



EXPLANATORY MEMORANDUM TO THE TRAFFIC (SCHOOL TRANSPORT) RULES, 2026. PART I

Name of the Statutory Instrument: Traffic (School Transport) Rules, 2026.

Name of the Parent Act: The Traffic Act.

Enacted Pursuant to: Section 105B(3) and 119(p) of the Traffic Act.

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

Gazetted on:

Tabled on:

PART II

1. Purpose of the Statutory Instrument

These Rules generally provide for the measures of enforcing section 105B(3) and 119(p) of the Traffic Act by providing: -

- 1.1 Licensing of school transport providers.
- 1.2 Licensing of school transport vehicles.
- 1.3 Roles and responsibilities of school drivers and attendants.
- 1.4 Transportation of school children.

2. Legislative Context

2.1 The National Assembly in 2012 amended the Traffic Act by including section 105B which provides for child safety in motor vehicles.

2.3 The Traffic Act Cap 403 empowers the Cabinet Secretary responsible for matters relating to transport to take measures for generally restricting or regulating the use of vehicles in such manner as the circumstances and safety on the roads may appear to him to require, and for the further, better or more convenient carrying out of any provisions of this Act.

2.3 The Traffic (School Transport) Rules, 2024 are therefore issued to give effect to this provision of the Act.

3. Policy Background

3.1. According to WHO, every four minutes a child is prematurely lost on the roads of this world. More than 500 children die every day globally. About 186,300 children die each year from road traffic crashes around the world. Many more are injured, often severely. While the road safety challenge is a global one, the children most likely to die in a road traffic crash live in the world's low- and middle-income countries (LMICs) whereby 95% of road traffic fatalities occur.

3.2 Road Traffic injury remain one of the most common causes of mortality in children globally as depicted below:

Rank #	< 5 years	5 – 9 years	10 – 14 years	< 15 – 17 years
1	Preterm birth complications	Diarrhoeal diseases	HIV/AIDS	Road traffic injury
2	Lower respiratory infections	Lower respiratory infections	Diarrhoeal diseases	Self-harm
3	Birth asphyxia / trauma	Meningitis	Road traffic injury	Interpersonal violence
4	Diarrhoeal diseases	Road traffic injury	Lower respiratory infections	HIV/AIDS

Source: World Health Organization, Global Health Estimates, 2014.

3.3 In Kenya, about 600 children died in the year 2021 due to road crashes. 20% of all the fatalities in the year 2022 were under 19 years of age. This is summarized as below:

2022 Distribution of fatalities by Age Group in Kenya

3.4 There has been an increase in the number of injuries and fatalities involving school children whilst in traffic or around schools.

3.5 It is in this backdrop that the Authority has formulated The Traffic (School Transport) Rules, 2024 to ensure safety of children on our roads.

4. Consultation outcome

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

4.2 The public participation forums covered the below listed regions whereby the participants were taken through the rules after being provided with hard copies of the draft:-

	DATE	REGION	VENUE
1.	22 nd April 2024	Garissa, Kitui, Mandera and Wajir Counties	Kitui ATC Hall
2.	22 nd April 2024	Meru, /Tharaka Nithi, Marsabit and Isiolo Counties	Meru National Polytechnic
3.	23 rd April 2024	Embu, Muranga and Kirinyaga Counties	Kenya Agricultural & Livestock Research Organization (KALRO)
4.	24 th April 2024	Nyeri and Laikipia Counties	Dekut Enterprises
5.	26 th April 2024	Nairobi, Machakos and Kiambu Counties	Utalii College
6.	29 th April 2024	West Pokot, Turkana, Uasin Gichu, Trans nzoia, Nandi and Elgeyo Marakwet Counties	Eldoret National Polytechnic
7.	30 th April 2024	Bungoma, Kakamega, Busia and Vihiga Counties.	Kakamega Golf Club Hall

8.	2 nd May 2024	Kisumu, Siaya and Homabay Counties	Maseno University Kisumu Campus
9.	3 rd May 2024	Kisii, Nyamira and Migori Counties	Zonic Hotel
10.	6 th May 2024	Kericho, Kajiado and Bomet Counties	Anglican Church of Kenya
11.	7 th May 2024	Nakuru, Nyandarua, Baringo, Samburu and Narok Counties	Alps Hotel
12.	9 th May 2024	Makueni County	Jambo Africa Gateway Resort
13.	13 th May 2024	Kilifi, Lamu and Tana River Counties	Pine Court Hotel
14.	14 th May 2024	Mombasa and Kwale Counties	Kenya School of Government
15.	15 th May 2024	Taita Taveta County	Taita Taveta National Polytechnic

4.3 The Authority further posted the draft Rules on the Authority's website and opened a dedicated email address info@ntsa.go.ke and issued the physical address for submission of soft and hard comments. This was indicated in the advertisement for the public participation forums.

4.5 The Authority collected, considered and incorporated in the draft Rules the views of the public and key stakeholders.

5. Guidance

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

5.2 Further the Authority will continue to give the necessary technical support and advise to ensure the proper implementation of the Rules.

6. Impact

6.1 The regulation shall have no fundamental effect on the rights and freedoms.

6.2 The regulation will enhance the safety in the transportation of school children in Kenya.

7. Monitoring and review

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

8. Contact

8.1. The contact person shall be Angela Wanjira, the Ag. Director General, NTSA. angela.wanjira@ntsa.go.ke. Tel 0724-299655.

