

CHAPTER 163

THE MOTOR VEHICLE DRIVING SCHOOLS (LICENSING) ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE



CHAPTER 163

THE MOTOR VEHICLE DRIVING SCHOOLS (LICENSING) ACT

An Act to provide for the licensing of proprietors of motor vehicle driving schools and the prescription of qualifications for driving instructors and for connected matters.

[26th March, 1965]

Act No.
14 of 1965
[R.L. Cap. 584]

Short title **1.** This Act may be cited as the Motor Vehicle Driving Schools (Licensing) Act.

Interpretation **2.** In this Act, unless the context otherwise requires-
“driving school” means any establishment in or by which instruction in the driving of motor vehicles is given for reward, and includes any person who gives instruction for reward otherwise than in the course of employment by the proprietor of a driving school;
“proprietor of a driving school” includes any person who gives instruction for reward otherwise than in the course of employment by a proprietor of a driving school;
“Minister” means the Minister responsible for Road Traffic.

Licensing of proprietors of driving schools **3.**-(1) The Minister may make regulations for the licensing of proprietors of driving schools.

(2) In addition to any provision which may be made under section 5, regulations made under this section may-

- (a) prescribe licensing authorities;
- (b) prescribe the terms and conditions on which licences may be granted and renewed and those in which licences may be revoked; and
- (c) limit the number of licences that may be granted in any area.

(3) After the expiration of six months from the commencement of the first regulations made under subsection (1) of this section, a person shall not give or offer to give any driving instruction for reward unless he is licensed as the proprietor of a driving school under regulations made under that subsection, or he is employed as a driving instructor by a person so licensed and such instruction is given or is to be given in the course of such employment.

(4) A person who contravenes the provisions of subsection (3) commits an offence and on conviction shall be liable to a fine not exceeding five thousand shillings.

Regulations
regarding driving
instructors

4.–(1) The Minister may make regulations prescribing the qualifications, testing and registration of driving instructors.

(2) After the expiration of six months from the commencement of the regulations made under subsection (1)-

(a) a person shall not give a driving instruction for reward unless he has the qualifications for driving instructors, and has passed a test and is registered in any manner as prescribed in the regulations;

(b) a proprietor of a driving school shall not employ a person to give driving instruction unless that person has qualifications, after passing test, and is registered accordingly.

(3) A person who contravenes the provisions of subsection (2) commits an offence and on conviction shall be liable to a fine not exceeding five thousand shillings.

Additional
regulations

5.–(1) The Minister may make regulations-

(a) prescribing a uniform code of driving instruction to be observed by driving schools;

(b) prescribing the vehicles and equipment to be used by driving schools for the purpose of driving instruction;

(c) prescribing the marks to be exhibited on motor vehicles used by driving schools for the purpose of driving instruction;

- (d) prescribing the maximum charges, or authorising licensing authorities to fix within such limits as may be prescribed the maximum charges, which may be charged for driving instruction;
- (e) providing for the inspection of driving schools and vehicles and equipment used by driving schools for the purpose of driving instruction, and of the books and accounts of driving schools;
- (f) prescribing the fees to be paid on the grant or renewal of licences, for any test and for any registration, under this Act; and
- (g) making such other provision as is incidental to the licensing of driving schools and to the prescription of the qualifications, testing and registration of driving instructors.

(2) There may be annexed to the breach of any regulation made under this Act, a penalty not exceeding a fine of two thousand shillings.

Offences by corporations, etc.

6. Where an offence against this Act or any regulations made hereunder is committed by a corporation, firm or other association, a person who at the time of the offence was a director, manager, secretary or other similar officer of such corporation, firm or association, or who was at the time concerned or purported to act in the management of its affairs, shall be severally liable to prosecution and punishment in like manner as if he had himself committed the offence unless he proves that, the offence was committed without his consent and that, he took all reasonable steps to prevent its commission.

Exceptions

7. This Act shall not apply to any person in the service of the United Republic, the common services organisation or any self-contained service thereof, who gives driving instruction in the course of his duties.