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14 APR 2020

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27th March 2020

Mr. Jeremiah Nyegenye
The Clerk Senate
Parliament Building
NAIROBI

Mr. Michael Sialai, EBS
The Clerk National Assembly
Parliament Building
NAIROBI

① DUEP

31/3/20

② How table the
to register and
tabling on 14th April
8th or 14th April
1/2/20

Dear Michael,

RE: EXPLANATORY MEMORANDUM TO THE TRAFFIC (DRIVING SCHOOLS,
DRIVING INSTRUCTORS AND DRIVING LICENCES) RULES, 2020

The above matter refers.

In line with the provisions of Section 11 of the Statutory Instruments Act, No. 23 of 2013 laws of Kenya, I write to you providing a statement explaining the purpose and operation of the rules.

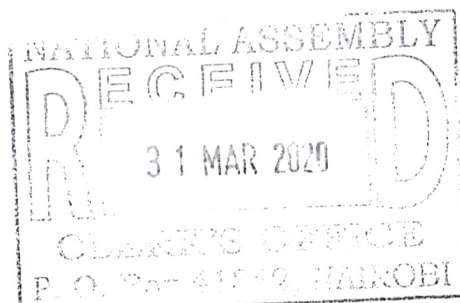
Find attached the Explanatory Memorandum, Public Participation Report and a copy of the Rules published vides legal notice Vol. CXXII – No. 50 dated 20th March 2020.

Yours

Sincerely,

Solomon Kitungu
PRINCIPAL SECRETARY.

Encl.



Copy: **Mr. James Macharia, EGH**
Cabinet Secretary,
Ministry of Transport, Infrastructure, Housing,
Urban, Development & Public Works
NAIROBI

Mr. George Njao
Director General
National Transport and Safety Authority
NAIROBI

**EXPLANATORY MEMORANDUM TO THE TRAFFIC (DRIVING SCHOOLS,
INSTRUCTOR'S AND DRIVING LICENSES) RULES, 2020.
(L.N 28 of 2020)**

PART I

Name of the Statutory Instrument:	Traffic (Driving Schools, Instructor's and Driving Licenses) Rules, 2020.
Name of the Parent Act:	The Traffic Act.
Enacted Pursuant to:	Section 119 (1) (ga) of the Traffic Act.
Name of the Ministry/Department:	Ministry of Transport, Infrastructure and Housing and the National Transport and Safety Authority.
Gazetted on:	20th March 2020

Tabled on:

PART II

1. Purpose of the Statutory Instrument

- 1.1 To provide for the licensing and proper regulation of driving schools by providing for minimum standards of operation to ensure that proper instruction is given to students.
- 1.2 To provide for the testing, licensing and minimum requirements of driving instructors to ensure that proper instruction is given to students.
- 1.3 To provide for the proper training and testing of drivers in Kenya to improve the competence and discipline of drivers.
- 1.4 To provide for the curriculum for the training and testing of driving instructors and drivers by providing for the basic principles of training and testing of drivers in Kenya. The Curriculum also establish standards in the training and testing of drivers.
- 1.5 To provide for the licensing of all drivers using public roads in Kenya.

2. Legislative Context

2.1 Currently driving school, driver training and testing are regulated by the Traffic Driving School and Instructor Rules 1971. As is to be expected, the rules are outdated and unable to regulate the industry in line with current trends that would promote professionalism and improve the efficiency of service and thus the need for new more responsive rules to regulate the training, testing and licensing of drivers.

2.2 The Traffic Act Cap 403 empowers the Cabinet Secretary responsible for ,matters relating to traffic to make rules prescribing all such matters relating to the regulation of establishments or persons engaged in teaching for gain the driving of motor vehicles as the Cabinet Secretary may deem necessary for the proper control of such establishments or persons, including the grant, revocation or variation of licenses and appeals relating thereto, the testing of instructors, the inspection of vehicles and premises, and the fees payable for any of the above matters.

2.3 The Traffic (Driving Schools, Instructor's and Driving Licenses) Rules, 2020 are therefore issued to give effect to the provisions of the Act.

3. Policy Background

3.1 The Government of Kenya through the Ministry of Transport, Infrastructure and Housing has the mandate to ensure the safety of all those who use any public road in Kenya. Part of this commitment is the promotion of professional driver training to provide a foundation of the proper skills, knowledge, and attitudes that will allow drivers to operate safely for decades into the future.

3.2 Currently the level of road discipline and the quality of drivers and their attitude is poor. It has been noted through various research that inadequate or improper driving instruction and regulation of driving school plays a big factor in contributing to Kenya's poor road safety record. This is attributable to the fact that there is no national curriculum that driving schools have to follow and the calibre of instructors and quality of instruction is generally poor.

3.3 Public Service Vehicle (PSV) drivers require little more than holding a standard license for 4 years before being eligible to drive the public. They currently do not require additional training or standards of competency.

3.4 Due to the above, there is urgent need to improve the regulation of driver education, training and testing in Kenya. The Traffic (Driving Schools, Instructor's and Driving Licenses) Rules, 2020 are intended to do this by providing for improved regulation of the following aspects of driver training, testing and licensing:-

- a. Regulation of driving schools and branches.
- b. Regulation of driving instructors including qualifications.

- c. Introduction of a national curriculum on the training, testing and licensing of drivers in Kenya,
- d. Regulation of driving instruction.
- e. Regulation of driver testing.
- f. Regulation of driver licensing

4. Consultation outcome

4.1 The National Transport and Safety Authority subjected the Rules to intense and widespread public participation through electronic media, written submissions and public forums.

4.2 The public participation forums covered forty three (43) counties whereby the participants were taken through the rules and were also given an opportunity to submit their views, concerns and proposals.

4.3 Copies of the draft rules were made available to the public and stakeholders in hard copies for those who attended the public forums and in soft copy through our website for those who preferred to submit written comments.

4.4 Further in line with Section 5(2) (a) of the Statutory Instruments Act, the Authority invited driving schools from various regions to the public forums due to the fact that they are key stakeholders and have practical knowledge on subject matter of the rules.

A detailed report on the public participation exercise is hereby annexed to this memorandum.

4.5 The Authority collected, considered and incorporated in the draft Rules the views of the Parliamentary Select Committee on Delegated Legislation, the public and key stakeholders. The Rules were then forwarded to the Attorney General through the Ministry for legislative drafting and publication in the Kenya Gazette.

4.6 The Rules were subsequently published in the Kenya Gazette (Legal Notice 28 of 2020) on 20th March 2020.

5. Guidance

5.1 The Ministry and Authority will sensitize driving schools and instructors through various forums including public forums and information campaigns at a regional level and the provision of simplified literature.

5.2 Further the Authority has been on constant engagement with the Association of Driving Schools and will continue to do so to ensure that the necessary technical support and advice is provided to ensure the proper implementation of the Rules.

6. Impact

6.1 The amendment shall have no fundamental effect to the rights and freedoms.

6.2 The amendment will uplift the standards of driving school instruction in Kenya.

7. Monitoring and review

7.1 The success criteria of this Rules will be measured by the reduction in the number of road fatalities attributed to poor driving skills.

8. Contact

8.1 The contact person shall be George Njao, the Director General, NTSA.
George.njao@ntsa.go.ke. Tel 0734-861434.



REPORT ON THE PUBLIC PARTICIPATION FORUMS FOR THE TRAFFIC (DRIVING SCHOOLS, INSTRUCTOR'S & DRIVING LICENSES) RULES, 2020

A. INTRODUCTION.

“Good drivers are made, not born”

A key step to ensure that there are reduced road fatalities is to ensure that the standard and quality of driver training and testing is of the highest possible standard.

To ensure this standard is achieved, the Authority has been mandated by **Section 4(2)(j)** of the **National Transport and Safety Authority Act** to *establish systems and procedures for, and oversee the training, testing and licensing of drivers and formulate and review the curriculum of driving schools.*

Currently driving school, driver training and testing are regulated by the Traffic Driving School and Instructor Rules 1971. As is to be expected, the rules are outdated and unable to regulate the industry in line with current trends that would promote professionalism and improve the efficiency of service and thus the need for new more responsive rules to regulate the training, testing and licensing of drivers.

Based on the above, the Authority developed the Traffic Driving Schools, Instructor and driving licenses rules 2018 which were subsequently enacted on 26th April 2018.

This Rules provided for:-

- Regulation of driving schools and branches.
- Regulation of driving instructors including qualifications.
- Regulation of driving instruction.
- Regulation of driver testing.
- Regulation of driver licensing.

However the National Assembly Select Committee on Delegated Legislation recommended for the annulment of the said regulations mainly based on the need for adequate public participation and other concerns which are highlighted on table A below.

Following the annulment, the Authority has drafted the Rules taking into consideration the view of the Committee as detailed below;-

Table A

	RULE OF LN 80 OF 2018	CONCERN	ACTION TAKEN IN PROPOSED RULES PRIOR TO PUBLIC PARTICIPATION
1	<p>Rule 4(2)(d):-</p> <p><i>(2) An application for a driving school licence shall be made to the Authority in the form prescribed in the First Schedule and accompanied by-</i></p> <p><i>(a) a title, lease or rental agreement for a manoeuvring yard measuring at least 1.6 acres for a driving school licence under category A and B schools and one acre for a driving school licence under Category C;</i></p>	<p>The requirement had the potential of creating a monopolistic system.</p>	<p>Amended to remove the requirement for a copy of the title or lease or rental agreement for 1.6 acre yard and instead redrafted to require the school to only demonstrate the availability of such a yard as follows:-</p> <p><i>(a) the applicant demonstrate evidence of availability of manoeuvring yard for use by the driving school for training of learners who have not obtained a learner's permit.</i></p>
2.	Rule 5.	The Committee was	The driving school license

	<i>A driving school licence shall be valid for two years from the date of issue and may be renewed</i>	of the opinion that the duration should be one year.	period was reverted to one year.
3.	<p>Rule 7(2)(f)</p> <p><i>(2) In determining the suitability of a proposed school under paragraph (1), the Authority shall consider the availability of-</i></p> <p><i>(f) other relevant equipment including computer, televisions, projector, video player or digital video disc player.</i></p>	The Committee was of the view that this was prohibitive and most schools including primary, secondary and university did not have such equipment and therefore to require a driving school especially in rural setting to have such equipment was not practical.	The Rule was deleted.
4	<p>Rule 8(2)(a)</p> <p><i>(1) A driving school shall have a school manager who shall-</i></p> <p><i>(2) The minimum qualifications for a school manager shall include-</i></p> <p><i>a certificate, diploma or degree in education; and</i></p>	The Committee was of the view that a qualification in education was unnecessary and discriminative and did not add any value.	The rule containing this qualification was deleted.
5	<p>Rule 16.</p> <p><i>16.(1) The Authority shall determine the minimum</i></p>	The Committee was of the opinion that the clause did not add	The rule containing this requirement was deleted.

	<p><i>number of continuous development courses and approve the nature, content and duration of refresher courses to be attended by licensed instructors.</i></p> <p><i>(2) A licensed instructor shall attend a minimum number of continuous development courses determined by the authority before their instructor's license is renewed.</i></p>	<p>value and was punitive as a person gets more experience with time and there was nothing this refresher courses whose content is unknown would add.</p>	
6	Rule 24 read together with the Third Schedule.	<p>This clause establishes the minimum age limits for the different categories. The Committee was of the view that this categorization was discriminatory.</p>	<p>The age limits were retained due to the reason that the Vienna Convention on Road Traffic 1968 to which Kenya is a party requires that the age requirements on the different categories be stated. Further it is a standard practice and considered best practice to stipulate the age restrictions.</p>
7.	Rule 25(1). <i>25. (1) A driving license in categories A, B, F and G, that is Validity of licence issued to a driver who is</i>	<p>The Committee was of the opinion that the above clause was discriminatory and did not add value as</p>	<p>The Rule was deleted.</p>

	<i>under the age of seventy years, shall be renewed after every three years over a nine-year period from the date of first issue and upon payment of the fees set out in the Second Schedule:</i>	statistics show that it is the young people as opposed to those above 70 who cause accidents.	
8.	Rule 25(2). <i>Provided that, the tenth year, the licence holder shall repeat the driving examination and submit a duly filled medical examination report in the form set out in the Fifth Schedule</i>	The Committee expressed strong reservations against this clause.	The Rule was deleted.
9.	Rule 26. <i>A driver may shall apply for a driving examination under rule 25 in the form set out in the Fourth Schedule</i>	The Committee noted the typographic error.	Corrected.

The Authority incorporated the above views in the new proposed rules before subjecting them to stakeholder and public participation.

B. PUBLIC PARTICIPATION.

a. Forms of public participation undertaken and stakeholders.

In line with constitutional and statutory requirements, the proposed rules have been subjected to intense and widespread public participation through electronic media, written submissions and public forums.

The public participation forums covered forty three (43) counties whereby the participants were taken through the rules and were also given an opportunity to submit their views, concerns and proposals. The regions covered are contained in the table B below:-

Table B

	REGION	VENUE
1	Kiambu and Muranga Counties	29 th October 2018 Shuhan Hotel Thika.
2	Nyeri and Liakipia Counties	30 th October 2018 Nyeri National Polytechnic
3	Meru, TharakaNithi, Isiolo and Marsabit Counties	1 st November 2018 NG – North Imenti CDF Hall Meru
4	Embu and Kirinyaga Counties	2 nd November 2018 Prime Hotel Embu
5	Kisumu, Siaya and Homa Bay Counties	6 th November 2018 NITA Kisumu
6	Kisii, Nyamira and Migori Counties	7 th November 2018 KIBT Kisii
7	Kakamega, Bungoma and Busia Counties	9 th November 2018 Western Hotel Kakamega
8	Eldoret, UasinGishu, Nandi, Transzoia, West Pokot and Turkana Counties	12 th November 2018 County Hall UasinGishu

9	Kericho County	13 th November 2018 Kericho County Commissioner's Board Room Kericho
10	Nakuru, Baringo, Narok and Nyandarua Counties	14 th November 2018 Nuru Hotel Nakuru
11	Mombasa and TaitaTaveta Counties	19 th November 2018 Red Cross Hall Mombasa
12	Kwale County	20 th November 2018 Kombani Public Hall Ukunda
13	Kilifi, Lamu and Tana River Counties	22 nd November 2018 Malindi County Hall Malindi
14	Machakos, Kitui and Makueni Counties	27 th November 2018 Kevian Hotel Makueni
15	Garissa, Wajir and Mandera Counties	29 th November 2018 Almon Hotel Garissa
16	Nairobi County	30 th November 2018 LikoniInspectin Center Nairobi

Further in line with **Section 5(2) (a)** of the **Statutory Instruments Act**, the Authority invited driving schools from various regions to this forums due to the fact that they are key stakeholders and have practical knowledge on subject matter of the rules.

The public participation forums was spearheaded by a technical team well versed in the subject matter as follows:-

	Department	Officers.	Background/Role
1	Legal Department- NTSA	-Senior Deputy Director Legal Services. -Manager Legal	-Legal experts including drafting skills.

	Road Transport Department – State Department for Transport	Services – Former Parliamentary counsel. -Legal officers State Department for Transport Officials	
2	Driver training and testing department	-Deputy Director and head of the driver training and driver testing department. -Driver training and testing officers.	-Road Safety and driving school technical expert.
3.	Regional managers	-Head of each regional office where the forums where undertaken.	-Stakeholder and public mobilization.
4	Secretariat		-Recording and general organization.

Copies of the proposed rules were made available to the public and stakeholders wither in hard copies for those who attended the public forums and in soft copy through our website for those who chose to submit written comments.

b. Issues raised by stakeholders and public.

From the public participation exercise undertaken, the public and stakeholders raised several issues which can broadly be summarized as follows:-

REGION	COMMENTS/CONCERNS/PROPOSALS FROM THE PUBLIC
<p>29th October 2018</p> <p>Kiambu and Muranga Counties</p>	<ul style="list-style-type: none"> • Category B1 (Light Vehicle) and Category C1 (Light truck) to be merged. • Comprehensive cover requirement for driving school vehicles should include the instructor and the learner. • Land in the County is diminishing and therefore the County Government should provide a maneuvering yard to be used by driving schools at a fee • Will the Authority retest an instructor ever year for the renewal of an instructor's license? • There should be training for bodabodas and tuktuk without requiring them to train for any other category of vehicle. • Instructors should be given a license that allows them to instruct any category of vehicle • Drivers should be tested for a minimum of five kilometers. • The government should decentralise the training and testing of instructors.
<p>30th October 2018</p> <p>Nyeri and Laikipia Counties</p>	<ul style="list-style-type: none"> • How practical is it to test learners over 5 Kms? • The learner should not be allowed to carry passengers • The old version of issuing classes in driving licenses should be maintained. • Category A1 and A2 – the years should be reviewed. • How will the inspection of driving schools be conducted if the driving school has various branches? • The qualifications of a driving school manager and proprietor should be provided in the rules.

	<ul style="list-style-type: none"> • A temporary DL should be held for one year and the driver should display the L Plates during that period • A learner's permit should be introduced in the rules. • Is the training for persons with disabilities provided in the rules? • Why are driving schools not training deaf people? • Inspection of driving school vehicles should be done once per year. • Comprehensive insurance covers for driving school vehicles should extend to the learners and instructors.
1st November 2018 Meru, TharakaNithi , Isiolo&Mars abit Counties	<ul style="list-style-type: none"> • What is the purpose of displaying L plates vis-à-vis the transfer of liability once a person is issued with a driving license? • Inspection of driving school vehicles should be done once per year. • Land in the County is diminishing and therefore the County Government should provide a maneuvering yard to be used by driving schools at a fee • Why are driving schools not training deaf people? • Will the Authority retest an instructor ever year for the renewal of an instructor's license? • Driving school vehicles should have speed governors. • Testing of drivers at night should be introduced. • Instructors should be given a license that restricts them to instruct the category of vehicle they have been trained in.
2nd November 2018 Embu&Kirin yaga Counties	<ul style="list-style-type: none"> • The old version of issuing classes in driving licenses should be maintained. • Comprehensive insurance covers for driving school vehicles should extend to the learners and instructors. • Instructors should be given a license that restricts them to instruct the category of vehicle they have been trained in.

<p>6th November 2018</p> <p>Kisumu, Siaya&Homa bay Counties</p>	<ul style="list-style-type: none"> • Driving examinations to be conducted for a distance of 10km. • The minimum qualifications of an instructor should be provided in the rules. • The rules should capture how to conduct driving test at night and make it compulsory for every driving school to ensure that at least each student conducts driving lessons at night since most accidents occur at night. • The Manoeuvring Yard should be provided by Government so that all driving schools use it.
<p>7th November 2018</p> <p>Kisii, Nyamira&Mi gori Counties</p>	<ul style="list-style-type: none"> • The fee for an instructor's License of Ksh. 30,000 is high and the same should be addressed by NTSA in collaboration with KIBT. • Instructors should be trained by NTSA officers and not KIHBT and this should be captured in the regulations. • The Government should sponsor unpaid refresher courses for PSV drivers.
<p>9th November 2018</p> <p>Kakamega, Bungoma&B usia Counties</p>	<ul style="list-style-type: none"> • There is need to have a provision on how to confirm the Validity of an Instructors Licence. • The minimum qualifications of an instructor should be provided in the rules. • Inspection of driving school vehicles should be done once per year.
<p>12th November 2018</p> <p>Eldoret, UasinGishu,</p>	<ul style="list-style-type: none"> • Will the Authority retest an instructor ever year for the renewal of an instructor's license? • Testing of learners should be 100 metres and not the proposed 5 kilometres. • Land in the County is diminishing and therefore the requirement of

<p>Nandi, Trans Zoia, West Pokot and Turkana Counties</p>	<p>evidence of maneuvering yard should be removed.</p> <ul style="list-style-type: none"> • Driving schools should submit attendance registers of their learners showing attendance. • Minimum training hours in order to get a driving license should be provided. • Minimum training hours for private students who have prior driving experience should be provided. • Training learners while carrying passengers should be allowed because the training of some categories of vehicles precludes the tonnage of the vehicle. • Instructors should be given a license that restricts them to instruct the category of vehicle they have been trained in.
<p>13th November 2018 Kericho County</p>	<ul style="list-style-type: none"> • Training hours of learners is not captured in the rules. • Inspection of driving school vehicles should be done once per year. • Testing of learners should be 1 kilometre and not the proposed 5 kilometres. • Training learners while carrying passengers should be allowed.
<p>14th November 2018 Nakuru, Baringo,Nar okNyandaru a Counties</p>	<ul style="list-style-type: none"> • Carrying passengers while training learners should be allowed. • Testing of learners should be 1 kilometre and not the proposed 5 kilometres. • The L plates should be displayed for one year after receiving a driving license. • Inspection of driving school vehicles should be done once per year. • The Government should develop a road map for the implementation of the curriculum to be used by driving schools. • Deaf persons should be allowed to undergo driver training I driving schools. • An instructor's license should be valid for 3 years.

	<ul style="list-style-type: none"> • The government should decentralize the training and testing of instructors. • Driving schools should ensure that the vehicles belonging to their various branches train students only within the locality of the branch. • Driving schools should have at least one instructor because they are employed according to the capacity of the driving school and its revenue. • Qualifications of instructors should be included in the rules. • Instructors should be given a license that restricts them to instruct the category of vehicle they have been trained in.
<p>19th November 2018</p> <p>Mombasa and TaitaTaveta Counties</p>	<ul style="list-style-type: none"> • The old version of issuing classes in driving licenses should be maintained. • The government should decentralise the training and testing of instructors and it should be done every two years. • An option of testing using a simulator should be provided for in the rules. • Testing of learners should be 500m and not the proposed 5 kilometres because the testing is skill based like reversing a vehicle from a parking or a three point turn. • The rules should introduce night testing for long distance drivers. • Instructor's qualifications – Must have above five years of continuous driving and have proof that he can train. • Displaying of L plates for one year after getting a driving license should be removed because the youth employed to ride bodabodas and tuktuks will not be allowed to put them on these motorcycles by their employers.
<p>20th November</p>	<ul style="list-style-type: none"> • Displaying of L plates for one year after getting a driving license

<p>2018</p> <p>Kwale County</p>	<p>should be removed because the youth employed to ride bodabodas and tuktuks will not be allowed to put them on these motorcycles by their employers.</p>
<p>22nd November 2018</p> <p>Kilifi, Lamu&Tana River Counties</p>	<ul style="list-style-type: none"> • The old version of issuing classes in driving licenses should be maintained. • Displaying of L plates for one year after getting a driving license should be removed because the youth employed to ride bodabodas and tuktuks will not be allowed to put them on these motorcycles by their employers. • Instructors should be given a license that restricts them to instruct the category of vehicle they have been trained in. • Expiry of driving license after six months when the rules are enacted – This clause should be amended to provide for renewal and not cancellation of the driving license. • Drivers with experience in Category B and Category C should not be required to have four years' experience for Category E. • If a person has experience driving a light truck he/she can drive a small vehicle. • The requirement of having comprehensive insurance for driving school vehicles will be costly. • An Instructor's License to be valid for a period two years.
<p>27th November 2018</p> <p>Machakos, Kitui&Makueni Counties</p>	<ul style="list-style-type: none"> • An Instructor's License to be valid for a period five years. • The requirement that driving test shall be conducted over a distance of 5km should be increased to 15 km so as to enable students have a further understanding of road design. • Displaying of L plates for one year after getting a driving license should be removed. • The land in Makueni is scarce consequently the Manoeuvring yard

	<p>required by every driving school is not achievable hence the Government should provide land which will be shared by all driving schools.</p>
<p>29th November 2018</p> <p>Garissa, Wajir and Mandera Counties</p>	<ul style="list-style-type: none"> • The validity of an instructor's Licence should be for a period of four years. • The requirement of issuance of an Interim Driving Licence should be removed since students pay Ksh. 650 for it and thereafter pay Ksh. 3050 for the issuance of a Smart Driving Licence. • Since Tuktuks categorised as PSV are they then supposed to have a Class A endorsement inclusive of Class F & G endorsement? • Garissa Land is scarce hence the government should avail land to be shared by all driving schools in Garissa. • The minimum qualifications of an Instructor should be captured in the rules.
<p>30th November 2018</p> <p>Nairobi</p>	<ul style="list-style-type: none"> • Development of the curriculum to be used in schools should involve all stakeholders. • Driving schools should train drivers on reading maps • Category A1 Moped – How will the learner apply for a driving license if the minimum age is 16 years? • The fees for the various licenses are high and should be reviewed downwards. • There is no space in the County for a driving school to have a maneuvering yard. • The requirement of driving school vehicles should be comprehensively insured should be changed to Third Party Insurance. • Instructor's license should be valid for two years.

- Training learners while carrying passengers should be allowed.
- The old version of issuing classes in driving licenses should be maintained.
- progression within classes – the age limit should be reviewed
- Category G – The requirement of having a driving license should be removed.
- The training of Category B and Category C should be allowed.
- Category D1 and D2 should be combined.
- The instructor License fee should not be more than Ksh. 1000
- Application for a driving test fee should not be more than Ksh. 1000.
- Category A and Category B license fee should be reduced to Ksh.10,000
- Minimum testing for a learner to be 5Km-The requirement should be removed entirely.
- The requirement of displaying L plates for one year after receiving a driving license should be reduced to three months.
- Inspection of driving school vehicles should be done once per year.
- The space requirement in rule 7(2) (b) should be two feet squared.
- A driving school should have a minimum of one instructor.
- Qualifications of a school manager should be:
 1. Possess a KCSE certificate or its equivalent
 2. Possess a certificate in Business Management
 3. Have a driving license for not less than five years.
 4. Must have been an instructor for three years.
 5. Must be computer literate.
- Qualifications of an Instructor should be:
 1. Has undergone a driver instructor training from a recognized institution.

	<p>2. Possess a KCSE certificate or its equivalent</p> <p>3. Have a driving license for not less than five years.</p> <ul style="list-style-type: none"> • Instructors should be given a license that restricts them to instruct the category of vehicle they have been trained in.
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c. Actions after public participation.

Following the conclusion of the public participation exercise, the Authority relooked at the proposed rules and made several changes incorporating the views of the public where applicable and addressing some of the gaps that we noted existed.

In regard to the issues captured in the preceding summary, the amendments done are as follows:

	SECTION. (RULES PRIOR TO PUBLIC PARTICIPATION).	ISSUE	REMEDIAL ACTION
1.	<p>Requirement for a maneuvering yard. Rule 2(e).</p> <p><i>(2) An application for a driving school licence shall be made to the Authority in the form prescribed in the First Schedule and accompanied by-</i></p> <p><i>(e) evidence of availability of maneuvering yard for use by the driving school for training of learners who have not obtained a</i></p>	<p>Driving schools especially those based in urban areas raised concerns about the availability of space for maneuvering yards.</p>	<p>This rule was deleted and instead the Rules require that any student on any public road have a provisional driving license (pdl) and conditions and restrictions introduced to pdls.</p>

	<p>learner's permit</p>		
2.	<p>Suitability of premises. Rule 6(2)(b)</p> <p><i>(2) In determining the suitability of a proposed school under paragraph (1), the Authority shall consider the availability of-</i></p> <p><i>(b) a theory class room with a minimum seating capacity of eight students of which each has a space of at least two metres square;</i></p>	<p>Driving schools especially those based in urban areas raised concerns about the availability of space for maneuvering yards.</p>	<p>The rules were amended to reduce the minimum seating capacity from 8 to 4 and minimum space from 2 sqmetres to 1 sqmetres.</p>
2	<p>Qualifications for school manager. Rule 8.</p> <p><i>8. (1) A driving school shall have a school manager who shall-</i> (a) ensure the preparation of all teaching materials according to the curriculum; (b) oversee the preparation and conducting of all internal exams; and (c) perform all record keeping and reporting obligations of the school.</p>	<p>There were concerns raised as to the theory classes specifically the minimum seating capacity and space.</p>	<p>The rules separated the school manager as espoused in rule 8 and the normal managerial person .</p> <p>Further qualifications were introduced based on the stakeholder and public contributions .</p>
3	<p>Qualifications of a driving instructor. Rule 14(2).</p> <p><i>14.(2) A person may apply for an instructor's licence if that person meets the minimum conditions for the</i></p>	<p>There was a concern that this rule ought to stipulate clearly the minimum conditions which should include the minimum number</p>	<p>The qualifications were introduced based on the stakeholder and public contributions .</p>

	<i>relevant class of vehicles.</i>	of driving years and educational qualifications.	
4	Carrying of passengers by student drivers. Rule 22	There was a mixed reaction to this rule despite the fact that it is currently contained in the 1971 rules with some wanting it to be deleted to allow for a student to carry other students and passengers.	This rule was retained as it is as it was decided that it would be dangerous and fool hardy to allow a student who is not versed in driving to carry other students.
5	Driving categories. Rule 23 and Third Schedule. <i>23. A driving licence shall be classified into the categories set out in the Third Schedule.</i>	The general issue was the interrelation of the categories i.e. if one can drive a truck in category C why should the person not be able to drive a light vehicle in category B? There were concerns that there are too many subcategories that should be merged.	These categories were aligned with the Vienna Convention on Road Traffic and subcategories reduce and interrelation improved as contained in the Third Schedule.
6	Minimum distance for road test. Rule 27(1) <i>27.(1) The Authority shall</i>	There was a concern that a minimum distance of 5 kilometers for a road	This rule was changed and the minimum distance for a road test reduced to 3 kms.

	<p><i>conduct a driving test that shall at the minimum consist of-</i></p> <p><i>(a) a practical driving examination conducted over a minimum distance of five kilometers;</i></p>	<p>test was not practical and this ought to be reduce to between 1-3 kilometers.</p>	
7	<p>Display of “L” sign after acquisition of driving license. Rule 27(4).</p> <p><i>(4) A person who has passed a driving test shall be required to display the “L” sign for a period of one year from the date of issue of the driving licence.</i></p>	<p>There was a concern that this requirement would serve no real purpose as it was not necessarily the case that a new driver was the owner of the vehicle he was driving.</p>	<p>This rule was deleted.</p>
8	<p>Driving training provisions for persons with disability.</p>	<p>There was concerns from the persons with disabilities that the rules did not make any provision for them.</p>	<p>A rule relating to persons with disabilities was introduced.</p>
	<p>Fees applicable.</p>	<p>There was a consensus on the need to increase the fees applicable. However concerns were raised on the proposed</p>	<p>Fees revised accordingly.</p>

		increases and suggestions made to reduce the increases.	
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Other amendments made include:-

1. Expansion of the rules dealing with driving licenses to comprehensively deal with the issue of driving licenses including recognition of international driving permits as espoused in the Vienna Convention on Road Traffic 1968.
2. Restrictions on school advertising.

C. CONCLUSION.

The proposed Rules have undergone intense and participatory stakeholder and public consultation as required by the Constitution and Statutory Instruments Act as evidenced by the substantive changes to the original proposal.

Further it is our firm belief that the Rules once enacted and implemented will ensure that the standards of driving training, instruction and testing will dramatically improve thereby leading to a notably reduction in the number of fatalities in Kenya.