



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT | FIFTH SESSION

THE SENATE

COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE CONSIDERATION OF THE TRAFFIC (SCHOOL
TRANSPORT) RULES, 2026 (LEGAL NOTICE NO. 11 OF 2026)

PAPERS LAID	
DATE	10.06.2026
TABLED BY	Chairperson D.C
COMMITTEE	—
CLERK AT THE TABLE	Polycarp

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

June, 2026

TABLE OF CONTENTS

List of Abbreviations/ Acronyms	iii
Preliminaries	iv
Foreword by the Chairperson	vi
Adoption of the Report	viii
Chapter 1: Introduction	
Introduction	1
Overview of the Rules	2
Chapter 2: Consideration of the Rules	
Introduction	4
Response from the Cabinet Secretary, Ministry of Roads and Transport	6
Overview of Stakeholder Submissions	11
Chapter 3: Committee Observations	
Committee Observations	15
Chapter 4: Recommendations	
Recommendations	19
List of Annexes	20

LIST OF ABBREVIATIONS AND ACRONYMS

ASAL	- Arid and Semi-arid Land
CS	- Cabinet Secretary
CSV	- Commercial Service Vehicle
KEBS	- Kenya Bureau of Standards
KESSHA	- Kenya Secondary School Heads Association
KPSA	- Kenya Private School Alliance
NTSA	- National Transport and Safety Authority
PSV	- Passenger Service Vehicle

PRELIMINARIES

Establishment and Mandate of the Committee

The Committee on Delegated Legislation is established under standing order 195(1) of the Senate Standing Orders and is mandated to scrutinize statutory instruments laid before the Senate.

The Committee is mandated to consider whether a 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) contains imposition of taxation;
- (e) directly or indirectly bars the jurisdiction of the courts;
- (f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (g) involves expenditure from the Consolidated Fund or other public revenues;
- (h) is defective in its drafting or for any reason, the form or purport of the statutory instrument calls for any elucidation;
- (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (j) appears to have had unjustifiable delay in its publication or laying before Parliament;
- (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.

Membership of the Committee

The Committee is comprised of –

- | | |
|--|--------------------|
| 1) Sen. Mwenda Gataya Mo Fire, CBS, MP | - Chairperson |
| 2) Sen. (Dr.) Danson Buya Mungatana, MGH, MP | - Vice-Chairperson |

- | | |
|--|----------|
| 3) Sen. Joyce Chepkoech Korir, MGH, MP | - Member |
| 4) Sen. Julius Murgor Recha, CBS, MP | - Member |
| 5) Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member |
| 6) Sen. Daniel Kitonga Maanzo, EBS, MP | - Member |
| 7) Sen. Boy Issa Juma, CBS, MP | - Member |
| 8) Sen. Betty Batuli Montet, MP | - Member |
| 9) Sen. Consolata Nabwire Wakwabubi, MP | - Member |

FOREWORD BY THE CHAIRPERSON

Hon. Speaker,

The Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026) were tabled in the Senate on Thursday, 26th February, 2026, following which they were committed to the Committee on Delegated Legislation for scrutiny.

The Rules aim to provide for a framework for the regulation, management and safe operation of school vehicles and transportation of passengers, including students in school vehicles.

Hon. Speaker,

In considering the Rules, the Committee held meetings with the Cabinet Secretary, Ministry of Roads and Transport to deliberate on and receive responses to concerns raised on the Rules. The Committee also met and received submissions from various stakeholders including the Inspector-General, National Police Service (NPS), Motorist Association of Kenya, Kenya Private Schools Association (KPSA) and the Kenya Secondary Schools Heads Association (KESSHA). These are summarized in Chapter Two of this Report.

Hon. Speaker,

Having heard from the Ministry and having considered the submissions from the stakeholders, the Committee made various observations which are set out at Chapter Three of the Report. Among these are that Rule 13 which provides for installation of reflectorized and stop mechanical signal arms on school transport vehicles, and Rule 14, which provides for installation of telematic systems and passenger facing cameras which monitor, collect, and analyze vehicle data shall come into operation on **1st July, 2026**. A clear and reasonable transition period has not been clearly provided for, thus exposing school transport providers and drivers to uncertainty and possible harassment by enforcement agencies. This also risks grinding school transportation to a halt in the middle of the term, thus disrupting the education of students and pupils, particularly those who rely on school transport to get to school daily.

The implementation of the Rules is likely to be very expensive for schools, particularly retrofitting the existing vehicles to meet the requirements of the Rules. Implementation should have been done in phases to avoid disruptions and chaos in the middle of the school term. These additional costs will be passed on to parents thus further raising the costs of living in an already struggling economy.

The Committee further observed that the Rules did not meet the threshold under the Statutory Instruments Act, Cap. 2A in the following ways–

- a) The regulation making authority submitted a regulatory impact statement on the Rules, whose notice was carried in the *Gazette* and *My Gov* which is not a newspaper of nationwide circulation likely to be read by people particularly affected by the Rules, hence falling short of the requirements of section 6 of the Act;
- b) Whereas the regulation making authority submitted documents showing that it had conducted public participation on the Rules between April and May, 2024, targeted stakeholder engagement with persons or organizations likely to be affected by the Rules, such as private school associations, tertiary institutions and secondary school headteachers' associations, was not adequately carried out, contrary to section 5 of the Act;
- c) The Rules appear to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made, contrary to section 13(i) of the Statutory Instruments Act, as it is not clear whether the powers to make Rules under the Traffic Act, Cap.403 envisaged requiring institutions of learning to obtain an additional licence as school transport providers;
- d) The Rules make rights, liberties or obligations unduly dependent on insufficiently defined administrative powers contrary to section 13(l) of the Statutory Instruments Act, as the instrument does not prescribe any timelines for issuance of licences or for making of decisions on license applications. As such, the administrative powers granted to the Authority are likely to be misused to the detriment of licensees;
- e) The Rules inappropriately delegate legislative powers contrary to section 13(m) of the Statutory Instruments Act, Cap.2A. Rule 5(5) and 6(7) empower the Authority to impose such conditions as it may consider necessary in respect of licenses issued under the Rules. This gives wide discretion to the Authority which may be abused, yet the conditions ought to have been outlined in the Rules.

Hon. Speaker,

Arising from its observations on the Rules, the Committee recommends that the House **annuls** the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026).

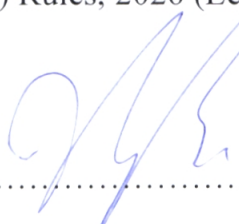
Hon. Speaker,

Allow me to thank the Members of the Committee for their diligence and insights during the consideration of these Rules. I also wish to thank the various stakeholders for bringing to the attention of the Senate their concerns.

Lastly, I wish to thank the Offices of the Speaker and the Clerk of the Senate for the support accorded to the Committee during consideration of this Rules.

Hon. Speaker,

Pursuant to standing order 195 (4) (b), it is now my pleasant duty to present the Report of the Committee on Delegated Legislation on the consideration of the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026).

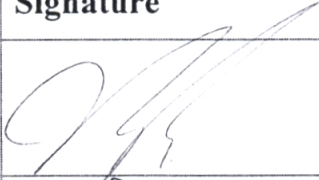
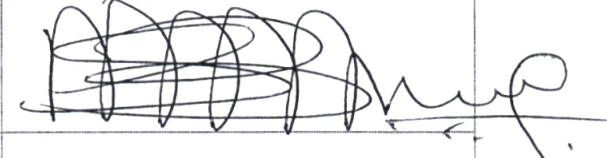
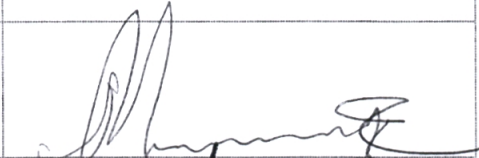
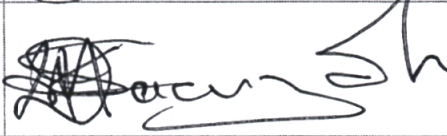
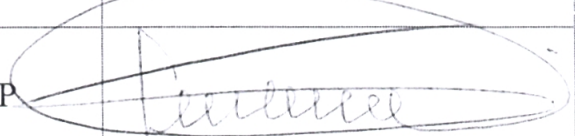
Signed.....

Date.....4/6/2026.....

SEN. MWENDA GATAYA MO FIRE, CBS, MP
CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION.

**ADOPTION OF THE REPORT OF THE COMMITTEE ON DELEGATED
LEGISLATION ON THE TRAFFIC (SCHOOL TRANSPORT) RULES, 2026
(LEGAL NOTICE NO. 11 OF 2026)**

**We, the undersigned Members of the Committee on Delegated Legislation, do
hereby append our signatures to adopt this Report.**

No	Name	Signature
1.	Sen. Mwenda Gataya Mo Fire, CBS, MP	
2.	Sen. (Dr.) Danson Buya Mungatana, MGH, MP	
3.	Sen. Joyce Chepkoech Korir, MGH, MP	
4.	Sen. Julius Murgor Recha, CBS, MP	
5.	Sen Mohamed Mwinyihaji Faki, CBS, MP	
6.	Sen. Daniel Kitonga Maanzo, EBS, MP	
7.	Sen. Issa Juma Boy, CBS, MP	
8.	Sen. Betty Batuli Montet, MP	
9.	Sen. Consolata Nabwire Wakwabubi, MP	

CHAPTER ONE: INTRODUCTION

1.1 Introduction

1. In line with its mandate, the Ministry of Roads and Transport submitted the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026) to the Senate for scrutiny. A copy of the Rules is attached to this Report as *Annex 2*.
2. The Rules were drafted pursuant to powers conferred section 105B(3) of the Traffic Act, Cap. 403 of the Laws of Kenya (“the Act”) which provides that—

The Cabinet Secretary shall prescribe—

- (a) *the maximum number of children that a vehicle designated for transporting them to and from school can carry, depending on the class of the vehicle;*
 - (b) *for continuous inspection of vehicles transporting children;*
 - (c) *for specialized instructions to be provided and undertaken by any person driving a vehicle for children transport.*
3. Section 11(1) of the Statutory Instruments Act, Cap. 2A requires that within seven (7) sitting days after publication, statutory instruments shall be submitted before the relevant Clerk of Parliament for tabling. The Rules were published on 13th February, 2026 and thereafter submitted to the Senate for tabling on 25th February, 2026, which time was within the seven (7) sitting days of referral of an instrument to Parliament as stipulated by section 11(1) of the Statutory Instruments Act.
 4. The Rules were thereafter laid on 26th February, 2026, and were to be considered by the Committee within twenty-eight (28) sitting days which were scheduled to lapse on 2nd June, 2026. However, owing to requests for postponement of meetings by the Cabinet Secretary, Ministry of Roads and Transport, the Committee, 14th May, 2026, sought and was granted an extension of twenty-one (21) calendar days to consider the Rules. The extended period for considering the Rules will lapse on 23rd June, 2026.

1.2 Overview of the Rules

5. The purpose of the Rules is to provide for a framework for the regulation, management and safe operation of school vehicles and transportation of passengers, including students in school vehicles. Although the Rules are to commence upon publication, Rule 13 which provides for installation of reflectorized and stop mechanical signal arms on school transport vehicles, and Rule 14, which provides

for installation of telematic systems which monitor, collect, and analyze vehicle data, shall come into operation on **1st July, 2026**.

6. Part II of the Rules contains the provisions for licensing of school transport providers and school vehicles. Institutions of learning offering school transport services as well as independent school transport providers are required to obtain a license annually, to allow them offer the service. Every vehicle used for school transport also has to obtain an annual license. This Part also contains the regulation on the suspension and revocation of licenses and provisions for the short-term school vehicle road license for a vehicle to be used to transport persons other than students. The license fees range from Kshs.2750 for 7 passengers to Kshs.4,250 for vehicles carrying more than 26 passengers.
7. Part III of the Rules provides for the obligations of a school transport provider, including insurance requirements, development of a school transport operations policy and reporting on accidents. This Part also provides for the employment of a school vehicle attendant in respect of each vehicle. Further, a school transport provider who is an institution of basic education and learning shall designate an individual to serve as a crossing guard to manage traffic at the school's entrances and exits.
8. Part IV of the Rules provides for the requirements of school vehicles, and provides that vehicles shall be insured, undergo annual inspection, and be fitted with red light indicators in the prescribed manner. It also provides for reflectorized red stop mechanical signal arms and a vehicular telematic system with a passenger-facing camera fitted in the car.
9. This Part further provides for the requirements of seats for the school vehicle; the seats shall be fixed, free from sharp edges, have soft shock-absorbent and fire-resistant materials and handles placed and covered with materials that prevent injury upon collision.
10. Part V of the Rules provides for qualifications and the roles of persons employed as school vehicle drivers and school vehicle attendants. The school vehicle attendants and the school vehicle drivers shall be required to be persons with a clean criminal record.

11. Part VI of the Rules establishes procedures for the operation of school vehicles. This includes the hours of operation of the school vehicles (5.00 a.m. to 10.00 p.m.), passengers permitted in the school vehicles, procedure for boarding and alighting the school vehicle, procedure for handling any indiscipline cases in the school vehicle, designated places for boarding and alighting, the occupancy of the driver's seat and the handling of the vehicle keys. The driver shall ensure that no person other than the driver occupies the driver's seat and additionally that they don't leave the driver's seat or the vehicle keys in the ignition while the vehicle engine is still running.
12. Part VII of the Rules contains the use of motorcycles to transport school-going children. Both the rider and the school-going children are required to use the prescribed protective gear. It also provides that a school-going child shall at no point carry any luggage and that the rider shall place the luggage in the motorcycle carrier, and the motorcycle rider shall not carry any other luggage unless in the carrier while transporting a school-going child. The child may however carry a backpack, but should not carry any luggage in their hands.
13. Part VIII of the Rules contains the miscellaneous provisions, such as appeals to the Transport Licensing Appeals Board when an individual is aggrieved by a licensing decision. Additionally, the Rules provide offences and penalties. A person who contravenes the Rules is liable, upon conviction, to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months. Additionally, the driver's licence may be suspended for a period not exceeding six months.

CHAPTER TWO: CONSIDERATION OF THE RULES

2.1 Introduction

14. The Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026) were tabled in the Senate on Thursday, 26th February, 2026, following which they were committed to the Committee on Delegated Legislation for scrutiny.
15. At a meeting held on Friday, 27th March, 2026, the Committee considered the Rules and made the following observations—
 - (a) Whereas the regulation making authority indicated in the explanatory memorandum that it had conducted fifteen public participation forums across the country between 22nd April, 2024 and 15th May, 2024, no attendance lists were submitted to show who attended the said forums;
 - (b) No evidence was provided to show whether institutions of learning, both public and private, and other stakeholders in the education sector were consulted during public participation, considering that their operations would be directly affected by the Rules;
 - (c) No newspaper advert was provided to show that notification of the regulatory impact statement was done in a newspaper of nationwide circulation likely to be read by people particularly affected by the proposed legislation as required under section 8(1) of the Statutory Instruments Act, Cap.2A. It is not clear whether any comments or submissions were made upon notification, as the summary of comments availed does not indicate which Rules it refers to. It is therefore not clear whether the regulation making body received or considered comments made on the regulation impact statement and Rules, as a copy of the submissions made was also not availed;
 - (d) the regulatory impact statement availed does not demonstrate-
 - (i) how exactly the numerous licences required to be obtained will assist in safeguarding children when being transported to and from school, as opposed to other regulatory options such as special training for drivers and vehicle attendants and enforcement of safety guidelines and traffic rules;
 - (ii) the justification for the licence fees has also not been provided; and
 - (iii) the impact of the Rules on the ability of schools to offer school transport;
 - (e) Section 105(B)(4) and (5) of the Traffic Act, Cap.403 provides that-

‘A person who contravenes this section commits an offence and shall be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding two months or to both.’

Rule 37(1), however, provides for a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months, which is inconsistent with the Act;

- (f) The Rules involve expenditure from public revenues contrary to section 13(g) of the Statutory Instruments Act. The Rules require persons offering school transport services to obtain a license and that every vehicle obtains an annual license and is inspected annually. They also require the installation of a telematics system in every vehicle by 1st July, 2026. This is likely to affect the finances of public schools, since they partly rely on financing from public funds, as well as impose additional administrative requirements and costs on the institutions;
- (g) In addition to the above, a clear and reasonable transition period has not been clearly provided for, thus exposing school transport providers and drivers to uncertainty and possible harassment by enforcement agencies;
- (h) The instrument is defective in its drafting and the form or purport of the statutory instrument calls for elucidation contrary to section 13(h) of the Statutory Instruments Act in the following ways-
 - (i) The instrument makes reference to numerous standards formulated by the Kenya Bureau of Standards. Copies of these standards have not been availed to the Committee yet the Rules need to be read together with the standards for one to understand the prescribed requirements. It is not clear whether copies of these standards were availed to the public during public participation and whether they are readily accessible to anyone reading the Rules;
 - (ii) The instrument makes reference to a prescribed form for application of licences, but the form has not been annexed to the Rules;
 - (iii) The instrument requires school vehicle drivers to undergo a visual, hearing and mental health test, yet it has not prescribed the format for presentation of the results, and where such tests are offered. It also requires training on child safeguarding to be undertaken in respect of school vehicle attendants, and it is not clear whether a curriculum for such training exists and where the training is to be offered;
 - (iv) it is not clear whether the fees schedule in the First Schedule (S/No 1-4) are the applicable fees for both the school transport provider licence and the school vehicle road licence; and
 - (v) there are also typos in Rule 12(c) and Rule 13(7)(a).
- (i) The Rules appear to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made, contrary to section 13(i) of the Statutory Instruments Act, Cap.2A, as it is not clear whether the powers to make Rules under the Traffic Act, Cap.403 envisaged requiring institutions

of learning to obtain an additional licence as school transport providers;

- (j) The Rules appear to have had unjustifiable delay in publication contrary to section 13(j) of the Statutory Instruments Act. Section 103B(7) of the Traffic Act provides as follows-

“The Cabinet Secretary shall, within a period not exceeding twelve months after the enactment of this Act, make the Rules prescribing matters required to be prescribed under this section.”

This provision was inserted in the Act through Traffic (Amendment) Act, 2017 (Act No.26 of 2017) which was enacted on 16th August, 2017 and the Rules therefore ought to have been enacted by 15th August, 2018. No justification has been provided for the eight-year delay in making the Rules;

- (k) The Rules make rights, liberties or obligations unduly dependent on insufficiently defined administrative powers contrary to section 13(l) of the Statutory Instruments Act, as the instrument does not prescribe any timelines for issuance of licences or for making of decisions on license applications. As such, the administrative powers granted to the Authority are likely to be misused to the detriment of licensees; and

- (l) The Rules inappropriately delegate legislative powers contrary to section 13(m) of the Statutory Instruments Act, Cap.2A. Rule 5(5) and 6(7) empower the Authority to impose such conditions as it may consider necessary in respect of licenses issued under the Rules. This gives wide discretion to the Authority which may be abused, yet the conditions ought to have been outlined in the Rules.

- 16. Subsequently, the Committee resolved to invite the Cabinet Secretary, Ministry of Roads and Transport and stakeholders to a meeting for further deliberations on the Rules. At a meeting held on Tuesday, 19th May, 2026, the Committee met with the Cabinet Secretary and other Ministry officials and received their responses to issues raised by the Committee and stakeholders.

- 17. The Minutes of the Committee in considering the Rules are attached to this Report as *Annex 1*.

2.2 Response by the Cabinet Secretary, Ministry of Roads and Transport

- 18. At the said meeting held on Tuesday, 19th May, 2026, the Cabinet Secretary responded to issues raised by the Committee as summarized below-

- (a) With regard to the non-submission of attendance lists of stakeholder engagements held between 22nd April, 2024 and 15th May, 2024, the Cabinet

Secretary admitted the inadvertent omission of the lists and submitted the same to the Committee;

- (b) With regard to the issue of engagement of institutions of learning which were to be affected by the Rules, the Cabinet Secretary stated that the Ministry undertook targeted engagements with stakeholders from the education sector. For instance, the Kenya Primary School heads Association was engaged during its Annual Conference and Annual General Meeting held in Mombasa between 8th and 14th November, 2025. The engagement brought together education sector representatives, including officials from the Kenya National Union of Teachers, the Teachers Service Commission, and the State Department of Basic Education, providing an opportunity for the exchange of views on implementation considerations.
- (c) With regard to the newspaper advertisement for the Regulatory Impact Statement, the Ministry confirmed that the same was published in *My Gov* Newspaper and stakeholder input was received and considered in the development of the Rules. The Ministry further confirmed that the Regulatory Impact Statement was made in compliance with sections 6 and 7 of the Statutory Instruments Act and addressed the following-
 - (i) The problem definition (road safety risks, regulatory gaps, enforcement inefficiencies);
 - (ii) Policy objectives (reduction of accidents, improved compliance, system accountability);
 - (iii) Regulatory and non-regulatory options; and
 - (iv) Expected economic, social, and administrative impacts.
- (d) The introduction of licensing is grounded in risk-based regulation and the State's constitutional obligation to protect life and vulnerable groups (particularly children). Licensing serves the following critical regulatory purposes-
 - (i) Child Safety Assurance;
 - (ii) Establishes minimum enforceable safety standards for vehicles, drivers, and operators;
 - (iii) Enables pre-qualification before engagement in school transport services;
 - (iv) Traceability and Accountability: Creates a register of licensed providers, enabling monitoring, inspection, and enforcement;
 - (v) Facilitates attribution of responsibility in the event of accidents or breaches; and
 - (vi) Standardization of a previously fragmented sector: Transforms school transport from an informal arrangement into a regulated safety-sensitive service.

- (e) On the issue of referenced KEBS standards, the Cabinet Secretary asserted that these were public documents available through KEBS channels, and are presumed to be within the reach and knowledge of regulated persons, particularly where they are referenced in subsidiary legislation;
- (f) Regarding expenditure from public revenues, the Cabinet Secretary asserted that the Rules do not constitute unlawful expenditure of public funds. The licensing and inspection framework established under the Rules introduces regulatory fees which are cost-recovery and safety compliance charges, not expenditures from public revenue. These funds are earmarked for regulatory enforcement, inspection systems, and road safety infrastructure, consistent with public finance management principles. Further, in designing the Rules, the Ministry struck a delicate balance between enhancing child safety and minimizing financial burden, particularly on public schools. The framework adopted is considered the most proportionate and effective mechanism to achieve safety outcomes while maintaining fiscal sustainability.
- (g) In respect of lack of clarity in the First Schedule, the Ministry acknowledged the inconsistency stating that the draft submitted to the Office of the Attorney-General distinguished between a school transport service provider licence fee of Kshs 2,000 (annual and renewal) and the school vehicle road licence fees, which are structured according to vehicle capacity. This distinction was not fully carried through in the final published version, resulting in a technical anomaly. The Ministry proposed to address the issue through the statutory instrument rectification process in consultation with the Office of the Attorney-General before implementation of the Rules.
- (h) In respect of typographical errors in Rule 12(c) and Rule 13(7)(a), the errors were acknowledged and proposal was made to address the issue through the statutory instrument rectification process in consultation with the Office of the Attorney-General before implementation of the Rules;
- (i) On the failure to provide for a reasonable transition period for implementation of the Rules, the Rules provide for a grace period for implementation. Key provisions, including those relating to telematics systems and stop-arm requirements, are scheduled to take effect on 1st July, 2026, thereby allowing stakeholders a reasonable period within which to prepare for compliance. The Ministry is also in the process of initiating structured stakeholder engagement to support schools, transport providers, and operators in achieving compliance. This engagement will include technical guidance, phased implementation support, and awareness creation to ensure smooth transition and avoid enforcement uncertainty.
- (j) Regarding the clarity of requirements relating to visual, hearing, and mental health testing for school transport drivers, the clarified that-

- (i) the requirement for medical fitness testing is not a new obligation introduced by the Rules, but is firmly grounded in the parent legislation, namely section 105A of the Traffic Act, Cap. 403. The Rules therefore operationalize and give effect to an already existing statutory requirement;
 - (ii) The implementation of this requirement is further anchored in the Traffic (Driving Schools, Driving Instructors and Driving Licence) Rules, 2019, which provide a structured medical examination framework for public service vehicle (PSV), commercial service vehicle (CSV), and school transport drivers;
 - (iii) Further, under the law, such medical assessments are required to be conducted by a qualified medical practitioner who is duly registered under the Medical Practitioners and Dentists Act and accredited in accordance with the Occupational Safety and Health Act (OSHA). This ensures that the testing process meets established professional and occupational health standards, and that the results are reliable, consistent, and legally valid;
 - (iv) A standardized medical examination form has been developed to ensure uniformity in the assessment of visual, hearing, and mental fitness.
 - (v) Operationalization of this framework was at an advanced stage. In this regard, the Ministry has been working closely with the Directorate of Occupational Safety and Health Services to roll out the medical testing regime for PSV, CSV, and school transport drivers, including the accreditation of practitioners and the standardization of procedures.
 - (vi) Child safeguarding training for attendants was under development through a structured curriculum to ensure standardization, accreditation, and uniform certification.
- (k) On whether the Rules make an unusual or unexpected use of the powers conferred under the Traffic Act, Cap. 403, particularly in requiring institutions of learning to obtain a licence as school transport providers, the Ministry clarified that this requirement was firmly grounded in section 105B (3) of the Traffic Act, which expressly empowers the Cabinet Secretary to prescribe specialized instructions. The licensing framework was an administrative mechanism to operationalize these statutory safety requirements by enabling registration, oversight, and enforcement of compliance within the school transport system. Given the heightened duty of care in transporting children, this approach ensured accountability and structured regulation of all entities involved.
- (l) On the delay in the development of the Rules (eight years), the Cabinet Secretary acknowledged the delay which he said was occasioned by extensive stakeholder engagement, harmonization of safety requirements, and the need

to align the framework with evolving transport safety standards, all of which required sustained technical and inter-agency consultation to ensure a practical and effective regulatory regime.

(m) With regard to administrative timelines and procedural fairness, the Ministry stated that-

- (i) licensing decisions are governed by Article 47 of the Constitution and the Fair Administrative Action Act, which require expeditious, reasonable, and procedurally fair administrative action.
- (ii) In addition, the Authority operates published service charters and internal service standards that set clear timelines for processing applications;
- (iii) Further, any person aggrieved by a decision of the Authority, including delays, has a right of appeal to the Transport Licensing Appeals Board, which is empowered to review both the merits and administrative fairness of licensing decisions, including issues of delay;
- (iv) Accordingly, adequate safeguards exist through constitutional provisions, service standards, and an independent appellate mechanism to prevent abuse of discretion.

The Ministry nevertheless acknowledged the need for greater clarity and certainty.

(n) With regard to delegation of licensing conditions to the Authority, the Cabinet secretary stated that-

- (i) discretion granted to the Authority under Rules 5(5) and 6(7) to impose licence conditions is necessary to enable effective regulation of a dynamic sector where operational and safety risks vary across operators, locations, and evolving technological and compliance requirements. Certain conditions—such as those relating to real-time safety monitoring, vehicle-specific compliance requirements, and operational safeguards—are inherently responsive and cannot be exhaustively predetermined in advance within the Rules.
- (ii) Importantly, this discretion is not unfettered. It is circumscribed by the statutory objectives of the Act, applicable published standards, principles of reasonableness, and the requirements of the Fair Administrative Action Act. In addition, it is subject to oversight and appeal mechanisms, including review by the Transport Licensing Appeals Board.
- (iii) Accordingly, the provisions did not amount to improper delegation of legislative authority but constitute a necessary and controlled regulatory tool to ensure effective implementation of the licensing regime in a manner responsive to unique and evolving safety circumstances.

19. A copy of the Response from the Cabinet Secretary, Ministry of Roads and Transport is attached to this Report as *Annex 3*.

2.3 Overview of Stakeholder Submissions on the Rules

20. On Thursday, 23rd April, 2026 and Tuesday, 19th May, 2026, the Committee met with various stakeholders who gave their submissions on the Rules. The Committee also received written submissions from various stakeholders.

I. Inspector-General, National Police Service

21. The Inspector-General, National Police Service proposed the following amendments to the Rules-
- a) That Rule 9 on the obligations of school transport providers, requiring school transport operators to develop and adopt a school transport operations policy; be amended to include a provision requiring that a school driver shall not be engaged in other school duties other than driving.
 - b) That Rule 10 on school vehicle attendants be amended by inserting a new sub-section 10(2) as follows-
“School vehicle attendants may act as crossing guards under Rule 11 where necessary and shall comply with Rule 11 at such times.
This would allow the school vehicle attendant to also act as a crossing guard.
 - c) That Rule 12 on requirements for school vehicles; be amended to by inserting a new Rule 12(i) as follows-
“Have installed a door with a child-proof locking mechanism”

II. Motorist Association of Kenya

22. The Motorist Association of Kenya proposed that the Rules be annulled for the following reasons-
- a) Rule 13 providing for reflectorized red stop mechanical signal arms is far-fetched and dangerous in the Kenyan context. Unlike the US, where this system originated, Kenyan roads are often narrow and lack the specialized design to support mechanical arms extending from the vehicle side. On many of our highways and urban roads, these arms would pose a significant risk of side-swipe accidents with passing traffic. Driver attitudes cannot be changed overnight to accommodate such obstructions which are therefore superfluous;

- b) Rule 14 requiring fitting of telematic systems and passenger facing cameras creates a captive market for private vendors. This adds a heavy financial burden on schools and parents without clear evidence that such surveillance-heavy systems improve safety more effectively than standard speed governors and proper driver training.;
- c) Rule 16 requires no obstruction on windows. MAK proposes that windows on school mini-buses and buses should be designed with non openable lower layer. It should open on upper layers. This would prevent accidents involving students protruding body parts (heads/arms) outside the vehicle and to protect occupants from sudden wind gusts or external objects, the upper portions of windows should be openable for fresh air;
- d) Rule 34 requiring a driver to stop when the stop signal arm has been extended and the red-light indicators on the uppermost part of the front and rear sides of the vehicle are flashing is incompatible with current road design. Our road network lacks the "pull-over" provisions or dedicated lanes required to make this safe. This Rule would likely cause massive traffic snarl-ups and rear-end collisions. The mishaps involving pick and drop are rare if any; and
- e) Rule 35 provides for protective gear and luggage for motor cycles carrying school-going children. However, the Rules is dangerously silent on the number of pillion passengers for pupils. We frequently see "overloading" of school children on motorcycles (sometimes 3 or 4 children). The Rules must introduce a strict limit (ideally one child per motorcycle) to ensure safety.

III. Kenya Private Schools Association

23. The Kenya Private Schools Association made the following submissions –
- i) Rule 12 which provides for requirements for school vehicles may impose a heavy financial burden on schools that already own compliant vehicles operating under existing approvals Many schools are facing economic challenges while some schools depend on leased or financed vehicles. Sudden compliance requirements to the Rules may disrupt transport operations. Phased implementation and a transition period of five (5) years was proposed.
 - ii) Rule 14 requiring fitting of telematic systems and passenger facing cameras will result in high installation and maintenance costs, rural schools may face

connectivity challenges, while data privacy and storage obligations remain unclear.

- iii) Rules 10, 19 and 20 provide for school vehicle attendants, their qualifications and roles. However, mandatory attendants for every elementary vehicle may increase operational costs significantly. Rural and low-cost schools may also struggle to comply. In this regard, mandatory attendants should be limited to vehicles carrying children below a specified age. There should also be provision for exemptions for schools with small capacity vehicles. Reasonable transition timelines should also be provided.
- iv) Rule 17 requiring annual criminal record and medical tests of a school driver may create administrative and financial burdens. Clear implementation procedures and designated agencies have also not been outlined. Checks should be done every two or three years unless misconduct arises, while centralized affordable vetting systems should be introduced.
- v) With regard to use of stop signal arms and flashing red lights under Rule 12, Kenya's current road environment and motorist behavior may make enforcement difficult. In addition, many roads lack proper markings and pedestrian infrastructure. Kenya's current road infrastructure and motorist behavior may not adequately support immediate implementation of such systems without nationwide awareness and enforcement mechanisms.
- vi) Rule 37 providing for offences and penalties may be punitive if applied without proportionality. The Rules should differentiate between administrative non-compliance and dangerous conduct; provide for warning notices and corrective timelines before suspension for minor infractions; and encourage corrective compliance rather than punitive enforcement.
- vii) The Rules will significantly increase transport costs which will ultimately be transferred to parents through school fees. This may reduce access to education, disproportionately affect low-income families, disadvantage schools in rural and marginalized areas.
- viii) The stakeholders likely to be affected by the Rules have not been adequately engaged during the development of these Rules.
- ix) Contradictory operating timelines under Rule 21 may create confusion during enforcement, educational trips, and co-curricular travel activities. NTSA

proposes operation of school vehicles between 5:00 a.m. and 10:00 p.m. while the Ministry of Education has traditionally enforced the 6:00 a.m. to 6:00 p.m. rule. Schools may face overlapping regulation from both NTSA and education authorities without a unified enforcement structure.

IV. Kenya Secondary School Heads Association

24. The Kenya Secondary School Heads Association (KESSHA) welcomed the Rules as a landmark reform enhancing learner safety, professionalizing transport and strengthening enforcement which advance child safeguarding, road crash prevention, vehicle roadworthiness and digitalized transport governance.
25. The Association submitted that there was need for inclusive implementation, institutional readiness and sensitivity to socio-economic factors to ensure affordability and access for all learners. The Association further flagged risks of increased compliance costs potentially affecting household budgets and access to education transport, and raised concern about rural and ASAL areas lacking inspection units, risking inequity in enforcement and compliance.
26. Copies of the submissions from stakeholders are attached to this Report as *Annex 4*.

CHAPTER THREE: COMMITTEE OBSERVATIONS

27. Upon scrutinizing the Rules together with the submissions made by the regulation-making authority and stakeholders, the Committee makes the following observations—

Regulatory impact statement

- (a) Section 6 of the Statutory Instruments Act, Cap. 2A provides that if a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the regulation making authority shall, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument. A copy of the regulatory impact statement is to be tabled in Parliament with the statutory instrument in accordance with section 7(5) of the Act. Section 7(1)(g) provides that the regulatory impact statement shall include a draft copy of the proposed statutory rule. Further, section 8 provides that preparation of a regulatory impact statement for a proposed statutory instrument shall be notified in the *Gazette* and in a newspaper likely to be read by people particularly affected by the proposed legislation;
- (b) Although the regulation making authority submitted a regulatory impact statement of the Rules, the notice was carried in the *Gazette* and *My Gov* which is not a newspaper of nationwide circulation likely to be read by people particularly affected by the Rules, hence falling short of the requirements of the Act;

Public participation

- (c) Section 5 of the Statutory Instruments Act requires a regulation making authority to conduct public participation prior to publication and make appropriate consultations with persons who are likely to be affected by the proposed instrument. Whereas the regulation making authority submitted documents showing that it had conducted public participation on the Rules between April and May, 2024, targeted stakeholder engagement with persons or organizations likely to be affected by the Rules was not adequately carried out;
- (d) While the Ministry stated that it had engaged the Kenya Primary School Heads Association during its Annual Conference and Annual General Meeting held in November, 2025, primary schools are not primary owners

of school buses. Stakeholders such as Kenya Secondary School Heads Association ought to have been engaged as secondary schools are significant owners of school buses. The Kenya Private Schools Association, which was present at the meeting held on Tuesday, 19th May, 2026 indicated that they were not involved in the public participation process;

Transition

- (e) Rule 13 which provides for installation of reflectorized and stop mechanical signal arms on school transport vehicles, and Rule 14, which provides for installation of telematic systems and passenger facing cameras which monitor, collect, and analyze vehicle data, shall come into operation on **1st July, 2026**. A clear and reasonable transition period has not been clearly provided for, thus exposing school transport providers and drivers to uncertainty and possible harassment by enforcement agencies. This also risks grinding school transportation to a halt in the middle of the term, thus disrupting the education of students and pupils, particularly those who rely on school transport to get to school daily;
- (f) Whereas the Cabinet Secretary indicated that 1st July was reasonable for the implementation of these provisions, the Committee observes that the required installations will result in high installation and maintenance costs which will translate into higher fees for parents, who are already significantly burdened. There will also be challenges of compliance in rural areas as well as connectivity challenges;
- (g) The Ministry also indicated that it was in the process of initiating structured stakeholder engagement to support schools, transport providers, and operators in achieving compliance including technical guidance, phased implementation support, and awareness creation to ensure smooth transition and avoid enforcement uncertainty. This is evidence that the Ministry is scarcely prepared for the operationalization of these Rules, on 1st July, 2026, which is a few weeks away. The transition provisions ought to have been expressly provided for in the Rules;

Contravention of section 13 of the Statutory Instruments Act, Cap. 2A

- (h) The Rules appear to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made, contrary to section 13(i) of the Statutory Instruments Act, as it is not clear whether the powers to make Rules under the Traffic Act, Cap.403 envisaged requiring institutions

of learning to obtain an additional licence as school transport providers, and therefore only independent school transport providers should have been required to obtain the licence;

- (i) The Rules make rights, liberties or obligations unduly dependent on insufficiently defined administrative powers contrary to section 13(l) of the Statutory Instruments Act, as the instrument does not prescribe any timelines for issuance of licences or for making of decisions on license applications. As such, the administrative powers granted to the Authority are likely to be misused to the detriment of licensees;
- (j) The Rules inappropriately delegate legislative powers contrary to section 13(m) of the Statutory Instruments Act, Cap.2A. Rule 5(5) and 6(7) empower the Authority to impose such conditions as it may consider necessary in respect of licenses issued under the Rules. This gives wide discretion to the Authority which may be abused, yet the conditions ought to have been outlined in the Rules;
- (k) The instrument is defective in its drafting and the form or purport of the statutory instrument calls for elucidation contrary to section 13(h) of the Statutory Instruments Act in the following ways—
 - (i) Regulation 9 makes reference to standards formulated by the Kenya Bureau of Standards. The particular standard on underride protection has not been cited. Copies of these standards have not been availed to the Committee yet the Rules need to be read together with the standards for one to understand the prescribed requirements. Copies of these standards were not availed to the public during public participation and are not readily accessible to anyone reading the Rules;
 - (ii) Whereas the Cabinet Secretary asserted that these were public documents available through KEBS channels, and are presumed to be within the reach and knowledge of regulated persons, particularly where they are referenced in subsidiary legislation, a quick look at the KEBS website reveals that these standards are actually for sale;
 - (iii) The instrument makes reference to a prescribed form for application of licences, but the form has not been annexed to the Rules;

- (iv) The instrument requires school vehicle drivers to undergo a visual, hearing and mental health test, yet it has not prescribed the format for presentation of the results, and where such tests are offered. It also requires training on child safeguarding to be undertaken in respect of school vehicle attendants, and it is not clear whether a curriculum for such training exists and where the training is to be offered;
- (v) it is not clear whether the fees schedule in the First Schedule (S/No 1-4) are the applicable fees for both the school transport provider licence and the school vehicle road licence. This was acknowledged by the Cabinet Secretary;
- (vi) there are also typos in Rule 12(c) and Rule 13(7)(a); and
- (l) The Rules do not sufficiently regulate the use of public service vehicles temporarily hired to ferry students for a school activity, or even the number of pillion passengers allowed when transporting school children.

CHAPTER FOUR: RECOMMENDATIONS

28. Arising from its observations as set out in the preceding Chapter, the Committee on Delegated Legislation recommends that the House **annuls** the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026).

LIST OF ANNEXES

- Annex 1:** Minutes of the Committee in Considering the Rules
- Annex 2:** The Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026)
- Annex 3:** Response from the Cabinet Secretary, Ministry of Roads and Transport on issues raised by the Committee
- Annex 4:** Submissions received from stakeholders

ANNEX 1



13TH PARLIAMENT | 5TH SESSION

**MINUTES OF THE 69TH SITTING OF THE COMMITTEE ON DELEGATED
LEGISLATION HELD ON FRIDAY, 27TH MARCH, 2026 AT 10.00 A.M. AT THE
HILTON GARDEN INN HOTEL**

PRESENT

1. Sen. Mwenda Gataya Mo Fire, CBS, MP - Chairperson
2. Sen. Daniel Kitonga Maanzo, EBS, MP
3. Sen. Julius Murgor Recha, CBS, MP
4. Sen. Betty Batuli Montet, MP
5. Sen. Consolata Nabwire Wakwabubi, MP

ABSENT WITH APOLOGY

1. Sen. (Dr.) Danson Buya Mungatana, MGH, MP - Vice-Chairperson
2. Sen. Mohamed Faki Mwinyihaji, CBS, MP
3. Sen. Joyce Chepkoech Korir, MGH, MP
4. Sen. Boy Issa Juma, CBS, MP

SECRETARIAT

1. Mr. Ahmed Odhwa - Principal Clerk Assistant I
2. Ms. Carol Kirorei - Clerk Assistant I
3. Ms. Lillian Waweru - Legal Counsel II
4. Ms. Belinda Ogollah - Research Officer III
5. Mr. Nandimu Baraza - Media Relations Officer III
6. Mr. John Pere - Serjeant-at-Arms
7. Ms. Fatuma Abdi - Audio Officer

MIN. NO.SEN/CDL/372/2026

PRELIMINARIES

The meeting was called to order at 10.05 a.m. followed by a word of prayer.

MIN. NO.SEN/CDL/373/2026

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Consolata Wakwabubi, MP and seconded by Sen. Daniel Kitonga Maanzo, EBS, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Post-publication scrutiny of the Traffic (School Transport) Rules, 2026 (Legal Notice No.11 of 2026) (*Committee Paper No. 36*)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN.NO.SEN/CDL/374/2026

**POST-PUBLICATION SCRUTINY OF THE
TRAFFIC (SCHOOL TRANSPORT)
RULES, 2026 LEGAL NOTICE NO.11 OF
2026**

The Legal Counsel presented Paper No. 36 (*The Traffic (School Transport) Rules, 2026 (Legal Notice No.11 of 2026)*).

During deliberations, the Committee observed that—

1. Whereas the regulation making authority indicated in the explanatory memorandum that it had conducted fifteen public participation forums across the country between 22nd April, 2024 and 15th May, 2024, no attendance lists were submitted to show who attended the said forums;
2. No evidence was provided to show whether institutions of learning, both public and private, and other stakeholders in the education sector were consulted during public participation, considering that their operations will be directly affected by the Rules;
3. No newspaper advert was provided to show that notification of the regulatory impact statement was done in a newspaper of nationwide circulation likely to be read by people particularly affected by the proposed legislation as required under section 8(1) of the Statutory Instruments Act, Cap.2A. It is not clear whether any comments or submissions were made upon notification, as the summary of comments availed does not indicate which Rules it refers to. It is therefore not clear whether the regulation making body received or considered comments made on the regulation impact statement and Rules, as a copy of the submissions made was also not availed;
4. the regulatory impact statement availed does not demonstrate-
 - a) how exactly the numerous licences required to be obtained will assist in safeguarding children when being transported to and from school, as opposed to other regulatory options such as special training for drivers and vehicle attendants and enforcement of safety guidelines and traffic rules;
 - b) the justification for the licence fees has also not been provided; and
 - c) the impact of the Rules on the ability of schools to offer school transport;
5. Section 103(B)(5) of the Traffic Act, Cap.403 provides that-

'A person who contravenes this section commits an offence and shall be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding two months or to both.'

Rule 37(1), however, provides for a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months, which is inconsistent with the Act;

6. The Rules involve expenditure from public revenues contrary to section 13(g) of the Statutory Instruments Act, Cap. 2A. The Rules require persons offering school transport services to obtain a license and that every vehicle obtains an annual license and is inspected annually. They also require the installation of a telematics system in every vehicle by 1st July, 2026. This is likely to affect the finances of public schools, since they partly rely on financing from public funds, as well as impose additional administrative requirements and costs on the institutions;
7. In addition to the above, a clear and reasonable transition period has not been clearly provided for, thus exposing school transport providers and drivers to uncertainty and possible harassment by enforcement agencies;
8. The instrument is defective in its drafting and the form or purport of the statutory instrument calls for elucidation contrary to section 13(h) of the Statutory Instruments Act, Cap.2A in the following ways-
 - a) The instrument makes reference to numerous standards formulated by the Kenya Bureau of Standards. Copies of these standards have not been availed to the Committee yet the Rules need to be read together with the standards for one to understand the prescribed requirements. It is not clear whether copies of these standards were availed to the public during public participation and whether they are readily accessible to anyone reading the Rules;
 - b) The instrument makes reference to a prescribed form for application of licences, but the form has not been annexed to the Rules;
 - c) The instrument requires school vehicle drivers to undergo a visual, hearing and mental health test, yet it has not prescribed the format for presentation of the results, and where such tests are offered. It also requires training on child safeguarding to be undertaken in respect of school vehicle attendants, and it is not clear whether a curriculum for such training exists and where the training is to be offered;
 - d) it is not clear whether the fees schedule in the First Schedule (S/No 1-4) are the applicable fees for both the school transport provider licence and the school vehicle road licence; and
 - e) there are also typos in Rule 12(c) and Rule 13(7)(a).
9. The Rules appear to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made, contrary to section 13(i) of the Statutory Instruments Act, Cap.2A, as it is not clear whether the powers to make Rules under the Traffic Act, Cap.403 envisaged requiring institutions of learning to obtain an additional licence as school transport providers;
10. The Rules appear to have had unjustifiable delay in publication contrary to section

13(j) of the Statutory Instruments Act. Section 103B(7) of the Traffic Act provides as follows-

“The Cabinet Secretary shall, within a period not exceeding twelve months after the enactment of this Act, make the Rules prescribing matters required to be prescribed under this section.”

This provision was inserted in the Act through Traffic (Amendment) Act, 2017 (Act No.26 of 2017) which was enacted on 16th August, 2017 and the Rules therefore ought to have been enacted by 15th August, 2018. No justification has been provided for the eight-year delay in making the Rules;

11. The Rules make rights, liberties or obligations unduly dependent on insufficiently defined administrative powers contrary to section 13(l) of the Statutory Instruments Act, as the instrument does not prescribe any timelines for issuance of licences or for making of decisions on license applications. As such, the administrative powers granted to the Authority are likely to be misused to the detriment of licensees; and
12. The Rules inappropriately delegate legislative powers contrary to section 13(m) of the Statutory Instruments Act, Cap.2A. Rule 5(5) and 6(7) empower the Authority to impose such conditions as it may consider necessary in respect of licenses issued under the Rules. This gives wide discretion to the Authority which may be abused, yet the conditions ought to have been outlined in the Rules.

Resolution

The Committee resolved to invite the Cabinet Ministry, Ministry of Roads and Transportation and stakeholders in the transport industry to a meeting after the short recess in April, 2026 to deliberate on the Rules.

MIN.NO.SEN/CDL/375/2026

ANY OTHER BUSINESS

There was no other business considered at the meeting.

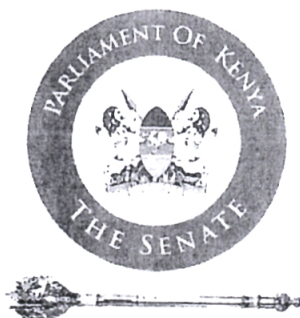
MIN.NO.SEN/CDL/376/2026

**DATE OF THE NEXT MEETING AND
ADJOURNMENT**

The Chairperson adjourned the meeting at 12.50 p.m. The next meeting would be held on Friday, 27th March, 2026 at 2.00 p.m.

SIGNED:

DATE: 4/6/2026



13TH PARLIAMENT | 5TH SESSION

MINUTES OF THE 80TH SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON THURSDAY, 23RD APRIL 2026 AT 11.00 A.M. AT COMMITTEE ROOM 9, SECOND FLOOR, BUNGE TOWER

PRESENT

1. Sen. Mwenda Gataya Mo Fire, CBS, MP - Chairperson
2. Sen. Mohamed Faki Mwinyihaji, CBS, MP
3. Sen. Betty Batuli Montet, MP

ABSENT WITH APOLOGY

1. Sen. (Dr.) Danson Buya Mungatana, MGH, MP - Vice-Chairperson
2. Sen. Joyce Chepkoech Korir, MGH, MP
3. Sen. Daniel Kitonga Maanzo, EBS, MP
4. Sen. Boy Issa Juma, CBS, MP
5. Sen. Julius Murgor Recha, CBS, MP
6. Sen. Consolata Nabwire Wakwabubi, MP

SECRETARIAT

1. Ms. Carol Kirorei - Clerk Assistant I
2. Ms. Lillian Waweru - Legal Counsel II
3. Ms. Rahma Abdullahi - Rahma Abdullahi III
4. Ms. Belinda Ogollah - Research Officer III
5. Mr. John Pere - Serjeant-at-Arms
6. Ms. Angelica Wachira - Public Communications Officer
7. Mr. Johstone Simiyu - Audio Officer
8. Mr. Ephraim Kingi - Attache

IN ATTENDANCE

1. Ms. Ruth Lemlem - Kenya Association of Manufacturers
2. Mr. Malcom Mwangi - Kenya Association of Manufacturers
3. Mr. Raphael Lamuiya - Chairman, Truckers Association of Kenya

- | | |
|---------------------|---|
| 4. Mr. Denny Kilia | - Secretary General, Truckers Association of Kenya |
| 5. Mr. Peter Murima | - Chairman, Motorists Association of Kenya |
| 6. Mr. Leackey Illa | - Director, Legal Services, National Authority Against Alcohol and Drug Abuse |

MIN. NO.SEN/CDL/426/2026

PRELIMINARIES

The meeting was called to order at 11.30 a.m. followed by a word of prayer.

MIN. NO.SEN/CDL/427/2026

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Sen. Mohamed Faki Mwinyihaji, CBS, MP and seconded by Sen. Betty Batuli Montet, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Meeting with stakeholders to receive submissions on-
 - a) the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026);
 - b) the Traffic (Drink- Driving) Rules, 2026 (Legal Notice No. 12 of 2026);
 - c) the Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No. 13 of 2026);
 - and
 - d) the NTSA (Operation of Commercial Vehicles) Regulations, 2026 (Legal Notice No. 14 of 2026) (*Committee Paper No. 36A*)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN.NO.SEN/CDL/428/2026

**MEETING WITH STAKEHOLDERS TO
RECEIVE SUBMISSIONS ON LEGAL
NOTICES NO. 11-14**

The Chairperson welcomed stakeholders to the meeting including-

1. Kenya Association of Manufacturers (KAM);
2. National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA);
3. Motorists Association of Kenya;
4. Truckers Association of Kenya; and
5. Kenya Primary Schools Heads Association.

He stated that the purpose of the meeting was to deliberate on the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026, the Traffic (Drink- Driving) Rules, 2026 (Legal Notice No. 12 of 2026, the Traffic (Motor Vehicle Inspection) Rules, 2026

(Legal Notice No. 13 of 2026) and the NTSA (Operation of Commercial Vehicles) Regulations, 2026 (Legal Notice No. 14 of 2026).

During deliberations -

- a) concerns were raised whether adequate public participation was conducted and the need for transparency in this process;
- b) the committee stressed the importance of detailed submissions and evidence-based feedback to guide regulator decisions;
- c) stakeholders were urged to prepare comprehensive written submissions with data to enrich deliberations; and
- d) the chair committed to an exhaustive, balanced review process before assenting or rejecting the regulations, ensuring consumer and regulatory perspectives are heard.

Submissions by NACADA

The National Authority for the Campaign against alcohol and drug abuse (NACADA) –

- a) confirmed that their mandate on alcohol and drug abuse prevention aligns well with the Traffic Drink Driving Rules (Legal Notice No. 12 of 2026);
- b) endorsed the use of breathalyzers, enforcement procedures, and compliance measures as crucial tools for nationwide awareness and deterrence of impaired driving;
- c) highlighted their role in coordinating multi-sectoral campaigns and policy reviews, viewing the rules as complementary to national alcohol control and substance abuse strategies; and
- d) indicated that the rules operationalize zero tolerance to impaired driving and criminalize refusal of testing, supporting public safety objectives and protecting third parties.

Submissions by the Motorist Association of Kenya

The Motorists Association of Kenya gave their submissions as summarized below-

- a) they challenged the regulatory framework for drink-driving, citing legal ambiguities and lack of clarity on “suspected driver” definitions;
- b) they criticized indiscriminate roadblocks and breathalyzer-only tests, stressing that blood alcohol content or urine tests are required to secure convictions;
- c) concerns were raised about the absence of sobriety tests and international best practices, proposing inclusion of observable impairment tests such as walking a straight line;
- d) the association called for addressing drunk pedestrians, a group overlooked in the proposed regulations; and
- e) they warned against excessive powers granted to the Cabinet Secretary to approve testing devices without clear safeguards.

With regard to Vehicle Inspection and Licensing Regulations, the Association-

- a) argued that mandatory inspections for private vehicles older than five years infringe on constitutional rights of privacy, movement, and choice;

- b) noted a lack of empirical data linking private vehicle conditions to accidents and asserted that poor road infrastructure and driver behaviour are primary causes of crashes;
- c) viewed these inspections as a disguised revenue stream imposing financial burdens without enhancing safety;
- d) opposed outsourcing inspections to private garages, fearing profiteering and loss of government accountability; and
- e) demanded urgent repairs of road infrastructure and accountability for fuel levy funds before imposing new inspection requirements.

Submissions by the Kenya Association of Manufacturers

The Kenya Association of Manufacturers made the following submissions in respect of the Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal notice No. 13 of 2026-

- a) proposed increasing the mandatory inspection age threshold from **4 to 8 years** to align with vehicle importation standards and reduce unnecessary inspections
- b) suggested biennial inspections or discounted fees for locally assembled or dealer-purchased vehicles to incentivize local assembly and reduce costs for SMEs.
- c) recommended licensing inspection centres through Kenya Accreditation Service to ensure standardized, quality testing aligned with international standards
- d) proposed reducing motorcycle inspection fees from **500 to 100 shillings** due to the large number of riders and promoting affordability
- e) urged reconsideration of excluding licensed assemblers from operating inspection centers, citing their nationwide capacity and potential to support industry growth
- f) concerning on Safety Belt and Seat Standards, KAM highlighted ambiguities around “child or student safety belts” and whether existing standards (KS6664 and KS822) cover these requirements adequately. They cautioned that new standards could increase manufacturing costs and limit design flexibility for locally assembled or imported vehicles. They proposed a phased approach to implementation, starting with feasible provisions and gradually adopting more complex safety features and The committee acknowledged the need to align safety standards with international protocols and requested the regulator to clarify these technical details.

Submissions by the Truckers Association of Kenya

Truckers Association raised concerns on licensing fees and tax burden. The Truckers Association-

- a) highlighted the heavy taxation burden on transporters, including fuel levies, inspection booking fees, inspection stickers, county cess fees, parking fees, and environmental permits;
- b) requested a single harmonized national fee covering inter-county transport to replace multiple county-level charges, enhancing fairness and reducing costs;
- c) supported towing regulations but called for standardized, gazetted towing fees to prevent exploitation by private towing operators;

- d) advocated for commercial vehicles to operate under SACCO circles to improve self-regulation and accountability.

Submissions by KESSHA

With regard to Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026), the Kenya Secondary Schools Heads Association (KESSHA). -

- a) welcomed the regulations as a landmark reform enhancing learner safety, professionalizing transport, and strengthening enforcement;
- b) noted the framework advances child safeguarding, road crash prevention, vehicle roadworthiness, and digitalized transport governance;
- c) stressed the need for inclusive implementation, institutional readiness, and sensitivity to socioeconomic factors to ensure affordability and access for all learners;
- d) flagged risks of increased compliance costs potentially affecting household budgets and access to education transport; and
- e) raised concern about rural and ASAL areas lacking inspection units, risking inequity in enforcement and compliance.

General submissions on the NTSA (Operation of Commercial Vehicles) Regulations, 2026 (Legal Notice No. 14 of 2026)

The stakeholders also gave their views on Legal Notice No. 14 as summarized below-

- a) KAM supported harmonizing operator and road license fees to avoid double taxation as raised by the Truckers Association;
- b) proposed phased implementation of expensive retrofits like speed limiters, telematics, reflective markings, and fire extinguishers to ease compliance burdens on assemblers and SMEs;
- c) vehicles purchased from certified assemblers with factory-fitted equipment should be exempted to promote local assembly and reduce upfront costs;
- d) suggested allowing branded depots as parking facilities to reduce illegal roadside parking and associated penalties;
- e) on towing regulations, they recommended gazetting and standardizing fees nationwide and encouraging assembler-led emergency support programs as cost-effective alternatives; and
- f) a safety audit incentive scheme was proposed, offering waivers or exemptions for businesses purchasing locally assembled vehicles to promote fleet modernization and reduce enforcement costs.

Resolution

The Committee resolved that the stakeholders send their written submissions for consideration before the meeting with the Cabinet Secretary, Ministry of Road and Transport to be scheduled at a later date.

MIN.NO.SEN/CDL/429/2026

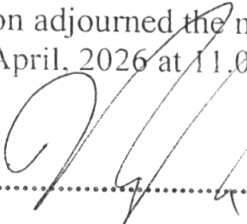
ANY OTHER BUSINESS

There was no other business discussed at the meeting.

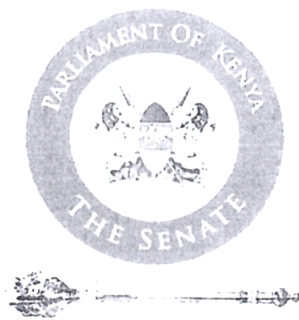
MIN.NO.SEN/CDL/430/2026

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The Chairperson adjourned the meeting at 13.26 p.m. The next meeting would be held on Tuesday, 28th April, 2026 at 11.00 a.m.

SIGNED: 

DATE: 4/6/2026



13TH PARLIAMENT | 5TH SESSION

MINUTES OF THE 87TH SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 19TH MAY, 2026 AT 10.00 A.M. AT THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL

PRESENT

1. Sen. Mwenda Gataya Mo Fire, CBS, MP - Chairperson
2. Sen. (Dr.) Danson Buya Mungatana, MGH, MP - Vice-Chairperson
3. Sen. Mohamed Faki Mwinyihaji, CBS, MP
4. Sen. Daniel Kitonga Maanzo, EBS, MP
5. Sen. Boy Issa Juma, CBS, MP

ABSENT WITH APOLOGY

1. Sen. Betty Batuli Montet, MP
2. Sen. Joyce Chepkoech Korir, MGH, MP
3. Sen. Julius Murgor Recha, CBS, MP
4. Sen. Consolata Nabwire Wakwabubi, MP

SECRETARIAT

1. Ms. Carol Kirorei - Clerk Assistant I
2. Ms. Lillian Waweru - Legal Counsel II
3. Ms. Rahma Abdullahi - Rahma Abdullahi III
4. Mr. Emmanuel Barasa - Media Relations Officer III
5. Mr. John Pere - Serjeant-at-Arms
6. Ms. Judith Aoko - Audio Officer

IN ATTENDANCE

1. Hon. Davis Chirchir, EGH
2. Mr. Mohamed Daghar, CBS
3. Mr. Nashon Kondiwa
4. Mr. Mohamed Khamsin
5. Mr. Andrew Maluki
6. Mr. Andrew Kiplagat

MINISTRY OF ROADS & TRANSPORT

- Cabinet Secretary
- Principal Secretary
- DG, NTSA
- Deputy Director, Registration NTSA
- Parliamentary Liaison Officer
- Director Roads Safety NTSA

- | | |
|--------------------------|---|
| 7. Mr. Paul Posh | - Board Member NTSA |
| 8. Mr. Robert Ngugi | - Head Legal NTSA |
| 9. Mr. Tom Abuga | - Legal Counsel NTSA |
| 10. Mr. Evans Wangichiri | - Legal Counsel NTSA |
| 11. Mr. Ian Ndung'u | - Legal Counsel NTSA |
| 12. Mr. Jacob Sisei | - Director Corporate Services NTSA |
| 13. Eng. Angela Wanira | - Director, Motor Vehicle Inspection NTSA |
| 14. Mr. Wycliffe Wasike | - Head of Finance NTSA |

IN ATTENDANCE

1. Mr. Peter Murima
2. Ms. Rosebell Ojimbo Association
3. Ms. Rose Eteye Schools Association
4. Mr. Marvin Osigo
5. Ms. Cynthia Njoki
6. Mr. Sanuel Kamau

STAKEHOLDERS

- Chairman Motorist Association of Kenya
- Chairperson Kenya Private Schools
- Chief Executive Officer Kenya Private
- Chairman Safe Roads for Schools
- Treasurer, Safe Roads for Schools
- Secretary, Safe Roads for Schools

MIN. NO.SEN/CDL/461/2026

PRELIMINARIES

The meeting was called to order at 10.30 a.m. followed by a word of prayer. This was followed by introduction of Members and attendees present.

MIN. NO.SEN/CDL/462/2026

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Betty Batuli Montet, MP and seconded by Sen. (Dr.) Danson Buya Mungatana, MGH, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Meeting with the Cabinet Secretary, Ministry of Roads and Transport and stakeholders to deliberate on-
 - a) the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026);
 - b) the Traffic (Drink- Driving) Rules, 2026 (Legal Notice No. 12 of 2026);
 - c) the Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No. 13 of 2026); and
 - d) the NTSA (Operation of Commercial Vehicles) Regulations, 2026 (Legal Notice No. 14 of 2026) (*Committee Paper No. 36C*)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN.NO.SEN/CDL/463/2026

MEETING WITH THE CABINET
SECRETARY, MINISTRY OF ROADS AND
TRANSPORT & STAKEHOLDERS TO
DELIBERATE ON LEGAL NOTICES NO.
11-14 OF 2026

The Cabinet secretary, Ministry of Roads and Transport and the following stakeholders gave their submissions on Legal Notices No. 11-14 of 2026-

1. Motorist Association of Kenya;
2. Kenya Private Schools Association; and
3. Safe Roads for Schools.

Resolution

The Committee resolved to consider the submissions received at a subsequent meeting.

MIN.NO.SEN/CDL/464/2026

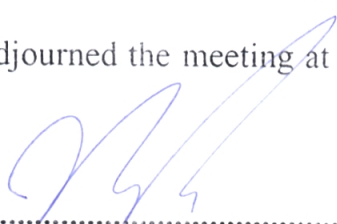
ANY OTHER BUSINESS

There was no other business discussed at the meeting.

MIN.NO.SEN/CDL/465/2026

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The Chairperson adjourned the meeting at 3.08 p.m. The next meeting would be held on notice.

SIGNED: 

DATE: 04/09/2026



13TH PARLIAMENT | 5TH SESSION

**MINUTES OF THE 90TH SITTING OF THE COMMITTEE ON DELEGATED
LEGISLATION HELD ON THURSDAY, 4TH JUNE, 2026 AT 11.00 A.M. AT
COMMITTEE ROOM 1, FIRST FLOOR, BUNGE TOWER**

PRESENT

1. Sen. Mwenda Gataya Mo Fire, CBS, MP - Chairperson
2. Sen. (Dr.) Danson Buya Mungatana, MGH, MP - Vice-Chairperson
3. Sen. Consolata Nabwire Wakwabubi, MP
4. Sen. Betty Batuli Montet, MP
5. Sen. Julius Murgor Recha, CBS, MP

ABSENT WITH APOLOGY

1. Sen. Mohamed Faki Mwinyihaji, CBS, MP
2. Sen. Joyce Chepkoech Korir, MGH, MP
3. Sen. Daniel Kitonga Maanzo, EBS, MP
4. Sen. Boy Issa Juma, CBS, MP

SECRETARIAT

- | | |
|------------------------|-------------------------------|
| 1. Ms. Carol Kiorei | - Clerk Assistant I |
| 2. Ms. Lillian Waweru | - Legal Counsel II |
| 3. Ms. Rahma Abdullahi | - Clerk Assistant III |
| 4. Mr. Emmanuel Barasa | - Media Relations Officer III |
| 5. Mr. John Pere | - Serjeant-at-Arms |
| 6. Mr. Johstone Simiyu | - Audio Officer |
| 7. Mr. Ephraim Kingi | - Attaché |

MIN. NO.SEN/CDL/476/2026

PRELIMINARIES

The meeting was called to order at 11.15 a.m. followed by a word of prayer.

MIN. NO.SEN/CDL/477/2026

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Consolata Wakwabubi, MP and seconded by Sen. (Dr.) Danson Buya Mungatana, MGH, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Consideration and adoption of Reports on-
 - a) the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026);
 - b) the Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No. 13 of 2026); and
 - c) the NTSA (Operation of Commercial Vehicles) Regulations. 2026 (Legal Notice No. 14 of 2026)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN.NO.SEN/CDL/478/2026

CONSIDERATION AND ADOPTION OF
REPORTS ON LEGAL NOTICES NO. 11, 13
AND 14

The Committee considered Reports on –

- a) the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026);
- b) the Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No. 13 of 2026); and
- c) the NTSA (Operation of Commercial Vehicles) Regulations. 2026 (Legal Notice No. 14 of 2026).

Resolution

The Committee-

1. acceded to the Traffic Rules (Drink-driving) Rules, 2026 (Legal Notice No. 12 of 2026)
2. adopted the Reports on-
 - a) the Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026);
 - b) the Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No. 13 of 2026); and
 - c) the NTSA (Operation of Commercial Vehicles) Regulations. 2026 (Legal Notice No. 14 of 2026).

MIN.NO.SEN/CDL/479/2026

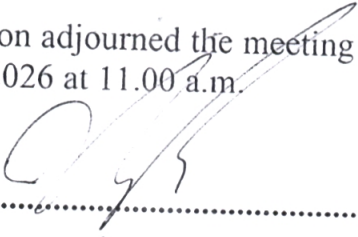
ANY OTHER BUSINESS

There was no other business discussed at the meeting.

MIN.NO.SEN/CDL/480/2026

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The Chairperson adjourned the meeting at 11.35 a.m. The next meeting would be held on Tuesday, 9th, 2026 at 11.00 a.m.

SIGNED: 

DATE: 4/6/2020

ANNEX 2

SPECIAL ISSUE

73

Kenya Gazette Supplement No. 14

13th February, 2026

(Legislative Supplement No. 10)

LEGAL NOTICE NO. 11

THE TRAFFIC ACT

(Cap. 403)

THE TRAFFIC (SCHOOL TRANSPORT) RULES, 2026

ARRANGEMENT OF RULES

Rule.

PART I—PRELIMINARY PROVISIONS

- 1—Citation and commencement.
- 2—Interpretation.
- 3—Object and purpose of the Rules.
- 4—Application of the Rules.

PART II—LICENSING OF SCHOOL TRANSPORT PROVIDERS
AND SCHOOL VEHICLES

- 5—School transport provider's licence.
- 6—School vehicle road licence.
- 7—Suspension and revocation of licences.
- 8—Short-term school vehicle road licence.

PART III—OBLIGATIONS OF SCHOOL TRANSPORT
PROVIDERS

- 9—Obligations of school transport providers.
- 10—School vehicle attendants.
- 11—Crossing guards.

PART IV—SCHOOL VEHICLES

- 12—Requirements for school vehicles.
- 13—Reflectorised red stop mechanical signal arms.

14—Telematic system.

15—Requirements for seats.

16—Windows.

PART V—SCHOOL VEHICLE DRIVERS AND SCHOOL VEHICLE ATTENDANTS

17—Qualifications of a school driver.

18—Role of school vehicle drivers.

19—Qualifications of a school vehicle attendant.

20—Role of school vehicle attendants.

PART VI—PROCEDURES FOR OPERATION OF SCHOOL VEHICLES

21—Hours of operation of school vehicles.

22—Permitted passengers in school vehicles.

23—Boarding and alighting.

24—Discipline.

25—Designated places for boarding and alighting.

26—Safe stopping areas.

27—Occupancy of the driver's seat.

28—Doors to be closed and latched.

29—Handling vehicle keys.

30—Undesirable materials.

31—Aisles and exits to be kept clear.

32—Passengers to be seated.

33—Safety and compliance checks.

34—Stop signal and red light.

PART VII—USE OF MOTORCYCLES TO TRANSPORT SCHOOL-GOING CHILDREN

35—Protective gear and luggage.

PART VIII—MISCELLANEOUS PROVISIONS

36—Appeals.

37—Offences and penalties.

THE TRAFFIC ACT

(Cap. 403)

IN EXERCISE of the powers conferred by section 105B(3) of the Traffic Act, the Cabinet Secretary for Roads and Transport, makes the following Rules—

THE TRAFFIC (SCHOOL TRANSPORT) RULES, 2026

PART I—PRELIMINARY PROVISIONS

1. These Rules may be cited as the Traffic (School Transport) Rules, 2026, and shall come into operation as follows—

Citation and
commencement.

- (a) rules 13 and 14, on the 1st July, 2026; and
- (b) all the other rules, on the date these Rules are published in the *Gazette*.

2. In these Rules, unless the context otherwise requires—

Interpretation.

“Appeals Board” means the Transport Licensing Appeals Board established under section 39 of the National Transport and Safety Authority Act;

Cap. 404.

“Authority” means the National Transport and Safety Authority established under section 3(1) of the National Transport and Safety Authority Act;

“crossing guard” means a person whose job is to help people including schoolchildren go across busy streets safely;

“institution of basic education and training” has the meaning assigned to it in section 2 of the Basic Education Act;

Cap. 211.

“independent school transport provider” means an independent individual or entity engaged by an institution of basic education and training, an institution of higher education or a parent for the purpose of providing transportation of students;

“institution-operated transport provider” means an institution of basic education and training or an institution of higher education that owns and operates a school vehicle for the purpose of transportation of students;

“schoolchild” means a student in an institution of basic education and training;

“school transport provider” means an independent and institution-operated school transport provider;

“school vehicle” means a motor vehicle used for the transportation of students;

“school vehicle attendant” means any person employed for the purpose of assisting children to safely embark and disembark from a school vehicle and for the purpose of assisting the school vehicle driver with maintaining proper student behaviour on the school vehicle;

“school vehicle driver” means a person who drives a school vehicle for the purpose of transporting students to or from an institution of basic education and training or an institution of higher education or the institution’s activities and shall not include a parent who transports a child to the institution;

“school vehicle road licence” means a licence issued in respect of a school vehicle allowing it to operate on a public road;

“stop signal arm” means a device that can be extended outwards from the side of a school vehicle to provide a signal to other motorists not to pass the vehicle because it has stopped to load or discharge students;

“student” means an individual who is enrolled in an institution of basic education and training or an institution of higher education on a full-time or part-time basis;

“telematics” means the use of communications and information technology to transmit, store and receive data from devices to remote objects over a network; and

“qualified medical practitioner” means a medical practitioner registered in accordance with the Medical Practitioners and Dentists Act and accredited in accordance with the Occupational Safety and the Health Act.

Cap. 253.
Cap. 236A.
Object and
purpose of the
Rules.

3. The object and purpose of these Rules is to provide a framework for the regulation, management and safe operation of school vehicles and transportation of passengers including students in school vehicles.

4. (1) These Rules shall apply to all school vehicles.

Application of the
Rules.

(2) These Rules shall not apply to the transportation of a student by a parent, legal guardian or a person given permission by the parent or legal guardian of a student.

PART II—LICENSING OF SCHOOL TRANSPORT PROVIDERS AND SCHOOL VEHICLES

5. (1) Any person intending to offer school transport services shall apply to the Authority in the prescribed form and pay the fee specified in the First Schedule.

School transport
provider’s licence.

(2) An application under sub-rule (1) shall be accompanied by copies of the following documents—

- (a) in the case of a company, the certificate of registration as a company under the Companies Act; Cap. 486.
 - (b) in the case of a co-operative society or a Sacco society, the certificate of registration under the Co-operative Societies Act; Cap. 490.
 - (c) in the case of a natural person, the national identity card;
 - (d) in the case of a business or partnership, the certificate of registration;
 - (e) in the case of an institution of basic education and training, the certificate of registration issued under the Basic Education Act;
 - (f) the Personal Identification Number certificate of the applicant issued under the Tax Procedures Act; and Cap. 211.
 - (g) proof of ownership by the applicant of the school vehicles intended to be used to provide school transport services. Cap. 469B.
- (3) The application under sub-rule (1) shall state—
- (a) the postal address of the applicant;
 - (b) the office address of the applicant; and
 - (c) email and telephone contacts of the applicant.

(3) A school transport provider's licence issued under these Rules shall be valid for a period of one year and may be renewed for a similar period.

(4) The Authority shall issue a successful applicant with a school transport provider's licence but where the application is declined, the Authority shall notify the applicant in writing specifying the reasons thereof.

(5) The Authority may impose such conditions as it may consider necessary in respect of a licence issued under this rule.

6. (1) A person shall not offer school transport services unless— School vehicle road licence.

- (a) that person is the holder of a school transport provider's licence; and

- (b) the school transport services are offered using a school vehicle issued with a valid school vehicle road licence.

(2) A holder of a valid school transport provider's licence intending to offer school transportation services using a school vehicle shall apply to the Authority for a school vehicle road licence from the Authority in the prescribed form and pay the fee specified in the First Schedule.

(3) Where a holder of a valid school transport provider's licence intending to offer school transportation services using more than one school vehicle, that person shall apply to the Authority for a separate school vehicle road licence in respect of each other school vehicle.

(4) An application for a school vehicle road licence shall be accompanied by copies of the following documents—

- (a) a valid school transport provider licence in the name of the applicant; and
- (b) a valid inspection certificate in respect of the school vehicle issued not more than thirty days before the date of the application.

(5) The Authority shall issue a successful applicant with a school vehicle road licence but where the application is declined, the Authority shall notify the applicant in writing specifying the reasons thereof.

(6) A school vehicle road licence issued under these Rules shall be valid for a period of one year from the date of issue and may be renewed on or before the expiry of that period.

(7) The Authority may impose such conditions as it may consider necessary in respect of a licence issued under this rule.

7. (1) The Authority may suspend or revoke a licence issued under these Rules where the holder of the licence contravenes any provision of the Act, these Rules or the conditions imposed on the licence under these Rules.

Suspension and
revocation of
licences.

(2) Before suspending or revoking a licence, the Authority shall—

- (a) furnish the holder of the licence with written reasons for the intended suspension or revocation; and
- (b) give the holder of the licence an opportunity to make representations against the intended revocation or suspension.

(3) The Authority shall notify the holder of a licence of its decision in writing and, where the decision is the revocation or suspension of the licence, the Authority shall specify the reasons thereof.

8. (1) Where a school vehicle is on hire or being used for the transportation of persons other than students, the operator shall apply to the Authority for a short-term school vehicle road licence in the prescribed form and pay the fee specified in the First Schedule.

Short-term school vehicle road licence.

(2) The Authority may impose such conditions as it may consider necessary in respect of the temporary school vehicle road licence issued under this rule.

PART III—OBLIGATIONS OF SCHOOL TRANSPORT PROVIDERS

9. Each holder of a school transport provider's licence shall—

Obligations of school transport providers.

- (a) ensure each school vehicle has, at a minimum, third-party motor vehicle insurance;
- (b) employ school vehicle drivers and school vehicle attendants licensed or authorised in accordance these Rules;
- (c) ensure each school vehicle is properly maintained and serviced and shall keep a record of the maintenance and service records in respect of each school vehicle for the preceding two years;
- (d) develop and adopt a school transport operations policy which, at the minimum, shall provide for—
 - (i) transport operations, fleet management and logistics;
 - (ii) school vehicle driver recruitment, supervision, management and capacity development;
 - (iii) road safety awareness creation and training for school vehicle drivers and school vehicle attendants;
 - (iv) measures to ensure that a school vehicle driver shall not continuously operate a school vehicle for more than a total of eight hours in any period of twenty-four hours;
 - (v) measures to ensure that a school vehicle driver shall take a break of at least four hours in any period of

twenty-four hours where the driver operates or intends to operate the school vehicle for cumulative period of eight hours;

- (vi) maps of school transport routes; and
- (vii) emergency response procedures including procedures for evacuation, medical emergency and communication with parents, guardians and school authorities during any incident affecting school vehicles and passengers in the school vehicles; and
- (e) be required to submit a school vehicle accident report within twenty-four hours after an accident involving the school vehicle which results in a death and the report shall contain—
 - (i) a brief description of the accident;
 - (ii) a passenger manifest with the names of the passengers and their identification numbers, if applicable;
 - (iii) details of the school vehicle driver or the person operating the school vehicle at the time of the accident; and
 - (iv) motor vehicle insurance particulars of the school vehicle.

10. Where the holder of a school transport provider's licence is an institution of basic education and training, that holder of the licence shall employ a school vehicle attendant in respect of each school vehicle.

School vehicle attendants.

11. (1) In addition to the obligations of the holder of a school transport provider's licence under rules 10 and 11, where the holder of the licence is an institution of basic education and training, that holder of the school transport provider's licence shall designate a person to be a crossing guard to direct, control and manage traffic at the areas of entry into and exit out of the school.

Crossing guards.

(2) The institution of basic education and training shall, in respect of the crossing guard designated under sub-rule (1)—

- (a) ensure that the crossing guard has undergone the necessary training and possesses the necessary skills to act as a crossing guard; and

- (b) ensure that the crossing guard possesses appropriate tools and equipment including a reflective jacket and traffic control sign.

(3) A crossing guard shall have the power to direct, manage and control traffic around the areas of entry and exit from the institution of basic education and training including the power to—

- (a) stop motorists to allow students to cross a road to and from the institution;
- (b) stop motorists to allow a school vehicle carrying students to enter or exit from the institution; and
- (c) direct motorists around the institution to ensure smooth flow of traffic.

(4) A crossing guard, when controlling, directing or managing traffic under these Rules shall—

- (a) wear a reflective jacket;
- (b) carry and use stop and go signs; and
- (c) exercise due care to ensure the safety of students, motorists and other road users when using the road.

(5) Any person who fails to comply with the directives of a crossing guard commits an offence.

PART IV—SCHOOL VEHICLES

12. Each school vehicle issued with a school vehicle road licence and operated by a school transport provider shall—

Requirements for school vehicles.

- (a) have, at a minimum, a third-party motor vehicle insurance cover;
- (b) undergo annual inspection;
- (c) when transporting students of an institution of basic education and training, have on board the vehicle a school vehicle attendant and be equipped with a stop sign for use by the school vehicle attendant;
- (d) be fitted with functional safety belts of the appropriate standard approved by the Kenya Bureau of Standards designed to be used by students;
- (e) have on board within easy accessibility by the school vehicle driver or school vehicle attendant at least one fire extinguisher—

- (i) conforming to the applicable Kenya standard;
 - (ii) maintained in good and efficient working order; and
 - (iii) that is not expired;
- (f) be fitted with dual red-light indicators—
- (i) on the uppermost part of the front and rear sides of the bus;
 - (ii) that are positioned in one of the configurations shown in the Third Schedule, having been spaced evenly above the vertical centreline of the school vehicle;
 - (iii) that shall be not less than six hundred millimetres apart;
 - (iv) that shall emit a flashing yellow or amber light, with each light in the pair flashing alternately with a frequency of ninety to one-hundred-and-eighty times per minute; and
 - (v) that shall have an isolating switch installed that controls the operation of the flashing lights;
- (g) have the school vehicle printed with the words—
- (i) “SCHOOL BUS” on the front and rear ends of the bus and the words “DO NOT PASS WHEN RED LIGHTS ARE FLASHING” at the rear in block letters at least eight inches in black colour; and
 - (ii) “IN CASE VEHICLE BEING DRIVEN CLARELESSLY, CALL” together with a telephone number for the school transport provider or, where the school transport provider is a school, the school;
- (h) have installed mirrors that enable the school vehicle driver to have adequate visibility of the sides, rear and along both sides of the school vehicle; and
- (i) conform to the standards set out in the Second Schedule.

13. (1) Where a school vehicle is more than thirty feet in length, the school vehicle shall have installed on it reflectorised red stop mechanical signal arms on the front and rear right-hand side as shown in the Third Schedule.

Reflectorised red
stop mechanical
signal arms.

(2) The reflectorised red stop signal mechanical arm shall have mounting brackets, clips, bolts or other components necessary to the mechanical or electrical operation thereof and shall not obscure more than fifteen per cent of the border of each side of the reflectorised red stop signal mechanical arm.

(3) The rearmost reflectorised red stop mechanical signal arm shall not contain any lettering, symbols or markings on the forward side.

(4) Each side of the reflectorised red stop mechanical signal arm shall have at least two red lamps, one at the extreme top and the other at its extreme bottom, centred on the vertical centreline of the stop arm flashing at the same rate as the dual red-light indicator specified in rule 13(f).

(7) The reflectorised red stop mechanical signal arm shall be located such that when in the extended position—

- (a) it is perpendicular to the side of the bus, plus or minus five degrees;
- (b) its top edge is parallel to and not more than six inches from a horizontal plane tangent to the lower edge of the frame of the passenger window immediately behind the school driver's window; and
- (c) its vertical centreline is not less than nine inches away from the side of the school bus.

14. Each school vehicle shall be fitted with a vehicular telematic system with a passenger-facing camera being included and shall conform with—

Telematic system.

- (a) the applicable Kenyan Standard; and
- (b) the provisions of the Data Protection Act regarding the protection of personal data that may be collected, recorded or stored by the system.*

Cap. 411C.

15. Each seat installed in a school vehicle shall—

Requirements for seats.

- (a) be fixed and not foldable;
- (b) be free from sharp edges;
- (c) be upholstered with soft, shock-absorbent and fire-resistant materials; and

- (d) if the seat contains a seat handle, the seat handle shall be covered with a material that prevents injury in any collision.

16. No bars or any other obstruction may be fixed on the windows of a school vehicle, whether from the inside or the outside.

Windows.

PART V—SCHOOL VEHICLE DRIVERS AND SCHOOL VEHICLE ATTENDANTS

17. (1) A person is qualified to be a school vehicle driver if that person—

Qualifications of a school driver.

- (a) holds a valid school vehicle driver licence issued by the Authority for the category of school vehicle intended to be driven;
 - (b) once in each year, has successfully undergone and passed an assessment of criminal record before operating a school vehicle; and
 - (c) once in each year, has undertaken and passed a medical test, including a visual, hearing and mental health test, carried out by a qualified medical practitioner before operating a school vehicle.
- (2) Any person with—
- (a) a criminal record containing a conviction for any offence in which a child has harmed or injured, or for child abuse; or
 - (b) a conviction for driving under the influence of alcohol, a narcotic drug or psychotropic substance,

shall not be qualified to be a school vehicle driver.

18. Each school vehicle driver shall—

Role of school vehicle drivers.

- (a) be fully in charge of the school vehicle;
- (b) be responsible for the health, safety and welfare of each passenger in the school vehicle;
- (c) always operate the school vehicle safely and efficiently;
- (d) not consume alcoholic beverages, products containing nicotine including cigarettes or any intoxicating or psychotropic substances while on duty;
- (e) conduct thorough pre-trip and post-trip checks on the school vehicle to ensure that the school vehicle and safety

equipment are serviceable and that no passenger is left on board at the end of the trip;

- (f) ensure that the school vehicle is clean and secure;
- (g) ensure that any child disembarking from the school vehicle has safely disembarked and has cleared to a safe distance from the school vehicle; and
- (h) use, where installed the reflectorised red stop mechanical signal arm, and the dual red-light indicators when the school vehicle is at least thirty metres from a stop or has stopped on a road to permit passengers to board or alight from the school vehicle.

19. (1) A person is qualified to be a school vehicle attendant if that person—

Qualifications of a school vehicle attendant.

- (a) holds a valid licence as a Public Service Vehicle conductor issued by the Authority;
- (b) has undergone training on child safeguarding; and
- (c) at least once in each year, undergoes and passes an assessment for a criminal record including a criminal record for convictions for child abuse and arrest for violence.

(3) A person is not qualified to be a school vehicle attendant if that person has—

- (a) a criminal record containing a conviction for any offence in which a child has harmed or injured, or for child abuse; or
- (b) a conviction for driving under the influence of alcohol, a narcotic drug or psychotropic substance.

20. Each school vehicle attendant shall—

Role of school vehicle attendants.

- (a) assist passengers in boarding and disembarking from the school vehicle;
- (b) ensure that any passenger disembarking from a school vehicle has safely disembarked and cleared a safe distance from the school vehicle;
- (c) when the school vehicle is in motion, ensure that passengers and equipment in the school vehicle are properly secured;
- (d) continually monitor overall safety of passengers and equipment;

- (e) ensure that the passengers remain seated when the school vehicle is in motion;
- (f) assist the school vehicle driver during unusual traffic conditions and act as a lookout when reversing the school vehicle;
- (g) monitor and report passenger disruptive behaviour according to procedures prescribed by the school or school transport provider;
- (h) assist the school vehicle driver in keeping the interior of the school vehicle clean;
- (i) assist the school vehicle driver with the post-trip inspection to ensure that no passenger is left on board the school vehicle at the end of the trip;
- (j) provide the required special assistance to passengers with disabilities; and
- (k) where necessary, help passengers boarding or disembarking from the school vehicle to cross the road and, where the passengers are children, ensure their safety when crossing the road.

PART VI—PROCEDURES FOR OPERATION OF SCHOOL VEHICLES

21. (1) Each school transport provider shall ensure that school vehicles only operate between 5:00 am and 10:00 pm.

Hours of operation of school vehicles.

(2) Where, due to the circumstances of the case, a school transport vehicle is operated or is likely to be operated before 5:00 am or after 10:00 pm, the school driver shall report to the nearest police station and seek the written permission of the police officer in charge of the station to continue to operate or to operate the vehicle before 5:00 am or after 10:00 pm, as the case may be.

22. No person, other than teachers, parents, guardians, chaperones, school employees or staff, drivers-in-training or substitute drivers, shall be permitted to ride in the school vehicle while students are being transported.

Permitted passengers in school vehicles.

23. The school vehicle driver shall ensure that the school vehicle has come to complete standstill and positioned safely when passengers are boarding or alighting from the school vehicle.

Boarding and alighting.

24. (1) No person, including a student and any other passenger, is permitted to ride outside a school vehicle or in any hazardous location in or outside the vehicle. Discipline.

(2) The school vehicle driver shall maintain discipline in the school vehicle and report any case of disobedience or misconduct to the school transport operator or school officials, as the case may be.

(3) The school vehicle driver shall not discharge any student from the school vehicle for indiscipline except at the student's home or school and where the school vehicle so discharges a student, he or she shall notify the school transport operator or school officials shall of such action immediately.

25. The school vehicle driver shall only allow passengers to board or disembark from the school vehicle at designated places and shall allow a passenger to board or alight from the school vehicle at a place other than a designated place only with the prior written permission of the parent, guardian or relative caregiver and approval by the school transport operator or designated school official. Designated places for boarding and alighting.

26. (1) The school vehicle driver shall not stop the school vehicle near the crest of a hill, on a curve in the road, or on any upgrade or downgrade of severe inclination. Safe stopping areas.

(2) When a school vehicle is stopped for the purpose of boarding or alighting of passengers, the school vehicle driver shall always stop the school vehicle on the left side of the road and as far off the paved or main travelled portion of the road as the condition of the shoulder permits.

27. (1) No person, other than the school vehicle driver, shall be permitted to occupy the driver's seat at any time, whether the school vehicle is in motion or is stationary. Occupancy of the driver's seat.

(2) No child under the age of twelve years of age shall be permitted to sit in the front passenger seat of a school vehicle unless the seat is equipped with proper child restraints.

28. The school vehicle driver shall ensure that the school vehicle doors are closed and in the latched position while the school vehicle is in motion. Doors to be closed and latched.

29. The school vehicle driver shall not—

(a) leave the driver's seat while the engine is running; or

Handling vehicle keys.

(b) leave the key in the ignition switch.

30. The school transport provider shall ensure that undesirable materials, including posters depicting cigarette or alcohol advertisements or pornography, are not depicted inside or outside the school vehicle.

Undesirable materials.

31. The school vehicle driver and school vehicle attendant shall ensure that the school vehicle's aisle and exits are kept clear of any obstructions.

Aisles and exits to be kept clear.

32. The school vehicle driver and school vehicle attendant shall ensure that each passenger is seated whenever the school vehicle is in motion.

Passengers to be seated.

33. The Authority may conduct safety and compliance checks on school transport providers, school vehicles, school vehicle drivers and school vehicle attendants at any time to confirm compliance with the Act, these Rules and any relevant written law.

Safety and compliance checks.

34. (1) The school vehicle driver shall stop when the stop signal arm has been extended and the red-light indicators on the uppermost part of the front and rear sides of the school vehicle are flashing.

Stop signal and red light.

(2) Any school driver who fails to stop commits an offence and upon conviction shall be liable to the suspension of the school vehicle driver's licence for a period of at least six months.

PART VII—USE OF MOTORCYCLES TO TRANSPORT SCHOOL-GOING CHILDREN

35. (1) Any motorcycle rider carrying a school-going child shall—

Protective gear and luggage.

(a) use the prescribed protective gear; and

(b) provide and ensure that the school-going child is wearing the prescribed protective gear.

(2) The motorcycle rider shall ensure that any school-going child carried on a motorcycle does not have any luggage in the child's hands and that any luggage is carried in the motorcycle carrier or in a backpack.

(3) The motorcycle rider shall not carry any other luggage unless inside the motorcycle carrier when transporting a school-going child.

PART VIII—MISCELLANEOUS PROVISIONS

36. A person aggrieved by a licensing decision of the Authority taken under these Rules may within fourteen days of receiving the decision appeal to the Transport Licensing Appeals Board. Appeals.

37. (1) A person who contravenes any provision of these Rules commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or both. Offences and penalties.

(2) The Authority may, where the convicted person is a school vehicle driver, in addition to any other penalty prescribed under these Rules, suspend the driving licence of the convicted person for a period not exceeding six months.

FIRST SCHEDULE [rr. 5(1), 6(2), 8(1)]

Fees

<i>S/No.</i>	<i>No. of passengers</i>	<i>New application (Ksh.)</i>	<i>Renewal (Kshs)</i>
1.	7 or 8 (Including school vehicle driver)	2,750	2,750
2.	9 to 18	3,250	3,250
3.	19 to 25	3,750	3,750
4.	26 and above	4,250	4,250
5.	PSV badge	1,000	1,000
6.	Short-term school vehicle road licence	3,000	—

SECOND SCHEDULE [r. 12(i)]
List of standards for school vehicles

<i>S/No.</i>	<i>Standard</i>	<i>Description</i>
1.	KS 2295-1	Maximum road speed limiters for motor vehicles, Part 1: Performance and installation requirements
2.	KS 2295-2	Maximum road speed limiters for motor vehicles, Part 2: Specification for system and component requirements
3.	KS 372	Road vehicle – Passenger vehicle body constructions – Specifications
4.	KS 2092	First aid kit - Specification
5.	KS 2517	Portable fire extinguishers and fire blankets
6.	DKS 924	Specification for motor vehicle chevrons, decals and strips
7.	KS 1820: 2005	Retro-reflective marking tapes for commercial vehicles and their trailers
8.	KNWA 3006:2024	Vehicle telematics
9.	KS 2295:2023	Speed limiters

THIRD SCHEDULE [rr. 12(f)(ii), 13(1)]

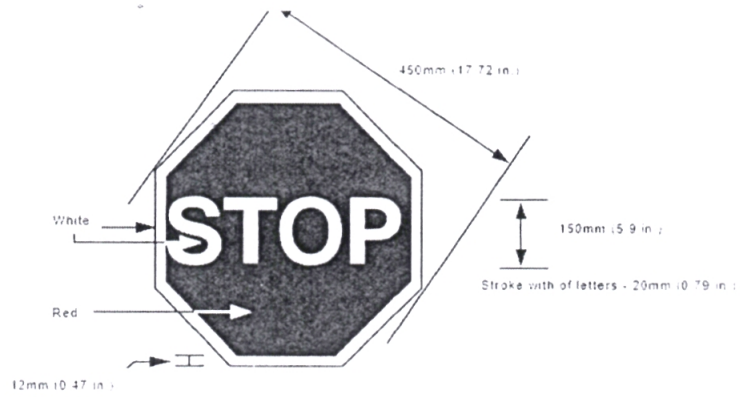
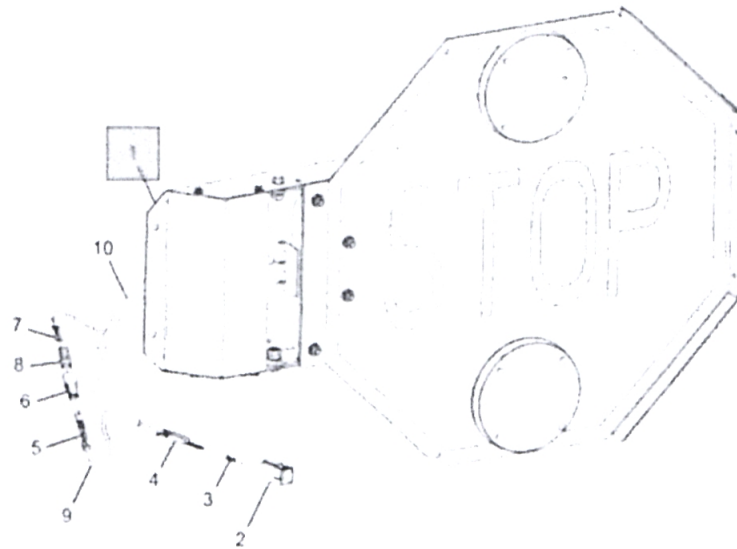
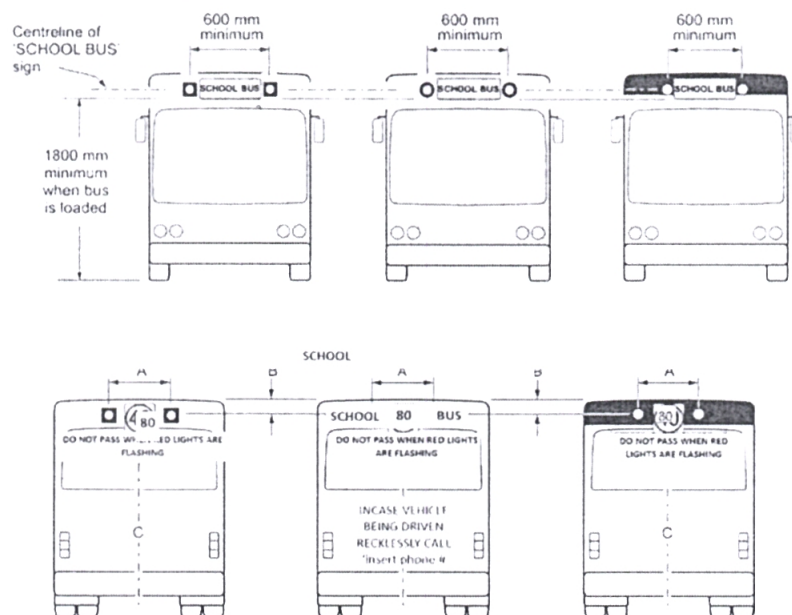


Figure 1 Characteristics of Stop Signal Device





Made on the 9th February, 2026.

DAVIS CHIRCHIR,
Cabinet Secretary for Roads and Transport.

LEGAL NOTICE NO. 12

THE TRAFFIC ACT

(Cap. 403)

THE TRAFFIC (DRINK-DRIVING) RULES, 2026

ARRANGEMENT OF REGULATIONS

Regulation.

- 1—Citation.
- 2—Interpretation.
- 3—Prescribed limits.
- 4—Alcohol tests.
- 5—Use of breathalysers.
- 6—Blood and urine samples.
- 7—Refusal to provide specimens.
- 8—Revocation.

ANNEX 3



MINISTRY OF ROADS AND TRANSPORT

The Clerk of the Senate
Parliament Buildings
NAIROBI

RESPONSE TO STATEMENT REQUESTED REGARDING THE NATIONAL TRANSPORT SAFETY AUTHORITY (NTSA) RULES

Hon. Chairman, it is my pleasure to apprise this Honourable Committee on information sought regarding the the post-publication scrutiny of the following NTSA rules as communicated vide letters of **Ref. SEN/DGAC/CDL/CORR/2026/34, 35, 36** and 37 all dated **14th April 2026**;

1. The Traffic (School Transport) Rules, 2026 (Legal Notice No. 11 of 2026)
2. The Traffic (Drink-Driving) Rules, 2026 (Legal Notice No. 12 of 2026)
3. The Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No. 13 of 2026)
4. The NTSA (Operation Of Commercial Vehicles) Regulations, 2026 (Legal Notice No. 14 of 2026)

Hon. Chairman, the Ministry appreciates the Committee's careful review of the Rules and hereby submits its responses to the issues raised as follows;

1. THE TRAFFIC (SCHOOL TRANSPORT) RULES, 2026 (LEGAL NOTICE NO. 11 OF 2026)

1. Attendance lists.

The Ministry confirms that extensive stakeholder consultations were undertaken across the country between 22nd April 2024 and 15th May, 2024, involving key education stakeholders, transport operators, parents' associations, and enforcement agencies. Observations noted is the inadvertent omission of attendance lists of the aforementioned period in the initial submission to the Senate which is highly regretted. The same have now been included in the revised set of documents attached to this response.

2. Engagement of Institutions of Learning

Institutions of learning were identified as a key category of stakeholders and were consulted in recognition of their central role in the implementation of the Rules. In this

regard, Ministry's implementing agency NTSA undertook targeted engagement to obtain practical insights from the education sector on the proposed regulatory framework.

For example, the Kenya Primary School Heads Association—representing over 1,500 school heads—was engaged during its annual conference and Annual General Meeting held in Mombasa from 8th to 14th November 2025. The engagement brought together education sector representatives, including officials from the Kenya National Union of Teachers, the Teachers Service Commission, and the State Department of Basic Education, providing an opportunity for the exchange of views on implementation considerations.

The views obtained from this engagement, together with inputs from other stakeholder consultations undertaken during the process, were considered in refining the regulatory framework. A summary of the engagement has been included in the revised Public Participation Report

3. Newspaper Advertisement for RIA

Hon. Chairman, the Ministry confirms that the advertisement for regulatory impact statement was duly published in a newspaper of nationwide circulation, and stakeholder input was received and considered in the development of the Rules. The same is attached as Annex.

4. Comments received on RIA and

5. Demonstration of RIA.

The Ministry confirms that the regulatory impact statement was informed by stakeholder feedback, which shaped the final regulatory design.

The Ministry further confirms that:-

a) A Regulatory Impact Statement (RIS) was prepared in compliance with Sections 6 and 7 of the Statutory Instruments Act, which require:

- Assessment of the likely impact of the proposed regulations;
- Consideration of alternatives;
- Consultation with stakeholders;
- Justification of the regulatory approach adopted.

b) The RIS addressed:

- The problem definition (road safety risks, regulatory gaps, enforcement inefficiencies);
- Policy objectives (reduction of accidents, improved compliance, system accountability);
- Regulatory and non-regulatory options;

- Expected economic, social, and administrative impacts.

In addition, the RIS does the following: -

- a) The RIS identifies both quantifiable and non-quantifiable benefits, including:
 - Reduction in road traffic accidents and fatalities.
 - Increased efficiency in enforcement;
 - Economic savings from avoided accidents.
- b) While some benefits (e.g., human life, public safety) are inherently non-monetary, the analysis demonstrates that:
 - The long-term societal and economic gains significantly outweigh compliance costs.
- c) The supplementary RIS addendum provides:
 - Expanded cost-benefit analysis;
 - Clarification of assumptions and methodology;
 - Sector-specific impact assessment.

The introduction of licensing is grounded in risk-based regulation and the State's constitutional obligation to protect life and vulnerable groups (particularly children).

Licensing serves the following critical regulatory purposes:

- a) Child Safety Assurance;
- b) Establishes minimum enforceable safety standards for vehicles, drivers, and operators;
- c) Enables pre-qualification before engagement in school transport services;
- d) Traceability and Accountability: Creates a register of licensed providers, enabling monitoring, inspection, and enforcement;
- e) Facilitates attribution of responsibility in the event of accidents or breaches;
- f) Standardization of a Previously Fragmented Sector: Transforms school transport from an informal arrangement into a regulated safety-sensitive service;

6. Inconsistency on penalties.

Section 103B (5) of the Traffic Act does not contain a general penalty. Specifically, the section provides that:-

103B. Helmets and reflector jackets

(5) A person shall not ride a motorcycle unless that person has a valid driving licence issued in accordance with the provisions of the Act.

There is therefore no inconsistency between Rule 37(1) and Section 103B (5) of the Traffic Act.

7. Expenditure from public revenues

The Ministry notes that the Rules do not constitute unlawful expenditure of public funds.

“Public revenues” in law refers to monies raised through taxation, duties, levies, and statutory collections forming part of the Consolidated Fund or other public accounts.

The licensing and inspection framework established under the Rules introduces regulatory fees which are cost-recovery and safety compliance charges, not expenditures from public revenue. These funds are earmarked for regulatory enforcement, inspection systems, and road safety infrastructure, consistent with public finance management principles.

Further, in designing the Rules, the Ministry struck a delicate balance between enhancing child safety and minimizing financial burden, particularly on public schools.

The framework adopted is considered the most proportionate and effective mechanism to achieve safety outcomes while maintaining fiscal sustainability.

8. Transition period

The Ministry takes note of the concerns raised regarding transition timelines and wishes to clarify that the Rules provide for a grace period for implementation. Key provisions, including those relating to telematics systems and stop-arm requirements, are scheduled to take effect on 1st July, 2026, thereby allowing stakeholders a reasonable period within which to prepare for compliance.

The Ministry is also in the process of initiating structured stakeholder engagement to support schools, transport providers, and operators in achieving compliance. This engagement will include technical guidance, phased implementation support, and awareness creation to ensure smooth transition and avoid enforcement uncertainty.

9. Drafting clarity and statutory instrument concerns

(a) KEBS standards.

The referenced standards were duly developed, approved, and published national standards formulated by KEBS under its statutory mandate.

These standards form an integral part of Kenya’s technical regulatory framework and are legally recognized instruments governing matters of safety, quality, calibration, and operational specifications within their respective sectors.

In relation to accessibility during public participation, the Ministry notes that the consultations undertaken primarily focused on the policy framework, regulatory approach, and enforcement mechanisms underpinning the instruments, while relying on already established technical standards that were not being newly developed within the scope of these regulations.

These KEBS standards were not only in existence at the time of formulation of the Rules but had already undergone the requisite statutory development process,

including stakeholder consultation, technical review, and formal approval in accordance with the standards development framework governed by KEBS.

Accordingly:

- The standards are public documents available through KEBS channels;
- They are part of the established regulatory baseline upon which the instruments are anchored; and
- In law, duly promulgated standards are presumed to be within the reach and knowledge of regulated persons, particularly where they are referenced in subsidiary legislation.

Notwithstanding the foregoing, the Ministry acknowledges the Committee's concern regarding optimal accessibility and transparency. Going forward Hon. Chairman, the Ministry undertakes to ensure that copies or references to the applicable standards are availed during public participation where practicable

(b) Prescribed form for applications.

The Ministry clarifies that this refers to electronic application formats embedded within a fully computerized licensing and regulatory system. No physical paper forms are used.

This approach is intended to

- Enhance efficiency in service delivery;
- Improve accountability and audit trails;
- Minimise human interference; and
- Support transparency and real-time processing of applications.

(c) Medical testing.

The Ministry appreciates the Committee's concern regarding the clarity of requirements relating to visual, hearing, and mental health testing for school transport drivers. The Ministry wishes to clarify that the requirement for medical fitness testing is not a new obligation introduced by the Rules, but is firmly grounded in the parent legislation, namely section 105A of the Traffic Act, Cap. 403. The Rules therefore operationalise and give effect to an already existing statutory requirement.

The implementation of this requirement is further anchored in the Traffic (Driving Schools, Driving Instructors and Driving Licence) Rules, 2019, which provide a structured medical examination framework for public service vehicle (PSV), commercial service vehicle (CSV), and school transport drivers.

Further, under the law, such medical assessments are required to be conducted by a qualified medical practitioner who is duly registered under the Medical Practitioners and Dentists Act and accredited in accordance with the Occupational Safety and Health Act (OSHA). This ensures that the testing process meets established professional and occupational health standards, and that the results are reliable, consistent, and legally valid.

A standardized medical examination form has been developed to ensure uniformity in the assessment of visual, hearing, and mental fitness.

The Ministry further notes that the operationalisation of this framework is at an advanced stage.

In this regard, the Ministry has been working closely with the Directorate of Occupational Safety and Health Services to roll out the medical testing regime for PSV, CSV, and school transport drivers, including the accreditation of practitioners and the standardization of procedures.

Child safeguarding training for attendants is under development through a structured curriculum to ensure standardisation, accreditation, and uniform certification.

(d) Fees schedule.

The Ministry acknowledges a drafting inconsistency in the First Schedule.

The draft submitted to the Office of the Attorney-General distinguished between a school transport service provider licence fee of Kshs 2,000 (annual and renewal) and the school vehicle road licence fees, which are structured according to vehicle capacity.

This distinction was not fully carried through in the final published version, resulting in a technical anomaly.

The Ministry proposes to address the issue through the statutory instrument rectification process in consultation with the Office of the Attorney-General before implementation of the Rules.

(e) Typographical errors

Errors in Rule 12(c) and Rule 13(7)(a) are acknowledged. The Ministry proposes to address the issue through the statutory instrument rectification process in consultation with the Office of the Attorney-General before implementation of the Rules.

10. Scope of licensing powers under Section 105B (3)

Hon. Chairman, the Ministry appreciates the Committee's concern regarding whether the Rules make an unusual or unexpected use of the powers conferred under the Traffic Act, Cap. 403, particularly in requiring institutions of learning to obtain a licence as school transport providers.

The Ministry clarifies that this requirement is firmly grounded in section 105B (3) of the Traffic Act, which expressly empowers the Cabinet Secretary to prescribe specialised instructions.

The licensing framework is an administrative mechanism to operationalise these statutory safety requirements by enabling registration, oversight, and enforcement of compliance within the school transport system.

Given the heightened duty of care in transporting children, this approach ensures accountability and structured regulation of all entities involved.

Further, licensing is a well-established regulatory tool not only within the transport sector but across regulatory frameworks generally, where it is used by regulators to ensure compliance with statutory standards, maintain oversight, and safeguard public interest.

Accordingly, the Rules do not constitute an unusual or unexpected use of delegated powers under section 13(i) of the Statutory Instruments Act, but represent a reasonable and purposive exercise of the authority conferred by the Act.

11. Delay in enactment

The Ministry acknowledges with regret the delay in the finalisation of the Rules.

The delay was occasioned by extensive stakeholder engagement, harmonisation of safety requirements, and the need to align the framework with evolving transport safety standards, all of which required sustained technical and inter-agency consultation to ensure a practical and effective regulatory regime.

The Ministry further notes that over the eight-year period since the enabling provision was introduced, several attempts were made to conclude and enact the Regulations. However, those earlier processes were not successfully finalised due to the need for further refinement, broader stakeholder alignment, and resolution of emerging policy and implementation concerns within the transport and education sectors.

The eventual finalisation of the Rules therefore reflects an iterative and consultative process aimed at strengthening the regulatory framework rather than administrative delay without justification.

The Ministry assures the Committee that the delay does not affect the validity of the Rules and reaffirms its commitment to ensuring a robust, evidence-based, and stakeholder-informed framework that enhances the safety of school-going children and supports effective implementation.

12. Administrative discretion and timelines.

The Ministry appreciates the Committee's concern that the Rules may make rights and obligations dependent on insufficiently defined administrative powers, particularly due to the absence of express timelines for issuance and determination of licences.

The Ministry clarifies that licensing decisions are governed by Article 47 of the Constitution and the Fair Administrative Action Act, which require expeditious, reasonable, and procedurally fair administrative action. In addition, the Authority operates published service charters and internal service standards that set clear timelines for processing applications.

Further, any person aggrieved by a decision of the Authority, including delays, has a right of appeal to the Transport Licensing Appeals Board, which is empowered to review both the merits and administrative fairness of licensing decisions, including issues of delay.

Accordingly, adequate safeguards exist through constitutional provisions, service standards, and an independent appellate mechanism to prevent abuse of discretion.

The Ministry nevertheless acknowledges the need for greater clarity and certainty.

13. Delegation of licensing conditions.

The Ministry notes the Committee's observation.

The discretion granted to the Authority under Rules 5(5) and 6(7) to impose licence conditions is necessary to enable effective regulation of a dynamic sector where operational and safety risks vary across operators, locations, and evolving technological and compliance requirements. Certain conditions—such as those relating to real-time safety monitoring, vehicle-specific compliance requirements, and operational safeguards—are inherently responsive and cannot be exhaustively predetermined in advance within the Rules.

Importantly, this discretion is not unfettered. It is circumscribed by the statutory objectives of the Act, applicable published standards, principles of reasonableness, and the requirements of the Fair Administrative Action Act. In addition, it is subject to oversight and appeal mechanisms, including review by the Transport Licensing Appeals Board.

Accordingly, the provisions do not amount to improper delegation of legislative authority but constitute a necessary and controlled regulatory tool to ensure effective implementation of the licensing regime in a manner responsive to unique and evolving safety circumstances.

Conclusion

Hon. Chairman, the Ministry remains committed to ensuring that the Traffic (School Transport) Rules, 2026 establish a comprehensive, safety-focused, and internationally aligned framework for the protection of school-going children.

2. THE TRAFFIC (DRINK-DRIVING) RULES, 2026 (LEGAL NOTICE NO. 12 OF 2026)

1. Attendance lists.

Hon. Chairman, the Ministry undertook extensive stakeholder consultations across the country between 13th February, 2023 and 8th March, 2023, involving key education stakeholders, transport operators, parents' associations, and enforcement agencies. The attendance lists of the public participation forums is attached to this report.

2. Newspaper Advertisement for Regulatory Impact Statement

The Ministry confirms that the regulatory impact statement was duly published in a newspaper of nationwide circulation, and stakeholder input was received and considered in the development of the Rules. The same is included in the revised set of documents attached to this submission.

The Ministry further confirms that:-

- c) A Regulatory Impact Statement (RIS) was prepared in compliance with Sections 6 and 7 of the Statutory Instruments Act, which require:
 - Assessment of the likely impact of the proposed regulations;
 - Consideration of alternatives;
 - Consultation with stakeholders;
 - Justification of the regulatory approach adopted.
- d) The RIS addressed:
 - The problem definition (road safety risks, regulatory gaps, enforcement inefficiencies);
 - Policy objectives (reduction of accidents, improved compliance, system accountability);
 - Regulatory and non-regulatory options;
 - Expected economic, social, and administrative impacts.

3. Drafting and Clarity Issues

a) Kenya Bureau of Standards (KEBS) Standards

The referenced standards were duly developed, approved, and published national standards formulated by KEBS under its statutory mandate.

These standards form an integral part of Kenya's technical regulatory framework and are legally recognised instruments governing matters of safety, quality, calibration, and operational specifications within their respective sectors.

In relation to accessibility during public participation, the Ministry notes that the consultations undertaken primarily focused on the policy framework, regulatory approach, and enforcement mechanisms underpinning the instruments, while relying on already established technical standards that were not being newly developed within the scope of these regulations.

These KEBS standards were not only in existence at the time of formulation of the Rules but had already undergone the requisite statutory development process, including stakeholder consultation, technical review, and formal approval in accordance with the standards development framework governed by KEBS.

Accordingly:

- The standards are public documents available through KEBS channels;
- They are part of the established regulatory baseline upon which the instruments are anchored; and

- In law, duly promulgated standards are presumed to be within the reach and knowledge of regulated persons, particularly where they are referenced in subsidiary legislation.

Notwithstanding the foregoing, the Ministry acknowledges the Committee's concern regarding optimal accessibility and transparency.

Going forward, the Ministry undertakes to ensure that copies or references to the applicable standards are availed during public participation where practicable

b) Certification of Police Officers

The Ministry wishes to clarify that the training and certification of police officers in the use of breathalysers is undertaken within an operational framework informed by the specific equipment procured for enforcement purposes.

Breathalysers are acquired through a procurement process, and different procurement cycles may result in the supply of devices from different manufacturers, each with distinct technical specifications and operational protocols. Consequently, certification is inherently device-specific and aligned with the manufacturer's guidelines for the particular equipment in use.

For this reason, the Rules do not prescribe a single certifying body.

Certification will be undertaken through structured training programmes coordinated by the National Police Service, incorporating manufacturer-provided technical guidance to ensure officers are properly trained in the use, calibration, and handling of the specific devices deployed.

NTSA is, however, working with the National Police Service and relevant stakeholders to develop a more standardized accreditation framework, including clear designation of responsible authorities and consideration of an accessible register of certified officers to enhance transparency and public confidence.

c) Applicable Penalty under Rule 7

The Ministry appreciates the Committee's observation regarding clarity of the applicable penalty under Rule 7.

The offence created under Rule 7 is directly aligned with the offence of drink-driving as provided for under section 44 of the Traffic Act. The wording and substance of the Rule mirror the provisions of section 44, and accordingly the applicable penalty is the specific penalty prescribed under that section.

The legal position is that where legislation provides a specific offence together with a corresponding penalty, that specific penalty applies. General penalty provisions apply only where no specific penalty has been provided.

Accordingly, section 44 of the Traffic Act governs the offence and penalty applicable to Rule 7.

The Ministry nevertheless acknowledges the importance of clarity in subsidiary legislation and will consider refining the wording of the Rule to expressly reference section 44 of the Act to eliminate any possible ambiguity.

4. Scope of the Rules – Alcohol vis-à-vis Drug Testing

The Committee's observation regarding the absence of provisions on testing for drugs is duly noted.

The Ministry clarifies that the current Rules were developed as a focused and immediate intervention targeting alcohol-related impairment, which remains the most prevalent and readily measurable cause of impaired driving. This approach was informed by the availability of reliable, standardized enforcement tools, particularly breathalysers, and established international benchmarks for alcohol limits.

By contrast, regulation and enforcement of drug-impaired driving present additional technical and operational challenges, including the absence of universally standardized roadside testing methods, variability in impairment thresholds across substances, and the need for confirmatory laboratory analysis.

Notwithstanding this, the Ministry recognizes that the parent Act contemplates regulation of both alcohol and drug impairment. The Ministry is therefore undertaking further technical evaluation and stakeholder consultations with a view to developing a complementary regulatory framework for drug-impaired driving that is practical, enforceable, and aligned with best practice.

3. TRAFFIC (MOTOR VEHICLE INSPECTION) RULES, 2026 (LEGAL NOTICE NO.13 OF 2026)

1. Public Participation – Revenue Sharing Ratio (70:30 Proposal)

Hon. Chairman, the Ministry confirms that proposals arising from public participation, including the suggested 70:30 revenue sharing arrangement, were duly considered during the regulatory development process.

Upon further review the following was noted:-

- The proposed revenue-sharing model would introduce taxation, legal, and administrative complexities, including uncertainty on tax treatment, questions on private collection of public revenue, and challenges in reconciliation, remittance, and enforcement.
- There was a need to safeguard regulatory clarity and the financial sustainability of the inspection framework under the Traffic Act.

Consequently, the current model where the Authority collects its booking fee at the point of inspection booking was adopted, while the balance is paid directly to the licensed inspection centre upon completion of inspection services.

It is important to note that:-

- a) Fees are structured on a cost-recovery basis, covering:

- Inspection infrastructure;
 - Personnel and enforcement costs;
 - ICT systems (including digital compliance platforms);
 - Administrative processing.
- b) The fee model was informed by:
- Benchmarking against comparable regulatory regimes;
 - Assessment of actual operational costs;
 - Avoidance of excessive or punitive charges.
- c) Safeguards include:
- No duplication of fees across regulatory processes;
 - Alignment with public finance principles under Article 201 of the Constitution;

2. Regulatory Impact Statement.

a. Newspaper Advertisement for Regulatory Impact Statement

The Ministry confirms that the regulatory impact statement was duly published in a newspaper of nationwide circulation, and stakeholder input was received and considered in the development of the Rules. The same including comments submitted are included in the revised set of documents attached to this submission.

The Ministry further confirms that:-

- a) A Regulatory Impact Statement (RIS) was prepared in compliance with Sections 6 and 7 of the Statutory Instruments Act, which require:
- Assessment of the likely impact of the proposed regulations;
 - Consideration of alternatives;
 - Consultation with stakeholders;
 - Justification of the regulatory approach adopted.
- b) The RIS addressed:
- The problem definition (road safety risks, regulatory gaps, enforcement inefficiencies);
 - Policy objectives (reduction of accidents, improved compliance, system accountability);
 - Regulatory and non-regulatory options;
 - Expected economic, social, and administrative impacts.

3. Fees Structure

Hon. Chairman, the response to this is as given in the question relating to revenue share. However it should be noted that the booking fee accruing to NTSA is structured on a cost-recovery basis to support operational and compliance costs.

In relation to frequency, It is clarified that under section 16 of the Traffic Act, Cap. 403, the determinant for motor vehicle inspection is the age of the vehicle calculated from the year of manufacture, and not vehicle weight. Accordingly, the reference to a 3048kg threshold does not form the legal basis for inspection under the Act.

Section 16 establishes that vehicles are subject to inspection once they attain the prescribed age threshold from the date of manufacture for purposes of certification of roadworthiness.

In addition, section 16 expressly empowers the Cabinet Secretary to prescribe the frequency and manner of inspections. In exercise of this statutory mandate, and considering road safety considerations, progressive mechanical wear and tear, prevailing operating conditions, and comparative international best practice, the Regulations prescribe an annual inspection cycle.

The annual interval is therefore a policy and safety determination made within the scope of delegated authority, aimed at ensuring continuous roadworthiness and enhancing road safety outcomes on Kenyan roads.

4. Transition Period

The Ministry notes the Committee's observation regarding the transition arrangements.

However, we wish to provide that NTSA will develop an implementation guide. The guidance will establish a structured and time-bound transition framework to support phased compliance with the Rules, including clear timelines for enforcement and stakeholder adjustment.

This approach will ensure predictability, orderly implementation, and minimal disruption to motorists and service providers during rollout.

5. Penalty Provisions – Alignment with the Traffic Act (Cap. 403)

The Ministry notes the Committee's observation regarding the penalty provisions under the Rules.

With respect to Rule 14(3), the reference to section 118(2) of the Traffic Act (Cap. 403) in place of section 29(1) is acknowledged. This is an inadvertent drafting error and will be addressed through the formal rectification process by the Attorney-General to ensure express alignment with the correct statutory provision.

In relation to Rule 30(1) and its relationship with section 29 of the Traffic Act, it is clarified that the Regulations create specific offences arising from non-compliance with requirements introduced under the inspection framework, which are not expressly provided for under the Act.

Accordingly, Rule 30(1) provides for penalties in respect of actions created under the Regulations that are not covered under the Traffic Act, and therefore does not conflict with section 29 of the Act.

6. Drafting and Clarity Issues

(a) KEBS Inspection Standards

The referenced standards were duly developed, approved, and published national standards formulated by KEBS under its statutory mandate.

These standards form an integral part of Kenya's technical regulatory framework and are legally recognised instruments governing matters of safety, quality, calibration, and operational specifications within their respective sectors.

In relation to accessibility during public participation, the Ministry notes that the consultations undertaken primarily focused on the policy framework, regulatory approach, and enforcement mechanisms underpinning the instruments, while relying on already established technical standards that were not being newly developed within the scope of these regulations.

These KEBS standards were not only in existence at the time of formulation of the Rules but had already undergone the requisite statutory development process, including stakeholder consultation, technical review, and formal approval in accordance with the standards development framework governed by KEBS.

Accordingly:

- The standards are public documents available through KEBS channels;
- They are part of the established regulatory baseline upon which the instruments are anchored; and
- In law, duly promulgated standards are presumed to be within the reach and knowledge of regulated persons, particularly where they are referenced in subsidiary legislation.

Notwithstanding the foregoing, the Ministry acknowledges the Committee's concern regarding optimal accessibility and transparency.

Going forward, the Ministry undertakes to ensure that copies or references to the applicable standards are availed during public participation where practicable.

(b) Rule 3 – Grammar and Definition of All-Terrain Vehicles

The grammatical issue in Rule 3(1) is acknowledged. Rule 3(2) relates to all-terrain vehicles intended for off-road use and the absence of its definition is noted. The Ministry proposes to address the issue through the statutory instrument rectification process in consultation with the Office of the Attorney-General before implementation of the Rules.

(c) Rule 21 (2) – “Whenever it becomes necessary”

The Ministry notes the Committee’s observation that Rule 21(2) may appear vague due to the use of the phrase “whenever it becomes necessary.”

The Ministry clarifies that the formulation is deliberate and intended to preserve operational flexibility within the regulatory framework.

The need to invite applications for licensing of inspection centres is inherently contingent on dynamic and variable factors that cannot be predetermined. These include demand levels for inspection services, existing capacity of approved centres, geographical distribution of services, and emerging regional service gaps.

In practice, the need for additional inspection centres is often **county-specific rather** than uniform nationwide. For example, one county may experience increased vehicle volumes necessitating additional inspection capacity, while another may remain sufficiently served by existing facilities. A rigid national timetable would therefore not adequately respond to these differentiated operational realities.

Accordingly, the phrase “whenever it becomes necessary” is intended to enable the Authority to respond promptly, proportionately, and location-specifically to evolving service needs, rather than being constrained by a fixed timetable that may not reflect actual conditions on the ground.

Importantly, the Ministry further clarifies that the discretion under this provision is not unfettered. The Rules incorporate clear procedural safeguards, including mandatory public notification through official advertisement once the Authority determines that a need has arisen. This ensures transparency, equal opportunity, and fairness in the invitation of applications. The advertisement requirement is firmly embedded in the Rules and ensures that the exercise of this discretion is subject to public scrutiny and accountability once the threshold of necessity has been established.

This framework therefore balances regulatory flexibility with procedural safeguards, ensuring both responsiveness to operational needs and adherence to principles of transparency and fair administrative action

7. Administrative Timelines and Procedural Fairness

The Ministry appreciates the Committee’s concern that the Rules may make rights and obligations dependent on insufficiently defined administrative powers, particularly due to the absence of express timelines for issuance and determination of licences.

The Ministry clarifies that licensing decisions are governed by Article 47 of the Constitution and the Fair Administrative Action Act, which require expeditious, reasonable, and procedurally fair administrative action. In addition, the Authority operates published service charters and internal service standards that set clear timelines for processing applications.

Further, any person aggrieved by a decision of the Authority, including delays, has a right of appeal to the Transport Licensing Appeals Board, which is empowered to review both the merits and administrative fairness of licensing decisions, including issues of delay.

Accordingly, adequate safeguards exist through constitutional provisions, service standards, and an independent appellate mechanism to prevent abuse of discretion.

The Ministry nevertheless acknowledges the need for greater clarity and certainty.

8. Rule 22 – Licensing Requirements for Inspection Centres

The Ministry notes the Committee's observation that Rule 22 may be construed as delegating legislative powers by requiring applicants to demonstrate, to the satisfaction of the Authority, adequate land, infrastructure, capital, and equipment.

The Ministry clarifies that Rule 22 does not constitute an impermissible delegation of legislative authority. Rather, it is an enabling provision that must be read together with the Inspection Manual, which is an integral and substantive component of the regulatory framework governing the inspection regime.

The specific technical specifications, including land requirements, infrastructure standards, capital adequacy benchmarks, and equipment specifications, are contained in the **Inspection Manual**, which forms part of the operational framework for implementation of the Regulations.

CONCLUSION

Hon. Chairman, the Ministry remains committed to ensuring that the Traffic (Motor Vehicle Inspection) Rules, 2026 fully comply with the Traffic Act, the Statutory Instruments Act, and constitutional principles of legality, transparency, and public participation.

4. NTSA (OPERATION OF COMMERCIAL VEHICLES) REGULATIONS, 2026 (LEGAL NOTICE NO.14 OF 2026)

1. Attendance lists

Hon. Chairman, the Ministry confirms that extensive stakeholder consultations were undertaken across the country between 22nd April 2024 and 15th May, 2024, involving key education stakeholders, transport operators, parents' associations, and enforcement agencies. Observations noted is the inadvertent omission of attendance lists of the aforementioned period in the initial submission to the Senate, which is highly regretted. The same have now been included in the revised set of documents attached to this response.

2. Evidence of incorporation of comments.

The Ministry confirms that the comments received from the RIA were incorporated. The same are included in the revised set of documents attached to this submission.

3. Newspaper Advertisement for RIA

The Ministry confirms that the regulatory impact statement was duly published in a newspaper of nationwide circulation, and stakeholder input was received and considered in the development of the Rules. The same including comments submitted are included in the revised set of documents attached to this submission.

The Ministry further confirms that:-

- a) A Regulatory Impact Statement (RIS) was prepared in compliance with Sections 6 and 7 of the Statutory Instruments Act, which require:
 - Assessment of the likely impact of the proposed regulations;
 - Consideration of alternatives;
 - Consultation with stakeholders;
 - Justification of the regulatory approach adopted.
- b) The RIS addressed:
 - The problem definition (road safety risks, regulatory gaps, enforcement inefficiencies);
 - Policy objectives (reduction of accidents, improved compliance, system accountability);
 - Regulatory and non-regulatory options;
 - Expected economic, social, and administrative impacts.

4. Drafting and Clarity Issues

(a) KEBS Inspection Standards

The referenced standards were duly developed, approved, and published national standards formulated by KEBS under its statutory mandate.

These standards form an integral part of Kenya's technical regulatory framework and are legally recognised instruments governing matters of safety, quality, calibration, and operational specifications within their respective sectors.

In relation to accessibility during public participation, the Ministry notes that the consultations undertaken primarily focused on the policy framework, regulatory approach, and enforcement mechanisms underpinning the instruments, while relying on already established technical standards that were not being newly developed within the scope of these regulations.

These KEBS standards were not only in existence at the time of formulation of the Rules but had already undergone the requisite statutory development process, including stakeholder consultation, technical review, and formal approval in accordance with the standards development framework governed by KEBS.

Accordingly:

- The standards are public documents available through KEBS channels;
- They are part of the established regulatory baseline upon which the instruments are anchored; and
- In law, duly promulgated standards are presumed to be within the reach and knowledge of regulated persons, particularly where they are referenced in subsidiary legislation.

Notwithstanding the foregoing, the Ministry acknowledges the Committee's concern regarding optimal accessibility and transparency.

Going forward, the Ministry undertakes to ensure that copies or references to the applicable standards are availed during public participation where practicable

(b) Typographical Errors

Typographical errors in regulations 11(2), 12(2) and 13(1) are acknowledged.

The Ministry proposes to address the issue through the statutory instrument rectification process in consultation with the Office of the Attorney-General before implementation of the Rules.

5. Transition Period

A phased approach will be adopted to support orderly implementation, system integration, and avoidance of disruption in the sector.

6. Licensing Framework and Statutory Powers

Section 54 of the NTSA Act empowers the Cabinet Secretary to make regulations for the better carrying into effect of the Act. The Regulations are anchored on this provision.

The licensing framework flows from section 27(1) on Road Service Licences and provides administrative mechanisms to operationalize that statutory regime.

Accordingly, the Regulations facilitate implementation of the Act under section 54 and do not expand its substantive mandate.

7. Administrative Timelines and Procedural Fairness

The Ministry appreciates the Committee's concern that the Rules may make rights and obligations dependent on insufficiently defined administrative powers, particularly due to the absence of express timelines for issuance and determination of licences.

The Ministry clarifies that licensing decisions are governed by Article 47 of the Constitution and the Fair Administrative Action Act, which require expeditious, reasonable, and procedurally fair administrative action. In addition, the Authority operates published service charters and internal service standards that set clear timelines for processing applications.

Further, any person aggrieved by a decision of the Authority, including delays, has a right of appeal to the Transport Licensing Appeals Board, which is empowered to review both the merits and administrative fairness of licensing decisions, including issues of delay.

Accordingly, adequate safeguards exist through constitutional provisions, service standards, and an independent appellate mechanism to prevent abuse of discretion.

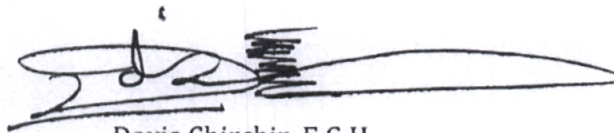
The Ministry nevertheless acknowledges the need for greater clarity and certainty.

CONCLUSION

Hon. Chairman, the Ministry remains committed to ensuring full compliance with constitutional and statutory requirements in all instruments. All supporting documentation has been submitted for the Committee's consideration.

Please accept, **Hon. Chairman** and **Hon. Members**, the assurances of our highest consideration.

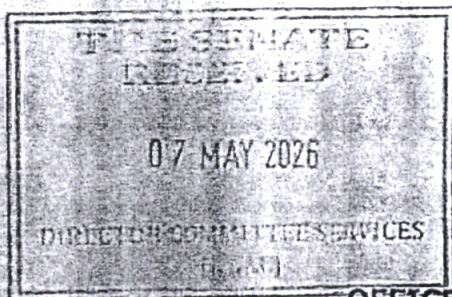
I submit.

A handwritten signature in black ink, appearing to read 'Davis Chirchir', followed by a long horizontal line.

Davis Chirchir, E.G.H
CABINET SECRETARY

Date: 18th May 2026

ANNEX 4



CONFIDENTIAL



OFFICE OF THE INSPECTOR GENERAL
NATIONAL POLICE SERVICE
NAIROBI - KENYA



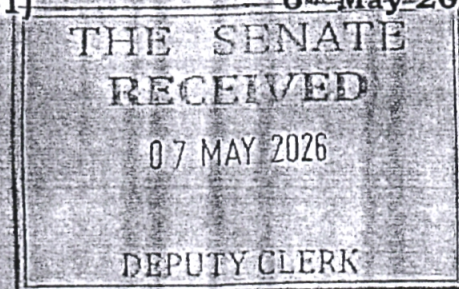
Telegraphic Address: "IG, NPS"
Telephone: Nairobi 020-2221969
When replying please quote the reference
and date

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

NPS/IG/SEC/2/6/13/8 VOL.XXXIV (41)

6th May-2026

Clerk of the Senate
Clerk's Chambers
Parliament Buildings
P. O. Box 41842 - 00100
NAIROBI



**POST-PUBLICATION SCRUTINY OF LEGAL NOTICES NO. 11, 12, 13
AND 14 OF 2026**

Please refer to your communication vide letter ref.
SEN/DGAC/CDL/CORR/2026/34(12) dated **15th April 2026** on the
above subject.

Please find attached comments/input on the provisions of the Legal
Notices No. 11, 12, 13 and 14 from the Service.

The same is submitted for your further administrative action.


MATHEW KUTOH
FOR INSPECTOR GENERAL
NATIONAL POLICE SERVICE

DGAC

② HOD - Governance
RAI - CDL

Kindly Seal

07/05/2026

Kindly deal

For 04/2026

NATIONAL POLICE SERVICE VIEW ON POST-PUBLICATION SCRUTINY OF LEGAL NOTICES NO 11, 12, 13, AND 14 OF 2026

The Traffic Rules, which are undergoing routine legislation processes, are actually coming at the right time. They are intended to address several gaps in general traffic management to enhance road safety.

However, we have proposed the following items for consideration:

1. THE TRAFFIC (SCHOOL TRANSPORT) RULES, 2026 (LEGAL NOTICE NO. 11 OF 2026)

S/No	Part	Section/Regulation	What is Provided	Proposal
1.	PART III- OBLIGATIONS OF SCHOOL TRANSPORT PROVIDERS	Rule 9, Obligations of school transport providers.	9(d) develop and adopt a school transport operations policy which, at the minimum, shall provide for- (i)transport operations, fleet management and logistics; (ii)school vehicle driver recruitment, supervision, management and capacity development;	Insert and add a clause between (i) and (ii) to read.... Institution-based school vehicle driver shall not be engaged in other school duties other than driving. -This is necessitated by the fact and reality on the ground where the school vehicle driver doubles up as Cook, Gateman, Games teacher, School Vehicle Attendant, etc. These extra activities drain their energy and hence fatigue driving.
		Rule 10, School vehicle attendants.	10. Where the holder of a school transport provider's licence is an institution of basic education and training, that holder of the licence shall employ a school vehicle attendant in respect of each school vehicle.	Add 10(2) to read.... School Vehicle Attendant may act as Crossing Guard under Rule 11 where necessary. The School Vehicle Attendant shall then comply with rule 11 (4) at such times
		Rule 11, Crossing Guard	(4) A crossing guard, when controlling, directing or managing traffic under these Rules shall-(a) wear a reflective jacket; (b) carry and use stop and go signs; and (c) exercise due.....	Add rule (d) to read... carry and use a whistle to enhance warning signals

2.	PART IV- SCHOOL VEHICLES	Rule 12, Requirements for school vehicles.	12. Each school vehicle issued with a school vehicle road licence and operated by a school transport provider shall—	Add and insert immediately after 12(h) to read.... have installed a door that opens outward and the door must be remotely controlled by the school vehicle driver and school vehicle attendant.
		Rule 14, Telematic system.	14. Each school vehicle shall be fitted with a vehicular telematic system with a passenger-facing camera being included and shall conform with—	Add 14 (2) to read.... School buses shall be designed so that passengers are in the same compartment as the driver. -This will discourage the separate cabin (Canter/lorry) type, which is not ideal for general passenger transport. -Add 14 (3) to read.... School buses shall be fitted with a warning bell/push button to alert the driver for any activity requiring stopping drive on.

2. THE TRAFFIC (DRINK- DRIVING) RULES, 2026 (LEGAL NOTICE NO. 12 OF 2026)

S/No	Part	Section/Regulation	What is Provided	Proposal
1.		Rule 3, Prescribed limits.	3. For the purposes of sections 44(1) and 45(1) of the Act, the prescribed limit of blood alcohol concentration shall be the maximum permissible limit of blood alcohol concentration— (a) in the case of drivers of public service vehicles, commercial vehicles or school transport vehicles-	3 (a) include all Government of Kenya Drivers and County Government drivers. All drivers and fleet supervised by the Government Vehicle Check Unit (GVCU). -Government drivers must always lead by example to other civilian drivers and present a positive image of the government.

3. THE TRAFFIC (MOTOR VEHICLE INSPECTION) RULES, 2026 (LEGAL NOTICE NO. 13 OF 2026)

S/No	Part	Section/Regulation	What is Provided	Proposal
1.	PART VI— MOTOR VEHICLE INSPECTORS	Rule 17, Inspectors	17(3) A person is qualified to be appointed as an inspector if that person— (a) possesses, at a minimum, a diploma in motor vehicle engineering, mechanical engineering or automotive	In this context, the inspection means that Kenya shall have attained the desired Safe System Approach to achieve “safer Vehicles”. Therefore, we should go for the highest qualification of the would-be Inspectors. At least a minimum degree in motor vehicle engineering, mechanical engineering or automotive....
			17(3) (d) has a valid driving license.	Add 17(3) (e) to read... has a physical garage or inspection facility registered or licensed under relevant laws for operation. This will eliminate ‘briefcase Inspectors.’ -Must be validly registered or a member of a professional body.
			17(7) Each inspector shall be solely responsible for the results of an inspection test uploaded onto the system provided by the Authority.	Add 17(8) to read... Each inspector shall undertake annual examinations administered by the Authority. -This will ensure the Inspector's suitability to continue discharging inspection services adequately.
		Rule 24, Responsibilities of licensees.	24(f) the centre is at all times be equipped with the necessary equipment for conducting inspections; and	Insert and add after (f)...where the licensee has more than one inspection test at the centres, each facility shall be equipped with similar equipment to necessitate inspections and tests.

significant risk of side-swipe accidents with passing traffic. Driver attitudes cannot be changed overnight to accommodate such obstructions are, therefore, superfluous.

Rule 14: Telematic Systems and Passenger-Facing Cameras

- **MAK Position:** We raise concerns over **private profiteering**.
- **Justification:** Mandating specific high-tech telematic systems creates a captive market for private vendors. This adds a heavy financial burden on schools and parents without clear evidence that such surveillance-heavy systems improve safety more effectively than standard speed governors and proper driver training.

Rule 16: Windows

- **MAK Position:** Windows on school mini-buses and buses should be designed with **non-openable lower layer. It should open on upper layers.**
- **Justification:** To prevent accidents involving students protruding body parts (heads/arms) outside the vehicle and to protect occupants from sudden wind gusts or external objects, the upper portions of windows should be openable for fresh air. Installing bars on windows would be counterproductive since they act as emergency exits when the buses overturn.

PART VI: PROCEDURES FOR OPERATION

Rule 22: Permitted Passengers (Hiring of School Buses)

- **MAK Position:** The government should **not** restrict the hiring out of school buses for non-school activities.
- **Justification:** School buses represent a significant capital investment. Allowing schools to hire out these vehicles during weekends or holidays provides vital income that helps maintain the vehicles to high safety standards and keeps tuition costs lower for parents.

Rule 34: Stop Signal and Red Light Indicators

- **MAK Position:** This rule is incompatible with current road design.
- **Justification:** Mandating that a driver stop and extend a signal arm to halt traffic is impractical on Kenyan trunk roads, main & minor roads, and highways. Our road

Secretariat,
Motorist Association of Kenya

SUBMISSION ON THE TRAFFIC (SCHOOL TRANSPORT) RULES, 2026 (LEGAL NOTICE NO. 11)

1. PREAMBLE

The Motorists Association of Kenya (MAK) welcomes the opportunity to submit our views on the Traffic (School Transport) Rules, 2026. While we support the enhancement of safety for our children, several provisions in this Legal Notice are impractical, economically burdensome, or disconnected from the reality of Kenya's road infrastructure.

2. KEY CONCERNS AND RECOMMENDATIONS

PART II: LICENSING OF SCHOOL TRANSPORT PROVIDERS

Rule 6: School Vehicle Road License

- **MAK Position:** We strongly object to the reintroduction of a specific "Road License."
- **Justification:** This appears to be a "backdoor" reintroduction of the road license system that was abolished by the government (during the tenure of Hon. Amos Kimunya) and replaced by the **Fuel Levy**. Reintroducing it for school vehicles constitutes double taxation and an unnecessary administrative hurdle for educational institutions.

PART III: OBLIGATIONS & TECHNICAL SPECIFICATIONS

Rule 13: Reflectorized Red Stop Mechanical Signal Arms

- **MAK Position:** This requirement is **far-fetched** and dangerous in the Kenyan context.
- **Justification:** Unlike the US, where this system originated, Kenyan roads are often narrow and lack the specialized design to support mechanical arms extending from the vehicle side. On many of our highways and urban roads, these arms would pose a

rather than subcontracting "predatory" third-party towing services that exploit motorists in distress.

3. Financial Implications (First Schedule)

Item	Proposed Fee	MAK Observation
Operator Licence	Ksh 2,000	New levy; lacks legal basis in the parent Act.
Road License	Ksh 500	Reintroduction of an abolished tax; double taxation.

4. Fundamental Constitutional & Legal Concerns

1. **Encroachment of Powers:** The Cabinet Secretary for Roads and Transport has exceeded the mandate provided under Cap. 404. Regulations should facilitate the law, not create new tax burdens.
2. **Public Participation:** These regulations appear to have been drafted without meaningful consultation with the stakeholders most affected - the commercial vehicle owners and drivers.
3. **Economic Impact:** At a time when the cost of living and doing business in Kenya is at an all-time high, these "micro-taxes" will lead to increased transport costs, which will be passed down to the consumer, further inflating the price of basic goods. Already the end consumer is reeling in a disadvantage after fuel prices hike that was passed on them.

5. Conclusion

The Motorist Association of Kenya prays that the Senate Committee on Delegated Legislation finds these regulations **null and void**. We recommend the deletion of Regulations 6, 8, and 14 in their current form to protect the transport industry from predatory regulation and illegal taxation.

Signed,

The Provision: Requires owners/operators to obtain a "Commercial Vehicle Operator License" renewable annually for **Ksh 2,000**.

- **MAK Position:** This is an **illegal levy** introduced outside the substantive provisions of the parent Act.
- **Justification:** The creation of multiple licensing layers, moving from vehicle inspection to driver licensing and now "operator licensing", creates unnecessary bureaucratic hurdles. This will deter small-scale enterprise and stunt growth in a sector that is already struggling with high operational costs.

Regulation 8(1), (2) & (3): Commercial Vehicle Road License

The Provision: Reintroduces a "Commercial Vehicle Road License" (Road Tank) renewable annually for **Ksh 500**. Just like the Ksh 8 Toll fees meant to fool the vehicles owners that it is low, the same trick is being applied here to by starting with Ksh 500 annual then inflate it. Same trick was applied on Nairobi Expressway start with low fees then increase steeply.

- **MAK Position:** This provision is **Ultra Vires** and amounts to **Double Taxation**.
- **Justification:** Road licensing was historically proscribed by the Ministry of Finance (under Hon. Amos Kimunya) and replaced by the **Fuel Maintenance Levy**. By reintroducing a road licence fee, the Ministry is charging motorists twice for the same service (road usage). This is a transparent attempt to raise revenue through the "back door" without parliamentary oversight on taxation.

Regulation 14(1) & (2): Mandatory Towing of Stalled Vehicles

The Provision: Allows the Authority to tow stalled heavy commercial vehicles at the owner's expense, recoverable as a civil debt.

- **MAK Position:** Punishing misfortune is **unconscionable and barbaric**.
- **Justification:** A vehicle stalling is a mechanical failure, not a criminal offence. The transport sector is already the highest contributor to the exchequer via fuel taxes and various levies.
- **Recommendation:** Instead of charging owners for breakdowns, the government should utilize existing tax revenues to provide emergency clearing services to ensure road safety,

7.Balanced Rule Drafting: Revise the Rules to ensure a balanced approach that protects both public safety and the rights of motorists, incorporating input from all stakeholders to foster a sense of fairness and legitimacy.

We trust that the Senate Delegated Legislation Committee will give due consideration to these critical concerns and recommendations, working towards a more just and effective road safety regime in Kenya.

Signed

Peter Murima

The Motorist Association of Kenya (MAK)

SUBMISSION ON THE NATIONAL TRANSPORT AND SAFETY (OPERATION OF COMMERCIAL VEHICLES) REGULATIONS, 2026 (LEGAL NOTICE NO. 14)

1. Introduction

The Motorist Association of Kenya (MAK) welcomes the opportunity to submit its views regarding the **National Transport and Safety (Operation of Commercial Vehicles) Regulations, 2026**. While we support efforts to enhance road safety, we find several provisions in this Legal Notice to be punitive, legally flawed, and economically regressive.

The transport sector is the backbone of the Kenyan economy, a primary driver of GDP, and the largest employer in the informal sector. Over-regulation and "back-door" taxation threaten to stifle this vital industry.

2. Specific Objections and Observations

Regulation 6(1) & (2): Commercial Vehicle Operator Licence

Our opposition is specifically directed towards the illegalities, ambiguities, and predatory or emotionally driven aspects of the current Rules. We advocate for a legal framework that is clear, just, equitable, and effective in targeting genuinely impaired drivers, rather than criminalizing responsible alcohol consumption or facilitating arbitrary enforcement.

VI. Recommendations

To rectify the identified flaws and ensure a just and effective legal framework, MAK respectfully proposes the following recommendations to the Senate Delegated Legislation Committee:

- 1. Clarify "Suspected Driver" Definition:** Develop and incorporate clear, objective, and observable criteria for identifying a "suspected driver" to prevent arbitrary stops and ensure that alcohol testing is based on reasonable suspicion of impairment.
- 2. Incorporate International DUI Standards:** Align the definition and enforcement of "Driving Under Influence" with international best practices, focusing on observable signs of impairment rather than solely on blood alcohol concentration levels.
- 3. Mandate Pre-Breathalyser Sobriety Tests:** Introduce mandatory preliminary sobriety tests (e.g., field sobriety tests) that must be conducted and documented before a breathalyser test is administered, to establish a verifiable basis for suspicion.
- 4. Distinguish Drink-Driving and DWI:** Clearly differentiate between "drink-driving" (exceeding a prescribed limit) and "Driving While Intoxicated" (a higher degree of impairment) within the legal framework, with corresponding distinctions in penalties and enforcement.
- 5. Data-Driven Enforcement:** Base enforcement strategies on comprehensive road safety data and accident statistics, ensuring that resources are directed towards areas and behaviors that pose the highest risk, rather than being driven by revenue targets.
- 6. Address Drunk Pedestrians:** Incorporate provisions within the Traffic Act or related regulations to address the issue of drunk pedestrians and their contribution to road accidents, promoting a holistic approach to road safety.

IV. Broader Concerns

Beyond the specific regulations, MAK identifies several broader concerns:

1. Indiscriminate Grouping of Drinkers: The Rules fail to distinguish between social drinkers, moderate drinkers, and heavy drinkers. This indiscriminate grouping unfairly subjects all individuals who consume alcohol to the same level of scrutiny, regardless of their actual risk profile. MAK asserts that "Driving Under Influence" (DUI) should be the primary determinant of dangerous driving, not merely the presence of alcohol.

2. Revenue-Driven Roadblocks: There is a perception that roadblocks, particularly in high-end residential areas, are often staged with a primary objective of revenue generation rather than enhancing road safety. Such practices are not supported by data on road crashes and can lead to a focus on easily payable fines rather than addressing high-risk driving behaviors.

3. Disparate Enforcement: The enforcement of these Rules appears inconsistent across different categories of road users. For instance, commercial motorcyclists and tuk-tuk drivers, who are frequently involved in road accidents, often face less stringent enforcement compared to private motorists.

4. Neglect of Drunk Pedestrians: A significant oversight in the Rules is the lack of provisions addressing the role of **drunk pedestrians in road accidents**. Drunk pedestrians contribute substantially to road fatalities and injuries, and their behavior should also be considered within a comprehensive road safety framework.

V. MAK's Position

The Motorist Association of Kenya wishes to reiterate that its position is not one of opposition to the deterrence of drink-driving. On the contrary, MAK is deeply committed to the prevention of serious injuries and fatalities caused by genuine Driving Under Influence (DUI) and Driving While Intoxicated (DWI).

III. Specific Critiques of Proposed Regulations

A. Regulation 2 – Interpretation

- "blood alcohol concentration": The provision that the "blood alcohol concentration" is determined by the Cabinet Secretary introduces a risk of arbitrary or politically motivated adjustments to critical legal thresholds.
- "drink-driving": The broad definition of "drink-driving" as merely exceeding a "prescribed limit" without explicit reference to impairment risks criminalizing the act of drinking itself, rather than focusing on the dangerous act of driving while impaired.

B. Regulation 4 – Alcohol Tests

- (1) Police Officer's Discretion: The clause stating that a police officer "may require the suspected person to provide a specimen for the purpose of conducting an alcohol test" based solely on suspicion is ripe for abuse. This can lead to the victimization of drivers and the criminalization of alcohol consumption, even in the absence of actual driving impairment.
- (2) & (3) Accident Scenarios: These sub-rules allow for alcohol testing of individuals involved in road traffic accidents, even if they are not at fault. This approach risks criminalizing drivers who may have consumed alcohol but were not responsible for the accident, thereby conflating alcohol consumption with culpability.

C. Regulation 5 – Use of Breathalysers

- (1) Cabinet Secretary's Approval: This sub-rule reiterates the concern regarding the unfettered powers of the Cabinet Secretary in approving breathalyser use. MAK argues that only individuals genuinely suspected of DUI or DWI, based on observable impairment, should be subjected to such tests.
- (3), (4), (5), (6) Breathalyser Protocols: While these sub-rules outline important protocols for breathalyser usage, calibration, and evidence presentation, they do not address the fundamental issue of ensuring that only genuinely impaired drivers are targeted for testing. The focus remains on the technical aspects of testing rather than the justification for initiating the test.

impairment.

3.Omission of "Driving Under Influence" (DUI) Definition: The Rules either deliberately or inadvertently omit a clear definition of "Driving Under Influence." This omission deviates significantly from international practice, where suspicion of impaired driving typically arises from observable signs of alcohol influence on a driver's behavior.

4.Absence of Pre-Breathalyser Tests: The current framework overlooks the importance of preliminary sobriety tests, such as assessing a driver's ability to walk a straight line, stand on one leg, or maintain clear speech. These tests are crucial for establishing a reasonable suspicion of impairment before subjecting an individual to an alcohol test, ensuring that enforcement is targeted and justified.

5.Confusion with "Driving While Intoxicated" (DWI): The Rules appear to conflate "drink-driving" with "Driving While Intoxicated" (DWI). This lack of distinction is problematic, as DWI typically implies a higher degree of impairment with more severe consequences, and blurring these terms can lead to disproportionate penalties for less severe infractions.

6.Lack of Nuance in Alcohol Consumption: The Rules fail to differentiate between various levels and contexts of alcohol consumption. This results in a blanket approach to enforcement that may penalize individuals who have consumed alcohol but are not impaired, rather than focusing on those who pose a genuine risk to road safety.

7.Preference for Blanket Roadblocks: The Rules do not emphasize proactive observation of drivers through patrols or radio tracking of suspected impaired individuals. Instead, they implicitly encourage indiscriminate roadblocks, (at high end estates for cash) which often net individuals who are not driving under the influence or while intoxicated, diverting resources from genuine threats where real drink driving crashes happen.

8.One-Sided and Biased Drafting: The overall drafting of the Rules appears to be skewed in favour of law enforcement, rather than reflecting a balanced approach that protects both public safety and the rights of motorists, a common practice in civilized jurisdictions worldwide.

Signed,

Peter Murima *Chairperson, Motorists Association of Kenya (MAK)*

Regarding The Traffic (Drink-Driving) Rules, 2026 (Legal Notice No. 12)

Submitted by: Motorist Association of Kenya (MAK)

Date: April 22, 2026

I. Introduction

The Motorist Association of Kenya (MAK) hereby submits its comprehensive critique of The Traffic (Drink-Driving) Rules, 2026 (Legal Notice No. 12), to the esteemed Senate Delegated Legislation Committee. Our objective is to highlight significant flaws within these rules that, if left unaddressed, could lead to arbitrary enforcement, miscarriages of justice, and a deviation from internationally accepted best practices in road safety legislation. While MAK is unequivocally committed to deterring dangerous driving under the influence, we firmly believe that such deterrence must be achieved through fair, clear, and evidence-based legal frameworks.

II. General Flaws in the Rules

MAK has identified several overarching issues within the Traffic (Drink-Driving) Rules, 2026, which undermine their effectiveness and fairness:

1. Unfettered Powers to the Cabinet Secretary: The Rules grant the Cabinet Secretary for Roads and Transport excessive and undefined powers, particularly in determining blood alcohol concentration limits and approving breathalyser devices. This concentration of power without clear checks and balances is concerning and susceptible to misuse.

2. Ambiguity of "Suspected Driver": The Rules are notably silent on the criteria that constitute a "suspected driver." This lack of a clear definition creates a vacuum that can be exploited for arbitrary stops and testing, or extortion rather than focusing on drivers exhibiting actual signs of

(KeNHA) must be held accountable for failing to deliver roads that match the substantial taxes collected from motorists . The poor state of Kenyan roads is a primary cause of vehicle damage, breakdowns, and rising maintenance costs, not the condition of private vehicles. Shifting blame and financial burden onto law-abiding motorists is unacceptable.

Demands of the Motorists Association of Kenya

The Motorists Association of Kenya demands the following:

- Immediate reform and transparency in commercial vehicle inspection systems.
- Full accountability from road agencies on the use of fuel levy funds.
- Urgent repair and upgrading of road infrastructure to acceptable standards.
- A halt to any plans targeting private vehicles for mandatory inspections.

Kenyans have upheld their end of the bargain. It is time the government did the same.

Conclusion

The Traffic (Motor Vehicle Inspection) Rules, 2026, are a regressive and punitive measure that will not enhance road safety but will instead infringe upon constitutional rights, impose undue financial burdens on citizens, and perpetuate a cycle of unaccountability from government agencies. We urge the Senate Committee on Delegated Legislation to reject these rules and instead advocate for policies that address the root causes of road safety issues in Kenya, namely, poor road infrastructure and inadequate enforcement against genuinely unsafe commercial vehicles.

Reject Privatized Inspection: Maintain the status quo for private vehicles—inspection should only happen at the port of entry, insurance, after accidents and where roadworthiness.

5. CONCLUSION

The Motorists Association of Kenya warns that motorists are "tired, angry, and oppressed." We view the gazettement of private vehicle inspection as **neocolonialism and extortion conspiracy**. We demand the rescission of this directive, failing which we shall take legal and industrial action.

failure. Modern vehicles are designed with high safety standards, and private owners consistently demonstrate responsibility in maintaining their cars. The primary causes of road incidents in Kenya are poor road infrastructure and the conduct of other road users, not the mechanical condition of private vehicles. Vehicles older than four or five years in Kenya often remain in excellent condition due to making them completely safe. The focus should be on encouraging self-regulation rather than imposing statutory inspections that lack empirical justification.

Revenue Generation at the Expense of Burdened Citizens

These proposed rules appear to be a thinly veiled attempt to create yet another revenue stream, further burdening already overtaxed Kenyan motorists. The current fuel levy of KSh 25 per litre is explicitly meant for road development and maintenance, yet the state of Kenya's roads remains eplorable. This continued push for tolls, excessive levies, and now inspections, signals a dangerous trend of monetizing every aspect of public infrastructure and private life without delivering corresponding value. The outsourcing of inspections to private garages in opaque Public-Private Partnerships raises serious concerns about organized profiteering and bureaucratic extortion, disguised as safety enforcement. This is a clear instance of

Private Profit at Public Pain, where Kenyans are being fleeced under the guise of compliance.

Failure of Public Participation and Regulatory Impact Assessment The Statutory Instruments Act, 2013, mandates appropriate consultation with persons likely to be affected by proposed statutory instruments, especially where such instruments are likely to have a direct or substantial indirect effect on business or restrict competition. Furthermore, a Regulatory Impact Statement (RIS) is required if a proposed statutory instrument is likely to impose significant costs on the community. The current process has provided insufficient time for public participation, with details of the Supplement being made available only in the last three days. This lack of meaningful consultation and the apparent absence of a comprehensive RIS demonstrate a disregard for due process and the principles of good governance.

Road Infrastructure and Accountability

Before contemplating intrusive and unnecessary inspections on private vehicles, the government must address its own failures in providing safe and motorable road infrastructure. Agencies such as the National Transport and Safety Authority (NTSA), Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA), and Kenya National Highways Authority

- **RMLF:** Recently hiked from Ksh 18 to Ksh 25 per liter.
 - **VAT on Fuel:** Increased to 16%.
 - **Import Duty:** 35%.
 - **Insurance Inspections:** Most insurance companies already require an annual valuation/inspection.
-

4. Subject: Strong Opposition to The Traffic (Motor Vehicle Inspection) Rules, 2026 and Call for Scrutiny

Introduction

The Motorists Association of Kenya (MAK) hereby submits its strongest opposition to the

proposed Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No. 13, Kenya Gazette Supplement No. 15, Legislative Supplement No. 11). We urge the Senate Committee on Delegated Legislation to thoroughly scrutinize these instruments, which we believe are ill-conceived, unconstitutional, and detrimental to the welfare of Kenyan motorists. This submission is made on behalf of all vehicle owners and drivers in Kenya, who are deeply concerned by the implications of these proposed rules.

Constitutional Infringements The proposed mandatory inspection of private vehicles, particularly those older than five years,

constitutes a direct infringement upon the constitutional rights of private citizens. The

Constitution of Kenya provides robust protection for privacy, movement, and choice . Subjecting private vehicles to arbitrary inspections without clear justification invades the private lives of citizens, prejudices them, and curtails their fundamental rights. This includes the right not to have one's person, home, or property searched, and possessions seized without due process . The proposed rules, by allowing uniformed intruders to delay journeys, question family trips, and potentially detain motorists, represent a dangerous invasion of privacy and an affront to personal liberty.

Lack of Credible Data and Evidence

MAK challenges the government to present credible data linking the condition of private vehicles to road accidents. To date, no such evidence has been provided. In fact, private vehicles, despite being the majority on Kenyan roads, are rarely the cause of accidents due to mechanical

- **The Problem:** Licenses are sold to untrained drivers, and commercial vehicle inspection stickers are issued "over the counter" without vehicles ever visiting a center.
- **The Impact:** Unroadworthy PSVs (Matatus) and trucks - the primary causes of mass-casualty accidents - operate with official NTSA approval.
- **Reference:** BBC Africa Eye: The Shadow Men - Undercover in Kenya's Transport Authority

B. Archaic and Dangerous Road Design

Kenya's highways are often narrow, two-way "death traps" that lack gradual expansion.

- **Lane Indiscipline:** Poor signage and lack of physical dividers lead to "5-lane" madness where motorists drive into oncoming traffic during gridlocks.

C. Lack of Quick Response for Breakdowns

A single stalled truck on a narrow highway can cause a 24-hour gridlock. There is currently no efficient government system for the immediate removal of stalled vehicles, which creates the conditions for rear-end collisions and risky overtaking.

3. THE PRIVATE INSPECTION FALLACY: A CASH GRAB

The NTSA's intent to force private cars (over 4 years old) into mandatory inspections is flawed for the following reasons:

1. **Self-Regulation:** 95% of private owners maintain their vehicles for personal safety and family comfort. They do not need a "snoopy government" to mandate what they already do.
2. **No Data:** There is **zero statistical evidence** linking private vehicle mechanical failure to the majority of accidents in Kenya. Most private car accidents are caused by reckless driving or poor road conditions (potholes/lack of markings).
3. **Conflict of Interest:** Handing inspection powers to private garages creates a "cartel" system where garages are incentivized to find "faults" to charge for repairs.
4. **Double Taxation:** Motorists already pay through the nose via:

THE TRAFFIC (MOTOR VEHICLE INSPECTION) RULES, 2026 ARRANGEMENT OF RULES

1. EXECUTIVE SUMMARY

The Motorists Association of Kenya (MAK) formally submits this report to highlight that the primary drivers of road accidents in Kenya are **institutional corruption, archaic road design, and poor enforcement**, rather than the mechanical condition of private vehicles. We strongly oppose the NTSA's plan to mandate into inspections and more so private vehicle inspections through private garages, as it represents double taxation and a "dealership" model that prioritizes profit over lives and unconstitutional under The Bill of Rights.

Many of our members believe that the inspection of their cars will subject them to an unfair subjective policy that is not informed by any justifiable reason. The current commercial inspection is riddled with corruption where vehicles get inspection certificates in exchange for bribes.

The association would rather the inspection of commercial vehicles be sanitized first before introducing any inspection for private vehicles lest the vice of corruption is extended to private vehicle owners. We have a petition by motorists to that effect. We would be happy to see the justification for rolling out this elaborate process. Road crashes are not the reason for this inspection of course. The statistics of road crashes do not show vehicle condition as the main cause but driver error caused by inadequate driver education, drink driving, corruption, bad road designs and mostly commercial vehicles which speed to make profits. The inspection of private vehicles must not be informed by PPPs who want to make profits on the ploy of road safety.

2. THE REAL KILLERS: SYSTEMIC ISSUES vs. PRIVATE VEHICLES

A. Institutional Corruption in Licensing & Inspection

Evidence, including investigative reports by the BBC, has exposed a "grossly corrupt" system within the NTSA and affiliated driving schools.



Motorist Association of Kenya

Championing motorists rights

P.O. Box 8120-00100, NAIROBI

Email: info@motoristsassociationofkenya.org | Contact: 0723779950

SUBMISSION TO THE SENATE OF THE REPUBLIC OF KENYA

**TO: THE SENATE COMMITTEE ON DELEGATED
LEGISLATION**

DATE: May 19, 2026

**SUBJECT: SYSTEMATIC FAILURES IN ROAD SAFETY
AND CRITIQUE OF LEGAL NOTICES NO. 11, 12, 13,
AND 14 OF 2026**

SUBMITTED BY:

Peter Murima

Chairman, Motorists Association of Kenya (MAK)

				Traffic Act Cap 403. -Reason is that it is the main Act that the police shall use to charge in the event of violation.
4.		Rule 12, Parking	12 (1) & (2)	Reference to Section 52A and 52B of the Traffic Act Cap 403. -Reason is that it is the main Act that the police shall use to charge in the event of violation.
5.		Rule 14, Power of Authority to tow stalled vehicles.	14(1) The Authority or a road authority may tow or remove a heavy commercial vehicle that has stalled or broken down on a road or arrange for a third party to tow or remove such a vehicle at the owner's, operator's or carrier's expense if, in the opinion of the Authority, such a vehicle poses a risk to the safety of other road users.	Section 14, Power of Authority to tow stalled vehicles. Expunge Authority to read Power to tow stalled vehicles. -14(1) The Authority or a road authority or county authority or the Police may tow..... -The reasoning is that the Authority and Road Authorities are not spread to cover the breadth of Kenya. Police maintain traffic order on the road network and serve as first responders to stalled vehicles. -Moreover, we have streets or roads under the County Governments, which further provide parking bays/zones in accordance with the Traffic Act. -Therefore, their roles (Police and County Government) in clearing obstructions, including stalled vehicles, need to be considered in this section.

				-If 7(e) is sustained, then the moderate time is 72 hours, considering that crash scenes may occur in remote and complex terrain across the countryside. -Make the provisions to supply to the Authority here possible. Otherwise, we are going to turn the commercial vehicle owners, carriers, and operators into investigators and regulators.
2.		Rule 10, Commercial service vehicle drivers.	10(2) In case of a breakdown the driver shall immediately place on the road not less than fifty metres from the commercial vehicle two reflecting triangles of such construction and dimensions as may be prescribed, one ahead of the vehicle and one behind it, so that each reflecting triangle is clearly visible to drivers approaching the commercial vehicle from ahead or behind as the case may be.	This requirement applies to all motorists. But at times, along the highways, citizens have only seen twigs and vegetation branches placed on the roads. The claim by drivers that the reflecting triangles are carted away by unscrupulous persons, probably scrap metal dealers/collectors. Calling for the use of non-metallic materials to manufacture this safety road sign. But the elephant in the room that needs strict regulation is how long a commercial vehicle will remain on the roadside. Fatal crashes have been attributed to stalled trucks, and the Kariandusi one on 3/4/2026, where 10 passengers in the 14-seater Matatu perished on the spot, is still fresh in our minds. -We strongly propose the vehicle to remain for 2 hours. Afterward, Section 14 of these regulations shall apply.
3.		Rule 11, Loading and cargo securement.	11 (1), (2) & (3)	Reference to Section 56 of the Traffic Act Cap 403. -Reason is that it is the main Act that the police shall use to charge in the event of violation.
			11 (4)	Reference to Section 55 of the

		Rule 26, Records	26 (2) Each private motor vehicle testing centre shall keep the records required under sub-rule (1)— (a) for at least five years....	(a) for at least ten years; some records may be subject to criminal inquiry, and five years is generally short for cases to be disposed of.
			26 (3)	Add 26(3) to read... National Police Service Officer enquiring into any matter concerning the records shall have unlimited access to the records.
		Rule 29, Booking Fees	29 (3) The operator of a private motor vehicle inspection centre shall not conduct an inspection unless the proof of payment of the booking fee required under sub-rule (1) is presented.	Add 29(4) to read... No additional fees shall be paid to the private motor vehicle inspection center for conducting an inspection. This needs to be clear to avoid extortion from the motor vehicle owners and double payments, which are not supported by law

**4. THE NTSA (OPERATION OF COMMERCIAL VEHICLES) REGULATIONS, 2026
(LEGAL NOTICE NO. 14 OF 2026)**

S/No	Part	Section/Regulation	What is Provided	Proposal
1.		Rule 7, Responsibilities of commercial vehicle owners, carriers, and operators.	7(e) submit a preliminary report of any accident that results in death to the Authority within twenty hours of the occurrence of the accident that shall include— (i) the driver's details; (ii) the vehicle registration details; (iii) the maintenance record of the vehicle; and (iv) the circumstances, if known, that led to the accident.	This may be expunged as it duplicated the actions taken by NPS in the event of a crash. Moreover, (c)(i) & (ii) are records already with the Authority. In (c)(iii), the commercial vehicle owners may provide as required, but it shall be part of the Police investigations, including establishing the cause of the crash -What of a situation where the driver who was fatally injured was the owner of the commercial vehicle?

network lacks the "pull-over" provisions or dedicated lanes required to make this safe. This rule would likely cause massive traffic snarl-ups and rear-end collisions. The mishaps involving pick and drop are rare if any.

PART VII: MOTORCYCLES (BODA BODA) TRANSPORT

Rule 35: Protective Gear and Pillion Passengers

- **MAK Position:** The rules are dangerously **silent** on the number of pillion passengers for pupils.
- **Justification:** We frequently see "overloading" of school children on motorcycles (sometimes 3 or 4 children). The Senate must introduce a strict limit (ideally one child per motorcycle) to ensure safety.

3. SUMMARY OF RECOMMENDATIONS

1. **Delete Rule 6** to avoid double taxation via road licenses.
2. **Review Rule 13 and 34** to align with Kenyan road infrastructure rather than adopting "copy-paste" Western models.
3. **Clarify Rule 35** to explicitly limit the number of children allowed on a single motorcycle.
4. **Ensure Window Designs** prioritize safety by limiting opening ranges to prevent body protrusion. Open on upper layer to allow fresh air.

Signed,

Motorists Association of Kenya (MAK)

Annexures



**ANNEXURES TO THE MOTORISTS ASSOCIATION OF KENYA (MAK)
SUBMISSION**

TO THE SENATE COMMITTEE ON DELEGATED LEGISLATION

**RE: POST-PUBLICATION SCRUTINY OF LEGAL NOTICES NO. 11, 12, 13, AND 14
OF 2026**

TABLE OF CONTENTS

- 1 Annexure I: Summary of Motorists' Petition and Public Opposition (2016–2026)
 - 2 Annexure II: Formal Press Statements and Position Papers by MAK
 - 3 Annexure III: Evidence of Systemic Corruption and Regulatory Failures
 - 4 Annexure IV: Analysis of Punitive Inspection Fees and Economic Impact
 - 5 Annexure V: Technical Objections and Infrastructure Prerequisites
-

ANNEXURE I: SUMMARY OF MOTORISTS' PETITION AND PUBLIC OPPOSITION

The following table summarizes the feedback collected from Kenyan motorists regarding the mandatory inspection of private vehicles.

Parameter	Details
Petition Period	May 2016 – April 2026
Opposition Rate	99% of respondents oppose mandatory private vehicle inspection.
Key Reason 1	Revenue vs. Safety: Move seen as a revenue-raising scheme rather than a safety measure.
Key Reason 2	Systemic Corruption: Existing commercial vehicle inspection is riddled with graft (certificates sold "over the counter").
Key Reason 3	Infrastructure: Road conditions (potholes, poor design) are the primary cause of accidents, not private vehicle mechanical failure.
Key Reason 4	Double Taxation: Motorists already pay high fuel levies (RMLF), VAT, and import duties.
<i>"MAK study shows that accidents relating to disrepair are almost nonexistent for private vehicles. Most accidents are caused by reckless driving and poor road conditions."</i>	

ANNEXURE II: FORMAL PRESS STATEMENTS AND POSITION PAPERS

1. Statement on "Ultra Vires" Laws (Ref: Ext. Vol.15/2021/05/134)

MAK asserts that the National Transport and Safety Authority (NTSA) has repeatedly attempted to "test the patience" of vehicle owners by introducing laws without proper parliamentary legislation or meaningful public participation.

2. Rejection of Private Garage Involvement

MAK strongly condemns the plan to outsource inspections to private garages. This is viewed as:

- State-sanctioned exploitation: Profiteering by privateers who lobbied for the windfall.
 - Conflict of Interest: Garages have a financial incentive to find "defects" to charge for repairs.
 - Betrayal of Trust: Abdicating government duty to unregulated third parties.
-

ANNEXURE III: EVIDENCE OF SYSTEMIC CORRUPTION AND REGULATORY FAILURES

The submission includes references to the BBC Investigative Report which exposed gross corruption within the NTSA and specific driving schools (e.g., Rocky and Petannes).

Evidence Point	Description
BBC Expose	Documented "sham" inspections where unroadworthy vehicles receive stickers without physical checks.
Graft in PSV Sector	"Death traps" operate daily despite being "NTSA inspected," proving the current system fails its safety mandate.
Administrative Rot	NTSA lacks the expertise and logistical capacity to manage its current commercial mandate, let alone millions of private cars.

ANNEXURE IV: ANALYSIS OF PUNITIVE INSPECTION FEES AND ECONOMIC IMPACT

The Legal Notices introduce a revised fee structure that significantly increases the burden on the Kenyan motorist.

Vehicle Category	Previous Fee (Ksh)	New Fee (Ksh)	% Increase
Motorcycles	1,000	1,300	30%
Tuk Tuks / Small Cars (<3000cc)	1,000	2,600	160%
Large Vehicles (>3000cc)	1,000	3,900	290%
5-Ton Trucks	1,000	2,000	100%
Heavy Commercial (>5 Tons)	1,000	4,600	360%

Economic Context:

- Road Maintenance Levy (RMLF): Increased from Ksh 18 to Ksh 25 per litre.
- VAT on Fuel: Increased from 8% to 16%.
- Import Duty: Increased to 35%.
- Conclusion: Motorists are being treated as "cash cows" to fund government wastage.

ANNEXURE V: TECHNICAL OBJECTIONS AND INFRASTRUCTURE PREREQUISITES

MAK maintains that the government must meet specific prerequisites before any discussion on mandatory inspection can occur:

- 6 Road Worthiness: The government must first ensure roads are "vehicle worthy" (fix potholes, ensure clear signage and lane markings).
- 7 Self-Regulation: Private car owners are inherently self-regulating as they maintain their vehicles for personal safety and asset protection.
- 8 Data Transparency: NTSA has failed to provide data showing that mechanical failure in private cars is a significant cause of road carnage.
- 9 Exhaust Emissions: Priority should be given to environmental standards (emissions) rather than arbitrary mechanical checks.

Signed,

Peter Murima Chairperson, Motorists Association of Kenya (MAK) Date: May 19, 2026

**ANNEXURES TO THE MOTORISTS ASSOCIATION OF KENYA (MAK)
SUBMISSION**

TO THE SENATE COMMITTEE ON DELEGATED LEGISLATION

**RE: POST-PUBLICATION SCRUTINY OF LEGAL NOTICES NO. 11, 12, 13, AND 14
OF 2026**

TABLE OF CONTENTS

- 1 Annexure I: Summary of Motorists' Petition and Public Opposition (2016–2026)

- 2 Annexure II: Modern Vehicle Evolution vs. Obsolete Regulatory Frameworks (Euro 4, 5, 6)
- 3 Annexure III: Constitutional Violations: Privacy and the Bill of Rights
- 4 Annexure IV: Evidence of Systemic Corruption and Regulatory Failures
- 5 Annexure V: Analysis of Punitive Inspection Fees and Economic Impact

ANNEXURE I: SUMMARY OF MOTORISTS' PETITION AND PUBLIC OPPOSITION

Parameter	Details
Petition Period	May 2016 – April 2026
Opposition Rate	99% of respondents oppose mandatory private vehicle inspection.
Key Reason 1	Revenue vs. Safety: Move seen as a revenue-raising scheme rather than a safety measure.
Key Reason 2	Infrastructure: Road conditions (potholes, poor design) are the primary cause of accidents, not private vehicle mechanical failure.
Key Reason 3	Double Taxation: Motorists already pay high fuel levies (RMLF), VAT, and import duties.

ANNEXURE II: MODERN VEHICLE EVOLUTION VS. OBSOLETE REGULATORY FRAMEWORKS

MAK asserts that the NTSA "mandarins" are stuck in an era of manual, mechanically simple cars, while the motoring world has transitioned into the AI and Digital Age.

1. The Superiority of Euro 4, 5, and 6 Standards

Modern vehicles imported into Kenya predominantly meet international standards that render manual "visual" inspections obsolete.

Standard	Key Features	Safety/Compliance Impact
Euro 4	Advanced On-Board Diagnostics (OBD)	Continuous monitoring of engine and safety systems.
Euro 5	Particulate Filters & Enhanced OBD	Self-diagnosing systems that alert the driver to any failure immediately.
Euro 6	AI-Integrated Safety & Emissions	Advanced driver-assistance systems (ADAS) and ultra-low emissions.

2. The "Old-School" NTSA vs. AI Age

- **Technological Gap:** NTSA's reliance on physical inspection centers and manual checks is an insult to the intelligence of owners of modern vehicles. These cars possess sophisticated AI-driven self-diagnostic tools that are far superior to the equipment found in local Kenyan garages.
- **Irrelevance of Manual Checks:** A vehicle manufactured after 2020 is "so modern" that any mechanical defect is automatically managed or flagged by the vehicle's internal computer. Forcing these vehicles into "private garages" for inspection is a technical absurdity and a recipe for damaging sensitive electronic systems.

- Professional Choice: Maintenance and inspection of such high-tech assets must remain the owner's choice, handled by specialized service centers, not government-mandated "privateer" garages angling for a quick fee.
-

ANNEXURE III: CONSTITUTIONAL VIOLATIONS: PRIVACY AND THE BILL OF RIGHTS

The proposed Legal Notices constitute a direct assault on the Constitution of Kenya (2010), specifically the Bill of Rights.

1. Right to Privacy (Article 31)

- Private vs. Commercial: A private car is a personal space, often used for family and private "run-about." It is not a commercial tool.
- Nosing into Private Life: Forcing private citizens to stop at checkpoints or submit to intrusive inspections "left, right, and center" is an unacceptable violation of the sanctity of private life.
- Indignity: Subjecting law-abiding families to the harassment of inspection stickers and roadside checks is "indignity treatment" that has no place in a democratic society.

2. Right to Property and Freedom of Movement

- Arbitrary Interference: The state has no legitimate interest in "nosing" into how a private individual maintains their personal property unless there is clear, data-backed evidence of a public threat—which NTSA has failed to provide.
- Extortion as Regulation: By mandating private garages as "inspectors," the state is creating a cartel-like environment where the citizen's right to property is subjected to the whims of profiteers.

ANNEXURE IV: EVIDENCE OF SYSTEMIC CORRUPTION

- BBC Investigative Report: Confirmed that NTSA is unable to manage even the current commercial vehicle regime. Certificates are sold "over the counter" without inspections.
- The "Sham" System: Expanding a failed, corrupt system to include millions of private vehicles is not about safety; it is about creating a wider base for graft.

Conclusion: This is a "sin tax" on mobility. MAK demands the immediate rescission of these Legal Notices to protect the dignity and rights of the Kenyan motorist.

Signed,

Peter Murima Chairperson, Motorists Association of Kenya (MAK) Date: May 19, 2026

KENYA PRIVATE

Westlands, Crossway Road,
Bekim House, Opposite Soin

Arcades/Fuji Plaza
2nd Floor Apartment 2B

**SCHOOLS ASSOCIATION**

P.O. Box 11404-00100, Nairobi, Kenya

Tel: +254 0708094746 / 020-2638171

Email: kpsakenya@gmail.com/

info@kpsa.co.ke

(In Partnership with the Government to Provide a Holistic Quality Education for All)

RE: KPSA/TRAFFIC/05/2026/01

10/05/2026

**MEMORANDUM BY THE
Kenya Private Schools Association
(KPSA)**

The Clerk of the Senate
Parliament of Kenya
P.O. Box 41842-00100
Nairobi, Kenya

Dear Sir/Madam,

RE: THE POST-PUBLICATION SCRUTINY OF LEGAL NOTICES NO. 11, 12, 13 AND 14 OF 2026

1. INTRODUCTION

The Kenya Private Schools Association (KPSA) is the umbrella body representing private educational institutions across Kenya. The Association represents over 15,000 private schools offering Early Childhood Education, Primary Education, Junior School and Senior School

KPSA appreciates the opportunity granted by the Senate of Kenya to submit its views during the post-publication scrutiny of Legal Notices No. 11, 12, 13 and 14 of 2026 touching on traffic management, school transport operations, road safety compliance, and related transport regulations affecting educational institutions.

The Association fully supports measures aimed at enhancing safety on Kenyan roads, particularly for learners. The Association further acknowledges the increasing concern over road accidents involving school transport vehicles and agrees that there is need for a clear legal and operational framework governing school transport services

However, while the intentions of the proposed Rules are commendable, several provisions may create operational, financial, legal, infrastructural and implementation challenges for schools, parents and transport providers if enacted in their current form without adequate transition mechanisms and stakeholder consultations.

2. OBJECTIVE OF THE MEMORANDUM

This memorandum seeks to:

- Present the views of private schools regarding the implementation of the Legal Notices;
- Highlight areas likely to negatively affect learning institutions;
- Propose amendments and practical implementation measures;
- Ensure harmonization between road safety objectives and access to affordable education;
- Promote stakeholder engagement in policy implementation.

3. GENERAL OBSERVATIONS

KPSA acknowledges the Government's commitment towards:

- Enhancing road safety;
- Improving school transport standards;
- Reducing accidents involving school-going children;
- Promoting accountability among transport operators.

As KPSA we support

- Regulation of school transport providers;
- Mandatory inspection of school transport vehicles;
- Safety requirements for learners;
- Employment of qualified drivers and attendants;
- Introduction of emergency response procedures;
- Measures against reckless driving;
- Use of technology to improve accountability and monitoring

However, the Association notes that:

- Some provisions were introduced without adequate stakeholder consultation;
- Certain requirements may impose excessive financial burdens on schools and parents;
- The timelines for compliance may not be realistic;
- The proposed rules overlap with existing guidelines issued by the Ministry of Education and the National Transport and Safety Authority (NTSA).

4. SPECIFIC COMMENTS AND RECOMMENDATIONS

A. Mandatory Yellow Color Requirement for School Buses

Rule Referenced: Rule 12(1)(e)

The proposed requirement that all school vehicles must be painted yellow (Pantone 012C) may impose a heavy financial burden on schools that already own compliant transport vehicles operating under existing approvals.

Concerns:

- Repainting fleets nationwide will be expensive;
- Many schools are still recovering from economic challenges;
- Some vehicles are leased or financed;
- Sudden compliance may disrupt transport operations.

Recommendation:

Parliament should introduce:

- A transition period of not less than 5 years;
- Grandfathering provisions for already registered school buses;
- Phased implementation beginning with newly imported or newly registered school vehicles.

B. Requirement that School Buses be Built Only on Bus Chassis

Rule Referenced: Rule 12(1)(g)

The proposal restricting school transport vehicles to bus chassis only may disadvantage institutions currently using legally registered vans, minibuses and converted vehicles.

Concerns:

- Many schools especially in rural areas use smaller vehicles due to terrain and enrolment;
- Purchasing new bus-chassis vehicles is capital intensive;
- Smaller schools may withdraw transport services entirely.

Recommendation:

The law should:

- Permit existing compliant vans and minibuses subject to safety inspection;
- Introduce categorization based on passenger capacity;
- Allow alternative compliant vehicles certified by NTSA and KEBS.

C. Mandatory Installation of Telematic Systems and Passenger Cameras

Rule Referenced: Rule 13

KPSA appreciates the importance of technology in enhancing accountability and student safety.

However:

- Installation and maintenance costs may be prohibitive;
- Rural schools may face connectivity challenges;

- Data privacy and storage obligations remain unclear.

Recommendation:

Parliament should:

- Provide implementation guidelines;
- Allow phased compliance;
- Clarify data protection obligations;
- Consider tax incentives or subsidies for schools installing approved systems.

D. Requirement for School Vehicle Attendants

Rule Referenced: Rule 10 and Rule 18

The requirement for attendants is important especially for younger learners.

However:

- Mandatory attendants for every elementary vehicle may increase operational costs significantly;
- Rural and low-cost schools may struggle to comply.

Recommendation:

- Limit mandatory attendants to vehicles carrying children below a specified age;
- Permit schools with small capacity vehicles to apply for exemptions;
- Allow schools reasonable transition timelines.

E. Criminal Record and Annual Medical Checks

Rule Referenced: Rule 16 and Rule 18

KPSA supports vetting of drivers and attendants to protect children.

However:

- Annual criminal checks and medical assessments may create administrative and financial burdens;
- Clear implementation procedures and designated agencies have not been outlined.

Recommendation:

- Introduce centralized affordable vetting systems;
- Allow checks every two or three years unless misconduct arises;
- Clarify who bears the cost and the approved institutions.

F. Use of Stop Signal Arms and Flashing Red Lights

Rule Referenced: Rule 12 and Rule 21

KPSA supports enhanced child protection measures.

However:

- Kenya's current road environment and motorist behavior may make enforcement difficult;
- Many roads lack proper markings and pedestrian infrastructure.

Recommendation:

- Implement nationwide public awareness campaigns;
- Conduct pilot implementation before nationwide rollout;
- Strengthen enforcement mechanisms against motorists violating school bus stop signals.

G. Penalties and Suspension of Licenses

Rule Referenced: Rule 24

KPSA believes the proposed penalties may be punitive if applied without proportionality.

Recommendation:

- Differentiate between administrative non-compliance and dangerous conduct;
- Provide warning notices and corrective timelines before suspension for minor infractions;
- Encourage corrective compliance rather than punitive enforcement.
-

4. ADDITIONAL POLICY CONCERNS**A. Financial Impact on Education**

The cumulative effect of:

- repainting vehicles,
 - telematics,
 - attendants,
 - annual inspections,
 - safety installations,
 - training requirements,
- may significantly increase transport costs ultimately transferred to parents through school fees.

This may:

- reduce access to education,
- disproportionately affect low-income families,
- disadvantage schools in rural and marginalized areas.

B. Need for Stakeholder Consultation

KPSA requests continued engagement between:

- Parliament,
 - NTSA,
 - Ministry of Education,
 - Kenya private schools Association
 - parents,
 - transport operators,
- before final implementation.

C. Need for Harmonization with Existing Education Policies

The proposed National Transport and Safety Authority (NTSA) School Transport Rules, 2025 introduce extensive regulatory and technical requirements aimed at enhancing learner safety on Kenyan roads. While the objectives are commendable, several disparities exist between the proposed NTSA framework and the current operational guidelines and practices under the Ministry of Education.

These disparities may create legal uncertainty, operational confusion, increased compliance costs, and implementation challenges for schools unless harmonized through Parliamentary intervention.

Key Disparities Identified

1. Operating Hours for School Vehicles

- NTSA proposes operation of school vehicles between 5:00 a.m. and 10:00 p.m.
- The Ministry of Education has traditionally enforced the 6:00 a.m. to 6:00 p.m. rule.

Concern:

Contradictory operating timelines may create confusion during enforcement, educational trips, and co-curricular travel activities.

2. Scope and Nature of Regulation

- NTSA introduces a highly technical and licensing-based framework.
- Ministry of Education guidelines have largely focused on learner safety, supervision, and discipline.

Concern:

Schools may face overlapping regulation from both NTSA and education authorities without a unified enforcement structure.

3. Increased Financial and Compliance Burden

The NTSA draft introduces mandatory requirements including:

- repainting buses yellow,
- installation of telematics and cameras,
- flashing lights and stop signal arms,
- attendants,
- annual inspections,
- special signage and equipment.

Concern:

The new obligations may significantly increase operational costs, especially for low-cost private schools and rural institutions, with the burden eventually transferred to parents.

4. Restriction to Bus Chassis Only

- NTSA proposes that school transport vehicles must be built on bus chassis only.

- Existing Ministry practice has accommodated vans, minibuses, and other compliant vehicles currently used by schools.

Concern:

Many schools may be forced to replace existing transport fleets despite previous approvals and compliance.

5. Mandatory Technology Requirements

NTSA requires:

- telematic systems,
- passenger-facing cameras,
- complaint phone systems.

Concern:

Current Ministry guidelines do not impose such advanced technological requirements, raising concerns over:

- affordability,
- maintenance,
- connectivity in rural areas,
- data protection and privacy.

6. Mandatory Staffing Requirements

NTSA proposes:

- compulsory school vehicle attendants,
- crossing guards for schools.

Concern:

These staffing requirements introduce additional recurrent expenditure not previously mandatory under Ministry guidelines.

7. Specialized Traffic Control Systems

NTSA introduces:

- stop signal arms,
- flashing red-light systems,
- "Do Not Pass" signage.

Concern:

Kenya's current road infrastructure and motorist behavior may not adequately support immediate implementation of such systems without nationwide awareness and enforcement mechanisms.

8. Enforcement and Regulatory Overlap

- NTSA framework emphasizes licensing, inspections, suspensions, and penalties.
- Ministry of Education traditionally relies on administrative oversight through education officers.

Concern:

Without harmonization, schools may face duplicated inspections, conflicting directives, and inconsistent enforcement.

Overall Observation

The proposed NTSA Rules are more comprehensive, technical, and enforcement-oriented than the current Ministry of Education framework. Although both institutions seek to enhance learner safety, the lack of policy harmonization may negatively affect implementation and increase the cost of education.

PART B: COMMENTS ON THE TRAFFIC (DRINK-DRIVING) RULES, 2025

5. GENERAL POSITION

KPSA strongly supports strict measures against drink-driving, especially for drivers transporting learners.

The Association particularly supports:

- Zero alcohol tolerance for school transport drivers;
- Mandatory testing where reasonable suspicion exists;
- Sanctions against offenders;
- Calibration and certification standards for breathalyzers.

These measures will enhance learner safety and public confidence.

6. THE DRINK-DRIVING RULES

A. Protection Against Abuse and Harassment

KPSA recommends safeguards to prevent arbitrary enforcement.

Recommendation:

- Testing procedures should be standardized;
- Officers conducting tests should be properly trained;
- Results should be electronically recorded;
- Drivers should have a right to confirmatory testing.

B. Continuous Driver Sensitization

The Government should prioritize:

- public education,
 - awareness campaigns,
 - rehabilitation and counseling programs,
- in addition to punishment.

C. Coordination with Schools

Schools should receive:

- periodic driver compliance reports;
- notifications of suspended or revoked licenses involving school drivers.

KPSA RECOMMENDATION

KPSA reiterates its commitment to learner safety and responsible school transport management.

While the proposed Rules contain progressive measures intended to improve road safety, the government is urged to consider:

- affordability,
- practicality,
- transition mechanisms,
- stakeholder participation,
- regional disparities,
- sustainability of implementation.

Private schools in Kenya therefore propose the following recommendations for consideration by the Senate:

1. A phased implementation period be introduced to allow schools adequate time to comply with the new inspection requirements.
2. Harmonize the Rules with existing education and transport policies.
3. School transport vehicles be accorded special consideration due to their role in supporting access to education and learner welfare. Designated inspection centers for schools
4. The Government and NTSA establish more decentralized inspection centers or mobile inspection units to reduce logistical challenges faced by schools in remote regions.
5. Inspection fees for school transport vehicles be reviewed or subsidized to avoid transferring excessive costs to parents through increased school transport charges.
6. Continuous stakeholder engagement be undertaken between NTSA, the Ministry of Education, and Kenya Private schools' associations before full implementation of the Rules.
7. Clear appeal and review mechanisms be established for schools whose vehicles may fail inspections to avoid unnecessary disruption of school operations.
8. Adequate transition timelines and awareness programs be rolled out before enforcement and penalties commence.

The Kenya Private Schools Association reiterates its commitment to supporting safe, efficient, and learner-centered transport systems within Kenya's education sector.

While supporting the objectives of Legal Notices No. 11, 12, 13 and 14 of 2026, the Association urges the Senate to consider amendments and implementation measures that are practical, inclusive, and sustainable.

KPSA remains available for further consultations and stakeholder engagement on this matter.

SUBMITTED BY:

M/S Rosebella Nerima Ojiambo
Chairperson
Kenya Private Schools Association

Date: 10/05/ 2026