistrate's court of \_\_\_\_\_  
at \_\_\_\_\_  
Criminal Case (Traffic) No. \_\_\_\_\_ of 20 \_\_\_\_ Vehicle Registration  
No. \_\_\_\_\_.

To: \_\_\_\_\_  
\_\_\_\_\_

Summons.

Your attendance is necessary to answer to the charge/charges set out below  
and you are by this summons commanded to appear without fail in the  
magistrate's court of \_\_\_\_\_  
at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_, at \_\_\_\_\_ a.m./p.m., or as soon thereafter as the case  
can be heard.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Magistrate

Charge.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Traffic charge and summons received.

Affidavit of Service of Traffic Charges and Summons.  
*The Traffic and Road Safety Act.*

I, \_\_\_\_\_,  
*(name and rank)*

make oath and say as follows—

(1) That I, being a person duly authorised to issue a charge and summons under the Traffic and Road Safety Act, did on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, serve the accused with a copy of this charge and summons by delivering the copy personally to him/her.

(2) That I advised him/her that a written plea of guilty may/would not be accepted instead of his or her attendance.

Sworn before me this on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Magistrate

\_\_\_\_\_

**History:** Act 15/1998; S. I. 69/1998; Act 1/1999, s. 26; S.I. 12/1999.

**Cross References**

Industrial Licensing Act, Cap. 91.

Interpretation Act, Cap. 3.

Magistrates Courts Act, Cap. 16.

Medical and Dental Practitioners Act, Cap. 272.

Motor Vehicle Insurance (Third Party Risks) Act, Cap. 214.

Tourist Agents (Licensing) Act, Cap. 100.

Traffic and Road Safety Act, (1970), Cap. 360.

Trade (Licensing) Act, Cap. 101.

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