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DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

REPORT ON:

THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF
2026)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 27 AUG 2026	DAY: Thursday
TABLED BY:	Hon. Kiset Komingo, MP (Member)
CLERK-AT THE-TABLE:	hormale

Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

AUGUST, 2026



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LIST OF ABBREVIATIONS

Cap.	-	Chapter (of the Laws of Kenya)
CS	-	Cabinet Secretary
LoDDCA	-	Long-Distance Drivers and Conductors Association
NPS	-	National Police Service
NTSA	-	National Transport and Safety Authority
PSV	-	Public Service Vehicle

LIST OF ANNEXURES

Annexure 1: Adoption List for the Report

Annexure 2: Minutes of the Committee on sittings to consider the Bill and adoption of the report

Annexure 3: Newspaper advertisement inviting the public to submit memoranda on the Bill

Annexure 4: Correspondence to stakeholders requesting for submissions on the Bill

Annexure 5: Copy of the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026)

Annexure 6: Written submissions from Stakeholders.

CHAIRPERSON'S FOREWORD

This report presents the proceedings of the Departmental Committee on Transport and Infrastructure on its consideration of the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) which was read a First Time on 16th April 2026 and subsequently committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House pursuant to the provisions of Standing Order 127.

The Bill seeks 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.

In accordance with Article 118 (1) of the Constitution and Standing Order 127 (3), the Clerk of the National Assembly placed advertisements in the print media on 18th April 2026 requesting for comments on the Bill from the public and relevant stakeholders. Further, through letters Ref: NA/DDC/T&I/2026/036; and NA/DDC/T&I/2026/037 dated 22nd April 2026, the Committee invited stakeholders for a meeting to discuss the Bill. The Committee received memoranda from five (5) stakeholders.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. I wish to express my appreciation to the Committee Members and the Committee Secretariat for their resilience and devotion to duty, which made the consideration of the Bill successful. Finally, I wish to express gratitude to the Members of the public who submitted their views and comments on the Bill. Their views and comments indeed were vital in the consideration of the Bill.

On behalf of the Departmental Committee on Transport and Infrastructure and pursuant to Standing Order 127 (4), it is my privilege and honour to present to this House the Committee's Report on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026).

Having considered the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026), the Committee recommends that the House approves the Bill with amendments as outlined in the Schedule under Chapter Six of this Report.

HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

CHAPTER ONE

1.0 PREFACE

1.1 Establishment of the Committee

1.The Departmental Committee on Transport and Infrastructure is one of the twenty Departmental Committees of the National Assembly established under Standing Orders 216 whose mandate pursuant to Standing Order 216(5) is as follows:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
- c) On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
- d) To study and review all the legislation referred to it;**
- e) To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- f) To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- g) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);
- h) To examine treaties, agreements and conventions;
- i) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- j) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- k) To examine any questions raised by Members on a matter within its mandate.

1.2 Mandate of the Committee

2.In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider transport, including non-motorized transport and maintenance of Roads, rails, air and marine transport, seaports and national integrated infrastructure policies and programmes and transport safety.

3.In executing its mandate, the Committee oversees the Ministry of Roads and Transport which has the following State Departments: State Department for Roads, State Department for Transport, and State Department for Aviation and Aerospace Development; and the State Department for Shipping and Maritime Affairs which is under the Ministry of Mining, Blue Economy, and Maritime Affairs.

1.3 Committee Membership

4. The Departmental Committee on Transport and Infrastructure was reconstituted by the House on 5th March 2025 and comprises the following Members:

Chairperson

The Hon. G.K. George Kariuki, CBS, MP
Ndia Constituency

United Democratic Alliance Party

Vice Chairperson

The Hon. Mutua Didmus Wekesa Barasa, MP
Kimilili Constituency

United Democratic Alliance Party

Members

The Hon. Samuel Arama, MP
Nakuru Town West Constituency

Jubilee Party

The Hon. Festus Mwangi Kiunjuri, MP
Laikipia East Constituency

The Service Party

The Hon. Abdul Rahim Dawood, MP
Imenti North Constituency

Independent Member

The Hon. Bady Bady Twalib, MP
Jomvu Constituency

Orange Democratic Movement Party

The Hon. Johnson Many Naicca, MP
Mumias West Constituency

Orange Democratic Movement Party

The Hon. Husseinweitan Abdirahman, MP
Mandera East Constituency

Orange Democratic Movement Party

The Hon. Elsie Muhanda, MP
Kakamega County

Orange Democratic Movement Party

The Hon. Komingoi Kibet Kirui, MP
Bureti Constituency

United Democratic Alliance Party

The Hon. Francis T. J. Kajwang, MP
Ruaraka Constituency

Orange Democratic Movement Party

The Hon. Ibrahim Abdi Saney, MP
Wajir North Constituency

United Democratic Alliance Party

The Hon. John Kiragu Chege, MP
Limuru Constituency

United Democratic Alliance Party

The Hon. Zaheer Jhanda, MP
Nyaribari Chache Constituency

United Democratic Alliance Party

The Hon. Betty Njeri Maina, MP
Murang'a Constituency

United Democratic Alliance Party

I.4 Committee Secretariat

5.The Committee is facilitated by the following Secretariat:

Head of Secretariat

Mr. John Mugoma

Clerk Assistant I

Mr. Mohamednur M. Abdullahi
Clerk Assistant III

Mr. Binensa Mabungu
Clerk Assistant III

Ms. Patricia Gichane
Legal Counsel I

Mr. Abdinasir Moge
Fiscal Analyst II

Mr. Erick Kariuki
Research Officer III

Mr. Kevin Obilo
Media Relations Officer III

Ms. Faith Makena
Serjeant-at-Arms II

Ms. Rehema Koech
Audio Assistant III

CHAPTER TWO

2.0 BACKGROUND

2.1 Introduction

6.The Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) is sponsored by the Hon. Robert Ngui Basil, MP. The principal object of the 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.

7.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.

2.2 Analysis of the Bill

The Bill contains two (2) Clauses which provide the following amendments:

8.**Clause 1** provides for the short title.

9.**Clause 2** seeks to amend Section 107 that provides for the Detention of vehicles at a police station or other place of safety any vehicle which has been removed from a road or other public place under section 106 until such inquiries have been made by the police as they may think necessary in the circumstances of the case.

10.**Clause 2** proposes to amend the Traffic Act by inserting the following new section immediately after section 107—

- 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.*

2.3 Legal Framework

Constitution of Kenya

14. Article 40 of the Constitution provides for the protection of the right to property. Article 40 (3) (b)(ii) limits this right to property for a public purpose and in the public interest, the deprivation should however be carried out in accordance to the Constitution and any law enacted by Parliament, that allows the property owner a right to access a court of law.

Traffic Act, Cap. 403

15. The Bill seeks to qualify section 107 of the Traffic Act Cap 403 which provides as follows—
107. *Detention of vehicles, “It shall be lawful for any police officer to detain at a police station or other place of safety any vehicle which has been removed from a road or other public place under section 106 until such inquiries have been made by the police as they may think necessary in the circumstances of the case”.*
16. Section 107 makes reference to section 106 that provides for grounds for removal of a vehicle from the road by a police officer. In particular, section 106 provides for the following—
- a) Subsection (1) provides for the removal of a vehicle where it is found in use in contravention of the provisions of the Act or the East African Community Vehicle Load Control Act, 2016, where it appears to have been abandoned or should be removed to a place of safety or where it has been left in a position that causes or is likely to cause danger to other road users and the owner or driver cannot readily be found.
 - b) Subsection (2) provides that any expenses incurred in towing, transporting, driving, removing, repairing, adjusting or off-loading the vehicle shall be payable by the owner of the vehicle and that the vehicle shall be released upon payment of those expenses or upon written certification that the vehicle may be released before payment.
 - c) Subsection (3) provides that a police officer or inspector who orders the removal of a vehicle shall not be liable for any damage to or loss of any item from the vehicle during its removal to or detention at a police station or other place of safety.
 - d) Subsection (4) provides that a police officer, licensing officer or inspector may prohibit the use of a vehicle where he is of the opinion that it is being used in contravention of section 55 or 56 or any rules relating to the construction, use and equipment of vehicles, under such conditions and for such purposes as may be necessary for the safety of the public or to ensure compliance with those provisions. (Sections 55 and 56 prescribe requirements relating to vehicle roadworthiness and weight and load restrictions that comply with the requirements of the Act and that does not endanger other road users).
 - e) Subsection (4A) provides that where an order prohibiting the use of a vehicle is made under subsection (4), the police officer, licensing officer or inspector may remove the vehicle identification plates and the vehicle licence and deliver them to the Authority (NTSA) for safekeeping while the order remains in force.

- f) Subsection (5) provides that any person who permits the use of or drives a vehicle in respect of which a prohibition or restriction is in force otherwise than in accordance with the conditions or purposes specified in the order upon conviction commits an offence and is liable upon conviction to a fine not exceeding fifty thousand shillings and for a second or subsequent conviction to a fine not exceeding seventy-five thousand shillings, or to imprisonment for a term not exceeding twelve months.
- g) Subsection (6) provides that any order issued under the section shall be in writing.
- h) Subsection (7) provides that where a vehicle is required to be examined and tested for the purpose of being certified as complying with the provisions of the Act, the fee, if any, shall be paid by the owner of the vehicle.
- i) Subsection (8) provides that any person who fails to comply with this section or order given thereunder commits an offence and is liable on conviction, where no penalty is specifically provided, to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months.

Criminal Procedure Code

- 17. Section 121 (1) of the Criminal Procedure Code provides for detention of property seized and the orders the court may issue. In subsection (1) the property seized may be detained until the conclusion of the case or the investigation, reasonable care being taken for its preservation.
- 18. Subsection (2) provides that if an appeal is made or if a person is committed for trial, the court may order it to be further detained for the purpose of the appeal or the trial.
- 19. Subsection (3) provides that if no appeal is made or if no person is committed for trial, the court shall direct the thing to be restored to the person from whom it was taken unless the court sees fit or is authorised or required by law to dispose of it otherwise.
- 20. Therefore, for a vehicle not committed for trial the vehicle owner may apply to the court for its release from detention. The Criminal Procedure Code section 121 provides an avenue to challenge prolonged detention of a vehicle by the police.
- 21. The existing legal framework provides recourse to vehicle owners against prolonged detention of vehicles by seeking the intervention of the courts. In particular, section 121(3) of the Criminal Procedure Code requires the court to direct the restoration of seized property where no appeal is made or no person is committed for trial, consistent with Article 40 of the Constitution, which protects the right to property and arbitrary deprivation of property. Consequently, a vehicle owner may seek appropriate orders from the court for the release of their vehicle.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION/STAKEHOLDER ENGAGEMENT

22. Following the request for memoranda from the public and stakeholders by the Clerk of the National Assembly through placement of advertisements in the print media on 18th April 2026 and vide letters Ref: NA/DDC/T&I/2026/036; and NA/DDC/T&I/2026/037 dated 22nd April 2026, inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026):

- a) The Ministry of Roads and Transport;
- b) The National Police Service;
- c) The Boda Boda Safety Association of Kenya;
- d) The Matatu Owners Association; and
- e) The Long-Distance Drivers and Conductors Association (LoDDCA)

23. The stakeholders submitted as follows:

3.1 Ministry of Roads and Transport

In a letter dated 18th May 2026, the Cabinet Secretary, Mr. Davis Chirchir, submitted as follows on the Bill:

24. The Ministry reviewed the Bill and supports the introduction of Section 107A, which establishes a legal framework and time limits for detention of vehicles and motorcycles. This is a progressive reform that enhances fairness, accountability, and transparency while preserving enforcement powers.
25. However, to ensure effective implementation, safeguard constitutional rights, and support road safety objectives, the Ministry of Roads and Transport proposed the following amendments:

Introduction of a Detention Notice and Release Record Framework

26. There is need to introduce a formal Detention Notice and Release Record System to enhance transparency, accountability, and procedural fairness in the detention and release of vehicles. The framework will ensure that: vehicle owners are informed of the legal basis of detention; a clear audit trail of enforcement actions is maintained; the condition of the vehicle is recorded at detention and release; disputes are minimized through objective, contemporaneous records; any variation in condition is objectively identifiable; and liability for loss or damage can be determined fairly and transparently.

27. The framework will strengthen evidentiary integrity, administrative fairness and dispute resolution by reducing reliance on subjective recollection. Lastly, it addresses the needs of both parties i.e. the detaining authority, and the vehicle owner, who have mutual interest in accurately recording the condition of the vehicle at both stages, so that any variation is objectively verifiable.

Proposed Amendments from the Ministry of Roads and Transport

28. In light of the above, the Ministry of Roads and transport proposed the following amendments:

Insert the following new subsections immediately after subsection (I)

- (IA) A police officer detaining a vehicle or motorcycle shall issue a written detention Notice to the owner, driver or person in control thereof.*
- (IB) The Detention Notice shall specify: (a) The registration number and description of the vehicle or motorcycle; (b) The date, time and place of detention; (c) The condition of the vehicle or motorcycle at the time of detention, including visible damage or defects; (d) The alleged offence or legal basis for detention; (e) The purpose of detention; (f) The place of custody; (g) The name, rank and service number of the officer; and (h) The maximum period of detention applicable under this section.*
- (IC) Upon release of a detained vehicle or Motorcycle, the officer in charge or designated officer shall prepare a Release Record in respect of the vehicle or motorcycle, referencing the Detention Notice and specifying: (a) The date, time and place of release; (b) The condition of the vehicle or motorcycle at the time of release; (c) Any observable variation from the condition recorded at the time of detention; and (d) The name, rank and service number of the releasing officer.*
- (ID) The Release Record shall be signed by the owner, driver or authorized representative of the vehicle or motorcycle acknowledging receipt of the vehicle or motorcycle in the condition recorded therein, and a copy thereof shall be issued to such person: Provided that where the owner, driver or authorized representative disputes the condition of the vehicle or motorcycle as recorded in the Release Record, such person shall be entitled to record the nature of such dispute on the Release Record prior to signing and shall not be compelled to sign an acknowledgement of acceptance of the recorded condition; and Provided further that the existence of a dispute shall not constitute a ground for refusal, withholding or delay of release of the vehicle or motorcycle where all statutory requirements for release have been met.*
- (IE) The Detention Notice and the Release Record shall be entered in a prescribed register or electronic records management system.*

29. It can be surmised that the above proposed amendment strengthens the Bill by ensuring enforcement under section 107A is efficient, transparent, accountable and constitutionally compliant.

Committee Observation

The Committee observes that the proposed amendments will strengthen the operational framework for the detention and release of vehicles. However, the Committee finds that the proposed documentation, record-keeping and release procedures are with regards to implementation, therefore are more appropriately prescribed through subsidiary legislation developed in consultation with the relevant implementing agencies and stakeholders. The Committee therefore finds the proposed amendments should be considered under regulations to determine issues such as the register for the proposed electronic records management system, the specifics of the detention and released records.

Additional Issue for Consideration by the Committee

30. The Cabinet secretary submitted that another potential gap the Ministry has noted in the Bill, which was subject to guidance from the Committee, relates to towing and related charges where a vehicle has been lawfully towed.
31. The Committee may wish to consider how the statutory maximum detention period under section 107A is intended to apply in situations where a vehicle is ready for release but towing or related charges remain unpaid, and whether such charges are intended to affect, extend or delay the release of the vehicle beyond the prescribed detention timeline.
32. In this regard, the ministry recommends that there needs the inclusion of a specific provision to address the treatment and recovery of towing and related charges, and to clearly define how such charges interact with the statutory timelines for detention and release of vehicles.

Committee Observation

The Committee observed that the issue of towing and related charges is already addressed under section 106(2) of the Traffic Act, which provides for the recovery of expenses incurred in towing, removal, repairs or off-loading of a vehicle. The section further provides that a vehicle shall not be released until the expenses have been paid or the person entitled to the payment has certified in writing that the vehicle may be released before payment. The Committee therefore finds the proposed amendment is not necessary.

3.2 The National Police Service

Mr. Peter Thuku, Superintendent of Police (Legal Officer) appeared before the Committee on Thursday, 4th June 2026 and submitted as follows on the Bill:

33. The Service has reviewed the proposed amendments contained in the Traffic (Amendment) Bill No. 14 of 2026, which seeks to amend the Traffic Act Cap.403, to safeguard the property rights of vehicle and motorcycle owners by ensuring that they are not unreasonably deprived of their property when such vehicles are detained for purposes of enforcing provisions of section 107 of the Act.
34. In this regard, the National Police Service has no objections to the proposed amendments contained in the Bill as they do not raise any concerns from a policing, enforcement or operational perspective.

3.3 Matatu Owners' Association of Kenya

The Matatu Owners' Association of Kenya submitted a memorandum dated 8th May 2026 and submitted as follows on the Bill:

35. The Public Service Vehicle (PSV) sector, commonly referred to as the matatu industry, is a critical pillar of Kenya's economy. It provides employment to hundreds of thousands of Kenyans and delivers essential transport services to millions of citizens on a daily basis. Any legislative reform affecting this sector must therefore carefully balance road safety imperatives, enforcement efficiency, and economic sustainability.
36. While the Association acknowledges the intent of the Bill and supports the Government's objective of improving road safety, it is the considered view of the Association that the current proposal is overly narrow in scope and does not adequately address the systemic challenges confronting PSV operators.

General Observations of the Matatu Owners Association of Kenya

37. The Bill primarily introduces provisions relating to the detention of motor vehicles. However, the key structural challenges affecting the matatu sector, which any meaningful reform must address include the following: Arbitrary and prolonged detention of vehicles without adequate legal safeguards; corruption and informal roadside settlements that undermine lawful enforcement; lack of accountability and transparency in enforcement actions; disproportionate targeting of drivers rather than operators and systemic structures; and significant economic losses arising from unpredictable and inconsistent enforcement practices.

Proposed Amendments

Amendment to the Proposed Section 107A - Detention of Vehicles

38. The proposed provision does not adequately safeguard PSV operators against economic loss or arbitrary enforcement. They proposed that the following safeguards be inserted: a maximum detention period that is strictly capped and automatically enforceable which should be twenty-four (24) hours; mandatory written or digital justification for every instance of vehicle detention; compensation for unlawful or excessive detention; and automatic release where no charges are preferred within a prescribed period. This is because matatus operate on daily revenue cycles. Even

brief periods of detention result in significant financial losses affecting vehicle owners, drivers and their dependants. The absence of clear detention limits creates conditions conducive to corruption

Committee Observation

The Committee rejected this proposal as the suggested 24-hour period by the Matatu Owners Association of Kenya may be limited and impractical for the police to carry out necessary inquiries or investigations as may be necessary in circumstances of the cases.

Introduction of a Digital Enforcement Framework

39. Manual enforcement creates systemic opportunities for corruption and inconsistency in the application of traffic laws. They proposed the introduction of a statutory requirement for: electronic ticketing systems; digital recording of all offences and detentions; and cashless payment mechanisms for traffic penalties. These measures should be implemented in collaboration with the National Transport and Safety Authority (NTSA) and the National Police Service (NPS). This is because digitization of enforcement will enhance transparency, reduce corruption, and provide verifiable records of enforcement actions.

Committee Observation

The Committee rejects this proposal because the proposed amendments go beyond the scope of the Bill.

Shared Liability Framework for PSV Operations

42. Motor vehicle owners and drivers are disproportionately penalized frequently as they undertake their operations. The Association proposed the introduction of joint liability provisions encompassing: vehicle owners; SACCOs and operators; and drivers. This is because a shared liability framework will ensure accountability at all levels of the PSV value chain and address the systemic causes of non-compliance rather than focusing solely on an individual.

Committee Observation

The Committee observed that issues relating to the liability of drivers, owners and other SACCO's are addressed under the relevant offence provisions of the Traffic Act. The Committee therefore finds the proposed amendment unnecessary, as it widens the scope of the Bill beyond the detention of vehicles.

Regulation of Police Powers and Roadside Stops

47. PSVs are frequently subjected to arbitrary and repetitive roadside stops that cause operational delays and create opportunities for extortion. They proposed that the Bill be amended to require reasonable suspicion or a lawful inspection basis for any roadside stop; mandate digital recording of all stops

where technologically feasible; and limit repetitive stops within short distances on the same route. These measures will reduce harassment and operational delays while preserving the lawful authority of enforcement officers.

Committee observation

The Committee rejected this proposal as section 105 of the Traffic Act, Cap. 403 allows for any police officer in uniform to stop any vehicle for the purpose of carrying out any examination and test of the vehicle with a view to ascertaining whether the provisions of this Act are being complied with or with a view to ascertaining whether the vehicle is being used in contravention of this Act.

Protection of Vehicles in Police Custody

49. Vehicles are frequently damaged or lose parts while held in police custody, with no effective recourse available to owners. They proposed that the Bill be amended to impose statutory duty of care on enforcement agencies with respect to vehicles in their custody; and provide for compensation where a vehicle suffers loss or damage while in custody.

Committee Observation

The Committee observes that the Bill already provides for a duty of care in relation to vehicles and motorcycles held in police custody. The Committee further observes that claims for loss or damage may be pursued under the applicable legal framework for such liability. The Committee therefore finds the proposed amendment is not necessary.

Time- Bound Charging of Offences

51. Vehicles are routinely detained for extended periods without any formal legal action being taken. They proposed that the Bill be amended to require that any alleged offence be formally charged within 24 hours of detention; and provide for unconditional release of the vehicle where no charge is preferred within the prescribed period. This proposal aligns enforcement practice with the constitutional guarantees of fair administrative action under Article 47 of the Constitution of Kenya, 2010.

Committee Observation

The Committee observes that the decision to institute criminal proceedings depends on the completion of investigations and the availability of sufficient evidence. The Committee therefore finds the proposed amendment unnecessary, as prescribing timelines for charging offences extends the scope of the Bill beyond the regulation of the detention of vehicles. The Committee further observes that a vehicle owner has

recourse to the courts under section 121 of the Criminal Procedure Code to seek appropriate orders relating to the detention or release of the vehicle.

PSV-Specific Operational Framework

54. The Bill does not recognize the unique nature of PSV operations or the industry structures through which they are regulated. They proposed that the Bill be amended to introduce provisions for SACCO and Company-based compliance monitoring; establish driver conduct and discipline frameworks within SACCOs and Companies; and introduce escalating sanctions for repeat offences at operator level. This approach addresses the root causes of non-compliance rather than focusing on symptomatic enforcement at the point of individual transgression.

Committee Observation

The Committee rejected this proposal as it is beyond the scope of the Bill.

Establishment of an Independent Complaints Mechanism

57. PSV operators currently lack effective recourse against unlawful or excessive enforcement actions. They proposed that the Bill be amended to create a clear, accessible and independent complaints and redress mechanism; and prescribe a time-bound resolution period of not more than (14) days. This is because an effective complaints mechanism will improve accountability, build confidence in enforcement institutions, and reduce informal dispute resolution practices.

Committee Observation

The Committee rejects this proposal as it is beyond the scope of the Bill.

Policy Considerations

58. The Association emphasizes the following overarching policy considerations to be taken into account in processing the Bill: the matatu sector is one of Kenya's most significant employers and a major driver of urban and peri-urban economic activity; overly punitive or poorly structured enforcement disrupts the livelihoods of hundreds of thousands of Kenyans who depend on the PSV industry directly and indirectly; legislative reform must prioritise predictability, fairness, and transparency in enforcement-qualities that enhance voluntary compliance and public confidence in the law; and the most effective road safety outcomes are achieved through systemic, sector-wide accountability frameworks rather than through punitive individual enforcement.

59. The Matatu Owners Association of Kenya, in conclusion, submitted that the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026), in its current form, requires substantial enhancement to adequately address the practical and constitutional realities facing the PSV sector.

3.4 The Long-Distance Drivers and Conductors Association

The Long-Distance Drivers and Conductors Association, submitted a memorandum proposing as follows:

60.LoDDCA supports the intent of the Bill, particularly its objective of preventing unreasonable deprivation of property under Article 40 of the Constitution. However, without clear procedural safeguards, the implementation of section 107A may still expose commercial transport operators to: disproportionate economic losses; operational paralysis of logistics chains; and inconsistent application of detention powers.

Clause-By-Clause Submission

Section 107A(1): Grounds for Detention

61.LoDDCA supports the principle that detention shall only be for evidentiary or investigative purposes. However, LoDDCA recommends clarification that detention must be strictly necessary and proportionate to the offence under investigation. This is because the clause is sound in principle but requires proportionality safeguards to prevent routine or automatic detention where alternative evidentiary methods exist.

Committee Observation

The Committee observed that the proposed amendment is not necessary as the Bill sufficiently sets out the grounds upon which a vehicle may be detained.

Section 107A(2)(a): Forty-Eight Hour Limit for Evidence

62.LoDDCA supports the 48-hour limitation and recommends strengthening the clause to make digital documentation the default evidentiary standard. They proposed that the Bill be amended to provide that where photographic evidence, electronic inspection reports, or digital inventory records are sufficient, the vehicle shall be released immediately upon completion of documentation without awaiting expiry of the 48-hour period. This is because commercial vehicles are productive economic assets. Extended physical detention where evidence is already secured introduces avoidable economic loss without improving evidentiary value.

Committee Observation

The Committee observed that the proposed forty-eight-hour detention period provides a reasonable balance for investigation or inquiries and the rights of vehicle owners. The Committee therefore found the proposed amendment unnecessary, as immediate release upon documentation may be impractical.

Section 107A(2)(b): 14-Day Investigation Period

63.LoDDCA supports the maximum cap but proposes judicial oversight for extended detention beyond 72 hours. They proposed that the Bill be amended to provide that any detention of a vehicle beyond 72 hours for investigation purposes shall require: (a) Written justification by the investigating officer; and (b) Approval by a court or magistrate demonstrating necessity beyond documentary evidence. While investigations may require time, prolonged detention without oversight risks abuse of process and undermines fair administrative action under Article 47 of the Constitution.

Committee Observation

The Committee observed that the proposed fourteen-day investigation period is reasonable for investigative purposes. The Committee therefore found the proposed amendment unnecessary, noting that section 121 of the Criminal Procedure Code already provides a judicial mechanism for addressing the continued detention of property.

Section 107A(3): Duty of Care

64.LoDDCA strongly supports the statutory duty of care but proposes mandatory custody documentation standards. They proposed that the Bill be amended to provided that Police Stations shall maintain: (a) a digital and physical custody register; (b) a photographic inventory record at point of detention; and (c) a joint inspection records where feasible involving the driver or vehicle representative. This ensures accountability and prevents loss, vandalism, or degradation of commercial vehicles while in custody.

Committee Observation

The Committee observed that the proposed documentation requirements are operational and more appropriately addressed through subsidiary legislation or administrative guidelines. The Committee therefore finds the proposed amendment unnecessary.

Additional Proposed Amendments

65.LoDDCA proposes inclusion of PSVs under section 107A protections. “Section 107A shall apply equally to Public Service Vehicles, including buses, minibuses, and other licensed passenger transport vehilcles engaged in domestic and cross- border operations.” PSVs are essential transport infrastructure. Their detention directly impacts passenger mobility, economic productivity and national transport continuity.

Committee Observation

The Committee observed that the proposed amendment is unnecessary, as the Bill applies to all motor vehicles and motorcycles without distinction. Public Service Vehicles are therefore already covered under the proposed section 107A.

- 66.LoDDCA proposes that where a vehicle is detained for offences relating to roadworthiness, maintenance, licensing, insurance, or safety compliance, investigations should consider the responsibility of both the driver and the registered owner or operator. “Where a vehicle is detained under section 107A for purposes of evidence or investigation of offences under section 107-Enforcement officers shall not presume that the driver is solely responsible for the alleged offence arising from vehicle condition or compliance failures; Investigations shall, where applicable, extend to the registered owner, employer, SACCO, company or fleet operator responsible for maintenance, deployment, or operational control of the vehicle; Detention and investigation processes shall ensure balanced attribution of responsibility based on control, maintenance obligations and operational roles.”

Committee Observation

The Committee observed that issues relating to the liability of drivers, owners and other responsible persons are addressed under the relevant offence provisions of the Traffic Act. The Committee therefore finds the proposed amendment unnecessary, as it widens the scope of the Bill.

- 67.LoDDCA proposes a fast-track release mechanism for time-sensitive cargo. “Where a detained vehicle is carrying perishable goods, medical supplies or transit cargo under domestic or cross- border logistics arrangements, the vehicle shall be released on a conditional bond within six to twelve hours upon completion of evidentiary documentation, subject to court availability.”

Committee Observation

The Committee finds that the proposal introduces matters relating to the detention and release of specific categories of cargo, which fall outside the scope of the Bill. The Committee therefore finds the proposed amendment unnecessary.

3.5 Boda Boda Safety Association of Kenya

The BodaBoda Safety Association of Kenya made a written submission as follows:

- 68.The BodaBoda Safety Association of Kenya welcomes the Bill’s proposal to establish clear timelines for detention. The provision limiting detention to forty-eight hours where photographic or assessment evidence is sufficient, and to a maximum of fourteen days for investigative purposes, introduces much needed certainty, accountability and fairness into the process.

69. The BodaBoda Safety Association is equally encouraged by the requirement that police stations take reasonable care to preserve detained vehicles and motorcycles.
70. The amendment does not weaken law enforcement. On the contrary, it strengthens public confidence in the justice system by ensuring that investigations are conducted efficiently while safeguarding the constitutional right to property and the livelihoods of hardworking Kenyans.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

Having considered the Bill and submissions from stakeholders, the Committee made the following observations on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026):

1. The Bill seeks 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.
2. The Bill limits 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.
3. The Committee observed that the proposed section 107A complements the existing framework under sections 106 and 107 of the Traffic Act by prescribing timelines for the detention of vehicles and motorcycles while preserving the court's powers under section 121 of the Criminal Procedure Code.
4. The Committee observed that although several stakeholder proposals sought to strengthen the operational framework for the detention and release of vehicles, many of the proposed measures are administrative in nature. The Committee is of the view that primary legislation should establish the substantive legal framework, while implementation procedures and documentation requirements should be prescribed through subsidiary legislation or administrative guidelines.
5. The Committee further observed that, in developing such subsidiary legislation or administrative procedures, the relevant implementing agencies and affected stakeholders should be consulted to ensure the procedures are practical, clear and capable of effective implementation.
6. The Committee observed that while the proposed detention timelines enhance certainty the implementation of the Bill will require clear operational procedures as proposed by the stakeholders to ensure consistent application by enforcement agencies and to safeguard the rights of vehicle owners.
7. The Committee observed that the proposed amendment does not seek to limit the investigative powers of law enforcement agencies but rather to regulate the exercise of these powers through reasonable statutory timelines for the detention of vehicles and motorcycles.
8. The Committee observed that an aggrieved vehicle owner retains the right to seek appropriate relief from the courts under section 121 of the Criminal Procedure Code in relation to the continued detention or release of a vehicle.

5.0 COMMITTEE RECOMMENDATION

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 27 AUG 2026	DAY: Thursday
TABLED BY:	Hon. K. Get Kommingo (Member)
CLERK-AT-THE-TABLE:	Lorraine

CHAPTER SIX

6.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposes the following amendments to be considered by the House in the Committee Stage:

Clause 2

THAT, Clause 2 of the Bill be amended in the proposed new clause 107A by—

a) inserting a new subclause immediately after subclause (1) as follows—

(1A) A police officer who issues an order to detain a vehicle or motorcycle under subsection (1) shall issue a detention notice to the owner or driver in the prescribed form.

b) deleting subclause (3) and substituting therefor with the following new subclause—

(3) A police officer in charge of the police station where a vehicle or motorcycle is detained shall—

(a) take reasonable care for the preservation of the vehicle during its detention; and

(b) issue a release notice in the prescribed form, upon its release under subsection (2) or by a court order.

Justification

The amendment requiring the issuance of detention and release notices seeks to promote transparency, accountability and the proper exercise of police discretion by providing a clear record of the detention and release of vehicles and motorcycles, while safeguarding the rights of owners and facilitating administrative accountability of the detention process.

c) inserting a new subclause immediately after subclause (4)—

(5) The Cabinet Secretary shall make guidelines to provide for—

(a) the prescribed form for the detention and release notice; and

(b) the management of the detention and release notices in a register or electronic records management system.

Justification

The proposed documentation, record-keeping and release procedures are with regards to implementation therefore are more appropriately prescribed guidelines developed in consultation with the relevant implementing agencies and stakeholders.

for SIGNED  DATE 25/08/2026
HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT

**DEPARTMENTAL COMMITTEE ON TRANSPORT &
INFRASTRUCTURE**

REPORT ADOPTION LIST

We, the members of the Departmental Committee on Transport & Infrastructure, have pursuant to Standing Orders 216 (5c), adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

Date: 25/08/2025

No.	MEMBER	SIGNATURE
1.	The Hon. GK George Kariuki, CBS, MP – Chairperson	
2.	The Hon. Didmus Barasa, MP, CBS, - Vice Chairperson	
3.	The Hon. Kiunjuri, Festus Mwangi, MP	
4.	The Hon. Abdul Rahim Dawood, CBS, MP	
5.	The Hon. Arama Samuel, MP	
6.	The Hon. Bady, Bady Twalib, MP	
7.	The Hon. Francis, Kajwang' Tom Joseph, CBS, MP	
8.	The Hon. Naicca, Johnson Many, CBS, MP	
9.	The Hon. Chege, John Kiragu, CBS, MP	
10.	The Hon. Elsie Muhanda, MP	
11.	The Hon. Saney, Ibrahim Abdi, MP	
12.	The Hon. Hussein Weytan Mohamed, MP	
13.	The Hon. Jhanda Zaheer, MP	
14.	The Hon. Komingoi, Kibet Kirui, MP	
15.	The Hon. Maina Betty Njeri, MP	



THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE FORTY THIRD SITTING OF THE DEPARTMENTAL COMMITTEE ON
TRANSPORT AND INFRASTRUCTURE HELD ON TUESDAY, 25TH AUGUST 2026 IN
COMMITTEE ROOM 18 & 19, 3RD FLOOR, BUNGE TOWER AT 12:00 PM**

MEMBERS PRESENT

1. The Hon. Didmus Wekesa Barasa, CBS, M.P. – **Vice-Chairperson**
2. The Hon. Abdul Rahim Dawood, CBS, M.P
3. The Hon. Arama Samuel, M.P
4. The Hon. Naicca Johnson Manya, CBS, MP
5. The Hon. Muhanda Elsie, M.P
6. The Hon. Saney Ibrahim Abdi, M.P.
7. The Hon. Hussein Weytan Mohamed, MP
8. The Hon. Jhanda Zaheer, M.P
9. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. GK George Kariuki, CBS, M.P. – **Chairperson**
2. The Hon. Kiunjuri Festus Mwangi, M.P
3. The Hon. Francis Kajwang' Tom Joseph, CBS, M.P.
4. The Hon. Chege John Kiragu, CBS, M.P.
5. The Hon. Bady Bady Twalib, M.P.
6. The Hon. Maina Betty Njeri, M.P

SECRETARIAT

- | | |
|-----------------------------|---------------------------------|
| 1. Mr. John Mugoma | - Clerk Assistant I/ Lead Clerk |
| 2. Mr. Mohamednur Abdullahi | - Clerk Assistant III |
| 3. Mr. Binensa Mabungu | - Clerk Assistant III |
| 4. Ms. Patricia Gichane | - Legal Counsel |
| 5. Mr. Eric Kariuki | - Research Officer |
| 6. Mr. Abdinasir Moge | - Fiscal Analyst |
| 7. Ms. Faith Makena | - Serjeant- At-Arms |

MIN./NO.232/NA/T&I/2026:

PRELIMINARIES

The meeting was called to order at 12:15pm with a prayer by Hon. Komingoi Kibet Kirui, M.P. The Agenda of the meeting was adopted after being proposed by Hon. Naicca Johnson Manya, CBS, M.P, and seconded by Hon. Muhanda Elsie, M.P, as follows:

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising;
4. **Consideration and Adoption of the Report on the Ratification of the proposed amendment to Article 10(4) of the African Civil Aviation Commission (AFCAC) Constitution**
5. **Consideration and Adoption of the Report on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) by Hon. Robert Ngui Basil, M.P.**
6. Pending Business
7. Any Other Business
8. Adjournment

MIN./NO.233/NA/T&I/2026: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The confirmation of minutes was deferred.

MIN./NO.234/NA/T&I/2026: CONSIDERATION AND ADOPTION OF THE REPORT ON THE RATIFICATION OF THE PROPOSED AMENDMENT TO ARTICLE 10(4) OF THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC) CONSTITUTION

The Legal Counsel guided the Committee through the Report with emphasis on the following;

COMMITTEE OBSERVATIONS

Having considered the proposed amendment and the submissions received from stakeholders, the Committee observed that—

1. Article 10(4) of the AFCAC Constitution currently requires a quorum of two-thirds of the Member States for meetings of the Plenary.
2. The proposed Amendment seeks to reduce the quorum from two-thirds of the Member States to a simple majority, thereby enabling the Plenary to conduct its business where the existing quorum threshold is not attained.
3. The Amendment relates only to the quorum required for meetings of the Plenary and does not alter the decision-making threshold under Article 10(5). Decisions will continue to be made by consensus or, where consensus is not achieved, by a two-thirds majority of the Member States present and entitled to vote.
4. The proposed Amendment is consistent with the Constitution of Kenya and does not conflict with existing national legislation governing civil aviation.
5. Ratification of the Amendment will not require an amendment to existing Kenyan legislation.
6. The Amendment will facilitate the effective functioning of AFCAC and strengthen its ability to implement its mandate, including the Yamoussoukro Decision and the Single African Air Transport Market.

7. Ratification is consistent with Kenya's national interest in promoting regional integration, expanding air connectivity and strengthening its position as a regional aviation hub.
8. The stakeholders who submitted memoranda supported Kenya's ratification of the proposed Amendment, and no objections to the ratification were received.
9. The proposed ratification was subjected to public participation in accordance with Article 118 of the Constitution and section 8(3) of the Treaty Making and Ratification Act.

COMMITTEE RECOMMENDATION

Having considered the amendment and the submissions received from stakeholders, the Committee recommends that the House **approves** the Ratification of the Amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC).

ADOPTION OF THE REPORT ON THE RATIFICATION OF THE PROPOSED AMENDMENT TO ARTICLE 10(4) OF THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC) CONSTITUTION

The Report on the Ratification of the Proposed Amendment to Article 10(4) of the African Civil Aviation Commission (AFCAC) Constitution was adopted having been proposed by Hon. Komingoi Kibet Kirui, M.P. and seconded by Hon. Samuel Arama, M.P.

MIN./NO.235/NA/T&I/2026: CONSIDERATION AND ADOPTION OF THE REPORT ON THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

The Legal Counsel guided the Committee through the Report with emphasis on the following:

COMMITTEE OBSERVATIONS

The Committee had engagements with stakeholders and considered submissions received and made the following observations;

1. The principal object of the 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.
2. The Bill limits 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.
3. The Committee observes that the proposed section 107A complements the existing framework under sections 106 and 107 of the Traffic Act by prescribing timelines for the detention of vehicles and motorcycles while preserving the court's powers under section 121 of the Criminal Procedure Code.
4. The Committee observed that although several stakeholder proposals seek to strengthen the operational framework for the detention and release of vehicles, many of the proposed measures are administrative in nature. The Committee is of the view that primary legislation should establish the substantive legal framework, while implementation procedures and documentation requirements should be prescribed through subsidiary legislation or administrative guidelines.
5. The Committee further observed that, in developing such subsidiary legislation or administrative procedures, the relevant implementing agencies and affected stakeholders should be consulted to ensure the procedures are practical, clear and capable of effective implementation.

6. The Committee observes that while the proposed detention timelines enhance certainty the implementation of the Bill will require clear operational procedures as proposed by the stakeholders to ensure consistent application by enforcement agencies and to safeguard the rights of vehicle owners.
7. The Committee observes that the proposed amendment does not seek to limit the investigative powers of law enforcement agencies but rather to regulate the exercise of these powers through reasonable statutory timelines for the detention of vehicles and motorcycles.
8. The Committee observes that an aggrieved vehicle owner retains the right to seek appropriate relief from the courts under section 121 of the Criminal Procedure Code in relation to the continued detention or release of a vehicle.

COMMITTEE RECOMMENDATION

Having had engagements with stakeholders and considered submissions received, the Committee recommends that the House **approves** the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) **with amendments**.

SCHEDULE OF AMENDMENTS

Upon considering the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) and submissions from stakeholders, the Committee proposes the following amendments:

107A.

(1A) A police officer who issues an order to detain a vehicle under subsection (1) shall issue a detention notice to the owner or driver in the prescribed form.

(3) A police officer in charge of the police station where a vehicle or motorcycle is detained shall—
(a) take reasonable care for the preservation of the vehicle during its detention; and
(b) issue a release notice in the prescribed form, upon its release under subsection (2) or by a court order.

Justification:

The amendment requiring the issuance of detention and release notices seeks to promote transparency, accountability and the proper exercise of police discretion by providing a clear record of the detention and release of vehicles and motorcycles, while safeguarding the rights of owners and facilitating administrative accountability of the detention process.

(3A) The Cabinet Secretary shall make guidelines to provide for—

- (a) the prescribed form for the detention and release notice;
- (b) the management of the detention and release notices in a register or electronic records management system; and
- (c) the resolution of disputes with regards the preservation of detained vehicles.

Justification:

The proposed documentation, record-keeping and release procedures are with regards to implementation therefore are more appropriately prescribed in guidelines developed in consultation with the relevant implementing agencies and stakeholders.

ADOPTION OF THE REPORT ON THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

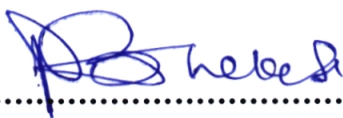
The Report on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) was adopted having been proposed Hon. Samuel Arama, M.P. and seconded by Hon. Komingoi Kibet Kirui, M.P.

MIN./NO.236/NA/T&I/2026: ANY OTHER BUSINESS

The Lead Clerk informed the Committee of a Retreat and Oversight visit with KeNHA, KURA and KeRRA scheduled to be carried out between 10th and 13th September 2026 at Venue in Naivasha, Nakuru County.

MIN./NO.237/NA/T&I/2026: ADJOURNMENT/DATE OF THE NEXT MEETING

The meeting was adjourned at 1:15 pm. The next meeting will be held on notice.

for SIGNED..........DATE.....

**HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON**



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- FIFTH SESSION (2026)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

- (1) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2026);
- (2) THE PENAL CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2026)
- (3) THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Criminal procedure Code (Amendment) Bill (National Assembly Bill No. 11 of 2026), the Penal Code (Amendment) Bill (National Assembly Bill No. 12 of 2026), and the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) were read a First Time on 16th April, 2026 and referred to the Departmental Committee on Justice and Legal Affairs and the Departmental Committee on Transport & Infrastructure, for consideration and reporting back to the House;

IT IS NOTIFIED that—

- (1) The Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 11 of 2026) is a Bill sponsored by the Hon. George Gitonga Murugara, MP, that is informed by criminal justice reform proposals submitted to Parliament by the National Council on the Administration of Justice (NCAJ). The Bill seeks to—
 - (a) align the Act with the Constitution, particularly Articles 27, 28, 29, 31, 39, 48, 49, 50, and 51, which protect equality, dignity, liberty, privacy, property, access to justice, fair trial rights, and the rights of arrested and detained persons, respectively;
 - (b) review provisions relating to transfer of cases between magistrates, suspended sentences, entering of nolle prosequi, official court languages, forfeiture of property, disposal of forfeited goods, and release of exhibits;
 - (c) introduce special procedural safeguards for persons with mental illness and aligns the Act with the Mental Health Act, Cap. 248; and
 - (d) enhance procedural efficiency, professionalism, accountability, and the effective functioning of the criminal justice system.
- (2) The Penal Code (Amendment) Bill (National Assembly Bill No. 12 of 2026) is a Bill sponsored by the Hon. George Gitonga Murugara, MP, that is informed by criminal justice reform proposals submitted to Parliament by the National Council on the Administration of Justice (NCAJ). The Bill seeks to—
 - (a) align the Act with the Constitution, relevant statutes and court pronouncements on the unconstitutionality of mandatory death sentences and the definition and punishment for the offences of "robbery" and "robbery with violence";
 - (b) incorporate constitutional principles relating to sentencing and freedom of expression in the Act;
 - (c) harmonize terminology concerning persons with mental illness with the Mental Health Act, Cap. 248;
 - (d) align provisions on children in conflict with the law with the Children Act, 2022;
 - (e) delete obsolete references to detention camps following the repeal of the Detention Camps Act by the Community Service Orders Act, No. 10 of 1998; and
 - (f) shift the burden of proof for the offences of incitement to violence and disobedience to the prosecution, in conformity with general principles of criminal law.
- (3) The Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) is a Bill sponsored by the Hon. Robert Ngui Basil, MP, that seeks to amend the Traffic Act, Cap. 403 to protect persons from being unreasonably deprived of their property through detention vehicles and motorcycles to enforce the provisions of the current section 107 of the Act.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the relevant Departmental Committees listed below—

BILL		COMMITTEE
1.	The Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 11 of 2026)	Departmental Committee on Justice and Legal Affairs
2.	The Penal Code (Amendment) Bill (National Assembly Bill No. 12 of 2026)	
3.	The Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026)	Departmental Committee on Transport and Infrastructure

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Building, and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Monday, 4th May, 2026 at 5.00 p.m.

S. NJOROGI, CBS
CLERK OF THE NATIONAL ASSEMBLY
18th April, 2026

"For the Welfare of Society and the Just Government of the People"



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/T&I/2026/037

22nd April, 2026

Mr. Mohamed Daghar, CBS

Principal Secretary
State Department for Transport
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

Mr. Nashon Kondiwa

Managing Director
National Transport and Safety Authority
Upper Hill Chambers, 2nd Ngong Avenue
P.O. Box 3602-00506
NAIROBI

Dear

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON
TRANSPORT AND INFRASTRUCTURE TO CONSIDER THE TRAFFIC
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)**

The Departmental Committee on Transport and Infrastructure is established under National Assembly Standing Order 216 and is mandated to “**study and review all legislation referred to it**”.

The Committee is considering the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026). The Bill, sponsored by Hon. Robert Nguĩ Basil, MP, seeks to amend the Traffic Act, Cap 403 to ensure that owners of vehicles and motorcycles 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.

Article 118 (1)(b) of the Constitution of Kenya and Standing Order 127 (3) requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. In this regard, the Committee hereby invites you for a meeting to make your submissions and comments on the said Bill.

The meeting is scheduled for **Thursday, 14th May 2026 at 10.00 am** at a venue to be communicated as per the attached schedule.

We request that you provide twenty (20) copies of your submissions during the meeting and send a soft copy to the Office of the Clerk of the National Assembly via email: cna@parliament.go.ke by **Friday, 8th May 2026**. We have enclosed herein a copy of the Bill for reference.

Our liaison officers for this activity are **Ms. Tracy Chebet, Head of Department (Infrastructure Sector)** who may be contacted on tel. no. **0726416794** or email: tracy.koskei@parliament.go.ke and **Mr. Mohamednur M. Abdullahi** on tel. no. **0720928507** or email: mohamednur.abdullahi@parliament.go.ke.

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Mr. Davis Chirchir, EGH
Cabinet Secretary
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI



CPA Dr. Aurelia C. Rono, CBS
Principal Secretary
State Department for Parliamentary Affairs
Office of the Prime Cabinet Secretary
Railways Building, Haile Selassie Avenue
NAIROBI



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/T&I/2026/036

22nd April, 2026

**Douglas Kanja Kirocho, MGH, CBS,
OGW**
Inspector General of Police
Jogoo House "A", 4th Floor
Taifa Road
NAIROBI

Ms. Mary Mwiti, EBS
Chief Executive Officer
Council of Governors
Delta House, Rhapta Road
NAIROBI

Mr. Albert Karakacha
Chairperson
Matatu Owners Association of Kenya
Tumaini House, 4th Floor, Moi Avenue
NAIROBI

Mr. Elvis Otieno
Secretary General
Long-Distance Drivers & Conductors
Association
Riverside Drive
NAIROBI

Mr. Kevin Mubadi
Executive Chairman
BodaBoda Safety Association of Kenya
Shimo la Tewa Road
NAIROBI

Mr. Davis Muteru
Chairman
Digital Taxis Association of Kenya
NAIROBI

Dear

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON
TRANSPORT AND INFRASTRUCTURE TO CONSIDER THE TRAFFIC
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)**

The Departmental Committee on Transport and Infrastructure is established under National Assembly Standing Order 216 and is mandated to "study and review all legislation referred to it".

The Committee is considering the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026). The Bill is sponsored by the Leader of the Hon. Robert Nguĩ Basil, MP. The Bill seeks to amend the Traffic Act, Cap 403 to ensure that owners of vehicles and motorcycles 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.

In considering the Bill, the Committee is required to engage relevant stakeholders prior to tabling its report in the House. In this regard, the Committee invites you to appear before it to make submissions on the Bill.

The meeting is scheduled for **Wednesday, 13th May, 2026** starting at **10:00 am** at a venue to be communicated as per the attached schedule.

We request that you provide twenty (20) copies of your submissions during the meeting and send a soft copy to the Office of the Clerk of the National Assembly via email: cna@parliament.go.ke by **Friday, 8th May 2026**. We have enclosed herein a copy of the Bill for reference.

Our liaison officers for this activity are **Ms. Tracy Chebet, Head of Department (Infrastructure Sector)** who may be contacted on tel. no. **0726416794** or email: tracy.koskei@parliament.go.ke and **Mr. Mohamednur M. Abdullahi** on tel. no. **0720928507** or email: mohamednur.abdullahi@parliament.go.ke.

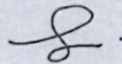
Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Dr. Raymond Omollo, PhD, CBS
Principal Secretary
State Department of Internal Security and National Administration
Ministry of Interior and National Administration
Harambee House
NAIROBI

Ms. Bernice S. Lemedeket, EBS
Secretary Administration/Accounting Officer
National Police Service
NAIROBI



CPA Dr. Aurelia C. Rono, CBS
Principal Secretary
State Department for Parliamentary Affairs
Office of the Prime Cabinet Secretary
Railways Building, Haile Selassie Avenue
NAIROBI

SPECIAL ISSUE

Kenya Gazette Supplement No. 65 (National Assembly Bills No. 14)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2026

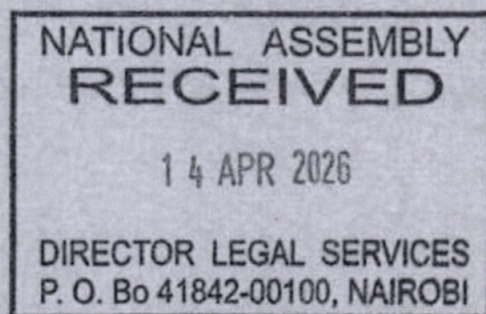
NAIROBI, 16th March, 2026

CONTENT

Bill for Introduction into the National Assembly—

PAGE

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NATIONAL ASSEMBLY
RECEIVED
P.O. BOX 41642-001 NAIROBI
KENYA

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.



REPUBLIC OF KENYA

MINISTRY OF ROADS AND TRANSPORT

PRESENTATION ON

**THE CONSIDERATION TRAFFIC (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 14 OF 2026)**

TO THE

DEPARTMENTAL COMMITTEE ON TRANSPORT AND

INFRASTRUCTURE

BY

DAVIS CHIRCHIR, E.G.H

CABINET SECRETARY

SUBMISSIONS ON THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026) TO THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

Hon Chairman, I am pleased to appear before this Honourable Committee to apprise it on the matters under consideration by the Committee as captured in the subject line, requested vide letter of *Ref. No: DA/DDC/TI/2026/037* dated 22nd April, 2026.

Hon. Chairman, the Ministry has reviewed the Bill and submit as follows;

The Ministry supports the introduction of Section 107A, which establishes a legal framework and time limits for detention of vehicles and motorcycles. This is a progressive reform that enhances fairness, accountability, and transparency while preserving enforcement powers. However, to ensure effective implementation, safeguard constitutional rights, and support road safety objectives, the Ministry proposes the following amendment:

a. Introduction of a Detention Notice and Release Record Framework

There is need to introduce a formal Detention Notice and Release Record system to enhance transparency, accountability, and procedural fairness in the detention and release of vehicles.

This framework will ensure that:

- Vehicle owners are informed of the legal basis for detention;
- A clear audit trail of enforcement actions is maintained;
- The condition of the vehicle is recorded at detention and release;
- Disputes are minimized through objective, contemporaneous records.
- Any variation in condition is objectively identifiable; and
- Liability for loss or damage can be determined fairly and transparently.

The framework will strengthen evidentiary integrity, administrative fairness, and dispute resolution by reducing reliance on subjective recollection. Lastly it addresses the needs of both parties' i.e the detaining authority, and the vehicle owner, who have a mutual interest in accurately recording the condition of the vehicle at both stages, so that any variation is objectively verifiable.

Hon. Chairman, in light of the above, the Ministry proposes the following;

Insert the following new subsections immediately after subsection (1):

(1A) *A police officer detaining a vehicle or motorcycle shall issue a written Detention Notice to the owner, driver or person in control thereof.*

(1B) The Detention Notice shall specify—

- a) the registration number and description of the vehicle or motorcycle;
- b) the date, time and place of detention;
- c) the condition of the vehicle or motorcycle at the time of detention, including visible damage or defects;
- d) the alleged offence or legal basis for detention;
- e) the purpose of detention;
- f) the place of custody;
- g) the name, rank and service number of the officer; and
- h) the maximum period of detention applicable under this section.

(1C) Upon release of a detained vehicle or motorcycle, the officer in charge or designated officer shall prepare a Release Record in respect of the vehicle or motorcycle, referencing the Detention Notice and specifying—

- a) the date, time and place of release;
- b) the condition of the vehicle or motorcycle at the time of release;
- c) any observable variation from the condition recorded at the time of detention; and
- d) the name, rank and service number of the releasing officer.

(1D) The Release Record shall be signed by the owner, driver or authorised representative of the vehicle or motorcycle acknowledging receipt of the vehicle or motorcycle in the condition recorded therein, and a copy thereof shall be issued to such person:

Provided that where the owner, driver or authorised representative disputes the condition of the vehicle or motorcycle as recorded in the Release Record, such person shall be entitled to record the nature of such dispute on the Release Record prior to signing and shall not be compelled to sign an acknowledgement of acceptance of the recorded condition.

Provided further that the existence of a dispute shall not constitute a ground for refusal, withholding or delay of release of the vehicle or motorcycle where all statutory requirements for release have been met.

(1E) The Detention Notice and the Release Record shall be entered in a prescribed register or electronic records management system.

Hon. Chairman, in conclusion, it can be surmised that the above proposed amendment strengthens the Bill by ensuring enforcement under Section 107A is efficient, transparent, accountable, and constitutionally compliant.

b. Additional Issue for Consideration

Hon. Chairman, another potential gap the Ministry has noted in the Bill, which is subject to guidance from the Committee, relates to towing and related charges where a vehicle has been lawfully towed.

The Committee may wish to consider how the statutory maximum detention period under Section 107A is intended to apply in situations where a vehicle is ready for release but towing or related charges remain unpaid, and whether such charges are intended to affect, extend, or delay the release of the vehicle beyond the prescribed detention timeline.

In this regard, the Ministry recommends that there needs the inclusion of a specific provision to address the treatment and recovery of towing and related charges, and to clearly define how such charges interact with the statutory timelines for detention and release of vehicles.

Hon. Chairman, I submit.

A handwritten signature in black ink, appearing to read 'Davis Chirchir', with a large, sweeping flourish extending to the right.

Davis Chirchir, E.G.H
CABINET SECRETARY

Date: 18th May, 2026

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OFFICE OF THE INSPECTOR GENERAL
NATIONAL POLICE SERVICE
NAIROBI – KENYA

Telegraphic Address: "IG, NPS"
Telephone: Nairobi 0202221969
When replying please quote Ref.
No. and Date

Jogoo House "A"
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P. O. Box 44249-00100
NAIROBI

NPS/IG/SEC/2/6/13/8 VOL.XXXIV (125)

4th June, 2026

Clerk of the National Assembly

Parliament Buildings
P.O Box 41842-00100

NAIROBI.

Attn: Mr. Peter K. Chemweno, OGW

**MEETING WITH THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND
INFRASTRUCTURE TO CONSIDER THE TRAFFIC (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 14 OF 2026).**

The **Inspector General** acknowledge receipt of your letter Ref:
NA/DDC/T&I/2026/044 dated **11th May, 2026** on the above subject.

The Service has reviewed the proposed amendments contained in the Traffic (Amendment) Bill No. 14 of 2026, which seeks to amend the Traffic Act, Cap. 403, to safeguard the property rights of vehicle and motorcycle owners by ensuring that they are not unreasonably deprived of their property when such vehicles are detained for purposes of enforcing the provisions of Section 107 of the Act.

In this regard, the National Police Service has no objections to the proposed amendments contained in the Bill as they do not raise any concerns from a policing, enforcement or operational perspective.

The Service appreciates the Committee's continued oversight and legislative efforts aimed at strengthening the legal framework governing traffic management and road safety in the country.

Please accept the assurances of our highest consideration.

MATHEW KUTOH
for: **INSPECTOR GENERAL**
NATIONAL POLICE SERVICE.

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MATATU OWNERS ASSOCIATION

MATATU OWNERS ASSOCIATION | PARLIAMENTARY MEMORANDUM | Traffic (Amendment) Bill 2026

REPUBLIC OF KENYA
NATIONAL ASSEMBLY

MEMORANDUM

Submitted by the
MATATU OWNERS ASSOCIATION
to the

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING
National Assembly of Kenya

**ON THE TRAFFIC (AMENDMENT) BILL, 2026 (NATIONAL ASSEMBLY BILL
NO. 14 OF 2026)**

Submitted by: Matatu Owners Association
Date: Nairobi, 16TH MARCH 2026
Reference: Traffic (Amendment) Bill, 2026 (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)
Classification: For Parliamentary Use Only

1. INTRODUCTION

The Matatu Owners Association (the "Association") respectfully submits this Memorandum to the Departmental Committee on Transport, Public Works and Housing of the National Assembly of Kenya, pursuant to the invitation for public participation on the Traffic (Amendment) Bill, 2026 (NATIONAL ASSEMBLY BILL NO. 14 OF 2026).

The public service vehicle (PSV) sector — commonly referred to as the matatu industry — is a critical pillar of Kenya's economy. It provides employment to hundreds of thousands of Kenyans and delivers essential transport services to millions of citizens on a daily basis. Any legislative reform affecting this sector must therefore carefully balance road safety imperatives, enforcement efficiency, and economic sustainability.





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While the Association acknowledges the intent of the Bill and supports the Government's objective of improving road safety, it is the considered view of the Association that the current proposal is overly narrow in scope and does not adequately address the systemic challenges confronting PSV operators. This Memorandum sets out the Association's observations, constitutional concerns, and specific proposed amendments to the Bill.

2. GENERAL OBSERVATIONS

The Bill primarily introduces provisions relating to the detention of motor vehicles. However, the key structural challenges affecting the matatu sector — which any meaningful reform must address — include the following:

- Arbitrary and prolonged detention of vehicles without adequate legal safeguards
- Corruption and informal roadside settlements that undermine lawful enforcement
- Lack of accountability and transparency in enforcement actions
- Disproportionate targeting of drivers rather than operators and systemic structures
- Significant economic losses arising from unpredictable and inconsistent enforcement practices

The Association accordingly proposes specific amendments and additions to address these challenges, as set out in detail in the sections that follow.

3. SPECIFIC PROPOSED AMENDMENTS

3.1 Amendment to Proposed Section 107A — Detention of Vehicles

Issue

The proposed provision does not adequately safeguard PSV operators against economic loss or arbitrary enforcement.

Proposal

The Association proposes that the following safeguards be inserted:

- A maximum detention period that is strictly capped and automatically enforceable which should be 24 hours
- A mandatory written or digital justification for every instance of vehicle detention
- Compensation for unlawful or excessive detention
- Automatic release where no charges are preferred within a prescribed period





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Rationale

Matatus operate on daily revenue cycles. Even brief periods of detention result in significant financial losses affecting vehicle owners, drivers, and their dependants. The absence of clear detention limits creates conditions conducive to corruption.

3.2 Introduction of a Digital Enforcement Framework

Issue

Manual enforcement creates systemic opportunities for corruption and inconsistency in the application of traffic laws.

Proposal

The Association proposes the introduction of a statutory requirement for:

- Electronic ticketing systems
- Digital recording of all offences and detentions
- Cashless payment mechanisms for traffic penalties

These measures should be implemented in collaboration with the National Transport and Safety Authority (NTSA) and the National Police Service.

Rationale

Digitisation of enforcement will enhance transparency, reduce corruption, and provide verifiable records of enforcement actions.

3.3 Shared Liability Framework for PSV Operations

Issue

Motor vehicle owners and drivers are disproportionately penalised frequently as they undertake their operations.

Proposal

The Association proposes the introduction of joint liability provisions encompassing:

- Vehicle owners
- SACCOs and operators
- Drivers

Rationale

A shared liability framework will ensure accountability at all levels of the PSV value chain and address the systemic causes of non-compliance rather than focusing solely on an individual.





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3.4 Regulation of Police Powers and Roadside Stops

Issue

PSVs are frequently subjected to arbitrary and repetitive roadside stops that cause operational delays and create opportunities for extortion.

Proposal

- Require reasonable suspicion or a lawful inspection basis for any roadside stop
- Mandate digital recording of all stops where technologically feasible
- Limit repetitive stops within short distances on the same route

Rationale

These measures will reduce harassment and operational delays while preserving the lawful authority of enforcement officers.

3.5 Protection of Vehicles in Police Custody

Issue

Vehicles are frequently damaged or lose parts while held in police custody, with no effective recourse available to owners.

Proposal

- Impose a statutory duty of care on enforcement agencies with respect to vehicles in their custody
- Provide for compensation where a vehicle suffers loss or damage while in custody

3.6 Time-Bound Charging of Offences

Issue

Vehicles are routinely detained for extended periods without any formal legal action being taken.

Proposal

- Require that any alleged offence be formally charged within 24 hours of detention
- Provide for unconditional release of the vehicle where no charge is preferred within the prescribed period

Rationale

This proposal aligns enforcement practice with the constitutional guarantees of fair administrative action under Article 47 of the Constitution of Kenya, 2010.





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3.7 PSV-Specific Operational Framework

Issue

The Bill does not recognise the unique nature of PSV operations or the industry structures through which they are regulated.

Proposal

- Introduce provisions for SACCO and Company-based compliance monitoring
- Establish driver conduct and discipline frameworks within SACCOs and Companies
- Introduce escalating sanctions for repeat offences at operator level

Rationale

This approach addresses the root causes of non-compliance rather than focusing on symptomatic enforcement at the point of individual transgression.

3.8 Establishment of an Independent Complaints Mechanism

Issue

PSV operators currently lack effective recourse against unlawful or excessive enforcement actions.

Proposal

- Create a clear, accessible, and independent complaints and redress mechanism
- Prescribe a time-bound resolution period of not more than fourteen (14) days

Rationale

An effective complaints mechanism will improve accountability, build confidence in enforcement institutions, and reduce informal dispute resolution practices.

4. CONSTITUTIONAL FRAMEWORK

The Association respectfully submits that all amendments to the Traffic Act must be interpreted and enacted consistently with the Constitution of Kenya, 2010, and in particular the provisions set out below.

4.1 Article 40 — Protection of the Right to Property

Article 40 of the Constitution guarantees every person the right to acquire and own property and protects against arbitrary deprivation thereof. Public service vehicles constitute income-generating assets, and any detention, impoundment, or restriction of their use directly affects the proprietary and economic rights of their owners.





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Prolonged or unjustified detention of vehicles amounts, in substance, to a constructive deprivation of property. The absence of compensation mechanisms exposes operators to substantial financial losses without legal remedy.

Proposed Constitutional Alignment: Statutory limits on detention periods must be strictly enforced; compensation must be available for unlawful or excessive detention; and clear procedures for release must be codified in the legislation.

4.2 Article 47 — Right to Fair Administrative Action

Article 47 of the Constitution guarantees the right to administrative action that is expeditious, efficient, lawful, reasonable, and procedurally fair. Traffic enforcement actions — including stopping vehicles, issuing penalties, and detaining motor vehicles — constitute administrative actions within the meaning of this Article.

Arbitrary stops, lack of written reasons for detention, and inconsistent enforcement practices violate the constitutional threshold of lawfulness, reasonableness, and procedural fairness.

Proposed Constitutional Alignment: All enforcement actions must be recorded; officers must be required to provide reasons for detention; digitisation of enforcement systems must be mandated; and time-bound processes for detention and release must be established.

4.3 Article 50 — Right to a Fair Hearing

Article 50 of the Constitution guarantees the right to a fair and public hearing before an independent and impartial tribunal. In practice, detention of vehicles frequently occurs prior to — or without — prompt access to judicial processes, effectively penalising operators before they have been heard.

Proposed Constitutional Alignment: A mandatory requirement to charge any alleged offence within 48 hours; automatic release where no charges are preferred within the prescribed period; and clear access to an efficient dispute resolution or appeals mechanism.

4.4 Constitutional Balancing

The Association fully supports the State's constitutional mandate to ensure road safety and regulate traffic under Articles 26 and 29 of the Constitution. However, such regulation must be exercised in a manner that respects property rights, upholds fair administrative processes, and guarantees access to justice and due process. The proposed amendments are designed to strike that necessary constitutional balance.





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5. PROPOSED LEGISLATIVE TEXT

The following sets out the specific legislative text proposed by the Association for incorporation into the Traffic (Amendment) Bill, 2026.

PROPOSED AMENDMENT 1: Vehicle Detention — Duration, Justification and Compensation

Proposed Legislative Text

"Where a Public Service Vehicle (PSV) is detained by a police officer for a traffic offence, such detention shall not exceed twenty four (24) hours unless authorised by a court order of competent jurisdiction."

"Where detention is found to have been unlawful, arbitrary, or excessive, the registered owner shall be entitled to compensation for loss of use and business interruption."

Rationale and Impact

- Prevents indefinite detention of PSVs at police stations
- Protects owners from significant daily revenue losses caused by prolonged detention
- Reduces the abuse of police discretion and limits opportunities for corruption
- Encourages prompt charging and efficient resolution of traffic matters

Constitutional Basis: Articles 40 (Right to Property) and 47 (Fair Administrative Action)

PROPOSED AMENDMENT 2: Shared Liability Between Drivers, Owners and SACCOs

Proposed Legislative Text

"For offences committed in relation to a Public Service Vehicle, liability shall be shared proportionately between the driver, the registered owner, and the licensed SACCO or operator company where the offence arose from operational directives, unrealistic revenue targets, or failure to maintain the vehicle."

"The Court may apportion liability having regard to the conduct and responsibilities of each party."

Rationale and Impact

- Prevents vehicle owners from unfairly bearing the full burden of liability for driver misconduct
- Recognises that many offences arise from SACCO & Company operational pressure, poor management systems, or driver conduct beyond the owner's direct control
- Promotes accountability at all levels of the PSV industry
- Encourages higher management standards within SACCOs and Company operators

Constitutional Basis: Articles 47 (Fair Administrative Action) and 50 (Right to a Fair Hearing)



PROPOSED AMENDMENT 3: Protection Against Arbitrary Suspension of PSV Licences and SACCO Operations**Proposed Legislative Text**

"No Public Service Vehicle licence, Road Service Licence, or SACCO/Company operating authority shall be suspended, revoked, number plate removed from their cars or cancelled unless the affected party has been issued with—

- (a) a written notice specifying the alleged violations;*
- (b) reasonable time to respond or remedy the alleged breach; and*
- (c) an opportunity to be heard in accordance with Articles 47 and 50 of the Constitution."*

"Any emergency suspension shall be subject to review within seven (7) days."

Rationale and Impact

- Prevents abrupt enforcement crackdowns that paralyse entire SACCO operations overnight
- Protects investors and financiers who have committed capital to the PSV sector
- Ensures that NTSA and the Police Service follow due process before suspending operations
- Promotes compliance-oriented enforcement rather than purely punitive shutdowns

Constitutional Basis: Articles 47 (Fair Administrative Action) and 50 (Right to a Fair Hearing)

PROPOSED AMENDMENT 4: Prohibition on Multiple Punishments for the Same Offence**Proposed Legislative Text**

"Where a Public Service Vehicle or its driver has been penalised for a traffic offence under this Act, no additional administrative sanction, detention, impoundment, or suspension shall be imposed in respect of the same offence unless expressly authorised by a court of competent jurisdiction."

Rationale and Impact

- Prevents double punishment arising from the same incident — currently, operators may face a traffic fine, vehicle detention, SACCO sanctions, and NTSA suspension simultaneously
- Eliminates excessive cumulative administrative penalties
- Curbs the abuse of overlapping enforcement powers by multiple agencies
- Promotes proportionality in punishment

Constitutional Basis: Articles 47 (Fair Administrative Action) — proportionality in enforcement



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RECOMMENDATIONS FOR MINOR ADMINISTRATIVE OFFENCES

The Association further recommends that:

- No PSV shall be impounded for minor administrative offences where the owner can rectify the defect within a prescribed period

In such cases, enforcement officers should instead issue a compliance notice, improvement notice, or digital citation. Examples of such minor offences include:

- Missing or damaged reflector tape
- Inspection certificates expired by a short period
- Minor paperwork or PSV badge technicalities

This recommendation would significantly reduce the harassment of matatu operators and promote a compliance-centred culture in traffic enforcement.

6. POLICY CONSIDERATIONS

The Association emphasises the following overarching policy considerations, which Parliament is respectfully urged to take into account in processing the Bill:

- The matatu sector is one of Kenya's most significant employers and a major driver of urban and peri-urban economic activity
- Overly punitive or poorly structured enforcement disrupts the livelihoods of hundreds of thousands of Kenyans who depend on the PSV industry directly and indirectly
- Legislative reform must prioritise predictability, fairness, and transparency in enforcement — qualities that enhance voluntary compliance and public confidence in the law
- The most effective road safety outcomes are achieved through systemic, sector-wide accountability frameworks rather than through punitive individual enforcement

7. CONCLUSION

The Matatu Owners Association fully supports Parliament's efforts to improve road safety and to strengthen the legal framework governing traffic enforcement in Kenya. The Association remains committed to working collaboratively with Government, enforcement agencies, and other stakeholders towards a safer, better-regulated PSV sector.

However, the Traffic (Amendment) Bill, 2026 in its current form requires substantial enhancement to adequately address the practical and constitutional realities facing the PSV sector. The Association respectfully urges the Committee to incorporate the proposed amendments set out in this Memorandum so as to ensure that the amended legislation:

- Promotes voluntary compliance by creating clear, fair, and predictable rules
- Reduces corruption by digitising enforcement and eliminating discretionary loopholes





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- Protects the rights and livelihoods of legitimate PSV operators
- Upholds the constitutional standards of fair administrative action, due process, and property rights
- Enhances public safety through systemic, operator-level accountability

The Association expresses its gratitude to the Committee for the opportunity to participate in this legislative process and remains available to provide further submissions or to appear before the Committee as required.

Dated at Nairobi this 8th day of July 2026


ALBERT KARAKACHA
PRESIDENT MATATU OWNERS ASSOCIATION



SUBMISSION OF MEMORANDUM ON THE TRAFFIC (AMENDMENT) BILL, 2026 (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

TO:

The Clerk of the National Assembly
P.O. Box 41842-00100
Nairobi, Kenya

FROM:

Long Distance Drivers and Conductors Association (LoDDCA)

RE: SUBMISSION OF MEMORANDUM ON THE TRAFFIC (AMENDMENT) BILL, 2026

1.0 INTRODUCTION

The Long-Distance Drivers and Conductors Association (LoDDCA) appreciates the opportunity to submit comments on the Traffic (Amendment) Bill, 2026, particularly on proposed Section 107A concerning the detention of motor vehicles and motor cycles.

LoDDCA represents professional drivers and conductors operating long-distance and cross-border transport corridors across Kenya and the East African region. Our submission focuses on ensuring that enforcement measures under the Bill are balanced with constitutional property rights, fair administrative action, and the need to sustain uninterrupted regional trade logistics.

2.0 GENERAL POSITION ON THE BILL

LoDDCA **supports the intent of the Bill**, particularly its objective of preventing unreasonable deprivation of property under Article 40 of the Constitution.

However, we note that without clearer procedural safeguards, the implementation of Section 107A may still expose commercial transport operators to:

- Disproportionate economic losses,
- Operational paralysis of logistics chains, and
- Inconsistent application of detention powers.

We therefore propose targeted amendments to strengthen enforceability, accountability, and economic proportionality.

3.0 CLAUSE-BY-CLAUSE SUBMISSION

3.1 SECTION 107A(1): GROUNDS FOR DETENTION

Clause	Position	Submission
107A(1)(a)-(b)	Support	LoDDCA supports the principle that detention shall only be for evidentiary or investigative purposes. However, we recommend clarification that detention must be strictly necessary and proportionate to the offence under investigation.

Justification:

The clause is sound in principle but requires proportionality safeguards to prevent routine or automatic detention where alternative evidentiary methods exist.

SUBMISSION OF MEMORANDUM ON THE TRAFFIC (AMENDMENT) BILL, 2026 (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

3.2 SECTION 107A(2)(a): 48-HOUR LIMIT FOR EVIDENCE

Clause	Position	Submission
107A(2)(a)	Support with enhancement	LoDDCA supports the 48-hour limitation and recommends strengthening the clause to make digital documentation the default evidentiary standard.

Proposed Enhancement:

Where photographic evidence, electronic inspection reports, or digital inventory records are sufficient, the vehicle shall be released immediately upon completion of documentation without awaiting expiry of the 48-hour period.

Justification:

Commercial vehicles are productive economic assets. Extended physical detention where evidence is already secured introduces avoidable economic loss without improving evidentiary value.

3.3 SECTION 107A(2)(b): 14-DAY INVESTIGATION PERIOD

Clause	Position	Submission
107A(2)(b)	Support with strict safeguards	LoDDCA supports the maximum cap but proposes judicial oversight for extended detention beyond 72 hours.

Proposed Amendment:

Any detention of a vehicle beyond seventy-two (72) hours for investigation purposes shall require:

- Written justification by the investigating officer, and
- Approval by a court or magistrate demonstrating necessity beyond documentary evidence.

Justification:

While investigations may require time, prolonged detention without oversight risks abuse of process and undermines fair administrative action under Article 47 of the Constitution.

3.4 SECTION 107A(3): DUTY OF CARE

Clause	Position	Submission
107A(3)	Strongly support with enhancement	LoDDCA strongly supports the statutory duty of care but proposes mandatory custody documentation standards.

Proposed Enhancement:

Police stations shall maintain:

- A digital and physical custody register,
- A photographic inventory record at point of detention, and
- Joint inspection records where feasible involving the driver or vehicle representative.

Justification:

This ensures accountability and prevents loss, vandalism, or degradation of commercial vehicles while in custody.

SUBMISSION OF MEMORANDUM ON THE TRAFFIC (AMENDMENT) BILL, 2026 (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

3.5 PUBLIC SERVICE VEHICLES (PSVs)

Clause	Position	Submission
New insertion	Support with amendment	LoDDCA proposes inclusion of PSVs under Section 107A protections.

Proposed Amendment:

Section 107A shall apply equally to Public Service Vehicles, including buses, minibuses, and other licensed passenger transport vehicles engaged in domestic and cross-border operations.

Justification:

PSVs are essential transport infrastructure. Their detention directly impacts passenger mobility, economic productivity, and national transport continuity.

3.6 LIABILITY PRINCIPLE: DRIVER VS OWNER RESPONSIBILITY

Clause	Position	Submission
New insertion	Support with clarification	LoDDCA proposes that where a vehicle is detained for offences relating to roadworthiness, maintenance, licensing, insurance, or safety compliance, investigations should consider the responsibility of both the driver and the registered owner or operator.

Proposed Amendment:

Where a vehicle is detained under Section 107A for purposes of evidence or investigation of offences under Section 107:-

- Enforcement officers shall not presume that the driver is solely responsible for the alleged offence arising from vehicle condition or compliance failures;
- Investigations shall, where applicable, extend to the registered owner, employer, SACCO, company, or fleet operator responsible for maintenance, deployment, or operational control of the vehicle;
- Detention and investigation processes shall ensure balanced attribution of responsibility based on control, maintenance obligations, and operational roles.

Justification:

Section 107 offences often arise from vehicle condition, compliance, or operational failures that are influenced by both the driver and the vehicle owner or operator. In commercial transport operations, drivers frequently operate vehicles owned and maintained by third parties and may not have control over maintenance schedules, repair decisions, or compliance enforcement.

This amendment ensures that detention and investigation processes under Section 107A are fair, evidence-based, and aligned with actual operational responsibility, preventing disproportionate attribution of liability to drivers where underlying compliance failures originate from owners or fleet operators.

SUBMISSION OF MEMORANDUM ON THE TRAFFIC (AMENDMENT) BILL, 2026 (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

3.7 COMMERCIAL CARGO CONTINUITY CLAUSE

Clause	Position	Submission
New insertion	Support with amendment	LoDDCA proposes fast-track release mechanism for time-sensitive cargo.

Proposed Amendment:

Where a detained vehicle is carrying perishable goods, medical supplies, or transit cargo under domestic or cross-border logistics arrangements, the vehicle shall be released on a conditional bond within 6–12 hours upon completion of evidentiary documentation, subject to court availability.

Justification:

Delays in such cases result in irreversible economic and humanitarian losses and undermine regional trade facilitation frameworks.

4.0 CONSTITUTIONAL AND ECONOMIC CONSIDERATIONS

LoDDCA notes that the Bill engages:

- **Article 40** – Right to property
- **Article 47** – Fair administrative action
- **Article 50** – Fair hearing
- Regional obligations under **East African Community trade facilitation frameworks**

We emphasize that enforcement mechanisms must remain:

- Proportionate,
- Time-bound,
- Judicially reviewable, and
- Economically non-disruptive to critical transport infrastructure.

5.0 CONCLUSION

LoDDCA supports the objectives of the Traffic (Amendment) Bill, 2026 but urges Parliament to adopt the proposed safeguards to ensure that enforcement does not unintentionally undermine Kenya's logistics economy and regional trade obligations.

We remain available for further technical engagement with the Departmental Committee on Transport.

SUBMITTED BY:

Long Distance Drivers and Conductors Association (LoDDCA)

Date: 4. 06. 2026

STATEMENT OF SUPPORT FOR THE TRAFFIC (AMENDMENT) BILL, 2026

Presented by: Kevin Mubadi, HSC
National Executive Chairman
Bodaboda Safety Association of Kenya (BASK)

Honourable Members,

The boda boda sector employs and supports over 2.5 million Kenyans directly and indirectly. For many riders, a motorcycle is not merely a means of transport; it is their office, their source of income, and the primary means through which they feed their families, educate their children, and contribute to the economy.

Over the years, our members have experienced significant hardship arising from the prolonged detention of motorcycles during investigations or court processes. A good number of motorcycles are detained annually in various police stations. In many instances, motorcycles have remained in police yards for weeks, months, and sometimes years, even where photographs, inspection reports, or other evidence could sufficiently serve the purposes of investigation or prosecution.

While we fully support law enforcement agencies in carrying out their duties and ensuring accountability on our roads, we believe that justice must be balanced with fairness and proportionality. The indefinite detention of motorcycles often results in severe economic consequences not only for riders but also for their dependants, many of whom rely entirely on the daily income generated by these assets.

We therefore welcome the Bill's proposal to establish clear timelines for detention. The provision limiting detention to forty-eight hours where photographic or assessment evidence is sufficient, and to a maximum of fourteen days for investigative purposes, introduces much-needed certainty, accountability, and fairness into the process.

We are equally encouraged by the requirement that police stations take reasonable care to preserve detained vehicles and motorcycles. Many riders have suffered losses after recovering motorcycles that had deteriorated while in custody due to prolonged exposure and inadequate storage.

This amendment does not weaken law enforcement. On the contrary, it strengthens public confidence in the justice system by ensuring that investigations are conducted efficiently while safeguarding the constitutional right to property and the livelihoods of hardworking Kenyans.

As representatives of boda boda riders across the country, we believe this amendment will promote fairness, protect livelihoods, reduce unnecessary economic hardship, and support the continued growth of one of Kenya's most important sectors.

We therefore urge Honourable Members of this House and committee to support the introduction of Section 107A and pass the Traffic (Amendment) Bill, 2026.

On behalf of millions of riders and their families, we thank the sponsor of the Bill and all stakeholders who have contributed to this important reform.

Thank you.

