



LEGISLATIVE DECREE No. 4, of 16 December 1962.
Traffic Code.

THE PRESIDENT OF THE REPUBLIC

HAVING SEEN article 69 of the Constitution;

HAVING SEEN Law No. 7 of 30 January 1963, delegating to the Government the power to issue amendments to the Traffic Code;

HAVING SEEN the first text of the Traffic Code, drafted by the Commission referred to in the said Law;

HAVING HEARD the Council of Ministers;

ON THE PROPOSAL of the Minister of Public Works and Communications-

DECREES-

Article 1

The text of the Traffic Code, in the form of the annexed text, and it shall have the same force and effect as if it had been published in the Official Bulletin.

Article 2

Copies of the Traffic Code, published in the Official Bulletin shall be available in all District Offices, District Courts, District and Sub-District Offices. These copies shall be kept in the said offices for thirty days after their issue to the public for purposes of giving publicity to them.

Article 3

Any provision contrary or inconsistent with the Traffic Code is hereby abrogated with effect from the date of entry into force of the said Code.

Mogadishu, 16 December 1962

Aden Abdulla Osman

ABDIRIZAK HAGI HUSSEN
Prime Minister and interim

ABDIRIZAK HAGI HUSSEN
Minister of Public Works and Communications

AHMED GHELLE HASSAN
Minister of Grace and Justice.

TRAFFIC CODE

PART I

General Provisions

1 *Applicability of the Law.*

-- This Code and any regulations for the implementation thereof, issued under the terms of article 113, shall govern Road Traffic as regards pedestrians, animals and vehicles.

2 *Interpretation.* — For the purposes of this Code:

- Built-up area means any assembly of buildings, streets and open spaces indicated by a name shown on signs placed for that purpose on approach roads at the entrance of such area;
- Road means any paved public thoroughfare open to pedestrians, animals and vehicular traffic;
- Road-bed includes the carriage-way, pavements, footpaths, etc.;
- Track means a natural beaten earth public thoroughfare open to pedestrians, animal and vehicular traffic;
- Caravan track means a natural beaten earth public thoroughfare normally intended for use by animals and persons leading them;
- Carriageway means the part of any road normally intended for vehicular traffic;
- Lane means a subdivision of the carriageway having a

sufficient width for the circulation of a line of vehicles;

- Pavment means that portion of a road, higher than the road surface, or otherwise delimited, use by pedestrians;
- Footpath means the side portion of a road or track normally used by pedestrians or animals;
- Central reservation means a portion of the carriageway from which traffic is excluded, delimitating the area intended for circulation in a particular direction or lane;
- Roundabout means a circular island in relief or painted with white paint on a natural surface, placed on the carriageway to indicate the centre of a road junction;
- Pedestrian crossing means a portion of the carriageway delimited by appropriate signs, intended for the use of foot-passengers when crossing a road;
- Bend means a length of road or track which is not straight and where visibility is limited;
- Brow of hill means a length of road where visibility is limited by changes of gradient.

3 *Requirements, Prohibitions and Restrictions Relating to Traffic on State Roads.* — The Regional Governor, by an order

stating the grounds thereof, may, for reasons of public safety or public health or for military exigencies, or in consideration of the particular conditions of any State road or track due to the rains or other cause, or for any other reason of public interest:

- a) temporarily suspend the use of state roads or tracks by all road users or by any particular class thereof, or make the circulation of any particular class of vehicles subject to a special authorization;
- b) establish requirements, prohibitions or restrictions, temporary or permanent, with respect to any State road or track or any part thereof, or to any particular class of road users, where he deems it necessary for the exigencies of traffic or by reason of the particular structure of the road or track.

The orders referred to in the first paragraph shall be brought to the notice of the public by means of traffic signs and, where appropriate, by other means of publicity.

Whoever acts in contravention of the requirements, prohibitions or restrictions provided for under this article, shall be punished with fine from Sh. So. 5 to 100.

4. Requirements, Prohibitions and Restrictions Relating to Traffic on Municipal Roads. -- The Mayor, by an order stating the grounds thereof, may, for reasons of public safety or public

health, or for military exigencies, or in consideration of the particular conditions of any municipal road or track due to the rains or other causes, or for any other reason of public interest:

- a) temporarily suspend the use of municipal roads or tracks by all road users or by any particular class thereof, or make the circulation of any particular class of vehicles subject to a special authorization;
- b) establish requirements, prohibitions or restrictions, temporary or permanent, in respect to any municipal road or track or any part thereof, or to any particular class of road users, where he deems it necessary for the exigencies of traffic or by reason of the particular structure of the road or track.

The Municipal Administrations may also:

- determine, by an order of the Mayor, the places where the parking of vehicles is authorized;
- by a resolution of the Municipal Council, take over the direct management of parking places and guarding of vehicles on spaces intended for that purpose;
- by a resolution of the Municipal Council, allot to private persons spaces intended for the parking and guarding of vehicles, determining the conditions of such concessions. The location of these parking places shall be such as not to hinder the free flow of traffic.

The orders referred to in the preceding paragraphs shall be brought to the notice of the public by means of traffic signs and, where appropriate, by other means of publicity.

Whoever acts in contravention of the requirements, prohibitions or restrictions provided for under this article shall be punished with the from Sh. So. 5 to 100.

5 Occupation of Roads. — The occupation, even temporary, of any road or any part thereof by installations or obstructions may not be allowed where it is such as to hinder the free flow of traffic or to reduce visibility, unless such occupation is necessary or in case of emergency.

The occupation of roads by vehicles, huts, tents, and stands for markets or sporting, religious or traditional events, may be permitted normally only in areas where traffic is not particularly heavy, provided that such occupation does not obstruct traffic and leaves sufficient space for transit.

Pavements and footpaths may be occupied to a maximum extent of two-thirds of their width provided that the space left is sufficient for the transit of pedestrians.

6 Work and Deposits on Roads. — Whoever carries out work or lays any materials on any road shall:

- a) when carrying out the work and placing the materials, take such appropriate measures as to ensure the flow of traffic and the safety of transit;

- b) fence any excavation or other work in progress with clearly visible hoards;
- c) in case of closing or diversion, even partial, of traffic, place a sufficient number of white and red striped saw-horses on the road;
- d) place red lights on the road and keep them constantly lighted during the night so that any work, excavations, deposits of materials, saw-horses, and fences obstructing in any manner whatsoever any part of the road be visible from a sufficient distance;
- e) place a sign indicating «work in progress» on both sides near the work or deposits;
- f) carry out the work as quickly as possible during the working days and the regular working hours, unless prevented from so doing by reasons of force majeure;
- g) restore the ground to its former state and remove any installations or obstructions as soon as they are no longer necessary.

Whoever fails to conform to the provisions of this article shall be punished with imprisonment up to fortyfive days or with fine from Sh. So. 10 to 200.

7 Racing on Roads. — Races between animals or animal-drawn vehicles or between motor-cars, motor-vehicles or motor-cycles, may take place on public roads or public areas subject to the authorization of the District Commissioner. Where a race

is routed through the territory of more than one district within the same Region or more than one Region, such authorization shall be granted by the Region such authorization shall be granted by the Regional Governor or the Minister of Interior, as the case may be.

Bicycles races shall not be subject to any authorization, but the promoters shall inform the above mentioned authorities at least three days before the date on which the race takes place, and such authorities may modify the route as they may deem appropriate for reasons of public safety.

In any case, the competent authority shall give prior notice of any race to the municipal administrations located along the route of such race.

Any promoters who fail to conform to the foregoing provisions shall be punished with fine from 10 to 50 Sh. So. in case of a race between animals, animal-drawn vehicles or bicycles; with imprisonment up to fortyfive days or with fine from 10 to 200 Sh. So. in case of a race between motor-vehicles.

8 Abnormal Loads and Special Types of Vehicles. — The transport of indivisible loads which, owing to their dimensions or weight exceed the prescribed limits and for special exigencies must travel over roads or tracks, shall be subject to the authorization of the District Commissioner, or where such loads are routed through more than one district, of the Regional Governor. Such autho-

rization shall be subject to the advice of the technical organ in charge of road maintenance and may be granted provided that is compatible with the preservation of the road surface and the stability of the load.

The aforementioned authorization shall also indicate the appropriate restriction and conditions to be observed to ensure the safety of traffic and shall fix any compensation to be paid for the abnormal wear on the road or track.

Whoever carries upon a road an abnormal load or uses any vehicles of a special type without the prescribed authorization, or does not comply with the restrictions and conditions laid down in such authorization, shall be punished with fine from 40 to 100 Sh. So. and shall pay a compensation to be fixed in accordance with the two preceding paragraphs.

Whoever circulates without carrying the prescribed authorization with him shall be punished with fine from 20 to 50 Sh. So.

9 Advertisements, Bill Boards and Other Means of Publicity. Luminous Objects. — The use of any advertisements, bill boards, other means of publicity, and luminous objects visible from vehicles passing on any road which, by reason of their form, shape, colour or locations may, in the opinion of the Ministry of Public Works and Communications, or in the Mayor's opinion in case of a road belonging to a Municipal administration, be mistaken for traffic signs or traffic light, or may

cause such traffic signs or lights to be misinterpreted, shall be prohibited. The use of dazzling lights shall also be prohibited.

No vehicle shall carry luminous advertisements consisting of a dazzling light or reflector, or of a light or reflector which might be mistaken for a traffic light.

The surface of bill boards and other authorized means of publicity shall not exceed six square metres. Outside built-up areas, such bill boards or other means of publicity shall be placed at a distance not less than two hundred metres from any traffic signs nor less than three metres from the edge of the carriageway.

The bill boards or other means of publicity which do not comply with the provisions of this article shall be removed by the holder of the authorization and at his expenses within the time-limit fixed in the order of removal issued by the Road Authority. Such time-limit shall never exceed fifteen days.

If, at the expiration of the prescribed time-limit, such bill boards, or other means of publicity have not been removed, they shall be removed by the Road Authority, at the expenses of the holder of the authorization.

Whoever places on any road bill boards, or other means of publicity without the prescribed authorization, or fails to conform to the other provisions of this article, shall be punished with fine from Sh. So. 20 to 60.

PART II

Traffic Signs

10 Traffic Signs. — Traffic signs shall be placed on or near roads to convey warnings, prohibitions or information.

The State and the Municipal Administrations shall cause traffic signs for conveying warnings and prohibitions and, where they deem it appropriate, for conveying information, to be placed on roads within their respective jurisdiction.

It shall be the duty of the Municipal Administrations to place at the entrance of built-up areas a sign indicating the name of the place.

Traffic signs shall be kept in perfect condition and, where appropriate, reflectors shall be attached thereto.

11 Signs on Carriageway. — The State and the Municipal Administrations shall, at their own expenses, cause carriageways to be marked with longitudinal or transverse lines and other signs.

Traffic lanes or courses shall be delimited by solid longitudinal lines which shall not be crossed.

It shall not be lawful for vehicles to be driven across such lines.

Carriageways shall be delimited by longitudinal lines extending along the edges of the carriageway. Longitudinal lines in the middle of the carriageway shall delimit the lanes into

which the carriageway is divided. Where such lines are solid, overtaking shall be prohibited; where they are broken, overtaking shall be permitted.

Transverse lines may be solid or broken.

Vehicular traffic shall not proceed beyond the transverse solid lines provided with stop light signals.

Pedestrian crossings shall be indicated by a pattern of broken transverse «zebra» lines.

The lines indicating pedestrian crossings may be solid where one of such lines also indicates the place where drivers shall stop at a stop light signal.

A line of studs or other objects, whether longitudinal or transverse, shall be considered a solid line.

Other signs shall be used for the purpose of indicating the direction of traffic, areas where traffic is prohibited, obstructions on the carriageway, bus stops, parking places, notices, or other similar purposes.

Reflectors may be fitted to the signs on the carriageway.

Whoever fails to behave as prescribed by the signs on the carriageway shall be punished, where the act does not constitute a more serious offence, with fine from Sh. So. 5 to 25.

12 Traffic Controlled by Police Officers. — Manual signals of police officers controlling traffic shall be as follows:

- a) both arms outstretched horizontally, perpendicular to the direction of traffic, to hold up traffic;
- b) both arms outstretched horizontally in the direction of traffic, to allow traffic to proceed;
- c) one arm outstretched vertically, to hold up traffic in the lane facing the outstretched arm;
- d) one arm outstretched with a swinging motion of the forearm, to indicate that careful driving and lower speed is required in the lane facing the outstretched arm.

Police officers, in order to facilitate the flow of traffic, may cause vehicles to be driven at a higher speed where such vehicles might stop or divert traffic coming from a certain direction.

Whoever fails to conform to the signals of police officers controlling traffic, shall be punished with fine from 5 to 25 Sh. So.

Where the driver of a vehicle does not stop, notwithstanding a signal to do so from the police officer, the punishment shall be fine from Sh. So. 5 to 30.

13 Prohibition of use of Signs Different from the Prescribed. — The use of signs, different from the prescribed traffic signs or the improper use of such prescribed signs shall be prohibited.

PART III
Vehicles

CHAPTER I

Definition and Classification
of Vehicles

14 *Definition of Vehicles.* — For the purposes of this Code, «vehicle» means a machine driven by a man and circulating on roads, excluding machines not mechanically propelled intended for the use of children or invalid persons.

15 *Classification of Vehicles.*

-- Vehicles shall include:

- a) hand-drawn vehicles;
- b) animal-drawn vehicles;
- c) velocipedes;
- d) motor-bicycles and motor-tricycles;
- e) motor-cycles
- f) motor-vehicles;
- g) trailers;
- h) agricultural vehicles.

16 *Hand-drawn and Animal-drawn Vehicles.* — Hand-drawn and animal-drawn vehicles shall include:

- vehicles constructed primarily for transporting passengers;
- vehicles constructed primarily for the conveyance of goods;
- agricultural carts constructed solely for the use of agricultural farms.

17 *Velocipedes.* — A velocipede is a vehicle with two or more wheels impelled by rider by means of pedals or similar devices.

18 *Motor-bicycle and motor-tricycles.* — Motor-bicycles and motor-tricycles are mechanically propelled vehicles with two or three wheels and:

- cylinder capacity of the engine not exceeding 50 cubic centimetres;
- horse-power not exceeding 1.50 HP;
- weight of engine not exceeding 16 Kgs.;
- speed on level road not exceeding 50 Kms. per hour.

Where such vehicles exceed the prescribed limits with respect to one of the abovementioned technical details, they shall be considered as motor-cycles.

19 *Motor-cycles.* — Motor-cycles are mechanically propelled vehicles with two or three wheels, and cylinder capacity of the engine exceeding 50 cubic centimetres. They shall include:

- motor-cycles and motor-scooters, with two or three wheels respectively, constructed for the transport of passengers;
- motor-tricycles constructed for the conveyance of goods;
- moto-scooters constructed for the transport both of passengers and goods.

20 *Motor-vehicles.* — Motor-vehicles are mechanically propelled vehicles with at least four wheels and shall include:

- a) motor-cars: vehicles constructed for the transport of the passengers with seating capacity for not more than nine passengers inclusive of the driver;
- b) motor-buses: vehicles constructed for the transport of passengers with seating capacity for more than nine passengers inclusive of the driver;
- c) trucks (heavy motor-cars): vehicles constructed solely for the carriage of goods and motor-vehicles of a special type or for the carriage of special loads: vehicles permanently fitted with special equipment. Vehicles of a special type are vehicles used for a special purpose and fitted with special equipment which constitutes their outstanding feature (mobile cranes, fire engines, etc.); vehicles for the carriage of special loads are vehicles constructed for the transport of passengers under particular circumstances or of particular goods, and fitted with the appropriate equipment for that particular purpose (ambulances, refrigerator cars, etc.);
- d) motor-vehicles: constructed for the transport both of passengers and goods;
- e) articulated vehicles: vehicle consisting of a trailer and a towing vehicle.

21 *Trailers.* — A trailer is a vehicle which is not mechanically propelled and which is drawn by a motor-vehicle. Trailers shall include:

- trailers for the transport of passengers;
- trailers for the conveyance of goods;
- trailers for the transport both of passengers and of goods.

Towed carts with not more than two wheels for the conveyance of luggage, tools, and similar objects, shall be considered as an integral part of the towing vehicle.

22 *Agricultural vehicles.* — Agricultural vehicles shall include:

- agricultural tractors;
- mobile power generators used for purposes of agriculture;
- agricultural motor-vehicles.

23 *Vehicles used for Road Construction.* — Vehicles used for road construction shall include motor-vehicles, trailers and portable steam engines used for purposes connected with the construction, maintenance and repair of roads, or other work.

CHAPTER II

General provisions applicable to all type of vehicles

24 *Size Limits.* — The overall width of any vehicle and its load shall not exceed 2.50 me-

tres. The overall height of any vehicle and its load shall not exceed 4 metres.

The overall length, including couplings, shall not exceed six metres in case of two-wheeled vehicles, 10 metres in case of four-wheeled vehicles, and 11 metres in case of six-wheeled vehicles. An overall length of 11 metres shall be permitted in case of four-wheeled motor-buses.

The overall length of trailers shall not exceed 6 metres in case of two-wheeled trailers, 7.50 metres in case of four-wheeled trailers, and 8 metres in case of trailers with six or more wheels.

The overall length of an articulated vehicle (towing vehicle and trailer) shall not in any case exceed 18 metres.

Stub axles and hubs shall not project beyond the sides of the vehicle.

The provision of the preceding paragraph shall not apply to vehicles used for road construction, and animal-drawn vehicles not fitted with mudguards.

Whoever fails to comply with the provisions of this article shall be punished with fine from Sh. So. 30 to 200.

25 Weight Limits. — The total laden weight of a vehicle, inclusive of the weight of the vehicle in running condition and of its burden, shall not exceed the maximum weight indicated in the registration book issued in respect of that vehicle.

Save as otherwise provided, whoever uses a vehicle the weight of which exceeds the limits prescribed in this article, shall be punished with fine from Sh. So. 10 to 100.

26 Special Plates for Trucks and Motor-buses. — The owners of trucks or motor-buses shall place in a conspicuous position on the left side of the vehicle a plate showing the following details: name of the owner, number of the plate and capacity of the vehicle.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 30.

27 Towing Vehicles. — No vehicles shall tow more than one vehicle at a time.

A vehicle may tow another vehicle different from a trailer only where such vehicle is not in running condition resulting from a breakdown or lack of essential parts.

The coupling connecting the trailer or towed vehicle with the drawing vehicle, as well as the rules to be observed and the precautions to be taken by drivers shall be such as not to endanger the safety of traffic.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 30.

PART IV

Animal-drawn Vehicles and Velocipedes

28 Animal-drawn Vehicles: Brakes. — Animal-drawn vehicles shall be equipped with brakes which shall be efficient and such as to be easily and quickly applied under any circumstances.

Brakers operating directly against the road surface shall be prohibited.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

29 Animal-drawn Vehicles: Lights. — Animal-drawn vehicles shall carry two white front lights and two red rear light; they shall also carry one or two red reflectors facing to the rear.

Whoever drives an animal-drawn vehicle not carrying the prescribed lights and reflectors shall be punished with fine from Sh. So. 5 to 25.

30 Animal-drawn Vehicles: Plates. — Each animal-drawn vehicle shall carry a plate with a progressive number and the name of the Municipality or District where the vehicle has been registered. Such plate shall be supplied and fitted to the vehicle by the Municipal Authorities or, in case of vehicles circulating in more than one municipality, by the District Authorities.

Whoever drives an animal-drawn vehicle not carrying the prescribed plate shall be punished with fine from Sh. So. 20 to 60.

Whoever unlawfully manufactures or sells plates for animal-drawn vehicles, or uses such unlawfully manufactured plates shall, where the act does not constitute a more serious offence, be punished with imprisonment up to one month and fine from Sh. So. 20 to 100.

31 Velocipedes: Brakes, Bells and Lights. — Velocipedes shall be equipped with tyres and:

- a) two independent sets of brakes one of which operates on the front wheel and the other of which operates on the rear wheel;
- b) one bell for giving audible warning of their approach;
- c) a white or yellow light to the front and a red light to the rear or a red reflector facing to the rear.

The provisions of sub-paragraphs b) and c) above shall not apply to velocipedes engaged in a race.

Whoever rides a velocipede without tyres or not equipped with the prescribed brakes, bells or lights, or the brakes, bells or lights of which do not comply with the provisions of this article, shall be punished with fine from Sh. So. 5 to 25.

PART V

Motor-vehicles, Trailers and Motor-cycles

CHAPTER I

Equipment of motor-vehicles trailers and moto-cycles

32 Motor-vehicles: Brakes. — Every motor-vehicle shall be equipped with:

- a) service brakes which act upon all the wheels of the vehicle, and so designed

and constructed that the application of the brakes will reduce speed and bring the vehicle to a halt within a reasonable distance, irrespective of the conditions of the load or the slope of the road;

- b) parking brakes so designed and constructed that they can be set so as to prevent the wheels from revolving when the vehicle is left unattended, even on a sloping road.

In the case of vehicles drawing a trailer constructed for the transport of passengers, or where the laden weight of the trailer exceeds 35 qls., the service brake system shall be continuous and automatic.

Whoever drives a vehicle not equipped with the prescribed brakes or the brakes of which do not comply with the provisions of this article, shall be punished with fine from Sh. So. 40 to 100

33 Trailers: Brakes. — All trailers exceeding 750 Kgs. in weight laden, shall be equipped with service brakes which act upon all the wheels of the vehicle.

Every trailer drawn by a motor-car or a motor-vehicle constructed for the transport both of passengers and goods, shall be equipped with service brakes.

Every trailer shall be equipped with parking brakes so designed and constructed that they can be set so as to prevent the wheels from revolving when the vehicle is not being driven or is left unattended even on a sloping road.

Every trailer constructed for the transport of passengers shall be fitted with continuous and

automatic service brakes, such as to bring the trailer to a halt in case of break of the coupling.

Every trailer shall be equipped with a tow rope and shall be attached to the drawing vehicle by means of a safety chain the size and the strength of which shall be such as to ensure the effective functioning of the chain itself.

Whoever drives a vehicle towing a trailer not equipped with the prescribed brakes or the brakes of which do not comply with the provisions of this article, shall be punished with fine from Sh. So. 20 to 60.

34 Motor-cycles and Motor-bicycles: Brakes. — Every motor-bicycle or two-wheeled motor-cycle shall be equipped with two independent sets of brakes, one of which acts upon the front wheel and the other of which acts upon the rear wheel.

In the case of a side-car, the brakes prescribed for the motor-cycle to which the side-car is attached shall be sufficient.

All motor-tricycles and three-wheeled motor-cycles shall be equipped with two independent sets of brakes, which act upon all the wheels of the vehicle.

The brakes shall be so designed and constructed that their application will bring the vehicle to a halt within a reasonable distance.

The vehicles referred to in the third paragraph of this article shall be equipped with parking brakes so designed and constructed that they can be set so as to prevent the wheels from revolving when the vehicle is left unattended even on a sloping road.

Whoever drives a motor-cycle, motor-tricycle or motor-cycle not equipped with the prescribed brakes or the brakes of which do not comply with the provisions of this article, shall be punished with fine from Sh. So. 20 to 60.

35 Lighting. — Every motor-vehicle, motor-cycle or motor-bicycle shall carry white or yellow position lights to the front and red position lights to the rear. Every trailer shall carry white reflectors facing to the front and red position lights facing to the rear.

Every such vehicle shall also carry red reflectors facing to the rear.

Every motor-vehicle or motor-cycle shall carry head lights projecting white or yellow beams with a large range of illumination, which can be deflected downwards and dimmed when meeting other vehicles. These vehicles may also carry dimwhite lights to indicate the vehicle is backing up.

Motor-bicycles shall carry only dim headlights.

Every motor-vehicle, motor-cycle or trailer shall carry red stop lights showing to the rear when the driver applies the service brakes of the vehicle.

Motor-vehicles of exceptional dimensions shall carry white front clearance lights trailers of exceptional dimensions shall carry red rear clearance lights.

Trailers shall carry side orange reflectors

Rear identification plates shall be illuminated by a white light.

Any motor-vehicle drawing a trailer shall carry an additional

luminous signal consisting of a square panel measuring 20 centimetres each side or a circular panel measuring 20 centimetres in diameter, showing only to the front, though a transparent surface, a yellow triangle on a dark blue ground, such triangle measuring 16 centimetres each side. This sign shall be placed vertically over the centre line of the towing vehicle, and shall not project more than 25 centimetres beyond the overall height of the vehicle.

Whoever drives a vehicle not fitted with the prescribed systems of visible signalling and lighting, or the systems of visual signalling and lighting of which do not comply with the provisions of this article, shall be punished with fine from Sh. So. 5 to 30.

36 Horns. — Every motor-vehicle, motor-cycle or motor-bicycle shall be fitted with an instrument capable of giving audible and sufficient warning of its approach.

An additional alarm may be used for fire brigade, ambulance or police purposes.

Whoever drives a vehicle not fitted with the prescribed warning instruments, or the warning instruments of which do not comply with the provisions of this article, shall be punished with fine from Sh. So. 5 to 25.

37 Emission of Smoke or Vapour. — Every vehicle shall be fitted with efficient appliances for the control of engine lubrication and carburation, for the purpose of preventing excessive emission of smoke or visible vapour from the exhaust pipe.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25 Sh. So.

38 Silencers - Reversing and Stop Devices. — Every motor-vehicle, motor-cycle or motor-bicycle shall be fitted with a contrivance capable and sufficient for reducing the noise caused by the engine.

Every motor-vehicle, which exceeds 350 Kgs. in weight unladen shall be fitted with reverse gears.

Every motor-vehicle or trailer which exceeds 35 qts. in weight laden shall be equipped with wedges to be used for the purpose of preventing the wheels from revolving in case of failure of the brakes.

Whoever drives a vehicle not fitted with a silencer or whose silencer does not comply with the provisions of this article, shall be punished with fine from Sh. So. 5 to 25.

Whoever drives one of the vehicles referred to in the second or third paragraph of this article, and such vehicle is not equipped with wedges, shall be punished with fine from Sh. So. 5 to 25.

39 Visibility. — Every motor-vehicle, or motor-scooter shall be so designed and constructed that the driver thereof can at all time have a full view of the road and traffic ahead of the vehicle. Every such vehicle shall also be equipped with a rear view mirror so the driver may see the road and traffic in back as well as ahead.

All glass fitted to motor-veh-

cles or motor-scooters shall be safety glass, perfectly transparent, such as not to distort the shape of the objects seen through it and so constructed or treated that if fractured it does not fly into fragments capable of causing cuts.

The glass of wind-shields shall also be so constructed or treated that if cracked it does not interfere with visibility.

Every motor-vehicle or motor-scooter shall be fitted with a windshield wiper capable of ensuring visibility through the wind-shield in case of rain.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 20 to 50.

40 Identification Marks. — The make and class of the vehicle, the classis number and, in case of a motor-vehicle or motor-cycle, the engine number shall be plainly marked upon a conspicuous part of every motor-vehicle, motor-cycle or trailer.

Where the chassis of engine number is not marked on the vehicle or is counterfeit or altered or illegible, the competent Office of the Department of Communications shall cause a distinctive number shall be proceeded and followed by the stamp of the office.

Whoever counterfeits, alters, cancels or renders in any manner illegible the chassis or engine number of a motor-vehicle or trailer, shall be punished, where the act does not constitute a more serious offence, with imprisonment from three to six months.

CHAPTER II

Registration and licensing

41 Use of Motor-vehicles, Motor-cycles and Trailers. — Motor-vehicles, motor-cycles and trailers may be used as follows:

1) Private use:

- a) transportation of passengers;
- b) transportation of passengers with motor-vehicles or motor-cycles hired without driver;
- c) transportation of passengers with motor-vehicle or driver;
- d) transportation of goods;
- e) transportation of passengers and goods, not simultaneously;
- f) transportation of passengers and goods;
- g) towing;
- h) special use, or transporting special loads.

2) Public use:

- a) taxi-cabs for the transportation of passengers or goods;
- b) public service vehicles for the transportation of passengers or goods.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 70 to 200.

42 Transportation of Passengers and Goods. — The transportation of passengers and goods by vehicles designed and constructed for the sole purpose of carrying goods shall be forbidden:

- 1) along route used by regular public service vehicles;
- 2) where the vehicle carries dangerous goods, such as explosives, inflammable matter; or other goods which may be dangerous by reason of their weight; or tanks, scrap-iron loose material; or quadrupeds;
- 3) where the position of the passengers causes the overall height of the vehicle to exceed the prescribed limits;
- 4) where the passengers are more than fifteen in number;
- 5) where the total weight of passengers and goods exceeds the carrying capacity of the vehicle. For the purposes of this provision, the weight of each passenger is deemed to be 70 Kgs.;
- 6) where the vehicle is a trailer.

The provisions of the preceding paragraphs shall not apply to passengers travelling in the cab.

Vehicles carrying passengers and goods shall never exceed the maximum speed of 50 Kms. per hour.

Vehicles designed and constructed for the sole purpose of

carrying goods may carry passengers as well provided that the prescribed authorisation is issued by the competent Office of the Department of Communications.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 70 to 200.

43 Registration and Registration Book. -- Every motor-vehicle, motor-cycle or trailer shall be registered and a registration book shall be issued by the competent Office of the Department of Communications in respect of any such vehicle.

A registration book shall contain all the particulars relating to the vehicle's registration, identification, make and class.

A registration book issued in respect of a trailer shall also indicate the type of the towing vehicle, with respect to such technical particulars as may be necessary to ensure the safe and effective towing of the trailer.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 10 to 50.

44 Duplicate Registration Book. -- If a registration book has been lost, stolen or destroyed, the owner of the vehicle shall report the fact, within 48 hours, to the Police Authorities, who shall issue a receipt.

This receipt shall be considered as a provisional permit for using the vehicle.

Where, after thirty days from the date on which the loss, theft or destruction had been reported to the Police Authorities the

registration book has not been recovered, a duplicate registration book shall be issued.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

45 Transfer of Ownership of Vehicles - Change of Address of Owner. -- Notice of any transfer of ownership of a motor-vehicle, motor-cycle or trailer and any change of address of the owner thereof shall be given by the party concerned to the competent Office of the Department of Communications and, within thirty days, the relevant documents shall be submitted to the said office which will take the necessary action and record the change on the registration book.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 10 to 50.

46 Destruction or Permanent Export of Vehicles. -- Where any motor-vehicle, motor-cycle or trailer is demolished, destroyed or permanently exported, the holder of the registration book shall notify the competent Office of the Department of Communications within thirty days, and shall at the same time deliver the registration book and registration marks to the said office.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

47 Inspection. -- The Ministry of Public Works and Communications may by decree to be published in the Official Bul-

letin, order the general or partial inspection of motor-cars, motor-cycles for private use and motor-bicycles, for the purpose of ascertaining whether the silencers are in good working order and the vehicles are in such condition as to conform to safety regulations. Such inspections shall be carried out at intervals of not less than five years.

Motor-vehicles and motor-cycles not included in the preceding paragraph, taxi-cabs, vehicles for hire, and trailers shall be inspected and tested every year.

Every motor-vehicle, motor-cycle or motor-bicycle shall be inspected whenever there is reason to believe that the silencer is no longer in good working order.

Whoever drives a vehicle which has not been submitted for the prescribed inspection, shall be punished with fine from 10 to 30 Sh. So.

The registration book shall be withdrawn forthwith by the person who ascertains that the vehicle has not been inspected, and shall be sent to the competent Office of the Department of Communications it shall be returned to the owner as soon as said vehicle has been inspected.

CHAPTER III Licence Plates

48 *License Plates of Motor-vehicles, Motor-cycles and Trailers.* — (a) *Rear Licence Plate.* — The rear licence plate shall be rectangular, 275 mm. long by 220 mm. wide, with curved cor-

ners and four holes, each measuring 5 mm. in diameter.

The name of the Region in which the vehicle has been registered, followed by the registration number, the official mark and the word «Somalia» shall be exhibited on the rear plate. The plate shall be made of metal or other similar material, with white letters and figures in relief on a black ground.

(b) *Front Licence Plate.* — The front Licence plate shall be rectangular, 267 mm. long by 62.165 mm. wide, with curved corners and four holes, each measuring 5 mm. in diameter.

All the registration marks shown on the rear plate, except the word «Somalia» shall be exhibited on the front plate. The plate shall be made of metal or other similar material, with white letters and figures in relief on a black ground.

Every motor-vehicle and motor-cycle shall bear a rear identification plate with the registration marks.

The registration marks of motor-vehicles shall be reproduced on another plate placed on the front part of such motor-vehicles.

Every trailer shall bear a special plate with the registration marks.

Motor-vehicles on trial, whether for technical purposes or for sale, shall bear a plate transferable from one vehicle to another. This plate shall be granted exclusively to the factories their representatives, sale agents and to owners of repair-shops.

The registration marks indicated in the plate shall always be clearly visible. The plate

shall be replaced whenever these marks have become illegible.

Whoever fails to conform to the provisions of the first, third and fifth paragraphs of this article shall be punished with imprisonment up to one month and fine from Sh. So. 40 to 100.

Whoever drives a vehicle bearing an identification plate not of the type prescribed for that class of vehicles shall be punished with imprisonment up to three months and fine from Sh. So. 80 to 200 and the vehicle shall be forfeited.

Whoever fails to conform to the provisions of the second and fourth paragraphs of this article shall be punished with fine from Sh. So. 20 to 60.

49 Loss of Plates. — Whenever a licence plate is lost, stolen or destroyed, the holder of the registration book shall, within 48 hours, report the fact to the police authorities, who shall issue a receipt.

This receipt shall be considered as a provisional permit for using the vehicle, provided that the numbers of the lost plate are visibly reproduced on the rear of the vehicle by the person concerned.

Where within fifteen days from the date of the report the licence plate has not yet been recovered, a new registration shall be provided for.

The provisions of the first and third paragraphs shall apply also in case of loss, theft or destruction of plates of motor-vehicles on trial.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 20 to 50.

50 Manufacturing, Sale and Distribution of Plates. — The licence plates of motor-vehicles, trailers and motor-cycles shall be of the same type for each particular class of vehicles. Only the State shall have the power to manufacture and sell such plates.

The plates shall be distributed by the competent Office of the Department of Communications.

The above provisions shall apply also to the plates intended for vehicles on trial.

Whoever unlawfully manufactures or sells plates for motor-vehicles or motor-cycles or makes use of plates unlawfully manufactured, shall be punished, where the act does not constitute a more serious offence, with imprisonment up to three months and fine from Sh. So. 5 to 30.

CHAPTER IV

Circulation of Agricultural Vehicles on Roads

51 Size of Agricultural Vehicles. — The provisions relating to the maximum size of motor-vehicles in general and trailers shall apply respectively to agricultural vehicles motorized or drawn, which circulate on roads.

A special authorisation to circulate on roads shall be required for agricultural vehicles which, by reason of the services they are meant to perform, exceed the maximum size and weight prescribed.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 10 to 50.

52 *Equipment of Agricultural Vehicles.* — Agricultural vehicles without tyres or with belts when circulating on roads shall be so equipped as to avoid soiling, damaging or excessive wearing of the road surface.

Motorized agricultural vehicles and articulated agricultural vehicles shall be equipped with efficient brakes.

Motorized agricultural vehicles, agricultural trailers and other drawn agricultural vehicles shall be equipped with the following systems of visible signalling and lighting:

1) Motorized agricultural vehicles:

- a) white parking lights to the front and red parking lights to the rear; red reflectors at the rear.
- b) head-lights showing a dim white or yellow light;
- c) clearance lights, white to the front and red to the rear, in case of vehicles of exceptional dimensions.

2) Agricultural trailers:

- a) white reflectors in front; red parking lights and red reflectors in the rear;
- b) red clearance lights to the rear, in case of trailers of exceptional dimensions.

The rear licence plate shall be illuminated with a white light.

Whoever fails to conform to the provisions of this article shall be punished with fine from 10 to 50 Sh. So.

53 *Registration and Registration Book for Agricultural vehicles.* — Every motorized agricultural vehicle and agricultural trailer shall be provided with a registration book issued by the competent Office of the Department of Communications.

A registration book shall indicate all the particulars relating to the vehicle's registration, identification and make.

The conveyance of a person in charge of animals, as well as of persons engaged in agriculture, agricultural produce and farm implements shall be permitted on agricultural vehicles for working purposes.

Whoever uses on a road an agricultural vehicle not provided with the registration book shall be punished with fine from Sh. So. 10 to 50, or with imprisonment up to fifteen days.

54 *Transfer of Ownership of Agricultural Vehicles - Change of Address of Owner.* — Notice of any transfer of ownership of agricultural vehicles and any change of address of the owner thereof shall be given by the person concerned to the competent Office of the Department of Communications within the time limit and in accordance with the provisions laid down in article 45.

Whoever fails to conform to the above provisions shall be punished with fine from Sh. So. 10 to 50.

The registration book shall be withdrawn forthwith by the person who ascertains that the provisions of this article have not been complied with, and shall be sent to the competent Office of

the Department of Communications it shall be returned to the owner of the vehicle as soon as notice of the transfer of ownership or the change of address has been given to the competent office.

5 Plates of Agricultural Vehicles. — The plates of agricultural vehicles shall be governed by the provisions of articles 48, 49 and 50.

The plates of agricultural vehicles shall be distributed by the competent Office of the Department of Communications.

Whoever fails to conform to the provisions of this article shall be punished in accordance with articles 48, 49 and 50.

PART VI

Driving Vehicles and Leading Animals

56 Requisites for Driving Vehicles and Leading Animals. — Whoever drives a vehicle or leads animals shall be in good physical and mental condition and shall be:

- a) 15 years of age if he drives animal-drawn vehicles, or leads draught, burden, or saddle animals, or herds or flocks or groups of animals. The minimum age for driving animal-drawn public service vehicles shall be raised 10 18 years;
- b) 16 years of age if he drives a motor-bicycle

- c) 16 years of age if he drives a motor-cycle with cylinder capacity not exceeding 125 cubic centimetres;
- d) 18 years of age if he drives motor-vehicles or motor-cycles with cylinder capacity exceeding 125 cubic centimetres;
- e) 21 years of age if he drives public service motor-vehicles or motorcycles.

Whoever fails to conform to the provisions of paragraphs c), d) and e) shall be punished with imprisonment from five to fifteen days and fine from Sh. So. 10 to 50. Whoever fails to conform to the provisions of paragraphs a) and b) shall be punished with fine from Sh. So. 5 to 30.

57 Licences to Drive Motor-cycles and Motor-vehicles. — A person shall not drive a motor-vehicle or motor-cycle with cylinder capacity exceeding 125 cubic centimetres unless he is the holder of a driving licence granted by the competent Office of the Department of Communications.

The holder of a driving licence may drive vehicles belonging to the following classes:

- A) motor-cycles with cylinder capacity of the engine exceeding 125 cubic centimetres;
- B) motor-vehicles and trucks having a capacity not exceeding 15 qls.;
- C) trucks having a capacity not exceeding 35 qls.;

- D) trucks having a capacity exceeding 35 qls. and motor-buses;
- E) articulated vehicles;
- F) agricultural vehicles and vehicles used for road construction;
- G) transport for invalids (motorcycles, motor-scooters and motor-vehicles specially designed and constructed for the use of persons suffering from some physical defect or disability).

Licences to drive vehicles belonging to class C) or D) shall be granted only to persons who have been holding for at least six months a licence to drive vehicles belonging to class B) or C) respectively.

Licences to drive vehicles belonging to classes A) and B) may be granted in respect of vehicles for private use or public service vehicles; provided that a licence to drive public service vehicles; provided that a licence to drive public service vehicles shall be granted only to a person who has been holding for at least six months a licence to drive vehicles for private use, within the same class.

Whoever drives motor-vehicles or motor-cycles without the prescribed licence shall be punished with imprisonment up to forty-five days and fine from Sh. So. 10 to 35.

58 Physical and Mental Requisites for Obtaining a Licence to Drive. -- No applicant for a driving licence shall be entitled to take the requisite examina-

tion if he is suffering from a physical or mental disease, or organic deficiency or bodily or functional defect that would prevent him from driving a vehicle in a completely safe manner. The physical and mental conditions of the applicant shall be ascertained by the physician in charge of the medical department competent for the area and shall be stated in a certificate issued not more than three months prior to the filing of the application to take the test. The certificate shall be attached to the application.

The physical and mental conditions of persons suffering from physical defects shall be ascertained by a regional medical commission.

59 Moral Requisites for Obtaining a Licence to Drive. -- The applicant for a driving licence shall not be entitled to take the driving test of if he is a habitual professional offender or where he is subject to administrative measures of personal security or to other measures of security.

60 Learner's Permit. -- The competent Office of the Department of Communications shall grant a permit to learn to drive to any person who files an application to take the test for a driver's licence, together with the medical certificate and other prescribed documents, and who possesses the prescribed physical and mental requisites.

The holder of a learner's permit shall be entitled to learn to drive a vehicle of the class for which the driving licence has

been requested, provided that he shall drive it only when under the supervision of a person who has been the holder for at least one year of a licence authorising him to drive a vehicle of the same class as the vehicle being driven by the holder of the learner's permit, and who is present in the vehicle with him.

A learner's permit shall be valid for two months and may, for sufficient reasons, be renewed for a further period of three months.

Whoever drives a vehicle without being the holder of a learner's permit shall be punished with imprisonment up to forty-five days and fine from Sh. So. 10 to 35 whoever, being the holder of a learner's permit drives a vehicle when the instructor is not in the vehicle with him, or drives a vehicle of a class other than the class for which the permit has been granted, shall be punished, respectively, with fine from Sh. So. 5 to 30 or fine from Sh. So. 10 to 35.

61 Driving Schools. — Driving schools shall be authorised by the Ministry of Public Work and Communications, Department of Communications, and subject to its supervision.

Driving schools may be of different types, namely:

- 1) Driving schools for class A) and class B) vehicles, for private or public use;
- 2) Driving schools for class C), D) or E) vehicles;
- 3) Driving schools for agricultural vehicles and vehicles used for road construction.

Authorisations may be granted in respect of one or more types of school. Applications for the granting of authorisations shall be accompanied by documents certifying:

- a) that the applicant, director, teachers and instructors are persons of good moral conduct;
- b) that the applicant has the necessary financial means;
- c) that the applicant is the owner of the necessary premises or that they are otherwise available to him;
- d) that the necessary equipment, furniture and vehicles are available to the applicant.

The authorisation shall not be granted to habitual or professional offenders, or to persons subject to administrative measures of personal security or to other measures of security.

All vehicles used by a driving school shall be insured against third-party risks arising out of the use of such vehicles, for amounts not less than the minimum prescribed by the Ministry of Public Works and Communications.

The Ministry of Public Works and Communications shall ascertain, by means of appropriate tests, the competence of the director, teachers and instructors of a driving school; it shall also decide on what subjects the teachers and instructors shall be examined in order to ascertain their technical competence, and shall give instructions as to the premise and equipment of the

school, and on the duration of the courses. All vehicles used by a driving school for the training of persons who will take the test prescribed for the granting of a licence to drive class B) vehicles for private or public use, shall be equipped with dual controls.

Teachers and instructors shall possess a lower secondary school diploma (avviamento professionale), or its equivalent.

All authorisations and licences granted under the previous legislation shall continue to be valid.

Whoever manages a driving school without the prescribed authorisation shall be punished with imprisonment up to one month and fine from Sh. So. 40 to 100.

62 Test of Competence to Drive. — A licence to drive shall not be granted to any applicant unless he has passed the prescribed test of competence to drive.

- a) An applicant for a licence to drive class A) vehicles for private use shall satisfy the examiners as to:
 - 1) his knowledge of the traffic signs and of the provisions governing traffic on roads;
 - 2) his knowledge of the devices with which the vehicle is fitted;
 - 3) his ability to drive a class A) vehicle.
- b) An applicant for a licence to drive class A) vehicles for public services shall satisfy the examiners as to:

- 1) his knowledge of the traffic signs and of the provisions governing traffic on roads;
 - 2) his knowledge of the devices with which the vehicle is fitted;
 - 3) his knowledge of the various mechanisms and parts of the vehicle and their operation; principal means to prevent and repair breakdowns;
 - 4) his ability to drive a class A) vehicle.
- c) An applicant for a licence to drive class B) vehicles for private use shall satisfy the examiners as to:
 - 1) his knowledge of the traffic signs and of the provisions governing traffic on roads;
 - 2) his knowledge of the devices with which the vehicle is fitted;
 - 3) his knowledge of the general principles on which the operation of the vehicle and the various parts thereof is based;
 - 4) his ability to drive a class B) vehicle;
 - d) An applicant for a licence to drive class B) vehicles for public service shall satisfy the examiners as to:
 - 1) his knowledge of the traffic signs and of the provisions governing traffic on roads;
 - 2) his knowledge of the devices with which the vehicle is fitted;

- 3) his knowledge of explosion and combustion engines and their operation; knowledge of the various parts of the vehicle and principal means to prevent and repair breakdowns;
 - 4) his ability to drive a class B) vehicle.
- 2) his knowledge of the devices to drive class C) or D) vehicles shall satisfy the examiners as to:
 - 1) his knowledge of traffic signs and of the provision governing traffic on roads;
 - 2) his knowledge of the devices with which the vehicle is fitted;
 - 3) his thorough knowledge of explosion and combustion engines and their operation, and of the various parts of the vehicle; particularly the brakes of the drawing vehicle and trailer, the speed reducer and the differential clamp devices;
 - 4) his ability to operate the brakes and to drive an articulated vehicle, taking into account the volume and weight thereof.
- g) An applicant for a licence to drive class F) vehicles (agricultural vehicles and vehicles used for road construction) shall satisfy the examiners as to:
 - 1) his knowledge of traffic signs and of the provisions governing traffic on roads;
 - 2) his knowledge of the devices with which the vehicle is fitted;
 - 3) his knowledge of the engine and parts of the vehicle and their operation: Principal means to prevent and repair breakdowns;
 - 4) his ability to drive a class F) vehicle.
- f) An applicant for a licence to drive class E) vehicles (articulated vehicles) shall satisfy the examiners as to:
 - 1) his knowledge of explosion and combustion engines and their operation; knowledge of the various parts of the vehicle and principal means to prevent and repair breakdowns;
 - 2) his knowledge of the devices to drive class C) or D) vehicles shall satisfy the examiners as to:
 - 1) his knowledge of traffic signs and of the provision governing traffic on roads;
 - 2) his knowledge of the devices with which the vehicle is fitted;
 - 3) his thorough knowledge of explosion and combustion engines and their operation, and of the various parts of the vehicle;
 - 4) his ability to drive a truck having the capacity prescribed for trucks belonging to the class to which the application refers. Where the application refers to a licence to drive motor-buses, the applicant shall also satisfy the examiners as to his ability to operate the brakes, and to drive the vehicle taking into account the volume and weight thereof.

h) An applicant to drive class G) vehicles shall satisfy the examiners as to:

- 1) his knowledge of traffic signs and of the provisions governing traffic on roads;
- 2) his knowledge of the devices with which the vehicle is fitted;
- 3) his knowledge of the general principles on which the operation of the vehicle and the various parts thereof is based;
- 4) his ability to drive a vehicle, being his own property, specially adapted for his use having regard to his infirmity disability.

The aforementioned tests shall be conducted by a Commission consisting of:

- 1) an engineer from the Ministry of Public Works and Communications;
- 2) a Traffic Police Officer;
- 3) an officer from the Department of Communications.

When testing the applicant's ability to drive, the engineer may be assisted by a Government technician duly authorised.

Persons failing to pass a test shall be ineligible for a month for another test; they shall be ineligible for at least fifteen days for a test in respect of the grant of a licence to drive class A) or class B) vehicles for private use.

The subjects on which applicants shall be examined shall be established by the Minister of Public Works and Communications, on the basis of the requirements prescribed for each class of driving licences.

Driving licences granted under the provisions of the previous legislation shall continue to be valid.

63 Renewal of Licences to Drive. — A driving licence shall be valid for a period of five years from the date on which it is granted. At the expiration of such period, it shall be renewed by the same office by which it was granted; for this purpose, the licence holder shall produce a medical certificate issued not more than three months before by the same medical authority referred to in article 58, stating that he has all the prescribed physical and mental requisites.

Whoever drives a vehicle after the expiration of his driving licence shall be punished with imprisonment up to two months or with fine from Sh. So. 40 to 240.

The person detecting the offence shall immediately withdraw the licence and shall send it to the office by which it was granted.

64 Revision of Licence to Drive. — Where any doubt arises as to the physical or mental requisites of the holder of a driving licence or to his fitness to drive, the competent offices may order that he be subjected to medical inspection or to a test of fitness.

65 Duty to Carry Licence When Driving. — Whoever drives a vehicle shall carry with him the licence to drive or the provisional licence.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

66 Suspension and Revocation of Licence to Drive. — Where the holder of a licence to drive fails to conform to the provisions of article 64, his licence shall be suspended by the authority which granted it.

On the proposal of the Police, the competent Court shall suspend a licence to drive for a period of one to three months, where the holder of such licence has violated at least five of the following provisions:

- a) duty to give right of way to traffic moving on a major road;
- b) prohibition to overtake traffic on the left or near a corner or bend or where visibility is insufficient;
- c) duty to observe the maximum speed limits;
- d) duty to use dim lights when facing other vehicles;
- e) duty to wear spectacles or other instrument prescribed in the driving licence;
- f) prohibition to drive when under influence if drink or drugs;
- g) prohibition to drive on the right-hand side of the road near a corner or bend or where visibility is insufficient.

The competent Court shall suspend the licence for a period not exceeding two years where the licence holder has run over a person causing the death of that person or very serious bodily injury, or where the licence holder fails to stop and give assistance to a person run over by him.

In case of an offence under subparagraph f), or where a person, run over by a vehicle, has suffered death or very serious bodily injury, the Police officer in charge of the place where the fact has occurred may, if he has reason to believe that the driver is guilty, provisionally withdraw the driving licence which shall be immediately delivered to the competent Court for further action.

In case of conviction for an offence of a particularly serious nature, the licence shall be revoked by an order of the competent Court, and a new licence may not be granted.

A licence to drive shall also be revoked by the authority which granted it:

- 1) where the licence holder has not the prescribed physical and mental requisites;
- 2) where the licence holder has no longer the moral requisites prescribed in article 59;
- 3) where, as a result of the test of fitness provided for under article 64, it appears that the licence holder is no longer fit to drive a vehicle.

67 Register of Licence Holders. — A register of all persons holding a licence to drive shall be kept in the competent office of the Department of Communications. For each licence holder there shall be indicated:

- a) any violation of the provisions of article 66;
- b) any accident where a person has been run over, provided for under article 66;
- c) any measure relating to suspension or revocation of the driving licence.

PART VII

Special Provisions

68 Members of Diplomatic Missions. — The Ministry of Public Work and Communications shall, at the request of the Ministry of Foreign Affairs, grant the registration book in respect of vehicles belonging to members of diplomatic mission, and shall also register such vehicles, which shall be identified by the Office or Headquarters where the person who detected it is serving, to the competent Office of the Department of Communications, which shall inform the Ministry of Foreign Affairs, and it will be the duty of such Ministry to bring the matter to the knowledge of the Head of the Mission to which the offender belongs.

The provisions of this article shall apply subject to the condition of reciprocal treatment.

69 Vehicles and Drivers Belonging to the Armed Forces. — The Armed Forces of the State shall provide directly for technical inspections and the issue of registration books and identification plates in respect of their own vehicles.

Where such vehicles are specially designed and constructed in view of the particular use for which they are intended, they shall not be subject to the provisions of law in force.

The ascertainment of the prescribed requisites, the tests of fitness and the granting of military driving licences to drivers of motor-vehicles belonging to the Armed Forces shall be provided for directly by such Armed Forces.

The holder of a military driving licence may obtain a licence to drive vehicles of the same class for private use, without taking the prescribed test, provided that the application is filed through the authority under which the applicant is serving. Where the applicant has been discharged or dismissed from service, the application shall be filed not later than one year after such discharge or dismissal.

The provisions of this article shall apply also to vehicles and drivers belonging to the Fire Brigade.

Motor-vehicles belonging to the Armed Forces of the State and to the Fire Brigade shall bear identification plates the characteristics of which shall be established by the Ministry having authority over such Forces, in concurrence with the Mini-

stry having authority over such Forces, in concurrence with the Ministry of Public Works and Communications.

70 Motor-vehicles, Motor-cycles and Trailers Registered in a Foreign State. — Motor-vehicles, motor-cycles and trailers registered in a foreign State may, where all customs formalities relating to temporary import have been complied with, be authorised to circulate in the Somali Republic with the registration book issued in their state or origin, for a period not exceeding four months. The authorisation shall be granted by the competent Office of the Department of Communications.

Where such vehicles are imported not on a temporary basis, they shall be authorised to circulate in Somalia with their original registration book for a period not exceeding two months.

71 Distinctive Mark of the State in Which the Vehicle Has Been Registered. — Motor-vehicles, motor-cycles and trailers registered in a foreign State shall, when circulating in Somalia, exhibit the distinctive mark of their state of origin.

Such distinctive mark shall be as prescribed by international conventions.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

72 Driving Licence Issued by a Foreign State. — The holder of a driving licence or international driving permit issued in a

foreign state may drive in Somalia vehicles belonging to the same class for which his licence or permit has been issued.

Save as provided by special international conventions, where the licence or international permit is not issued in the form prescribed by the international conventions, it shall be accompanied by a translation in one of the official languages of the Republic, or by an equivalent document.

The holder of a driving licence issued by a foreign State may obtain a licence to drive vehicle of the same class, without taking the prescribed test of fitness to drive.

The provisions of this article shall apply subject to the condition of reciprocal treatment.

Whoever fails to conform to the provisions of the second paragraph of this article shall be punished with fine from Sh. So. 5 to 25.

73 International Certificates for Motor-vehicles, Motor-cycles and Trailers, and International Driving Permits. — On producing the registration book, the competent Office of the Department of Communications shall issue the international certificates required for the circulation of motor-vehicles, motor-cycles and trailers in the States where according to international conventions, such documents are prescribed.

On producing the licence to drive, the same office shall also issue the international driving permits.

PART VIII

**Provisions Regarding
the Behaviour of Road Users**

74 Road users not to Endanger or Obstruct Traffic. — Road users shall behave so as not to endanger or obstruct traffic on roads.

75 Speed. — Drivers shall be required to drive vehicles at a speed such as not to endanger the safety of persons and property or cause confusion or obstruction to traffic, taking into account any possible restriction, and considering the class of the vehicle, its brakes and weight, the nature and conditions of the road and traffic and any other particular circumstances of any kind.

Speed shall be particularly low on a length of road where visibility is insufficient, at a corner or bend, in the vicinity of schools, road-crossings, and road junctions, on descents, during the night, on dusty roads, on narrow or obstructed roads, or on lengths of road in a built-up area.

A vehicle shall slow down and, if necessary, stop, where any difficulty arises in crossing other vehicles, where pedestrians who are already on the road do not step aside promptly, and where animals on the road appear to be frightened at its approach.

Drivers shall not race.

The aforementioned provisions shall be observed also by persons leading draught, burden, or saddle animals.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 30.

Where the act is committed at a road junction or a corner or bend or where the visibility is insufficient owing to dust or to any other cause, the offender So. 10 to 40. fine from Sh. So. 10 to 35.

76 Speed Limit. — Within built-up areas drivers of motor-vehicles shall be subject to a speed limit of 40 Km. per hour, without prejudice to the power of Municipalities to fix different speed limits on particular roads or lengths of road. In this case, the speed limit shall be specified on appropriate traffic signs.

Motor-vehicles and motor-cycles carrying persons or dangerous goods shall be subject, when loaded, to a speed limit of 30 Km. per hours within built-up areas, and 60 Km. per hour outside built-up areas.

Agricultural vehicles and any vehicle, not equipped with tyres, drawn by another vehicle, shall not exceed the speed limit of 25 Km. per hour.

Whoever exceed the established speed limits shall be punished with imprisonment up to fifteen days or with fine from Sh. So. 10 to 40.

77 Left-Hand Circulation. — Vehicles shall circulate on the left-hand side of the carriage-way, near its left-hand edge, even when there is no traffic on the road.

Vehicles not mechanically propelled and animals being led shall keep as near as possible to the left-hand edge of the carriage-way.

The provision of the preceding paragraph shall apply also to the other vehicles when crossing, or rounding a bend or in any other case of insufficient visibility.

Whoever circulates on the wrong side of the road on a bend or in the vicinity thereof or in any other case of insufficient visibility, shall be punished with fine from Sh. So. 10 to 35.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

78 Right of Way. — When approaching a road-junction, drivers shall take the maximum care in order to avoid accidents.

Where two drivers are approaching a road-junction the driver coming from the left shall have the right of way.

When turning into a road from a drive way, drivers shall stop and give way to the traffic on the road.

When reversing, or changing course or turning into the flow of traffic, drivers shall give way to traffic already moving on the road.

Whoever fails to conform to the provisions of this article, shall be punished with fine from Sh. So. 10 to 35.

79 overtaking. — Before overtaking, drivers shall make sure that visibility is such that they can do so safely, that the

road ahead is clear, and that no vehicles are about to overtake them.

The driver of a vehicle which is being overtaken shall keep as near as possible to the left-hand edge of the carriageway and shall not accelerate.

Overtaking may be effected on the left when the driver in front has signalled that he intends to turn right and is already driving in the right-hand lane.

Overtaking shall not take place at or near or corner or bend, a road-junction, the brow of a hill, and whenever visibility is insufficient.

Overtaking a vehicle which is overtaking another vehicle shall be prohibited, as well as the overtaking of standing vehicles waiting at a road junction for the road to be clear, where, in order to do so, it is necessary to proceed on the right-hand side of the carriageway.

Overtaking a standing vehicle which has stopped to allow pedestrians to cross a road shall be prohibited.

Vehicles shall not proceed side by side except when one of them is overtaking the other one.

Whoever overtakes a vehicle on the right or on a bend or at a road junction, or where visibility is insufficient, shall be punished with fine from Sh. So. 10 to 35.

Whoever fails to conform to the other provisions of this article shall be punished with fine from Sh. So. 5 to 25.

80 Distance between vehicles. — The distance between moving vehicles shall be such that, having regard to its speed and weight, each vehicle has always

enough room in which to stop in good time, in order to avoid collision with the vehicle in front.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 30.

81 Lighting of Vehicles. — Vehicles shall use the prescribed lights between 15 minutes after sunset and 15 minutes before sunrise.

Vehicles, except velocipedes and motor-bicycles, shall use lights also when standing unless the vehicle is made clearly visible by the street lighting or is standing outside the carriage-way.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 30.

82 Lighting of motor-vehicles and Trailers. — During the hours and in the cases specified in the first paragraph of article 81, moving motor-vehicles shall keep the following lights on:

- a) where street lighting is sufficient: dim headlights and tail lights;
- b) where street lighting is insufficient and on unlighted roads: bright headlights and tail lights.

When meeting other vehicles, drivers shall dim their headlights and slow-down. Tail lights shall be kept lighted on moving trailers.

When the above mentioned vehicles are on a road, also clearance lamps and number plate lamps shall be kept lighted.

Bright leadlights shall not be used within built-up areas. For the purposes of this article, street lighting is deemed to be sufficient when a vehicle may be seen from a distance of 50 metres.

Whoever, when meeting other vehicles, does not observe the aforementioned provisions shall be punished with imprisonment up to fifteen days and with fine from Sh. So. 10 to 50.

Whoever fails to conform to the other provisions of this article shall be punished with fine from Sh. So. 5 to 30.

83 Changing Direction and Stopping. — Drivers shall in good time signal their intention to change direction by means of mechanical signals or by stretching out their right or left arm, as the case may be. Where a right hand drive vehicle is about to turn right, the driver shall signal his intention to turn by vertically stretching out his right or left arm, as the case may be, and bending his hand in the direction he wants to take.

Before stopping, drivers shall operate the stop signal or vertically stretch out one arm.

Where a driver is compelled to reduce speed abruptly, he shall signal the vehicles behind, by stretching one arm out and swinging the open hand up and down.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

84 Reducing Noise. — Any noise caused by incorrect driving, especially of motor-vehicles,

motor-cycles and motor-bicycles or by the improper arrangement of load, or by any act in connection with traffic, which might cause inconvenience to others, shall be avoided.

Every vehicle shall be fitted with a silencer which shall be kept in good working order and shall not be altered.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

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Every vehicle shall be fitted with a silencer which shall be kept in good working order and shall not be altered.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

85 Use of Horns. — Horns shall be used in the maximum moderation.

Outside built-up areas, horns shall be used whenever the circumstances are such as to make it advisable to give audible warning of the vehicle's approach.

During the hours of darkness, the use of horns shall be replaced by the intermittent use of dim headlights.

The drivers of vehicles carrying wounded or sick persons are not bound to observe prohibitions and restrictions relating to the use of horns.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

86 Stopping. — Save as otherwise prescribed by the Authorities, all vehicles and animals may stop temporarily, provided that they stand near the left-hand edge of the carriageway and do not endanger or inconvenience traffic.

No vehicles or animals shall stop where no free space is left along the left-hand edge of the carriageway.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

87 Parking. — Where a standing vehicle or animal is left unattended, the driver, before leaving it, shall take all necessary precautions to prevent accidents.

Motor-cycles shall not be left unattended unless the engine has been stopped.

While standing, vehicles and animals shall be placed close to the left-hand edge of the carriageway, parallel to its centre-line, save as otherwise prescribed.

In built-up areas, where there is no footpath or pavement, sufficient space shall be left for the passage of pedestrians.

Parking shall not be allowed:

- a) at or near a road junction, the brow of a hill, on a bend, at a bus stop;
- b) on a pedestrian crossing;

- c) where no sufficient space is left for one-way traffic;
- d) at the exit of a drive way.

The Authorities shall have the power to forbid the parking and gathering of vehicles in particular areas.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 10 to 35.

88 Obstruction of the carriageway. — Where the carriageway is obstructed by a broken-down vehicle or by the load fallen from a vehicle, or by any other reason, the driver shall provide, as soon and as far as possible for the removal of the obstruction.

In case of slippery matter falling from a vehicle, the driver shall immediately take the necessary measures to ensure the safety of traffic, by spreading sand, earth or other appropriate materials on the portion of carriageway affected.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

98 Stationary vehicles. — Where a vehicle, not being a motor-cycle, a motor-bicycle or a pedal-cycle, must stand on the carriageway outside built-up areas, on a curve or near the brow of a hill, or at night where the tail lights are not in proper working order, a warning that such vehicle is standing shall be placed on the carriageway.

All vehicles shall be equipped

with such signs, which shall be a regular sign for conveying warnings, portable and of small dimensions, fitted with reflectors. The sign shall be placed on the carriageway, behind the vehicle, at a distance of at least 50 metres therefrom.

The abovementioned sign is of one type only. It is distributed by the competent Office of the Department of Communications.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

90 Military Convoys, Processions, etc. — It shall be prohibited to break into military convoys, columns of soldiers or school boys, and processions.

Whoever fails to conform to the provisions of this article shall be punished with fine from 5 to 25 Sh. So.

91 Refueling. — No motor-vehicle shall be refueled while the engine is running and any lights, other than electric, with which the vehicle is fitted, are switched on.

It shall also be forbidden to smoke or to light fires near or in the vicinity of a vehicle which is being refueled.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 50 to 100.

92 Load, Mobile Accessories and Towed Objects. — The adjustment of the load of a vehicle shall be such as not to reduce the visibility nor to inconvenience the driver, and to prevent the load from falling from the vehicle.

Where, owing to the abnormal dimensions of the goods carried by the vehicle, the load projects beyond such vehicle, all appropriate precautions shall be taken so that no damage or danger is caused to the other road users. In any case of projecting load, a warning sign, consisting if a panel measuring 50 cm. each side and painted with large white and red diagonal stripes, shall be attached to the load end in such a manner as to be constantly perpendicular to the axis of the vehicle.

Mobile accessories shall not project, when swinging, beyond the vehicle and shall not drag.

Towed objects shall not drag along the road surface.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 40 to 100.

93 Goods Carried on Motor-Vehicles. — The laden weight of a motor-vehicle, trailer or agricultural trailer shall not exceed the maximum weight prescribed in the registration book.

Where the exact weight of the load cannot be determined, or where the nature of the goods carried is such that humidity or rain may cause an increase in the weight of such goods, a difference in weight equal to 10 per cent of the prescribed laden weight may be allowed.

The vehicle shall not proceed unless the driver has reduced the load so as not to exceed the limits prescribed by law.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 10 to 100.

94 Persons or Goods Carried on Motor-Vehicles, Motor-Cycles and Motor-Scooters. — No person while actually driving a motor-vehicle shall be in such a position that he cannot have proper control over the vehicle.

The number of persons carried, in addition to the driver, on the frontseat of a motor-vehicle, shall not exceed the number prescribed in the registration book.

Other persons, in addition to the driver, may be carried on a motor-cycle or motor-scooter, limited to the number prescribed in the registration book, and provided that the vehicle is so constructed that the carriage of passengers therein may be effected without danger.

No goods shall be carried on motor-cycles or motor-scooters, unless they are firmly secured to the vehicle and do not overhang laterally or project to the rear or to the front of the vehicle more than 50 centimetres.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

95 Duty to Wear Spectacles or Other Instruments While Driving. — Any person to whom a driving licence has been granted subject to the condition that he makes up his organic deficiencies or bodily or functional defects by means of spectacles or other instruments, shall be required to wear such spectacles or other instruments while actually driving.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 50.

96 Driving Articulated Vehicles. — Outside built-up areas, all articulated vehicles shall carry two drivers, who can drive the vehicle by turns.

Whoever fails to conform to the provisions of this article shall be punished with fine from 10 to 40 Sh. So.

97 Motor-vehicles and Motor-cycles Used for Salvage Corps or Police Purposes. The drivers of motor-vehicles used for fire brigade, salvage corps or police purposes may use the additional alarm fitted to the vehicle, only when driving the vehicle, only when driving the vehicle, only when driving the vehicle for the aforementioned purposes.

While using such instrument continuously, drivers are not bound to observe the requirements, prohibitions or restrictions relating to traffic on roads, or the prohibitions conveyed by traffic signs, or the provisions concerning the behaviour of road users; and whoever is on the route of such vehicles or about to turn into such route, shall stop on the nearside of the road and give way.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 10 to 40.

98 Rules for Pedal-Cyclists. — Nothing shall prevent cyclists from using their arms and hands freely, and they shall hold the handle bar with at least one hand. They shall be in such a position as to have a clear

view of the road ahead and to perform all necessary operations with the maximum promptness and effectiveness.

Cyclists shall not hold on to another vehicle.

The rider of a velocipede shall not carry any person on his vehicle, except children, provided that the vehicle is properly equipped to carry them.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 10 to 50.

99 Rules for Animal-drawn Vehicles. — Whoever drives an animal-drawn vehicle shall never leave the vehicle while moving on a road and shall keep the animals constantly under control.

Within built-up areas, no animal-drawn vehicle shall be left unattended on a public road.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

100 Animals. — While led through built-up areas, draught, burden, or saddle animals shall be kept under control by at least one competent driver for every two animals they shall be led so as not to endanger or inconvenience traffic.

Every untamed or dangerous animal shall be led by at least one person. Such animals may be tied to the rear of animal-drawn vehicles.

While on a public road, nobody shall lead animals or drive vehicles on the pavements or sidewalks.

No animal shall be left unattended on a public road, where such animals may damage the road, or damage or inconvenience traffic.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

101 Herds and Flocks. — Herds, flocks and any group of animals moving on a road shall be led by a sufficient number of persons and shall be kept to the left so that at least one half of the carriageway is not obstructed.

They may also be divided into smaller groups in order not to hinder the regular flow of traffic.

They shall not stand on any road.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 30.

102 Driving in State of Drunkenness. — No person shall drive a vehicle when under the influence of alcoholic drinks or stupefying drugs.

Whoever drives in state of drunkenness shall be punished where the act does not constitute a more serious offence, with imprisonment up to three months and fine from Sh. So. 100 to 400.

103 Injuries Caused by Vehicle. Duties of Driver. — The driver of a vehicle or motor-vehicle which, on a public road, has caused injury to any person

of animal or damage to any property whether mobile or not, shall have the duty to stop immediately and give the necessary assistance to the person or animal run over by his vehicle.

Such driver shall also have the duty to report immediately to the nearest police station..

A driver who, having run over a person or animal, does not stop, shall be liable to arrest.

A driver who, having run over a person, fails to comply with his duty to stop, shall be punished with imprisonment up to four months.

A driver who fails to give the necessary assistance to the person run over by him, shall be punished with imprisonment from four to six months and fine from Sh. So. 40 to 100. Where, by reason of the driver's conduct, a more serious injury results, the punishment shall be increased; where death results, the punishment shall be doubled. Where a person has been run over as a consequence of culpable negligence on the part of the driver, the provisions relating to the concurrence of offences shall apply.

A driver who stops and, if necessary, gives assistance to the person run over by him, and immediately reports to the Police, shall not be liable to arrest and the punishment to be imposed may be reduced to one half or one third.

104 Pedestrians. — Where there is a pavement or footpath, pedestrians shall use it; where there is no footpath or pavement

ent, ore where it is manifestly inadequate, pedestrians may walk on the right-and edge of the carriageway.

Where there is a pedestrian crossing, pedestrians shall use it to cross the road. Where there is no pedestrian crossing or where it is at a distance of more than one hundred metres, pedestrians shall cross the road at right-angles.

Pedestrians shall not cross at a road junction. When crossing a public square, they shall use pedestrian crossings, even though such crossings are at a distance of more than one hundred metres.

Pedestrians shall not stand on the carriageway. When traffic is heavy, it shall be forbidden for groups of pedestrians to stand even on the parts of the road intended for their use.

Where traffic is not controlled by a police officer, drivers shall slow down and, if necessary, stop, to give way to pedestrians already on pedestrian crossings.

Pedestrians crossing the carriageway outside pedestrian crossings shall give way to drivers.

Drivers shall stop and give way to blind, old or invalid persons and children crossing the carriageway.

Vehicles not mechanically propelled intended for the use of children or invalids may circulate on the parts of the road reserved to pedestrians.

Nobody shall play games or carry out sports training on a road, unless duly authorised to do so.

Pedestrians shall not walk carelessly on a public road.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

105 Duty to Obey Police Officers and Constables. — Road users shall stop whenever asked to do so by a police officer or constable in charge of the prevention and detection of offences relating to traffic, provided that such officer or constable is in uniform.

Where requested to do so by an officer or constable referred to in the preceding paragraph, the driver of a vehicle shall produce the registration book and the licence to drive, if such documents are prescribed, as well as any other document which, according to the provisions of this Code, he is required to carry with him.

Whoever fails to conform to the provisions of this article shall be punished with fine from Sh. So. 5 to 25.

PART IX

Traffic Police and Final Provisions

CHAPTER I

Traffic Police

106 Traffic Police Services. — Traffic Police Services shall include:

- a) the prevention and detection of offences relating to traffic;
- b) technical survey in connection with traffic accidents for judicial purposes;

- e) the organisation and carrying out of traffic control services;
- d) traffic safety.

The Traffic Police shall also participate in relief operations in connection with traffic accidents.

Traffic Police services shall be provided for by the Ministry of Interior, except in built-up areas, where such services shall be provided for by the Municipal Administration.

107 Persons performing Traffic Police Services. — Traffic Police services referred to in the preceding article shall be performed mainly by officers, non commissioned officers and constables belonging to the Traffic Branch of the Somali Police Forces.

Such services shall be performed also by judiciary Police officers and constables, and by municipal officers in charge of traffic within built-up areas.

CHAPTER II Final Provisions

108 Compounding Offences. — In case of offences under this Code, for which the punishment of fine only is prescribed, the offender may pay immediately to the police officer who charges him with the offence a sum equal to one half of the minimum fine prescribed for that offence.

Where, for any reason, such payment is not effected immediately, the offender may pay the

fine, also by a postal order, to the competent office, within fifteen days from the date on which he has been charged with the offence.

From the sixteenth to the sixtieth day from that date, the offender may pay a sum equal to one half of the maximum fine prescribed for the offence, in the manner prescribed in the preceding paragraph. After sixty days from the date on which he has been charged with the offence, the offender shall not be permitted to compound it and shall be committed for trial.

The offender shall not be permitted to compound the offence where, being requested to do so by a police officer, he does not stop, or, being the driver of a motor-vehicle, he refuses to produce the registration book or his licence to drive or any other document which, under this Code, he has the duty to carry with him. An offence shall not be compounded also where, as a consequence thereof, injury to a third party has resulted.

109 Disposal of fines. — Where an offence has been committed on a State road, any amount paid by the offender immediately, under the terms of the preceding article, or any fine imposed by a Court for that offence, shall become the property of the State.

Any sum collected in connection with offences committed on municipal roads shall become the property of the municipal Administration concerned, where the offender has acted in contravention of Municipal Regulations or of an order of the Ma-

yor; in any other case, such sums shall become the property concerned, where theuicycshh of the State.

110 Charges. — Where possible, the offender shall be immediately charged with the offence which he has committed.

Except where the offender pays the fine directly to the person who charges him with the offence, a short report shall be made by such person, stating the offence, a short report shall be made by such person, stating the offence with which the offender requests be included therein.

Copy of such report shall be delivered to the offender.

111 Notification of the charge. — Where the offender can not be charged immediately with the offence, notice of the charge against him shall be given to him within thirty days from the date on which the offence has been detected. Where the offender is an unknown person who committed the offence while driving a motor vehicle carrying an identification plate, the charge shall be notified to the holder of the registration book.

The charge shall be notified by a constable belonging to the judiciary police, by a municipal messenger, or by registered mail.

Where the notice is given by mail, the provisions governing the notification of judicial acts in criminal matters shall apply, provided that the office to which the person who detected the offence belongs, shall be substituted for the bailiff.

Upon receipt of the notification, the offender shall pay the fine within the time limits prescribed in the second, third and fourth paragraphs of article 108, such time limits being calculated as from the date of the notification. Within the same time limits, the person to whom the charge has been notified, may request the competent office to record his statement in the report referred to in the preceding article.

Notification is not required where the offence is in connection with a crime which may be prosecuted *ex-officio*, or where the offender does not reside in the Somali Republic.

The costs of the notification shall be included in the costs of the proceedings, in accordance with the provisions governing the matter.

112 Report to the District Court. — Where the offence may not be compounded, or where it has not been compounded, a report shall be submitted to the District Court which shall proceed against the offender. Where the offence may be compounded, the offender shall be permitted by the Court to pay, within fifteen days, a sum equal to one third of the maximum fine prescribed for that offence.

113 Regulations. — Regulations for the implementation of this Code shall be issued by decree of the President of the Republic, on the proposal of the Minister of Public Works and Communications.