

SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2026

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NATIONAL ASSEMBLY
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THE TRAFFIC (AMENDMENT) BILL, 2026

A Bill for

AN ACT of Parliament to amend the Traffic Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Traffic (Amendment) Act, 2026.

Short title.

2. The Traffic Act is amended□ by inserting the following new section immediately after section 107—

Insertion of a new section into Cap. 403.

Period of detention of vehicle or motor cycle.

107A. (1) Where a police officer detains a vehicle or motor cycle in connection with the commission of an offence under this Act, the vehicle or motor cycle may be detained—

- (a) for use as evidence in trial of the offence committed; or
- (b) for investigation of the offence committed.

(2) A vehicle or motor cycle detained under subsection (1) shall not be detained—

- (a) for a period not exceeding forty-eight hours from the time of detention, where a photograph or assessment report is sufficient for the purposes specified under subsection (1)(a); or
- (b) for a period not exceeding fourteen days from the date of detention, for purposes of investigations under subsection (1) (b).

(3) A police officer in charge of the police station where a vehicle or motor cycle is detained shall take reasonable care for the preservation of the vehicle or motor cycle.

(4) Nothing under this section affects the power of a Court to make an order under section 121 of the Criminal Procedure Code.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Traffic Act, Cap 403 to ensure that owners of vehicles and motor cycles are not unreasonably deprived of their property where their vehicles are detained to enforce the provisions of section 107 of the Traffic Act, Cap. 403.

Statement on the Delegation of Legislative Powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers; However, the Bill does limit the right to property under Article 40 of the Constitution to the extent that a police officer may detain a vehicle or motor cycle for purposes of investigation of an offence and for use as evidence in the trial of an offence committed under the Traffic Act, Cap 403.

Statement on whether the Bill concerns county Governments

The Bill does not concern county governments in terms of Article 110(1) of the Constitution.

Paragraph 7(b) of Part 1 of the Fourth Schedule to the Constitution provides that police services including criminal law is the function of the National Government.

Statement on whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may not occasion additional expenditure of public funds.

Dated the 10th March, 2026.

ROBERT NGUI BASIL,
Member of parliament.