

**S T A T U T O R Y   I N S T R U M E N T S**

**2013 No. 9.**

**THE TRAFFIC AND ROAD SAFETY (EXPRESS PENALTY SCHEME  
FOR ROAD TRAFFIC OFFENDERS) REGULATIONS, 2013.**

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# S T A T U T O R Y I N S T R U M E N T S

2013 No. 9.

## **The Traffic and Road Safety (Express Penalty Scheme for Road Traffic Offenders) Regulations, 2013.**

*(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 and transport by sections 165(13) and 178 of the Traffic and Road Safety Act, these Regulations are made this 21st day of January, 2013.

### **1. Title.**

These Regulations may be cited as the Traffic and Road Safety (Express Penalty Scheme for Road Traffic Offenders) Regulations, 2013.

### **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 Second Schedule are minor offences for the purposes of the fixed penalty scheme.

(2) The penalties for contravention of minor offences are prescribed in the fourth column of the First 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. Surcharge upon failure to pay.**

A person who fails to pay the prescribed penalty within the stipulated 28 days shall be liable to pay a surcharge of 50% of the prescribed penalty for the offence committed.

**8. Revocation of S.I. No. 34 of 2004.**

The Traffic and Road Safety (Express Penalty Scheme for Road Traffic Offenders) Regulations, 2004 S.I. No 34 of 2004 are revoked.

**FIRST SCHEDULE**  
**UGANDA POLICE FORCE**

*Reg. 4*

NAME OF ISSUING POLICE STATION .....

(Police Logo)

(Serial No. )

COMPLAINT AND CHARGE

POLICE BOOK NO. 36

Driver's First Name

Other Names

Driver's Driving Permit Number and Class(es)

Municipality/Town

County

S/county

Village

District

Sex (M/F)

Age

Box No.

Tel No.

Vehicle Registration Number

Make

Colour (s)

Date of offence

Time of offence

Place of offence

S/No	TICK	ENACTMEN	OFFENCES	PENALTY
1.		33(1) (d)	Using or permitting use on a road, a motor vehicle, trailer or engineering plant without any insurance prescribed by law for that use.	Two currency points
2.		33(1)(e)	Using or permitting use on road, a motor vehicle, trailer or engineering plant whose registration plate or license is obscured or undistinguishable.	Two currency points
3.		35(1)	Driving without a valid driving permit	Five currency points
4.		35(3)	Permitting driving without a valid driving	Five currency points
5.		37(7)(c)	Permitting a person not enrolled as a student in a driving school to drive a motor cycle, motor car, dual purpose vehicle or trailer	Five currency points
6.		104(2)	Using a goods vehicle on a road in manner which makes it a danger to other road users	Ten currency points
7.		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.	Five currency points

8.		105(1)(b)	Using a vehicle operator's licence in breach of the licence issued	Ten currency points
9.		107 (1)	Using a motor vehicle which is not in good condition on a road	Three currency points
10.		111	Driving a motor vehicle, trailer or engineering plant on a road under the influence of alcohol	Ten currency points
11.		119	Careless or inconsiderate use of motor vehicle	Five currency points
12.		120(a)	Driving in excess of the prescribed speed	Ten currency points
13.		123(4)	Failing to give right of way to authorized emergency vehicles	Five currency points
14.		124(1)	Failing to stop at a railway level crossing	Two currency points
15.		127(1)	Carrying more than one person in addition to the driver, on a motor cycle, Carrying a person on seat not securely fixed to a motor cycle.	Five currency points
16.		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.	Five currency points
17.		165(1)(a)	In respect of a motor vehicle, trailer or engineering plant, obstructing a road or waiting, or being left or parked or being loaded or unloaded in a road.	Five currency points
18.		Reg.3(1) of S.I 30 of 2004	Riding a motor-cycle without a valid driving permit	Two currency points
19.		Reg.3(2) of S.I 30 of 2004	Riding a motor cycle without wearing a crash helmet on the head	Two currency points
20.		Reg. 3(3) of S.I 32 of 2004	Driver in a vehicle not wearing a safety belt	Four currency points
21.		Reg. 3 (3) of SI 32 of 2004	Passenger in a vehicle not wearing a safety belt	One currency point
22.		Regs. 3 and 5 of S.I 99 of 2004	Using a hand held mobile telephone while driving a motor vehicle	Five currency points
23.		Reg. 10 (1) of S.I 11of 2012	Use of motor vehicle without reflectors and/or warning signs	Five currency points
24.		Reg. 16 (13) of S.I 40 of 2012	Driving a public service vehicle without a valid driver's badge and a Certificate of Compliance	Ten currency points
25.		Reg. 11 (8) of S.I 29 of 2010	Using a motor vehicle for instructing learner drivers without a valid Certificate of fitness	Ten currency points

AMOUNT OF FINE (Payable within 28 days after the date of this notice)<sup>90</sup>

Amount in words ..... URA Station .....

You have a right to stand trial in case you do not want to pay the fine.

.....  
 Officer's Name and signature    Force Number & Rank    Station    Date

**WARNING:- FAILURE TO SIGN MAY LEAD TO YOUR ARREST**

I sign my name as evidence of receipt of a copy of this charge and not as an admission of guilt. I will comply with the requirements.

.....  
Driver's Name and Signature

Date

Original – to the Driver

Duplicate – file Copy

Triplicate – to Uganda Revenue Authority

Quadruplicate – to remain in the book.

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<sup>99</sup>Failure to pay within the stipulated 28 days shall attract a surcharge of 50% of the prescribed amount of fine (Reg.7)

## SECOND SCHEDULE

### PART I - OFFENCES UNDER CAP. 361

#### **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.

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.

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

(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 or 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; 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 of not less than ten currency points and not exceeding fifty currency points.

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

(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) or (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 purpose of this section, person 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 of 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.



### **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 to be a danger to the persons travelling on the motor vehicle, trailer or engineering plant or to other users of the road.

(5) Any person who uses on a road a motor vehicle, trailer or engineering plant in contravention of subsection (1), (2) and (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.

### **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.

### **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 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.**

(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; commits an offence and is liable on conviction to a fine of not less than fifteen currency points and not exceeding sixty currently points or imprisonment of not less than six months and not exceeding two years 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 authorized emergency motor vehicle, trailer or engineering plant has passed.

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

### **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 motor vehicle, etc.**

(2) No person shall carry passengers in a motor vehicle, trailer or engineering plant in such numbers 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.

**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;

(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.

**178. Minister 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—

(g) prescribing the wearing of safety belts by drivers and

passengers of motor vehicles, the wearing of crash helmets by motorcyclists and the 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.
  - (l) prescribing anything required or authorized to be prescribed under this Act and otherwise providing for anything required or authorized to be provided for by regulations under 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 severe 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.

## **PART II—OFFENCES IN OTHER ENACTMENTS**

### **1. REGULATION 3 OF S.I NO.30 OF 2004**

#### **Regulation 3(1) of S.I No. 30 of 2004**

Riding a motorcycle without a valid riding permit.

#### **Regulation 3(2) of S.I. 30 of 2004**

A rider shall wear a crash helmet at all times that he or she is riding a motor cycle.

#### **Penalty in respect of Regulations 3(1) and 3(2) of S.I. 30 of 2004**

A person who contravenes regulation 3(1) or 3(2) commits an offence

and is liable on conviction to a fine of not less than two currency points and not exceeding four currency points or imprisonment not exceeding one month.

## **2. REGULATION 3 OF S.I. NO. 32 OF 2004**

### **Regulation 3(3) of S.I No.32 of 2004**

The driver and all passengers in a vehicle must wear safety belts at all times when the vehicle is moving, even where the vehicle is paused at traffic lights or stopped in a temporal traffic jam or in a very slow moving traffic.

### **Regulation 3(4) of S.I No. 32 of 2004**

A person who contravenes regulation 3(3) commits an offence and is liable—

- (a) in case of a driver to a fine of not less than two currency points;
- (b) in case of a passenger, to a fine of one currency point.

## **3. REGULATIONS 3, 4 AND 5 OF S.I NO. 99 OF 2004**

### **3. Restriction on use of mobile telephone.**

Subject to regulation 4, a person shall not—

- (a) while driving a motor vehicle, use a hand-held mobile telephone; or
- (b) while instructing a learner driver, in the process of driving, use a handheld mobile telephone.

### **4. Exemption.**

A person does not contravene regulation 3, if he or she is using a hands free kit or similar device inserted to the mobile telephone.

### **5. Offence and penalty.**

Any person who contravenes regulation 3 commits an offence and is liable, on conviction, to a fine of not less than five currency points and not exceeding ten currency points, or to imprisonment not exceeding one year, or both.

## **4. REGULATION 11 OF S. I 29 OF 2010**

### **11. Certificate of fitness.**

(1) Each instruction motor vehicle shall every twelve months, on payment of the fee prescribed in Schedule 2 be issued with a certificate of fitness.

(2) For the purposes of issuing a certificate of fitness, a driving school instruction motor vehicle shall be inspected annually by the inspector of vehicles to confirm that the instruction motor vehicle—

- (a) is in a good mechanical condition;
  - (b) except for a group A motor vehicle, is fitted with dual brakes and dual clutches, where the motor vehicle is for manual transmission, and with dual brakes, where the motor vehicle is for automatic transmission;
  - (c) is fitted with a clearly visible rooftop sign whose material and background is retro-reflective and which shall be in the form prescribed in Schedule 3, except groups A, F, H and I motor vehicles which may be exempted from this requirement where it is not practically possible to affix the signage;
  - (d) is fitted with "L" identification plates; and
  - (e) is insured against third party risks and has such insurance policies as may be prescribed by the Director of Transport.
- (3) The certificate of fitness may be renewed.

(4) The certificate of fitness shall not be transferable.

(5) The certificate of fitness shall be displayed at a conspicuous place on the motor vehicle in which driving instruction is offered.

(6) Where the Director of Transport determines that a driving school instruction motor vehicle is not in a mechanical condition required for the purposes of being used as such, the Director of Transport may, without giving notice, revoke the certificate of fitness of the driving

school instruction motor vehicle.

(7) The certificate of fitness shall be as prescribed in Form III in Schedule 1.

(8) Where a driving school instruction motor vehicle is used contrary to this regulation, the owner of the driving school commits an offence and is liable on conviction to a fine not exceeding ten currency points or imprisonment not exceeding five months or both.

## **5. REGULATIONS 3 AND 10 OF SI. 11 OF 2012**

### **3. Vehicles to be fitted with reflectors**

(1) A vehicle, other than a motor cycle without a side car or a motor tricycle, shall be fitted with a reflector on each side of the rear of the vehicle at the same height as the longitudinal centre – line of the vehicle and equidistant from each side of the vehicle in compliance with these regulations.

### **10. Offences and penalties**

(1) Any person who contravenes regulations 3, 4, 5, 6, 7 and 8 commits an offence and is liable on conviction to a fine not exceeding twenty five currency points or imprisonment not exceeding one year or both

(2) A person who contravenes regulation 9 commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding one month or both

## **6. REGULATION 16 (1) AND (13) OF S.I 40 OF 2012**

### **16. Badge and certificate of compliance for drivers of public service vehicles.**

(1) A person who wishes to drive a public service vehicle shall apply to the secretary to the board using Form V prescribed in the Second Schedule for a public service vehicle driver's badge and certificate of compliance.

(13) A person who contravenes any of the provisions of this regulation commits an offence and is liable on conviction to a fine of not less than ten currency points or imprisonment not exceeding six months or both.

### THIRD SCHEDULE

### CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

ABRAHAM JAMES BYANDALA,  
*Minister of Works and Transport.*