



LAWS OF KENYA

INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) ACT

CHAPTER 405

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CHAPTER 405

INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) ACT

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CHAPTER 405

INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) ACT

[Date of Commencement: 1st October, 1946.]

An Act of Parliament to make provision against third party risks arising out of the use of motor vehicles

[Act No. 12 of 1945, Cap. 233 of 1948, Act No. 27 of 1949, Act No. 46 of 1960, Act No. 28 of 1961, L.N. 462/1963, L.N. 2/1964, Act No. 21 of 1966, Act No. 5 of 1971, Act No. 14 of 1978, Act No. 6 of 1987, Act No. 10 of 2006, Act No. 8 of 2009.]

1. Short title

This Act may be cited as the Insurance (Motor Vehicles Third Party Risks) Act.

2. Power to suspend operation of Act

The Minister may, by notice in the *Gazette*, suspend or restrict the operation of this Act.

[L.N. 462/1963, Sch.]

3. Interpretation

In this Act, unless the context otherwise requires—

“**driver**”, where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the word “**drive**” shall be construed accordingly;

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

“**motor vehicle**” means a mechanically propelled vehicle intended or adapted for use on roads, but does not include a steam traction engine, a steam roller or a vehicle constructed and intended for use exclusively on rails;

“**owner**”, in relation to a vehicle which is the subject of a hiring agreement or a hire-purchase agreement, means the person in possession under that agreement;

“**policy of insurance**” *deleted by Act No. 14 of 1978, s. 2;*

“**road**” means any public road within the meaning of the Public Roads and Roads of Access Act (Cap. 399), and includes any other road or wharf to which motor vehicles are capable of being driven.

[Act No. 14 of 1978, s. 2, Act No. 10 of 2006, s. 33.]

4. Motor vehicles to be insured against third party risks

(1) Subject to this Act, no person shall use, or cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both, and such person upon a first conviction for such offence may, and upon a second or subsequent conviction for any such offence shall, unless the court for special reason thinks fit to order otherwise, be disqualified from holding or obtaining a driving licence or provisional licence under the Traffic Act (Cap. 403) for a period of twelve months from the date of such conviction or for such longer period as the court may think fit.

(3) This section shall not apply to any motor vehicle owned by the Government, or to a motor tractor or other motor vehicle used solely or mainly for agricultural purposes, if the use of such motor tractor or other motor vehicle on a road consists only of moving it by road from one part of the land of the owner thereof to another part of the land of such owner.

[Act No. 27 of 1949, s. 2, Act No. 28 of 1961, Sch., L.N. 462/1963, Sch., Act No. 21 of 1966, First Sch., Act No. 5 of 1971, s. 8.]

5. Requirements in respect of insurance policies

In order to comply with the requirements of section 4, the policy of insurance must be a policy which—

- (a) is issued by a company which is required under the Insurance Act, 1984 (Cap. 487) to carry on motor vehicle insurance business; and
- (b) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the vehicle on a road:

Provided that a policy in terms of this section shall not be required to cover—

- (i) liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or
- (ii) except in the case of a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arose; or
- (iii) any contractual liability;
- (iv) liability of any sum in excess of three million shillings, arising out of a claim by one person.

[Act No. 46 of 1960, s. 48, Act No. 10 of 2006, s. 34.]

6. Requirements in respect of securities

(1) In order to comply with the requirements of this Act a security must—

- (a) consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to an amount

approved by the Minister, any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under paragraph (b) of section 5 which may be incurred by him or them; and

(b) be approved by the Minister and deposited with him.

(2) Whenever such a security is approved by the Minister and deposited with him, the Minister shall give to the owner of the vehicle concerned a certificate (hereinafter referred to as a certificate of security) in the prescribed form, subject to such fee and containing such particulars of any conditions subject to which the security is given as may be prescribed; and where the owner owns more than one vehicle in respect of which such a security has been approved, the Minister shall issue a separate certificate of security or a copy of the original certificate in respect of each vehicle; and where the owner owns more than one vehicle in respect of which such a security has been approved, the Minister shall issue a separate certificate of security or a copy of the original certificate in respect of each such vehicle.

(3) References in sections 8, 9 and 11 to a policy, a certificate of insurance, an insurer or an insured shall be deemed to include references to a security, a certificate of security, a giver of a security or a person secured, respectively as the case may be.

(4) *Deleted by Act No. 10 of 2006, s. 35.*

[Act No. 28 of 1961, Sch., Act No. 14 of 1978, s. 3, Act No. 10 of 2006, s. 35.]

7. Certificate of insurance

(1) A certificate of insurance shall be issued by the insurer to the person by whom a policy of insurance is effected.

(2) Such certificate shall be in the prescribed form and shall contain such particulars of any conditions subject to which the policy is issued and of any matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

[Act No. 14 of 1978, s. 4.]

8. Certain conditions in policies of insurance of no effect

Any condition in a policy of insurance providing that no liability shall arise under the policy, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall, as respects such liabilities as are required to be covered by a policy under section 5, be of no effect:

Provided that nothing in this section shall be taken to render void any provision in a policy requiring the persons insured to repay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

[Act No. 14 of 1978, s. 5.]

9. Display, etc., of certificates of insurance

(1) Any person driving a motor vehicle on a road or owning a motor vehicle so driven, in respect of which a policy of insurance is required to be in force under this Act, shall carry and display or cause to be carried and displayed on the vehicle a certificate of insurance in the prescribed form, place and manner.

(2) If, in any case, owing to the presence of a motor vehicle on a road an accident occurs whereby injury is caused to any person, and a certificate of insurance required under this Act is not inspected by a police officer at or near the site of the accident, the driver or the owner of that vehicle shall as soon as reasonably possible, and in any case within twenty-four hours of the occurrence of the accident, show or cause to be shown at a police station or to a police officer the certificate of insurance in force in respect of that vehicle either on the vehicle or, if the vehicle cannot reasonably be produced, detached from the vehicle.

(3) Any person who fails to display a certificate of insurance in accordance with subsection (1) or to comply with the requirements of subsection (2) shall be guilty of an offence.

(4) The owner of a motor vehicle shall, within seven days after having received an oral or a written request to that effect, give such information as he may be required to give by a police officer for the purpose of determining whether the vehicle was or was not being driven in contravention of section 4, and if the owner fails to do so he shall be guilty of an offence.

[L.N. 462/1963, Sch., Act No. 21 of 1966, First Sch., Act No. 5 of 1971, s. 9,
Act No. 14 of 1978, s. 6.]

9A. Provision with regard to foreign vehicles

(1) Notwithstanding the provisions of section 5, where there is in existence in respect of any motor vehicle a valid certificate issued under any law in force in any country specified by the Minister by notice in the *Gazette*, no person using that motor vehicle on any road in Kenya shall be required to produce a policy of insurance or a security in respect of third party risks required under section 4.

(2) It shall be the duty of the person to whom the provisions of this section apply to give such information as he may be required to give to, or on behalf of, the Commissioner of Police for the purpose of determining whether the vehicle was or was not being driven in contravention of section 4.

[Act No. 6 of 1987, s. 2.]

10. Duty of insurer to satisfy judgments against persons insured

(1) If, after a policy of insurance has been effected, judgment in respect of any such liability as is required to be covered by a policy under paragraph (b) of section 5 (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an insurer under the foregoing provisions of this section—

- (a) in respect of any judgment, unless before or within fourteen days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings;
- or

- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
- (c) in connexion with any liability if, before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and either—
 - (i) before the happening of the event the certificate was surrendered to the insurer, or the person to whom the certificate was issued made a statutory declaration stating that the certificate had been lost or destroyed; or
 - (ii) after the happening of the event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer, or the person to whom the certificate was issued made such a statutory declaration as aforesaid; or
 - (iii) either before or after the happening of the event, but within a period of twenty-eight days from the taking effect of the cancellation of the policy, the insurer has notified the Registrar of Motor Vehicles and the Commissioner of Police in writing of the failure to surrender the certificate.

(3) It shall be the duty of a person who makes a statutory declaration, as provided in subparagraphs (i) and (ii) of paragraph (c) of subsection (2), to cause such statutory declaration to be delivered to the insurer.

(4) No sum shall be payable by an insurer under the foregoing provisions of this section if in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it:

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before or within fourteen days after the commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of such action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(5) *Deleted by Act No. 8 of 2009, s. 41.*

(6) In this section, “**material**” means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions; and “**liability covered by the terms of the policy**” means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

(7) In this Act, references to a certificate of insurance in any provision relating to the surrender or the loss or destruction of a certificate of insurance shall, in relation to policies under which more than one certificate is issued, be construed as references to all the certificates, and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

[Act No. 14 of 1978, s. 7, Act No. 8 of 2009, s. 41.]

11. Penalty for false statement or act causing avoidance of policy

If any person, for the purpose of obtaining a policy of insurance as required by section 5, makes any false statement in consequence whereof the policy is liable to be avoided, or does or omits to do anything by virtue of which he becomes disentitled to claim under the policy, he shall be guilty of an offence.

[Act No. 14 of 1978, s. 8.]

12. Duty of person against whom claim made to give information

(1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under paragraph (b) of section 5 shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Act or would have been so insured if the insurer had not avoided or cancelled the policy and, if he was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof under section 7.

(2) If, without reasonable excuse, any person fails to comply with the provisions of this section, or wilfully makes any false statement in reply to any such demand as aforesaid, he shall be guilty of an offence.

13. Duty to surrender certificate of insurance on cancellation of policy

Where a certificate of insurance has been issued under section 7 to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was issued shall, within seven days from the taking effect of the cancellation, surrender the certificate to the insurer or, if it has been lost or destroyed, make a statutory declaration to that effect, and if he fails so to do he shall be guilty of an offence.

14. Production of certificate of insurance on application for motor vehicle licence

A person who applies for a licence or the renewal of a licence in respect of a motor vehicle under the Traffic Act (Cap. 403) shall produce such evidence as may be prescribed that either—

- (a) a certificate of insurance stating that on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security in relation to the user of the vehicle by the applicant or by other persons on his order or with his permission; or
- (b) the vehicle is a vehicle to which subsection (3) of section 4 of this Act applies.

15. Rights of third parties against insurers on bankruptcy, etc., of insured

(1) Where under any contract of insurance a person (in this section referred to as the insured) is insured against liabilities to third parties which he may incur, then—

- (a) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or
- (b) in the case of the insured being a company, in the event of a winding-up order being made, or a resolution for a voluntary winding-up being passed, with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge,

if either before or after that event any such liability as aforesaid is incurred by the insured, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything in any law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

(2) Where an order is made under section 121 of the Bankruptcy Act (Cap. 53) for the administration of the estate of a deceased debtor according to the law of bankruptcy, then, if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's rights against the insurer under the contract in respect of that liability shall, notwithstanding anything in that Act, be transferred to and vest in the person to whom the debt is owing.

(3) In so far as any contract of insurance made in respect of any liability of the insured to third parties purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (a) or paragraph (b) of subsection (1) of this section or upon the making of an order under section 121 of the Bankruptcy Act (Cap. 53) in respect of his estate, the contract shall be of no effect.

(4) Upon a transfer under subsection (1) or subsection (2), the insurer shall be under the same liability to the third party as he would have been under to the insured, but—

- (a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this section shall affect the rights of the insured against the insurer in respect of the excess; and
- (b) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this section shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this section, "liabilities to third parties", in relation to a person insured under any contract of insurance, shall not include any liability of that person in the capacity of insurer under some other contract of insurance.

(6) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

16. Avoidance of restrictions on scope of policies

Where a certificate of insurance has been issued under section 7 to the person by whom a policy has been effected so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters—

- (a) the age or physical or mental condition of persons driving the vehicle; or
- (b) the condition of the vehicle; or
- (c) the number of persons that the vehicle carries; or
- (d) the weight or physical characteristics of the goods that the vehicle carries; or
- (e) the times at which or the areas within which the vehicle is used; or
- (f) the horse-power or value of the vehicle; or
- (g) the carrying on the vehicle of any particular apparatus; or
- (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the Traffic Act (Cap. 403),

shall, as respects such liabilities as are required to be covered by a policy under paragraph (b) of section 5, be of no effect:

Provided that nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

17. Penalty

Any person who is guilty of an offence under this Act or any rules made thereunder, and any person who contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is specifically provided, shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding three months or to both.

[Act No. 5 of 1971, s. 10, Act No. 14 of 1978, s. 9.]

18. Rules

The Minister may make rules prescribing anything required by this Act to be prescribed, and generally for the better carrying out of the provisions of this Act.

[Act No. 28 of 1961, Sch.]

CHAPTER 405

INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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SPECIFICATION OF COUNTRIES

[L.N. 398/1989.]

IN EXERCISE of the powers conferred by sections 9A and 18 of the Insurance (Motor Vehicles Third Party Risks) Act, the Minister for Transport and Communications specifies the following countries to be countries for the purposes of section 9A of the Act—

Angola
Burundi
Comoros
Djibouti
Ethiopia
Lesotho
Malawi
Mauritius
Mozambique
Rwanda
Somalia
Swaziland
Tanzania
Uganda
Zambia
Zimbabwe

PREFERENTIAL TRADE AREA INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) RULES, 1989

[L.N. 399/1989.]

1. These Rules may be cited as the Preferential Trade Area Insurance (Motor Vehicles Third Party Risks) Rules, 1989.

2. In these Rules unless the context otherwise requires—

“**accident**” means a happening related to a motor vehicle, causing personal injuries and or material damage and therefore engages the third party liability of the PTA policy order;

“**Council**” means the Council of the Bureaux established under Article 15 of the Protocol on the establishment of a Third Party Motor Vehicles Insurance Scheme, and which has as its major role to co-ordinate and supervise the activities of the National Bureaux;

“**insurance policy**” means the PTA document issued by the PTA insurer evidencing an agreement to insure and containing the conditions of the agreement concluded whereby the insurer undertakes for a specific fee to indemnify the insured for the losses arising out of the perils and accidents specified in the contract;

“**motor vehicle**” means any PTA motor vehicle which is constructed or adopted for the use of carriage of persons or goods by road and includes any trailer or semi-trailer designed to be drawn by such a vehicle;

“**the Protocol**” means the Protocol on the establishment of a Third Party Motor Vehicle Insurance Scheme;

“**National Bureaux**” means the National Bureaux established under Article 15 of the Protocol on the establishment of a Third party Motor Vehicle Insurance Scheme;

“**PTA**” means Preferential Trade Area for Eastern and Southern African States established by Article 2 of the Treaty for the establishment of Preferential Trade Area for Eastern and Southern African States, in these rules referred to as PTA;

“**Yellow card**” means the yellow card that shall be issued by the National Bureaux of PTA member states and shall be evidence of a Third Party liability cover obtained in accordance with these regulations or any law, or regulations in force in the PTA country where the accident occurred.

3. (1) All motorists intending to proceed to PTA member state shall be required before undertaking such a journey to take out an insurance policy with a National Bureaux authorized to undertake that type of policy.

(2) On taking out the policy of insurance the insured shall be issued by the National Bureaux with a yellow card, which shall be in form A specified in the Schedule.

4. The yellow card shall be issued for a period commencing not earlier than the date on which liability under the Insurance policy to which it relates commences and ending not earlier than the expiry date of such policy and in all circumstances not for a period longer than one calendar year.

5. (1) The yellow card shall be carried on all motor vehicles on the left or near side of the motor vehicle in front of the front seat and facing either forward or to the rear side of the road.

[Subsidiary]

(2) The yellow card shall be carried in a conspicuous and reasonably vertical position behind the glass of the windscreen or rearside window, so that the front of the certificate shall be clearly visible at all times by daylight to a person standing in front of the motor vehicle or to the left or near side thereof.

6. Each National Bureaux shall on behalf of its member insurers claims arising from accidents caused abroad by holders of the yellow cards it has issued and shall also handle claims arising from accidents caused in its country by holders of yellow cards issued by the National Bureaux of other parties to this protocol.

7. The Council of the Bureaux shall be responsible for the overall co-ordination and general supervision of all the National Bureaux of the member states who are parties to this protocol in accordance with the provisions of Article 16 of the protocol.

8. The PTA yellow card shall be removed as soon as it has expired and replaced with a yellow card of current validity.

SCHEDULE

Form A

PTA YELLOW INSURANCE CARD
 CARTE JAUNE D'ASSURANCE DE LE ZEP
 CARTA AMERELA DE SEGUROS DA ZCP

<p>Card relating to compulsory motor vehicle third party liability insurance (issued under the authority of Council of Bureaux) Carta relative a l'assurance obligatoire de la responsabilité civil automobile (émise sous l'autorité du Conseil des Bureaux) Carta relativa ao seguro obrigatório e responsabilidade civil automóvel (emitido pela autoridade do Conselho de Bureaux)</p>	<p>ORIGINAL: for the insured/pour l'assuré/para o segurador</p> <p>2. Card serial No. No. de série de la carte No. da série da série da carta</p>																					
<p>1. Name and address of the policy holder Nom et adresse du preneur d'assurance Nome e endereço do portador de apolice seguro</p>	<p>3. Valid from Valable du Valido de</p> <table border="0"> <tr> <td>day</td><td>month</td><td>year</td><td>to</td><td>day</td><td>month</td><td>year</td> </tr> <tr> <td>Jour</td><td>mois</td><td>annee</td><td>au</td><td>Jour</td><td>mois</td><td>annee</td> </tr> <tr> <td>dia</td><td>mes</td><td>ano</td><td>ate</td><td>dia</td><td>mes</td><td>ano</td> </tr> </table> <p>(both dates inclusive) (ces deux jours compris) (ambos os dias inclusos)</p>	day	month	year	to	day	month	year	Jour	mois	annee	au	Jour	mois	annee	dia	mes	ano	ate	dia	mes	ano
day	month	year	to	day	month	year																
Jour	mois	annee	au	Jour	mois	annee																
dia	mes	ano	ate	dia	mes	ano																
<p>4. Type of body and make of vehicle Carrosserie & marque du vehicule Carroçaria e marca do veiculo</p>	<p>5. Registration No. No. d'immatriculation No. de matricula</p>																					

[Subsidiary]

SCHEDULE—continued

<p>9. This card has been delivered by/Cette carte est delivree par/Esta carta foi emitida por: (Name and address of insurance company) (Nom et adresse de la société d'assurance) (Nome e endereco da companhia de seguro)</p>	<p>6. Chassis No. No. du chassis No. do Chassis</p>	<p>7. Engine No. No. du moteur No. do motor</p>	<p>8. Insurance policy no. No. de la police de'assurance No. de apolice do seguro</p>
<p>12. Code/Codigo Cross items which do not apply Biffer les mentions inappropriées Riscar mencoes inapropriadas A. Car/Voiture/Carro B. Lorry or Tractor/Camion ou traceur/Camião ou tractor C. Bus/Autobus ou Autocar/Onibus ou Autocarro D. Trailer/Remorque/Reboque E. Motor-cycle or other cycles fitted with auxiliary engine/Motorcycliettes ou autres engins a deux roués/Motocicleta ou outros motoveiculos de duas ruas.</p>	<p>10. Name and address of issuing Bureaux Nom et adresse du Bureau emetteur Nome e endereco do Bureau emissor</p>		
<p>14. Signature of insured/Signature de l'assure/assinatura do asegurado</p>	<p>11. Signature and stamp of insurer Signature et cachet de l'assureur Assinatura e selo do segurador</p>		
<p>In each country visited, the Bureau of the country assumes, in respect of the use of the vehicle referred to herein, the liability of the insurer in accordance with the laws in the country relative to compulsory insurance. Dans chaque pays visite, le Bureau de ce pays assume pour ce qui a trait a l'utilisation du vehicule decrit ci-contre, la responsabilite qu'aurait un assureur conformement aux-lois de ce pays relatives a l' obligation d'assurance.</p>	<p>13. Cancel country inapplicable Reyar les pays dans lesquels cette carte n'est pas valable Riscar os paises nos quais esta carta nao e valida. Code for countries Code des pays Codigo d paises</p>		

SCHEDULE—continued

ANG	BOT	BUR	COM	DJI	ETH	KEN	LES	MAD	MAL
MAU	MOZ	RWA	SEY	SOM	SWA	TAN	UGA	ZAM	ZIM
<p>15. Names and addresses of National Bureaux/Noms et adresses des Bureaux-Nationaux/Nomes enderecos dos Bureaux nacionais.</p>									
<p>Em cada pais visitado, o respectivo bureau assume no que se relaciona com a utilizacao do veiculo descrito, a responsabilidade que compete au segurador de acordo com as leis do pais relativas ao seguro obrigatorio.</p> <p>Notes for the insured:</p> <p>(a) In case of an accident occurring in a country being visited the insured assumes responsibility to notify the National Bureaux the country of accident.</p> <p>(b) The insured undertakes to co-operate fully with the National Bureaux of the country of the accident in all investigations relating to the accident.</p> <p>Notes pour l'assure:</p> <p>(a) En cas d' accident dans un pays visite, l'assure' se chargera de contracter le Bureau National du pays ou l'accident est survenu.</p> <p>(b) L'assures'engage a coperer pleinement avec le Bureau National du pays ou est survenu l'accident dans l'instruction du dossier relatif a cet accident.</p> <p>Indiacoces para o segurado:</p> <p>(a) Em caso de acidente no pais visitado, o segurado devera encarregar-se de tomar contacto com o Bureau National 'do pais em que se deu o acidente.</p> <p>(b) O segurado fica sujeito a cooperar plenamente com o Bureau National do pais em que se deu o acidente no que respeita as investigacoes sobre o respectivo acidente.</p>									

INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) (CERTIFICATE OF INSURANCE) RULES, 1999

[L.N. 10/1999.]

RULES UNDER SECTION 18

1. These Rules may be cited as the Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) Rules, 1999.

2. In these Rules “**certificate of insurance**” means a certificate issued under section 7 of the Act, and “**certificate**” means a certificate of insurance.

3. (1) A certificate of insurance shall—

- (a) in the case of a motor vehicle used by fare paying passengers such as *matatus*, buses, taxis, private and public hire and self drive vehicles, be in Form 1 in the First Schedule;
- (b) in the case of a motor vehicle being used for business such as tractors, lorries, trucks, pick-ups, trailers and dealers in, manufacturers or repairers of motor vehicles be in Form 2 in the First Schedule;
- (c) in the case of private motor cars used for social, domestic and leisure purposes be in Form 3 in the First Schedule;
- (d) in the case of motor-cycles and motorized three-wheelers used for social, domestic and leisure purposes be in Form 4 in the First Schedule;

and shall be printed in square security printed disc in the manner specified in the Second Schedule:

Provided that the name of the policy-holder shall not be entered on the original certificate of insurance to be carried and displayed on the motor vehicle, but shall be entered only on the duplicate certificate.

(2) A certificate of insurance shall—

- (a) be issued for a period commencing not earlier than the date on which liability under the insurance policy to which it relates commences and ending not earlier than the expiry date of such policy; and
- (b) be issued only by an authorized employee of a licensed motor vehicle insurer.

4. (1) A temporary certificate of insurance may be issued to a person for the purpose of enabling him to either—

- (a) obtain registration of, and a vehicle licence for, a vehicle not previously registered; or
- (b) obtain registration of change of ownership of a vehicle.

(2) A temporary certificate of insurance shall—

- (a) be valid for thirty days from the date of issue; and
- (b) indicate the engine or chassis number of vehicle registration number or such identification as may be directed by the Registrar of Motor Vehicles or his representative from time to time.

(3) Not more than one temporary certificate of insurance shall be issued in respect of any one of the circumstances referred to in sub-paragraphs (a) and (b) of paragraph (1).

[Subsidiary]

5. (1) A certificate of insurance shall be carried—

- (a) in the case of a motor-cycle, on the left or near side of the motor-cycle in a position which does not impede or affect the safe riding of the motor-cycle;
- (b) in the case of a motor-cycle with a sidecar, on the left or near side of the sidecar in front of the seat; and
- (c) in the case of all other motor vehicles, on the left or near side of the motor vehicle in front of the front seat, and facing either forward or to the nearside of the road.

(2) A certificate shall be carried in a conspicuous and reasonably vertical position behind the glass of the windscreen or nearside window, so that the front of the certificate shall be clearly visible at all times by daylight to a person standing in front of the motor vehicle or to the left or near side thereof:

Provided that, in the case of a motor vehicle not fitted with a windscreen or windows, the certificate shall be suitably affixed in a weatherproof holder having a transparent face.

(3) A certificate shall be removed on expiry and replaced with a certificate of current validity.

6. The evidence to be produced for the purpose of paragraph (a) of section 14 of the Act shall be a duplicate of the original certificate issued in the relevant form in the First Schedule marked "NOT FOR DISPLAY" and which shall be retained by the Registrar of Motor Vehicles.

7. At the time of issuance of the certificate of insurance, the insurer shall be deemed to have satisfied himself as to the vehicles' compliance with the "Conditions for issue of Licence" and the "Vehicle Inspection Certificates" in accordance with section 17 and 17A of the Traffic Act.

FIRST SCHEDULE

Form 1**(Rule 3 (1) (a))**

We, the insurer named overleaf, hereby certify that a policy of the Insurance (Motor Vehicles Third Party Risks) Act, Cap. 405 (of Kenya) has been issued as shown overleaf.


Iwapo kuna mabadiliko ya miliki au utumishi wa gari hili, cheti hiki pamoja na nakili yake lazima virudishiwe mwenye bima kabla ya siku saba (7) Kumalizika tokea siku ya mabadiliko.

In the event of change of ownership or use of vehicle, this certificate and duplicate must be returned to the insurer within seven (7) days of the date of change.

(Reverse side)

FIRST SCHEDULE—continued

CERTIFICATE OF INSURANCE



NO.A 000000

Name of
Policy Holder

Policy N. & Cover
INSURANCE DATE TIME
COMMENCING
EXPIRING
REGISTRATION NO

ISSUED BY:

SIGNED:

PSV
READ OVERLEAF

[Subsidiary]

FIRST SCHEDULE—continued

Form 2

CERTIFICATE OF INSURANCE

NO.B 000000

Name of
Policy Holder

Policy N. & Cover

INSURANCE **DATE** **TIME**
COMMENCING

EXPIRING

REGISTRATION NO

TONNAGE

ISSUED BY:

SIGNED:




COMMERCIAL VEHICLE
READ OVERLEAF

(Reverse side as in Form 1)

FIRST SCHEDULE—continued

Form 3

CERTIFICATE OF INSURANCE



NO.C 0000000
Name of
Policy Holder **AS PER POLICY**

Policy N. & Cover

INSURANCE DATE TIME
COMMENCING
EXPIRING
REGISTRATION NO

ISSUED BY:
SIGNED:

PRIVATE CAR
READ OVERLEAF


(Reverse side as in Form 1)

[Subsidiary]

FIRST SCHEDULE—continued

Form 4

CERTIFICATE OF INSURANCE



NO.D 0000000

Name of
Policy Holder **AS PER POLICY**

Policy N. & Cover

INSURANCE	DATE	TIME
COMMENCING		
EXPIRING		
REGISTRATION NO		

LICENCED TO CARRY PASSENGERS MAXIMUM

ISSUED BY:

SIGNED:

MOTORCYCLE
READ OVERLEAF

(Reverse side as in Form 1)

SECOND SCHEDULE

MANNER OF PRINTING OF FORMS

Form 1.—Fine line pattern background comprising two colours, red/yellow, which gradually merge into each other, with a black text overprint.

Form 2.—Fine line pattern background comprising two colours, blue/red, which gradually merge into each other, with a black text overprint.

Form 3.—Fine line pattern background comprising two colours, green/brown, which gradually merge into each other, with a black text overprint.

Form 4.—Fine line pattern background comprising two colours, brown/purple, which gradually merge into each other, with a black text overprint.

8. Legal Notice No. 53 of 1986 is revoked.