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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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SCHEDULE —

STRUCTURED COMPENSATION LIABILITY
SCHEDULE

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, Act No. 50 of 2013, Act No. 19 of 2015, L.N. 105/2017.]

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—

“**dependency**” means that part or portion of the deceased’s earnings that he or she spent on maintenance or financial support of his or her dependants or in the case of a person who was not in employment, reasonably anticipated earnings;

“**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;

“**earnings**” means revenue gained from labour or services and includes the income or money or other form of payment that one receives from employment, business or occupation or in the absence of documentary evidence of such revenue, the applicable minimum wage under the Labour Relations Act, 2007 or the determination of the reasonable income, whichever is higher;

“**hand dominance**” means the preference to use the right or left hand for fine motor skills;

“**judgment**” means a determination of the right to compensation and the sums payable;

“**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;

“**multiplier**” means the number of years a dependant would reasonably have been expensed to receive financial support from the deceased person;

“**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, Act No. 50 of 2013, s. 2.]

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.

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Provided that the sum payable under a judgment for a liability pursuant to this section shall not exceed the maximum percentage of the sum specified in section 5(b) prescribed in respect thereof in the Schedule.

(1A) The Minister may, in consultation with the Director of Medical Services and the Insurance Regulatory Authority, prescribe compensation for other categories of disablement not provided for in the Schedule.

(1B) The percentage of the sum specified in section 5(b) and prescribed in the Schedule under this Act shall include but not limited to the medical expenses on the judgment or claim.

(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 thirty 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 duly served upon the insurer together with a disclosure under oath of all the documents intended to be used to prove the claim whether in or out of court.

(3A) No judgment or claim shall be payable by an insurer unless the claimant had, before determination of liability at the request of the insurer, subjected themselves to medical examination by a certified medical practitioner.

(3B) An insurer shall have a right to obtain or verify information from the institution which issued the documents intended to be used to prove the claim and this right shall be enforceable before judgment is passed.

Provided that such verification shall be done within a month.

(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.

(4A) Notwithstanding any other provision under this Act or any other written law, any person who willfully presents false or inaccurate information to the insurer or any court of competent jurisdiction with the intention of benefitting under this Act through—

- (a) falsification and alteration of treatment documents and records;
- (b) exaggeration of injuries or degree of incapacitation;
- (c) falsification and alteration of police documents and records;
- (d) falsification and alteration of identification documents and records,

commits an offence and upon conviction, in addition to the applicable penalty, the claim or judgment the subject matter of the false or inaccurate information shall not be payable by the insurer.

(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, Act No. 50 of 2013, s. 3.]

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.

(1A) The insurer shall, upon being served with the statutory notice and documents, admit or deny liability for the claim or judgment by a notice in writing to the person or persons presenting the claim or judgment.

(1B) The claimant or judgment debtor or his representative shall upon receipt of the admission of liability shall allow the insurer a period of not more than sixty days to settle the claim or judgment out of court and both the insurer and the claimant or judgment debtor or his representative commit to arbitration or mediation during that period before resorting to court.

(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.

[Act No. 50 of 2013, s. 4.]

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. Contracts of insurance against liabilities to third parties

(1) In this section—

“**company**” includes a body corporate that is not a company registered under the Companies Act, 2015;

“**insured person**” means a person who is insured under a contract of insurance against liabilities to third parties; and

“**insolvency event**” means—

- (a) in relation to a natural person—
 - (i) the making of a bankruptcy order in respect of the person;

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- (ii) the entering into by the person of a deed of composition or a voluntary arrangement with the person's creditors;
- (iii) the making of a summary instalment order in respect of the person; or
- (iv) the entry of the person into the no assets procedure; or
- (b) in relation to a company—
 - (i) the making of a liquidation order or an administration order in respect of the company;
 - (ii) the passing of a resolution for the voluntary liquidation of the company; or
 - (iii) the entering into a voluntary arrangement with the creditors of the company.

“liabilities to third parties”, in relation to an insured, does not include any liability of the insured in the capacity of insurer under some other contract of insurance.

(2) If an insured person, either before or after the occurrence of an insolvency event, incurs liability to a third party, the person's rights against the insurer under the contract are transferred to and vest in the third party.

(3) If—

- (a) an order is made under Part V of the Insolvency Act, 2015 for the administration of the estate of a deceased debtor in accordance with that Part; and
- (b) a debt provable in bankruptcy is owing by the deceased in respect of a liability against which the deceased was insured under a contract of insurance against liabilities to third parties,

the deceased debtor's rights against the insurer under the contract in respect of that liability are, irrespective of anything in that Act, transferred to and vest in the person to whom the debt is owing.

(4) In so far as a contract of insurance made in respect of any liability of the insured to third parties purports (either directly or indirectly) to avoid the contract, or to alter the rights of the parties under it—

- (a) on the happening of an insolvency event involving the insured; or
- (b) on the making of an order under Part V of the Insolvency Act, 2015 in respect of the insured's estate,

the contract is void.

(5) On a transfer under subsection (2) or subsection (3), the insurer becomes under the same liability to the third party as the insurer 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 affects 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 that liability, nothing in this section affects the rights of the third party against the insured in respect of the balance.

(6) This section does not apply to a company that is in voluntary liquidation only for the purposes of reconstruction, or of amalgamation or merger with another company.

[Act No. 19 of 2015, s. 30.]

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, shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

[Act No. 5 of 1971, s. 10, Act No. 14 of 1978, s. 9, Act No 50 of 2013, s. 5.]

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.]

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SCHEDULE

[Section 10, Act No. 50 of 2013, s. 6.]

STRUCTURED COMPENSATION LIABILITY SCHEDULE

DEGREE OF DISABLEMENT		COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
A. DEATH AS A RESULT OF AN ACCIDENT		
Adult		(10 – 100) based on the following computation = Multiplier (yrs) * Multiplicand (earnings) * 12 months * Dependency Ratio.
	Minor (ages 0-5 yrs)	10
	Minor (age 5-12 yrs)	15
	Minor (age 12-18 yrs)	20 or the formula in 1 above (where applicable) whichever is higher.
B. BLINDNESS		
1.	Total	100
2.	Partial	
	(a) Acuity 1/20	75
	(b) Acuity 1/10 – 1/20	70
3.	Narrowed Field of Vision	
	(a) Affecting one eye	
	(i) 30 - 10 degrees from focal point	1 – 5
	(ii) Less 10 degrees from focal point	5 – 15

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SCHEDULE—continued

DEGREE OF DISABLEMENT			COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
	(b)	Affecting both eyes	
	(i)	30 – 10 degrees from focal point	10 – 50
	(ii)	Less 10 degrees from focal point	50 – 60
	(c)	Paracentral scotoma	
	(i)	Affecting one eye	5 – 15
	(ii)	Affecting both eyes	15 – 30
4.	Hemi-anopsia (with central vision)		15 – 25
	(a)	Homonymous right or left	5 – 10
	(b)	Nasal	50 – 60
	(c)	Bitemporal	5 – 10
	(d)	Upper	10 – 30
	(e)	Lower	5 – 10
	(f)	Upper Quadrant	10 – 30
	(g)	Lower Quadrant	5 – 10
5.	Double Vision (diplopia)		5 – 10
	(a)	Affecting upper field of vision	10 – 20
	(b)	Affecting lower field of vision	10 – 20
6.	Aphakia (loss of lens) – bilateral		25
7.	Aphakia (loss of lens) – unilateral		20

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
8.	Ectropion ,entropion, lagophthalmos			0 – 5
C. INJURY (GENERAL)				
1.	Bilateral shoulder luxation			10
2.	Unilateral shoulder luxation			5
3.	Chewing impairment			
	(a)	Mild		2 – 10
	(b)	Moderate		10 – 15
	(c)	Severe		15 – 25
4.	Severe, painful functional impairment of vertebral column			90
5.	Quadriplegia (all limbs)			100
6.	Severe lung impairment			50
7.	Severe kidney impairment			
	(a)	One kidney		50
	(b)	Both kidneys		75
8.	Impairment of memory or ability to concentrate			40
9.	Post traumatic epilepsy			
	(a)	One seizure yearly		10 – 15
	(b)	Two seizures yearly		15 – 30
	(c)	More than two seizures yearly		30 – 50
10.	Severe psycho-organic syndrome (Loss of speech)			75
11.	(a)	Loss of arm at shoulder (by amputation or paralysis) (consider hand dominance)	Right	65

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT					COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)	
		(b)	Loss of arm at shoulder (by amputation or paralysis) (consider hand dominance)	Left	60	
	12.	(a)	Loss of arm at elbow (by amputation or paralysis) (consider hand dominance)	Right	50	
		(b)	Loss of arm at elbow (by amputation or paralysis) (consider hand dominance)	Left	50	
	13.	Loss of arm between shoulder and elbow (consider hand dominance)			50	
	14.	(a)	Loss of hand at wrist (by amputation or paralysis) (consider hand dominance)	Right	50	
		(b)	Loss of hand at wrist (by amputation or paralysis) (consider hand dominance)	Left	40	
	15.	Loss of arm between wrist and elbow (consider hand dominance)			50	
	16.	Loss of four fingers and thumb of one hand (by amputation or ankylosis) (consider hand dominance)			60	
	17.	Loss of four fingers (by amputation or paralysis or ankylosis)			40	
	18.	Loss of thumb (consider hand dominance)				
		(a)	One phalanx		5	
		(b)	Both phalanges	Right	25	
			"	Left	10	

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT		COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)	
19.	Loss of index finger		
	(a)	One phalanx	5
	(b)	Two phalanges	10
	(c)	Three phalanges	10
20.	Loss of middle finger		
	(a)	One phalanx	2
	(b)	Two phalanges	4
	(c)	Three phalanges	6
21.	Loss of ring finger		
	(a)	One phalanx	2
	(b)	Two phalanges	4
	(c)	Three phalanges	4
22.	Loss of little finger		
	(a)	One phalanx	1
	(b)	Two phalanges	2
	(c)	Three phalanges	3
23.	Loss of toes		
	(a)	All	15
	(b)	Great, both phalanges	5
	(c)	Great, one phalanx	2
	(d)	Smaller toes, each	1
24.	Loss of eye		
	(a)	Eye off	30
	(b)	Lens damage	30
25.	Ears, loss of hearing and associated defects		
	(a)	Hearing loss, one ear	15
	(b)	Hearing loss, both ears	50

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
		(c)	Unilateral hyperacusis	0 – 12
		(d)	Bilateral hyperacusis	10 – 15
		(e)	Subjective noise in the ears	1 – 2
		(f)	Loss of one ear	10
		(g)	Vertigo (dizziness, rotating feeling, unsteadiness)	2 – 10
26.	Monoparesis (Monoplegia)			
		(a)	Right upper limb	50
		(b)	Left upper limb	25
		(c)	Lower limb	50
27.	Hemiparesis			
		(a)	Spastic hemiplegia	10 – 50
		(b)	Flaccid hemiplegia without urinary/fecal incontinence	50 – 80
		(c)	Flaccid hemiplegia with urinary and/or fecal incontinence	80 – 90
28.	Paraparesis			100
29.	Post-traumatic neurosis			10 – 20
30.	Post-traumatic dementia			75
31.	Loss of voice			
		(a)	Dysphonia	0 – 10
		(b)	Aphonia	25
32.	Nose and mouth			
		(a)	Defects in smell detection	
			(i) Hyposmia or anosmia	2 – 5

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
		(ii)	Nasal defects leading to breathing difficulties	2 – 4
		(iii)	Loss of Nose	30
		(b)	Teeth loss (not replaced)	
		(i)	Incisor	1
		(ii)	Premolar	1 – 1.5
		(iii)	Canine and molars	2
		(iv)	Total loss of all teeth	30
		(v)	Loss of pulp vitality of a tooth	1
		(c)	Tongue loss (total or partial)	0 – 10
		(d)	Total permanent unilateral facial nerve paralysis	25
		(e)	Partial unilateral facial paralysis	10
		(f)	Injury to the trigeminal nerve and its branches	
		(i)	Inferior orbital	2 – 4
		(ii)	Lower dental nerve	2 – 4
		(iii)	Lingual nerve	2 – 4
		(g)	Scalp injury – aesthetic damage	1 – 5
	33.	Joints		
		(a)	Aggravation of previous arthritis	2 – 5

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)	
		(b)	Segmentary neuralgia with slight ligament or bone lesions stiffness (without neuro-sensory complications of—		
			(i) Cervical column		5 – 15
			(ii) Dorsal (thoracic) column		5 – 10
			(iii) Lumber column		5 – 15
		(c)	Fracture/dislocation of cervical vertebra with stiffness		15 – 20
		(d)	Fracture/stiffness of thoracic/lumber vertebra		10 – 15
		(e)	Ankylosis (fusion of two bones across a joint space)		
			(i) Shoulder joint	Right	30
			"	Left	25
			(ii) Elbow joint	Right	20
			"	Left	15
			(iii) Wrist joint	Right	25
			"	Left	15
			(iv) Hand (all joints)	Right	50
			"	Left	25
		(f)	Joint stiffness – average stiffness		
			(i) Shoulder joint	Right	15
			"	Left	10

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)		
		(ii)	Elbow joint	Right	10	
			"	Left	5	
		(iii)	Wrist joint	Right	15	
			"	Left	10	
		(iv)	Hand (all joints)	Right	25	
			"	Left	10	
		(g)	Paralysis of various nerves of upper limb			
		(i)	Radial nerve (consider hand dominance)	Right	50	
			"	Left	25	
		(ii)	Circumflex nerve	Right	25	
			"	Left	10	
		(iii)	Musculocutaneous	Right	10	
			"	Left	8	
		(iv)	Subscapular	Right	8	
			"	Left	6	
		(v)	Median nerve (at arm)	Right	30	
			"	Left	25	
		(vi)	Median nerve (at wrist)	Right	15	
			"	Left	10	
		(vii)	Cubital nerve (at arm)	Right	25	
			"	Left	20	
		(viii)	Cubital nerve (at wrist)	Right	15	
			"	Left	10	

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
34.	Limbs			
	(a)	Lower limb shortening		
		–	Less than 3 cm	0 – 2
		–	3 – 6 cm	2 – 8
		–	6 – 10 cm	8 – 5
	(b)	Total loss by amputation or paralysis		
		(i)	At hip	60
		(ii)	At thigh	58
		(iii)	At knee	50
		(iv)	At leg	45
		(v)	At ankle	30
	(c)	Tarsometatarsal		
		(i)	All toes	15
		(ii)	Great toes	5
	(d)	Ankylosis (fusion in anatomical position)		
		(i)	At the hip	50
		(ii)	At the knee	30
		(iii)	At the ankle	20
		(iv)	At the toes	10
	(e)	Stiffness (loss of full range of movement at joint)		
		(i)	At the hip	25
		(ii)	At the knee	10
		(iii)	At the ankle	4
		(iv)	At the toes	2
	(f)	Articular (Joint) instability		
		(i)	At the hip (hip dislocation)	30 – 35

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
		(ii)	At the knee	
		–	Loose ligaments (well corrected to allow normal activity)	2 – 5
		–	Loose ligaments (but hampering some activities even after correction)	5 – 10
		–	Loose ligaments hampering walking	10 – 20
		(g)	Heel instability	
		(i)	In form of diastasis without clinical impact	0 – 4
		(ii)	Causing recurrent sprains	4 – 10
		(iii)	Hampering walking	10 – 12
		(h)	Paralysis of nerves of lower limb	
		(i)	Sciatic nerve	20 – 30
		(ii)	Popliteal nerve (back of knee)	10 – 20
		(iii)	Femoral nerve (thigh)	30 – 50
		(iv)	Sciatic neuralgia (pains)	10 – 20

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
		(i)	Total prosthesis of the Hip	10 – 15
		(j)	Anthrodesis of the knee	2 – 5
		(k)	Patellectomy	3
		(l)	Meniscus injury	
		(i)	Without operation	10 – 15
		(ii)	After operation	5
		(m)	Special care of the foot	
		(i)	Some pain while walking – normal or slightly reduced movement	0 – 2
		(ii)	Sporadic pain, moderate limitations of movement some claudication: but foot stable	2 – 5
		(iii)	Pain while walking (subsides on rest); some claudication; limiting walking; circulatory disorders	5 – 10
		(iv)	Ankylosis of tibio-tarsal joint at a functional position	10

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT					COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
			(v)	Severe pains of the foot equines deformity; moderate trophic disorders; limited walking using a walking stick	10 – 25
			(vi)	Sharp pains on walking or standing; severe stiffness, equinism; trophic disorders requiring two walking sticks or crutches	25 – 30
			(vii)	Sharp pains of the foot interfering with sleep ankylosis at critical position or severe deformity: walking on crutches	30 – 35
			(viii)	Severe pains (continuous); severe deformity; impossible to stand unless on crutches	35 – 40

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT		COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)	
35.	The Pelvis		
	(a)	Pubic symphysis separation or sacro-iliac separation	5 – 10
	(b)	Post injury coccydina with a fracture detected by radiography	2 – 5
	(c)	Obturator neuralgia	2 – 5
36.	Respiratory Injuries		
	(a)	Slight respiratory insufficiency (dyspnoea occurring during great strain)	0 – 5
	(b)	Moderate respiratory insufficiency (dyspnoea during moderate strain)	5 – 20
	(c)	Considerable respiratory insufficiency (dyspnoea during normal activities)	20 – 50
	(d)	Dyspnoea at rest	50 – 100
37.	Circulatory Injuries		
	(a)	No cardiac insufficiency (subject leads a normal life but treatment necessary)	0 – 10
	(b)	Mild cardiac insufficiency (treatment necessary – disorders occur during exertion but subject leads a normal life)	10 – 20

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
		(c)	Moderate cardiac insufficiency (Constant treatment necessary, exertion to be avoided, daily life is interrupted)	20 – 50
		(d)	Aortic prosthesis	20
		(e)	Valvular prosthesis	25
		(f)	Severe Cardiac Insufficiency (treatment needed, rest mandatory, daily activities severely disrupted)	50
	38.	Alimentary system and abdominal organs		
		(a)	Biliary hepatic system	
		(i)	Minor disorders without ascites, jaundice or esophageal varices	0 – 10
		(ii)	Marked liver disorders shown by laboratory tests but without nutritional or general disorders ascites jaundice or oesophageal varices	10 – 20

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
		(iii)	Nutritional/ general disorders present e.g. ascites, hemorrhages, e.g. from oesophageal varices hepatic coma, recurrent obstructive jaundice	20 – 60
		(iv)	Progressive liver failure ascites jaundice haemorrhage, hepatic coma and nutritional disorders	60 – 100
		(b)	The spleen – splenectomy	10
		(c)	Abdominal wall – hernia	5 – 10
		(d)	Stomach, Small intestines and Pancreas	
		(i)	No operation after effects – normal weight maintained without special diet or treatment	0 – 5
		(ii)	Uptake (absorption) disorders leading to weight loss (less than 10% weight loss)	5 – 15

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT					COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
		(iii)	Weight loss (due to uptake disorder) in range of 10 – 20% average body weight; electrolyte imbalance		15 – 30
		(iv)	Weight loss: diarrhea x4 – x6 daily; abdominal cramps, steatorrhea electrolyte imbalance		30 – 50
		(v)	Weight loss more than 20% anaemia hypoprotein-aemia		50 – 60
		(e)	The Colon		
		(i)	No functional disorder normal body weight and activity		0 – 5
		(ii)	Weight disorder – moderate pains, but no nutritional disorders		5 – 10
		(iii)	Uptake disorders sporadic abdominal pains anemia weight loss – diet and treatment necessary		10 – 30

SCHEDULE—continued

DEGREE OF DISABLEMENT					COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
			(iv)	Permanent uptake disorders: pains, general disorders – diet and treatment necessary	30 – 50
			(v)	Colostomy done	
			–	Descending colon	50 – 60
			–	Transverse colon	30 – 40
				Ascending colon	20 – 30
		(f)	The Kidneys and urinary system		
			(i)	Severe nephrotic syndrome and hypertension	50 – 60
			(ii)	Renalcolic, with respect to number of attacks	0 – 20
			(iii)	Renal atrophy (total kidney loss)	10
			(iv)	Nephrectomy (kidney removal)	10
			(v)	Partial atrophy, normal life	0 – 10
			(vi)	Renal insufficiency	

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT					COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the act)
				Normal life, minor insufficiency – creatinine clearance 80 – 100 ml/min	5 – 10
				Normal life on treatment creatinine clearance 40 – 80 ml/min: high blood pressure	10 – 20
			–	Creatinine clearance 15 – 40 ml/min	20 – 50
			(vii)	Chronic cystitis	5 – 20
			(viii)	Urinary retention	
			–	Mild (weekly catheter)	10 – 15
			–	Moderate (catheter several times a week)	15 – 20
			–	Severe (indwelling catheter)	20 – 40
			(ix)	Cystostomy done	40
			(x)	Urethral stricture requiring manual dilatation (no renal infection)	5 – 10

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—continued

DEGREE OF DISABLEMENT				COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
		(xi)	Urethral stricture requiring frequent dilatation (no renal infection)	15 – 40
		(g)	Genital system and reproductive organs	
		(i)	Mechanical failure in sexual relations	30 – 40
		(ii)	Loss of ovary or testicle (but subject to the next item)	5
		(iii)	Bilateral castration or sterility while functionally healthy	30 – 40
	39.	Special conditions		
		(a)	Mild pain/disfiguration (Soft tissue injuries/blunt trauma, minor cuts and lacerations, bruises)	2
		(b)	Moderate pain/disfiguration (Deep cuts and lacerations, frictional burns)	10
		(c)	Severe pain/disfiguration (severe degloving requiring skin graft, very severe burns)	50

Insurance (Motor Vehicles Third Party Risks)

SCHEDULE—*continued*

DEGREE OF DISABLEMENT		COMPENSATION (as percentage of the maximum of Shs. 3 million provided by s. 5(b)(iv) of the Act)
40.	General	
	Except where otherwise expressly provided, the following conditions shall apply to all assessments in this schedule—	
	(a) Combination of two or more categories of injuries or disablement	Percentage for the most severe or dominant injury

