

STATUTORY INSTRUMENTS

2004 No. 34

THE TRAFFIC AND ROAD SAFETY (EXPRESS PENALTY SCHEME FOR ROAD TRAFFIC OFFENDERS) REGULATIONS, 2004.

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SCHEDULE

STATUTORY INSTRUMENTS.

2004 No. 34.

The Traffic and Road Safety (Express Penalty Scheme for Road Traffic Offenders) Regulations, 2004.

(Under sections 165(13) and 178 of the Traffic and Road Safety Act, Cap. 361)

IN EXERCISE of the powers conferred upon the Minister responsible for works, housing and communications by sections 165(13) and 178 of the Traffic and Road Safety Act, these Regulations are made this 25th day of March, 2004.

1. Citation

These Regulations may be cited as the Traffic and Road Safety (Express Penalty Scheme for Road Traffic Offenders) Regulations, 2004.

2. Operation of the fixed penalty scheme

The fixed penalty scheme shall have effect in the whole of Uganda.

3. Procedure for the operation of the fixed penalty scheme

Where a police officer or traffic warden has reason to believe that any person is committing or has committed an offence to which these Regulations apply, he or she may give that person 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 these Regulations.

4. Form of notice

The notice in the form specified in the First Schedule to these Regulations is the prescribed notice for purposes of the fixed penalty scheme.

5. Schedule of minor traffic offences

(1) The offences specified in the first column Second Schedule are minor offences for purposes of the fixed penalty scheme.

(2) The penalties for contravention of minor offences are prescribed in the second column of the Second Schedule.

(3) A currency point has the value assigned to it in the Third Schedule.

6. Payment of fixed penalty

Payment of a fixed penalty shall be made at the nearest revenue collection bank designated by the Uganda Revenue Authority on presentation of a Bank Payment Advice issued on behalf of the Uganda Revenue Authority by a police officer or traffic warden.

7. Revocation of S.I. No. 68 of 2002

			or engineering plant whose registration plate or licence is obscured or undistinguishable.	
5		35(1)	Driving without a valid driving permit	Two currency points
6		35(3)	Permitting driving without a valid driving permit	Three currency points
7		37(7)(a)	Operating a driving school without a licence.	Ten currency points
8		37(7)(a)	Instructing a person to drive any group of motor vehicle trailer or engineering plant without a valid instructor's licence	Two currency points
9		37(7)(b)	Permitting a person not enrolled as a student in a driving school to drive a motor cycle, motor car, dual purpose vehicle or trailer.	Two currency points
10		57(d)	Learning how to drive a motor vehicle, trailer or engineering plant which is not at the time displaying "L" plates affixed in the prescribed manner.	Two currency points
11		57(c)	Driving a motor vehicle, trailer or engineering plant which is displaying "L" plates while you are not a licensed instructor.	Two currency points
S/No.	Tick	SEC.	OFFENCES	PENALTY
12		57(h)	Being the holder of a valid instructor's licence, permits a learner to drive a motor vehicle, trailer or engineering plant without displaying "L" plates.	Two currency points
13		57 (i)	Failing without reasonable cause to produce a driving permit or learner driving permit under section 35(2).	Two currency points
14		99(1)	Making of any noise or sounding any instrument in order to attract the attention of a possible passenger.	One currency point
15		104(1)	Using goods vehicle on a road to carry a load greater than the load specified by the manufacturer of the chassis of the vehicle.	Two currency points
16		104(2)	Using goods vehicle on a road in manner which makes it a danger to other road users.	Two currency points
17		105(1)(a)	Using a motor vehicle for the carriage of passengers or goods for hire or reward when it is not licensed to do so.	Two currency points
18		105(1)(b)	Using a vehicle operator's licence in breach of the licence issued	Three currency points
19		105(2)	Giving false information or incorrect statement when applying for a licence or its renewal, amendment or cancellation.	Two currency points
20		107(1)	Using a motor vehicle which is not in good condition on a road.	Two and a half currency points
21		119	Careless or inconsiderate use of motor vehicle.	Two currency points
22		120(a)	Driving in excess of the prescribed speed.	Five currency points
23		120(b)	Aiding, abetting, counselling or procuring a person to drive in excess of the prescribed speed.	Two currency points
24		121(4)	Driving with a driving permit which has not been renewed	Two currency points
25		123(4)	Failing to give right of way to authorised emergency vehicles.	
26		124(1)	Failing to stop at a railway level crossing.	Two and a half currency points
27		126(1)	Riding in or being carried in dangerous position on a motor vehicle, trailer or engineering plant.	One currency point
28.		126(2)	Riding or being carried upon a motor vehicle, trailer or engineering plant where there is insufficient space.	One currency point
29.		127(1)	Carrying more than one person in addition to the driver, on a motor cycle. Carrying a person on a seat not securely fixed to a motor cycle.	One currency point
30		128(1)	Obstructing driver of motor vehicle, trailer or engineering plant while it is in motion.	Two currency points
31		128(2)	Carrying of passengers on a motor vehicle, trailer or engineering plant in such numbers or in such position as to be likely to interfere with safe driving.	Two currency points
32		134(2)	Failing to keep domestic animals which are on the road or in a public place under proper control.	Five currency points
33		148	Failure by the employee to keep record of his or her driver.	One currency point
34		165(1)(a)	In respect of a motor vehicle, trailer or engineering plant,	

(1) Within fourteen days after the sale or other disposition of any kind whatsoever 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 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 registration plate of the motor vehicle, trailer or engineering plant to the licensing officer.

Any person who contravenes these provisions commit an offence and is liable on conviction to a fine not less than ten currency points and not exceeding forty currency points or imprisonment not less than one year and not exceeding two years or both.

33. Offences and penalties

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

(d) without any insurance prescribed by law for that use;

(e) while any registration plate 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.

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

(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 .

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 learner-driving permit endorsed in respect of that group of motor vehicle, trailer or engineering plant.

(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 driving permit endorsed in respect of that group of motor vehicle, trailer or engineering plant.

Any person who contravenes subsections (1) and (3) is liable on conviction to fine not exceeding thirty currency points or imprisonment not exceeding one year or both.

37. Licensing of driving schools and instructors

(7) Any person who—

- (a) operates a driving school contrary to this section.
- (b) instructs any other person to drive any group vehicle, trailer or engineering plant without a valid instructor's license issued under this section; or
- (c) being a licensed instructor, instructs any person to drive a motor cycle, a motor car, 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 not less than ten currency points and not exceeding fifty currency points.

57. Offences

Any person who—

- (d) while in possession of learner driving permit, drives a motor vehicle, trailer or engineering plant which is not at the time displaying 'L' plate affixed in the prescribed manner; or
- (e) not being a licensed instructor drives a motor vehicle, trailer or engineering plant which is displaying 'L' plate;
- (h) being the holder of a valid instructor's license, 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" plate affixed in the prescribed manner; or
- (i) fails without reasonable excuse to produce his or her driving permit or learner driving permit under subsection (2) of section 36 of this Act; or

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

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, holding 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) of this section commits an offence and is liable on conviction to a fine not less than two currency points and not less than two currency points and not exceeding fifteen currency points or imprisonment not exceeding six months or both .

104. Limitation of loads

(1) No goods vehicle shall be used on a road with a load greater than the load specified by the manufacture 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 shall be a 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 the provisions of sub-sections (1) and (2) of this section commits an offence and on conviction shall be liable to a fine not less than five currency points and not exceeding fifty currency points

(4) For the purposes of this section, person travelling on a good 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 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 not less than five currency points and not exceeding thirty currency points or to imprisonment not less than twelve months or both.

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

(1) No vehicle, trailer or engineering plant shall be used on a road unless the vehicle, trailer or engineering plant and all its parts and equipment including tyres and lights are in good repair and in efficient working order are in such good condition that the driving of the vehicle on the road either in the day time 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.

Any person who uses on a road, a motor vehicle, trailer or engineering plant in contravention of subsection (1) 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.

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 not less than five currency points and not exceeding thirty points or imprisonment not less than one month and not exceeding one year or both.

120. Speeding

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 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 not less than fifteen currency points or imprisonment 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 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

(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 fine not less than two currency points and not exceeding five currency points.

Any person who contravenes the provisions of subsection (1) is liable on conviction to a fine not exceeding thirty currency points or imprisonment not exceeding one year or both.

123. Emergency motor vehicle

(4) Upon the immediate approach of an emergency motor vehicle, trailer or engineering plant, the driver of every 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; and person who fails to comply with this subsection 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 crossing

(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 obstruction to ascertain whether or not the line is clear.

126. Riding in 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, 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 is carried or the height or arrangement of the load.

Any person who contravenes any provision of this section commits an offence and is liable on conviction to a fine not exceeding thirty currency points of imprisonment not exceeding one year or both.

127. Restrictions 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 proper seat securely fixed to the cycle.

(2) Any person who contravenes any provision of this section commits an offence and is liable to a fine 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 motor vehicle, trailer or engineering plant shall molest or obstruct the driver of the vehicle, trailer or engineering plant while it is in motion.

(2) No person shall carry any passenger in a motor vehicle, trailer or engineering plant in such number or in such a 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 not less than five currency points and not exceeding thirty currency points or imprisonment of not less than two years or both.

134. Permits for herds, funeral procession or parade

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

148. Employer to keep records of driver

Any person who employs any other person to drive a motor vehicle, trailer or engineering plant shall at all times keep the 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.

Any person who contravenes the provision of this section is liable on conviction to a fine not exceeding thirty currency points or imprisonment not exceeding one year or both.

THIRD SCHEDULE

CURRENCY POINT

Currency point is equivalent to twenty thousand shillings.

JOHN NASASIRA,
Minister of Works, Housing and Communications.