



LAWS OF KENYA

MOTOR VEHICLE COMPONENTS AND ACCESSORIES ACT

CHAPTER 520

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CHAPTER 520

MOTOR VEHICLE COMPONENTS AND ACCESSORIES ACT

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SCHEDULE

CHAPTER 520**MOTOR VEHICLE COMPONENTS AND ACCESSORIES ACT**

[Date of assent: 30th March, 1965.]

[Date of commencement: 13th April, 1965.]

An Act of Parliament to make provision for the control and regulation of dealings in motor vehicle components and accessories, and for other purposes incidental thereto and connected therewith

[Act No. 2 of 1965, Act No. 21 of 1966, Act No. 13 of 1978, Act No. 12 of 1984, Act No. 5 of 2007.]

1. Short title

This Act may be cited as the Motor Vehicle Components and Accessories Act, 1965.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**deal**”, in relation to any motor vehicle components or accessories, includes buy or otherwise acquire, and sell or otherwise dispose of, motor vehicle components or accessories in the way of trade or business, whether by way of barter, pledge or otherwise, and whether as principal or agent, but does not include a transaction relating to motor vehicle components or accessories which, by reason of the circumstances thereof, the parties thereto, or the nature or quantity of the motor vehicle components or accessories involved therein, is an isolated transaction inconsistent with any form of dealing in motor vehicle components or accessories by way of trade or business;

“**dealer**” means a person who deals in motor vehicle components or accessories under this Act;

“**licence**” Deleted by Act No. 5 of 2007, s. 56;

“**licensing officer**” Deleted by Act No. 5 of 2007, s. 56;

“**motor vehicle components and accessories**” means such parts of a motor vehicle, and such articles or things, or parts thereof, which are for, or are designed for or intended for use in or on a motor vehicle, as are set out in the Schedule to this Act; and the Minister may from time to time, by notice in the *Gazette*, amend the Schedule;

“**stolen property**” means property the possession whereof has been transferred by theft, extortion, robbery, false pretences or fraud, and property which has been criminally misappropriated or in respect of which a criminal breach of trust or cheating has been committed, whether the transfer has been made or the misappropriation or breach of trust or cheating has been committed within or outside Kenya; but does not include such property which has subsequently come into the possession of a person legally entitled to the possession thereof.

(2) Every person in whose possession motor vehicle components or accessories are found apparently exposed for sale, or who has in his possession or under his control motor vehicle components or accessories in circumstances

or in quantities which raise a reasonable presumption that he has such motor vehicle components or accessories in his possession or under his control for the purpose or with the intention of dealing therewith, shall be deemed, until the contrary is proved, to be dealing in motor vehicle components or accessories.

(3) For the purposes of this Act and any subsidiary legislation made thereunder, motor vehicle components or accessories shall be deemed to be in the possession of or under the control of a person if he knowingly places or keeps the motor vehicle components or accessories in the custody or care of another person or in any house, building, lodging, apartment, field or place, open or enclosed, whether occupied by himself or not, and whether the motor vehicle components or accessories are placed or kept for his own use or benefit or for the use or benefit of another.

[Act No. 21 of 1966, Second Sch., Act No. 13 of 1978, Sch., Act No. 5 of 2007, s. 56.]

3. Repealed by Act No. 5 of 2007, s. 57.

4. Repealed by Act No. 5 of 2007, s. 58.

5. Repealed by Act No. 5 of 2007, s. 59.

6. Repealed by Act No. 5 of 2007, s. 60.

7. Repealed by Act No. 5 of 2007, s. 61.

8. Repealed by Act No. 5 of 2007, s. 62.

9. Repealed by Act No. 5 of 2007, s. 63.

10. Notice board to be erected by dealer

(1) Every dealer shall display conspicuously upon the premises specified in his licence, in such situation and manner as shall be prescribed, a notice board bearing his full name and the legend "Motor Vehicle Component and Accessory Dealer" and such other writing as may be prescribed, and the writing on the said notice board shall be of such size as shall be prescribed.

(2) If a dealer fails to comply with the requirements of this section he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

[Act No. 5 of 2007, s. 64.]

11. Registers to be prepared by dealers

(1) Every dealer shall, within one month of the issue of his licence, prepare in duplicate a detailed register in the prescribed form, or in such other form as a licensing officer may in any particular case approve, legibly written in English or in a language approved by the licensing officer, of each motor vehicle component or accessory, with the general description of each of the items, which was at the date of the issue of the licence in his possession or under his control; the duplicate copy of such register shall be signed by the dealer and shall be forwarded to the licensing officer within the said period of one month.

(2) Any dealer who fails to comply with the requirements of subsection (1) of this section or who prepares or submits a register or a copy thereof which is incorrect in any material particular, shall be guilty of an offence and liable to a

fine not exceeding two thousand shillings and, when such offence continues after conviction therefor, to a fine not exceeding one hundred shillings for each day on which such offence continues.

[Act No. 5 of 2007, s. 65.]

12. Record to be kept by dealer

(1) Every dealer shall keep a record in the prescribed form, and shall legibly enter therein in English—

- (a) a detailed account of each motor vehicle component or accessory, with the general description of the items which from time to time come into his possession or under his control, stating in respect of each item the name of the person (being the dealer or his servant or agent) who purchased, acquired or received the same, and the date and time of, and the consideration for the transaction, and the name, postal address and occupation of the person from whom the same was purchased, acquired or received; and
- (b) a detailed account of each motor vehicle component or accessory, with the general description of the items which he from time to time sells or disposes of or which otherwise ceases to be in his possession or under his control, showing in respect of each item the date and time of the transaction and the name, postal address and occupation or other adequate means of identification of the person to whom he sold or disposed of or parted with possession or control of same.

(2) Every entry required to be made under subsection (1) of this section shall be made within twenty-four hours of the time when the transaction took place, and the licensed dealer shall require every party to such transaction to sign or affix his left thumb-print to such entry, and such party shall so sign or affix his left thumb-print.

(3) Any dealer or other party who fails to comply with any of the requirements of subsections (1) and (2) of this section or who keeps a record which is incorrect in any material particular, shall be guilty of an offence and liable, for a first offence to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment, and for a second or subsequent offence to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both.

[Act No. 5 of 2007, s. 66.]

13. Presumption as to entries in register or record

Every entry in a register or record required to be prepared or kept under section 11 or section 12 of this Act shall be deemed, unless the contrary be shown, to have been made by or with the authority of the dealer responsible for the preparation or maintenance of such register or record.

[Act No. 5 of 2007, s. 67.]

14. Restriction on dealing in motor vehicle components or accessories

(1) No dealer shall deal in any motor vehicle components or accessories—

- (a) except between the hours of half-past six o'clock in the morning and half-past six o'clock in the evening:

Provided that nothing in this paragraph shall be deemed to prevent a dealer from selling to a *bona fide* purchaser such motor vehicle components and accessories as such purchaser may necessarily require between the aforesaid hours; nor

(b) with any person under the age of sixteen years, whether that person is acting or purporting to act on his own behalf or on behalf of any other person; nor

(c) with any person who does not satisfy such dealer as to his identity.

(2) No dealer shall store or deal in any motor vehicle components or accessories elsewhere than at the premises specified in his licence:

Provided that a dealer may, with the written permission of a licensing officer, store motor vehicle components or accessories on particular premises, being premises other than those specified in the licence.

(3) Any dealer who contravenes any of the provisions of this section shall be guilty of an offence.

[Act No. 5 of 2007, s. 68.]

15. Restriction on disposing or changing shape or form of motor vehicle components or accessories

(1) No dealer shall part with the possession or control of, disfigure or in any way change the form or shape of, any motor vehicle components or accessories within seven days of acquiring the possession or control of the said motor vehicle components or accessories except with the written permission of a police officer not below the rank of Assistant Superintendent of Police.

(2) Any dealer who contravenes the provisions of this section shall be guilty of an offence.

[Act No. 5 of 2007, s. 69.]

16. Information regarding property stolen or lost

(1) Where a description of any stolen or lost motor vehicle components or accessories has been given by a police officer to a dealer, and any property answering to such description is in the possession or under the control of the dealer or thereafter comes into his possession or under his control or is thereafter offered or shown to the dealer, he shall forthwith give information to that effect at the nearest police station or to a police officer, with the name and postal address of the person from whom he acquired such property, and such other relevant information as is known to him.

(2) Any dealer who fails to comply with the provisions of this section shall be guilty of an offence.

[Act No. 5 of 2007, s. 70.]

17. Power of entry

(1) Any police officer not below the rank of Sub-Inspector may at any time enter upon any premises in respect of which a licence has been issued under this Act, or in respect of which he has reasonable cause to believe an offence under this Act or any subsidiary legislation made thereunder has been or is about to be committed, and may inspect such premises and any motor vehicle components or accessories, books, account registers, records, documents, or things found therein,

and may require any person appearing to be in control thereof or employed therein or who has been employed therein within the last preceding three months to give such information as will enable such police officer to determine whether or not the provisions of this Act is being or has been complied with.

(2) Any such police officer acting under this section may demand that any person residing or being in the premises shall allow him full ingress thereto and afford him all reasonable facilities for inspection, and if after notification of his authority and purpose ingress cannot without reasonable delay be so obtained the officer may, if he has reasonable cause to believe that the delay would be likely to imperil the efficacy of the inspection, without warrant, enter such premises and inspect the same and anything found therein, and, if necessary in order to effect such entry, break open any outer or inner door or window or other part of such premises.

(3) Before acting under this section, a police officer (unless he is in uniform) shall, if required to do so, produce documentary evidence of his appointment.

(4) Any person who obstructs or hinders a police officer in the exercise of his powers under this section, or who fails to furnish any information required of him under this section, shall be guilty of an offence.

18. Forfeiture of motor vehicle components or accessories

(1) Subject to subsections (3) and (4) of this section, a magistrate may order that any motor vehicle components or accessories in respect of which an offence under this Act or any subsidiary legislation made thereunder has been committed shall be forfeited.

(2) Any motor vehicle components or accessories found without an apparent owner may be seized by a police officer and shall as soon as possible be taken before a magistrate, who, if satisfied that the owner cannot be found, shall declare them or it to be forfeited.

(3) An order for the forfeiture of motor vehicle components or accessories under subsection (1) or subsection (2) of this section may be a conditional order, and upon a conditional order being made the magistrate shall direct a police officer to advertise the order in one issue of the *Gazette*.

(4) If, within three months from the date of the *Gazette* in which the advertisement issued under subsection (3) of this section appears, any person proves to the satisfaction of a magistrate that he has a lawful title to the motor vehicle components or accessories in respect of which the conditional order of forfeiture has been made, or any part thereof, and that he was not concerned in the offence (if any) in respect of which such order was made, the magistrate may order the said motor vehicle components or accessories, or such part as the magistrate considers just, to be delivered to that person subject to the prior payment of any such sum as the magistrate may direct to be paid in reimbursement of the expenses incurred in recovering, transporting and storing such motor vehicle components or accessories and in publishing such advertisement as aforesaid; in default of such an order for delivery as aforesaid, the conditional order for forfeiture shall become absolute upon the expiration of the said period of three months.

(5) The provisions of this section shall have effect notwithstanding the provisions of section 17 of the Police Act (Cap. 84).

19. Deleted by Act No. 5 of 2007, s. 71.

20. Burden of proof on accused

In any proceedings under this Act the burden of proof that any transaction is an isolated transaction inconsistent with any form of dealing in motor vehicle components or accessories by way of trade or business shall lie on the accused person.

21. Police may arrest without warrant for offences under this Act

A police officer may arrest without a warrant any person whom he suspects on reasonable grounds of having committed an offence punishable with imprisonment under this Act or any subsidiary legislation made thereunder.

22. Exports and imports

(1) No person shall export any motor vehicle components or accessories unless he has given to the police officer in charge of the police station nearest to the premises in which the motor vehicle components or accessories are stored immediately before being dispatched for export not less than seventy-two hours' notice in writing of his intention to export the motor vehicle components or accessories, specifying in such notice the premises and time at which the motor vehicle components or accessories may be inspected.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

23. Liability of dealer and servants for acts of servant

(1) Where any act or thing is done or omitted to be done by any agent or servant employed by a dealer which, if done or omitted to be done by such dealer himself would constitute an offence under any of the provisions of this Act or any subsidiary legislation made thereunder, such dealer shall be liable for such offence as if the act or thing had been done or omitted to be done by him.

(2) Every agent or servant employed by a dealer in the course of his business as such who does or omits to do anything which would under the provisions of this Act or any subsidiary legislation made thereunder, be an offence if done or omitted to be done by the dealer, shall be deemed to be guilty of such offence and shall be liable to the punishment prescribed therefor.

[Act No. 5 of 2007, s. 72.]

24. Penalty

Any person who is guilty of an offence under this Act or any subsidiary legislation made thereunder for which no special penalty (other than forfeiture of motor vehicle components or accessories) is provided shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

[Act No. 5 of 2007, s. 73.]

25. Power to make rules

The Minister may make rules—

- (a) prescribing the forms to be used under this Act, or any subsidiary legislation made thereunder;

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- (b) Deleted by Act No. 5 of 2007, s. 74;
- (c) prescribing the forms of any register or record required to be kept by a dealer and any particulars which are required to be entered therein;
- (d) prescribing the situation and manner in which a notice board shall be displayed by a dealer upon the premises specified in his licence, the writing which it shall bear and the size of the writing thereon;
- (e) prescribing the manner in which motor vehicle components or accessories forfeited under this Act shall be disposed of;
- (f) generally for the better carrying out of the purposes or provisions of this Act.

[Act No. 5 of 2007, s. 74.]

26. Deleted by Act No. 12 of 1984, Sch.

SCHEDULE

[Act No. 13 of 1978, Sch.]

Axles.	Generator armatures.
Axle beams.	Generator bodies.
Axle casings.	Generator end plates.
Axle hubs.	Generator field coils.
Axle hub bearings.	Generator pulleys.
Axle cleaners.	Headlight bulb holders.
Batteries.	Headlight glasses.
Battery cables.	Headlight reflectors.
Battery carriers.	Headlight rims.
Battery lids.	Headlight sealed beams.
Battery terminals.	Horns.
Bumper bars.	Hub caps.
Bumper bar overriders.	Ignition coils.
Cam shafts.	Luggage racks.
Carburettor bases.	Magneto armatures.
Carburettor choke tubes.	Magneto bodies.
Carburettor floats.	Magneto distribution caps.
Carburettor float chambers.	Magneto magnets.
Carburettor jets.	Pistons.
Carburettor top covers.	Radiators.
Car radios.	Radiator cowlings.
Car radio aerials.	Radiator fans.
Clutch drive plates.	Radiator grills.
Clutch housings.	Radiator grill panels.
Clutch pressure plates.	Rim embellishers.

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SCHEDULE—*continued*

Clutch thrust races.	Seats.
Connecting rods.	Sidelight bulb holders.
Crankshafts.	Sidelight glasses.
Crankshaft bearings.	Sidelight reflectors.
Cylinder blocks.	Steering rims.
Cylinder heads.	Steering boxes.
Distributor bodies.	Steering box bearings.
Distributor cams.	Steering box bottom plates.
Distributor caps.	Steering box segment shafts.
Distributor condensers.	Steering columns, inner and outer.
Distributor drive shafts.	Starter motor armatures.
Distributor points.	Starter motor bendix drives.
Distributor rotors.	Starter motor bodies.
Drive shafts (half shafts).	Starter motor brushes.
Driving mirrors, all types.	Starter motor end plates.
Engine oil filters.	Starter motor field coils.
Fuel injectors, all types.	Starter motor solenoids.
Fuel injector delivery pipes.	Stub axles.
Fuel injection pumps, all types.	Sun visors.
Fuel lift pumps, all types.	Trafficator light units.
Gearbox bearings.	Tyres.
Gearbox casings.	Tyre pumps.
Gearbox covers.	Water pumps.
Gearbox gears.	Wheels.
Gearbox selectors.	Wheel bearings.
Gearbox shafts.	Wheel braces.
Gearbox change levers.	Windscreens.
