TRANSPORT REGULATIONS
OVERVIEW

NTSA is a state corporation established by Act number 33 of 2012

The act provides for the powers and functions of the Authority, and for connected purposes and in particular the interrelation with other Acts i.e. the Traffic Act Cap 403
The functions of the Authority shall be to—
(a) advise and make recommendations to the Cabinet Secretary on matters relating to road transport and safety;
(b) implement policies relating to road transport and safety;
(c) plan, manage and regulate the road transport system in accordance with the provisions of this Act;
(d) ensure the provision of safe, reliable and efficient road transport services; and
(e) administer the Act of Parliament set out in the First Schedule (Administer the Traffic Act Cap 403 Laws of Kenya) and any other written law.
FUNCTIONS OF THE AUTHORITY

(2) In the performance of its functions under subsection (1), the Authority shall —

(a) register and license motor vehicles;
(b) conduct motor vehicle inspections and certification;
(c) regulate public service vehicles;
(d) advise the Government on national policy with regard to road transport system;
(e) develop and implement road safety strategies;
(f) facilitate the education of the members of the public on road safety;
(g) conduct research and audits on road safety;
(h) compile inspection reports relating to traffic accidents;.
FUNCTIONS OF THE AUTHORITY

(i) establish systems and procedures for, and oversee the training, testing and licensing of drivers;
(j) formulate and review the curriculum of driving schools;
(k) co-ordinate the activities of persons and organizations dealing in matters relating to road safety; and
(l) perform such other functions as may be conferred on it by the Cabinet Secretary or by any other written law.
Since the inception of the Authority the following Regulations have been developed and Gazetted

- Operation of Public Service Regulations 2014
- Operation of Tourist Service Regulation
- Traffic Rules on Identification Plates
- Regulations on Innovative Decorations
- Regulations on the Operation of motorcycles
Regulations in the pipeline

- Regulations on the Operation of Commercial Vehicles
- Driving School and Instructors Rules
- Motor Vehicle Inspection Regulations
- Amendment of the First Schedule of the Traffic Act
- Overhaul of the Traffic Act
Key Highlights and Role of the Regulation

a) The Regulation is meant to regulate Public Service Vehicles (PSVs).

b) Has provisions for Conditions to be meet by applicants who are desirous of operating public service vehicles e.g. have in place documented management system.

c) Has provisions for documents to be submitted with the application for operating a public service vehicle e.g. a valid certificate of road worthiness issued by the authority.

d) Has provisions that provide for Every operator of licensed public service vehicle shall display at conspicuous place on the vehicle a sticker or identification mark approved by the Authority, and every conductor to wear the prescribed uniform and identification badge etc.

e) Has provisions to be meet by long distance PSVs and commuters.

f) Has provisions that ensure approved routes are adhered to by PSVs.

g) Has provisions that provide for innovative decorations.
Regulations on Innovative Decorations

The purpose was to regulate the manner in which decorative innovations are applied in order not to compromise safety

- Innovative decorations mean any pictures, words, symbols or lighting which is painted, sprayed, drawn or affixed to the body of a public service vehicle whether in one or several colors.

- Innovative decorations are anchored by law however they should not be offensive and not painted, sprayed, drawn on or affixed to any window, the front and back windscreens, lights, indicators or chevrons of the vehicle.

- Innovative decorations should not have reflective properties.

- Innovative decorations should not be sprayed on passenger, co-driver and driver windows, front and back windscreens.
Key Highlights and Role Of Regulation.

1. Regulates the operation of Tourist Service Vehicles.

2. Has provisions for conditions to be meet by applicants for TSL such as a valid tour operators license issued by the Tourism Regulatory Authority.

3. Has provisions that the provide for Driver of Tourist Service Vehicle shall have namely a valid drivers license for that category of vehicle, a public service vehicle license and a valid tourism driver-guide issued by the Tourism Regulatory Authority.
The purpose was to Regulate the activities of motorcycles
- provides for two helmets, reflector jackets
- Driving license
- Third party public service insurance
- Carry one pillion passenger
- Passengers sit astride
- Observe Traffic Rules
- Stipulates responsibilities to owners, rider and passengers
• The purpose is to provide for the introduction of new generation number plates
- Gives the measurements of the plates
- A third license fixed in a conspicuous place which bears discrete, overt and covert features of the motor vehicles registration and ownership for technical inspection
- Presence of watermark on the number plates
- Different colors of the plates for different entities i.e Government, County Government, Parastatal, UN
Pending Regulations

- Regulation on Operation of commercial vehicles
  The purpose is to regulate activities of Commercial Vehicles
  - Place Commercial Vehicles under licensing regime
  - Tare weight from 3048kg and above
  - Places safety responsibility on both the owner and driver of a commercial service vehicles
  - Necessity of speed governor for all CSV
  - All Commercial vehicles shall ensure that the cargo being transported is secured.
  - Retroreflective contour markings, parking, operation time, daily log sheets etc
Driving School and Instructor Rules

• The purpose is to regulate driving school and instructors in order to ensure bare minimum standard are maintained.
  - Licensing of driving schools
  - Categorizing of driving school into different classes
  - Title or lease of a building
  - Maneuvering yard according to the class of vehicle
  - Size of the theory room, waiting areas, toilets etc
  - Administration and staffing
  - Record keeping
  - Driving school inspectors
  - Driving school inspectors
Motor vehicle inspection regulations

The purpose is to provide for annual inspection of all motor vehicles which are more than four years old from the date of manufacture.

- Outlines what will be inspected in vehicles
- Re-inspection test- repairs within fourteen days
- Qualification of motor vehicle inspectors- hold a license
- Power to suspend or revoke an inspectors license or centres license
- Routine inspection of inspectors
- Authorized inspection centers in terms of license, conditions
- Fees for inspection
In the move of streamlining the transport system and enhancing road safety, the Authority partnered with other stakeholders more especially under the auspice on NCAJ.

The main purpose of the system is to bring about convenience, certainty, prediction, consistency and transparency.

The Traffic Act Cap 403 creates various traffic offences and the penalties applicable in respect of these offences.

In majority of these offences, the Act does not provide a fixed or statutory fine but instead provides for the maximum penalty applicable. This therefore means that the penalties applicable have to be determined by the court.
Instant fines contd

• This has led to the following
• Traffic police can only arrest traffic offenders or detain vehicles
• A huge workload in traffic courts
• A lot of time wasting
• Uncertainty of fines applicable
• Stigma and public embarrassment involved in court appearance over minor traffic offences
• Lack of transparency in collection of fines
• Inconsistency in administration of justice
• Section 117 – Traffic Act empowers the Cabinet Secretary in charge of Transport to prescribe a schedule of minor offenses including the corresponding statutory penalty
OFFENDER ENTERS USSD NUMBER *544#

The following are screen shots for initiating the payments for instant fines using the USSD *512#

The offender enters the USSD number *512# in their phones and press call.

Keep our roads safe
OFFENDER CHOOSES OPTION 2 (TRAFFIC FINE)

The offender will get the screen as shown and chooses the option for traffic fine option which is no. 2.
OFFENDER ENTERS POLICE OFFICERS BADGE NUMBER

The offender will get the screen as shown and enters the police officers badge number as indicated in the charge sheet. E.g. 1234 and press the send button.
The offender will get the screen as shown and enters the offence code as indicated in the charge sheet. E.g. 1 and press the send button.
OFFENDER ENTERS THEIR ID NUMBER

The offender will get the screen as shown and enters their ID Number, e.g., 30548408 and press the send button.
The offender will get the screen as shown highlighting the officer's name, the offender's name as contain in the Integrated Population Registration System (IPRS) and based on the offender desires can choose to pay instant fine or opt for Bond. For this case the offender chooses option 1 and press the send button.
OFFENDER GETS PROOF OF PAYMENT.

The offender will get the screen as shown highlighting the amount of the fine and the method of payments.
Once payment is made the offender will get the payment message and he can let go and information is stored in the back-end.
Overhaul of the Traffic Act

• The Authority has embarked in a process to overhaul the Traffic Act
• The process has began first draft ready
• Internally directorates have given their input in the Act as it pertains to their operation
• The Authority sought views from stakeholders and law society was one of the key stakeholders
• Currently the second draft is being worked on to include the views of the stakeholders
• It will then undergo the process of public participation
• Hopefully by the end of the year a final draft will be ready
THE END

THANK YOU