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THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION

A REPORT ON THE NATIONAL TRANSPORT AND SAFETY AUTHORITY
(OPERATION OF PUBLIC SERVICE VEHICLES) (AMENDMENT NO. 2)
REGULATIONS, 2014

Clerk's Chambers,
First Floor,
Parliament Buildings,
NAIROBI.

Approved
Spokes 20/7/15

JULY, 2015

*Paper laid on
the table of the House
by Sen. Sog on
23/07/2015*

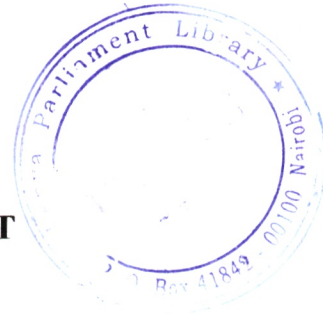


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ABBREVIATIONS

KENHA	Kenya National Highways Authority
KURA	Kenya Urban Roads Authority
NTSA	National Transport and Safety Authority
PSV	Public Service Vehicle
SEN	Senator

PREFACE

Establishment of the Committee on Delegated Legislation

The Sessional Committee on Delegated Legislation is established pursuant to the Senate Standing Order 214 which states:

- 1) There shall be a select Committee to be known as the Committee on Delegated Legislation.
- 2) Whenever a statutory instrument is submitted to the Senate pursuant to the Constitution, any law or these Standing Orders, the statutory instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the Senate by the Chair of the Senate Committee on Delegated Legislation and thereafter stand referred to the Committee.
- 3) The Committee shall consider in respect of any statutory instrument whether the statutory instrument-
 - a) is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
 - b) infringes on fundamental rights and freedoms of the public;
 - c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
 - d) directly or indirectly bars the jurisdiction of the courts;
 - e) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
 - f) involves expenditure from the Consolidated Fund or other public revenues;
 - g) is defective in its drafting or for any reason, the form or purport of the statutory instrument calls for any elucidation;

- h) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- i) appears to have had unjustifiable delay in its publication or laying before Parliament;
- j) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
- k) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
- l) inappropriately delegates legislative powers;
- m) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
- n) appears for any reason to infringe on the rule of law;
- o) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
- p) accords to any other reason that the Committee considers fit to examine.

(4) If the Committee-

- a) resolves that the statutory instrument, be acceded to, the Clerk shall convey that resolution to the relevant state department or the authority that published the statutory instrument;
- b) does not accede to the statutory instrument, or part of a statutory instrument, the Committee may recommend to the Senate that the Senate resolves that all or any part of the statutory instrument, as the case may be, be annulled.

(5) If the Senate-

- a) fails to agree to the recommendation of the Committee under paragraph (4)(b), the statutory instrument shall be deemed to have been approved by Parliament;

- b) resolves to annul a statutory, or part of a statutory instrument, the resolution shall, within seven days of the passage of the resolution, be referred to the National Assembly for concurrence.

Membership of the Committee on Delegated Legislation

The Membership of the Committee is as follows:

- | | | |
|-----------------------------|---|------------------|
| 1. Sen. Stephen Sang | - | Chairperson |
| 2. Sen. Judith Sijeny | - | Vice-Chairperson |
| 3. Sen. (Dr.) Boni Khalwale | - | Member |
| 4. Sen. Emma Mbura | - | Member |
| 5. Sen. Daniel Karaba | - | Member |
| 6. Sen. Liza Chelule | - | Member |
| 7. Sen. Godliver Omondi | - | Member |
| 8. Sen. Joy Gwendu | - | Member |
| 9. Sen. Boy Juma Boy | - | Member |

Acknowledgement

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the execution of its mandate.

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Section 17 of the Statutory Instruments Act, 2014 and Standing Order 214, to present the Report of the Sessional Committee on Delegated Legislation on The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014.

Signed.....

Date.....21/07/2015

SEN. STEPHEN SANG,

CHAIRPERSON

SESSIONAL COMMITTEE ON DELEGATED LEGISLATION.

EXECUTIVE SUMMARY

The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014 were submitted to the Office of the Clerk of the Senate. Pursuant to section 12(1) of the Statutory Instruments Act, 2013 and the Senate Standing Order 214(2), the Regulations were subsequently tabled in the House and stood referred to the Sessional Committee on Delegated Legislation for scrutiny. The Committee, at its meeting held on Thursday, 26th February, 2015, scrutinized the Regulations. The Committee sought clarifications on the amendments to Regulation 9 as follows:

1. What informs the amendment?
2. Was Public Participation on the amendment done?
3. What measures have been put in place to ensure smooth transition to licensing of vehicles whose seating capacity is less than 25 passengers?

The Committee invited the Cabinet Secretary, Ministry of Transport and Infrastructure to a meeting on Thursday, 19th March, 2015. The Cabinet Secretary was represented by the Director General, Mr. Francis Meja who gave clarifications on the issues raised by Members.

Chapter one of this report gives a summary of the purpose and legal basis of the Regulations. Chapter two outlines the Committee scrutiny of the Regulations and observations. It further gives an account of the response given by the Ministry of

Transport and Infrastructure to the clarifications sought by the Committee. Chapter three highlights the Committee's Recommendations.

CHAPTER ONE INTRODUCTION

1.1 The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014

The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014 were submitted to the Office of the Clerk of the Senate. The Committee scrutinized the Regulations at its sitting held on Thursday, 26th February, 2015.

1.2 Legal Basis of The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014

Section 54 of the National Construction Authority Act No. 41 of 2011 provides for the Cabinet Secretary's power to make Regulations in the following terms:

The Cabinet Secretary may, in consultation with the Board, make regulations for the better carrying into effect of the provisions of this Act.

1.3 Purpose of The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014

The purpose of The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014 is to permit and create provisions for the proper use of decorative innovations on Public Service Vehicles that ensures the safety of drivers and passengers by ensuring that the decorative innovations do not obstruct the visibility of the driver of the Public Service Vehicle and other drivers

on the road. The amendment also clarifies the definition of the word “Commuter Service Vehicles” and also provides for the licensing of Public Service Vehicles (PSVs) whose capacity is less than twenty five persons until 1st January, 2016.

CHAPTER TWO COMMITTEE OBSERVATIONS

The Committee scrutinized the Regulations at its sitting held on Thursday, 26th February, 2015. The Committee sought clarifications from the Ministry of Transport and Infrastructure on the following:

1. What informs the amendment?
2. Was Public Participation on the amendment done?
3. What measures have been put in place to ensure smooth transition to licensing of vehicles whose seating capacity is less than 25 passengers?

The Committee resolved to schedule a meeting with the Cabinet Secretary, Ministry of Transport and Infrastructure to a meeting on Thursday, 19th March, 2015 to seek clarifications on the issues raised, pursuant to Section 16 of the Statutory Instruments Act, 2013. The Cabinet Secretary was represented by the NTSA Director General, Mr. Francis Meja who gave clarifications on the issues raised by Members.

2.1 Response from the Ministry of Transport and Infrastructure

The Ministry gave the following response on the issues raised by the Members:

1. What informs the amendment

The amendment was informed by the need to decongest traffic in the central business district. This followed the development of the Integrated National Transport Policy in 2009 by the Ministry of Transport and its approval by Parliament in 2012.

A key policy guideline was the introduction of high capacity vehicles within all major cities. A national stakeholders meeting was held in 2010 with the attendance of over 700 transport operators, where the implementation of the policy was agreed.

A Legal Notice was gazetted that all 14 seaters in Nairobi and other urban areas be phased off. Operators then requested that the existing low capacity vehicles be allowed to operate for 5 years from January 2011 to January 2016 hence the gazetting of Legal Notice 179.

2. Was public participation on the amendment done?

Public participation was done on the amendments to the Regulations. Stakeholders have been involved in the process of the development of the Integrated National Transport Policy.

3. Measures put in place to ensure smooth transition to licensing of vehicles whose seating capacity is less than twenty five passengers

The Ministry is working on the following measures:

- i. Introduction of high capacity buses plus seating and standing passengers through legal Notice No. 11 of 2015;
- ii. Construction of a railway line between the airport and the railway station in town to ease traffic congestion;
- iii. Replacement of roundabouts with signalized junctions by May 2015 and signalized

Mr. Meja also took Members through a report of the Executive Taskforce on the Decongestion of Nairobi City appointed by the Cabinet Secretary and the County Government of Nairobi. The Taskforce was constituted to come up with an Action Plan to improve the congestion in the City. Bodies represented in the Taskforce include: Ministry of Transport and Infrastructure, Nairobi City County, NTSA, Traffic police, KURA, KENHA and Consultants. Among the actions planned to reduce congestion include:

1. Gazetting new PSV routes and termini;
2. Erecting signage and road markings;
3. Enforcement of a five minute rule at bus stops and a forty minute rule at termini through County By-laws;
4. Embargo on issuance of new PSV licenses pending a review of routing and demand assessment; and
5. Replacement of roundabouts with signalized junctions.

The Committee was satisfied with the response from the Ministry on the various issues raised on the National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014.

CHAPTER THREE COMMITTEE RECOMMENDATIONS

The Committee accedes to The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014.

APPENDICES

EXPLANATORY MEMORANDUM

EXPLANATORY MEMORANDUM TO THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF PUBLIC SERVICE VEHICLES) (AMENDMENT NO.2) REGULATIONS, 2014

PART I

Name of the Statutory Instrument: The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No.2) Regulations, 2014.

Name of the Parent Act: The National Transport and Safety Authority Act.

Enacted Pursuant to: Section 54 of the National Transport and Safety Authority Act.

Name of the Ministry/ Department: Ministry of Transport and Infrastructure.

Gazetted on 31st December 2014

Tabled on

PART II

1. Purpose of the Statutory instrument

To permit and create provisions for the proper use of decorative innovations on Public Service Vehicles that ensures the safety of drivers and passengers by ensuring that the decorative innovations do not obstruct the visibility of the driver of the Public Service Vehicle and other drivers on the road. The amendment also clarifies the definition of the word “Commuter Service Vehicles” and it also provides for the licensing of Public Service Vehicles (PSVs) whose sitting capacity is less than 25 persons until 1st January 2016.

2. Legislative Context

The statutory instrument in question is an amendment of the Traffic Rules to encourage the self employment of youth involved in the creation and development of innovative decorations on PSVs. The amendment also provides for the licensing of vehicles whose seating capacity is less than 25 persons in order to allow for the licensing of the already imported vehicles.

3. Policy Background

3.1 The policy objectives of the NTSA Act is to ensure road safety. This amendment promotes road safety by providing guidelines on how innovative decorations shall be affixed to PSV's without compromising safety. The amendment also promotes the creation of employment at the same time.

3.2 The department intends to consolidate the relevant legislation before the end of the year to accommodate for subsequent amendments if any.

4. Consultation outcome

4.1 The PSV industry especially the youth involved in the creation of the innovative decorations have severally petitioned the Ministry and the Office of the President to allow innovative decorations. This resulted in a presidential directive that the amendment should be implemented. It is also prudent to point out that this group was extensively consulted with a vast majority supporting the amendment.

5. Guidance

5.1 The National Transport and Safety Authority intends to provide technical support to the innovative decorators through advertisements in the media and one on one consultations on how the innovative decorations are to be affixed and how the licensing of vehicles will be conducted..

6. Impact

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

6.2 The amendment will lead to creation of informal employment

7. Monitoring and review

7.1 The success criteria of this amendment will be an increase in business opportunities for the youth and owners of vehicles whose seating capacity is less than 25 persons.

8. Contact

8.1 Francis Meja, Director General NTSA.

Francis.meja@ntsa.go.ke

0720 2395838

(Legislative Supplement No. 60)

CORRIGENDA

IN Legal Notice No. 93 of 2014—

- (i) in the first column *delete* the expression printed as “Mary Help Mission Medical Centre” and *insert* the expression “Mary Helper of the Sick Health Centre Ngarariga”; and
- (ii) in the Second column *delete* the expression printed as “P.O. Box 254-01004, Kanjuka, Thika” and *insert* the expression “P.O. Box 220-00217, Limuru”.

LEGAL NOTICE NO. 178

THE INSURANCE ACT

(Cap. 487)

IN EXERCISE of the powers conferred by section 180 of the Insurance Act, the Cabinet Secretary for Finance makes the following Regulations:—

THE INSURANCE (AMENDMENT) REGULATIONS, 2014

1. These Regulations may be cited as the Insurance (Amendment) Regulations, 2014. Citation.

2. The Fifteenth Schedule to the Insurance Regulations is amended— Sub. Leg

(a) in Part A—

- (i) by deleting the expression “eighteen per cent (18%)” appearing in paragraph 11 and substituting therefor the expression “twenty per cent (20%)”;
- (ii) by deleting the expression “31st December, 2015” appearing in the proviso to paragraph 11 and substituting therefor the expression “31st December, 2020”.

(b) in Part B—

- (i) by deleting the expression “eighteen per cent (18%)” appearing in paragraph 5(i) and substituting therefor the expression “twenty per cent (20%)”;
- (ii) by deleting the expression “31st December, 2015” appearing in the proviso to paragraph 5(i) and substituting therefor the expression “31st December, 2020”;

- (iii) by deleting the expression “eighteen per cent (18%) appearing in paragraph 5(ii) and substituting therefor the expression “twenty per cent (20%)”;
- (iv) by deleting the expression “31st December, 2015” appearing in the proviso to paragraph 5(ii) and substituting therefor the expression “31st December, 2020”.

Made on the 16th December, 2014.

HENRY ROTICH,
Cabinet Secretary, National Treasury.

LEGAL NOTICE No. 179

THE NATIONAL TRANSPORT AND SAFETY AUTHORITY ACT
(No. 33 of 2014)

IN EXERCISE of the powers conferred by section 54 of the National Transport and Safety Authority Act, the Cabinet Secretary for Transport and Infrastructure, in consultation with the National Transport and Safety Authority Board makes the following Regulations:—

THE NATIONAL TRANSPORT AND SAFETY AUTHORITY
(OPERATION OF PUBLIC SERVICE VEHICLES) (AMENDMENT
NO. 2) REGULATIONS, 2014

1. These Regulations may be cited as the National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No. 2) Regulations, 2014.

2. Regulation 2 of the National Transport and Safety Authority (Operation of Public Service Vehicles) Regulations, 2014, in these Regulations referred to as the principal Regulations are amended—

L.N. 23 of 2014.

(a) by inserting the following new definition in the proper alphabetical order—

“innovative decorations” means any pictures, words, symbols or lighting which is painted, sprayed, drawn or affixed to the body of a Public Service Vehicle, whether in one or several colours;

(b) in the definition of the word “Commuter Service Vehicle” by deleting the words “of a city or other urban area or between such city or urban area and its satellite towns” and substituting therefore the words “Nairobi city, Mombasa city and Kisumu city and Nakuru town, Machakos town, Eldoret town, Thika town and such other urban areas as may be determined by the Cabinet Secretary from time to time.”

3. Regulation 7 of the Principal Regulations is amended—

(a) in paragraph (j) by inserting the words “in letters not less than ten inches in height and in such a colour as to be visible by day from a distance of at least two hundred and seventy five

- meters” immediately after the words “vehicle operates”;
- (b) by inserting the following new paragraphs immediately after paragraph (k)—
- (l) ensure that all innovative decorations are not offensive;
 - (m) ensure that no innovative decorations are painted, sprayed, drawn on or affixed to any window, the front and back windscreens, lights, indicators or chevrons of the vehicle.
 - (n) ensure that none of the passenger, co-driver and driver windows, the front and back windscreens, lights, indicators or chevrons of the vehicle are tinted or painted, sprayed or drawn on any innovative decorations;
 - (o) ensure that innovative decorations do not have reflective properties; and
 - (p) ensure that no additional exterior and interior lighting is affixed other than those affixed by the manufacturer of the vehicle.

4. Regulation 9 of the principal Regulations is amended by—

- (a) renumbering regulation 9 as regulation 9(1);
- (b) inserting the following new paragraphs immediately after regulation 9(1)—

(2) The Authority shall not license any new Public Service Vehicle as Commuter Service Vehicle whose seating carrying capacity is less than twenty-five passengers.

(3) The Authority shall not, with effect from the 1st January, 2016, renew the licence of any Public Service Vehicle whose seating carrying capacity is less than twenty five passengers.

5. Legal Notice No. 111 of 2006 and Legal Notice No. 209 of 2010 are revoked.

Made on the 15th December, 2014.

MICHAEL KAMAU,
Cabinet Secretary for Transport and infrastructure.

LEGAL NOTICE NO. 180

THE TRAFFIC ACT

(Cap. 403)

DECLARATION

IN EXERCISE of the powers conferred by section 2 of the Traffic Act, the National Transport and Safety Authority declares the type of motor vehicle described in the Schedule not to be a commercial vehicle, for the purposes of the Act.

SCHEDULE

Double Cabin Pick-up

Dated the 18th December, 2014.

LEE KINYANJUI,
Chairperson,
National Transport and Safety
Authority.

FRANCIS MEJA,
Director-General,
National Transport and Safety
Authority.

**MINUTES OF THE 3RD SITTING OF THE SENATE SESSIONAL COMMITTEE ON
DELEGATED LEGISLATION HELD ON THURSDAY, 26TH FEBRUARY, 2015 AT
9.20AM IN THE SMALL BOARDROOM, KICC**

PRESENT

1. Sen. Stephen Sang
2. Sen. (Dr.) Boni Khalwale
3. Sen. Boy Juma Boy
4. Sen. Godliver Omondi

ABSENT WITH APOLOGY

1. Sen. Judith Sijeny
2. Sen. Daniel Karaba
3. Sen. Liza Chelule
4. Sen. Emma Mbura
5. Sen. Joy Gwendu

IN ATTENDANCE

1. Ms. Josephine Kusinyi
2. Ms. Joyce Aluoch
3. Ms. Gloria Wawira

SENATE

- Legal Counsel
- Committee Clerk
- Committee Clerk

MIN. NO. 17/2015

- PRELIMINARIES

The Chairman called the meeting to order at 9.20am followed by a word of prayer.

MIN. NO. 18/2015

- ADOPTION OF THE AGENDA

The agenda of the sitting was adopted as presented having been proposed by Sen. Omondi and seconded by Sen. Juma Boy

MIN. NO. 20/2015

-REMARKS BY THE VICE CHAIRPERSON

Sen. Sijeny was absent with apology hence her remarks were deferred to the subsequent sitting.

**- CONSIDERATION OF THE NATIONAL TRANSPORT AND
SAFETY AUTHORITY (OPERATION OF PUBLIC SERVICE
VEHICLES) (AMENDMENT NO. 2) REGULATIONS, 2014**

Ms Kusinyi took Members through the National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment NO. 2) Regulations, 2014 as follows:-

The main objective of the Regulations is to amend the existing Regulations in order to-

- i. Allow innovative decorations on public service vehicles with exceptions that the decorations should not be affixed on any window, front and back windscreens, lights or indicators.
- ii. Prohibit licensing of new public service vehicles with a seating capacity of less than twenty five passengers.
- iii. Prohibit renewal of licences of public service vehicles with a seating capacity of less than twenty five passengers, with effect from 1st January, 2016.
- iv. Amend the definition of the word commuter service vehicle to confine it to public service vehicles which commence and terminate their services within the boundaries of Nairobi city, Mombasa city, Kisumu city, Nakuru town, Machakos town, Eldoret town, Thika town and such other urban areas as may be determined.

1) THE TRAFFIC ACT

Under powers conferred by the Traffic Act, the chairperson and the director-general of the National Transport Safety Authority have declared that a double cabin pick-up is not a commercial vehicle for purposes of the Traffic Act

The Committee scrutinized The National Transport and Safety Authority (Operation of Public Service Vehicles) Amendment No. 2 Regulations, 2014 and **resolved to invite the Cabinet Secretary, Ministry of Transport & Infrastructure to its meeting scheduled for Thursday 5th March, 2015, to seek clarifications on the amendment to Regulation 9 as follows:-**

1. What informs the amendment?
2. Was public participation on the amendment done?
3. What measures have been put in place to ensure smooth transition to licensing of vehicles whose seating capacity is less than twenty five passengers?

MIN. NO. 22/2015

-DATE OF NEXT MEETING

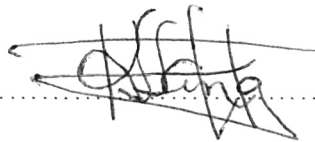
The next meeting would be on Thursday, 20th February, 2015.

MIN. NO. 23/2015

-ADJOURNMENT

There being no other business, the meeting was adjourned at ten minutes to ten o'clock.

SIGNED:



(CHAIRPERSON)

DATE:

19/03/2015

**MINUTES OF THE 5TH SITTING OF THE SENATE SESSIONAL COMMITTEE ON
DELEGATED LEGISLATION HELD ON THURSDAY, 19TH MARCH, 2015 AT 9.45AM
IN THE SHIMBA HILLS HALL, KICC**

PRESENT

- | | |
|-----------------------------|---------------|
| 1. Sen. Stephen Sang | - Chairperson |
| 2. Sen. (Dr.) Boni Khalwale | |
| 3. Sen. Boy Juma Boy | |
| 4. Sen. Godliver Omondi | |
| 5. Sen. Joy Gwendu | |
| 6. Sen. Daniel Karaba | |

ABSENT WITH APOLOGY

- | | |
|-----------------------|--------------------|
| 1. Sen. Judith Sijeny | - Vice-Chairperson |
| 2. Sen. Liza Chelule | |
| 3. Sen. Emma Mbura | |

IN ATTENDANCE

1. Mr. Francis Meja
2. Mr. Mathew Tarus

**MINISTRY OF TRANSPORT AND
INFRASTRUCTURE**

- | |
|--|
| - Director General, National Transport and Safety
Authority |
| - Ministry of Transport and Infrastructure |

IN ATTENDANCE

1. Hon. Haron Masase
2. Hon. Shem Ondara
3. Hon. George Bibao
4. Hon. Timothy Nyarango
5. Hon. Peter Omari
6. Hon. Margaret Ontonga
7. Mr. Dennis Ogendo

COUNTY ASSEMBLY OF KISII

- | |
|-----------------------------|
| - Member of County Assembly |
| - Member of County Assembly |
| - Member of County Assembly |
| - Member of County Assembly |
| - Member of County Assembly |
| - Member of County Assembly |
| - Clerk Assistant |

8. Mr. Oseko Ontere

- Clerk Assistant

IN ATTENDANCE

1. Ms. Carol Kirorei

SENATE

- Committee Clerk

MIN. NO. 23/2015

- PRELIMINARIES

The Chairperson called the meeting to order at 9.50am followed by a word of prayer. He then welcomed the team from the Ministry of Transport and Infrastructure and Members of the County Assembly of Kisii to the meeting and led in a self-introductory session of the Members present.

Mr. Meja, Director General of the National Transport and safety Authority, conveyed the apologies of the Cabinet Secretary, Eng. Michael Kamau, due to other official engagements.

The Chairperson explained that the purpose of the meeting was to seek clarifications on the amendment to Regulation 9 as follows:-

1. What informs the amendment?
2. Was public participation on the amendment done?
3. What measures have been put in place to ensure smooth transition to licensing of vehicles whose seating capacity is less than twenty five passengers?

MIN. NO. 24/2015

- ADOPTION OF THE AGENDA

The agenda of the sitting was adopted as presented having been proposed by Sen. Godliver and seconded by Sen. Gwendo.

MIN. NO.25/2015

**-MEETING WITH THE CABINET
SECRETARY, MINISTRY OF TRANSPORT
AND INFRASTRUCTURE**

Mr. Meja briefed Members on the questions raised as follows:

1. What informs the amendment

The amendment was informed by the need to decongest traffic in the central business district. This followed the development of the Integrated National Transport Policy in 2009 by the Ministry of Transport and its approval by Parliament in 2012.

A key policy guideline was the introduction of high capacity vehicles within all major cities. A national stakeholders meeting was held in 2010 with the attendance of over 700 transport operators, where the implementation of the policy was agreed.

A Legal Notice was gazetted that all 14 seaters in Nairobi and other urban areas be phased off. Operators then requested that the existing low capacity vehicles be allowed to operate for 5 years from January 2011 to January 2016 hence the gazetting of Legal Notice 179.

2. Was public participation on the amendment done?

Public participation was done on the amendments to the Regulations. Stakeholders have been involved in the process of the development of the Integrated National Transport Policy.

3. Measures put in place to ensure smooth transition to licensing of vehicles whose seating capacity is less than twenty five passengers

The Ministry is working on the following measures:

- i. Introduction of high capacity buses plus seating and standing passengers through legal Notice No. 11 of 2015;
- ii. Construction of a railway line between the airport and the railway station in town to ease traffic congestion;
- iii. Replacement of roundabouts with signalized junctions by May 2015 and signalized

He then took members through a report of the Taskforce on the decongestion of Nairobi City appointed by the Cabinet Secretary and the County Government of Nairobi.

Mr. Meja made the following clarifications on other matters raised by Members:

1. The Ministry is working on coming up with “Park and Ride” facilities, to have commuters park their vehicles in various locations and board buses into the CBD.
2. The interests of persons with disabilities would be considered in efforts to decongest the cities.
3. The Ministry is working on the introduction of dedicated lanes for VIPs, high capacity buses and ambulances; and the introduction of scheduled bus services; development of by-passes and introduction of light trains.
4. NTSA will ensure that road safety audits are carried out before the opening of any roads to ensure roads are clearly marked with proper signage to protect citizens from unnecessary risks.
5. Transport is a shared function between the County and National Government. The County Transport and safety Committees are provided under the NTSA Act and are currently under the process of formulation.
6. With regard to the *boda boda* sector, the Operation of Motor Cycle Regulations, 2015 have been published and transmitted to the Senate. The Regulations will regulate the motor cycle transport sector.
7. On the issue of parking spaces, the county governments should put in place measures e.g. by-laws requiring the provision of parking in building plans.

The Chairperson informed the meeting that the Committee had received 3 regulations from the Ministry of Transport which would be scrutinized by the Committee in due course. He then thanked the team from the Ministry for attending the meeting.

1. Meeting with the Members of the County Assembly of Kisii

The meeting was informed that the Members of the Committees on Delegated Legislation of the County Assembly of Kisii were unable to make it for the meeting save for one Member. The rest of the MCAs present belonged to the Intergovernmental Relations Committee.

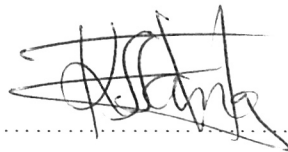
The Chairperson gave a brief on the role of the Committee on Delegated Legislation in scrutinizing Regulations prepared by the Executive. He encouraged MCAs to interact with the Senate and their counterpart Committees and thanked them for attending the meeting.

MIN. NO. 27/2015**-DATE OF NEXT MEETING**

The next meeting would be on Tuesday, 24th March, 2015.

MIN. NO. 28/2015**-ADJOURNMENT**

There being no other business, the meeting was adjourned at thirty minutes past eleven o'clock.

SIGNED:**(CHAIRPERSON)****DATE:**

30/04/2015

MINUTES OF THE 17TH SITTING OF THE SENATE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 7TH JULY, 2015 AT 9.00 A.M. IN THE 2ND FLOOR BOARDROOM, KICC.

PRESENT

1. Sen. Stephen Sang - Chairperson
2. Sen. Godliver Omondi
3. Sen. Liza Chelule
4. Sen. Joy Gwendu
5. Sen. Boy Juma Boy
6. Sen. Daniel Karaba

ABSENT WITH APOLOGY

1. Sen. Judith Sijeny - Vice-Chairperson
2. Sen. (Dr.) Boni Khalwale
3. Sen. Emma Mbura

IN ATTENDANCE

- | | |
|--------------------------|--------------------|
| 1. Ms. Josephine Kusinyi | SENATE |
| 2. Mr. Said Osman | - Legal Counsel |
| 3. Ms. Carol Kirorei | - Research Officer |
| 4. Ms. Mercy Mutemi | - Committee Clerk |
| | - Pupil |

MIN. NO. 124/2015

- PRELIMINARIES

The Chairperson called the meeting to order at 9.30 a.m. followed by a word of prayer.

MIN. NO. 125/2015

- ADOPTION OF THE AGENDA

The agenda of the sitting was adopted as presented having been proposed by Sen. Karaba and seconded by Sen. Chelule.

MIN. NO. 126/2015

- CONFIRMATION OF PREVIOUS MINUTES

- i. The minutes of the 14th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Chelule and seconded by Sen. Sang.

- ii. The minutes of the 15th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Chelule and seconded by Sen. Boy.
- iii. The minutes of the 16th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Chelule and seconded by Sen. Sang.

MIN. NO. 127/2015

**-CONSIDERATION OF THE TOBACCO CONTROL
REGULATIONS, 2014**

Sen. Sang briefed Members on the status of the Tobacco Control Regulations, 2014 as follows:

- i. The Chairman, Tobacco Control Board following the meeting with the Committee had indicated that he was not in a position to respond to the issues raised by the Committee, as the Board takes a similar position to that of the Ministry that the matter is *sub judice*;
- ii. The Cabinet Secretary and the Principal Secretary had indicated that they were awaiting the finalization of the scrutiny by the Parliament;

Members considered the Regulations and reviewed the annulments. The Committee was of the opinion that there was need to ensure that as much as possible Regulations that are for the benefit of the health of the citizens of Kenya. Members also noted that stakeholders would want to push for their interests. The Committee resolved to annul the following Regulations:

- 1. Regulation 21
- 2. Regulation 22
- 3. Regulation 23
- 4. Regulation 26
- 5. Regulation 30 (c) and (f)
- 6. Regulation 37
- 7. Regulation 45 (2)

Members resolved to finalize with the Tobacco Control Regulations, 2014. The secretariat was tasked to prepare a brief on the Regulations and circulate hard and soft copies to the Members.

MIN. NO. 128/2015

- CONSIDERATION AND ADOPTION OF REPORTS

Members were taken through pending committee reports as follows:

- i. The Report on The NTSA (Operation of PSVs)(Amendment No. 2) Regulations, 2014;
- ii. The Report on The NTSA (Operation of Motorcycles), (Operation of Tourist Service Vehicles, and the Traffic (Amendment) Rules, 2015;
- iii. The Report on the Draft Kenya Information and Communications (Registration of Sim-Cards) Regulations 2015;
- iv. The Report on the Homa Bay Action Planning Retreat;
- v. The Report on the Lamu and Kilifi County Visits.

Members considered and adopted the above reports as were presented.

MIN. NO. 129/2015

-DATE OF NEXT MEETING

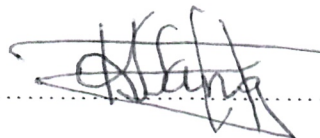
The next meeting would be on notice.

MIN. NO. 130/2015

-ADJOURNMENT

There being no other business, the meeting was adjourned at 10.08 a.m.

SIGNED:



(CHAIRPERSON)

DATE:

21/07/2015