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Kenya Subsidiary Legislation, 2017

LEGAL NOTICE NO. 299

THE TRAFFIC ACT

(Cap. 403)

IN EXERCISE of the powers conferred by section 119 of the Traffic Act, the Cabinet Secretary makes the following Rules—

THE TRAFFIC (AMENDMENT) (NO. 3) RULES, 2017

1. These Rules may be cited as the Traffic (Amendment) (No. 3) Rules, 2017. Citation.

2. Part I of the First Schedule to the Traffic Rules is amended in the section entitled “Miscellaneous” by deleting the rows relating to section 7 and section 17 (3) of the Act and substituting therefore the following new rows— Sub. Leg.

s. 7 Inspection of motorcycles	1,300
Inspection of three-wheelers and vehicles with engine capacities of up to 3,000 c.c.	2,600
Inspection of vehicles with engine capacities of over 3,000 c.c.	3,900
Inspection of trailers weighing up to 5 tonnes	2,000
Inspection of trailers weighing over 5 tonnes	4,600
Inspection of heavy commercial vehicles weighing over 5 tonnes	4,600

Dated the 19th December, 2017.

JAMES MACHARIA,
Cabinet Secretary for Transport,
Infrastructure, Housing and Urban Development.

EXPLANATORY MEMORANDUM

EXPLANATORY MEMORANDUM TO THE TRAFFIC (AMENDMENT) (NO3) RULES, 2017

Name of the Statutory Instrument: The Traffic (Amendment) (No3) Rules, 2017

Name of the Parent Act: The Traffic Act

Enacted Pursuant to: Section 119 of The Traffic Act.

Name of the Ministry/ Department: Ministry of Transport, Infrastructure and Urban Development/ State Department of Transport.

Gazetted on 19th December 2017

Tabled on

PART II

1. Purpose of the statutory instrument

To review the applicable motor vehicle inspection fees which were last reviewed 24 years ago in 1994.

2. Legislative Context

The statutory instrument in question seeks to review the inspection fees charged. Currently the fee applicable is kshs 1,000 regardless of the size of the vehicle meaning that a trailer and a pick up are charged the same. This is not sustainable or practical. There is need to differentiate and review the fees which were last reviewed in 1994 and there is need for the review so as to maintain and modernize the existing centers which are in a deplorable state.

3. Policy Background

The amendment seeks to review the inspection fees charged from Kshs 1,000 to various fees depending on the size of the vehicle. This review is intended to support the rehabilitation and maintenance of motor vehicle inspection centers whose ultimate purpose is to ensure that the vehicles on our roads are roadworthy thereby reducing road fatalities attributable to un-roadworthy vehicles.

4. Consultation outcome

The Authority issued a public notice in three papers of national circulation inviting members of the public for their comments. In addition, public participation forums were held in various counties. The public submitted their comments some of which were included in the final rules.

4.2 The Ministry of Transport and Infrastructure intends to provide support to further create awareness on the regulations through advertisements in the media and forums.

5. Impact

5.1 The rules shall have no fundamental effect to rights and freedoms.

5.2 The regulations will help streamline the motor vehicle fees charged.

6. Monitoring and review

6.1 The success criteria of this regulation will be the rehabilitation and modernization of the motor vehicle inspection centres and a reduction in the number of road fatalities attributable to un-roadworthy vehicles.

7.1 Francis Meja, Director General NTSA.

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