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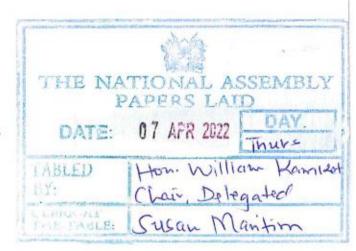
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- SIXTH SESSION (2022)

COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE CONSIDERATION OF THE TRAFFIC (DRIVING SCHOOLS, DRIVING INSTRUCTORS AND DRIVING LICENCES) RULES 2020 (LN. No. 28 of 2020)

APRIL, 2022



The Directorate of Audit, Appropriations & other Select Committees
The National Assembly,
Parliament Buildings,

NAIROBI.

Committee on Delegated Legislation: Report on the Consideration of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 (L.N. No. 28 of 2020)

ABBREVIATIONS

KDSA Kenya Driving Schools Association

LN Legal Notice

NTSA National Transport and Safety Authority

RMA Regulatory Making Authority

SI Statutory Instruments

SO Standing Order

CHAIRPERSON'S FOREWORD

The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 were made by the Cabinet Secretary for Transport, Infrastructure, Urban Development, Public Works and Housing pursuant to powers conferred under section 119(1)(ga) of the Traffic Act (Cap 403) Laws of Kenya.

The Rules were published in the Gazette as LN. No 28 of 2020 on 10th of March, 2020 and were not laid on the table of the House as required under the Statutory Instruments Act that led them to be inter alia subject of Petition No. E251 of 2020, in the High Court of Kenya at Nairobi (Constitutional and Human Rights Division) between Kenya Driving Schools Association Vs The National Transport and Safety Authority & 3 others and the National Assembly and the Senate enjoined as 1st and 2nd Interested Parties accordingly.

Orders issued by the Court on the 27th of January, 2021

Mrima J, issued orders to the effect that-

- (a) the implementation of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 be stayed and suspended pending a reconsideration of the Rules by both Houses of Parliament.
- (b) the Cabinet Secretary in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works to re-transmit a copy of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020, the Explanatory Memorandum together with a copy of [this] judgment to the Speakers of both Houses of Parliament within 14 days from the date of the Judgement.
- (c) that in view of the remainder of the terms of the Houses of Parliament, the respective Speakers of Parliament shall take steps to ensure that the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules,2020 are expeditiously dealt with by the respective Houses.
- (d) that in the event that any or both Houses of Parliament are/is unable to finalize the dealing with Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules,2020 within the remainder of the current terms of the Houses of Parliament, the said Rules shall be dealt with in the next term of Parliament.

The Committee examined the Rules and the contents of the judgment forwarded by the Cabinet Secretary and observed that -

- (a) the Court Orders required that the Rules be submitted to Parliament/National Assembly within fourteen days from the 27th of January, 2022.
- (b) the Rules were received at the National Assembly Speaker's office on the 9th of February, 2022 being within the timeline issued by the Court.
- (c) the National Assembly was the 1st Interested Party in the Petition and is therefore bound by the decision of the Court.
- (d) the Court had expanded the timeline within which the Rules may be dealt with but had ordered that the Speaker ensures that the Rules are dealt with expeditiously.
- (e) that in light of the Court Orders and granted that the National Assembly was party in the petition, the Committee confers with the Regulation-making authority at its earliest convenience, before taking a decision and making its recommendation to the House.

The Committee having received the Rules and granted its mandate set out under Standing Order 210 did a detailed scrutiny of the Rules and took cognizance of the High Court Judgment by Mrima J, dated 27th January, 2022 that required the expeditious dealing of the Rules. The committee resolved, pursuant to Section 16 of the Act to confer with the regulation making authority before making a decision. The committee invited the National Transport and Safety Authority (NTSA) and the Kenya Driving Schools Association at separate meetings to deliberate on the issues. However, the committee noted that both parties had not come to a consensus on certain provisions of the said Rules. The committee resolved to invite both parties to a joint meeting for a hearing that enabled the committee approve the Rules with the exception of three provisions which the Committee proposed to the Cabinet Secretary to amend for purposes of conformity to the Constitution, the Act and in light of the deliberations at the aforementioned meetings as well as to comply with the judgment issued by the High Court.

I wish to most sincerely thank the Speaker and the Office of the Clerk of the National Assembly for the invaluable support accorded to the Committee in the discharge of its mandate.

On behalf of the Members of the Select Committee on Delegated Legislation and pursuant to Standing Order 210 (4) (b) it is my pleasure and duty to present to the House, the Committee's Report on the Consideration of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 (LN. No 28 of 2020).

HON. WILLIAM KASSAIT KAMKET, M.P.

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

- The Select Committee on Delegated Legislation is established pursuant to Standing Order No. 210 and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.
- 2. The Committee is mandated to consider in respect of any statutory instrument, whether it:
 - a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
 - b) infringes on fundamental rights and freedoms of the public;
 - c) contains a matter which in the option of the Committee should more properly be dealt with in an Act of the Parliament;
 - d) contains imposition of taxation;
 - e) directly or indirectly bars the jurisdiction of the court;
 - gives retrospective effect to any of the provision in respect to which the Constitution does not expressly give any such power;
 - g) it involves expenditure from the consolidated fund or other public revenues;
 - is defective in its drafting or for any reason form or part of the statutory instrument calls for any elucidation;
 - appears to make some unusual or unexpected use of the power 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;
 - makes rights, liberties or obligations unduly dependent upon non-renewable decisions;
 - makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
 - m) inappropriately delegates legislative powers;
 - imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
 - o) appears for any reason to infringe on the rule of law;
 - inadequately subjects the exercise of legislative power to Parliamentary scrutiny;
 and
 - accords to any other reason that the Committee considers fit to examine.

1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprises -

Mr. Mohamed Jimale Clerk Assistant II (Team Leader)

> Ms. Ruth Mwihaki Gakuya Clerk Assistant II

Mr. Dima Dima Principal Legal Counsel

Mr. Josphat Motonu Fiscal Analyst I

Ms. Fiona Musili Research Assistant II

Ms. Noelle Chelangat Media Relations Officer II

> Mr. Anthony Wamae Serjeant at Arms

Mr. Charles Ayari Superintendent of Electronics

2.0 CONSIDERATION OF THE TRAFFIC (DRIVING SCHOOLS, DRIVING INSTRUCTORS AND DRIVING LICENSES) RULES, 2020 (L.N. NO. 28 OF 2020)

2.1 Introduction

5. In exercise of the powers conferred by section 119(1)(ga) of the Traffic Act (Cap 403) Laws of Kenya, which is the enabling section that empowers the Cabinet Secretary to make the Rules, the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development made the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 which were published as LN No.28 of 2020 on the 10th of March, 2020 and the Rules were not forwarded to the National Assembly hence were not laid on the table of the House that led them to be inter alia subject of Petition No. E251 of 2020, in the High Court of Kenya at Nairobi (Constitutional and Human Rights Division) before Justice AC Mrima, between Kenya Driving Schools Association Vs The National Transport and Safety Authority & 3 others and the National Assembly and the Senate enjoined as 1st and 2nd Interested Parties accordingly.

2.2 Summary of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 (L.N. No. 28 of 2020)

- Part I of the Rules provide for the preliminary provisions including the citation and interpretation of certain terminologies in the context within which they are used in the Rules.
- 7. Part II of the Rules deals with Driving Schools and prohibits the operation of driving schools without valid school license and provides for the modalities of licensing of driving schools including mechanisms of application, issuance and validity of a" school license".
- It further provides for requirements of inspection of any premises to be used as a driving school before a license can be issued, which must satisfy inter alia –
 - availability and proof of administrative and other management structures of the school, restriction on, and non-transferability of the driving school license, an array of documents to be displayed by a school,
 - the nature of the records to be kept by a school, modalities of appointment of a driving school inspector.
 - iii. the authority's power to suspend, revoke or vary a school license where the proprietor, manager or person in charge of the driving school has within any period of three years been convicted of offences under the Rules.
 - Part III of the Rules deals with Driving Instructors and prohibits any person, who does not hold an instructor's licence issued by NTSA, from teaching for gain or reward the theory and practice of driving a motor vehicle.
 - 10. It further provides for-
 - a) modalities of applying for an instructors license;

Committee on Delegated Legislation: Report on the Consideration of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 (L.N. No. 28 of 2020)

matters not concerning county governments, then the Senate would not have any business considering such delegated legislation. In other words, the correct House of Parliament to consider a delegated legislation could only be the one having mandate to deal with the parent Bill or statute.

- 19. In ascertaining whether a Bill concerned the counties, the Fourth Schedule to the Constitution was the first port of call. If the function in question was assigned to the National Government, then the bill should only be considered by the National Assembly. If the function was a shared one, then the bill could originate from either the National Assembly or the Senate and its passage was required to be in accordance with articles 110 to 113, 122 and 123 of the Constitution and the Standing Orders of the Houses.
- 20. The impugned rules were on transport. Under the Fourth Schedule to the Constitution, transport was a shared function by both the national and county governments. From the provisions of paragraph 18 of part 1 and paragraph 5 of part 2 of the Fourth Schedule to the Constitution, if the impugned Rules were a Bill, then both Houses of Parliament had specific roles to play in its passage. In that case, therefore, the impugned Rules, being delegated legislation, would have also required the consideration of both Houses of Parliament.
- 21. The impugned Rules concerned county governments and as such they were to be considered by the two Houses of Parliament. Since there was evidence that indeed the impugned Rules were forwarded to the two Houses of Parliament for consideration, the impugned Rules did not violate article 109(3) of the Constitution.
- 22. Further to the require that the impugned Rules were to be subjected to public participation, there was also the aspect of stakeholder's engagement. Consultation or stakeholders' engagement tended to give more latitude to key sector stakeholders in a given field to take part in the process towards making laws or formulation of administrative decisions which to a large extent impacted on them. That was because such key stakeholders were mostly affected by the law, policy or decision in a profound way. Therefore, in appropriate instances a government agency or a public officer undertaking public participation could have to consider incorporating the aspect of consultation or stakeholders' engagement.
- 23. Given the concurrence on the need for public engagement in coming up with the impugned Rules and from the principles discussed in the foregoing considerations and since the impugned Rules were specifically on driving schools, driving instructors and driving licenses and which licenses were only issued once a learner was trained and tested in a driving school, then, in the worst-case scenario, even stakeholders' engagement would have sufficed in the unique circumstances of the instant matter.
- 24. From previous superior court decisions on the nature and adequacy of public participation and stakeholders' engagement, the manner in which public participation was carried out depended on the matter at hand. There was no straight-jacket application of the principle of citizen participation. However, any mode of undertaking public participation which could be adopted by a public entity ought to factor, in the minimum, the following basic four parameters:

- 25. The public had to be accorded reasonable access to the information which they were called upon to give their views on the mode of conveying the information to the public reigned;
- 26. The people ought to be sensitized or be made to understand what they were called upon to consider and give their views on. The language used in conveying the information to the public was of paramount importance;
- 27. Once the public was granted reasonable access to the information and was made to understand it, the public ought to then be accorded reasonable time to interrogate the information and to come up with its views; and,
- 28. There had to be a defined manner in which the public or stakeholders would tender their responses on the matter.
- 29. The effect of the foregoing constitutional and statutory parameters was to ensure that public participation was realistic and not illusory. Public participation should not be a mere formality, but it ought to accord reasonable opportunity for people to have their say in what affected them. In that way, the dictates of the Constitution and the law would be achieved.
- 30. In the instant matter, the respondents demonstrated that they carried out the public engagement. The 1st respondent first carried out a public advertisement in a newspaper on national circulation wherein it stated how and where the engagements were to be conducted. It gave the dates and venues of the meetings and also explained what was to be discussed in the meetings. The 1st respondent, as well, made provision for sign language interpreters in the meetings. The meetings covered all the 47 counties in Kenya. The 1st respondent made a further provision for those who wished to send their written memoranda. It gave an email address to that end.
- 31. From the 1st respondents report on the outcome of the public participation exercise upon completion of the exercise, there was detailed information on all the issues of concern which led to the annulment of the 2018 Rules and the actions taken by the 1st respondent before undertaking public participation. It also gave the list of the meetings, dates and venues of meetings held during the exercise. It further gave the names and qualifications of the facilitators of the meetings. There was no doubt that the facilitators were senior officers of the 1st respondent and were possessed of the requisite knowledge and experience to conduct such meetings.
- 32. The 1st respondent, therefore, carried out a nation-wide public participation exercise on the impugned Rules. The Petitioner, however, alleged that the impugned Rules were not part of the discussions in the meetings and demanded the provision of minutes of the meetings. However, the issues were similar. There was no evidence by those who were in attendance in each of the said meetings to back the petitioners position. There was evidence, as well, to confirm that most of the members of the petitioner had complied or were in the process of complying with the impugned Rules.
- 33. The contention by the petitioner that there was no adequate public participation in coming up with the impugned Rules to be unsustainable. To the contrary, the 1st respondent satisfactorily demonstrated that it undertook a comprehensive public participation exercise and adduced evidence in proof.

- 34. The petitioner asked the Court to find that the impugned Rules contravened sections 5(1) and (2), 3, 10, 11, 12, 13, 17 and 18 of the Statutory Instruments Act as well as Sections 3(1), (2) and (3), 39 and 73 of the Traffic (Amendment) Act, 2012. However, apart from dealing with sections 5 and 13 of the Statutory Instruments Act and sections 3(1), (2) and (3), 39 and 73 of the Traffic (Amendment) Act, the petitioner did nothing in relation to the rest of the sections it pleaded on.
- 35. The petitioner pleaded in an omnibus manner. It neither tendered arguments nor any evidence in support of the contravention of the alleged sections 3, 10, 11, 12, 17 and 18 of the Statutory Instruments Act. In that case, the Court could not consider whether the impugned Rules infringed any of those provisions.
- 36. Section 2 of the Instruments Act defined a regulation-making authority to mean any authority authorized by an Act of Parliament to make statutory instruments. In the instant case, the regulation-making authority was the 1st respondent.
- 37. Section 5 of the Statutory Instruments Act required the regulation-making authority to make appropriate consultations with persons who were likely to be affected by the proposed instrument. The onus of carrying out the consultation was on the regulation-making authority and not on the Houses of Parliament. The role of the Houses of Parliament was captured in section 13 of the Statutory Instruments Act.
- 38. Some of the parameters to be considered by the regulation-making authority included notification, either directly or by advertisement, of bodies that, or of organizations representative of persons who, were likely to be affected by the proposed instrument or invitation of submissions to be made by a specified date or might invite participation in public hearings to be held concerning the proposed instrument. The 1st respondent undertook all the requirements. There was evidence that it placed a public advertisement in a local newspaper, it conducted public hearings and invited written memoranda. The 1st respondent, therefore, fully complied with section 5 of the Statutory Instruments Act.
- 39. With respect to compliance with section 13 of the Statutory Instruments Act, the Committee of the House was required to scrutinize the statutory instrument or published Bill and in doing so it had to be guided by the principles of good governance and rule of law. In the course of carrying out the scrutiny, the Committee was required to consider whether the instrument aligned with the 17 parameters listed under section 13 (a) to (q) of the Statutory Instruments Act.
- 40. Scrutiny involved a detailed examination with careful or critical attention. Simply put, it was to examine something with great care. Scrutiny was, hence, more than the ordinary observation of something. It went further to unravel the inner state of affairs of a thing. In scrutinizing the impugned Rules, the Houses of Parliament were, by law, called upon to undertake critical and detailed examination of the same. Such scrutiny was guided by inter alia the parameters set out in section 13 of the Statutory Instruments Act.
- 41. Section 11(1) of the Statutory Instruments Act required every Cabinet Secretary responsible for a regulation-making authority to, within seven (7) sitting days, after the publication of a statutory instrument, ensure that a copy of the statutory instrument was transmitted to the

responsible Clerk for tabling before the relevant House of Parliament. In the instant case, there was evidence that the impugned Rules were gazetted on March 20, 2020 vide a special issue of the Kenya Gazette in Legal Notice No. 28. Vol. CXXII- No 50. There was further evidence that the Principal Secretary, State Department of Transport in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, transmitted the impugned Rules together with Explanatory Memorandum and Public Participation Report to the Clerk of the Senate and the Clerk of the National Assembly for approval through a letter dated March 27, 2020.

- 42. The Senate appeared in the instant matter upon service. The National Assembly did not. There was no averment to the effect that the National Assembly considered the impugned Rules at all. Accordingly, the impugned Rules were not considered by the National Assembly. The Statutory Instruments Act outlined what would happen if a House of Parliament failed to act on a subsidiary legislation presented to it.
- 43. The Senate Committee, on June 12, 2020 under MIN. NO. SEN/SCDL/092/2020, noted that it had previously considered the draft impugned Rules and proposed a more robust public participation to be undertaken by the 1st respondent. The Committee also reviewed the 2018 Rules alongside the impugned Rules and noted that the impugned Rules had made substantial changes to the 2018 Rules as directed. The Senate Committee then went through the impugned Rules and was satisfied with the new-look impugned Rules. It, however, resolved to be availed with evidence of public participation. On June 15, 2020 the Committee approved the impugned Rules and the 1st respondent was duly informed.
- 44. The 2018 Rules had been annulled by the National Assembly on account of several infringements to the guaranteed rights and freedoms. Such were captured in the National Assembly Hansard of August 14, 2018. The Senate in dealing with the impugned Rules allegedly went through the 2018 Rules and satisfied itself that all the contentious areas raised before were properly and fully addressed. It then approved the impugned Rules as gazette, without any amendments.
- 45. The Senate Committee in dealing with the issue noted that the 2018 Rules had been amended so as to remove the educational requirement for a driving school manager. However, a cursory look at rule 8 of the Impugned Rules revealed otherwise. The prevailing position was that the educational requirements were not removed as minuted by the Senate. Therefore, the concern raised by the petitioner and the National Assembly, which the Senate allegedly stated that it was resolved in the impugned Rules, was indeed not resolved since the same educational requirements in the 2018 Rules remained intact in the approved impugned Rules.
- 46. The petitioner also raised issue with rule 12(4) and (5) of the impugned Rules. The minutes of the Senate Committee did not capture anything on rule 12 of the impugned Rules. A careful consideration of the minutes of the Senate Committee showed that the Committee only dealt with rules 4, 5, 6, 7, 8, 16, 24, 25, 26 and 27 of the Impugned Rules.
- 47. There was a total of 47 rules in the impugned Rules which were gazetted and forwarded to the two Houses of Parliament for scrutiny and only the Senate dealt with them. However,

from the minutes of the Senate Committee, the Senate only dealt with 10 out of the 47 rules. Further, there was no statement in the minutes confirming that the Committee curiously examined all the 47 rules contained in the impugned Rules. Accordingly, in view of the scrutiny role imposed upon the Houses of Parliament, the Senate did not sufficiently scrutinize the impugned Rules. The Senate also failed to satisfy itself that the impugned Rules complied with section 13 of the Statutory Instruments Act

- 48. A crucial step in the making of a subsidiary legislation was not properly undertaken. That put the validity of the impugned Rules to serious constitutional and legality tests. The 1st respondent undertook adequate public participation on the impugned Rules in line with articles 10(2)(a) and 118(1)(b) of the Constitution. However, the Senate did not sufficiently comply with section 13 of the Statutory Instruments Act
- 49. Adequate public engagement on the impugned Rules was undertaken by the 1st respondent. Since it was the Houses of Parliament which failed to carry out their mandates, nullifying the impugned Rules will be a tall order and a serious waste of public resources considering the nature of the nation-wide public participation which was undertaken at the taxpayer's cost. Further, nullifying the impugned Rules would result to confusion in the sector since the entire process would have to be undertaken afresh.
- 50. A delegated legislation which was concerned with county governments ought to be considered by both Houses of Parliament under the Statutory Instruments Act. As the impugned Rules were on the shared transport function under the Fourth Schedule to the Constitution, the impugned Rules concerned county governments and as such they were to be considered by the two Houses of Parliament under the Statutory Instruments Act. The 1st respondent undertook sufficient public participation on the impugned Rules. Section 13 of the Statutory Instruments Act was not sufficiently complied with by either House of Parliament.

2.4 Orders of the Court issued vide Mrima J Judgment dated 27th January 2022

- 51. The Court having considered the merits of the petition, issued the following orders
 - (i) The implementation of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 be stayed and suspended pending a reconsideration of the Rules by both Houses of Parliament.
 - (ii) The Cabinet Secretary in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works to re-transmit a copy of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules,2020, the Explanatory Memorandum together with a copy of [this] judgment to the Speakers of both Houses of Parliament within 14 days from the date of the Judgement.
 - (iii)That in view of the remainder of the terms of the Houses of Parliament, the respective Speakers of Parliament shall take steps to ensure that the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 are expeditiously dealt with by the respective Houses.
 - (iv) That in the event that any or both Houses of Parliament are/is unable to finalize the dealing with Traffic (Driving Schools, Driving Instructors and Driving Licenses)

Rules,2020 within the remainder of the current terms of the Houses of Parliament, the said Rules shall be dealt with in the next term of Parliament.

- 52. The Committee deliberated and conducted a detailed scrutiny of the Rules under its mandate as set out in Standing Order 210 and sections 2 and 13 of the Statutory Instruments Act, 2013 and took cognizance of the Judgement by justice Mrima in the aforementioned High Court petition on the subject matter.
- 53. The Committee resolved to have a meeting with the Ministry and National Transport and Safety Authority (NTSA) being the Regulation -making authority and subsequent meetings with the portioner and a further joint meeting with both the petitioner and the respondents as captured hereunder.

2.5 Meeting Held on 3rd March 2022 with the National Transport and Safety Authority (NTSA) at Windsor Golf Hotel and Country Club

- 54. During the meeting the Committee on Delegated Legislation observed that the Ministry and the Authority (NTSA) had prepared Rules on the same subject matter which were annulled in 2018 by the Committee on account of inadequate public participation. The Regulation making Authority further made the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 published in the Gazette as Legal Notice No. 28 of 2020, which together with the explanatory memorandum were forwarded by the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works to Parliament.
- 55. The Kenya Driving Schools Association moved to court arguing that the published Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 were not subjected to public participation resulting to the earlier referred to judgement of Mrima J dated 27th January, 2022.
- 56. The committee, however, noted that the rules were not submitted to the National Assembly resulting to the Kenya Driving Schools Association seeking redress through the court. The committee further noted that the court ordered the resubmission of the same Rules to both Houses. The committee resolved at this meeting to;
 - a) further scrutinize the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020.
 - b) pursuant to Section 16 of the Act, invite the Kenya Driving Schools Association for a meeting on the 10th March, 2022 to make submissions on any issues they may have regarding the regulations.

2.6 Meeting Held On 10th March 2022 with the Kenya Driving Schools Association (KDSA) in Parliament Buildings

57. The objective of the meeting was to receive views from the Driving Schools Owners on the Traffic (Driving Schools, Instructor's and Driving Licenses) Rules, 2020 in view of the orders issued by the Court that the Rules be reconsidered expeditiously by both Houses of Parliament.

- The Association noted that the Authority (NTSA) did not consult them on the regulations.
 They raised the following issues;
 - That, the age limit for B3 (professional) and category C1 should be reduced to 18 years. A student should not have to wait for 2 years after getting a class B license but should be proceed immediately to class C1.
 - That, a driving School License application should not be attached to an instructor.
 - 3) That, an interpretation of the National Transport and Safety Authority Act, 2012, the Traffic Act (Cap. 403) in regards to drivers testing and constitutionality of section 31 (1) of the Driving School Regulations of 2020 be provided to give a clear direction on who should administer the driving tests.
 - That, the rules should capture a requirement on proximity of one school to another to be at least 100 meters.
 - That, employees of the National Transport and Safety Authority be barred from opening and operating driving schools as this will be a conflict of interest.
 - 6) That, the requirement for a maneuver yard is removed from the law applying for driving school and instead be a requirement for schools training in plant and heavy machinery.
 - That, third party insurance be an option for PLL for the driver trainees and personal accident policy for the instructors.
 - That, the rules do not subject already existing driving schools and instructors to reapply for licenses afresh.
 - 9) That, driving school instructors should not be forced to join TVETS for instructor training. Instead, NTSA should prepare a curriculum and test on the same with minimal requirements i.e. minimum 25 years of age, at least 5 years driving experience, certificate of good conduct, and medical certificate. Subjecting the instructors for a 6 weeks training worth ksh.30,000 is overburdening them.
 - 10) That, the following fees be reviewed downwards -
 - Driving test application fee from the current Kshs. 1100 to Ksh.650
 - Smart license fees from the current Ksh.3050 to Kshs. 1500 as the smart license is more or less like a bank card whose cost is only Ksh. 400
 - 11) That, the renewal of driving school licenses on expiry should be given an allowance of three months before deactivation to allow schools time to clear with ongoing students as opposed to now where the NTSA shuts down the system once the school's license expires.
 - 12) That, requirement that driving schools make returns to NTSA after every year be removed since NTSA can access all this information in their system.
 - 13) That, driving schools vehicle inspection should run for one year just like other vehicles as opposed to the current 6 months.

- 14) That, the term of a school license should be one year from the time it was issued but not when it expires as is currently.
- 15) That, KDSA should be given an opportunity to self-regulate and NTSA should sign an MOU on the same with KDSA.
- 16) That, an interpretation of the laws on the suspension of the regulations and whether the constitution allows a vacuum to be provided since Kenyans are suffering as they cannot access services which are their rights.
- 59. The committee therefore observed that -
- a) there was a conflict in the categorization and classification of driving licenses under the rules as published thereby making their implementation impractical.
- due to lack of public participation the Authority (NTSA) and the Association did not come to a consensus of issues addressed under the regulations.
- c) the committee noted that, following the court ruling, the Authority suspended the provision of services through the NTSA – Portal leading to halting of activities undertaken by driving schools including exam testing, application for licenses and driving school registration and renewal. This move affected the public as they could not access services offered by driving schools through the Authority's Portal.
- 60. The Committee resolved to further consider the rules in a joint meeting between the Authority and the Kenya Driving Schools Association so as to arrive to a joint consensus.
 - 2.7 Joint Meeting Held on 17th March 2022 with the National Transport and Safety Authority and the Kenya Driving Schools Association at Trademark Hotel in Village Market
- 61. The committee considered issues raised by both parties from their earlier meetings. The committee guided both parties in their deliberations and the following resolutions were arrived at;
 - Reduction of the age limit in B3 and B professional and C1 to 18 years it was agreed that the 2-year waiting period requirement for learners to proceed from class B to C1 be removed.
 - 2) A driving school application should not be attached to a driving instructor it was also agreed that the requirement should be for the driving schools to provide an instructor's license during application as evidence of the school having qualified instructors as in other professions like teaching where the institution only requires evidence of having qualified teachers.
 - 3) Interpretation of the NTSA Act and the Traffic Act in regards to drivers testing The meeting noted that there was no conflict as the NTSA was executing its mandate of regulating and oversight in the sector as provided for under the NTSA Act. It was agreed that the NTSA should enhance its capacity to enable it effectively execute this mandate.

- 4) Proximity of Schools to one another the proposal was rejected on the basis that it goes against the operation of a liberalized market economy and entrenching it in law would introduce anti-competitive practices and rules which is not allowed under the Competition Authority Act.
- Restriction of NTSA employees from opening driving schools the proposal was agreed to as it is in line with the NTSA code of conduct and Human Resource policy.
- 6) Maneuvering yard it was agreed that the requirement be dropped for driving schools and the name deleted from the First Schedule, Form 1 as it may be open to abuse in its interpretation during implementation.
- 7) Comprehensive insurance it was further noted that the risk posed by learners is low given that they are under instructions and supervision by a licensed instructor. It was agreed that the NTSA consults with the Insurance Regulatory Authority before any amendment is made to the rule.
- 8) Existing instructors and reapplication it was also noted that the proposal has been overtaken by events as it was a transitional provision. The NTSA has already conducted the vetting of driving school instructors.
- 9) Instructor training the proposal was retained; it was noted that NTSA had developed a business process for licensing training institutions the same was driving schools are licensed to offer training for driver trainees. This was an ongoing process as the NTSA had finalized the mapping of all Technical and Vocational Education and Training institutions.
- 10) Revision of driving test and license fees the proposal was retained as the increases have been occasioned by inflation. It was also noted that the second Schedule provides for categorization thereby spreading out the fees based on various categories provided.
- Renewal 3 months grace period upon expiry of driving school license the matter can be handled administratively.
- 12) Reporting requirements the requirements be retained as proposed in the regulations.
- 13) Annual inspection of vehicles the inspection should be done annually.
- 14) Term of a driving school license it was agreed that the license validity period should start from the date of license (the payment date).
- 15) KDSA to self-regulate and sign an MOU with NTSA the Committee was informed that the NTSA and KDSA have had a cordial working relationship and have been engaging constantly on issues affecting the sector.
- 16) Constitutional vacuum/Halting implementation of the Rules the Committee noted with concern that the NTSA Portal had been disabled to all users while it was neither one of the issues(s) canvassed in court nor to be considered by the National Assembly.
- 17) Rule 1.5.1 a that no re testing is done within 21 days of the failed test It was agreed that the re-testing period be reviewed from 21 days to 7 days for students who have failed.

62. The committee at this meeting resolved that the National Transport and Safety Authority (NTSA) opens the portal pending the committee's decision on the Rules. This was to allow the driving schools and the general public to access the services offered through its portal.

3.0 COMMITTEE RECOMMENDATION

- 63. Having examined the High Court Judgment by Mrima J, dated 27th January, 2022 and scrutinizing the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 in line with the Constitution, the Interpretations and General Provisions Act (Cap 2) Laws of Kenya, the Traffic Act (Cap 403), the National Transport and Safety Authority Act, the Statutory Instruments Act (No 23 of 2013) and having held the three consultative meetings with the Ministry of Transport and NTSA, Kenya Driving Schools Association and the joint meeting the Committee recommends that the House adopts the Committee's Report approving the Rules for operation save for the proposed amendments to the following
 - a) Amendment to the First Schedule on the provision relating to application for Driving Schools license/Branch Driving School License Paragraph B on the provision physical location of maneuvering yard in which it is proposed that the word "maneuvering" be deleted and substituted with the word "training".
 - b) Amendment to the Third Schedule to the Rules -
 - (i) In Column 5 row 2 which allowed 16 years as a minimum age for the driving of license Category AM (Moped) enabling one to ride a motorcycle to and including 50 CC with no passenger and no load. A 16 year old is a child within the meaning of Article 260 of the Constitution and Section 2 of the Children's Act, 2001 that a child has no legal capacity to enter into a contract and may not apply for a driving licence hence contravening section 13 (a) of the Statutory Instrument Act, 2013.
 - (ii) In Category C1 (Light Truck) which requires a minimum age of 22 years to enable one to drive a light truck with a Gross Vehicles Weight (GVW) exceeding 3500 kg and a maximum 7,500 kg with maximum one light trailer (not exceeding 750 kg. The requirement to amend the schedule to reduce the age from 22 years to 20 years for Category C1 (Light Truck) was largely by the stakeholders more particularly the Kenya Driving Schools Associations and other individual Driving Schools and it was resolved as consensus of National Transport and Safety Authority (NTSA), the Kenya Driving Schools Associations (KDSA) individual Driving Schools represented and the National Assembly's Committee on Delegated Legislation that the age for Category C1 (Light Truck) be reduced from 22 years to 20 years.

Signed Was Date 6/04/2022

THE HON. WILLIAM KASSAIT KAMKET, M.P. (CHAIRPERSON)

ANNEXURES

- 1. Adoption List
- 2. Legal Notice Number 28 of 2020, the Explanatory Memorandum and
- 3. High Court Judgement
- 4. Committee Minutes

COMMITTEE ON DELEGATED LEGISLATION

ADOPTION LIST

Adoption of the Report on the Consideration of the Traffic (Driving Schools, Driving Instructor and Driving Licenses) Rules, 2020 (Legal Notice No. 28 of 2020).

We, the undersigned, hereby affix our signatures to this Report to affirm our approval: DATE: 12022 COMMITTEE ON DELEGATED LEGISLATION

| | HON. MEMBER | SIGNATURE |
|-----|--|------------|
| 1. | Hon. Kassait Kamket, MP (Chairperson) | 1000 |
| | | mende |
| 2. | Hon. Muriuki Njagagua, MP (Vice Chairperson) | MAN . |
| 3. | Hon. Isaac Waihenya Ndirangu, MP | White |
| 4. | Hon. Cecily Mbarire, MP | 1/ |
| 5. | Hon. Alice Wahome, MP | |
| 6. | Hon. Daniel Maanzo, MP | // |
| 7. | Hon. Robert Mbui, MP | Rush |
| 8. | Hon. Martha Wangari, MP | 1 -0 |
| 9. | Hon. Ronald Kiprotich Tonui, MP | - House |
| 10. | Hon. Timothy Wanyonyi, MP | .,,,,, |
| 11. | Hon. William Kamoti, MP | Day O |
| 12. | Hon. Gideon Mulyungi, MP | 1000002 |
| 13. | Hon. George Gitonga Murugara, MP | (Dringares |
| 14. | Hon. Jennifer Shamalla, MP | Barnoilla |
| 15. | Hon. Munene Wambugu, MP | ATT WO |
| 16. | Hon. Patrick Kariuki Mariru, MP | 1 |
| 17. | Hon. (Dr.) Wilberforce Oundo, MP | |
| 18. | Hon. Abdi K. Tepo, MP | 11// |
| 19. | Hon. Edith Nyenze, MP | Paulence |
| 20. | Hon. Robert Githinji Gichimu, MP | 11111 |
| 21. | Hon. Sammy Seroney, MP | Shin |
| 22. | Hon. Tindi Mwale, MP | 1/ |
| 23. | Hon. William Cheptumo, M.P | |



MINUTES OF THE 11TH SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON THURSDAY 17TH MARCH, 2022 AT 9.00 AM IN THE CONFERENCE ROOM ONE ON THE 2ND FLOOR, TRADEMARK HOTEL, NAIROBI

Chairperson

Vice-Chairperson

PRESENT

- 1. The Hon. Kassait Kamket, M.P.
- 2. The Hon. Muriuki Njagagua, M.P.
- 3. The Hon. Waihenya Ndirangu, M.P.
- 4. The Hon. Robert Mbui, M.P.
- 5. The Hon. Martha Wangari, M.P.
- 6. The Hon. Ronald Tonui, M.P.
- 7. The Hon. Edith Nyenze, M.P.
- 8. The Hon. Daniel Maanzo, M.P.
- 9. The Hon. Alice Wahome, M.P.
- 10. The Hon. George Murugara, M.P.
- 11. The Hon. Munene Wambugu, M.P.
- 12. The Hon. Kamoti Mwamkale, M.P.
- 13. The Hon. Abdi Tepo, M.P.
- 14. The Hon. Robert Gichimu, M.P.
- 15. The Hon. Sammy Seroney, M.P.

ABSENT WITH APOLOGY

- 1. The Hon. Patrick Mariru, M.P.
- 2. The Hon. Cecily Mbarire, MGH, M.P.
- 3. The Hon. Timothy Wanyonyi, M.P.
- 4. The Hon. (Dr.) Wilberforce Oundo, M.P.
- 5. The Hon. Gideon Mulyungi, M.P.
- 6. The Hon. Jennifer Shamalla, M.P.
- The Hon. Nicholas Tindi Mwale, M.P.
- 8. The Hon. William Cheptumo, M.P.

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- 1. Mr. Emejen Nicholas
- Deputy Director
- 2. Mr. Mohamed Jimale
- Clerk Assistant II
- 3. Ms. Ruth M. Gakuya
- Clerk Assistant II
- 4. Mr. Wilson Dima Dima
- Principal Legal Counsel
- 5. Ms. Noelle Chelagat
- Media Relations Officer
- 6. Ms. Fiona Musili
- Research Officer
- Ms. Flona Musili
 Mr. Charles Ayari
- Superintendent of Electronics (Audio)
- 8. Mr. Anthony Wamae
- Serjeant-at-Arms
- 9. Mr. Kenneth Waweru
- Office Assistant

NATIONAL TRANSPORT AND SAFETY AUTHORITY

1. Mr. George Njao - Director-General

Mr. Wilson Tibogong - Deputy Director, Safety

Mr. Robert Ngugi - Deputy Director Legal Services

Mr. Ronald Cheruiyot - Staff
 Mr. Tom Abuga - Staff

KENYA DRIVING SCHOOLS ASSOCIATION

1. Mr. Samwel Kariuki Kamau - Chairman

Mr. John O. Magara
 Wice Chairman
 Mr. Albanus Mutisya
 Secretary General

Mr. Peter Murigi - Secretary

Mr. John Lumala - Chairman, KDSA Nairobi/Lidas Driving School

Mr. Lister Namasege - Committee Member, KDSA

Mr. Joseph M. Nderi - Member, KDSA

Mr. James Mwaura - KDSA

Mr. Athmani Imbwana
 Chairperson, ACADT
 Mr. Enock Teka Kakai
 Secretary, ACADT

11. Dr. James Aukot - KDSA

Mr. Peter Chege - Pettans Driving School/Member KDSA

Mr. Stephen Kinyua - KDSA

Mr. P. Murigi - Central Driving School/Member KDSA

MIN.NO. /NA/CDL/2022/075 PRAYER AND PRELIMINARIES

The Chairperson called the meeting to order at 9.30 am with the Prayer. He thereafter invited all those present to introduce themselves.

MIN.NO./NA/CDL/2022/076

MEETING WITH THE NATIONAL TRANSPORT AND SAFETY AUTHORITY AND THE KENYA DRIVING SCHOOLS ASSOCIATION TO CONSIDER THE TRAFFIC (DRIVING SCHOOLS, DRIVING INSTRUCTOR'S, DRIVING LICENSES) RULES, 2020 (LN 28 of 2020)

The Committee held joint discussions with the National Transport and Safety Authority and the Kenya Driving Schools Association where the following contentious issues raised by the KDSA on the Traffic (Driving Schools, Driving Instructor's and Driving Licenses) Rules, 2020 were discussed and resolutions arrived at as follows:-

Reduction of the age limit in B3 and B professional and C1 to 18 years - it was agreed that
the 2 year waiting period requirement for learners to proceed from class B to C1 be removed.

- 2. A driving school application should not be attached to a driving instructor it was also agreed that the requirement should be for the driving schools to provide an instructor's license during application as evidence of the school having qualified instructors as in other professions like teaching where the institution only requires evidence of having qualified teachers.
- 3. Interpretation of the NTSA Act and the Traffic Act in regards to drivers testing The meeting noted that there was no conflict as the NTSA was executing its mandate of regulating and oversight in the sector as provided for under the NTSA Act.
 It was agreed that the NTSA should enhance its capacity to enable it effectively execute this mandate.
- 4. Proximity of Schools to one another the proposal was rejected on the basis that it goes against the operation of a liberalized market economy and entrenching it in law would introduce anticompetitive practices and rules which is not allowed under the Competition Authority Act.
- Restriction of NTSA employees from opening driving schools the proposal was agreed to as it is in line with the NTSA code of conduct and Human Resource policy.
- Maneuvering yard it was agreed that the requirement be dropped for driving schools and the name deleted from the First Schedule, Form 1 as it may be open to abuse in its interpretation during implementation.
- 7. Comprehensive insurance it was further noted that the risk posed by learners is low given that they are under instructions and supervision by a licensed instructor. It was agreed that the NTSA consults with the Insurance Regulatory Authority before any amendment is made to the rule.
- Existing instructors and reapplication it was also noted that the proposal has been overtaken
 by events as it was a transitional provision. The NTSA has already conducted the vetting of
 driving school instructors.
- 9. Instructor training the proposal was retained, it was noted that NTSA had developed a business process for licensing training institutions the same was driving schools are licensed to offer training for driver trainees. This was an ongoing process as the NTSA had finalized the mapping of all Technical and Vocational Education and Training institutions.
- 10. Revision of driving test and license fees the proposal was retained as the increases have been occasioned by inflation. It was also noted that the second Schedule provides for categorization thereby spreading out the fees based on various categories provided.
- Renewal 3 months grace period upon expiry of driving school license the matter can be handled administratively.
- 12. Reporting requirements the requirements be retained as proposed in the regulations.
- 13. Annual inspection of vehicles the inspection should be done annually.
- 14. Term of a driving school license it was agreed that the license validity period should start from the date of license (the payment date)
- 15. KDSA to self-regulate and sign an MOU with NTSA the Committee was informed that the NTSA and KDSA have had a cordial working relationship and have been engaging constantly on issues affecting the sector.
- 16. Constitutional vacuum/Halting implementation of the Rules the Committee noted with concern that the NTSA Portal had been disabled to all users while it was neither one of the issue(s) canvassed in court nor to be considered by the National Assembly.

17. Rule 1.5.1 a that no re testing is done within 21 days of the failed test.
It was agreed that the re-testing period be reviewed from 21 days to 7 days for students who have failed.

Committee Resolution

The Committee resolved that the Authority opens the portal pending Committee's decision on the Rules and to enable the Driving Schools and the general public to access the services therein.

MIN.NO. /NA/CDL/2022/ 077

ANY OTHER BUSINESS

Pending Business

1. Invitation by the National hospital Insurance Fund

Members were informed that the NHIF had organized and invited the Committee for a joint retreat with the Departmental Committee on Health to consider five sets of draft regulations scheduled for Thursday 24th -27th March 2022 in Mombasa. The Committee resolved to defer the engagement to a later date.

 Meeting with Regulatory Making Authorities to consider the draft Crops (Miraa) Regulations, 2022, The Nairobi International Financial Centre (General) Regulations, 2021 (Legal Notice 268/2021), the draft Supplies Practitioners Management(Council Election) Regulations, 2022 and the Political Parties (Membership) Regulations, 2021 (Legal Notice 260/2021);

The Committee resolved to invite the relevant Regulatory making Authorities for consultative meetings on the regulations in a retreat scheduled for 31st March to 3rd April 2022 in Mombasa County.

MIN.NO. /NA/CDL/2022/ 078

ADJOURNMENT

The meeting was adjourned at 12.40 p.m. The next sitting will be held on Thursday 24th March 2022.

Signed.

Date 243/2022

HON. KASSAIT KAMKET, M.P. (CHAIRPERSON)

MINUTES OF THE 10TH SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON THURSDAY 10TH MARCH, 2022 AT 10.00 AM IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS

PRESENT

1. The Hon. Kassait Kamket, M.P.

Chairperson

The Hon, Muriuki Niagagua, M.P.

Vice-Chairperson

The Hon. George Murugara, M.P.

The Hon. Robert Mbui, M.P.

The Hon. Munene Wambugu, M.P.

6. The Hon. Kamoti Mwamkale, M.P.

7. The Hon. Abdi Tepo, M.P.

8. The Hon. Robert Gichimu, M.P.

Virtual Attendance

Virtual Attendance

9. The Hon. Sammy Seroney, M.P.

ABSENT WITH APOLOGY

1. The Hon. Alice Wahome, M.P.

The Hon. Cecily Mbarire, MGH, M.P.

3. The Hon. Timothy Wanyonyi, M.P.

4. The Hon. Daniel Maanzo, M.P.

5. The Hon. (Dr.) Wilberforce Oundo, M.P.

The Hon. Gideon Mulyungi, M.P.

7. The Hon. Ronald Tonui, M.P.

8. The Hon. Edith Nyenze, M.P.

9. The Hon. Jennifer Shamalla, M.P.

10. The Hon. Waihenya Ndirangu, M.P.

11. The Hon. Martha Wangari, M.P.

12. The Hon. Patrick Mariru, M.P.

13. The Hon. Nicholas Tindi Mwale, M.P.

14. The Hon. William Cheptumo, M.P.

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

Mr. Mohamed Jimale

Clerk Assistant II

Ms. Ruth M. Gakuya

- Clerk Assistant II

3. Mr. Wilson Dima Dima

- Principal Legal Counsel

4. Ms. Noelle Chelagat

- Media Relations Officer

Mr. Charles Ayari

- Superintendent of Electronics (Audio)

6. Mr. Anthony Wamae

- Serjeant-at-Arms

7. Mr. Collins Oluoch

- Pupil

KENYA DRIVING SCHOOLS ASSOCIATION

Mr. Samwel Kariuki Kamau - Chairman, KDSA

| | | | The state of the s |
|-----|---------------------|-----|--|
| 2. | Mr. Albanus Mutisya | _ | Secretary, KDSA |
| 3. | Ms. Eunice Imwendwa | ~ | Treasurer, KDSA |
| 4. | Mr. Joseph Mwangi | - | Organizing Secretary |
| 5. | Mr. George Kariuki | 7 | Committee Member |
| 6. | Mr. John Lumala | _ | Chairman, KDSA Nairobi/Lidas Driving School |
| 7. | Mr. Lister Namasege | - | Committee Member, KDSA |
| 8. | Mr. Joseph Nderi | - | Member, KDSA |
| 9. | Mr. Joshua Abudho | - | Member, KDSA |
| 10. | Mr. Felix Oketch | _ | Advocate, KDSA |
| 11. | Mr. Teddy Mwanza | - | Chief Executive officer, AA Kenya |
| 12. | Mr. Francis Theuri | - | AA Kenya |
| 13. | Mr. Farhan Muhib | 7.0 | Managing Director, Rocky Driving School |
| 14. | Mr. Joseph Kamau | _ | General Manager, Seniors Driving School |
| 15. | Mr. Dominic Karanja | - | General Manager, Budget Driving School |
| | | | |

16. Mr. George Kihara - Manager, Kilimambogo Highway Driving School
 17. Mr. Athmani Imbwana - Chairperson, ACADT
 18. Mr. Enock Teka Kakai - Secretary, ACADT
 19. Ms. Maureen Namachi - Perfect Driving School
 20. Mr. Peter M. Chege - Petans Driving School

20. Mr. Peter M. Chege - Petans Driving School
21. Mr. Amos M. Kirui - Topaz Driving School
22. Mr. Anthony N. Nuranga - Africana Driving School

22. Mr. Anthony N. Nuranga
 23. Mr. John O. Magara
 Africana Driving School
 Ndovu Driving School

MIN.NO. /NA/CDL/2022/072

PRAYER AND PRELIMINARIES

The Chairperson called the meeting to order at 10.30 am with the Prayer. He thereafter invited all those present to introduce themselves.

He then informed the meeting that the Committee was in receipt of the Court Ruling dated 27th January 2022 on Petition E251 of 2020, Kenya Driving Schools Association v National Transport and Safety Authority & 3 others; National Assembly & another (Interested Party).

The objective of the meeting, therefore, was to receive views from the Driving Schools Owners on the Traffic (Driving Schools, Instructor's and Driving Licenses) Rules, 2020 in view of the orders issued by the Court that the Rules be reconsidered expeditiously by both Houses of Parliament.

MIN.NO./NA/CDL/2022/073

CONSIDERATION OF THE TRAFFIC (DRIVING SCHOOLS, INSTRUCTOR'S AND DRIVING LICENSES) RULES, 2020 (LN 28 of 2020)

Mr. Samwel Kariuki Kamau Chairman, Kenya Driving Schools Association (KDSA) informed the meeting that the Association is the umbrella body that represents over 700 (seven hundred) schools in the country and that it was the Association that went to Court to challenge the rules. Further,

KDSAs presentations in the meeting were representative of all the KDSA members including those present that had been individually invited for the meeting.

He then informed the Committee that KDSA had identified various contentious issues in the Rules as published and made the following proposals to address them -

- That, the age limit for B3 (professional) and category C1 should be reduced to 18 years. A student should not have to wait for 2 years after getting a class B license but should be proceed immediately to class C1.
- 2. That, a driving School License application should not be attached to an instructor.
- That, an interpretation of the NTSA Act, 2012, the Traffic Act Cap. 403 in regards to drivers
 testing and constitutionality of section 31 (1) of the Driving Scholl Regulations of 2020 be
 provided to give a clear direction on who should administer the driving tests.
- That, the rules should capture a requirement on proximity of one school to another to be at least 100 meters.
- That, employees of the National Transport and Safety Authority be barred from opening and operating driving schools as this will be a conflict of interest.
- That, the requirement for a maneuver yard is removed from the law applying for driving school and instead be a requirement for schools training in plant and heavy machinery.
- That, third party insurance be an option for PLL for the driver trainees and personal accident policy for the instructors.
- That, the rules do not subject already existing driving schools and instructors to reapply for licenses afresh.
- 9. That, driving school instructors should not be forced to join TVETS for instructor training. Instead, NTSA should prepare a curriculum and test on the same with minimal requirements i.e. minimum 25 years of age, at least 5 years driving experience, certificate of good conduct, and medical certificate. Subjecting the instructors for a 6 weeks training worth ksh.30,000 is overburdening them.
- 10. That, the following fees be reviewed downwards
 - i. Driving test application fee from the current Kshs. 1100 to Ksh.650
 - Smart license fees from the current Ksh.3050 to Kshs. 1500 as the smart license is more or less like a bank card whose cost is only Ksh. 400
- 11. That, the renewal of driving school licenses on expiry should be given an allowance of three months before deactivation to allow schools time to clear with ongoing students as opposed to now where the NTSA shuts down the system once the school's license expires.
- That, requirement that driving schools make returns to NTSA after every year be removed since NTSA can access all this information in their system.
- 13. That, driving schools vehicle inspection should run for one year just like other vehicles as opposed to the current 6 months.
- 14. That, the term of a school license should be one year from the time it was issued but not when it expires as is currently.
- That, KDSA should be given an opportunity to self-regulate and NTSA should sign an MOU on the same with KDSA.

16. That, an interpretation of the laws on the suspension of the regulations and whether the constitution allows a vacuum to be provided since Kenyans are suffering as they cannot access services which are their rights.

Committee Observations

The Committee observed that -

- There appears to be a conflict in the categorization and classification of driving licenses under the rules as published thereby making their implementation impractical.
- While the Regulatory making Authority did conduct public participation on the Rules, it appeared that the NTSA and the Kenya Driving School Association did not arrive at a consensus on some key areas of concern, and the Rules were published without having the issues addressed.
- Following the court ruling, the National Transport and Safety Authority suspended the
 provision of all services and the operation of the NTSA Portal, effectively halting driver testing,
 driving school registration or renewal, and any other activity regulated by the Rules.
- The suspension of the provision of services was affecting not only the owners of driving schools but also the general public who are unable to get services related to drivers' training, examination, or issuance of driving licenses.

Committee Resolutions

The Committee resolved to undertake further consultations on the Rules in a joint retreat with the National Transport and Safety Authority and the Kenya Driving Schools Association to resolve the contentious issues in the Rules from Thursday 17th to 19th March 2022 in Kiambu County.

MIN.NO. /NA/CDL/2022/ 074

ADJOURNMENT

The meeting was adjourned at 12.50p. m. The next sitting will be held on Thursday 17th March 2022.

Signed ...

HON. KASSAIT KAMKET, M.P.

(CHAIRPERSON)

MINUTES OF THE 9TH SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON THURSDAY 3RD MARCH, 2022 AT 10.00 AM AT THE WINDSOR GOLF AND COUNTRY CLUB, KIAMBU

PRESENT

- 1. The Hon. Kassait Kamket, M.P.
- Chairperson
- 2. The Hon. Muriuki Njagagua, M.P.
- Vice-Chairperson

- 3. The Hon. Robert Mbui, M.P.
- 4. The Hon. Waihenya Ndirangu, M.P.
- 5. The Hon. Daniel Maanzo, M.P.
- 6. The Hon. Munene Wambugu, M.P.
- 7. The Hon. Gideon Mulyungi, M.P.
- 8. The Hon. Kamoti Mwamkale, M.P.
- 9. The Hon. (Dr.) Wilberforce Oundo, M.P.
- 10. The Hon. George Murugara, M.P.
- 11. The Hon. Ronald Tonui, M.P.
- 12. The Hon. Edith Nyenze, M.P.
- 13. The Hon. Abdi Tepo, M.P.

ABSENT WITH APOLOGY

- 1. The Hon. Patrick Mariru, M.P.
- 2. The Hon. Cecily Mbarire, MGH, M.P.
- 3. The Hon. Timothy Wanyonyi, M.P.
- 4. The Hon. Alice Wahome, M.P.
- 5. The Hon. Robert Gichimu, M.P.
- 6. The Hon. Jennifer Shamalla, M.P.
- 7. The Hon. Martha Wangari, M.P.
- 8. The Hon. Sammy Seroney, M.P.
- 9. The Hon. Nicholas Tindi Mwale, M.P.
- 10. The Hon. William Cheptumo, M.P.

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- Mr. Mohamed Jimale
- Clerk Assistant II
- 2. Ms. Ruth M. Gakuya
- Clerk Assistant II
- 3. Mr. Wilson Dima Dima
- Principal Legal Counsel
- 4. Ms. Noelle Chelagat
- Media Relations Officer
- Mr. Charles Ayari
- Superintendent of Electronics (Audio)
- 6. Mr. Anthony Wamae
- Serjeant-at-Arms
- 7. Mr. Collins Oluoch
- Pupil

NATIONAL TRANSPORT AND SAFETY AUTHORITY (NTSA)

- Mrs. Agnes Odhiambo
- Board Chairperson

| 2. | Mr. George Njao | * | Director General |
|----|----------------------|---|------------------|
| 3. | Mr. Wilfred Okemwa | | Board Member |
| 4. | Eng. Meshack Kidenda | _ | Board member |
| 5. | Mr. Julius Kitimu | - | Board member |

Eng. Gerald Wangai

7. Mr. Wycliff Wasike Deputy Director

8. Mr. Robert Ngugi Deputy Director Legal Services

9. Ms. Brenda Mwango Senior State Counsel

10. Eng. Michel Muchiri Engineer, State Department of Transport

Director

11. Mr. Paul Kingori Director 12. Ms. Victoria Muoki Legal, NTSA 13. Ms. Grace Mpaghei Secretariat

14. Ms. Abigael Toroitich Secretariat

15. Mr. Patrick Tilitei P.A to the D-G

COMMISSION ON ADMINISTRATIVE JUSTICE

Mrs. Lucy Ndungu Commissioner, Access to Information

2. Ms. Viola Ochola Director, Access to Information 3. Ms. Miriam Kakenya Senior Parliamentary Counsel Ms. Marion Mureithi Deputy Parliamentary Counsel

5. Ms. Faith Sialai Legal Counsel Mr. Simon Nzioka 6. Legal Officer 7. Ms. Maryanne Wanjiru Legal Officer

8. Mr. Edward Opany Communications Officer

Ms. Joyce Kihara Legal Officer 10. Ms. Sylvia Cherotich Chelogoi -Legal Officer

MIN.NO. /NA/CDL/2022/068 PRAYER AND PRELIMINARIES

The Chairperson called the meeting to order at 10.08 am with the Prayer. He thereafter invited all those present to introduce themselves.

MIN.NO./NA/CDL/2022/069 CONSIDERATION OF THE TRAFFIC (DRIVING SCHOOLS, INSTRUCTOR'S AND DRIVING LICENSES) RULES, 2020 (LN 28 of 2020)

Mr. Robert Ngugi, Deputy Director Legal Services informed the meeting that -

- 1. The Authority developed the Traffic Driving Schools, Instructor and driving licenses rules 2018 which were annuled by the Committee on account of inadequate public participation.
- 2. The Authority re-drafted the Rules resulting in the 2020 Rules wherein the concerns were all addressed and adequate public participation was conducted as directed by the Committee. The Rules were published in the Kenya Gazette (Legal Notice 28 of 2020) on 20th March 2020 and together with the Explanatory Memorandum forwarded to Parliament through the Ministry as required under the Statutory Instruments Act.

- To reschedule the meeting to allow the committee time to scrutinize the Rules as published in view of the Court Ruling on the same and confirm that indeed the issues raised during prepublication scrutiny had been addressed in the published regulations.
- To invite Driving Schools Owners to appear before the Committee on Thursday 10th March 2022 to make submissions on any contentious issues they may have on the regulations.

MIN.NO./NA/CDL/2022/070 CONSIDER

CONSIDERATION OF THE ACCESS TO INFORMATION (GENERAL) REGULATIONS, 2022

Mrs. Lucy Ndungu, Commissioner, Access to Information conveyed apologies of the Chairperson for the meeting due to prior engagements. She then informed the meeting that the Access to Information Act was enacted in 2017 but has had no enabling regulations.

A task force comprising various stakeholders including the Attorney General and the Ministry of ICT was formed to develop the regulation now before the Committee for pre-publication scrutiny.

Committee Observation

The Committee observed that the nature of information and documents tabled before the Committee required adequate time for the Members to comprehensively scrutinize the draft regulations.

Way forward

The Committee urged the Commission on Administrative Justice "Office of the Ombudsman" to have a pre-publication scrutiny retreat at a date to be formally communicated.

MIN.NO. /NA/CDL/2022/ 071

ADJOURNMENT

The meeting was adjourned at 1.05 p. m. The next sitting will be held on Thursday 10th March 2022 with the Kenya Driving Schools Association.

Signed

Date 2-43 2022

HON. KASSAIT KAMKET, M.P. (CHAIRPERSON)

- The Kenya Driving School Association filed a petition seeking to quash the new rules mainly on the basis that the same had not been subjected to public participation. Consequently, the Court ordered that:
 - a) The implementation of the Rules be stayed and suspended pending consideration of the Rules by both Houses.
 - b) The Cabinet Secretary, Ministry of Transport to re-transmit to both Houses the Rules, Explanatory Memorandum, and copy of the judgment within the next 14 days.
 - c) In view of the terms of the Houses of the Parliament, the Speakers are required to take steps to ensure the Rules are expeditiously dealt with.
 - d) In the event that any of the Houses is unable to finalize the Rules, then the Rules shall be dealt with under the next term.
- 4. In compliance with the above judgment, the Ministry and the Authority
 - a) Halted the implementation of the Rules pending consideration of the Rules by both Houses. This included the halting of driver testing, driving school registration or renewal, and any other activity regulated by the Rules.
 - b) Re-transmitted the Rules to the National Assembly and the Senate together with the Explanatory Memorandum and copy of the judgment within 14 days as directed by the Court.
- 5. Implications of the Court decision
 - a) The court decision resulted in the discontinued training and testing of drivers which has disrupted driver testing and licensing services. On average, more than twenty thousand (20,000) driver trainees are trained and tested every month. The demand for the acquisition of a driving license is likely to cause a backlash from the members of the public.
 - b) The operations of driving schools have been severely affected as they cannot operate thus resulting in difficult financial consequences.

Committee Observations

The Committee observed that-

- It had in 2018 annulled the Traffic Driving Schools, Instructor and Driving Licenses Rules 2018 due to failure by the Regulatory Making Authority to conduct adequate public participation on the same.
- The NTSA had then re-drafted the regulations, undertook public participation and subsequently published the rules as the Traffic (Driving Schools, Instructor's And Driving Licenses) Rules, 2020 (LN. No.28 of 2020). Adequate public participation had been conducted on the regulations as acknowledged by the Court in its ruling.
- 3. The NTSA failed to submit the Rules to the National Assembly as required under section 11(1) of the Statutory Instruments Act which led the Kenya Driving Schools Association to seek legal redress in court. The Court consequently gave orders on the re-submission of the Rules to both Houses of Parliament for consideration.

Committee Resolutions

The Committee resolved-

SPECIAL ISSUE

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(Legislative Supplement No. 12)

LEGAL NOTICE No. 28

THE TRAFFIC ACT

(Cap. 403)

THE TRAFFIC (DRIVING SCHOOLS, DRIVING INSTRUCTORS AND DRIVING LICENCES) RULES, 2020

ARRANGEMENT OF RULES

Rule

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- 2. Interpretation.
- 3. Scope of application.

PART II - DRIVING SCHOOLS

- 4. Licensing of schools.
- 5. Application for a driving school licence.
- 6. Issuance of a driving school ligence.
- 7. Inspection of premises.
- 8. Administration and staffing / TABLED
- Branch driving school licence. BY:
- 10. Restriction on licenced schools.
- 11. Documents to be displayed.
- 12. Records kept by a school.
- 13. Restrictions on advertising by schools.
- 14. Driving school inspectors.
- 15. Suspension, revocation or variation of a driving school licence or a branch driving school licence.

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- 16. Licensing of driving instructors.
- 17. Qualifications of driving instructors.
- 18. Application for and issuance of an instructor's licence.
- 19. Driving instructors register.

- 20. Obligations of a driving instructor.
- 21. Record kept by driving instructors,
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PART IV - DRIVING INSTRUCTIONS

- 23. Curriculum.
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- 27. Provisional driving licences.
- 28. Restrictions on holders of provisional driving becaces
- 29. Internal tests
- 30. Application for driving tests
- 31. Authority's driving tests.
- 32. Driving test register.
- 33. Interim daying licences.
- 34. Categories of driving licences,
- 35. Application and renewal of driving become
- 36. Medical cereficate to recompeny application for an axing factore
- 37. Domestic driving permits
- 38. International driving periods
- 39. Translation of domestic driving permiss.
- 40. Non-validity of domestic driving permits
- 41. Conversion of domestic driving periods.
- Power to suspend or revoke a driving homeo ocoreer a fresh driving test.

PART VE -- MISCIFIT AND OF STROVISIONS

- 43. Appeals.
- 44. False statements.
- 45. General penalty.
- 46. Transitional provisions
- Revocation of L. N. No 81 of 2018.

SCHEDULES

DRSTSCHIDULE Lorms.

SECOND SCHEDULE: Fees,

THIRD SCHEDULE. Categories of driving licences,

FOURTH SCHEDULE.—Curriculum for the training and testing of drivers and driving instructors.

THE TRAFFIC ACT

(Cap. 403)

IN EXERCISE of the powers conferred by section 119 (1) (ga) of the Traffic Act, the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works makes the following

THE TRAFFIC (DRIVING SCHOOLS, DRIVING INSTRUCTORS AND DRIVING LICENCES) RULES, 2020

PART I - PRELIMINARY

 These Rules may be cited as the Traffic (Driving Schools, Driving Instructors and Driving Licences) Rules, 2020.

In these Rules, unless the context otherwise requires—

Interpretation.

Citation.

"Appeals Board" means the Transport Licensing Appeals Board established under the National Transport and Safety Authority Act, 2012;

"branch driving school licence" means a licence issued by the Authority, that authorises its holder to set up or maintain a branch driving school;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to transport;

"certificate of competence" means a certificate issued by a driving test examiner that certifies that a person has passed a driving test;

"curriculum" means the curriculum prescribed under rule 23;

"domestic driving permit" means a document issued under the law of a foreign country, that authorises its holder to drive a motor vehicle of a specified class or description, in that country;

"driving instructor" means a person who instructs, for gain or reward, engages or holds himself out as being willing to instruct;

"driving school" means an establishment set up or maintained, for the purpose of offering instruction;

"driving school licence" means a licence issued by the Authority, that authorises its holder to set up or maintain a driving school;

"driving test" means a test conducted by a driving test examiner to determine the competence of a driver;

"inspector" means a driving school inspector appointed under rule 15;

"instruct" means the teaching of the theory or practice of driving a motor vehicle;

"instructor's licence" means a licence issued by the Authority under regulation 16; No. 33 of 2012.

"international driving permit" means a licence issued by the relevant authority of a country which is a party to the Geneva Convention on Road Traffic of 1926 or the United Nations Convention on Road Traffic of 1968 and conforms to Annex 7 of the United Nations Convention on Road Traffic of 1968:

"learner" means a person who is under the instruction of a driving instructor or driving school;

"licensing officer" means the person appointed as such by the Authority to issue a driving licence;

"medical certificate" means a certificate signed by a medical practitioner registered in accordance with the Medical Practitioners' and Dentists' Act and accredited in accordance with the Occupational Health and Safety Act;

"proprietor" means the owner or a person who operates or manages a school;

"provisional driving licence" means a provisional licence granted by the Authority to a learner, in order that the learner may be instructed to drive a category of motor vehicles which, if the learner had a driving licence, would entitle the learner to drive;

"school" means a driving school or a branch driving school; and

"vehicle inspection report" means a report made by a person authorized by the Authority, which states that pursuant to an inspection, the person is satisfied that the vehicle specified in the report is suitable to be used for instruction in the category specified therein.

3. These rules apply to driving schools, driving instructors, driver testing and the issuance of driving licences in Kenya.

Scope of application.

PART II — DRIVING SCHOOLS

4. A person shall not conduct, maintain, operate or manage a school without a valid licence issued by the Authority under these Rules.

schools.

- 5. (1) The Authority shall issue a driving school licence in the categories specified the First Schedule.
- (2) A proprietor of a driving school shall apply for a driving school licence in Form 1 set out in the First Schedule.
- (3) An application made under sub rule (2) shall be accompanied by-
 - (a) a copy of the certificate of registration of the applicant;
 - (b) a copy of the title, lease or rental agreement, of premises which the driving school intends to operate from;
 - (c) a list of driving instructors, including copies of their instructors' licences;
 - (d) a list of the equipment and facilities available at the premises of the proposed driving school, to be used for instructing the learners;

Cap. 253.

No. 15 of 2007.

Licensing of

Application for a driving school licence.

- (e) a list of motor vehicles to be used by the school for instruction and their corresponding valid motor vehicle inspection certificates:
- (f) a current comprehensive insurance cover with a driving school endorsentent, for each of the motor vehicles, specified under paragraph (c):
- (g) payment of the prescribed fee, and
- (b) such other information as the Authority may deem necessary for the consideration of the application
- (4) A proprietor who miends to vary the details specified on their driving school ficence shall write a letter to the Authority indicating the details to be modified and shall pay the fees prewribed in the Second Schedule.
- 6. (1) In considering an application made under rule 5 and 4-source of a subject to the inspection conducted in accordance with rule I, the Authority may-

do no shad

- (a) reject the application, or
- (b) Issue a driving school factice with or softion special conditions.
- (2) A driving school licence is and under this rate shall
- (a) be in Form 2 set one in the Liest Schedule, and
- (b) be endorsed with any portal conditions attached to the distantant.
- (3) On receipt of the letter specified in title 3 (4), the Authority may --
 - (a) reject the proposed variation; or
 - the issue an annualed driving school licence incorporating the proposed variation, with or without special conditions, to the proprietor.
- 7. (1) In considering an application made under rule y or 9, the Authority shall designate an inspector to carry out inspections of the premises referred to in the application to ascertain whether the premises are suitable and adequately equipped for the purposes of the proposed school.

Irratection of Divinia's

- (2) When conducting an inspection under sub rule (1), the Authority shall consider the availability of -
 - (a) a reception area and waiting area;
 - (b) a management or administration office;

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(c) a theory classroom with a minimum seating capacity of four students of which each student has a space of at least one metre square;

- (d) tailers for both men and women.
- (c) at least one model town board per theory classroom in the description weed by the Ambority; and
- and read sign posters in the design approved by the Anthority
- 8 111 V school shall have a head driving instructor who shall
 - and staffing.

Administration

- (3) some a the preparation of all teaching materials are according to the consentiant.
- (ii) oversee the preparation and conducting of all internal driving examinators, and
- is there see the application of driving tests for learners.
- 2) A best droung restrictor shall possess
- tal a verid institution scheeneer
- (b) a confidence of secondary education of a minimum grade of at least D many, or an equivalent grade that is recognised in Kenyan and
- (3) all least a confinence of computer studies or an equivalent against carrier
- 43. A soliton, shall have at least one other driving instructor beside the head driving instruction.
- The prosperious shall perform all record keeping and reporting obligations in a school
- at premises that are not specified in the driving school hence, the propriete shart apply to a branch driving school hence in Form 1 serout in the Litst Schooling.

Bannot strying school in ener-

- (2) Yn application made under sub-rule (1) shall be accompanied by
 - (a) accept of the certificate of registration of the applicant:
 - (b) a copy of the title, lease or rental agreement, of premises which the branch driving school intends to operate from:
 - (c) a list of driving instructors including copies of their driving instructors' licences;
 - (d) a list of the equipment and facilities available at the proposed branch driving school to be used for instructing the learners;
 - (c) a fist of vehicles to be used by the branch driving school for instruction and their corresponding valid motor vehicle inspection certificates;
 - a current comprehensive insurance cover with a driving school endorsement, for each of the vehicles listed under paragraphyer;

- (g) payment of the prescribed fee; and
- (h) such other information as the Authority may deem necessary for the consideration of the application.
- (3) In considering an application made under sub rule (1) and subject to the inspection conducted in accordance with rule 7, the Authority may—
 - (a) reject the application; or
 - (b) issue a branch driving school licence, with or without special conditions.
- (4) A branch driving school licence issued under this rule shall be-
 - (a) in Form 2 set out in the First Schedule; and
 - (b) endorsed with any special conditions attached to the licence.
- (5) A proprietor who intends to vary the details specified on their branch driving school licence shall write a letter to the Authority indicating the details to be modified and shall pay the fees prescribed in the Second Schedule.
- (6) On receipt of the letter specified in sub rule (5), the Authority may—
 - (a) reject the proposed variation; or
 - (b) issue an amended branch driving school licence incorporating the proposed variation, with or without special conditions, to the proprietor.
- 10. (1) Only the premises specified in a driving school licence or a branch driving school licence, shall authorise the use of those premises as a school.

Restriction on licenced schools.

- (2) A driving school licence or a branch driving school licence is not transferable.
- (3) Each branch driving school shall be licensed separately from the driving school it is associated with.
- (4) A driving school licence or a branch driving school licence, shall be valid for one year.
 - 11. A school shall prominently display in its training premises-

r branch driving school licence, displayed.

- (a) its driving school licence or branch driving school licence, issued by the Authority;
- (b) copies of the driving instructors' licences of all the instructors employed by the school; and
- (c) the regular working hours of the school.
- 12. (1) A proprietor shall maintain a record and a report, of the business activities of the school, on paper and in electronic format, in a secure location for a period of at least two years.

Documents to be

Records and reports kept by a school.

- (2) The record or report kept under paragraph (1), shall include—
 - (a) a copy of the instructors' licences of all the instructors employed by the school;
 - (b) a copy of the insurance, maintenance and inspection records of all the school's motor vehicles;
 - (c) an attendance register of learners instructed by the school; and
 - (d) all internal driving examinations conducted.
- (3) A school shall ensure that the record or report kept under paragraph (1), is available to the Authority whenever the Authority requests.
- (4) A school shall by the thirty-first date of January, in every year, submit to the Authority on paper and in electronic format, an annual report of the activities of the school, for the immediately preceding calendar year.
- (5) A school shall notify the Authority of an accident involving its motor vehicle resulting in a fatality, within twenty-four hours of when the accident occurs.
- 13. (1) A school shall not guarantee or assure a learner, success in acquiring a driver's licence, when the school publishes or advertises for enrolment of learners.

Restrictions on advertising by schools.

- (2) A proprietor or a representative, agent or employee of a school, shall not engage in conduct or make a representation, that implies that the issuance of a driving licence, or any other service offered by Authority, may be obtained, other than in accordance with the law.
- (3) A proprietor or a representative, agent or employee of a school, shall not solicit, accept or collect, money or anything of value, to secure the issuance of a driving licence, other than in accordance with these Rules.
- (4) A validly licensed school shall exhibit on a conspicuous place within its premises, a sign that reads: "THIS SCHOOL IS LICENSED BY THE NATIONAL TRANSPORT AND SAFETY AUTHORITY" and may advertise that fact.
- 14. (1) The Authority shall appoint such number of driving school inspectors as it may consider necessary for the proper administration of these Rules.

Driving school inspectors.

- (2) An inspector may-
- (al) enter the premises of a school during the regular hours of business of the school to—
 - examine books, records, vehicles or other equipment used by or pertaining to the school; or

- ascertain the standard or researchon poeer by the series,
 and
- (b) Accompany a director of analog consped in prenty discovers of the algorithm of a school for examine a discovers of the standard or arameteoristy and the distribution and
- ter personal imprecion of premises upon an ipolicitary for or renewal or a driving afficial facines of banch driving school facing.
- cooperate with the receiver the proprieties of lieur restrictor, and cooperate with the receiver and death on request product seed at the received material and any other fields occasion to complete the importion.
- 15. (1) The Authority may suspend revoke of Yary the ferriss of conditions, of a discuss school begins of branch discuss school begins in

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- GIV the pistoretion given at the school does not adhere to lot is upon to ad on the correction?
- the emotion reflects became used by the school for a mingress perfect or the school's became as not subtable of the present
- (c) the above combons of Power a group who does no mosess analysis are to solutions in artificial features.
- (d) By Judy con has winted they want tree-direction dispersion been consisted in least owice of the access may called Rate on the revoked Rules on
- Let the spinor contavenes these Roles
- (3) Before exercising any of the powers conferred under safe one (1), the Authoria shall
 - (a) give the proprietor written reasons for the proposed decision under sub-ride (1);
 - (b) give the proprietor an opportunity to make a representation concerning the proposed decision under sub-rule (1), and
 - (c) consider any representation made under paragraph (b).
- (3) The Authority shall immediately notify the proprietor or of their decision made under sub-rule (1).
- (4) Within seven days of the date of receipt of the notification issued under sub-rule (3), the proprietor shall surrender the school's driving school heence or branch driving school becase, to the Authority.

PART III — DRIVING INSTRUCTORS

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Licensidg of doving instructors 4.3) The rule shall not apply to a drawing instruction who instructs solely by

- (a) a contribution made by high to an article in a periodical publication, or
- (b) an adverte-entent mode by or on behalf of the proposelor
- L. A hazing of draying no rangon shall

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- (a) process a valid charges home confide tentiles have to draw a motor veltacle of the category of motor veltacles that he mixeds to sive nestroction in
- (b) base held the dreems beened referred to in paragraph car for a continuous period of at least four years innocdately prior to the date when the applies for an insurance is because.
- (c) have presed a driving instructor a test, and
- (d) a conflicate of a condity education of a smoonium grade of at least D names or an equivalent grade that is observed in Kenya.
- 48. (1) A person may apply to the Authority for an instructor's become in Form 5 set out in the Lieu Schedole.

Applies about test and a standard and am are to be a

- (2) An application made under all rule (1) shall be a companied by
 - tall the feet prescribed in the Second Schedule
 - (b) a copy of the applicant valentity cord to any other wind about a men document.
 - 100 a validay titta are of condy-andrea.
 - (d) the openind and a copy of the applicant could drawn because:
 - a shift completed medical certificate in Form 1 set out in the Fifth Schedule; and
 - (f) a copy of a certificale of secondary education of a manimum grade of at least D minus, or an equivalent grade, that is recognised in Kenya.
- (3) In considering an application made under sub-rule (1) the Authority may
 - (a) based on the reasons specified in rule 22, reject the application, or
 - (b) issue an instructor's licence with or without special conditions
 - (4) An instructor's because issued under the rule shall
 - (a) be in Form 5 serious in the First Schedule, and
 - (b) be endorsed with any special conditions attached to the become?

- can be of a category specified in the discour become or manch driving been a
- (b) compared to a real about deads agostical at the time of true in the drawing or food the new or brain hidraging school from or
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- 28 (1) A properties half not princt a divine metric or who does not posses, any did metros for a heapter to restrict a learner.
- a 't A proparator or directly matrix as while got primes for allow or enginer a peach all driving lesson on a public road unless the learner under metay (jon possessors) as abd provisional driving licence,
- To act t Where a bearier is undergoing a practical drawns fesson, the driving in anictor shall ensure that
 - (a) if the learner doesn't object, not prove than one presented near terms of action aroses well as and
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(1) A present who intends to be instructed in respect of a - Provinced valers is or mean vehicles shall apply for a provisional during home. in Letter of server of the Learn's Schedule.

- (2) An apply main under survivile (1) shall be accompanied by the presented by
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 - of the sectific order about or
 - also issue a provincial discorr betwee with or without special accept framers.
- (4) A provisional derivate baseds resided under sub-rate (3) (b) Mail.-
 - (a) be a bean solven in the trial whealing and
 - (b) by endessed with any special conditions attached to the lar his
- ext. Venes isomal dravate freener shall be valid for three months but maybe renewed for a realist period of three months on payment of
 - 28. A person may reserve a provisional driving because drait-
 - the cause the plant manual thin my herney.
 - 18) have a driving metricing present
 - (c) exhibit the 100 place at a place visible from a distance of at and twenty ments from the from and tear of the motor
 - all have a see blood alcohol concentration.
 - Time of artists of regions with the best
 - cert subject to tribe the new cares more than one passenger, as all times while under institution.
- values of the decision will be limbered in the books of the Assistance of learner belong making an application under rule 30

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- (b) practical driving skills;
- (c) knowledge of traffic rules and highway code; and
- (d) knowledge on road safety principles and procedures.
- 30. (1) A driving school may apply to the Authority for a driving test on behalf of learner who has enrolled in the school.

Application for driving tests.

- (2) Notwithstanding sub rule (1), —
- (a) a person who possesses a domestic driving permit or licence, for the purpose of converting it to a Kenyan driving licence;
- (b) a driver who has been ordered to take a fresh driving test, may apply for a driving test on their own.
- (3) A person shall apply for a driving test under this rule in Form 6 set out in the First Schedule.
- (4) An application for a driving test shall be accompanied by a duly completed medical certificate in Form 4 set out in the First Schedule.
- (5) A driving school shall provide a vehicle in roadworthy condition and of the category specified in the application made under sub rule (1), for the purposes of the driving test.
- (6) An applicant under sub rule (2) shall provide a vehicle in roadworthy condition and of the category specified in the application made under sub rule (2), for the purposes of the driving test.
- (1) Pursuant to an application made under rule 30, the Authority shall conduct a driving test that shall consist of—

Authority's driving tests.

- (a) a theoretical driving test;
- (b) a test for knowledge in the highway code and traffic signs;
- (c) a test for knowledge on road safety principles and procedures; and
- (d) a practical driving test which shall be conducted over a minimum distance of two kilometres.
- (2) The Authority shall issue a certificate of competence in Form 8 set out in the First Schedule to a driver who has passed the driving test under sub rule (1).
- 32. The Authority shall maintain a driving tests register which shall contain—

Driving test register.

- (a) the name and address of each applicant for a driving test;
- (b) the serial number of each driving test application form;
- (c) the date on which each driving test was administered;

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(d) the result of each driving test that was administered; and

- (e) the number of each certificate of competence issued and the category of vehicles to which it relates.
- 33. (1) A student who has passed the driving test under rule 31, may apply for an interim driving licence in Form 6 set out in the First Schedule.

Interim driving licences.

- (2) In considering an application made under sub rule (1) the Authority may-
 - (a) reject the application; or
 - (b) issue an interim driving licence with or without special conditions.
- (3) An interim driving licence issued under sub rule (2) (b) shall—
 - (a) be in Form 7 set out in the First Schedule; and
 - (b) be endorsed with any special conditions attached to the licence.
- (4) Subject to sub rule (5), an interim driving licence shall authorize the person who has it to drive a motor vehicle the category named therein.
 - (5) An interim licence shall be valid for six months.
- (6) The Authority shall issue a driving licence in Form 7 set out in the Fifth Schedule, to a person who has an interim licence, within six months of the date of issuing the interim driving licence.
- 34. A driving licence shall be classified into the categories set out in the Third Schedule.

Categories of driving licences.

- 35. A driving licence shall be issued in Form 7 set out in the First Schedule shall be renewed after every three years upon—
- Application and renewal of driving licence.
- (a) an application for a driving licence in Form 6 set out in the First Schedule; and
- (b) payment of the fees set out in the Second Schedule.
- 36. An application under rule 35 must be accompanied by a duly filled medical certificate in Form 4 set out in the First Schedule.

Medical certificate to accompany application for a driving licence.

37. (1) A licence or permit under sub rule (2) shall be deemed to be a valid driving licence in respect of the category of a motor vehicle for which the licence or permit is issued, and throughout the period of its validity, except where otherwise specified. Domestic driving permits.

- (2) A licence or permit referred to in sub rule (1) includes-
- (a) a valid driving licence or driving permit issued in Uganda, Tanzania or Ethiopia;
- (b) a service driving permit issued by a naval, army or air force authority of a foreign country, but only for the purpose of

driving a motor vehicle of the naval, army or air force authority, on duty and subject to the licence or permit being issued and used in compliance with any regulations or instructions in force in relation thereto;

- (c) an international driving permit issued by a contracting State to the Geneva Convention on Road Traffic of 1926 or the United Nations Convention on Road Traffic of 1968 and held by a person resident outside Kenya provided that the international driving permit is accompanied with the valid domestic driving licence or permit for the country in which it is issued from; and
- (d) a domestic driving permit issued to a person resident outside Kenya, which shall be valid only for a period of ninety days from the date of the holder's entry into Kenya.
- 38. (1) An application for an international driving permit shall be in Form 9 set out in the First Schedule and shall be made to the Authority and accompanied by the prescribed fees.
- (2) In considering an application made under sub rule (1) the Authority may—
 - (a) reject the application; or
 - issue an international driving permit with or without special conditions.
- (3) An international driving permit issued under sub rule (2) (b) shall—
 - (a) be in a booklet in Form 10 set out in the First Schedule; and
 - (b) be endorsed with any special conditions attached to the licence.
- (4) A person applying for an international driving permit must possess a valid Kenyan driving licence.
- (5) A person who is aggrieved by the decision of the Authority under sub rule (2) may appeal to the Appeals Board.
- 39. (1) The Authority shall require a translation of a domestic driving permit, issued to a person resident outside Kenya, which is not accompanied by an international driving permit where—
 - (a) the domestic driving permit is not in English; or
 - (b) the domestic driving permit does not conform to Annex 6 of the Convention on Road Traffic of 8 November 1968.
- (2) An English translation of a domestic driving permit under sub rule (1), may be prepared by—

market and a second

- (a) a Kenyan motoring organization recognized by the Authority;
- (b) an internationally recognized motoring organization of the State that issued the driving permit or licence;
- (c) an official agency of the State that issued the driving permit or licence; or

International driving permits.

Translation of domestic driving permits.

- (d) a consulate or embassy of the ate that issued the driving permit or licence.
- 40. A domestic driving permit, issued to a person resident outside Kenya, shall not entitle the driver mentioned therein to drive a motor vehicle in Kenya where—

Non-validity of domestic driving permits.

- (a) the domestic driving permit is a learner permit or any other form of a provisional driving licence;
- (b) the driver has not reached the minimum age required in Kenya, for the category in question;
- (c) the driver was a resident of Kenya at the time the driver obtained the domestic driving permit; or
- (d) the driver has been disqualified in the State that issued the domestic driving permit.
- 41. (1) A domestic driving permit of a category of a motor vehicle that corresponds to category A or B, set out in the Third Schedule, shall apply in Form 11 set out in the First Schedule, for the domestic driving permit to be converted to a Kenyan driving licence.

(2) The application for a conversion under sub rule (1) shall be accompanied by the prescribed fee and—

- (a) the valid domestic driving permit;
- (b) an English translation, if the domestic driving permit is not in English;
- (c) a copy of an alien certificate, identity card or letter of acknowledgment from the consulate or embassy of the State that issued the driving permit or licence, if the applicant is a person in the foreign Diplomatic service; and
- (d) a copy of the valid passport.
- (3) In considering an application made under sub rule (1) the Authority may—
 - (a) reject the application; or
 - (b) issue a driving licence with or without special conditions.
 - (4) A driving licence issued under sub rule (3) (b) shall—
 - (a) be in Form 7 set out in the First Schedule; and
 - (b) be endorsed with any special conditions attached to the licence.
- 42. (1). The Authority may, on the application a police officer, of at least the rank of superintendent, or on its own motion—
 - (a) suspend or revoke, an endorsement on the driving licence of a public service vehicle or a commercial vehicle, for a driver of a motor vehicle that was involved in an accident that resulted in a fatality, pending the determination of the criminal proceedings instituted pursuant to that accident;
 - (b) suspend or revoke, an endorsement of a public service vehicle or a commercial vehicle, for any driver of a public

Conversion of domestic driving permits.

Power to suspend or revoke a driving licence or order a fresh driving test. service vehicle or commercial vehicle, who has consumed an intoxicating substance within the preceding six months;

- (c) order a fresh driving test, in the case of a driver who in the opinion of the officer is driving recklessly, carelessly or whose driving competence is in doubt, and if the driver fails the driving test, revoke his driving licence.
- (2) The driving licence of a driver who has been ordered to undertake a fresh driving test shall be suspended until the driver successfully completes the driving test.
- (3) A driver who drives a motor vehicle while his driving licence is suspended under this rule, commits an offence.

PART VI - MISCELLANEOUS PROVISIONS

- 43. (1) A person who is aggrieved by a decision of the Authority under these Rules may, within thirty days of receipt of the notification of such decision, appeal to the Appeals Board.
- (2) Sub rule (1) shall not apply to a person who is aggrieved by a decision of the Authority under these Rules in respect of a driving licence or a decision made pursuant to rule 43 (1) (b).
- 44. Any person who makes any statement which, to his knowledge, is false or is misleading in respect of any information lawfully required under these Rules, commits an offence.
- 45. (1) A person who commits an offence under these Rules for which no penalty has been provided, is liable, on conviction, to fine of at least twenty thousand shillings or to imprisonment for a term not exceeding six months, or to both.
- (2) Notwithstanding sub rule (1), a person who is convicted for an offence under these Rules may be subject to an administrative action by the Authority.
- 46. (1) A person who, before the commencement of these Rules, held a valid driving school licence or an instructor's licence, shall, within six months after the commencement of these Rules or otherwise upon the expiry of the licence, whichever is earlier, apply for a new driving school licence or instructor's licence, in accordance with these Rules.
- (2) A person referred to under sub rule (1) may continue to operate in accordance with the terms of their licence while the Authority considers an application relating to that licence, that the person has made.
- (3) A person who is an inspector or a driving test examiner under the revoked Rules, shall cease to act as an inspector or a driving test examiner, ninety days after the commencement of the Rules unless the person is appointed an inspector or a driving test examiner, by the Authority.
- The Traffic (Driving Schools, Driving Instructors and Driving Licences) Rules, 2018 are hereby revoked.

4-175-24-1-17

Appeals.

False statements.

General penalty.

Transitional provisions.

Revocation of L. N. No 81 of 2018.

and the day of the

FIRST SCHEDULE

Form-1

(r. 5(2), 9(1))



APPLICATION FORM FOR A DRIVING SCHOOL LICENCE/BRANCH DRIVING SCHOOL LICENCE*

*fill separate Form for branch

A. DRIVING SCHOOL LICENCE CATERGORY.

Tick one.

Class A - All categories of vehicles.

Class B - Motor Cars not exceeding 3,500 kgs and motorcycles

Class C - Motorcycles.

| Check One: Proprietor Partnership Company Name Physical Address of School E-mail Address: Physical location of maneuvering yard List Proprietor, Partners or all Officers, Directors, and Share below: NAME ADDRESS TITLE D | eholders |
|---|----------|
| Name Physical Address of School Cell Phone #: Physical location of maneuvering yard List Proprietor, Partners or all Officers, Directors, and Share below: | eholders |
| E-mail Address: Cell Phone #: Physical location of maneuvering yard List Proprietor, Partners or all Officers, Directors, and Share below: | eholders |
| below: | eholders |
| below: | eholders |
| below: | eholders |
| | |
| NAME ADDRESS TITLE D | |
| | OB |
| List below all licensed instructors employed by the applican NAME ADDRESS DOB LICENS NUMBER | |

(Palace

| - | AME POSITION | | | UALIF | ICATIONS |
|-----------------------|--|-------------------------|---------------|----------------|------------|
| - | | | | | |
| List ÆA | all vehicles used by the applica R MAKE | ant for instr REGIST | uctio RATI | n purp ON : | oses belou |
| | | | | | |
| | | | | | |
| NO. | ipment and facilities available | at proposed AVAILABLI | | | AVAILABLE |
| 1 | Management Office | | | | |
| 2 | Reception/ secretary office | | | | |
| - | Availability of Toilets for both | | | | |
| 3 | gender | | | | |
| 4 | Theory Room with sufficient seating capacity for a minimum of four students of which each has a space of at least one metres square | | | | |
| | Theory Room with sufficient seating capacity for a minimum of four students of which each has a space of at least one | | | | |
| 4 | Theory Room with sufficient seating capacity for a minimum of four students of which each has a space of at least one metres square | | | | |
| 4 | Theory Room with sufficient seating capacity for a minimum of four students of which each has a space of at least one metres square Training vehicles/ machines Teaching Aids Road Signs & | | | | |
| 5 | Theory Room with sufficient seating capacity for a minimum of four students of which each has a space of at least one metres square Training vehicles/ machines Teaching Aids Road Signs & Chart | | | | |
| 4 5 6 7 | Theory Room with sufficient seating capacity for a minimum of four students of which each has a space of at least one metres square Training vehicles/ machines Teaching Aids Road Signs & Chart Curriculum Books | | | | |
| 5 6 7 | Theory Room with sufficient seating capacity for a minimum of four students of which each has a space of at least one metres square Training vehicles/ machines Teaching Aids Road Signs & Chart Curriculum Books Learner's handbooks | | | | |
| 4 5 6 7 8 | Theory Room with sufficient seating capacity for a minimum of four students of which each has a space of at least one metres square Training vehicles/ machines Teaching Aids Road Signs & Chart Curriculum Books Learner's handbooks Schemes of work and lesson plans | | | | |

| П | an original and copy of the certificate of registration of the applicant; |
|------|--|
| | a title, lease or rental agreement of premises from which the driving school intends to operate from; |
| П | Samples of lesson plans; |
| | a list of driving instructors including copies of their driving instructors' licences |
| | vehicle inspection report dated not earlier than one month prior to the |
| | date of the application, for every motor vehicle listed to be used in school. Cop of Curriculum (to be returned to applicant). |
| | current comprehensive insurance cover for all the vehicles with a driver trainin school endorsement; and |
| | |
| | (FOR OFFICE USE ONLY) |
| SITE | INSPECTION REPORT: |

(r. 6(2)(a), 9(4)(a))



DRIVING SCHOOL LICENCE/BRANCH DRIVING SCHOOL LICENCE

| | | | | | OOD DIODITOR |
|---------------|----------------------------------|-------------------------|--------------|--------------------------------------|----------------------------|
| Sch | ool ID: | | | | |
| INF | ORMATION | | | | |
| Nan | e of the proprie | etor | | | |
| Title | i | | | <u></u> | 194 |
| | | | | | |
| Surn | ame Name: | | | | |
| | e of driving sch | | | | |
| Is he | reby authorised | to establish a | nd maintain | a driving school at; | |
| Stree Regi | et on | County | | | |
| | Category(ie (ii) Practical in | es) estruction in th | e driving sh | | the following vehicle |
| No. | Registration number | Make and Model | Type of body | No. of the Comprehensive Cover | Inspection Details(No.) |
| | | | | | |
| .0 | | | - | | |
| | | | | | |
| | | | | | |

- (iii) The training vehicles should be comprehensively insured and have valid inspections
- (iv) The school must have the following driving instructor(s) licensed for the class they wish to train

| No. | Name | ID No. | Instructor's Licence No./ NTSA no. | Classes licensed to train |
|-----|------|--------|--|------------------------------|
| | - | | | |
| | | | | |
| | | | | |

This licence is valid for a period of 12 months from the date of issue or renewal.

Expiry Date

Date of Issue

Total License fee

Form 3

(r. 18(1))



APPLICATION FORM FOR AN INSTRUCTOR'S LICENCE

| FOR OFFICIAL USE | |
|-----------------------|----------------|
| Application Number | |
| PART 1- APPLICANT (To | |
| A. CANDIDATES'S INFO | RMATION |
| Details of candidate | |
| Title: | Surname: |
| Forename | - |
| Address: Post co | ode Town |
| Date of birth: | E-mail address |
| Mobile No | |
| Driving Licence No: | Date of issue |

| Driv | ing Categ | gories | | |
|------|---------------------|--|---------|----|
| В. С | CATEGOI | RIES OF DRIVING INSTRUCTOR'S LICENCE | | |
| | t category ruct) | | icensed | to |
| Cate | egory A | | | |
| Cate | egory D | _ | | |
| Cate | egory G | | _ | |
| | 12 | INFORMATION. | | |
| Hea | lth Declar | ration - by the Applicant | | |
| | 1 | and of the Applicant | YES | NO |
| 1 | | have any illness, injury or other medical condition that feet your ability to drive | 120 | |
| 2 | Do you | have any illness, injury or other medical condition that fect your ability to drive | | |
| 3 | Have y | | | |
| | (a) | Do you have reduced distant vision in any eye | | |
| - | (b) | Difficult to see in dim light (night blindness) | | |
| J. | (c) | Double vision | | |
| | (d) | Reduced neck movement | | |
| | (e) | Dizziness, problems with balance | | |
| | (f) | Limited movement of arms and limbs | | |
| | (g) | Stroke | | |
| | (h) | Heart attack | | |
| li i | (i) | Diabetes | | |
| | (j) | Abnormal shortness of breath | | |
| | (k) | Seizures, fits, convulsions, epilepsy | | |
| | (1) | Snoring problems with restless sleep and daytime tiredness. | | |
| | (m) | Psychiatric illness or nervous disorder | | |
| | (n) | Sudden involuntary sleep attacks | | |
| 4 | Do you | use any drugs or medications prescribed by a health | | |

I declare that I have read all my answers I have given to the questions on this Form about my personal details and that the answers given by me about my personal and health details are complete, true and correct. I understand that it is a criminal offence to make false declaration regarding my health to obtain a driving licence and can lead to prosecution.

I understand that my medical records can be disclosure to any authorized party for the purpose of providing or renewing a driving licence.

D. DECLARATION.

I declare that I have read all the answers I have given to the questions in this application and that the answers given by me are complete, true and correct in every detail.

باد د متروفاتسی

4-11-2-

I understand that if I have stated anything that is false or misleading, the licence granted to me as a result of this application will be absolutely void and have no legal effect whatsoever. I understand that I may be prosecuted for giving or stating facts or misleading information or documents. I also declare that the information I have given on my fitness to drive, is to the best of my knowledge, true and correct. Applicants' signature Form 4 (r. 18(2)(e), 30(4), 36) MEDICAL CERTIFICATE FOR DRIVERS/PROSPECTIVE DRIVERS/DRIVING Age..... Licence category Sex SECTION A: VISUAL ASSESMENT The applicant visual condition is Suitable Not suitable Reasons (if not suitable) SECTION B: HEARING ASSESSMENT The applicant hearing condition is Not suitable Suitable Reasons (if not suitable)

| ECTION C: GENERAL BODY ASSSESSMENT |
|--|
| ne applicant general body condition is Suitable Not suitable |
| easons (if not suitable) |
| |
| |
| |
| |
| ECTION D: OVERALL REMARKS |
| Meets the relevant medical criteria - FIT TO DRIVE |
|] |
| Does not meet the relevant medical criteria - NOT FIT TO DRIVE |
| emarks |
| edical Practitioner's Name |
| rectorate of Occupational Safety and Health Services Number |
| |
| edical Practitioners' & Dentists Board Registration |
| gnatureate |

(r. 18(4)(a))



INSTRUCTOR'S LICENCE

| REF NO; INS | | |
|---------------|--------------|---|
| Title: | | |
| First Name: | Middle Name: | _ |
| Surname Name: | | |
| ID Number | | |

A. HEALTH INFORMATION.

Health Declaration-by the Applicant

| | | YES | NO |
|---|---|-----|----|
| 1 | Do you have any illness, injury or other medical condition that may affect your ability to drive | | |
| 2 | Do you have any illness, injury or other medical condition that may affect your ability to drive | | |

| 3 | | you ever had or been told by a health professional that you had any of the following? | |
|---|-----|---|--|
| | (a) | Do you have reduced distant vision in any eye | |
| | (b) | Difficult to see in dim light (night blindness) | |
| | (c) | Double vision | |
| | (d) | Reduced neck movement | |
| | (e) | Dizziness, problems with balance | |
| | (f) | Limited movement of arms and limbs | |
| | (g) | Stroke | |
| | (h) | Heart attack | |
| | (i) | Diabetes | |
| | (j) | Abnormal shortness of breath | |
| | (k) | Seizures, fits, convulsions, epilepsy | |
| | (1) | Snoring problems with restless sleep and daytime tiredness. | |
| | (m) | Psychiatric illness or nervous disorder | |
| | (n) | Sudden involuntary sleep attacks | |
| | | ou use any drugs or medications prescribed by a health | |

I declare that I have read all my answers I have given to the questions on this Form about my personal details and that the answers given by me about my personal and health details are complete, true and correct. I understand that it is a criminal offence to make false declaration regarding my health to obtain a driving licence and can lead to prosecution.

I understand that my medical records can be disclosure to any authorized party for the purpose of providing or renewing a driving licence.

C. DRIVING LICENCE.

Test category (please state the type of vehicle you wish to be tested in)

D. TRAINING.

| Have you completed Compulsory Basic Training? Yes | | No | |
|--|--|----|-------------|
| What is the total number of theory classes attended? | | | _ (Hours) |
| What is the total number of practical classes taken? | | | (Hours) |
| (attach the Internal Driving Examination Results) | | | |

E.DECLARATION.

I declare that I have read all the answers I have given to the questions in this application and that the answers given by me are complete, true and correct in every detail.

I understand that if I have stated anything that is false or misleading, the driver licence granted to me as a result of this application will be absolutely void and have no legal effect whatsoever.

I understand that I may be prosecuted for giving or stating facts or misleading information or documents.

I also declare that the information I have given on my fitness to drive, is to the best of my knowledge, true and correct.

| Applicants' signature | |
|---|--|
| | |
| Date | |
| PART 2 - DRIVING SCHOOL (To be | completed by a driving school) |
| A. DRIVING SCHOOL INFORMATIO | |
| Name of Driving School: | |
| | Address: |
| | Physical address: |
| | Tel No |
| Mobile No | |
| B. INSTRUCTION GIVEN. | _ |
| Details of Driving Instructor | |
| Name: | |
| Instructor's Licence No: | |
| Address: | |
| Town: | |
| | Tel No |
| Mobile | |
| | camination administered by the driving school? |
| No Yes | in an army serious |
| C. DECLARATION. | |
| I declare that I have read all the answer and that the answers given by me are con | s I have given to the questions in this applications in the supplication of the suppli |
| I understand that if I have stated anythin | ng that is false or misleading, the Driving Scho nded, varied or revoked by the Authority. |
| | ted for giving or stating facts or misleading |
| I also declare that the information I have knowledge, true and correct. | e given on my fitness to drive, is to the best of n |
| I further declare as follows | |

- The Candidate has undertaken the minimum number and hours of both theory and practical lessons as per the curriculum.
- 2. The instruction given is based on the curriculum approved by the Authority

| Signed on behalf of the Driving | School | |
|---------------------------------|--------|--|
| Name: | | |
| Title: | | |
| Stamp: | Date | |

(r. 27(4)(a), 33(3)(a), 33(6), 35, 41(4)(a))



DRIVING LICENCE/INTERIM DRIVING LICENCE/PROVISIONAL DRIVING LICENCE

| Title: | - |
|-----------------------------------|-----------------------|
| First Name: | Middle Name: |
| Surname | Name: |
| ID Number | and the second second |
| Is hereby Licenced to drive motor | vehicles of Category |
| From: Date of | Month of Year to |
| Expiring on: : Date of | |
| Date | |
| Driving School | |
| Instructor's Licence Number | |

(r. 31(2))



CERTIFICATE OF COMPETENCE

| To the Registrar | | |
|---------------------------------------|--|--|
| I hereby certify that, after | | |
| Title: | | |
| | Middle Name: | |
| Surname | Name: | |
| ID Number: | | |
| is c | Application Form No: retrified and competent to drive on the competent of the competent of the competent to drive on the c | TDB Dated in roads a motor vehicle of the |
| Dated | | |
| | | |
| Form 9 | | (r. 38(1)) |
| Form 9 | Keep our roads s | A |
| APPLICATIO | N FOR AN INTERNATIONAL I | afe |
| APPLICATION DETAILS OF APPLICAN | N FOR AN INTERNATIONAL I | afe DRIVING PERMIT |
| APPLICATION DETAILS OF APPLICAN | N FOR AN INTERNATIONAL I | oriving permit |
| APPLICATION DETAILS OF APPLICAN | N FOR AN INTERNATIONAL I | DRIVING PERMIT OTHER NAMES TOWN |
| APPLICATION DETAILS OF APPLICANTITLE: | N FOR AN INTERNATIONAL I | oriving permit |

(r. 38(3)(a))



| INTERNATIONAL DRIVING PER | MIT |
|---|--|
| No | |
| From: Date of | Month of Year to |
| Expiring on: : Date of | |
| (Insert Seal and Authorised Signatur | |
| Page 1 of 4 (Outside of front cover) | Fig. 10 (1) (1) (1) (1) (2) (2) (2) (2) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4 |
| This permit is not valid for the territo | ry of: |
| | |
| | |
| | |
| | ne other Contracting Parties on condition that it is |
| | icles of Category |
| This permit shall cease to be valid holder establishes his normal residence | in the territory of another Contracting Party if its |
| Page 4 of 4 (Inside of front cover) | |
| PARTICULARS CONCERNING TH | E DRIVER |
| Title: | |
| | Middle Name: |
| Surname Name: | |
| ID Number: | |
| | Town |
| | address |
| Mobile No | |

and the second

m. 100 4 1/2 1 1 1 1

| Category Subcategory code/Pictogram | Subcategory code/Pictogram | |
|-------------------------------------|-------------------------------|--|
| A | Al | |
| В | B1 | |
| BE | | |
| С | C1 | |
| CE | CIE | |
| D | D1 | |
| DE | D1E | |

- 1.
- 2

Page 2 of 4 (Left hand page)

| (Insert Stamp or seal of the Authority the authorised category) | on (Insert Stamp or seal of the Authority on the authorised category) | (Insert a photograph of the |
|--|---|-----------------------------|
| A | A1 | |
| В | B1 | |
| BE | | Authority) |
| С | C1 | |
| CE | CIE | (C:ture of the holder) |
| D | D1 | (Signature of the holder) |
| DE | DIE | |
| DISQUALIFICATIONS: | | |
| The holder is deprived of the right to d | | |
| 1(In | nsert the name of the | State) |
| At | | |
| From: Date of | Month of | Year |
| To : Date of | Month of | Year |

| ity which has invalidated the permit in its territory.) |
|---|
| (Insert the name of the State) |
| |
| |
| Month of Year |
| ty which has invalidated the permit in its territory) |
| |
| |

(r. 41(1))



APPLICATION FOR CONVERSION OF A DOMESTIC DRIVING PERMIT

| Details of Applicant: | | | |
|--|-----------------------------------|------------------------|--|
| Title: | Surname: | Other Names | |
| Address | Post Code | Town | |
| Date of Birth | Place of Birth | Mobile No | |
| E-Mail Address | Nationality | Driving License Number | |
| Country of Issue of Driving License | Driving Categories Applied For | Blood Group | |

and the state of the

· Attach the following documents.

- (a) Original passport and copy
- (b) Original foreign driving license and copy
- (c) Foreigners certificate
- (d) Work Permit/ Dependant pass
- (e) two passport Photographs
- (f) eCitizen Payment invoice

SECOND SCHEDULE

FEES

FEES FOR APPLICATION OF DRIVING SCHOOL LICENCES

(r. 5 (3) (g))

| Driving school Vehicles in licence category | | | | Application and renewal fees (Kshs.) |
|---|---|--------|--|--------------------------------------|
| Α | Heavy Commercial Vehicles | 20,000 | | |
| | Vehicles used for the transportation of hazardous materials | | | |
| | Commercial vehicles including trucks and buses | | | |
| | Tractors | | | |
| | Motor Omnibus | | | |
| | Motor cars | | | |
| | Motorcycles | | | |
| В | Motor cars | 15,000 | | |
| | Motorcycles. | 12. | | |
| С | Motorcycles. | 5,000 | | |

FEES FOR APPLICATION OF DRIVING LICENCES AND DRIVING INSTRUCTORS' LICENCES

(r. 5(4), 9 (5), 18(2)(a), 27(2) & (5), 35(b), 38(1), 41(2))

| Description of Application | Amount of Fees (Ksh) | |
|---|-------------------------|--|
| Issue or renewal of instructor's licence (valid for 1 year) | 1,000 | |
| Application for instructor test | 500 | |
| Duplicate/ Replacement of instructor's licence | 500 | |
| Variation of Driving School Licence | 1,000 | |
| Issue or renewal of driver licence (valid for 3 years) | 3,000 | |
| Duplicate/Replacement of a driving licence/ instructor's licence | 1,000 | |
| Application for driving test | 1,000 | |
| Issue or renewal of provisional driving licence | 600 | |
| Issue or renewal of an international driving permit | 10,000 | |
| Conversion of a domestic driving permit | 5,000 | |

THIRD SCHEDULE CATEGORIES OF DRIVING LICENCES

(r. 34, 41(1))

| Licence category | Vehicles in licence category | Description of vehicle to operate and restrictions | Other Categories holder can operate | Minimum requirements |
|---------------------|--|--|--|--|
| CATEGORY A | Category AM (Moped) | Enables one to ride a motorcycle to and including 50 C.C. No passengers allowed to be carried. No load. | to ng 50 | Minimum age 16 years. No passenger |
| | Category A1 (Light motorcycle) | Enables one to ride a motorcycle above 50 C.C. Carry a maximum load 60 kg (for up to 400 C.C) Carry passenger. | N/A | Minimum age 18 years. |
| | Category A2 (Motorcycle Taxi, Couriers and three-wheelers) | Enables one to ride a motorcycle above 50 cc. Carry a maximum load 100 kg (for up to 500 C.C) Carry a passenger. | A1 and A2. | Minimum age 18 |
| | Category A3 (Motorcycle three- wheelers) | Enables one to ride a three wheeled motorcycle. Carry a maximum load 100 kg (for up to 500 C.C) Carry a maximum of 3 passengers. | N/A | Minimum age 18 |

and the deal of

| CATEGORY B | Category B1 Automatic | Can carry up to a maximum of 7 | N/A | Minimum age 18 years. |
|---------------|------------------------------------|---|-----|--------------------------|
| | (Light Vehicle Automatic) | passengers. Enables one to drive a Light vehicle (passenger car) equipped with automatic gear box with a maximum Gross Vehicle Weight (GVW) of m 3 500 kg with one light trailer (not exceeding 750 kg). Cannot drive a vehicle equipped with a manual transmission. Can carry up to a maximum of 7 | | 46 |
| | Category B-2 (Light Vehicle) | passengers. Enables one to drive a light vehicle (passenger car) with a maximum Gross Vehicle Weight (GVW) of 3500 kg with one light trailer (not exceeding 750 kg). This includes vans whose tare weight is below 3500 kgs and which are not used for Carrying passengers. Can drive a vehicle equipped with both a manual or automatic | B1 | Minimum age 18 years. |

| | Category B3 (Professional) | Enables one to drive a Taxicab which is a light vehicle (passenger car) with a Gross Vehicle Weight (GVW) of maximum 3,500 kg with one light trailer (not exceeding 750 kg). Equipped with manual or automatic gear box. Can carry up to a maximum of 7 | | Minimum age 21 years. |
|----------|---|---|---------------------|--|
| CATEGORY | Category C1 (Light Truck) | passengers. Enables one to drive a light truck with a Gross Vehicle Weight (GVW) exceeding 3 500 kg and a maximum 7500 kg with maximum one light trailer (not exceeding 750 kg). | B1 and B2 | Minimum age 22 years. Maximum age 65 years Holder of a class B2 licence for at least two years. |
| | Category C (Medium Truck) | Enables one to drive a heavy truck with a Gross Vehicle Weight (GVW) exceeding 7 500 kg with maximum one light trailer (not exceeding 750 kg) | B1, B2 and C1 | Minimum age 24 years. Maximum age 65 years Two years' experience of driving category C1. |
| | Category CE (Heavy Truck with trailer) | Enables one to drive a heavy truck with a Gross Vehicle Weight (GVW) | B1, B2, C1 and C | Minimum age 28 years. Maximum age 65 years Four |

يو. پايد مار واقال ديد 2 ya

| | | exceeding 7 500 kg with heavy trailer or | | years' experience of driving |
|---------------|---|--|-----------------------------|--|
| | | semitrailer. Enables one to drive articulated vehicles. | | category C. Required to undergo training and retesting for category CE. |
| | Category CD (Heavy Goods Vehicle for Transportation of Hazardous Materials) | Enables one to drive a heavy truck with a Gross Vehicle Weight (GVW) exceeding 7 500 kg with heavy trailer or semitrailer. Enables one to drive articulated vehicles. | B,B1,C1,C AND CE | Minimum age 30 years. Maximum age 65 years Two years' experience of driving category CE. |
| CATEGORY D | Category D1 (Van) | Enables one to drive a van with a maximum of 14 passengers. | B1 and B2 | Minimum age 22 years. Maximum age 65 years. |
| | Category D2 (Minibus) | Enables one to drive a bus with 14 to 32 passengers. | B1, B2 and D1 | Minimum age 25 years. Maximum age 65 years Minimum experience of 3 years driving category D1. |
| * | Category D3 (Large Bus) | Enables one to drive a bus with 33 or more passengers. | B,B1,D1 and D2 | Minimum age of 30 years. Maximum age 65 years Minimum experience of 3 years driving category D2. Required to undergo training and retesting for category D3. |
| | Category D4 | Enables one to drive an articulated bus | B1, B2, D1, D2 AND D3 | Minimum experience of 3 years in D3. |

| | | | | Maximum age 65 years |
|----------|---|--|-----|--|
| | Category DE | Motor vehicles of category D coupled to a trailer whose permissible maximum mass exceeds 750 kg. | N/A | |
| CATEGORY | Special professional driving licence | | | Minimum age 21 years. Maximum age 65 years Completed 3 months driving practice with any vehicle classified under categories C1, C, CE, D, D1, D2, D3 and licensed as EC1, EC, ECE ED, ED1, ED2 and ECD3 respectively. Class ED2 Licences shall be endorsed for classes D1&D while Class ECE Licences shall be endorsed for C and C1. |
| F F | Special Drivers' Licence For Persons | Enables one to drive vehicle in which the person is tested for. | | Minimum age of 18 years. Must produce a valid medical certificate. |
| | With Disability | | | assessment report and disability certificate. Other requirements |

| | | | | are as per the class the categories of |
|---|---|--|-----|--|
| | | | | the abled drivers |
| G | Industrial, Construction and agricultural plants and equipment) | Enables one to operate forklift, motor grader, shovel, excavator, roller and any other special kinds of plant and equipment for which special authorization is required from the authority as defined in the Traffic Act before such plants can be registered for use. | N/A | Endorsement for Class G will be done on the driving licence. |

FOURTH SCHEDULE

(r. 23)

CURRICULUM FOR TRAINING AND TESTING OF DRIVERS AND INSTRUCTORS



CURRICULUM FOR TRAINING AND TESTING OF DRIVERS AND INSTRUCTORS

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, in an office of the 1.5 Required qualifications.

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- 4.1 Target group.
- 4.2 Responsibility.

- (9) The records of each learner's tests shall be maintained by the respective school for a period of three years.
- (10) A learner shall only be deemed to have fulfilled the requirements of training under this curriculum upon attending at least 90% of the lessons.
- (11) Every driving school shall maintain a register of attendance for each learner.
- (12) Theory training may be provided online and an assessment register of the online learners maintained.
- (13) The level of performance regarding practical driving skills and theoretical knowledge is to be evaluated by the test.

1.4.4 Practical Training

- A driving school shall ensure that the learner obtains a provisional driving licence before undertaking practical driving lessons on a public road.
- (2) A driving school shall test the learner on the first four units and at least four hours practical training in a manoeuvring yard before arranging for issuance of a provisional driving licence.
- (3) A learner who fails in the test (3) above shall not be issued with a provisional driving licence.
- (4) A learner shall be trained to drive in a manoeuvring yard and tested before being taken to drive on a public road.
- (5) A driving school shall use the Kenya Learner's Driver Handbook as the main reference material.
- (6) A driving school must comply with the time allocation requirements set out in this curriculum.
- (7) A driving school shall use both commentary driving and explain-actcomment techniques.
- (8) A learner has to attend 100% of the practical classes to be deemed to have completed his driving lessons

1.4.5 Practical Internal Test

- The practical test at the driving school shall be divided into two categories—
- (a) the yard test; and
- (b) the on-road test.
- (2) Before the start of the test, the instructor shall explain how the test will be done and how the evaluation will be done.

- (3) The learners have to be tested on a defined route
- (4) A driving school shall maintain a record of the test routes used.
- (5) The learner must use commentary or interactive driving
- (6) The instructor shall examine using an assessment checklist

(7) A driving school shall maintain the records of all assessment checklists for a period of three years.

1.4.6 Driving Licence and Driving Test

- (1) The driving test consists of a theoretical and practical component.
- (2) The theoretical test, shall consist of a continuous assessment test administered after every 40 hours of training and a final test at the end of all the units in a module.
- (3) The test shall comprise a minimum of 50 multiple-choice questions.
- (4) The practical test is taken in two parts-
- (a) manoeuvre yard test; where the learner or driver, is tested in a training yard to evaluate his ability to manoeuvre under different set conditions; and
- (b) a road test is conducted in a test route where the candidate has to negotiate most traffic situations in a skilled and safe manner.
- (5) A learner or driver, must pass the manoeuvre's yard test before proceeding to take the road test.
- (6) A performance report is prepared for each learner or driver indicating that he has demonstrated skills in both theory and practical lessons by attaining a pass mark of 80%.

1.5. Examination

1.5.1 General Conditions

A driving school shall meet the following conditions before presenting a learner for a driving test in a driving test centre—

- (a) a driving school shall not present for a driving test, a learner who has not passed the school internal tests;
- (b) a driving school shall register the learner for the driving test and submit to the Authority, the driving school's test report with respect to that learner.
- (c) only learners who have attained a minimum aggregate score of 70% in the driving school's internal test shall be presented for the driving text.

1.5.1 Failing to pass the examination

A learner, who fails in a driving test, shall be referred back to the driving school for retraining, provided—

- (a) that no re-testing is done within 21 days of the failed test;
- (b) that a learner who fails in theory component of the driving test shall retake the entire driving test;
- (c) a learner who fails the practical component of a driving test, shall re-take only the practical component of the driving test only if it is done within 6 months of the failed driving test;

(d) a learner who fails to take the re-test shall be required to register afresh and re do instructions.

1.6. Validity of Licences

All licences shall be renewed in accordance with the Rules.

1.7. Basic or Common Units

The topics in this section are grouped into four parts-

- (a) an introduction to driving;
- (b) the fundamental driving rules;
- (c) a model town; and
- (d) the human factors in traffic.

1.8. Specific Objectives of Driver Learning

- The knowledge, skills and abilities that should be gained and proven by the learner are of different kinds and on different levels.
- (2) By the end of the driver education, the learner must (be able to)-
- (a) know about driving to such an extent that his knowledge follows a more goaloriented and specific training (the objectives of this kind are included in the theoretical part of the driving test);
- (b) point out and name, by generally used terms, for example, certain controls and instruments of the vehicle (the objectives of this kind are included in both the theoretical and practical parts of the driving test);
- (c) read and explain the meaning of the instruments of a motor vehicle, explain and demonstrate what they indicate (the objectives of this kind are included in the practical part of the driving test);
- (d) check and inspect certain components of the vehicle, with or without using tools, and explain in general terms whether or not safety requirements are satisfied (the objectives of this kind are included in the practical part of the driving test);
- (e) state the content of or explain the meaning of, and differentiate between correct and incorrect answers to questions on, risk factors and traffic rules, or explain verbally the topic in question in general terms (the objectives of this kind are included in the theoretical and practical part of the driving test);
- (f) identify, recognize, assess or anticipate certain points in real traffic situations (or in pictures), appreciate their importance for safety, and differentiate between correct and incorrect responses to questions on the points, or explain verbally their importance in general terms (the objectives of this kind are included in both the theoretical and practical parts of the driving test);
- (g) perform observations and manoeuvres, by identifying and assessing objects
 or situations, control the vehicle and execute manoeuvres or other tasks
 skilfully (the objectives of this kind are included in the practical part of the
 driving test); and

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- (h) react appropriately by controlling the vehicle and adapt speed, position and driving direction in accordance with the traffic rules, safety considerations such as showing regard to other road users and seamlessly manoeuvring (the objectives of this kind are included in the practical part of the driving test).
- 1.9. Units Summary and Time Allocation

| Code | Unit | Content | | Time (hours) | | | |
|------|------------------------------|--|--------|--------------|-------|--|--|
| | | | Theory | Practical | Total | | |
| 1.10 | Introduction to driving | (a) traffic safety situation in Kenya and the common cause of vehicle related crashes; (b) background of driver training; | 5 | 0 | 5 | | |
| | | (c) key players in the road safety sector; | | | | | |
| | | (d) the importance of driver training; | | | | | |
| | | (e) the goals of driver training; | | | | | |
| | | (f) driving licence and driving test; | | | | | |
| | | (g) the driver's tasks; | | | | | |
| | | (h) the driver's responsibilities; | | | | | |
| , | | (i) the principle of driver training; | | | | | |
| | | legal requirements for driving in Kenya as specified in the Laws of Kenya; and | | | | | |
| | | (k) classes of vehicles. | 19 | | | | |
| 1.11 | Fundamental driving rules | (a) traffic rules, regulations and other safety requirements; | 4 | 0 | 4 | | |
| | | (b) highway codes; and | | | | | |
| | | (c) rules of behaviour in traffic. | | | | | |

| 1.12 | Model town | (a) | name parts of model town; | 1 | 4 | 5 |
|-------|---------------|----------------------------------|---|----|---|----|
| | | (b) | explain the directional arrows; | | | |
| | | (c) | road markings and road signs; | | | |
| | | (d) | state the importance of road markings; and | | | |
| | | (e) | move model car from one point to another safely. | | 2 | |
| 1.13 | Human factors | (a) | observation; | 6 | 2 | 8 |
| | in traffic | (b) | driver perception and awareness; | | | |
| | (c) | judgement of speed and distance; | | | | |
| | | (d) | stopping distance; | | | |
| | ٠ | (e) | selection of proper speed; | | | |
| | | (f) | factors that influence driving skills; | | | |
| | 74 | (g) | special needs of vulnerable routes; | | | |
| | | (h) | limitations in numbers of passengers and quantity of goods; | | | |
| | | (i) | drugs and alcohol; | | | |
| | | (j) | customer care and public relations; | | | |
| | | (k) | hygiene health and safety; and | | | |
| | | (1) | crash handling procedures. | 8 | | |
| Γotal | | | | 16 | 6 | 22 |

1.10. Introduction to Driving

1.10.1 Expected Outcome

The learner should familiarize with basics of driving.

1.10.2 Objectives of Theory or Practical

- discuss traffic safety situation in Kenya and the common causes of vehicle related crashes;
- (b) outline background of driver training key players in the road safety sub sector;
- (c) explain the importance of driver training;
- (d) discuss the goals of driver training;
- (e) define driving licences and driving test;
- (f) name driver's tasks;
- (g) state driver's responsibilities;
- (h) discuss principles of driver training;
- state legal requirements for driving in Kenya as specified in the laws of Kenya; and
- (j) list classes of vehicles.

1.10.3 Content

| 1.10.T/P1 | Traffic safety situation in Kenya and the common causes of vehicle related crashes. |
|------------|---|
| 1.10.T/P2 | Background of driver training key players in the Road Safety Sub-sector. |
| 1.10.T/P3 | Importance of driver training. |
| 1.10.T/P4 | Goals of driver training. |
| 1.10.T/P5 | Driving Licence and driving test. |
| 1.10.T/P6 | Driver's tasks. |
| 1.10.T/P7 | Driver's responsibilities. |
| 1.10.T/P8 | Principles of driver training. |
| 1.10.T/P9 | Legal requirements for driving as specified in the laws of Kenya. |
| 1.10.T/P10 | Classes of vehicles. |

1.11. Fundamental Driving Rules

1.11.1 Expected Outcome

The learner should be able to explain fundamental driving rules.

1.11.2 Objectives of Theory or Practical

- (a) apply the traffic rules and regulations;
- (b) discuss the Highway Code;
- (c) discuss the general rules of behaviour in traffic regarding safety, courtesy and responsibility; and

(d) state the driver's responsibilities as owner and user of vehicles concerning vehicle registration, third party risk insurance and condition of the vehicle.

1.11.3 Content

| 1.11.T/P1 | Traffic rules and regulations— | | |
|-----------|---|--|--|
| | (a) Traffic rules, regulations and other safety requirements on vehicles and drivers valid on all roads, streets, bridges and other places accessible to normal traffic, whether public or private; | | |
| | (b) Obeying driving instructions given by road markings, traffic signs and directives by the police and knowing the priority of such directives when more than one kind is involved; and | | |
| | (c) The usage of the horn, when necessary, to warn other road users. | | |
| 1.11.T/P2 | Highway Code— | | |
| | (a) General rules of behaviour in traffic regarding safety, courtesy and responsibility. | | |
| | (b) Application of a defensive driving style in order to increase safety margins, avoid getting into risky or disastrous situations, improve driving economy and protect the environment. | | |
| | (c) Special attention to vulnerable road users such as children, elderly people and persons with disabilities. | | |
| | (d) Giving consideration to unprotected road users such as pedestrians, cyclists and motorcyclists. | | |
| 1.11.T/P3 | (a) Giving right of way for specific vehicles, road users or in specific situations. | | |
| | (b) Acting appropriately in case of a crash or when arriving at the scene of a crash. | | |
| 1.11.T/P4 | Drivers' responsibilities as owner and user of vehicles concerning vehicle registration, third party risk insurance, condition of the vehicle. | | |

1.12. Model Town

1.12.1 Expected Outcome

The learner should be able demonstrate driving in a model town.

1.12.2 Objectives of Theory or Practical

- (a) name parts of the model town;
- (b) explain the directional arrows;
- (c) explain road signs and markings;
- (d) state the importance of road signs and road markings; and
- (e) move model car from one point to another correctly

1.12.3 Content

| Parts of the model town. |
|--|
| Explain the directional arrows. |
| Explain road signs and markings. |
| State the importance of road signs and road markings |
| Move model car from one point to another correctly. |
| |

1.13. Human Factors in Traffic

1.13.1 Expected Outcome

The learner should be able to explain human factors in traffic.

1.13.2 Objectives of Theory or Practical

- (a) observe and interpret situations on the road;
- (b) discuss driver perception and awareness;
- (c) apply judgment of speed and distance;
- recognize the severity of misconduct and mistakes made by other road users;
- (e) define stopping distance;
- (f) select proper speed;
- (g) discuss factors that influence driving skills;
- (h) discuss special needs of vulnerable groups;
- (i) point out limitations in number of passengers and quantity of goods;
- (j) discuss drugs and alcohol;
- (k) explain customer care and public relations;
- (l) discuss hygiene, health and safety;
- (m) discuss crash handling procedures; and
- (n) demonstrate first aid techniques.

1.13.3 Content

| 1.13.T/P2 | Driver perception and awareness | |
|------------|--|--|
| 1.13.T/P3 | Judgment of speed and distance | |
| 1.13.T/P4 | Recognizing the severity of misconduct and mistakes made by road users. | |
| 1.13.T/P5 | Stopping distance | |
| 1.13.T/P6 | Selection of proper speed | |
| 1.13.T/P7 | Factors that influence the driving skills | |
| 1.13.T/P8 | Special needs of vulnerable groups | |
| 1.13.T/P9 | Limitations in number of passengers and quantity of goods | |
| 1.13.T/P10 | Drugs and alcohol | |
| 1.13.T/P11 | Customer care and public relations | |
| 1.13.T/P12 | Hygiene, health and safety | |
| 1.13.T/P13 | Crash handling procedures | |
| 1.13.P/P14 | First Aid | |

CHAPTER TWO—TRAINING OF MOPED AND MOTORCYCLE RIDERS (CATEGORY A)

This Chapter deals with training for moped and motorcycle riders only.

- 2.1. Minimum Requirements for Enrolling to Train as a Moped or Motorcycle Rider
 - (a) age as per the class categories; and
 - (b) a medical test certificate.
- 2.2. Units for Moped and Motorcycle Learners

The topics in this chapter are grouped into-

- (a) introduction to mopeds and motorcycles;
- (b) moped and motorcycle parts and controls;
- (c) basic moped and motorcycle controls (manoeuvre yard);
- (d) riding on the road (practical); and
- (e) examination of riders of mopeds and motorcycles.
- 2.3. Units Summary and Time Allocation

4000

| Code Unit | | Content | Time (Hours) | | | |
|-----------|--|---|--------------|-----------|-------|--|
| | | | Theory | Practical | Total | |
| 2.4 | Introduction to mopeds and motorcycles. | (a) Importance or role of the moped or motorcycle as a part of the national transportation system. (b) Characteristics of the moped or motorcycle in traffic or on the road. | | 0 | 3 | |

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| | | motorcycles. (d) Categories of mopeds or motorcycles. (e) Requirement to obtain a moped or motorcycle rider's licence. (f) Moped and motorcycle regulations. | | | |
|-----|--|--|---|---|---|
| 2.5 | Moped and motorcycle parts and controls. | (a) Proper use of protective gear for the moped riders and motorcyclists. (b) Proper way to carry passengers and goods. (c) Controls. (d) Instruments, lights and reflectors. (e) Engine, ignition, accelerator and exhaust system. (f) Transmission system. (g) Steering systems. (h) Brakes system. (i) Wheels, tyres and shock absorbers. (j) The body of a moped or motorcycle. (k) A moped and a motorcycle rider's gear. | | 1 | 3 |
| 2.6 | Basic moped and motorcycle control (manoeuvre yard) | (a) Preparations for riding and stability. (b) Controlling movement of the moped or motorcycle by coordinating pedal activities, changing gears and steering. (c) Forward riding and turning. (d) Operating the steering wheel gently, getting the moped or motorcycle in right direction and keeping the moped or motorcycle on a fairly correct course. (e) Performing turns in normally occurring traffic. | 1 | 5 | 6 |

| | | (f) Making proper judgments of the lengths and width of the moped or motorcycle (sizing), the position of the wheels and the longitudinal direction of the moped or motorcycle in relation to the roadside. (g) Hard braking (emergency braking) achieving optimum braking without locking the wheels, losing steering controls or stalling the engine. (h) U-turning and turning and turning by forward and reverse riding. (i) Changing direction of riding on the road safely depending on the conditions of the road. (j) Parking in different kinds of parking spaces and ability to perform different parking. | | |
|-----|--------------------------------------|--|----|----|
| 2.7 | Riding on the road (Practical) | (a) Making the necessary safety preparations for riding and getting familiar with the names and positions of controls and instruments. (b) Moving off, riding ahead and stopping. (c) Positioning in different environments. (d) Choice of speed in different situations. (e) Hill riding. (f) Riding through bends. (g) Approaching and passing railway crossings. (h) Lane shift and choice of lanes. (i) Turning in order to ride in opposite direction. (j) Passing stationery vehicles and pedestrians. | 15 | 15 |

| 1 1 | (k) Meeting oncoming traffic. (l) Riding ahead of or behind other road users overtaking. | | | |
|--|--|-----|------|------|
| | (m) Approaching different kinds of junctions with or without signals and with or without much restricted view. (n) Riding in different kinds of junctions (straight through or turning left or right), with or without signals and with or without obligation to give right of way. (o) Riding in dark and dim lighting. (p) Riding side by side approaching, riding into and out of roundabouts. (q) Stopping and parking. (r) Night riding. | | | 0.5 |
| Action to the second se | (a) Continuous assessment tests. (b) Theory and practical examinations. | 2 | 0.5 | 2.5 |
| Total | | 8.5 | 21.5 | 30.0 |

2.4. Introduction to Moped and Motorcycle Riding

2.4.1 Expected Outcome

The learner should be able to explain the basics of motorcycle riding.

2.4.2 Objectives of Theory or Practical

- discuss the importance or role of the moped or motorcycle as a part of the national transportation system;
- (b) describe characteristics of the moped or motorcycle in traffic or on the road;
- (c) discuss the crash rate of mopeds and motorcycles;
- (d) list categories of mopeds and motorcycles; and
- (e) outline the requirements to obtain a moped or motorcycle rider's licence.

2.4.3 Content

| 2.4.T/P1 | Importance or role of the moped or motorcycle as of the national transportation system. | |
|----------|---|--|
| 2.4.T/P2 | | |
| 2.4.T/P3 | Characteristics of the moped or motorcycle in traffic of | |
| 2.4.T/P4 | Crash rate of mopeds and motorcycles. | |
| 2.4.T/P5 | Categories of mopeds and motorcycles. Requirements to obtain a moped or motorcycle rider's | |

2.5. Moped and Motorcycle Parts and Controls

2.5.1 Expected Outcome

The learner should be able to demonstrate knowledge of moped and motorcycle parts and controls.

2.5.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) demonstrate the proper use of protective gear for the moped riders and motorcyclists including proper fastening of helmets;
- (b) demonstrate the proper way to carry passengers and goods;
- (c) point out and use moped and motorcycle controls;
- (d) identify instruments and lights;
- (e) describe engine, ignition, accelerator and exhaust system;
- (f) discuss the transmission system;
- (g) apply the steering system;
- (h) apply the braking system;
- (i) explain the use of lights and reflectors;
- (j) explain wheels, tires and shock absorbers;
- (k) describe the moped or motorcycle body; and
- (l) define the moped or motorcycle rider's gear.

2.5.3 Content

| 2.5.T/P1 | Protective gear for the moped riders and motorcyclists including proper fastening of helmets. |
|----------|---|
| 2.5.T/P2 | Proper way of coming of neimets. |
| 2.5.T/P3 | Proper way of carrying passengers and goods. Controls. |
| 2.5.T/P4 | |
| 2.5.T/P5 | Instruments and lights. |
| | Engine, ignition, accelerator and exhaust system. |
| 2.5.T/P6 | Transmission system. |
| 2.5.T/P7 | |
| 2.5.T/P8 | Steering system. |
| 2.0.1/10 | Braking system. |

and the second

| 2.5.T/P9 | Lights and reflectors. | |
|-----------|------------------------------------|--|
| 2.5.T/P10 | Wheels, tyres and shock absorbers. | |
| 2.5.T/P11 | The body of a moped or | |
| 2.5.T/P12 | A moped or motorcycle rider's | |

2.6. Basic Moped and Motorcycle Riding

2.6.1 Expected Outcome

The learner should be able to demonstrate basic control of a moped or motorcycle in a yard.

2.6.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) prepare for riding stability;
- (b) position self in different environments;
- (c) control movements of the motorcycle by coordinating pedal activities, changing gears and steering;
- (d) forward ride and turn;
- (e) operate the steering wheel gently, get the motorcycle in right direction and keep the moped or motorcycle on fairly correct course;
- (f) perform turnings as normally occurring in traffic;
- (g) make proper judgments of the length and width of the moped or motorcycle (sizing), the position of the wheels and the longitudinal direction of the moped o motorcycle in relation to the roadside;
- (h) hard brake (emergency braking) achieving optimum braking without locking the wheels, losing steering control or stalling the engine;
- (i) make a U-turn and turn by forward and reverse riding;
- (j) change direction of driving on the road, safely depending on conditions;
- (k) park in different kinds of parking spaces be able to perform different parking;
- make the necessary safety preparations for riding and get familiar with the names and positions of controls and instruments.

2.6.3 Content

| 2.6.T/Pl | | Riding preparation. | |
|----------|---|-----------------------------|--|
| 2.6.T/P2 | | Pedal activities and gears. | |
| 2.6.T/P3 | | Riding. | |
| 2.6.T/P4 | | Handlebars. | |
| 2.6.T/P5 | - | Turning. | |

| 2.6.T/P6 | Length and width of the moped or motorcycle (sizing), position of the wheels and the longitudinal direction of the moped or motorcycle in relation to the roadside. longitudinal direction of the motorcycle in relation to the roadside |
|-----------|---|
| 2.6.T/P7 | Hard brakes. |
| 2.6.T/P8 | U-turns and turns by forward and reverse riding. |
| 2.6.T/P9 | Direction of riding on the road. |
| 2.6.T/P10 | Parking. |
| 2.6.T/P11 | Safety preparations for riding. |

2.7. Moped and Motorcycle Riding on the Road (Practical)

2.7.1 Expected Outcomes

The learner should be able to ride a moped or motorcycle on the road.

2.7.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) start off, ride ahead, and stop;
- (b) position self in different environments;
- (c) choose the appropriate speed in different situation;
- (d) ride on a hill;
- (e) ride through bends;
- (f) approach and cross railways;
- (g) choose and shift lanes;
- (h) turn and ride in opposite direction;
- (i) pass stationary vehicles and pedestrians;
- (j) meet oncoming traffic;
- (k) ride ahead or behind other road users;
- (l) overtake;
- (m) approach different kinds of junctions, with or without signals and with or without restricted view;
- (n) ride in different kinds of junctions (straight through or turning left or right), with or without signals and with or without obligation to give right of way;
- (o) ride in dark and dim lighting;

. in

- (p) ride side by side;
- (q) approach, ride in and leave roundabouts; and
- (r) stop and park.

2.7.3 Content

| 2.7.T/P1 | Overtaking. |
|----------|--|
| 2.7.T/P2 | Junctions, with or without signals and with or without restricted view. |
| 2.7.T/P3 | Junctions (straight through, left or right turn), with or without signals. |
| 2.7.T/P4 | Dark and dim lighting. |

2.8. Examination of Moped and Motorcycle Riders

2.8.1. Expected Outcome

The learner shall be able to acquire a Certificate of Competence for riding a motorcycle.

2.8.2. Objectives of Theory or Practical

By the end of the unit, the learner will be able to sit the theory and practical driving examination for the professional class category applied for.

2.8.3. Content

| 2.8.T/P1 | Theory and practical exami | Theory and practical examination. | | | |
|----------|----------------------------|--|--|--|--|
| -2.772 | Responsible: | Driving test examiner. | | | |
| | Where: | At driving test centre. | | | |
| | Time Schedule: | 2 Hours (T) 0.5 Hours (P). | | | |
| | Demands: | Score: Passed/not passed Overall pass mark> 80 %. | | | |
| | Materials: | Theory tests and driving tests sheets. | | | |

CHAPTER THREE-TRAINING OF LIGHT VEHICLE DRIVERS (CATEGORY B)

- 3.1. Minimum Requirements for Enrolling to Train as a Light Vehicle Driver
 - (a) At least 18 years old; and
 - (b) a medical test certificate.
- 3.2. Units for Light Vehicle Learners
 - This chapter deals with parts of driver training that are valid for drivers of light vehicles.
 - (2) Knowledge, skills and other abilities are of different kinds and may be developed to different levels, as described above, depending on the content area and the situations to cope with.
 - (3) The topics in this chapter are grouped into-
 - (a) basic knowledge of a light vehicle;
 - (b) construction and controls;

- (c) basic vehicle control manoeuvres yard; and
- (d) driving on the road (practical)
- 3.3. Units Summary and Time Allocation

| Code | Unit | Content | Time(Hou | Time(Hours) | | | |
|------|--------------------------------------|---|----------|-------------|-------|--|--|
| | | | Theory | Practical | Total | | |
| 3.4. | Basic knowledge | (a) Requirements to obtain the driving licence. | 2 | 0 | 2 | | |
| | of a light vehicle | (b) The importance or role of the vehicle as a part of the national transportation system. | | | | | |
| | | (c) The characteristics of the light vehicle in traffic or or the road. | 1 | | | | |
| | | (d) Road crashes related to light vehicles. | | | | | |
| | | (e) Controls and instruments. | | | | | |
| | | (f) Engine, ignition, accelerate and exhaust system. |)r | | | | |
| | | (g) Accessories. | | | | | |
| | | (h) Transmission system. | | | | | |
| | | (i) Steering system. | | | | | |
| 3.5. | Construction | (a) Braking system. | 4 | 1 | 5 | | |
| | and controls of light | (b) Lights and reflectors. | | | | | |
| | vehicles. | (c) Wheels and tyres. | 1 | | | | |
| | | (d) Suspension system. | | | | | |
| | | (e) The body. | | | | | |
| | | (f) Special equipment, first aid box, tool box, warning triangles and fire extinguishers. | | | | | |
| | | (g) Electrical system. | | | | | |
| 3.6. | FORTSTEEL 200 M. C. II. | (a) Preparations for driving. | | 4 | 1 | | |
| | vehicle control (yard driving) | (b) Getting familiar with the names and positions of controls and instruments. | | | | | |
| | | (c) Pedal activities, changing gears and steering. | 1.09 | | | | |

| | | (d) Start off, accelerate and smooth stop without stalling the engine. | | |
|------|------------------------|--|----|----|
| | | (e) Combine clutch and accelerator or clutch and brakes operation. | | |
| | | (f) Gear changes while driving operations such as steering and attention to what is happening around the driver. | | |
| | | (g) Forward driving and turning. | | |
| | | (h) Gentle steering wheel and maintaining a fairly correct course manoeuvring. | | |
| | | (i) Kerb parking. | | |
| | | (j) Vehicle length and width assessment. | | |
| | | (k) Hard braking (emergency brake). | | |
| | | (l) Optimum braking. | | |
| | | (m) U-turn and forward and reverse turns (3-point turns). | | |
| | | (n) Direction change. | | |
| | | (o) Different kinds of parking. | | |
| 3.7. | Driving on the road | (a) Starting off, driving ahead and stopping. | 24 | 24 |
| | (practical) | (b) Positioning on different environments. | | |
| | | (c) Choice of speed in different situations. | | |
| | | (d) Driving on hills. | - | |
| | | (e) Driving through bends. | | |
| | | (f) Approaching and crossing railway. | | |
| | | (g) Lane shift and choice of lanes. | | |

| l Total | | 12 | 34.5 | 46.5 |
|------------|---|----|------|------|
| | (p) Use of lights in day time. | | | |
| | (o) Stopping. | | | |
| | (n) Driving in dark and dim situations meeting oncoming traffic. | | | |
| | (m) Driving in different kinds of junctions. | f | | |
| | Approaching different kind of junctions with or withou signals and with or without restricted view. | t | | |
| | (k) Overtaking. | | | |
| 9 | (j) Driving ahead of or behind other road users. | | | |
| | (i) Meeting oncoming traffic. | | | |
| | (h) Turning in order to drive in opposite direction passing stationary vehicles and pedestrians. | | | |

3.4. Basic Knowledge of a Light Vehicle

3.4.1. Expected Outcome

The learner should be able to acquire a Certificate of Competence for driving a light vehicle.

3.4.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) outline the requirements to obtain a driving licence;
- (b) discuss the importance or role of the light vehicle as a part of the national transportation system;
- (c) describe the characteristics of the light vehicle in traffic or on the road;
- (d) discuss road crashes related to light vehicles;

3.4.3. Content

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| 3.4.T/P1 | Obtaining a driving licence. |
|----------|--|
| 3.4.T/P2 | Role of the light vehicle as a part of the national transportation system. |
| 3.4.T/P3 | Characteristics of the light vehicle in traffic/on the road |
| 3.4.T/P4 | Road crashes related to light vehicles |

3.5. Construction and Controls of Light Vehicles

3.5.1. Expected outcome

The learner should be able to demonstrate knowledge in the construction and control of light vehicles.

3.5.2. Objectives of Theory or Practical

By the end of this unit the learner should be able to-

- (a) describe controls and instruments as used in light vehicles;
- (b) discuss components of a light vehicle;
- (c) describe accessories of a light vehicle;
- (d) discuss the light vehicle system;
- (e) discuss the importance of lights and reflectors;
- (f) explain wheels and tyres;
- (g) describe the body of a light vehicle; and
- (h) discuss special equipment.

3.5.3. Content

| 3.5.T/Pl | Controls and instruments. |
|------------------------|--|
| 3.5.T/P2 | Discuss the following components of a light vehicle— (a) Engine. (b) Ignition. |
| | (c) Accelerator. (d) Exhaust. |
| 3.5.T/P3 | Describe light vehicle accessories— |
| (230 19 19 | (a) Air conditioning. |
| | (b) Antilock Braking system (ABS). |
| | (c) Secondary Restraint system (SRS). |
| 3.5.T/P4 | Discuss the light vehicle system— |
| | (a) Transmission system. |
| | (b) Steering system. |
| | (c) Braking system. |
| 3.5.T/P5 | Lights and reflectors. |
| 3.5.2T/P6 | Wheels and tyres. |
| 3.5.T/P7 | The body of a light vehicle. |
| 3.5.T/P8 | Special equipment— (a) A first aid box. |

| (b) A tool box. | |
|--------------------------|--|
| (c) Warning triangles. | |
| (d) A fire extinguisher. | |

3.6. Basic Light Vehicle Control (Manoeuvre Yard)

3.6.1. Expected outcome

The learner should be able to apply basic vehicle control skills.

3.6.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) prepare to drive;
- (b) describe the necessary safety preparations for driving;
- (c) be able to control the movement of the car by coordinating pedal activities, changing gears and steering;
- (d) demonstrate appropriate car movement;
- (e) operate the pedals with increased precision and coordination, especially by combined clutch or accelerator, and clutch or brake (in all motor vehicles);
- (f) demonstrate gear changing techniques;
- (g) demonstrate forward driving and turning;
- (h) operate the steering wheel gently;
- (i) perform turnings as normally occurring in traffic;
- (j) demonstrate how to park along the kerb;
- (k) make appropriate judgment of the vehicle length and width, the position of the wheels and the longitudinal direction of the vehicle in relation to the road side;
- (l) perform hard braking (emergency braking);
- (m) carry out optimum braking without locking the wheels, losing steering control or stalling the engine;
- (n) perform different manoeuvres;
- (o) apply skills in change of direction; and
- (p) demonstrate skills in different kinds of parking.

3.6.3. Content

| 3.6.T/P1 | Driving preparation. |
|----------|--|
| 3.6.T/P2 | Necessary safety preparations for driving and getting familiar with the names and positions of controls and instruments. |
| 3.6.T/P3 | Car movement control. |
| 3.6.T/P4 | Car movement, acceleration, smooth start and stop. |
| 3.0.1/14 | Car movement, acceleration, smooth start and stop. |

Yes y

| 3.6.T/P5 | Operating the pedals with increased precision and coordination, especially by combined clutch and accelerator or clutch and brake (in all vehicles). |
|-----------|--|
| 3.6.T/P6 | Changing gears while driving without losing control of other operations such as steering and attention to what is happening around the motor vehicle. |
| 3.6.T/P7 | Driving and turning. |
| 3.6.T/P8 | Operating the steering wheel gently, getting the car in right direction and keeping the car on a fairly correct course. |
| 3.6.T/P9 | Performing turning manoeuvres. |
| 3.6.T/P10 | Parking at a kerb. |
| 3.6.T/P11 | Proper judgments of the vehicle length and width, the position of the wheels and the longitudinal direction of the vehicle in relation to the road side. |
| 3.6.T/P12 | Hard braking (emergency braking). |
| 3.6.T/P13 | Optimum braking without locking the w heels, losing steering control or stalling the engine. |
| 3.6.T/P14 | U-turning by forward and reverse driving. |
| 3.6.T/P15 | Driving directions change. |
| 3.6.T/P16 | Different kinds of parking. |

3.7. Driving on the Road (Practical)

3.7.1. Expected outcome

The learner should be able to drive, control and handle a light vehicle.

3.7.2. Objectives of Theory or Practical

- (a) start off, drive and stop a motor vehicle;
- (b) position a motor vehicle in different environments;
- (c) apply appropriate speed in different situations;
- (d) demonstrate how to drive on hills and through bends;
- (e) apply skills while encountering various situations like railway crossings, roundabouts, pedestrian crossings and junctions;
- (f) choose and shift lanes appropriately;
- (g) change directions by turning;
- (h) make appropriate manoeuvres while passing stationary vehicles, pedestrians and overtaking) meet oncoming traffic; and
- (i) drive in dark, dim and foggy conditions and use of lights in daytime.

3.7.3. Content

| 3.7.T/P1 | Vehicle driving. |
|-----------|--|
| 3.7.T/P2 | Vehicle positioning. |
| 3.7.T/P3 | Speed in different situations. |
| 3.7.T/P4 | Hills and bends. |
| 3.7.T/ P5 | Driving through various situations. |
| 3.7.T/P6 | Choosing and shifting lanes appropriately. |
| 3.7.T/ P7 | Changing direction by turning. |
| 3.7.T/P8 | Making appropriate manoeuvres. |
| 3.7.T/P9 | Meeting oncoming traffic. |
| 3.7.T/P10 | Driving in dark, dim and foggy conditions. |

3.8. Examination of Drivers of Light Vehicles

3.8.1. Expected Outcome

The learner should be able to acquire a Certificate of Competence for driving the category applied for under a driver mentor and subsequently be issued with a driving licence.

3.8.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to sit the theory and practical driving examination for the category applied.

3.8.3. Content

and the same

| 3.8.T/Pl | Theory and practical examination | | | | | |
|----------|----------------------------------|---|--|--|--|--|
| | Responsible officer: | Driving test examiner. | | | | |
| | Where: | At the driving test centre? | | | | |
| | Time Schedule: | 2 Hours (T) 0.5 Hours (P). | | | | |
| | Demands Score: | Passed/not passed Overall pass mark> 70%. | | | | |
| | Materials: | Theory tests and driving tests sheets. | | | | |

CHAPTER FOUR—TRAINING OF PROFESSIONAL LIGHT VEHICLE DRIVERS (CATEGORY B PROFESSIONAL)

This Chapter shall apply to all persons employed as drivers of light vehicles including chauffeurs.

- 4.1. Minimum requirements for enrolment to train as a Professional Light Vehicle Driver
 - (a) Minimum age of 22 years.
 - (b) Minimum four (4) years driving experience.
 - (c) Medical test certification.
- 4.2. Units for Professional Light Vehicle Drivers

The topics in this chapter are grouped into-

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and the second

- (a) introduction to a professional light vehicle;
- (b) construction and controls of professional light vehicles;
- (c) self-inspection of professional light vehicles;
- (d) observation;
- (e) professional light vehicle control;
- (f) communication on the road;
- (g) speed management;
- (h) space management;
- (i) emergency manoeuvres;
- (j) skid control and recovery;
- (k) adverse driving conditions;
- (l) preventive maintenance;
- (m) conditions of carriage;
- (n) hazardous materials;
- (o) emergency procedure;
- (p) work planning;
- (q) cargo handling;
- (r) customer care;
- (s) driving on the road (practical); and
- (t) examination.

4.3. Requirements for issuance of a Professional Light Vehicle Licence

A Professional Light Vehicle Licence is categorized as a Professional Driving Licence. In order to be issued with this licence, one must have a Certificate of Competence issued under the Rules.

4.4. Units Summary and Time Allocation

| Code | Unit | Content | T | ime (Hours | () |
|------|---|--|--------|------------|-------|
| | | | Theory | Practical | Total |
| 4.5. | Introduction to professional light vehicles. | Operation of a professional light vehicle requirements to obtain the driving licence. The importance or role of the professional light vehicle as part of the national transportation system. | f | 0 | 2 |
| | | (c) The crash rate of professional ligh vehicle. | | | |

| 4.6. | Construction and controls of | (a) | Controls and instruments engine ignition, accelerator and exhaust system. | 1 | 5 | 6 |
|------|------------------------------------|------|---|-----|-----|---|
| | professional light vehicles. | (b) | Instruments and control lights transmission system. | | | |
| | | (c) | Steering system, braking system and reflectors. | | | |
| | | (d) | Wheels, tyres and shock absorbers. | | | |
| | | (e) | The body of professional light vehicles. | | | |
| | | (f) | Special equipment, tools and accessories. | | | |
| | | (g) | Electrical system. | | | |
| | | (h) | Pre-trip inspection checks. | | | |
| 4.7. | Self- inspection of | 1000 | Systematic inspecting vehicle before driving. | 1 | 1 | 2 |
| | a professional light vehicle | (b) | Post-trip inspections. | | | |
| | ng | (c) | Common professional light vehicle anomalies during long distance driving. | | | |
| 4.8. | Observation | (a) | Maintaining a 360-degree view of the professional light vehicle. | 1.5 | 0.5 | 2 |
| | | (b) | Frontal and peripheral vision blind spots. | | | |
| | | (c) | Scanning the environment. | | | |
| | | (d) | Hazard perception and recognition. | | | |
| | | (e) | Kinds and use of driving mirrors. | | | |
| 4.9. | Professional light vehicle | (a) | Making the necessary safety preparations. | 2 | 5 | 7 |
| | control | (b) | Controlling movements of a professional light vehicle. | | | |
| | | (c) | Making the move-accelerate and stop smoothly. | | | |
| | | (d) | Operating the pedals with increased precision and coordination. | | | |
| | | (e) | Changing gears while driving without losing control— | | | |

and the sale of the

| | | | (i) Procedure for shifting up gears | s; | | T |
|----|-------|-------------------------------|--|----|---|---|
| | | | (ii) Double clutch and time shift process; and | | | |
| | | | (iii) transmissions shifting procedures and patterns for convectional types. | | | |
| | | | (f) Forwarding driving and turning operating the steering wheel gently | | | |
| | | | (g) Performing turnings as normally occurring in traffic. | | | |
| | | | (h) Kerb parking | | | |
| | | | Making proper judgements of the professional light vehicle length and width. | | | |
| | | | (j) Hard braking (emergency braking). | | | |
| | | | (k) Achieving optimum braking without locking the engine. | | | |
| 3) | | | U-turning and turning by forward and reverse driving. | | | |
| ž. | | | (m) Change direction of driving on the road. | | | |
| | | | (n) Backing up or reversing. | | | |
| | | | (o) Parking manoeuvres. | | | |
| | 4.10. | Communicati on on the road | (a) "Why communicate?" Applying MSM technique (Mirror, Signal, Manoeuvres). | 2 | 0 | 2 |
| | | | (b) Hazard communication and signs. | | | |
| | | | (c) Decoding subtle signs and cues from other drivers. | | | |
| | 4.11. | Speed management | (a) Impact of speed in road crashes and fatalities. | | 1 | |
| | | | (b) Maintaining correct following distance (4 second rule) calculating stopping distance. | | | |
| | | | (c) Braking systems and techniques- ABS, gears, engine brakes and retarders freewheeling risks. | | | |
| | | | (d) Correct cornering technique. | | | |

| | | (e) Centre of gravity. | | | |
|-------|---------------------|---|---|---|----|
| | | (f) Shifting loads downhill driving. | | | |
| | | (g) Relationship of speed and visibility. | | | |
| | | (h) Speed influence on traffic flow night travel and driving. | | | |
| .12. | Space management | (a) Impact of speed on road crashes and fatalities. | 6 | 6 | 12 |
| | | (b) Maintaining correct following distance (4 Second Rule). | | | |
| | | (c) Calculating stopping distance Road surface condition and impact on vehicle stopping. Braking Systems and techniques- ABS, gears, engine brakes. | | | |
| | | (d) Speed and retarders. | | | |
| | | (e) Freewheeling risks. | | | |
| | | (f) Centre of gravity. | | | |
| | | (g) Shifting loads downhill driving. | | | |
| | | (h) Relationship of speed and visibility. | | | |
| | | Speed influence on traffic flow. | | | |
| | | (j) Night travel or driving. | | | |
| | | (k) The concept of space envelope. | | | |
| | | (l) Techniques of space recovery. | | | |
| | | (m) Positioning to "see and be seen". | | | |
| 4.13. | Emergency | (a) Optimizing stopping distance. | 3 | 0 | 3 |
| | manoeuvres | (b) Safely performing evasive turns on. | 4 | | |
| | | (c) The road emergency. | | | |
| | | (d) How to get off the road turns and return safely. | | | |
| | | (e) Handling brake failure and blow outs. | | | |
| | | (f) Making quick stops and turns. | | | |
| 4.14. | 6.00.0000 | (a) Causes of skids. | 3 | 3 | 6 |
| | control | (b) Aqua planning. | | | |
| | | (c) Front wheel skid and all wheel skid and recovery. | | | |

| 4.15. | Adverse driving | (a) Night driving. (b) Critical factors in night driving. | 5 | 0 | 4 |
|-------|---------------------------|---|---|---|---|
| | conditions | (c) Visibility and conspicuity. (d) Extreme driving conditions. (e) Fog conditions. (f) Windy condition. (g) Heavy rain. (h) Hot weather. | | | |
| 4.16. | Preventive Maintenance | (a) Defining preventive maintenance (PM) (b) Kinds of driver's obligations in preventive maintenance. (c) Troubleshooting, diagnostics. (d) Reporting vehicle malfunctions. | 4 | 1 | |
| 4.17. | Conditions of carriage | (a) Meaning and importance of carriage. (b) Conditions of carriage. (c) Laws and carriage conditions governing carriage of unaccompanied articles, parcels and freight. | 5 | 0 | |
| 4.18. | Hazardous Materials | (a) Definition and characteristics of hazardous vehicles. (b) Hazmat endorsement framework. (c) Classification of hazardous materials. (d) Safe handling procedure in loading and offloading. (e) Requirements for hazmat transportation. | 4 | 1 | |
| 4.19. | Emergency procedures | (a) Basic responsibilities at a crash scene. (b) Safety precautions at a crash scene. (c) Responding to motor vehicle fires. (d) Spillage handling. | 4 | 3 | |

| | | | Incident reporting procedures. Basic first aid. | | | |
|-------|------------------|-------|--|----|----|----|
| 4.20 | Wests | | who were the second of the sec | - | | |
| 4.20. | Work planning | | Preparing journey or trip plans. | 3 | 2 | 5 |
| | | (b) | Legal limits on duty hours or driving hours. | | | |
| | | (c) | Completing records of duty hours. | 19 | | |
| 4.21. | Cargo | (a) | Cargo securement. | 7 | 1 | 8 |
| | Handling | (b) | Axle weight distribution. | | | |
| | | (c) | Safe loading and unloading. | | | |
| | | (d) | Legal aspects of loading (the East African Community Vehicle Axle Load Control Act, 2013, Traffic Act) | | | |
| | | (e) | Cargo documentation. | 1 | | |
| | | (f) | Terms and definitions. | | | |
| | | (g) | Cargo movement documentation. | | | |
| | | (h) | Pickup and delivery procedures. | | | |
| | | (i) | Security of cargo. | | | |
| | | (j) | Detecting and reporting as suspicious activity at loading points or docks and transit. | | | |
| | | (k) | Dos and don'ts of personal security. | | | |
| | | | Conditions of carriage for unaccompanied parcels and freight. | | | |
| .22. | Customer care | (a) | Communication skills. | 2 | 0 | 2 |
| | | | Handling customer expectations and complaints. | | | |
| | | | Handling persons with special needs and persons with disabilities. | | | |
| | | (d) | Personal hygiene. | 7 | | |
| | | 100 | Sexual harassment and discrimination. | | | |
| .23. | Driving on | (a) 1 | Professional light vehicle driving. | 0 | 24 | 24 |
| | road | | Professional light vehicle e positioning Speed in different situations | | | |

| Total | | | 57.5 | 52 | 109.5 |
|-------|--|--|------|-----|-------|
| 4.24. | Examination of professional light vehicle driver | Theory and practical examinations. | 2 | 0.5 | 2.5 |
| | | (k) Door and window management. | | | |
| | | (ii) Anti-carjacking techniques | | | |
| | | Observing other drivers' behaviour and attitude; | | | |
| | | (j) Defensive driving techniques— | | | |
| | | Driving in dark, dim and foggy conditions. | | | |
| | | (h) Meeting oncoming traffic. | | | |
| | | (g) Making appropriate manoeuvres | | | |
| | | (f) Lanes appropriating and changing direction by turning. | | | |
| | | (e) Choosing and shifting. | | | - |
| | | (d) Driving through various situations. | | | |
| | | (c) Hills and bends. | | | |

4.5. Introduction to Professional Light Vehicles

4.5.1 Expected Outcome

The learner should be able to demonstrate knowledge of operation of professional light vehicle.

4.5.2 Content

| 4.5.T/PI | Knowledge of operation of professional light vehicle. |
|----------|--|
| 4.5.T/P2 | Requirements to obtain the professional driving licence. |
| 4.5.T/P3 | Importance or role of professional light vehicles as a part of the national transportation system. |
| 4.5.T/P4 | Crash rate of the professional light vehicles. |

4.6. Construction and Controls of Professional Light Vehicles

4.6.1 Expected Outcome

The learner should be able to demonstrate knowledge in the construction and controls of professional light vehicles.

4.6.2 Objectives of Theory or Practical

- (a) describe controls and instruments as used in professional light vehicles;
- (b) discuss components of a professional light vehicle;
- (c) describe accessories of a professional light vehicle;
- (d) discuss the system of a professional light vehicle;
- (e) discuss the importance of lights and reflectors;
- (f) explain wheels and tyres;
- (g) describe the body of a professional light vehicle; and
- (h) discuss special equipment.

4.6.3 Content

| 4.6.T/PI | Controls and instruments. |
|----------|---|
| 4.6.T/P2 | Discuss the following components of a professional light vehicle- |
| | (a) Ignition. |
| | (b) Engine. |
| | (c) Accelerator. |
| | (d) Exhaust. |
| 4.6.T/P3 | Describe the following accessories of a professional light vehicle- |
| | (a) Air-conditioning. |
| | (b) Antilock Braking System (ABS). |
| | (c) Secondary Restraint System (SRS). |
| 4.6.T/P4 | Discuss the following systems of professional light vehicle— |
| | (a) Steering system. |
| | (b) Transmission system. |
| | (c) Braking system. |
| | (d) Suspension system. |
| 4.6.T/P5 | Lights and reflectors. |
| 4.6.T/P6 | Wheels and lyres. |
| 4.6.T/P7 | Professional light vehicle body. |
| 4.6.T/P8 | Special equipment— |
| | (a) A first aid box. |
| | (b) Warning triangles. |
| | (c) A tool box. |
| | (d) A fire extinguisher. |

4.7. Self-Inspection of a Professional Light Vehicle

4.7.1 Expected outcome

The learner should be able to perform self-inspection of a professional light vehicle.

4.7.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) systematically inspect a professional light vehicle before driving;
- (b) perform post-trip inspections; and
- (c) state common vehicle anomalies during long distance driving.

4.7.3 Content

| 4.7.T/Pl | Systematically inspecting a professional light vehicle before driving. |
|----------|---|
| | Post-trip inspections. |
| 4.7.T/P3 | Common professional light vehicle anomalies during long distance driving. |

4.8. Observation

4.8.1 Expected outcome

The learner should be able to correctly observe the learner's driving environment.

4.8.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) maintain a 360-degree view of the professional light vehicle;
- (b) describe frontal and peripheral vision of the professional light vehicle;
- (c) point out blind spots;
- (d) explain scanning the environment;
- (e) demonstrate hazard perception and recognition; and
- (f) state kinds and use of driving mirrors.

4.8.3 Content

| 4.8.T/P1 | Maintaining a 360-degree view of the professional light vehicle. | |
|-----------|--|--|
| 4.8.T/P2 | Frontal and peripheral vision of the professional light vehicle. | |
| 4.8.T/P3 | Blind spots. | |
| 4.8.T/P4 | Scanning the environment. | |
| 4.8.T/P5 | Hazard perception and recognition. | |
| 4.8. T/P6 | Kinds and use of driving mirrors. | |
| | | |

4.9. Professional Light Vehicle Control (Manoeuvre Yard)

4.9.1 Expected outcome

The learner should be able to apply basic professional light vehicle control skills.

4.9.2 Objective of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) prepare to drive;
- (b) describe the necessary safety preparations for driving;
- be able to control the movement of the professional light vehicle by coordinating pedal activities, changing gears and steering;
- (d) operate the pedals with increased precision and coordination, especially by combined clutch and accelerator, or clutch and brakes (in all vehicles);
- (e) demonstrate gear changing techniques;
- (f) demonstrate forward driving and turning;
- (g) operate the steering wheel gently;
- (h) perform turning manoeuvres as normally occurring in traffic;
- (i) demonstrate how to park along the kerb;
- make appropriate judgment of the professional light vehicle length and width, and the position of the wheels and the longitudinal direction of the vehicle in relation to the road side;
- (k) perform hard braking (emergency braking);
- carry out optimum braking without locking the wheels, losing steering control or stalling the engine);
- (m) perform different manoeuvres;
- (n) apply skills in change of direction; and
- (o) demonstrate skills in different kinds of parking.

4.9.3 Content

| 4.9.T/P1 | Necessary safety preparations for driving and get familiar with the names and positions of controls and instruments. |
|----------|--|
| 4.9.T/P2 | Car movement control |
| 4.9.T/P3 | Car movement— (a) Acceleration. |
| | (b) Smooth start and stop. |
| 4.9.T/P4 | Operating the pedals with increased precision and coordination, especially by clutch and accelerator or clutch and brakes (in all vehicles). |
| 4.9.T/P5 | Changing gears while driving without losing control of other operations like steering and attention to what is happening around the professional light vehicles. |
| 4.9.T/P6 | Driving and turning. |
| 4.9.T/P7 | Operate the steering wheel gently, get the car in right direction and keep the car on the correct course. |

| 4.9.T/P8 | Perform turning manoeuvres. |
|--|---|
| 4.9.T/P9 | Parking at the kerb. |
| 4.9.T/P10 | Proper judgment of the professional light vehicle length and width, the position of the wheels and the longitudinal direction of the professional light vehicle in relation to the road side. |
| 4.9.T/P11 | Hard braking (emergency braking). |
| 4.9.T/P12 | Optimum braking without locking the wheels, losing steering control or stalling the engine. |
| 4.9.T/P13 | U-turning by forward and reverse driving. |
| 4.9.T/P14 | Driving directions change. |
| 4.9.T/P15 | Different kinds of parking. |
| The state of the s | |

4.10. Communication on the Road

4.10.1 Expected outcomes

The learner should be able to correctly communicate on the road.

4.10.2 Objectives of Theory or Practical

By the end of this course, the learner should be able to-

- (a) explain "Why communicate?";
- (b) apply MSM technique (mirror, signal, and manoeuvre);
- (c) describe hazard communication and signs; and
- (d) decode subtle signs and cues from other drivers.

4.10.3 Content

| 4.10.T/P1 | "Why communicate?" |
|-----------|--|
| 4.10.T/P2 | MSM technique (mirror, signal, manoeuvre). |
| 4.10.T/P3 | Hazard communication and signs. |
| 4.10.T/P4 | Decoding subtle signs and cues from other drivers. |

4.11. Speed Management

4.11.1 Expected outcome

The learner should be able to correctly adapt their speed to the road condition.

4.11.2 Objective of Theory or Practical

- (a) explain the impact of speed on road crashes and fatalities;
- (b) demonstrate how to maintain correct following distance (4 Second Rule);
- (c) calculate stopping distance;
- (d) describe road surface condition and its impact on vehicle stopping distance;
- (e) state braking systems and techniques;

- (ii) windy condition;
- (iii) heavy rain; and
- (iv) hot weather.

4.15.3 Content

| 4.15.T/P1 | Night Driving— |
|-----------|--|
| | (a) Critical factors in night driving. |
| | (b) Visibility and conspicuity. |
| 4.15.T/P2 | Extreme driving conditions— |
| - | (a) Foggy conditions. |
| | (b) Windy conditions. |
| | (c) Heavy rain. |
| | (d) Hot weather. |

4.16. Preventive Maintenance

4.16.1 Expected outcome

The learner should be able to influence preventive maintenance of vehicle.

4.16.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define preventive maintenance;
- (b) state kinds of preventive maintenance;
- (c) discuss a driver's obligations; and
- (d) troubleshoot, perform diagnostics and report vehicle malfunctions.

4.16.3 Content

| 4.16.T/P1 | Defining preventive maintenance. |
|-----------|--|
| 4.16.T/P2 | Kinds of preventive maintenance. |
| 4.16.T/P3 | Driver's obligations. |
| 4.16.T/P4 | Troubleshooting, diagnostics and reporting vehicle malfunctions. |

4.17. Conditions of Carriage

4.17.1 Expected outcome

The learner should be able to comply with conditions of carriage.

4.17.2 Objective of Theory or Practical

- (a) define conditions of carriage;
- (b) explain importance of conditions of carriage; and

(c) outline the laws and conditions governing carriage of unaccompanied articles, parcels and freight.

4.17.3 Content

| 4.17.T/PI | Meaning of conditions of carriage. |
|-----------|--|
| 4.17.T/P2 | Importance of conditions of carriage. |
| 4.17.T/P3 | Laws and conditions governing carriage of unaccompanied articles, parcels and freight. |

4.18. Hazardous Materials

4.18.1 Expected outcome

The learner should be able to safely handle and transport hazardous materials.

4.18.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define characteristics of hazardous goods;
- (b) explain a hazmat endorsement framework;
- (c) outline classification of hazardous materials;
- (d) discuss safe handling procedure in loading and offloading of hazardous materials; and
- (e) point out requirements for hazmat transportation.

4.18.3 Content

| 4.18.T/P1 | Characteristics of hazardous goods. |
|-----------|--|
| 4.18.T/P2 | A hazmat endorsement framework. |
| 4.18.T/P3 | Classification of hazardous materials. |
| 4.18.T/P4 | Safe handling procedure in loading and offloading of hazardous |
| 4.18.T/P5 | Requirements for hazmat transportation. |

4.19. Emergency Procedures

4.19.1 Expected outcome

The learner should be able to perform emergency procedures.

4.19.2 Objectives of Theory or Practical

- (a) outline basic responsibilities at a crash scene;
- (b) explain safety precautions at a crash scene;
- (c) explain how to respond to motor vehicle fires;
- (d) describe spillage handling procedures;
- (e) explain incident reporting procedures; and
- (f) demonstrate basic first aid.

4.19.3 Content

| 4.19.T/P1 | Basic responsibilities at a crash scene. |
|-----------|--|
| 4.19.T/P2 | Safety precautions at a crash scene. |
| 4.19.T/P3 | Responding to motor vehicle fires. |
| 4.19.T/P4 | Spillage handling procedures. |
| 4.19.T/P5 | Incident reporting procedures |
| 4.19.T/P6 | Basic first aid. |

4.20. Work Planning

4.20.1 Expected outcome

The learner should be able to safely plan work.

4.20.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) prepare a journey or trip plan;
- (b) explain legal limits on duty hours or driving hours; and
- (c) complete records of duty or work tickets or trip cards.

4.20.3 Content

| 4.20.T/P1 | Preparing journey or trip plans. |
|-----------|--|
| 4.20.T/P2 | Legal limits on duty hours or driving hours. |
| 4.20.T/P3 | Completing records of duty. |

4.21. Cargo Handling

4.21.1 Expected outcome

The learner should be able to handle cargo correctly.

4.21.2 Objectives of Theory or Practical

- (a) explain cargo securement;
- (b) discuss axle weight distribution;
- (c) outline safe loading and offloading procedures;
- (d) point out the legal aspects of loading (the East African Community Vehicle Axle Load Control Act 2013, Traffic Act);
- (e) discuss cargo documentation;
- (f) terms and definitions;
- (g) cargo movement documentation;
- (h) pick-up and delivery procedures;
- (i) explain the security of cargo;

- (j) detect and report suspicious activity at loading points or docks and on transit;
- (k) know the dos and don'ts of personal security; and
- (l) discuss conditions of carriage for unaccompanied parcels and freight.

4.21.3 Content

| 4.21.T/P1 | Cargo securement. |
|-----------|--|
| 4.21.T/P2 | Axle weight distribution. |
| 4.21.T/P3 | Safe loading and offloading. |
| 4.21.T/P4 | Legal aspects of loading (the East African Community Vehicle Axle Load Control Act 2013, Traffic Act). |
| 4.21.T/P5 | Cargo documentation— (a) Terms and definitions. (b) Cargo movement documentation. (c) Pick-up and delivery procedures. |
| 4.21.T/P6 | Security of Cargo. (a) Dos and Don'ts of personal security. (b) Detecting and reporting suspicious activity at loading points or docks and on transit. |
| 4.21.T/P7 | Conditions of carriage for unaccompanied parcels and freight |

4.22. Customer Care

4.22.1 Expected outcome

The learner should be able to handle customers with care.

4.22.2 Objective of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) apply excellent communication skills at the workplace;
- (b) handle customer expectations and complaints competently;
- (c) handle persons with special needs appropriately;
- (d) practical personal hygiene;
- (e) avoid incidences of sexual harassment and any form of discrimination; and
- (f) apply time and stress management skills.

4.22.3 Content

| 4.22.T/P1 | Communication skills |
|-----------|---|
| 4.22.T/P2 | Handling customer expectations and complaints |
| 4.22.T/P3 | Handling persons with special needs and persons with disabilities |
| 4.22.T/P4 | Personal hygiene |
| 4.22.T/PS | Sexual harassment and any form of discrimination. |
| 4.22.T/P6 | Time and stress management. |

4.23. Driving on the Road (Practical)

4.23.1 Expected outcome

The learner should be able to drive in a defensive manner on the road to minimize the chances of an accident.

4.23.2 Objective of Practical

By the end of this unit, the learner should be able to-

- (a) demonstrate vehicle driving;
- (b) demonstrate correct vehicle positioning;
- (c) apply speed in different situations;
- (d) perform hills and bends driving;
- (e) demonstrate driving through various situations;
- (f) demonstrate chasing and shifting lanes appropriately;
- (g) perform changing direction by turning;
- (h) make appropriate manoeuvres;
- (i) meet oncoming traffic;
- (j) demonstrate driving in dark, dim and foggy conditions;
- (k) apply defensive driving techniques; and
- (l) practical appropriate anti-carjacking techniques.

4.23.3 Content

| 4.23.P1 | Vehicle driving. | | | |
|----------|--|--|--|--|
| 4.23.P2 | Vehicle positioning. | | | |
| 4.23.P3 | Speed in different situations. | | | |
| 4.23.P4 | Hills and bends. | | | |
| 4.23.P5 | Driving through various situations. | | | |
| 4.23.P6 | Choosing and shifting lanes appropriately. | | | |
| 4.23.P7 | Changing direction by turning. | | | |
| 4.23.P8 | Making appropriate manoeuvres. | | | |
| 4.23.P9 | Meeting oncoming traffic. | | | |
| 4.23.P10 | Driving in dark, dim and foggy conditions. | | | |
| 4.23.P11 | Defensive driving techniques | | | |
| | (a) Driver behaviour and attitude. | | | |
| | (b) Driver conditions and environment. | | | |
| | (c) Basic road courtesy. | | | |

| 4.23.P12 | Anti-carjacking techniques— |
|----------|---------------------------------|
| | (a) Door and window management. |
| | (b) Safe parking. |
| | (c) Suspicious characters. |

4.24. Examination of Professional Light Vehicle Drivers (Category B Professional)

4.24.1 Expected outcome

The learner should be able to acquire a Certificate of Competence for driving the professional class category applied for under a driver mentor and subsequently be issued with a provisional professional driving licence valid for six months.

4.24.2 Objective of Theory or Practical

By the end of the unit the learner should be able to pass the theory and practical driving examination for the professional class category applied.

4.24.3 Content

| Theory and practical examinations— |
|--|
| (a) Responsible officer: Driving test examiner |
| (b) Where: At the driving test centre |
| (c) Time Schedule: 2 Hours (T) 0.5 Hours (P) |
| (d) Demands: Score-Passed/not passed overall pass mark > 80% |
| (e) Materials: Theory tests and driving tests sheets |
| |

CHAPTER FIVE—TRAINING OF PUBLIC SERVICE VEHICLE DRIVERS (CATEGORY D)

This Chapter deals with driver training for public service vehicles.

- 5.1 Units for Public Service Vehicle Learners
 - (a) Introduction to a public service vehicle.
 - (b) Construction and controls of public service vehicles.
 - (c) Self-inspection of a public service vehicle.
 - (d) Observation.
 - (e) Public service vehicle control.
 - (f) Communication on the road.
 - (g) Speed management.
 - (h) Space management.
 - Emergency manoeuvres.
 - (j) Skid control and recovery.
 - (k) Adverse driving conditions.

- (1) Preventive maintenance.
- (m) Conditions of carriage.
- (n) Hazardous materials.
- (o) Emergency procedure.
- (p) Work planning.
- (q) Cargo handling.
- (r) Customer care.
- (s) Driving on the road (practical).
- (t) Examination.
- 5.2 Requirement for issuance of a Professional Driving Licence for a Public Service Vehicle

A Public Service Vehicle Licence is categorized as a Professional Driving licence. In order to be issued with this licence, one must have a Certificate of Competence issued under the Rules.

5.3 Units Summary and Time Allocation

ا من ا د د د اثر پاکاست

| Code | Unit | nit Content | | Time (Hours) | | | |
|------|--|--|--------|--------------|-------|--|--|
| | | | Theory | Practical | Total | | |
| 5.4. | Introduction to a public service vehicle. | (a) Regulations governing operation of public service vehicles. (b) Requirements to obtain the Public Service Vehicle Licence. (c) The importance or role of the public service vehicle as part of the national transportation system. (d) The crash rate of public service vehicles. | | 0 | 2 | | |
| 5.5. | Construction and controls of public service vehicles. | (a) Controls and instruments. (b) Engine ignition, accelerator and exhaust system. (c) Instruments and control lights (d) Transmission system. (e) Steering system. (f) Braking system. (g) Lights and reflectors. | 1 | 5 | 6 | | |

| | | | Wheels, tyres and shock absorbers. | | | |
|------|--|-----|--|-----|-----|---|
| - | - | (i) | The body of a public service vehicle. | | - | - |
| | | (j) | Special equipment. | | | |
| | 1 | (k) | Electrical system. | | | |
| | | (I) | Pre-trip inspection checks. | | | |
| 5.6. | Self-Inspection of a public service vehicle. | | Systematically inspecting a public service vehicle before driving. | 1 | 1 | 2 |
| | | (b) | Post-trip inspections. | | | |
| | | (c) | Common public service vehicle anomalies during long distance trips. | | | |
| 5.7. | Observation. | (a) | Maintaining a 360-degree view of the public service vehicle. | 1.5 | 0.5 | 2 |
| | | (b) | Frontal and peripheral vision. | | | |
| | | (c) | Blind spots. | | | |
| | | (d) | Scanning the environment. | | | |
| | | (e) | Hazard perception and recognition. | | | |
| | | (f) | Kinds and use of driving mirrors. | | | |
| 5.8. | Public service vehicle control. | (a) | Making the necessary safety preparations. | 2 | 5 | 7 |
| | | (b) | Controlling movements of the public service vehicle. | | | |
| | | (c) | Basic principles of steering. | | | |
| | | (d) | Making the public service vehicle move, accelerate and stop smoothly. | | | |
| | | (e) | Operating the pedals with increased precision and coordination. | | | |
| | | (f) | Changing gears while driving without losing control. | | | |
| | | (9) | Procedure for shifting up and | | | |

| | | | down through gears. | | | |
|-----|----------------------------|-----|--|---|---|---|
| | | (h) | Double clutch and time shift process. | | | |
| | | (i) | Instruments and controls in gear shift. | | | |
| | | (j) | Transmissions and shifting procedures and patterns for conventional types. | | | |
| | | (k) | Forward driving and turning. | | | 4 |
| | | (1) | Operating the steering wheel gently. | | | |
| | | (m) | Performing turning manoeuvres as normally occurring in traffic. | | | |
| | | (n) | Kerb parking. | | | |
| | | (0) | Making proper judgements of the vehicle length and width. | | | |
| | | (p) | Hard braking (emergency braking). | | | |
| | | (q) | Achieving optimum braking without locking. | | | |
| | | (r) | U-turning and turning by forward and reverse driving. | | | 5 |
| | | | Change direction of driving on the road. | | | |
| | | | Parking and reversing Parking manoeuvres. | | | |
| .9. | Communication on the road. | (a) | "Why Communicate?" | 2 | 0 | 2 |
| | on the road. | | Applying MSM technique (Mirror, Signal, and Manoeuvre). | | | |
| | | 1 | Hazard communication and signs. | | | |
| | | (d) | Decoding subtle signs and cues from other drivers. | | | |

| 5.10 | Speed * management. | (a) Impact of speed on road crashes and fatalities. | 4 | 1 | 5 |
|-------|-----------------------|--|---|---|---|
| | | (b) Maintaining correct following distance (4 Second Rule). | i | | |
| | | (c) Calculating stopping distance. | | | |
| | | (d) Road surface condition and impact on the vehicle stopping. | | | |
| | | (e) Braking Systems and techniques –ABS, gears, engine brakes and retarders. | | | |
| | | (f) Freewheeling risks. | | | |
| | | (g) Correct cornering technique. | | | |
| | | (h) Centre of gravity. | | | |
| | | (i) Shifting loads Downhill driving | | | |
| | *. | (j) Relationship of speed and visibility. | | | |
| | | (k) Speed influence on traffic flow. | | | |
| 5.11. | Space management. | (a) The concept of a space envelope. | 1 | 2 | 3 |
| | | (b) Techniques of space recovery. | | | |
| | | (c) Positioning to 'see and be seen'. | | | |
| 5.12. | Emergency manoeuvres. | (a) Optimizing stopping distance. | 3 | 0 | 3 |
| | | (b) Safely performing evasive turns on the road. | | | |
| | | (c) How to get-off-the-road turns and return safely. | | | |
| | | (d) Handling brake failure and blow outs. | | | |
| | | (e) Making quick stops and turns. | | | |

| 5.13. | | (a) Causes of skids. | 3 | 3 | 6 |
|-----------|-------------------------|---|---|---|---|
| | recovery. | (b) Aquaplaning. | | | |
| | | (c) Front-wheel skids and all- wheel skids. | | | |
| | ** | (d) Skid recovery procedure. | | | |
| 5.14. | Adverse driving | (a) Night driving. | 6 | 3 | 9 |
| | conditions. | (b) Critical factors in night driving. | | | |
| | | (c) Visibility and conspicuity. | | | |
| | | (d) Extreme driving conditions— | | | |
| | | (i) Foggy conditions. | | | |
| | | (ii) Windy conditions | | | |
| | | (iii) Heavy rain. | | | |
| | | (iv) Hot weather. | | | |
| 20.010272 | Preventive maintenance. | (a) Defining preventive maintenance. | 4 | 1 | 5 |
| | | (b) Kinds of preventive maintenance. | | | |
| | | (c) Driver's obligations. | | | |
| | | (d) Troubleshooting, diagnostics and reporting vehicle malfunctions. | | | |
| 5.16. | Conditions of | (a) Meaning and importance of | 5 | 0 | 5 |
| | carriage. | conditions of carriage. (b) Laws and conditions governing carriage of unaccompanied articles, parcels and freight. | | - | |
| 5.17. | Hazardous materials. | (a) Definition and characteristics of hazardous materials | 4 | 1 | 5 |
| | | (b) Hazmat endorsement framework | | | |
| | | (c) Classification of hazardous materials. | | | |
| | | (d) Safe handling procedure in loading and offloading. | | | |
| | | (e) Requirements for hazmat transportation. | | | |

| 5.18. | Emergency procedures. | (a) | Basic responsibilities at a crash scene. | 4 | 3 | 7 |
|-------|-----------------------|-----|---|---|-------------|----|
| | | (b) | Safety precautions at crash scene. | | | - |
| | E 50 | (c) | Responding to public service vehicle fires. | | | |
| | | (d) | Spillage handling. | | | |
| | | 7 | Basic first aid. | | | |
| 5.19. | Work planning. | (a) | Preparing journey or trip plans. | 3 | 2 | 5 |
| | 5 | (b) | Legal limits on duty hours or driving hours. | | | |
| 53 | | (c) | Completing records of duty. | | | |
| 5.20. | Cargo handling. | (a) | Cargo securement. | 7 | 1 | 8 |
| | | (b) | Axle weight distribution. | | | |
| | | (c) | Safe loading and offloading. | | 1 | |
| | | (d) | Legal aspects of loading (the East African Community Vehicle Axle Load Control Act 2013, Traffic Act). | | | |
| | | (e) | Cargo documentation. | | | |
| | | (f) | Terms and definitions. | | | |
| | | (g) | Cargo movement documentation. | | | |
| | | (h) | Pick-up and delivery procedures. | | | 10 |
| | | (i) | Security of cargo. | | | 0 |
| | | (j) | Detecting and reporting a suspicious activity at loading points or dock and on transit. | | | |
| | | (k) | Dos and Don'ts of personal security. | | () () () | |
| | | (1) | Conditions of carriage for unaccompanied parcels and freight. | | | |
| 5.21. | Customer care. | (a) | Communication skills. | 2 | 0 | 2 |
| | | (b) | Handling customer expectations and complaints. | | | |
| | | (c) | Handling persons with special needs and persons with disabilities. | | | |

| | | (d) Personal hygiene. | | | |
|-------|---|---|------|-----|-------|
| | | (e) Sexual harassment and discrimination. | | | |
| 5.22. | Driving on the | (a) Vehicle driving. | 0 | 24 | 24 |
| | road. | (b) Vehicle positioning. | | | |
| | | (c) Speed in different situations | | | |
| | | (d) Hills and bends. | | | |
| | | (e) Driving through various situations. | | | |
| | | (f) Choosing and shifting lanes appropriately. | | | 7- |
| | | (g) Changing direction by turning. | | | |
| | | (h) Making appropriate manoeuvres. | | | |
| | | (i) Meeting oncoming traffic. | | | |
| | | (j) Driving in dark, dim and foggy conditions. | | | |
| | | (k) Defensive driving techniques. | | | |
| | | Observing others driver's behaviour and attitude. | | | |
| | | (m) Anti-carjacking techniques. | | | |
| | | (n) Door and windows. | | | |
| 5.23. | Examination of public service vehicle driver. | Theory and practical examination. | 2 | 0.5 | 2.5 |
| Total | | | 57.5 | 52 | 109.5 |

5.4 Introduction to a Public Service Vehicle

The learner should be able to demonstrate knowledge of the regulation of public service vehicles.

5.4.1 Expected outcomes

The learner should be able to demonstrate knowledge of the regulation of public service vehicles.

5.4.2 Content

| 5.4.T1 | Regulations governing the operations of public service vehicles. |
|--------|--|
| 5.4.T2 | Requirements to obtain the Public Service Vehicle Licence. |
| 5.4.T3 | Importance or role of the vehicle as a part of the national transportation |

5.4.T4 Crash rate of public service vehicles.

5.5 Construction and Controls of Public Service Vehicles

5.5.1 Expected Outcome

The learner should be able to demonstrate knowledge in the construction and controls of public service vehicles.

5.5.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) describe the controls and instruments as used in public service vehicles;
- (b) discuss the components of a public service vehicle;
- (c) describe accessories of a public service vehicle;
- (d) discuss the systems of a public service vehicle;
- (e) discuss the importance of lights and reflectors;
- (f) explain wheels and tyres;
- (g) describe the body of a public service vehicle; and
- (h) discuss special equipment.

5.5.3 Content

| 5.5.T/PI | Controls and instruments. |
|----------|---|
| 5.5.T/P2 | Discuss the following components of a public service vehicle— |
| | (a) Engine. |
| | (b) Ignition. |
| | (c) Accelerator. |
| | (d) Exhaust. |
| 5.5.T/P3 | Describe the following accessories in a public service vehicle— |
| | (a) Air-conditioning Antilock Braking System (ABS). |
| | (b) Secondary Restraint System (SRS). |
| 5.5.T/P4 | Discuss the following systems in a public service vehicle— |
| | (a) Transmission system. |
| | (b) Steering system. |
| | (c) Braking system. |
| | (d) Suspension system. |
| 5.5.T/P5 | Lights and reflectors. |
| 5.5.T/P6 | Wheels and tyres. |
| 5.5.T/P7 | The body of a public service vehicle. |

| 5.5.T/P8 | Special equipment— | | |
|----------|------------------------|--|--|
| | (a) First aid box. | | |
| | (b) Tool box. | | |
| | (c) Warning triangles. | | |
| | (d) Fire extinguisher. | | |

5.6 Self-Inspection of a Public Service Vehicle

5.6.1 Expected Outcome

The learner should be able to perform self-inspection of a public service vehicle.

5.6.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) systematically inspect a public service vehicle before driving;
- (b) perform post-trip inspections; and
- (c) state common public service vehicle anomalies during long distance trips.

5.6.3 Content

| 5.6.T/P1 | Systematically inspecting a public service vehicle before driving. |
|----------|---|
| 5.6.T/P2 | Post-trip inspections. |
| 5.6.T/P3 | Common public service vehicle anomalies during long distance trips. |

5.7 Observation

5.7.1 Expected Outcome

The learner should be able to correctly observe the driving environment.

5.7.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) maintain a 360-degree view of the public service vehicle;
- (b) describe frontal and peripheral vision;
- (c) point out blind spots;
- (d) explain scanning the environment;
- (e) demonstrate hazard perception and recognition; and
- (f) state kinds and use of driving mirrors.

5.7.3 Content

| 5.7.T/P1 | Maintaining a 360-degree view of the public service vehicle. |
|----------|--|
| 5.7.T/P2 | Frontal and peripheral vision. |
| 5.7.T/P3 | Blind spots. |
| 5.7.T/P4 | Scanning the environment. |

and the second

| 5.7.T/P5 | Hazard perception and recognition. | |
|----------|------------------------------------|--|
| 5.7.T/P6 | Kinds and use of driving mirrors. | |

5.8 Public Service Vehicle Control (Manoeuvre Yard)

5.8.1 Expected Outcome

The learner should be able to apply basic vehicle control skills.

5.8.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) prepare to drive;
- (b) describe the necessary safety preparations for driving;
- (c) be able to control the movement of the vehicle by coordinating pedal activities, changing gears and steering;
- (d) operate the pedals with increased precision and coordination, especially by combined clutch and accelerator or clutch and brakes (in all vehicles);
- (e) demonstrate gear changing techniques;
- (f) demonstrate forward driving and turning;
- (g) operate the steering wheel gently;
- (h) perform turning manoeuvres as normally occurring in traffic;
- (i) demonstrate how to park along the kerb;
- make appropriate judgment of the vehicle length and width, the position of the wheels and the longitudinal direction of the vehicle in relation to the road side;
- (k) perform hard braking (emergency braking);
- carry out optimum braking without locking the wheels, losing steering control or stalling the engine;
- (m) perform different manoeuvres;
- (n) apply skills in change of direction; and
- (o) demonstrate skills in different kinds of parking.

5.8.3 Content

| 5.8.T/P1 | Driving preparation. |
|----------|--|
| 5.8.T/P2 | Necessary safety preparations for driving and get familiar with the names and positions of controls and instruments. |
| 5.8.T/P3 | Motor vehicle movement control. |
| 5.8.T/P4 | Motor vehicle movement— (a) Acceleration. |
| | (b) Smooth start and stop. |

| 5.8.T/P5 | Operating the pedals with increased precision and coordination, specially by combined clutch and accelerator or clutch and brakes, (in all vehicles). |
|-----------|---|
| 5.8T/P6 | Changing gears while driving without losing control of other operations like steering and attention to what is happening around. |
| 5.8.T/P7 | Driving and turning. |
| 5.8.T/P8 | Operate the steering wheel gently, get the car in right direction and keep it on fairly correct course. |
| 5.8.T/P9 | Perform turnings. |
| 5.8T/P10 | Parking at kerb. |
| 5.8.T/P11 | Proper judgments of the vehicle length and width, the position of the wheels and the steering. |
| 5.8.T/P12 | Hard braking (emergency braking). |
| 5.8.T/P13 | Optimum braking without locking the wheels, losing steering control or stalling the engine. |
| 5.8.T/P14 | U- turning by forward and reverse driving. |
| 5.8.T/P14 | Driving directions change. |
| 5.8.T/P15 | Different kinds of parking. |

5.9 Communication on the Road

5.9.1 Expected Outcome

The learner should be able to communicate correctly on the road.

5.9.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain "Why Communicate?";
- (b) apply the MSM technique (mirror, signal, manoeuvres);
- (c) describe hazard communication and signs; and
- (d) decode subtle signs and cues from other drivers.

5.9.3 Content

| 5.9.T/P1 | "Why Communicate?" | |
|----------|--|---|
| 5.9.T/P2 | MSM technique (Mirror, Signal, Manoeuvres). | - |
| 5.9.T/P3 | Hazard communication and signs. | |
| 5.9.T/P4 | Decoding subtle signs and cues from other drivers. | |

5.10 Speed Management

5.10.1 Expected Outcome

The learner should be able to correctly adapt speed to road condition.

5.10.2 Objectives of Theory or Practical

- (a) explain the impact of speed on road crashes and fatalities;
- (b) demonstrate how to maintain correct following distance (4 Second Rule);
- (c) calculate stopping distance;
- (d) describe road surface condition and its impact on vehicle stopping distance;
- (e) state braking systems and techniques;
- (f) explain freewheeling risks;
- (g) demonstrate correct cornering technique;
- (h) explain the centre of gravity and its impact on vehicle stability;
- (i) discuss shifting loads; and
- (j) demonstrate downhill driving.

5.10.3 Content

| Maintaining correct following distance (4 Second Rule). |
|---|
| Manualling Correct following distance (4 Second Rule). |
| Calculating stopping distance. |
| Road surface condition and impact on vehicle stopping. |
| Braking systems and techniques - ABS, gears, engine brakes and retarders. |
| Freewheeling risks. |
| Correct cornering technique. |
| Centre of gravity. |
| Shifting loads. |
| Downhill driving. |
| (|

5.11 Space Management

5.11.1 Expected Outcome

The learner should be able to correctly maintain a space envelope.

5.11.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain the concept of a space envelope;
- (b) demonstrate the techniques of space recovery; and
- (c) position the motor vehicle to 'see and be seen'.

5.11.3 Content

| 5.11.T/P1 | The concept of a space envelope. |
|-----------|-----------------------------------|
| 5.11.T/P2 | Techniques of space recovery. |
| 5.11.T/P3 | Positioning to 'see and be seen'. |

5:12 Emergency Manoeuvres

5.12.1 Expected Outcome

The learner should be able to correctly perform emergency manoeuvres.

5.12.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) optimize stopping distance;
- (b) safely perform evasive turns on the road;
- (c) demonstrate how to perform get-off-the-road turns and return safely;
- (d) handbrake failure and blowouts;
- (e) make quick stops and turns.

5.12.3 Content

| 5.12.T/P1 | Optimizing stopping distance. |
|-----------|--|
| 5.12.T/P2 | Safely performing evasive turns on the road. |
| 5.12.T/P3 | How to perform get-off-the-road turns and return safely. |
| 5.12.T/P4 | Handbrake failure and blowouts. |
| 5.12.T/P5 | Making quick stops and turns. |

5.13 Skid Control and Recovery

5.13.1 Expected Outcome

The learner should be able to correctly perform skid control and recovery.

5.13.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain causes of skids;
- (b) describe aquaplaning;
- (c) front-wheel skids and all-wheel skids; and
- (d) demonstrate skid recovery procedures.

5.13.3 Content

| 5.13.T/P1 | Causes of skids. | |
|-----------|--|--|
| 5.13.T/P2 | Aquaplaning. | |
| 5.14.T/P3 | Front-wheel skids and all-wheel skids. | |
| 5.14.T/P4 | Skid recovery procedures. | |

5.14 Adverse Driving Conditions

5.14.1 Expected Outcome

The learner should be able to drive correctly in adverse conditions.

5.14.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

(a) explain night driving-

- (i) critical factors in night driving; and
- (ii) visibility and conspicuity;
- (b) extreme driving conditions;
 - (i) foggy conditions;
 - (ii) windy conditions;
 - (iii) heavy rain; and
 - (iv) hot weather.

5.14.3 Content

| 5.14.T/P1 | Night driving— |
|-----------|--|
| | (a) Critical factors in night driving. |
| | (b) Visibility and conspicuity. |
| 5.14.T/P2 | Extreme driving conditions— |
| | (a) Foggy conditions. |
| | (b) Windy conditions. |
| | (c) Heavy rain. |
| | (d) Hot weather. |

5.15 Preventive Maintenance

5.15.1 Expected Outcome

The learner should be able to influence preventive maintenance of a public service vehicle.

5.15.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define preventive maintenance (PM);
- (b) state kinds of preventive maintenance;
- (c) discuss a public service vehicle driver's obligations;
- (d) troubleshoot, perform diagnostics and report vehicle malfunctions.

5.15.3 Content

| 5.15.T/P1 | .15.T/P1 Defining preventive maintenance (PM). | | | | | |
|-----------|--|--|--|--|--|--|
| 5.15.T/P2 | Kinds of preventive maintenance. | | | | | |
| 5.15.T/P3 | Public service vehicle driver's obligations. | | | | | |
| 5.15.T/P4 | Troubleshooting, diagnostics and reporting vehicle malfunctions. | | | | | |

5.16 Conditions of Carriage

5.16.1 Expected Outcome

The learner should be able to comply with conditions of carriage.

5.16.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define conditions of carriage;
- (b) explain importance of conditions of carriage;
- (c) outline the laws and conditions governing carriage of unaccompanied articles, parcels and freight.

5.16.3 Content

| 5.16.T/P1 | Meaning of conditions of carriage. | | | |
|-----------|--|--|--|--|
| 5.16.T/P2 | Importance of conditions of carriage. | | | |
| 5.16.T/P3 | Laws and conditions governing carriage of unaccompanied articles, parcels and freight. | | | |

5.17 Hazardous Materials

5.17.1 Expected Outcome

The learner should be able to safely handle and transport hazardous materials.

5.17.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define characteristics of hazardous goods;
- (b) explain hazmat endorsement framework;
- (c) outline classification of hazardous materials;
- (d) discuss safe handling procedures in loading and offloading; and
- (e) point out requirements for hazmat transportation.

5.17.3 Content

| 5.17.T/P1 | Characteristics of hazardous goods. |
|-----------|---|
| 5.17.T/P2 | Hazmat endorsement framework. |
| 5.17.T/P3 | Classification of hazardous materials. |
| 5.17.T/P4 | Safe handling procedures in loading and offloading. |
| 5.17.T/P5 | Requirements for hazmat transportation. |

5.18 Emergency Procedures

5.18.1 Expected Outcome

The learner should be able to perform emergency procedures.

5.18.2 Objectives of Theory or Practical

- (a) outline basic responsibilities at a crash scene;
- (b) explain safety precautions at a crash scene;

- (c) explain how to respond to vehicle fires;
- (d) describe spillage handling procedures:
- (e) explain incident reporting procedures; and
- (f) demonstrate basic first aid.

5.18.3 Content

| 5.18.T/P1 | Basic responsibilities at a crash scene. |
|-----------|--|
| 5.18,T/P2 | Safety precautions at crash scene. |
| 5.18.T/P3 | Responding to vehicle fires. |
| 5.18.T/P4 | Spillage handling procedures. |
| 5.18.T/P5 | Incident reporting procedures. |
| 5.18.T/P6 | Basic first aid. |

5.19 Work Planning

5.19.1 Expected Outcome

The learner should be able to safely plan work.

5.19.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) prepare a journey or trip plan;
- (b) explain the legal limits of duty hours or driving hours;
- (c) completing records of duty or work tickets or trip cards.

5.19.3 Content

| 5.19.T/P1 | Preparing journey or trip plans. |
|-----------|--|
| 5.19.T/P2 | Legal limits of duty hours or driving hours. |
| 5.19.T/P3 | Completing records of duty. |

5.20 Cargo Handling

5.20.1 Expected Outcome

The learner should be able to handle cargo correctly.

5.20.2 Objectives of Theory or Practical

- (a) explain cargo securement:
- (b) discuss axle weight distribution:
- (c) outline safe loading and unloading procedure;
- (d) point out legal aspects of loading (the East African Community Vehicle Axle Load Control Act, 2013, Traffic Act);
- (e) discuss cargo documentation -
- (i) terms and definitions:

- (ii) cargo movement documentation; and
- (iii) pickup and delivery procedures;
- (f) explain security of cargo;
- (g) detecting and reporting a suspicious activity at loading points or docks and on transit;
- (h) dos and don'ts of personal security; and
- (i) discuss conditions of carriage for unaccompanied parcels and freight.

5.20.3 Content

| 5.20.T/P1 | Cargo securement. |
|-----------|---|
| 5.20.T/P2 | Axle weight distribution. |
| 5.20.T/P3 | Safe loading and unloading. |
| 5.20.T/P4 | Legal aspects of loading (the East African Community Vehicle Axle Load Control Act 2013, Traffic Act). |
| 5.20.T/P5 | Cargo documentation— (a) Terms and definitions. (b) Cargo movement documentation. |
| | (c) Pickup and delivery procedures. |
| 5.20.T/P6 | Security of cargo — (a) Detecting and reporting a suspicious activity at loading points or docks and on transit. |
| | (b) Dos and don'ts of personal security |
| 5.20.T/P7 | Conditions of carriage for unaccompanied parcels and freight. |

5.21 Customer Care

5.21.1 Expected Outcome

The learner should be able to handle customers with care.

5.21.2 Objectives of Theory or Practical

- (a) apply excellent communication skills at the workplace;
- (b) handle customer expectations and complaints competently;
- (c) handle persons with special needs appropriately;
- (d) practical personal hygiene;
- (e) avoid incidences of sexual harassment and any form of discrimination; and
- (f) apply time and stress management skills

5.21.3 Content

| 5.21T/P1 | Communication skills. | | | |
|---|---|--|--|--|
| 5.21.T/P2 | Handling customer expectations and complaints. | | | |
| 5.21.T/P3 Handling persons with special needs and persons with disa | | | | |
| 5.21.T/P4 | Personal hygiene. | | | |
| 5.21.T/P5 | Sexual harassment and any form of discrimination. | | | |
| 5.21.T/P6 | Time and stress management. | | | |

5.22 Driving on the Road (Practical)

5.22.1 Expected Outcome

The learner should be able to drive in a defensive manner on the road to minimize the chances of a road crash.

5.22.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) demonstrate vehicle driving;
- (b) demonstrate correct vehicle positioning;
- (c) apply speed in different situations;
- (d) perform driving on hills and bends;
- (e) demonstrate driving through various situations;
- (f) demonstrate chasing and shifting lanes appropriately;
- (g) perform changing direction by turning;
- (h) make appropriate manoeuvres;
- (i) meet oncoming traffic;
- (j) demonstrate driving in dark, dim and foggy conditions;
- (k) apply defensive driving techniques; and
- (l) practical appropriate anti-carjacking techniques.

5.22.3 Content

| Vehicle driving. | |
|--|---|
| Vehicle positioning. | |
| Speed in different situations. | |
| Hills and bends. | |
| Driving through various situations. | |
| Choosing and shifting lanes appropriately. | - |
| Changing direction by turning. | |
| | Vehicle positioning. Speed in different situations. Hills and bends. Driving through various situations. Choosing and shifting lanes appropriately. |

| 5.22.P8 | Making appropriate manoeuvres. |
|----------|---|
| 5.22.P9 | Meeting incoming traffic. |
| 5.22.P10 | Driving in dark, dim and foggy conditions. |
| 5.22.P11 | Defensive driving techniques— (a) Driver behaviour and attitude. (b) Driver conditions and environment. (c) Basic road courtesy. |
| 5.22.P12 | Anti- carjacking techniques— (a) Door and window management. (b) Safe parking. (c) Suspicious characters. |

5.23 Examination of Public Service Vehicle Drivers

5.23.1 Expected Outcome

The learner should be able to acquire a Certificate of Competence for driving the category applied for under a driver mentor and subsequently be issued with a provisional driving licence valid for six months.

5.23.2 Objectives of Theory or Practical

By the end of the unit, the learner should be able to pass the theory and practical driving examination for the category applied.

5.23.3 Content

| 5.23.T/P1 | Theory and practical examination— |
|-----------|--|
| | (a) Responsible officer: Driving test examiner. |
| | (b) Where: At the driving test centre. |
| | (c) Time Schedule: 2 Hours (T) 0.5hours (P). |
| | (d) Demands: Score- Passed/not passed Overall pass mark > 80%. |
| | (e) Materials: Theory tests and driving tests sheets. |

CHAPTER SIX—TRAINING OF MOTORCYCLE TAXI, COURIERS AND THREE WHEELER DRIVERS (CATEGORY A2 & A3)

This Chapter deals with driver training for motorcycle taxis and three-wheelers.

6.1 Minimum Requirements for Enrolment to Train as A Motorcycle Rider or Three-Wheeler Driver

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- (a) Minimum age of 18 years.
- (b) Police clearance certificate (for motorcycle taxi)
- 6.2 Units for Learners of Motorcycle Taxis and Three-Wheelers

The topics in this Chapter are grouped into-

- (a) introduction to motorcycle taxis and three-wheelers;
- (b) motorcycle and three-wheeler parts and controls;
- (c) basic motorcycle riding and three-wheeler driving (manoeuvre yard);
- (d) riding or driving on the road (practical);
- (e) introduction to defensive driving or riding;
- (f) driving or riding on the road (Practical); and
- (g) examination for motorcycle taxis and three-wheelers driving licence.
- 6.3 Requirement for Issuance of a Motorcycle Taxi and Three-Wheeler Driving Licence

A motorcycle taxi and three-wheeler driving licence is categorized as a professional driving licence. The requirement for the issuance of this licence is a Certificate of Competence issued under the Rules.

6.4 Units Summary and Time Allocation

| Code | Unit | Content | | Time (Hours) | | |
|------|--|---------|--|--------------|-----------|-------|
| | | | | Theory | Practical | Total |
| 6.5. | Introduction to motorcycle taxis and three wheelers | (a) | Importance or role of the motorcycle taxis and three wheelers as part of the national transportation system. | 3 | 0 | 3 |
| | | (b) | Characteristics of the motorcycle taxi and three- wheeler in traffic or on the road. | | | |
| | | (c) | Crash rate of the motorcycle taxi and three-wheeler. | | | |
| | | (d) | Categories of motorcycles taxis and three-wheelers. | | | |
| | | (e) | Requirements to obtain the motorcycle taxi rider's or three-wheeler's driving licence. | | | |
| | | (f) | Motorcycle taxi and three- wheeler regulations. | | | |
| 6.6. | Motorcycle and three- wheeler parts and controls. | (a) | Proper use of protective gear for the motorcyclists including proper fastening of the helmet. | 2 | 1 | 3 |
| | | (b) | Proper way to carry passengers and goods. | | | |

| | | (c) | Controls. | | | |
|------|--|-----|---|------|---|---|
| | | (d) | Instruments and lights. | | | |
| | | (e) | Engine, ignition, accelerator and exhaust system. | | | |
| | | (f) | Transmission system. | | | |
| | | (g) | Steering system. | | | |
| | | (h) | Braking system. | | | |
| | | (i) | Lights and reflectors. | | | |
| | | (j) | Wheels, tires and shock absorbers. | | | · |
| | | (k) | The body of a motorcycle or three-wheeler. | | | |
| | | (1) | Rider's gear. | | | |
| | | (m) | Legal requirements. | | | |
| 6.7. | Basic motorcycle | (a) | Preparations for riding and driving stability. | 1 | 5 | 6 |
| | riding and three-wheeler driving (manoeuvre | (b) | Controlling driving and riding movements of the motorcycle and three-wheeler. | Ti v | | |
| | yard). | (c) | Forward driving and riding. | | | |
| | | (d) | Turning while driving or riding. | | | |
| | | (e) | Operating the steering wheel. | | | |
| | | (f) | Performing turning manoeuvres as normally occurring in traffic. | | | |
| | | (g) | Making proper judgements of the length and width of the motorcycle or three- wheeler (sizing), the position of the wheels in relation to the roadside. | | | |
| | | (h) | Hard braking (emergency braking). | | | |
| | | (i) | U-turning and turning by forward and reverse movements. | | | |
| | | (j) | Changing direction of driving on the road, safely depending on conditions. | | | |

| s of parking spaces to ble to perform differences of parking. ing the necessary safe arations for riding. | ent | | |
|--|-----|----|----|
| ing off, driving aheading. ioning in different comments. the of speed in different ions depending on mstances. iding or driving. Ing or riding through the control of t | s | 15 | 15 |

| | | (q) | Parking and stopping. | | | |
|-------|--|------------|---|----|------|------|
| | | (r) | Driving or riding at night. | | | |
| | | | Critical factors in moving at night. | | | |
| | | (t) | Visibility and conspicuity. | | | |
| 6.9. | Customer care | A STATE OF | Apply excellent communication skills at the workplace. | | | |
| | | (b) | Handle customer expectations and complaints competently. | | | |
| | | (c) | Handle persons with special needs appropriately. | | | |
| | | (d) | Practical personal hygiene. | | | |
| | | (e) | Avoid incidences of sexual harassment and any form of discrimination. | | 77 | |
| | | (f) | Apply time and stress management skills. | | | |
| 6.10. | Introduction to defensive | (a) | Main objective of defensive driving and riding. | 6 | 4.5 | 10.5 |
| | driving and riding. | (b) | Maintaining safe distance. | | | |
| | inding. | (c) | Competitive driving and riding. | | | |
| | | (d) | Defensive driving and riding techniques. | | | |
| | | (e) | Recognizing hazards. | | | |
| | | (f) | Anticipating distance from pedestrians. | | | |
| | 1 | (g) | Manoeuvring out of clusters. | | | |
| | | (h) | Defensive driving techniques | | | |
| | | (i) | Appropriate anti-carjacking techniques | | | |
| 6.11. | Examination of motorcycle taxi riders and three-wheeler drivers. | | eory and practical examination. | 2 | 0.5 | 2.5 |
| | | 1 | | 14 | 28.5 | 42.5 |

6.5 Introduction to Motorcycle Taxis and Three-Wheelers

6.5.1 Objectives of Theory or Practical

The learner should be able to understand category of motorcycles and threewheelers, their construction and controls, controlling the motorcycle and threewheeler, and riding or driving on the road.

6.5.2 Content

| 6.5.T/PI | Importance or role of the motorcycle and three-wheeler as a part of the national transportation system. |
|----------|---|
| 6.5.T/P2 | Characteristics of the motorcycle and the three-wheeler in traffic or on the road. |
| 6.5.T/P3 | Crash rate of motorcycles and three-wheelers. |
| 6.5.T/P4 | Categories of motorcycles and three-wheelers. |
| 6.5.T/P5 | Requirements to obtain a motorcycle taxi and three-wheeler driver's licence. |

6.6 Motorcycle and Three-Wheeler Parts and Controls.

6.6.1 Expected Outcome

- (a) The learner should be able to understand the construction and controls of a motorcycle and a three-wheeler.
- (b) The learner should be able to correctly, carefully and safely perform various manoeuvres on the road.
- (c) The learner should be familiar with the safety requirements of the components of a motorcycle and a three-wheeler.
- (d) The learner should be able to check for deficiencies or defects important for road safety.

6.6.2 Objectives of Theory or Practical

- (a) point out and name the important parts, instruments and controls;
- (b) read and explain the meaning of the instruments, controls and lights;
- (c) state legal requirements for equipment, when applicable;
- (d) know the general principles about how the main components or systems work;
- (e) state the content of the safety requirements;
- (f) check that the safety requirements are satisfied;
- (g) know the signs and reasons for defects in the safety of the motorcycle or three-wheeler; and
- (h) know about safety as a critical component of the motorcycle or threewheeler.

6.6.3 Content

| 6.6.T/P1 | Proper use of protective gear for a motorcyclist or three-wheeler driver including proper fastening of helmets. |
|--|---|
| 6.6.T/P2 | Proper way to carry passengers and goods. |
| 6.6.T/P3 | Controls. |
| 6.6.T/P4 | Instruments, controls and lights. |
| 6.6.T/P5 | Engine, ignition, accelerator and exhaust system. |
| 6.6.T/P6 | Transmission system. |
| 6.6.T/P7 | Steering system. |
| 6.6.T/P8 | Brakes system. |
| 6.6.T/P9 | Lights and reflectors. |
| 6.6.T/P10 | Wheels, lyres and shock absorbers. |
| 6.6.T/P11 | The body of a motorcycle or a three-wheeler. |
| 6.6.T/Pl2 | The gear or a motorcycle rider and a three-wheeler driver. |
| 6.6.T/P13 | Legal requirements. |
| The second secon | |

- 6.7 Basic Motorcycle Riding and Three-Wheeler Driving (Manoeuvre Yard)
- 6.7.1 Objectives of Theory or Practical

By the end of this unit the learner should be able to-

- (a) control a motorcycle and a three-wheeler, at low and moderate speeds;
- accelerate and stop smoothly and without stalling the engine of a motorcycle and three-wheeler; and
- (c) operate the pedals with increased precision and coordination, especially by combined clutch and accelerator or clutch and brakes techniques.

6.7.2 Content

| 6.7.T/Pl | Preparations for driving or riding stability. |
|----------|--|
| 6.7.T/P2 | Controlling the movements of motorcycle or a three-wheeler by co- ordinating pedal activities, changing gears and steering wheel. |
| 6.7.T/P3 | Forward driving or riding and turning. |
| 6.7.T/P4 | Operating the steering wheel gently, get the motorcycle or three- wheeler in the right direction and keep the motorcycle or three-wheeler on a fairly correct course. |
| 6.7.T/P5 | Performing turning manoeuvres in normally occurring in traffic or on the road. |
| 6.7.T/P6 | Making proper judgments of the length and width of a motorcycle or three-wheeler (sizing), the position of the wheels and the longitudinal direction of the motorcycle or three-wheeler in relation to the roadside. |
| 6.7.T/P7 | (a) Hard braking (emergency braking).(b) Achieving optimum braking without locking the wheels, losing steering control or stalling the engine. |

| 6.7.T/P8 | Making a U-turn when moving forward and in reverse. |
|-----------|--|
| 6.7.T/P9 | Changing direction when driving or riding on the road, safely depending on conditions. |
| 6.7.T/P10 | Parking in different kinds of parking spaces and the ability to perform different parking manoeuvres. |
| 6.7.T/P11 | Making the necessary safety preparations for riding and get familiar with the names and positions of controls and instruments. |

6.8 Riding and driving on the road (Practical)

6.8.1 Expected Outcome

The learner should be able to ride a motorcycle and drive a three-wheeler on the road.

6.8.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) start-off, ride or drive ahead, and stop, a motorcycle and three-wheeler;
- (b) position the motorcycle or three-wheeler in different environments;
- (c) choose the appropriate speed in different situations;
- (d) drive or ride on a hill;
- (e) drive or ride through bends;
- (f) approach and cross railways;
- (g) choose and shift lanes;
- (h) turn and ride or drive in opposite directions;
- (i) pass stationary vehicles and pedestrians;
- (j) join oncoming traffic;
- (k) drive or ride ahead or behind other road users;
- (l) overtake;
- (m) approach different kinds of junctions, with or without signals and with a restricted view;
- (n) drive or ride in different kinds of junctions (straight through or turning left or right), with or without signals and with or without obligation of rightof-way;
- (o) drive or ride in dark and dim lighting ride side by side;
- (p) approach and leave roundabouts;
- (q) stop and park.

6.8.3 Content

| 6.8.T/P1 | Starting off, driving or riding ahead, stopping. | |
|----------|--|--|
| 6.8.T/P2 | Position in different environments. | |
| 6.8.T/P3 | Speed choice in different situations | |
| 6.8.T/P4 | Hill riding and driving. | |

| 6.8.T/P5 | Bends. |
|-----------|--|
| 6.8.T/P6 | Railway crossings. |
| 6.8.T/P7 | Lanes choice and change. |
| 6.8.T/P8 | Direction change. |
| 6.8.T/P9 | Stationary vehicles and pedestrian overtaking. |
| 6.8.T/P10 | Oncoming traffic. |
| 6.8.T/P11 | Multiple road users. |
| 6.8.T/P12 | Overtaking. |
| 6.8T/P13 | Junctions, with or without signals and with restricted view. |
| 6.8.T/P14 | Junctions (straight through, left or right turn), with or without signals and with or without obligation to give right-of-way. |
| 6.8.T/P15 | Dark and dim lighting. |
| 6.8.T/P16 | Shoulder to shoulder driving or riding. |
| 6.8.T/P17 | Roundabouts. |
| 6.8.T/P18 | Parking. |

6.9 Customer Care

6.9.1 Expected outcome

The learner should acquire superior customer care skills, knowledge and attitudes.

6.9.2 Objectives of Theory

By the end of this unit, the learner should be able to-

- (a) apply excellent communication skills at the workplace;
- (b) handle customer expectations and complaints competently;
- (c) handle persons with special needs appropriately;
- (d) practical personal hygiene;
- (e) avoid incidences of sexual harassment and any form of discrimination; and
- (f) apply time and stress management skills.

6.9.3 Content

| 6.9.T1 | Communication skills. |
|--------|---------------------------------------|
| 6.9.T2 | Customer expectations and complaints. |
| 6.9.T3 | Persons with special needs. |
| 6.9.T4 | Personal hygiene and presentation. |
| 6.9.T5 | Sexual harassment and offences. |
| 6.9.T6 | Time and stress management. |

6.10 Introduction to Defensive Driving

6.10.1 Expected Outcome

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The learner should be able to appreciate the basics of defensive driving.

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6.10.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define the term defensive driving;
- (b) discuss the importance of learning defensive driving;
- (c) explain the purpose of maintaining a safe distance;
- (d) explain competitive driving;
- (e) apply defensive driving techniques;
- (f) recognize moving and stationary hazards;
- (g) anticipate special road conditions;
- (h) anticipate range of pedestrians;
- (i) manoeuvre out of traffic clusters;
- (j) explain and practical on night driving-
 - (i) critical factors in night driving;
 - (ii) visibility and conspicuity.
- (k) apply defensive driving techniques; and
- (l) practical appropriate anti-carjacking techniques.

6.10.3 Content

| 6.10.T/P1 | Introduction to defensive driving. |
|------------|---|
| 6.10.T/P2 | Main objectives of defensive driving. |
| 6.10.T/P3 | Safe distance. |
| 6.10.T/P4 | Competitive driving. |
| 6.10.T/P5 | Defensive driving techniques. |
| 6.10.T/P6 | Moving and stationary hazards. |
| 6.10.T/P7 | Special road conditions— |
| | (a) Foggy weather. |
| | (b) Falling rocks. |
| | (c) Road under construction. |
| | (d) Slippery surface. |
| | (e) Meandering terrains. |
| | (f) Dusty roads. |
| 6.10.T/P8 | Pedestrians range. |
| 6.10.T/P9 | Manoeuvring out of traffic clusters. |
| 6.10.T/P10 | Applying defensive driving techniques. |
| 6.10.T/P11 | Practical appropriate anti-carjacking techniques. |

6.11 Examination for Motorcycle Taxi Riders and Three-Wheeler Drivers

6.11.1 Expected Outcome

The rider and driver should be able to acquire a Certificate of Competence category applied for under a driver mentor and subsequently be issued with a provisional driving licence valid for six months.

6.11.2 Objectives of Theory or Practical

By the end of the unit, the learner should be able to pass the theory and practical driving examination for the category applied.

6.11.3 Content

| 6.11.T/P1 | Theory and practical examination— |
|-----------|--|
| | (a) Responsible officer: Driving test examiner. |
| | (b) Where: At the driving test centre. |
| | (c) Time Schedule: 2 Hours (T) 0.5hours (P). |
| | (d) Demands: Score- Passed/not passed Overall pass mark > 80%. |
| | (e) Materials: Theory tests and driving tests sheets. |

CHAPTER SEVEN-TRAINING OF TRUCK DRIVERS (CATEGORY C)

7.1. Minimum Requirements for Enrolling to Train as A Light Truck Driver

- (a) Minimum age of 22 years.
- (b) Minimum 4 years driving experience.
- (c) Medical test certification.

7.2. Minimum Requirements for Enrolling to Train as A Medium Truck Driver

- (a) Minimum age of 24 years.
- (b) Minimum 2 years' experience driving a light truck.
- (c) Medical test certification.
- 7.3. Requirements for Upgrading to A Heavy Truck Driver
- (a) Minimum age of 28 years.
- (b) Minimum 4 years' experience driving a medium truck.
- (c) Retesting on both theory and practical examinations.
- 7.4. Requirements for Upgrading to A Heavy Truck Driver (Hazardous Goods)
- (a) Minimum age of 30 years.
- (b) Minimum 2 years' experience driving a heavy truck.
- (c) Retesting on both theory and practical examinations.
- 7.5. Units for Learners Enrolled to Train as Truck Drivers
- (a) Introduction to driving trucks.

- (b) Truck construction and controls.
- (c) Self-inspection of vehicle.
- (d) Observation.
- (e) Truck control.
- (f) Communication on the road.
- (g) Speed management.
- (h) Space management.
- (i) Emergency manoeuvres.
- (j) Skid control and recovery.
- (k) Adverse driving conditions.
- (l) Preventive maintenance.
- (m) Conditions of carriage.
- (n) Hazardous materials.
- (o) Emergency procedures.
- (p) Work planning.
- (q) Cargo handling.
- (r) Customer care.
- (s) Driving on the road (practical).
- (t) Examinations of truck drivers.

7.6. Requirement for Issuance of a Truck Driving Licence

A truck driving licence is categorized as a professional driving licence. The requirement for the issuance of this licence is a Certificate of Competence issued under the Rules.

7.7. Units Summary and Time Allocation

| Code | Unit | Content | Time (Hours) | | | |
|--------|-------------------------|--|---|-----------|-------|--|
| | | 28 | Theory | Practical | Total | |
| 9.0000 | Introduction to trucks. | (a) Regulations governing operation of commercial vehicles. | 2 | 0 | 2 | |
| | | | (b) Requirements to obtain the truck driving licence. | | | |
| | | (c) Importance or role of the truck as part of the national transportation system. | | | | |
| | | (d) Crash rate of trucks. | | | | |

| 7.9. | Truck | (a) | Controls and instruments. | 1 | 5 | 6 |
|-------|----------------------------|-----|--|-----|-----|---|
| | construction and controls. | (b) | Engine, ignition, accelerator and exhaust system. | | | |
| | | (c) | Instruments, controls and lights. | | | |
| | | (d) | Transmission system. | | | |
| | | (e) | Steering system. | | | |
| | | (f) | Braking system. | ę. | | |
| | | (g) | Lights and reflectors. | | | |
| | | (h) | Wheels, tires and shock absorbers. | | | |
| | | (i) | The body of trucks. | | | |
| | | (j) | Special equipment, tools and accessories. | | | |
| | | (k) | Fire extinguisher. | | | |
| | | (1) | Electrical system. | | | |
| | | (m) | Pre-trip inspection check. | | | |
| 7.10. | Self-inspection. | (a) | Systematically inspecting a truck before driving. | 1 | 1 | 2 |
| | | (b) | Post trip inspections. | | | |
| | | (c) | Common truck anomalies during long distance trips. | | | |
| 7.11. | Observation. | (a) | Maintaining a 360-degree view of the truck. | 1.5 | 0.5 | 2 |
| | | (b) | Frontal and peripheral vision. | | | |
| | | (c) | Blind spots. | | | |
| | | (d) | Scanning the environment. | | | |
| | | (e) | Hazard perception and recognition. | | | |
| | | (f) | Kinds and use of driving mirrors. | | | |
| 7.12. | Truck control. | (a) | Making the necessary safety preparations. | 2 | 5 | 7 |
| | | (b) | Controlling movement of the truck. | | | |
| | | (c) | Basic principles of steering. | | | |
| | | (d) | Making the truck accelerate and stop smoothly. | | | |

| | | Operating the pedals with increased precision and coordination. | | | |
|-------|---------------|---|---|---|---|
| | | (f) Changing gears while driving without losing control. | - | | |
| | | (g) Procedure for shifting up and down through gears. | | | |
| | | (h) Double clutch and time shift process. | | | |
| | | Instruments and controls in gear shifts. | | | |
| | | Transmissions shifting procedures and patterns for conventional types. | | | |
| | 1 | (k) Forward driving and turning. | | | |
| | | (l) Operating the steering wheel gently. | | | |
| | | (m) Performing turning manoeuvres in normally occurring traffic. | | | |
| | | (n) Parking at a kerb. | | | |
| | 8 | (o) Making proper judgements of the truck length and width. | | | |
| | | (p) Hard braking (emergency braking). | | | |
| | | (q) Achieving optimum braking without locking the engine. | | | |
| | | (r) U-turning and turning by forward and reverse driving. | | | |
| | | (s) Change direction of driving on the road. | | | |
| | | (t) Backing up and reversing parking manoeuvres. | | | |
| 7.13. | Communication | (a) "Why communication?" | 2 | 0 | 2 |
| | on the road. | (b) Applying MSM technique (mirror, signal, manoeuvres). | | | |
| | | (c) Hazard communication and signs. | | | |
| | | (d) Decoding subtle signs and cues from other drivers. | | | |

| 7.14. | Speed management. | (a) | Impact of speed on road crashes and fatalities. | 4 | 1 | 5 |
|-------|----------------------|-----|---|---|-----|---|
| | | (b) | Maintain correct following distance (4 Second rule). | | | |
| | | (c) | Calculating stopping distance. | | | |
| | | (d) | Road surface condition and impact on vehicle stopping. | | | |
| | | (e) | Braking systems and techniques-ABS, gears, engine brakes and retarders. | | | |
| | | (f) | Freewheeling risks. | | | |
| | | (g) | Correct cornering technique. | | ::- | |
| | | (h) | Centre of gravity shifting loads. | | | |
| | | (i) | Downhill driving. | | | |
| | | (j) | Relationship of speed and visibility. | | | |
| | | (k) | Speed influence on traffic flow. | | | |
| 7.15. | Space management. | (a) | The concept of space envelope. | 1 | 2 | 3 |
| | | (b) | Techniques of space recovery. | | | |
| | | (c) | Positioning to 'see and be seen'. | | | |
| 7.16. | Emergency | (a) | Optimizing stopping distance. | 3 | 0 | 3 |
| | manoeuvres. | (b) | Safely performing evasive turns on the road. | | | |
| | | (c) | How to get-off-the-road turns and return safely. | | | |
| | | (d) | Handling brakes failure and blow outs. | | | |
| | | (e) | Making quick stops and turns. | | | |
| 7.17. | Skid control | (a) | Causes of skids. | 3 | 3 | 6 |
| | and recovery. | (b) | Aquaplaning. | | | |
| | | (c) | Trailer jack-knife, tractor jack- knife, front-wheel skid and all- wheel skid recovery procedures. | | | |
| 7.18. | Adverse driving | (a) | Night driving. | 6 | 3 | 9 |

| | conditions. | (b) Critical factors in night driving. | | | |
|-------|-------------------------|--|---|---|---|
| | | (c) Visibility and conspicuity. | | | |
| | | (d) Extreme driving conditions— (i) Foggy weather. (ii) Windy conditions. (iii) Heavy rain. (iv) Hot weather. | | | |
| 7.19. | Preventive maintenance. | (a) Defining preventive maintenance. (b) Kinds of preventive maintenance. (c) Driver's obligations. (d) Troubleshooting, diagnostics and reporting truck malfunctions. | 4 | 1 | 5 |
| 7.20. | Conditions of carriage. | (a) Meaning and importance of carriage. (b) Conditions of carriage. (c) Laws and conditions of carriage of unaccompanied articles, parcel and freight. | 5 | 0 | 5 |
| 7.21. | Hazardous materials. | (a) Definition and characteristics of trucks that transport hazardous goods. (b) Hazmat endorsement framework. (c) Classification of hazardous materials. (d) Safe handling procedure in loading and offloading. (e) Requirements for hazmat transportation. | 4 | 1 | 5 |
| 7.22. | Emergency procedures. | (a) Basic responsibilities at a crash scene. (b) Safety precautions at a crash scene. (c) Responding to truck fires. | 4 | 3 | 7 |

| | | (d) | Spillage handling. | 10 | | |
|-------|-----------------|-----|---|----|----|----|
| | | (e) | Incident reporting procedures. | | | |
| | | (f) | Basic first aid. | | | |
| 7.23. | Work planning. | (a) | Preparing journey or trip plans | 3 | 2 | 5 |
| | | (b) | Legal limits on duty hours or driving hours. | | | |
| | | (c) | Completing records of duty. | | | |
| 7.24. | Cargo handling. | (a) | Cargo securement. | 7 | 1 | 8 |
| | | (b) | Axle weight distribution. | | | |
| | | (c) | Safe loading and offloading. | | | |
| | | (d) | Legal aspects of loading (the East African Community Vehicle Axle Load Control Act 2013, Traffic Act). | | | |
| | | (e) | Cargo documentation. | | | |
| | | (f) | Movement documentation. | | | |
| | | (g) | Pickup and delivery procedures. | | | |
| | | (h) | Security of cargo. | | | |
| | | (i) | Detecting and reporting a suspicious activity at loading points or docks and in transit. | | | |
| | | (j) | Dos and don'ts of personal security. | | | |
| | | (k) | Conditions of carriage for unaccompanied parcels and freight. | | | |
| 7.25 | Customer care. | (a) | Communication skills. | 2 | 0 | 2 |
| | | | Handling customer expectations and complaints. | | | |
| | | | Handling persons with special needs and persons with disabilities. | | | |
| | | (d) | Personal hygiene. | | | |
| | | | Sexual harassment and discrimination. | | | |
| .26. | Driving on the | (a) | Truck driving. | 0 | 26 | 26 |
| | road. | (b) | Truck positioning. | | 1 | |

ia.

| Total | | | 57.5 | 53 | 109.5 |
|-------|-------------------------------|--|------|-----|-------|
| 7.27. | Examination of truck drivers. | Theory and practical examination. | 2 | 0.5 | 2.5 |
| | | (n) Door and window management. | | | |
| | | (m) Anti-carjacking techniques. | | | |
| | | Observing others driver's behaviour and attitude. | | | |
| | | (k) Defensive driving techniques. | | | |
| | | conditions. | | 1 | |
| | | (j) Driving in dark, dim and foggy | , | | 1 |
| | | (i) Joining oncoming traffic. | | | |
| | | (h) Making appropriate manoeuvres. | | | |
| | | (g) Changing direction by turning | | | |
| | | (f) Choosing and shifting lanes appropriately. | | | |
| | | (e) Driving through various situations. | | 1 | |
| | | (d) Hills and bends. | | | |
| | | (c) Speed in different situations. | | | |

7.8. Introduction to Trucks

7.8.1. Expected outcome

The learner should be able to know about the truck.

7.8.2. Objectives of Theory and Practical

By the end of this unit, the learner should be able to-

- (a) demonstrate knowledge and regulation of commercial vehicles;
- (b) outline the requirements to obtain the truck driving licence;
- (c) explain the importance of the vehicle as a part of the national transportation system; and
- (d) know the crash rate of trucks.

7.8.3. Content

| 7.8.T1 | Regulations governing operation of commercial vehicles. |
|--------|--|
| 7.8.T2 | Requirements to obtain the truck driving licence. |
| 7.8.T3 | Importance or role of the vehicle as a part of the national transportation |
| 7.8.T4 | Crash rate of trucks. |

7.9. Truck Construction and Controls

7.9.1. Expected outcome

The learner should be able to demonstrate knowledge on truck construction and control.

7.9.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) describe controls and instruments as used in trucks;
- (b) discuss the components of a truck;
- (c) describe accessories of a truck;
- (d) discuss the systems of a truck;
- (e) discuss the importance of lights and reflectors;
- (f) explain wheels and tires;
- (g) describe the body of trucks;
- (h) point out blind spots; and
- (i) discuss special equipment.

7.9.3. Content

| 7.9.T/P1 | Controls and instruments. |
|----------|---|
| .9.T/P2 | Discuss the following components of trucks— |
| | (a) Ignition. |
| | (b) Engine. |
| | (c) Accelerator. |
| | (d) Exhaust. |
| 7.9.T/P3 | Describe truck accessories— |
| | (a) Air-conditioning. |
| | (b) Secondary Restraint System (SRS). |
| | (c) Anti-lock Braking System (ABS). |
| | (d) Engine brakes. |
| 7.9.T/P4 | Discuss the following systems of trucks— |
| | (a) Transmission system. |
| | (b) Steering system. |
| | (c) Braking system. |
| | (d) Suspension system. |
| 7.9.T/P5 | Lights and reflectors. |
| 7.9.T/P6 | Wheels and tyres. |

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| 7.9.T/P7 | The body of a truck. | | |
|----------|------------------------|--|--|
| 7.9.T/P8 | Special equipment— | | |
| | (a) Tool box. | | |
| | (b) First aid box. | | |
| | (c) Warning triangles. | | |
| | (d) Fire extinguisher. | | |

7.10. Self-Inspection of Trucks

7.10.1. Expected outcome

The learner should be able to perform self-inspection of truck.

7.10.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) systematically inspect a truck before driving;
- (b) perform post-trip inspections;
- (c) state common truck anomalies during long distance trips.

7.10.3. Content

| 7.10T/P1 | Systematically inspecting a truck before driving. |
|-----------|--|
| 7.10.T/P2 | Post-trip inspections. |
| 7.10.T/P3 | Common truck anomalies during long distance trips. |

7.11. Observation

7.11.1. Expected Outcome

The learner should be able to correctly observe the driving environment.

7.11.2. Objectives of Theory or Practical

By the end of this unit the learner should be able to-

- (a) maintain a 360-degree view of the truck;
- (b) describe frontal and peripheral vision;
- (c) point out blind spots;
- (d) explain scanning the environment;
- (e) demonstrate hazard perception and recognition; and
- (f) state kinds and use of driving mirrors.

7.11.3. Content

| 7.11.T/P1 | Maintaining a 360 degree view of the vehicle |
|-----------|--|
| 7.11.T/P2 | Frontal and peripheral vision |
| 7.11.T/P3 | Blind spots |
| 7.11.T/P4 | Scanning the environment |

| 7.12.T/P5 | Hazard perception and recognition | |
|-----------|-----------------------------------|--|
| 7.12.T/P6 | Kinds and use of driving mirrors. | |

7.12. Truck Control (Manoeuvre Yard)

7.12.1. Expected Outcome

The learner should be able to apply basic truck control skills.

7.12.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) prepare to drive;
- (b) describe the necessary safety preparations for driving;
- (c) control the movement of the car by coordinating pedal activities, changing gears and steering;
- (d) operate the pedals with increased precision and coordination, especially by combined clutch and accelerator, or clutch and brakes;
- (e) demonstrate gear changing techniques;
- (f) demonstrate forward driving and turning;
- (g) operate the steering wheel gently;
- (h) perform turnings as normally occurring in traffic or on the road;
- (i) demonstrate how to park along the kerb;
- make appropriate judgment of the truck length and width, the position of the wheels and the longitudinal direction of the truck in relation to the road side;
- (k) perform hard braking (emergency braking);
- carry out optimum braking without locking the wheels, losing steering control or stalling the engine;
- (m) perform different manoeuvres;
- (n) apply skills in change of direction; and
- (o) demonstrate skills in different kinds of parking.

7.12.3. Content

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| 7.12.T/P1 | Driving preparation. |
|-----------|--|
| 7.12T/P2 | Necessary safety preparations for driving and get familiar with the names and positions of controls and instruments. |
| 7.12.T/P3 | Truck movement control. |
| 7.12.T/P4 | Truck movement— (a) Acceleration. (b) Smooth start and stop. |

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| 7.12.T/P5 | Operating the pedals with increased precision and coordination, especially by combined clutch and accelerator, or clutch and brake operations (in all trucks). |
|------------|--|
| 7.12.T/P6 | Changing gears while driving without losing control of other operations like steering and attention to what is happening around. |
| 7.12.T/P7 | Driving and turning. |
| 7.12.T/P8 | Operating the steering wheel gently, getting the truck in the right direction and keep the truck on a fairly correct course. |
| 7.12.T/P9 | Perform turning manoeuvres. |
| 7.12.T/P10 | Parking at a kerb. |
| 7.12.T/P11 | Proper judgments of the truck length and width, the position of the wheels and the longitudinal direction of the truck in relation to the road side. |
| 7.12.T/P12 | Hard braking (emergency braking). |
| 7.12T/P13 | Optimum braking without locking the wheels, losing steering control or stalling the engine. |
| 7.12T/P14 | U-turning by forward and reverse driving. |
| 7.12T/P15 | Driving directions change. |
| 7.12.T/P16 | Different kinds of parking. |

7.13. Communication on the Road

7.13.1. Expected outcome

The learner should be able to correctly communicate on the road.

7.13.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain "why communicate";
- (b) apply MSM technique (mirror, signal, manoeuvres);
- (c) describe hazard communication and signs; and
- (d) decode subtle signs and cues from other drivers.

7.13.3. Content

| 7.13.T/P1 | "Why communicate?" | |
|-----------|--|--|
| 7.13.T/P2 | MSM technique (mirror, signal, manoeuvres). | |
| 7.13.T/P3 | Hazard communication and signs. | |
| 7.13.T/P4 | Decoding subtle signs and cues from other drivers. | |

7.14. Speed Management

7.14.1. Expected outcome

The learner should be able to correctly adapt speed to road condition.

7.14.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain the impact of speed on road crashes and fatalities;
- (b) demonstrate how to maintain correct following distance (4 Second Rule);
- (c) calculate stopping distance;
- (d) describe road surface conditions and their impact on vehicle stopping distance;
- (e) name braking systems and techniques-ABS, gears, engine brakes and retarders;
- (f) explain freewheeling risks;
- (g) demonstrate correct cornering technique;
- (h) explain the centre of gravity and its impact on truck stability;
- (i) discuss shifting loads; and
- (j) demonstrate downhill driving.

7.14.3. Content

| 7.14T/P1 | Impact of speed on road crashes and fatalities. |
|------------|---|
| 7.14.T/P2 | Maintaining correct following distance (4 Second Rule). |
| 7.14.T/P3 | Calculating stopping distance. |
| 7.14.T/P4 | Road surface conditions and their impact on truck stopping. |
| 7.14.T/P5 | Braking systems and techniques-ABS, gears, engine brakes and retarders. |
| 7.14.T/P6 | Freewheeling risks. |
| 7.14.T/ P7 | Correct cornering techniques. |
| 7.14.T/P8 | Centre of gravity. |
| 7.14.T/P9 | Shifting loads. |
| 7.14.T/P10 | Downhill driving. |

7.15. Space Management

7.15.1. Expected outcome

The learner should be able to correctly maintain a space envelope.

7.15.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain the concept of space envelope;
- (b) demonstrate the techniques of space recovery; and
- (c) position a truck to 'see and be seen'.

7.15.3. Content

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| 7.15.T/P1 | The concept of space envelope. |
|-----------|--------------------------------------|
| 7.15.T/P2 | Techniques of space recovery. |
| 7.15.T/P3 | Positioning to be 'see and be seen'. |

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7.16. Emergency Manoeuvres

7.16.1. Expected outcome

The learner should be able to correctly perform emergency manoeuvres.

7.16.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) optimize stopping distance;
- (b) safely perform evasive turns on the road;
- (c) demonstrate how to get off the road turns and return safely;
- (d) handle brakes failure and blow outs; and
- (e) make quick stops and turns.

7.16.3. Content

| 7.16.T/P1 | Optimising stopping distance. |
|-----------|--|
| 7.16.T/P2 | Safely performing evasive turns on the road. |
| 7.16.T/P3 | How to get off the road turns and return safely. |
| 7.16.T/P4 | Handling brakes failure and blow outs. |
| 7.16.T/P5 | Making quick stops and turns. |

7.17. Skid Control and Recovery

7.17.1. Expected outcome

The learner should be able to correctly perform skid control and recovery.

7.17.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain causes of skids;
- (b) describe aquaplaning;
- (c) explain trailer jack-knife, tractor jack-knife, front-wheel skids and allwheel skids; and demonstrate skid recovery procedures

7.17.3. Content

| 7.17.T/P1 | Causes of skids. |
|-----------|---|
| 7.17.T/P2 | Aquaplaning. |
| 7.17.T/P3 | Trailer jack-knife, tractor jack-knife, front-wheel skids and all-wheel |
| 7.17.T/P4 | Skid recovery procedures |

7.18. Adverse Driving Conditions

7.18.1. Expected Outcome

The learner should be able to correctly drive in adverse conditions.

7.18.2. Objectives of Theory or Practical

- (a) explain night driving-
 - (i) critical factors in night driving;
 - (ii) visibility and conspicuity;
- (b) explain extreme driving conditions-
 - (i) foggy weather;
 - (ii) windy conditions;
 - (iii) heavy rain; and
 - (iv) hot weather.

7.18.3. Content

| 7.18T/P1 | Night driving— |
|-----------|--|
| | (a) Critical factors in night driving. |
| | (b) Visibility and conspicuity. |
| 7.18.T/P2 | Extreme driving conditions— |
| | (a) Foggy weather. |
| | (b) Windy conditions. |
| | (c) Heavy rain |
| | (d) Hot weather. |

7.19. Preventive Maintenance

7.19.1. Expected Outcome

The learner should be able to influence the preventive maintenance of the truck.

7.19.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define preventive maintenance;
- (b) state kinds of preventive maintenance;
- (c) discuss driver's obligations; and
- (d) troubleshoot, perform diagnostics and report truck malfunctions.

7.19.3. Content

| 7.19.T/P1 | Defining preventive maintenance. |
|-----------|--|
| 7.19.T/P2 | Kinds of preventive maintenance. |
| 7.19.T/P3 | Driver's obligations. |
| 7.19.T/P4 | Troubleshooting, diagnostics and reporting truck malfunctions. |

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7.20. Conditions of Carriage

7.20.1. Expected Outcome

The learner should be able to comply with conditions of carriage.

7.20.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define conditions of carriage;
- (b) explain importance of conditions of carriage; and
- (c) outline the laws and conditions governing carriage of unaccompanied articles, parcels and freight.

7.20.3. Content

| 7.20.T/P1 | Meaning of conditions of carriage. |
|-----------|--|
| 7.20.T/P2 | Importance of conditions of carriage. |
| 7.20.T/P3 | Laws and conditions governing carriage of unaccompanied articles, parcels and freight. |

7.21. Hazardous Materials

7.21.1. Expected Outcome

The learner should be able to safely handle and transport hazardous materials.

7.21.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define characteristics of hazardous goods;
- (b) explain the hazmat endorsement framework;
- (c) outline the classification of hazardous materials;
- (d) discuss safe handling procedures in loading and offloading; and
- (e) point out requirements for hazmat transportation.

7.21.3. Content

| 7.21.T/P1 | Characteristics of hazardous goods. |
|-----------|--|
| 7.21.T/P2 | Hazmat endorsement framework. |
| 7.21.T/P3 | Classification of hazardous materials. |
| 7.21.T/P4 | Safe handling procedure in loading and offloading. |
| 7.21.T/P5 | Requirements for hazmat transportation. |

7.22. Emergency Procedures

7.22.1. Expected Outcome

The learner should be able to perform emergency procedures.

7.22.2. Objectives of Theory or Practical

- (a) outline basic responsibilities at a crash scene;
- (b) explain safety precautions at a crash scene;

- (c) explain how to respond to truck fires;
- (d) describe spillage handling procedures
- (e) explain incident reporting procedures; and
- (f) demonstrate basic first aid.

7.22.3. Content

| 7.22.T/P1 | Basic responsibilities at a crash scene. | |
|-----------|--|--|
| 7.22.T/P2 | Safety precautions on crash scene. | |
| 7.22.T/P3 | Responding to truck fires. | |
| 7.22.T/P4 | Spillage handling. | |
| 7.22.T/P5 | Incident reporting procedures. | |
| 7.22.T/P6 | Basic first aid. | |

7.23. Work Planning

7.23.1. Expected Outcome

The learner should be able to safely plan work.

7.23.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) prepare a journey or trip plan;
- (b) explain the legal limits on duty hours or driving hours; and
- (c) complete records of duty or work tickets or trip cards.

7.23.3. Content

| 7.23.T/P1 | Preparing journey or trip plans. | |
|-----------|--|--|
| 7.23.T/P2 | Legal limits on duty hours or driving hours. | |
| 7.23.T/P2 | Completing records of duty. | |

7.24. Cargo Handling

7.24.1. Expected Outcome

The learner should be able to handle cargo correctly.

7.24.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain cargo securement;
- (b) discuss axle weight distribution;
- (c) outline safe loading and offloading procedures;
- (d) point out the legal aspects of loading (the East African Community Vehicle Axle Load Control Act 2013, Traffic Act);

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- (e) discuss cargo documentation-
 - (i) terms and definitions;

- (ii) cargo movement documentation; and
- (iii) pickup and delivery procedures;
- (f) explain security of cargo-
 - detecting and reporting a suspicious activity at loading points or docks and in transit; and
 - (ii) the dos and don'ts of personal security; and
- (g) discuss conditions of carriage for unaccompanied parcels and freight

7.24.3. Content

| 7.24.T/P1 | Cargo securement. |
|-----------|--|
| 7.24.T/P2 | Axle weight distribution. |
| 7.24.T/P3 | Safe loading and offloading. |
| 7.24.T/P4 | Legal aspects of loading (the East African Community Vehicle Axle Load Control Act 2013, Traffic Act). |
| 7.24.T/P5 | Cargo documentation— (a) Terms and definitions. |
| | (b) Cargo movement documentation. |
| | (c) Pickup and delivery procedures. |
| 7.24.T/P6 | Security of cargo— |
| | (a) Detecting and reporting suspicious activity at loading points or docks and in transit. |
| | (b) The dos and don'ts of personal security. |
| 7.24.T/P7 | Conditions of carriage for unaccompanied parcels and freight. |

7.25. Customer Care

7.25.1. Expected Outcome

The learner should be able to handle customers with care.

7.25.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) apply excellent communication skills at the workplace;
- (b) handle customer expectations and complaints competently;
- (c) handle persons with special needs appropriately;
- (d) practical personal hygiene;
- (e) avoid incidences of sexual harassment and any form of discrimination; and
- (f) apply time and stress management skills.

7.25.3. Content

| 7.25.T/P1 | Communication skills. | |
|-----------|--|--|
| 7.25.T/P2 | Handling customer expectations and complaints. | |
| 7.25.T/P3 | Handling persons with special needs and persons with disabilities. | |

| 7.25.T/P4 | Personal hygiene. | |
|-----------|--|--|
| 7.25.T/P5 | Sexual harassment and offences and discrimination. | |
| 7.25.T/P6 | Time and stress management. | |

7.26. Driving on the Road (Practical)

7.26.1. Expected outcome

The learner should be able to drive in a defensive manner on the road to minimize the chances of a crash.

7.26.2. Objectives of Practical

By the end of this unit, the learner should be able to-

- (a) demonstrate truck driving;
- (b) demonstrate correct vehicle positioning;
- (c) apply speed in different situations;
- (d) drive on hills and bends;
- (e) demonstrate driving through various situations;
- (f) demonstrate changing and shifting lanes appropriately;
- (g) perform changing direction by turning;
- (h) make appropriate manoeuvres;
- (i) meet oncoming traffic;
- (j) demonstrate driving in dark, dim and foggy conditions;
- (k) apply defensive driving techniques; and
- (1) practical appropriate anti-carjacking techniques.

7.26.3. Content

| 7.26.P1 | Truck driving. | |
|----------|--|--|
| 7.26.P2 | Truck positioning. | |
| 7.26.P3 | Speed in different situations. | |
| 7.26.P4 | Hills and bends. | |
| 7.26.P5 | Driving through various situations. | |
| 7.26.P6 | Choosing and shifting lanes appropriately. | |
| 7.26.P7 | Changing direction by turning. | |
| 7.26.P8 | Making appropriate manoeuvres. | |
| 7.26.P9 | Meeting oncoming traffic. | |
| 7.26.P10 | Driving in dark, dim and foggy conditions. | |

and the same of the

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| 7.26.P11 | Defensive driving techniques— |
|----------|--|
| | (a) Driver behaviour and attitude. |
| | (b) Driver conditions and environment. |
| | (c) Basic road courtesy. |

7.27. Examination of Truck Drivers

7.27.1. Expected Outcome

The driver should be able to acquire a Certificate of Competence category applied for under a driver mentor and subsequently be issued with a provisional driving licence valid for six months.

7.27.2. Objectives of Theory or Practical

By the end of the unit, the learner should be able to pass the theory and practical driving examination for the category applied.

7.27.3. Content

| 7.27.T/P1 | Theory and practical examination— |
|-----------|--|
| | (a) Responsible officer: Driving test examiner. |
| | (b) Where: At the driving test centre. |
| | (c) Time Schedule: 2 Hours (T) 0.5hours (P). |
| | (d) Demands: Score- Passed/not passed Overall pass mark > 80%. |
| | (e) Materials: Theory tests and driving tests sheets. |

CHAPTER EIGHT—TRAINING OF SPECIAL PROFESSIONAL DRIVERS (CATEGORY E)

A Special Professional Driving Licence (Class E) shall be issued under the following categories—

- (a) Category C Medium Truck (EC)
- (b) Category CE Heavy Truck with trailer (ECE)
- (c) Category CD, heavy goods vehicle for Transportation of Hazardous Goods (ECD)
- (d) Category D (D, D1 and D2) (ED/ED1 /ED2)
- 8.1 Minimum Requirements for Enrolling to Train as Special Professional Driver
 - (a) Minimum age of 21 years.
 - (b) Must possess a valid driving licence.
 - (c) Completed 3 months driving practical with any vehicle classified under categories C1, C, CE, D, D1, D2, D3 and licenced as EC1, EC, ECE, ED, ED1, ED2, ECD, respectively, Class ED2, licences shall be endorsed for classes D1 & D while Class ECE Licences shall be endorsed for C & C1.
 - (d) Medical test certification.

8.2 Units for Special Professional Drivers

- (a) Introduction to driving commercial vehicles and public service vehicles.
- (b) Truck construction and controls.
- (c) Self-inspection of vehicle.
- (d) Observation.
- (e) Vehicle control.
- (f) Communication on the road.
- (g) Speed management.
- (h) Space management
- (i) Emergency manoeuvres.
- (j) Skid control and recovery.
- (k) Adverse driving conditions.
- (l) Preventive maintenance.
- (m) Conditions of carriage.
- (n) Hazardous materials.
- (o) Emergency procedures.
- (p) Work planning.
- (q) Cargo handling.
- (r) Customer care.
- (s) Driving on the road (practical).
- (t) Examination.

8.3 Requirement for Issuance of a Special Professional Driving Licence

A special professional driving licence is categorized as a professional driving licence. The requirement for the issuance of this licence is a—

(a) Certificate of Competence issued under the Rules.

- (b) Driving Practical Assessment Report by an approved driver mentor, signed off by a competent examiner.
- (c) Certificate of membership of a professional drivers' body approved by the Authority.

8.4 Units Summary and Time Allocation

| Code | Unit | Content | Time (Hours) | | | |
|------|--|--|--------------|-----------|-------|--|
| | | | Theory | Practical | Total | |
| 8.5. | Introduction to commercial vehicles and public service vehicles. | (a) Regulations governing operation of commercial vehicles and public service vehicles. (b) Requirements to obtain the commercial vehicles and public service vehicles driving licence. | 2 | 0 | 2 | |

| | | (c) Crash rate of trucks. | T | | T |
|------|---|---|-----|-----|---|
| | | (d) Kerb parking. | | | |
| 8.6. | Commercial vehicles and public service vehicles construction and controls. | (a) Controls and instruments. (b) Engine, ignition, accelerator and exhaust system. (c) Instruments, controls and lights. (d) Transmission system. | 1 | 5 | 6 |
| | | (e) Steering system. | | | |
| | | (f) Braking system. | | | |
| | | (g) Lights and reflectors. | | | |
| | | (h) Wheels, tires and shock absorbers. | | | |
| | | (i) The body of trucks. | | | |
| 5 | | (j) Special equipment, tools and accessories. | | | |
| | (k) Fire extinguisher. | | | | |
| | (l) Electrical system. | | | | |
| | | (m) Pre-trip inspection check. | | | |
| 8.7. | Self-inspection of commercial vehicles and public service vehicles. | (a) Systematically inspecting a commercial vehicles and public service vehicles before driving. (b) Post trip inspections. | 1 | 1 | 2 |
| | | (c) Common commercial vehicles and public service vehicles anomalies during long distance trips. | 7 | | |
| 8.8. | Observation. | (a) Maintaining a 360-degree view of the commercial vehicles and public service vehicles. | 1.5 | 0.5 | 2 |
| | | (b) Frontal and peripheral vision. | | | |
| | | (c) Blind spots. | | | |
| | 1 | (d) Scanning the environment. | | | |

| | | | Hazard perception and recognition. | | | | |
|------|-------------------------------------|-----|--|---|---|-----|---|
| | | 4.0 | Kinds and use of driving mirrors. | _ | | | |
| 8.9. | Commercial vehicles and | (a) | Making the necessary safety preparations. | 2 | 5 | | 7 |
| | public service vehicles control. | (b) | Controlling movement of the commercial vehicles and public service vehicles. | | | | |
| | | (c) | Basic principles of steering. | | | | |
| | | (d) | Making the truck accelerate and stop smoothly. | | 4 | - 1 | |
| | | | Operating the pedals with increased precision and coordination. | | | | |
| | | (f) | Changing gears while driving without losing control. | | | | |
| | | (g) | Procedure for shifting up and down through gears. | | | | |
| | | (h) | Double clutch and time shift process. | | | | |
| | | (i) | Instruments and controls in gear shifts. | | | | |
| | | (j) | Transmissions shifting procedures and patterns for conventional types. | | | | |
| | | (k) | Forward driving and turning. | | | | |
| | | (1) | Operating the steering wheel gently. | | | | |
| | * | (m) | Performing turning manoeuvres in normally occurring traffic. | | | | |
| | | (n) | Parking at a kerb. | | | | |
| | | (0) | Making proper judgements of the truck length and width. | | | | |
| | | (p) | Hard braking (emergency braking). | | | | |

| - | | (q) Achieving optimum braking without locking the engine. | | | |
|-------|-------------------|---|---|---|---|
| | | (r) U-turning and turning by forward and reverse driving. | | | |
| | 2 | (s) Change direction of driving on the road. | | | |
| | | (t) Backing up and reversing parking manoeuvres. | | | |
| 8.10. | Communication | (a) "Why communication?" | 2 | 0 | 2 |
| | on the road. | (b) Applying MSM technique (mirror, signal, manoeuvres). | | | |
| | | (c) Hazard communication and signs. | | | |
| | | (d) Decoding subtle signs and cues from other drivers. | | | |
| 8.11. | Speed management. | (a) Impact of speed on road crashes and fatalities. | 4 | 1 | 5 |
| | | (b) Maintain correct following distance (4 Second rule). | | | |
| | | (c) Calculating stopping distance. | | | |
| | | (d) Road surface condition and impact on vehicle stopping. | | | |
| 1 | | (e) Braking systems and techniques-ABS, gears, engine brakes and retarders. | | | |
| | | (f) Freewheeling risks. | | | |
| | | (g) Correct cornering technique. | | | |
| | | (h) Centre of gravity shifting loads. | | | |
| | | (i) Downhill driving. | | | |
| | | (j) Relationship of speed and visibility. | | | |
| | | (k) Speed influence on traffic flow. | | | |

| 8.12. | Space management. | (a) | The concept of space envelope. | 1 | 2 | 3 |
|-------|-------------------------|-------|---|-----|---|---|
| | | (b) | Techniques of space recovery. | | | |
| | | (c) | Positioning to 'see and be seen'. | | | |
| 8.13. | Emergency manoeuvres. | (a) | Optimizing stopping distance. | 3 | 0 | 3 |
| | | (b) | Safely performing evasive turns on the road. | | | |
| | | (c) | How to get-off-the-road turns and return safely. | | | |
| | | (d) | Handling brakes failure and blow outs. | | | |
| | | (e) | Making quick stops and turns. | | | |
| 8.14. | Skid control | (a) | Causes of skids. | 3 | 3 | 6 |
| | and recovery. | (b) | Aquaplaning. | | | |
| | | (c) | Trailer jack-knife, tractor jack-knife, front-wheel skid and all-wheel skid recovery procedures. | #00 | | |
| 8.15. | Adverse driving | (a) | Night driving. | 6 | 3 | 9 |
| | conditions. | (b) | Critical factors in night driving. | | | |
| | | (c) | Visibility and conspicuity. | | | |
| | | | Extreme driving conditions— | | | |
| | | (i) | Foggy weather. | | | |
| | | (ii) | Windy conditions. | | | |
| | | (iii) | Heavy rain. | | | |
| | , | (iv) | Hot weather. | | 1 | |
| 8.16. | Preventive maintenance. | | Defining preventive maintenance. | 4 | 1 | 5 |
| | | | Kinds of preventive maintenance. | | | |
| | | (c) | Driver's obligations. | | | |

| | | (d) | Troubleshooting, diagnostics and reporting commercial vehicles and | | | |
|-------|-------------------------|--------|---|-----|---|---|
| | | | public service vehicles malfunctions. | | | |
| 8.17. | Conditions of carriage. | (a) | Meaning and importance of carriage. | f 5 | 0 | 5 |
| | | (b) | Conditions of carriage. | | | |
| | | | Laws and conditions governing carriage of unaccompanied articles, parcel and freight. | | | |
| 8.18. | Hazardous materials. | | Definition and characteristics of commercial vehicles and public service vehicles that transport hazardous goods. | 4 | 1 | 5 |
| | | 00.000 | Hazmat endorsement framework. | | | |
| | | | Classification of hazardous materials. | | | |
| | | | Safe handling procedure in loading and offloading. | | | |
| | | | Requirements for hazmat transportation. | | | |
| 8.19. | Emergency procedures. | | Basic responsibilities at a crash scene. | 4 | 3 | 7 |
| | | | Safety precautions at a crash scene. | | | |
| | | V | Responding to commercial vehicles and public service vehicles fires. | | | |
| | | (d) S | Spillage handling. | | | |
| | | | ncident reporting procedures. | | | |
| | | (f) E | Basic first aid. | | | |
| 3.20. | Work planning. | | reparing journey or trip | 3 | 2 | 5 |
| | 2.4 | | egal limits on duty hours r driving hours. | | | |

| | | (c) | Completing records of duty. | | 2 | |
|-------|----------------------|-----|--|---|----|----|
| 3.21. | Cargo handling. | (a) | Cargo securement. | 7 | 1 | 8 |
| | | (b) | Axle weight distribution. | | | |
| | | | Safe loading and offloading. | | | |
| | | | Legal aspects of loading (the East African Community Vehicle Axle Load Control Act 2013, Traffic Act). | | | |
| | | (e) | Cargo documentation. | | | |
| | | (f) | Movement documentation. | | | |
| | | (g) | Pickup and delivery procedures. | | | |
| | | (h) | Security of cargo. | | | |
| | | (i) | Detecting and reporting a suspicious activity at loading points or docks and in transit. | | | |
| | | (i) | Dos and don'ts of personal security. | | | |
| | E . | (k) | Conditions of carriage for unaccompanied parcels and freight. | | | |
| 8.22. | Customer care. | (a) | Communication skills. | 2 | 0 | 2 |
| | 109 | (b) | Handling customer expectations and complaints. | | | |
| | | (c) | Handling persons with special needs and persons with disabilities. | | | |
| | | (d) | Personal hygiene. | | 1 | |
| | | (e) | Sexual harassment and discrimination. | | | |
| 8.23. | Driving on the road. | (a) | Commercial vehicles and public service vehicles driving. | 0 | 26 | 26 |
| | | (b) | Commercial vehicles and public service vehicles positioning. | | | |

| Total | | | 57.5 | 53 | 109.5 |
|-------|---------------|--|------|-----|-------|
| 8.24. | Examination . | Theory and practical examination. | 2 | 0.5 | 2.5 |
| | | (n) Door and window management. | | | |
| | | (m) Anti-carjacking techniques. | | | |
| | | Observing others driver's behaviour and attitude. | | | |
| | | (k) Defensive driving techniques. | | | |
| | | (j) Driving in dark, dim and foggy conditions. | | | |
| | | (i) Joining oncoming traffic. | | | |
| | | (h) Making appropriate manoeuvres. | | 1 | |
| | | (g) Changing direction by turning. | | | |
| | | (f) Choosing and shifting lanes appropriately. | S | | |
| | | (e) Driving through various situations. | | | |
| | | (d) Hills and bends. | | | |
| | | (c) Speed in different situations. | | | 1.0 |

8.5 Introduction to Commercial Vehicles and Public Service Vehicles

8.5.1. Expected outcome

The learner should be able to know about commercial vehicles and public service vehicles.

8.5.2. Objectives of Theory and Practical

- (a) demonstrate knowledge and regulation of commercial vehicles and public service vehicles;
- (b) outline the requirements to obtain the commercial vehicles and public service vehicles driving licence;
- explain the importance of commercial vehicles and public service vehicles as a part of the national transportation system; and
- (d) know the crash rate of commercial vehicles and public service vehicles.

8.5.3. Content

| Regulations governing operation of commercial vehicles. |
|--|
| Requirements to obtain the commercial vehicles and public service vehicles driving licence. |
| Importance or role of commercial vehicles and public service vehicles as a part of the national transportation system. |
| Crash rate of commercial vehicles and public service vehicles. |
| Roadside parking. |
| |

8.6. Commercial Vehicles and Public Service Vehicles Construction and Controls

8.6.1. Expected outcome

The learner should be able to demonstrate knowledge on the construction and control of commercial vehicles and public service vehicles.

8.6.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) describe controls and instruments as used in commercial vehicles and public service vehicles;
- (b) discuss the components of a commercial vehicles and public service vehicles;
- (c) describe the accessories of commercial vehicles and public service vehicles;
- (d) discuss the systems of commercial vehicles and public service vehicles;
- (e) discuss the importance of lights and reflectors;
- (f) explain wheels and tires;
- (g) describe the bodies of commercial vehicles and public service vehicles;
- (h) point out blind spots; and
- (i) discuss special equipment.

8.6.3. Content

| 8.6.T/P1 | Controls and instruments. |
|----------|--|
| 8.6.T/P2 | Discuss the following components of commercial vehicles and public service vehicles— |
| | (a) Ignition. |
| | (b) Engine. |
| | (c) Accelerator. |
| | (d) Exhaust. |

| 8.6.T/P3 | Describe the accessories of commercial vehicles and public service vehicles— |
|----------|---|
| | (a) Air-conditioning. |
| | (b) Secondary Restraint System (SRS). |
| | (c) Anti-lock Braking System (ABS). |
| 8.6.T/P4 | Discuss the following systems of commercial vehicles and public service vehicles— |
| | (a) Transmission system. |
| | (b) Steering system. |
| | (c) Braking system. |
| | (d) Suspension system. |
| 8.6.T/P5 | Lights and reflectors. |
| 8.6.T/P6 | Wheels and tyres. |
| 8.6.T/P7 | The bodies of commercial vehicles and public service vehicles. |
| 8.6.T/P8 | Special equipment— |
| 207 | (a) Tool box. |
| | (b) First aid box. |
| | (c) Warning triangles. |
| | (d) Fire extinguisher. |

8.7. Self-Inspection of Trucks

8.7.1. Expected outcome

The learner should be able to perform self-inspection of commercial vehicles and public service vehicles.

8.7.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) systematically inspect commercial vehicles and public service vehicles before driving;
- (b) perform post-trip inspections;
- (c) state common anomalies of commercial vehicles and public service vehicles during long distance trips.

8.7.3. Content

| 8.7./P1 | Systematically inspecting commercial vehicles and public service vehicles before driving. |
|----------|---|
| 8.7.T/P2 | Post-trip inspections. |
| 8.7.T/P3 | Common anomalies of commercial vehicles and public service vehicles during long distance trips. |

8.8. Observation

8.8.1. Expected Outcome

The learner should be able to correctly observe the driving environment.

8.8.2. Objectives of Theory or Practical

By the end of this unit the learner should be able to-

- (a) maintain a 360-degree view of commercial vehicles and public service vehicles;
- (b) describe frontal and peripheral vision;
- (c) point out blind spots;
- (d) explain scanning the environment;
- (e) demonstrate hazard perception and recognition; and
- (f) state kinds and use of driving mirrors.

8.8.3. Content

| 8.8.T/P1 | Maintaining a 360-degree view of commercial vehicles and public service vehicles. |
|----------|---|
| 8.8.T/P2 | Frontal and peripheral vision. |
| 8.8.T/P3 | Blind spots. |
| 8.8.T/P4 | Scanning the environment. |
| 8.8.T/P5 | Hazard perception and recognition. |
| 8.8.T/P6 | Kinds and use of driving mirrors. |

8.9. Control of Commercial Vehicles and Public Service Vehicles (Manoeuvre Yard)

8.9.1. Expected Outcome

The learner should be able to apply basic skills in controlling commercial vehicles and public service vehicles.

8.9.2. Objectives of Theory or Practical

- (a) prepare to drive;
- (b) describe the necessary safety preparations for driving;
- (c) control the movement of commercial vehicles and public service vehicles by coordinating pedal activities, changing gears and steering;
- (d) operate the pedals with increased precision and coordination, especially by combined clutch and accelerator, or clutch and brakes;
- (e) demonstrate gear changing techniques;
- (f) demonstrate forward driving and turning;
- (g) operate the steering wheel gently;
- (h) perform turnings as normally occurring in traffic or on the road;

- (i) demonstrate how to park along the kerb;
- make appropriate judgment of the length and width, the position of the wheels and the longitudinal direction of commercial vehicles and public service vehicles in relation to the road side;
- (k) perform hard braking (emergency braking);
- carry out optimum braking without locking the wheels, losing steering control or stalling the engine;
- (m) perform different manoeuvres;
- (n) apply skills in change of direction; and
- (o) demonstrate skills in different kinds of parking.

8.9.3. Content

| 8.9.T/P1 | Driving preparation. |
|-----------|---|
| 8.9.T/P2 | Necessary safety preparations for driving and get familiar with the names and positions of controls and instruments. |
| 8.9.T/P3 | Controlling the movement of commercial vehicles and public service vehicles. |
| 8.9.T/P4 | Movement of commercial vehicles and public service vehicles— (a) Acceleration. (b) Smooth start and stop. |
| 8.9.T/P5 | Operating the pedals with increased precision and coordination, especially by combined clutch and accelerator, or clutch and brake operations (in all commercial vehicles and public service vehicles). |
| 8.9.T/P6 | Changing gears while driving without losing control of other operations like steering and attention to what is happening around. |
| 8.9.T/P7 | Driving and turning. |
| 8.9.T/P8 | Operating the steering wheel gently, getting commercial vehicles and public service vehicles in the right direction and keeping commercial vehicles and public service vehicles on a fairly correct course. |
| 8.9.T/P9 | Perform turning manoeuvres. |
| 8.9.T/P10 | Parking at a kerb. |
| 8.9.T/P11 | Proper judgments of the length and width, the position of the wheels and the longitudinal direction of commercial vehicles and public service vehicles in relation to the road side. |
| 8.9.T/P12 | Hard braking (emergency braking). |
| 8.9.T/P13 | Optimum braking without locking the wheels, losing steering control or stalling the engine. |

| 8.9.T/P14 | U-turning by forward and reverse driving. |
|-----------|---|
| 8.9.T/P15 | Driving directions change. |
| 8.9.T/P16 | Different kinds of parking. |

8.10. Communication on the Road

8.10.1. Expected outcome

The learner should be able to correctly communicate on the road.

8.10.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain "why communicate";
- (b) apply MSM technique (mirror, signal, manoeuvres);
- (c) describe hazard communication and signs; and
- (d) decode subtle signs and cues from other drivers.

8.10.3. Content

| 8.10.T/P1 | "Why communicate?" | |
|-----------|--|--|
| 8.10.T/P2 | MSM technique (mirror, signal, manoeuvres). | |
| 8.10.T/P3 | Hazard communication and signs. | |
| 8.10.T/P4 | Decoding subtle signs and cues from other drivers. | |

8.11. Speed Management

8.11.1. Expected outcome

The learner should be able to correctly adapt speed to road condition.

8.11.2. Objectives of Theory or Practical

- (a) explain the impact of speed on road crashes and fatalities;
- (b) demonstrate how to maintain correct following distance (4 Second Rule);
- (c) calculate stopping distance;
- (d) describe road surface conditions and their impact on the stopping distance of commercial vehicles and public service vehicles;
- (e) name braking systems and techniques-ABS, gears, engine brakes and retarders;
- (f) explain freewheeling risks;
- (g) demonstrate correct cornering technique;
- (h) explain the centre of gravity and its impact on truck stability;
- (i) discuss shifting loads; and
- (j) demonstrate downhill driving.

8.11.3. Content

| 8.11.T/P1 | Impact of speed on road crashes and fatalities. |
|------------|---|
| 8.11.T/P2 | Maintaining correct following distance (4 Second Rule). |
| 8.11.T/P3 | Calculating stopping distance. |
| 8.11.T/P4 | Road surface conditions and their impact on truck stopping. |
| 8.11.T/P5 | Braking systems and techniques-ABS, gears, engine brakes and retarders. |
| 8.11.T/P6 | Freewheeling risks. |
| 8.11.T/ P7 | Correct cornering techniques. |
| 8.11.T/P8 | Centre of gravity. |
| 8.11.T/P9 | Shifting loads. |
| 8.11.T/P10 | Downhill driving. |

8.12. Space Management

8.12.1. Expected outcome

The learner should be able to correctly maintain a space envelope.

8.12.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain the concept of space envelope;
- (b) demonstrate the techniques of space recovery; and
- (c) position commercial vehicles and public service vehicles to 'see and be seen'.

8.12.3. Content

| 8.12.T/P1 | The concept of space envelope. |
|-----------|--------------------------------------|
| 8.12.T/P2 | Techniques of space recovery. |
| 8.12.T/P3 | Positioning to be 'see and be seen'. |

8.13. Emergency Manoeuvres

8.13.1. Expected outcome

The learner should be able to correctly perform emergency manoeuvres.

8.13.2. Objectives of Theory or Practical

- (a) optimize stopping distance;
- (b) safely perform evasive turns on the road;
- (c) demonstrate how to get off the road turns and return safely;
- (d) handle brakes failure and blow outs; and
- (e) make quick stops and turns.

8.13.3. Content

| 8.13.T/P1 | Optimising stopping distance. |
|-----------|--|
| 8.13.T/P2 | Safely performing evasive turns on the road. |
| 8.13.T/P3 | How to get off the road turns and return safely. |
| 8.13.T/P4 | Handling brakes failure and blow outs. |
| 8.13.T/P5 | Making quick stops and turns. |

8.14. Skid Control and Recovery

8.14.1. Expected outcome

The learner should be able to correctly perform skid control and recovery.

8.14.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain causes of skids;
- (b) describe aquaplaning;
- (c) explain trailer jack-knife, tractor jack-knife, front-wheel skids and allwheel skids; and
- (d) demonstrate skid recovery procedures

8.14.3. Content

| 8.14.T/P1 | Causes of skids. |
|-----------|--|
| 8.14.T/P2 | Aquaplaning. |
| 8.14.T/P3 | Trailer jack-knife, tractor jack-knife, front-wheel skids and all-wheel skids. |
| 8.14.T/P4 | Skid recovery procedures. |

8.15. Adverse Driving Conditions

8.15.1. Expected Outcome

The learner should be able to correctly drive in adverse conditions.

8.15.2. Objectives of Theory or Practical

- (a) explain night driving-
 - (i) critical factors in night driving;
 - (ii) visibility and conspicuity;
- (b) explain extreme driving conditions-
 - (i) foggy weather;
 - (ii) windy conditions;
 - (iii) heavy rain; and
 - (iv) hot weather.

8.15.3. Content

| 8.15.T/P1 | Night driving— |
|-----------|--|
| | (a) Critical factors in night driving. |
| | (b) Visibility and conspicuity. |
| 8.15.T/P2 | Extreme driving conditions— |
| | (a) Foggy weather. |
| | (b) Windy conditions. |
| | (c) Heavy rain |
| | (d) Hot weather. |

8.16. Preventive Maintenance

8.16.1. Expected Outcome

The learner should be able to influence the preventive maintenance of commercial vehicles and public service vehicles.

8.16.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define preventive maintenance;
- (b) state kinds of preventive maintenance;
- (c) discuss driver's obligations; and
- (d) troubleshoot, perform diagnostics and report malfunctions of commercial vehicles and public service vehicles.

8.16.3. Content

| 8.16.T/P1 | Defining preventive maintenance. |
|-----------|---|
| 8.16.T/P2 | Kinds of preventive maintenance. |
| 8.16.T/P3 | Driver's obligations. |
| 8.16.T/P4 | Troubleshooting, diagnostics and reporting malfunctions of commercial vehicles and public service vehicles. |

8.17. Conditions of Carriage

8.17.1. Expected Outcome

The learner should be able to comply with conditions of carriage.

8.17.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define conditions of carriage;
- (b) explain importance of conditions of carriage; and
- (c) outline the laws and conditions governing carriage of unaccompanied articles, parcels and freight.

8.17.3. Content

| 8.17.T/P1 | Meaning of conditions of carriage. |
|-----------|--|
| 8.17.T/P2 | Importance of conditions of carriage. |
| 8.17.T/P3 | Laws and conditions governing carriage of unaccompanied articles, parcels and freight. |

8.18. Hazardous Materials

8.18.1. Expected Outcome

The learner should be able to safely handle and transport hazardous materials.

8.18.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) define characteristics of hazardous goods;
- (b) explain the hazmat endorsement framework;
- (c) outline the classification of hazardous materials;
- (d) discuss safe handling procedures in loading and offloading; and
- (e) point out requirements for hazmat transportation.

8.18.3. Content

| 8.18.T/P1 | Characteristics of hazardous goods. |
|-----------|--|
| 8.18.T/P2 | Hazmat endorsement framework. |
| 8.18.T/P3 | Classification of hazardous materials. |
| 8.18.T/P4 | Safe handling procedure in loading and offloading. |
| 8.18.T/P5 | Requirements for hazmat transportation. |

8.19. Emergency Procedures

8.19.1. Expected Outcome

The learner should be able to perform emergency procedures.

8.19.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) outline basic responsibilities at a crash scene;
- (b) explain safety precautions at a crash scene;
- explain how to respond to fires on commercial vehicles and public service vehicles;

and the second

- (d) describe spillage handling procedures
- (e) explain incident reporting procedures; and
- (f) demonstrate basic first aid.

8.19.3. Content

| 8.19.T/P1 | Basic responsibilities at a crash scene. |
|-----------|--|
| 8.19.T/P2 | Safety precautions on crash scene. |

| 8.19.T/P3 | Responding to fires on commercial vehicles and public service vehicles. |
|-----------|---|
| 8.19.T/P4 | Spillage handling. |
| 8.19.T/P5 | Incident reporting procedures. |
| | Basic first aid. |

8.20. Work Planning

8.20.1. Expected Outcome

The learner should be able to safely plan work.

8.20.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) prepare a journey or trip plan;
- (b) explain the legal limits on duty hours or driving hours; and
- (c) complete records of duty or work tickets or trip cards.

8.20.3. Content

| 8.20.T/P1 | Preparing journey or trip plans. | |
|-----------|--|--|
| 8.20.T/P2 | Legal limits on duty hours or driving hours. | |
| 8.20.T/P2 | Completing records of duty. | |

8.21. Cargo Handling

8.21.1. Expected Outcome

The learner should be able to handle cargo correctly.

8.21.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) explain cargo securement;
- (b) discuss axle weight distribution;
- (c) outline safe loading and offloading procedures;
- (d) point out the legal aspects of loading (the East African Community Vehicle Axle Load Control Act 2013, Traffic Act);
- (e) discuss cargo documentation-
 - (i) terms and definitions;
 - (ii) cargo movement documentation; and
 - (iii) pickup and delivery procedures;
- (f) explain security of cargo-
 - detecting and reporting a suspicious activity at loading points or docks and in transit; and
 - (ii) the dos and don'ts of personal security; and
- (g) discuss conditions of carriage for unaccompanied parcels and freight.

8.21.3. Content

| 8.21.T/P1 | Cargo securement. | | | | | |
|-----------|--|--|--|--|--|--|
| 8.21.T/P2 | Axle weight distribution. | | | | | |
| 8.21.T/P3 | afe loading and offloading. | | | | | |
| 8.21.T/P4 | egal aspects of loading (the East African Community Vehicle Axle Load ontrol Act 2013, Traffic Act). | | | | | |
| 8.21.T/P5 | Cargo documentation— (a) Terms and definitions. (b) Cargo movement documentation. (c) Pickup and delivery procedures. | | | | | |
| 8.21.T/P6 | Security of cargo— (a) Detecting and reporting suspicious activity at loading points or docks and in transit. (b) The dos and don'ts of personal security. | | | | | |
| 8.21.T/P7 | Conditions of carriage for unaccompanied parcels and freight. | | | | | |

8.22. Customer Care

8.22.1. Expected Outcome

The learner should be able to handle customers with care.

8.22.2. Objectives of Theory or Practical

By the end of this unit, the learner should be able to-

- (a) apply excellent communication skills at the workplace;
- (b) handle customer expectations and complaints competently;
- (c) handle persons with special needs appropriately;
- (d) practical personal hygiene;
- (e) avoid incidences of sexual harassment and any form of discrimination; and

(f) apply time and stress management skills.

8.22.3. Content

| 8.22.T/P1 | Communication skills. |
|-----------|--|
| 8.22.T/P2 | Handling customer expectations and complaints. |
| | Handling persons with special needs and persons with disabilities. |
| | Personal hygiene. |
| 8.22.T/P5 | Sexual harassment and offences and discrimination. |
| | Time and stress management. |

8.23. Driving on the Road (Practical)

8.23.1. Expected outcome

The learner should be able to drive in a defensive manner on the road to minimize the chances of a crash.

8.23.2. Objectives of Practical

By the end of this unit, the learner should be able to-

- (a) demonstrate driving of commercial vehicles and public service vehicles;
- (b) demonstrate correct positioning of commercial vehicles and public service vehicles;
- (c) apply speed in different situations;
- (d) drive on hills and bends;
- (e) demonstrate driving through various situations;
- (f) demonstrate changing and shifting lanes appropriately;
- (g) perform changing direction by turning;
- (h) make appropriate manoeuvres;
- (i) meet oncoming traffic;
- (j) demonstrate driving in dark, dim and foggy conditions;
- (k) apply defensive driving techniques; and
- (l) practical appropriate anti-carjacking techniques.

8.23.3. Content

| 8.23.P1 | Driving of commercial vehicles and public service vehicles. | |
|----------|---|-------|
| 8.23.P2 | Positioning of commercial vehicles and public service vehicles. | |
| 8.23.P3 | Speed in different situations. | |
| 8.23.P4 | Hills and bends. | |
| 8.23.P5 | Driving through various situations. | |
| 8.23.P6 | Choosing and shifting lanes appropriately. | |
| 8.23.P7 | Changing direction by turning. | _ |
| 8.23.P8 | Making appropriate manoeuvres. | |
| 8.23.P9 | Meeting oncoming traffic. | 70.00 |
| 8.23.P10 | Driving in dark, dim and foggy conditions. | - |
| 8.23.P11 | Defensive driving techniques— | |
| | (a) Driver behaviour and attitude. | |
| | (b) Driver conditions and environment. | |
| | (c) Basic road courtesy. | |
| 8.23.P12 | Anti-carjacking techniques— | |
| | (a) Door and window management. | |
| | (b) Safe parking. | - |
| | (c) Suspicious characters. | |

8.24. Examination of Drivers of Commercial Vehicles and Public Service Vehicles

8.24.1. Expected Outcome

The driver should be able to acquire a Certificate of Competence category applied for under a driver mentor and subsequently be issued with a provisional driving licence valid for six months.

8.24.2. Objectives of Theory or Practical

By the end of the unit, the learner should be able to pass the theory and practical driving examination for the category applied.

8.24.3. Content

4.00.00

8.24.T/P1 Practical driving—

- (a) Responsible officer: Driver mentor.
- (b) Where: At the test centre.
- (c) Time Schedule-
 - Minimum of three months (four hundred and eighty hours) for public service vehicles.
 - (ii) Minimum of five thousand kilometres for heavy goods vehicles within three months (four hundred and eighty hours).
- (d) Demands: Score- Passed/not passed
- (e) Overall pass mark-
 - (i) Above 80%.
 - (ii) Zero serious road crashes.
 - (iii) Zero convictions for traffic offences.
- (f) Examination: The driver mentor shall complete assessment forms for each trip/day and fill for review by an examiner. If the learner fails, he/she should have one more attempt within six months.
- (g) Training Method: The learner shall conduct both theory and practical tests at the test centre.
- (h) Materials: Driving tests sheets.

Conditions for driver mentors and supervised professional driving practical—

- (a) Must have five years' professional experience.
- (b) The learner must obtain personal insurance cover for the training period.
- (c) The learner driver must possess a valid provisional special professional driving licence.

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CHAPTER NINE—TRAINING OF INDUSTRIAL, CONSTRUCTION AND AGRICULTURAL MACHINE DRIVERS (CATEGORY G)

This course shall be offered by an accredited training institution.

9.1 Responsibility to Accredit

The Authority shall be responsible for accrediting institutions and instructors to offer this course.

- 9.2 Minimum Requirements for Enrolling to Train as an Industrial, Construction and Agricultural Machine Driver
 - (a) Must be a holder of a valid driving licence in any other Category.
 - (b) Minimum age of 20 years.
 - (c) Medical test certification.
- 9.3 Requirement for the Issuance of an Industrial, Construction and Agricultural Machine Driving Licence

An Industrial, Construction and Agricultural Machine Driving Licence is categorized as a professional driving licence. The requirement for issuance of this licence is a Certificate of Competence issued under the Rules.

- 9.4 Units for Industrial, Construction and Agricultural Machine Operators
 - (a) Introduction to industrial, construction and agricultural machines.
 - (b) Basic controls of industrial, construction and agricultural machines.
 - (c) Legal aspects governing operation of an industrial, construction and agricultural machines.
 - (d) Practical operation of industrial, construction and agricultural machines.
 - (e) Examination of industrial, construction and agricultural machine operators.
- 9.5 Units Summary and Time Allocation

| Code | Unit | Content | | Time (Hours) | | |
|------|---|---|--------|--------------|-------|--|
| | | | Theory | Practical | Total | |
| 9.6. | Introduction to an industrial, construction and agricultural machine. | (a) Regulations governing operation of industrial, construction and agricultural machines. (b) Requirements to obtain the industrial, construction and agricultural machine driving licence. (c) The importance or role of the industrial, construction and agricultural machine as a part of the national transportation system (d) The crash rate of the industrial, construction and agricultural machine. (e) Crash rate of the industrial, construction and agricultural machines. | 24 | 0 | 24 | |

| 9.7. | | (a) Pre | epare for an operation- | 80 | 48 | 128 |
|------|---|------------------------------|---|----|----|-----|
| | industrial, construction and agricultural machines | ins ins | rrying out a daily or pre-shift pection in accordance with the tructions given in the nufacturer's handbook. | | | |
| | | adj cor the | mpleting any necessary ustments to the machine systems or istituent parts in accordance with advice given in the manufacturer's adbook. | | | |
| | | cor | ving and operating the industrial, astruction and agricultural chines on site— | | | |
| | | terr sele cor trav | erating the machine over varying rain with due regard to correct gear ection, proper use of controls, rect positioning for approach, rel through, over or around tacles. | | | |
| | | | serve and adhere to all site driving uits. | | | |
| | | | erating the machine using all trols and safely for a range of is. | | | |
| | | (d) Ope | erating ancillary equipment- | | | |
| | | (i) | Attaching or detaching any ancillary equipment safely in accordance with the manufacturer's handbook. | | | |
| | | (ii) | Using any auxiliary equipment safely for a range of tasks. | | | |
| | | dem liftin acce the | forming lifting operations by constrating an ability to carry out any operations with regard to expted safe operating procedures, lifting operations and lifting pment regulations and lifting als. | | | |
| | | (f) Mai equi | ntaining and shutting down pment safely. | | | |
| | | serv | ying out the operator's daily ice recommended in the ufacturer's handbook. | | | |
| | Legal aspects | (a) Traf | fic Act. | 8 | 0 | 8 |
| - 1 | governing operations of the industrial, | (b) Nati Auth | onal Transport and Safety pority Act. | | | |

| | construction and agricultural machines | (c) Any other laws governing the operations the industrial, construction and agricultural machines. | | | |
|------|---|---|-----|-------|-------|
| 9.9. | Examination of the industrial, construction and agricultural machine drivers. | (a) Practical operation of the industrial, construction and agricultural machine. (b) Theory and practical examination. | 2 | 160.5 | 162.5 |
| Tot | al | | 144 | 208.5 | 322.5 |

- 9.6 Introduction to Industrial, Construction and Agricultural Machines
- 9.6.1. Expected Outcome

The learner should become familiar with industrial, construction and agricultural machines.

9.6.2. Objectives of Theory or Practical

By the end of this units, the learner shall be able to-

- (a) explain regulations governing operation of industrial, construction and agricultural machines;
- (b) state requirements to obtain industrial, construction and agricultural machine licence;
- (c) discuss the importance or role of industrial, construction and agricultural machines as a part of the national transportation system; and
- (d) discuss the crash rate of industrial, construction and agricultural machines.

9.6.3. Content

| 9.6.T1 | Regulations governing operation of industrial, construction and agricultural machines. |
|---------|---|
| 9.6.T2 | Requirements to obtain the industrial, construction and agricultural machines driving licence. |
| 9.6.1T3 | The importance or role of industrial, construction and agricultural machines as part of the national transportation system. |
| 9.6.T4 | The crash rate of industrial, construction and agricultural machines. |

- 9.7 Basic Control of Industrial, Construction and Agricultural Machines
- 9.7.1 Expected Outcome

The learner should knowledgeable in basic control of industrial, construction and agricultural machines.

9.7.2 Objectives of Theory or Practical

By the end of this unit, the learner should be able to -

(a) prepare for an operation-

- by carrying out a daily or pre-shift inspection in accordance with the instructions given in the manufacturer's handbook; and
- (ii) by completing any necessary adjustments to the machine systems or constituent parts in accordance with the advice given in the manufacturer's handbook;
- (b) drive/operate an industrial, construction or agricultural machine on site-
 - by operating the industrial, construction or agricultural machine over varying terrain with due regard to correct gear selection, proper use of controls, correct positioning for approach, travel through, over or around obstacles; and
 - (ii) by observing and adhering to all site driving circuits;
- (c) operate the equipment using all controls and safely for a range of tasks;
- (d) operate ancillary equipment-
 - by attaching/detaching any ancillary equipment safely in accordance with the manufacturer's handbook; and
 - (ii) by using any auxiliary equipment safely for a range of tasks;
- (e) perform lifting operations by demonstrating an ability to carry out lifting operations with regard to accepted safe operating procedures, the lifting operations and lifting equipment regulations and lifting signals; and
- (f) maintain and shut down equipment safely and carry out the operator's daily service recommended in the manufacturer's handbook.

9.7.3 Content

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| 9.7.T/P1 | Preparation for an operation— |
|----------|---|
| | (a) by carrying out a daily or pre-shift inspection in accordance with the instructions given in the manufacturer's handbook; and |
| | (b) by completing any necessary adjustments to the machine systems or constituent parts in accordance with the advice given in the manufacturer's handbook. |
| 9.7.T/P2 | Driving or operating an industrial, construction or agricultural machine on site— |
| | (a) by operating the industrial, construction or agricultural machine over varying terrain with due regard to correct gear selection, proper use of controls, correct positioning for approach, travel through, over or around obstacles; and |
| | (b) by observing and adhering to all site driving circuits. |
| 9.7.T/P3 | Operating the equipment using all controls and safely for a range of tasks. |
| 9.7.T/P4 | Operating ancillary equipment— |
| | (a) by attaching/detaching any ancillary equipment safely in accordance with the manufacturer's handbook; and |
| | (b) by using any auxiliary equipment safely for a range of tasks. |

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| 9.7.T/P5 | Performing lifting operations by demonstrating an ability to carry out lifting operations with regard to accepted safe operating procedures, the lifting operations and lifting equipment regulations and lifting signals. |
|----------|--|
| 9.7.T/P6 | Maintaining and shutting down equipment safely and carry out the operator's daily service recommended in the manufacturer's handbook. |

- Legal Aspects Governing Operation of Industrial, Construction and Agricultural Machines
- 9.8.1 Expected Outcome

The trainee shall be able to competently operate the plant.

9.8.2 Objective of Theory

By the end of this unit, the learner should have knowledge on the Traffic Act, the National Transport and Safety Authority Act and other laws governing operation of industrial, construction and agricultural machines within various settings.

9.8.3 Objective of Practical

By the end of the unit, the learner should be able to competently operate and offer professional plant operator services.

9.8.4 Content

| 9.8.T/PO | Practical plant operation under supervision- |
|----------|---|
| 2.0.1/10 | (a) Responsible officer: Supervisor |
| | (b) Where: Actual work setting (factory, construction site or farm) |
| | (c) Time Schedule: 160 Hours (1 month) |
| | (d) Demands— |
| | (i) Score: Passed/not passed |
| | (ii) Overall pass mark: 70% |
| | (iii) Zero serious road crashes |
| | (iv) Zero convictions for traffic offences |
| | (e) Examination: The supervisor shall complete assessment forms for each day and file for review by an examiner. |
| | (f) Event of subsequent failure the trainee shall be de registered from the programme |
| | (g) Training Method: The trainee shall conduct both theory and practical tests at the test centre |
| | (h) Materials: Driving test sheets |
| | (i) If the trainee fails, he may attempt after two months' time. |

9.9 Examination of Industrial, Construction or Agricultural Machine Operators

9.9.1 Expected Outcome

The learner should be able to undertake examination in industrial, construction and agricultural machines operation and obtain a certificate of competence that will see his driving licence endorsed with this category.

9.9.2 Objective of Theory or Practical

By the end of the unit, the learner should be able to pass the theory and practical driving examination for the professional category applied.

9.9.3 Content

| 9.9.T/P1 | (a) Responsible: Driving test examiner. | |
|----------|---|----|
| | (b) Where: At the driving test centre. | |
| | (c) Time Schedule: 2 Hours (T) 0.5 Hours (P). | |
| | (d) Demands Score: Passed/ not passed. | |
| | (e) Overall pass mark > 70%. | ¥. |
| | (f) Materials: Theory tests and driving tests sheets. | 5 |

PART 2—TRAINING AND TESTING OF DRIVING INSTRUCTORS CHAPTER ONE—INTRODUCTION

1.1 Preamble

- (1) This Part is designed to ensure high quality training of driving instructors.
- (2) This Part provides a foundation for further courses.
- (3) The content and goal of this Part is to ensure each driving instructor attains a certain level of knowledge and competence.

1.2 Background

- Road safety in Kenya is a challenge with a high number of fatalities and injuries recorded every year. To reverse this trend, there is need to improve on driver education and training through improving the skills and competence of driver instructors.
- (2) The driving instructor needs to have an open mind. He/she must keep a high level of objectivity, deliver knowledge effectively and handle learner drivers in a professional manner.
- (3) The driving instructor should also create a conducive learning environment for the learner driver.

1.3 Objective

The objective of this training course for driving instructors is to enable trainees assimilate competence that is required to work as a driving instructor, to enable the trainee to educate the learner to become a competent driver so as to improve the road safety situation in Kenya.

1.4 Goal

The main goal for this course is to reduce road crashes and fatalities for Kenya.

1.5 Required qualifications

| | Minimum | Category | y Category Category D Cat Cat Cat Cat D1 D2 D3 Category Exe | Category D | | | Category | Exemptions |
|---|---|----------|---|------------|-----|-----|----------|------------|
| | Requirements | A | | | | | | |
| 1 | Must possess a driving licence for the class they intend to instruct | Yes | Yes | Yes | Yes | Yes | Yes | none |

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| 2 | Driving experience (years) in any class | 3 | 3 | 3 | 3 | 3 | 3 | Not applicable for holders |
|---|--|-----|-----|-----|-----|-----|-----|---|
| | | | | | | | | of Special Professiona Driving Licences |
| 3 | Has not been convicted of a fatal road crash over the last 24 months | Yes | Yes | Yes | Yes | Yes | Yes | None |
| 4 | Minimum O level education with grade C or equivalent | Yes | Yes | Yes | Yes | Yes | Yes | None |
| 5 | Police clearance certificate | Yes | Yes | Yes | Yes | Yes | Yes | None |
| 6 | He should pass a driving test that includes a manoeuvre test, driving in both built up areas and on country roads, minimum 60 minutes. | Yes | Yes | Yes | Yes | Yes | Yes | None |
| 7 | Prescribed medical test | Yes | Yes | Yes | Yes | Yes | Yes | None |
| 8 | Minimum age (Years) | 23 | | 32 | 7 | 30 | 35 | Special Professional Driving Licence holders irrespective of class. |
|) | Diploma | Yes | Yes | Yes | Yes | Yes | Yes | None. |

CHAPTER TWO—TRAINING OF COMMERCIAL VEHICLES AND TRUCKS DRIVING INSTRUCTORS (CATEGORY C)

2.1 Target Group

Those who aspire to be licenced as driving instructors for Category C should have a category CE or CD driving licence.

2.2 Responsibility

- (1) The Authority is responsible for accrediting institutions to offer this course.
- (2) The accredited institutions to offer the instructor training.

2.3 Training

- (1) The trainee shall participate in both individual and in group training.
- (2) The training will involve both theory and practical classes.
- (3) The materials for the training are-
- (a) Curriculum for Training, Testing and Licensing of Instructors;
- (b) Kenya Learner Drivers' Handbook;
- (c) the Traffic Act Cap;
- (d) the National Transport and Safety Authority Act; and
- (e) other relevant legislation.

(4) The key highlights are-

- (a) Pedagogical education;
- (b) Time management;
- (c) Curriculum for learners;
- (d) Kenya Learner Drivers Handbook;
- (e) traffic safety education and statistics;
- (f) heavy goods vehicle theory education;
- (g) practical education in heavy goods vehicles;
- (h) the Traffic Act;
- (i) the National Transport and Safety Authority Act;
- (j) human behaviour in traffic-psychology education;
- (k) customer care or public relations;
- (l) first aid;
- (m) alcohol and substance abuse;
- (n) motor vehicle mechanics; and
- (o) defensive driving.
- (5) A driving school is required to have the following minimum equipment-
 - (a) adequate information communication and technology resources;

and the second

- (b) at least one heavy goods training vehicle for the licence class;
- (c) at least one teacher at theory teaching; and
- (d) at least one trainer at practical training.

2.4 Units Summary and Time Allocation

| Code | Units | Content | Time (Hours) | | | |
|------|----------------------------|---|--------------|-----------|-------|--|
| 8 | | | Theory | Practical | Total | |
| 2.5 | Introduction. | (a) Administrative procedures of a driving school. | 1 | 0 | 1 | |
| | | (b) driving school regulations. | | | | |
| 2.6 | Driving instructor testing | Administering written, oral and practical examinations | | | | |
| 2.7 | Pedagogical education. | (a) The psychology of adult learning and teaching techniques. | 20 | 0 | 20 | |
| | | (b) Teaching methods. | | | | |
| | | (c) Communication skills. | | | | |
| | | (d) Goals and objective writing. | | | | |
| | | (e) Modern teaching aids. | | | | |
| | | (f) Learner testing. | | | | |
| | | (g) Commentary driving. | | | | |
| | | The teaching model "explain, act and comment" for practical education. | | | | |
| | | (i) Teaching materials development. | | | | |
| 2.8 | Kenya learner | (a) Lectures, assignments. | 10 | 0 | 10 | |
| | driver handbook. | (b) Teaching material drawn from the handbook. | | | | |
| | | Quality documents from the handbook as teaching material for learner drivers. | | | | |
| | | (d) Teaching on how to instruct other drivers. | | | | |
| 2.9 | Traffic safety | (a) Traffic safety in Kenya. | 20 | 0 | 20 | |
| | education and statistics. | (b) Traffic statistics. | | | | |
| | | (c) Kenya road safety work. | | | | |
| | | (d) Kenya statistics and trends and compared with other countries. | | | | |
| | | (e) Impact of traffic crashes and how it affects the society. | | | | |

| | | (f) | Salient factors that influence traffic safety. | | | |
|------|--|-------|--|----|----|----|
| | 7. | (g) | Acceptable alcohol limits. | | | |
| | | (h) | Importance of safe vehicles. | | | |
| | | (i) | Road quality influence the traffic safety. | | | |
| | 1 | (j) | Speed influence on traffic safety. | | | |
| | | (k) | Human factor influence on traffic safety. | | | |
| | | (1) | Alcohol and drugs influence on traffic safety. | | | |
| 2.10 | Driving licence categories and the driving test. | (a) | Driving licensing system categories. | 10 | 5 | 15 |
| | the driving test. | (b) | Examination process. | | | |
| | | (c) | Examination procedure. | | | |
| | | (d) | Driving school theory and practical test. | | | |
| | | (e) | Online test registration and booking procedure. | | | |
| 2.11 | Legal aspects of driving. | (a) | The Traffic Act. | 10 | 0 | 10 |
| | urving. | | The National Transport and Safety Authority Act. | | | |
| | | (c) | The Insurance (Third Party) Act | | | |
| | | (d) | Other relevant laws. | | | |
| | | | Sources of new legislative information concerning traffic. | | | |
| 2.12 | Time planning. | (a) | Scheme of work. | 10 | 10 | 20 |
| | | (b) | Lesson plan. | 10 | | |
| | | | Producing quality documents as teaching material. | | | |
| 2.13 | Quality | (a) (| Quality of driving instructions. | 10 | 10 | 20 |
| | assurance. | (b) (| Course content. | | | |
| | | (c) I | Different teaching methods. | | | |
| | | | Standard methods of curriculum delivery. | | | |

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| | 14 | (e) Assessment of each class or student, for the purpose of continuous improvement. | | | |
|-------|--|---|-----|----|-----|
| | | (f) Scheme of work. | | | |
| 2.14 | Human behaviour in traffic-traffic psychology education. | (a) Underlying causes and the psychology of offensive driving. (b) Techniques of managing offensive drivers and remaining calm when driving. (c) Different offensive driving behaviours. | 5 | 0 | 5 |
| 2.15 | Environment education. | (a) How to reduce the impact of motor vehicle emissions to the environment. (b) Important laws and provisions that regulates the environmental work in Kenya. (c) Methods of reducing environmental pollution. (d) Impact of driver behaviour on the environment. (e) Eco-driving technique. (f) Product transportation knowledge. | 5 | 5 | 0 |
| Total | | • | 101 | 25 | 126 |

2.5 Introduction

2.5.1 Expected Outcome

The trainee should be able to explain the registration process, the work of a driving instructor and the role of the driving school.

2.5.2 Objectives of Theory

By the end of this unit, the trainee should be familiar with-

- (a) the role of a driving school; and
- (b) the daily work of a driving instructor.

2.5.3 Content

| 2.5.T/P1 | Administrative procedures of driving school. |
|----------|--|
| | Suggested training methods— |
| | (a) Presentations. |

| (b) Lectures. |
|--------------------|
| (c) Demonstration. |

2.6 Driving Instructor Testing

2.6.1 Expected outcome

The trainee should understand the content of the course and how it will be examined.

2.6.2 Objectives of Theory or Practical

By the end of the unit, the trainee should be familiar with-

- (a) the content of the course; and
- (b) how it will be examined.

2.6.3 Content

| Course procedures. |
|-----------------------------|
| Examination procedures. |
| Suggested training methods— |
| (a) Presentations. |
| (b) Lectures. |
| (c) Demonstration. |
| |

2.7 Pedagogical Education

2.7.1 Expected outcome

The trainee should be able to understand how to use different pedagogical methods in adult training.

2.7.2 Objectives of Theory or Practical

By the end of this unit, the trainee should be able to use pedagogical education methods to-

- (a) carry out adult learning and teaching through psychology methods;
- (b) account for different teaching methods and their influence on teaching results and with didactic insight account for the connection between goal and method;
- (c) demonstrate good knowledge and skills concerning verbal and non-verbal communication;
- (d) write educational goals and objectives;
- (e) use modern teaching technical aids;
- (f) use modern methods to stimulate creativity among learners;
- (g) design and perform tests and exercises for learner;
- (h) plan, structure and present a lesson;

- (i) work in groups or individually;
- (j) use commentary driving;
- (k) use the teaching model to explain, ad and comment for practical education;
- produce professional teaching materials like PowerPoint presentations, sticky notes, white boards and others; and
- (m) use the internet for teaching.

2.7.3 Content

| 2.7.T/P1 | Psychology of adult learning and teaching techniques. | |
|-----------|--|--|
| 2.7.T/P2 | Teaching methods. | |
| 2.7.T/P3 | Communication skills. | |
| 2.7.T/P4 | Goal and objective writing. | |
| 2.7.T/P5 | Modern teaching aids. | |
| 2.7.T/P6 | Creativity amongst learners. | |
| 2.7.T/P7 | Learner testing. | |
| 2.7.T/P8 | Lesson planning. | |
| 2.7.T/P9 | Working in groups or individually. | |
| 2.7.T/P10 | Commentary driving. | |
| 2.7.T/P11 | Teaching model "explain, act and comment" for practical education. | |
| 2.7.T/P12 | Teaching material development. | |
| 2.7.T/P13 | Use of the internet. | |
| | - Suggested training methods— | |
| | (a) Lectures, group work, individual work, discussions and analysis. | |
| | (b) Demonstration using different modern technical equipment. | |
| | (c) Commentary driving. | |

2.8 Kenya Learner Drivers' Handbook

Kenya Learner Drivers' Handbook aims to give drivers knowledge of how to drive a vehicle defensively. The trainee will use this handbook as a base for both theory and practical driving education.

2.8.1 Expected outcome

The candidate will have the ability to use the Learner Driver's Handbook to teach learners both practical and theoretical driving of heavy goods vehicles, in a defensive way.

2.8.2 Objectives of Theory or Practical

By the end of this unit, the trainee should have-

- (a) a tool to be used to educate a learner on how to become a competent driver;
- (b) knowledge of how to make a learner understand the danger;
- (c) complexity and responsibility of driving a heavy goods vehicle;

- (d) knowledge of how to make a learner understand how their behaviour and decisions impact on other road users;
- knowledge about human behaviour and how to become a defensive driver;
 and
- (f) knowledge of the Kenya Learner Drivers' Handbook.

2.8.3 Content

| 2.8.T/P1 | Educating learners to become competent drivers. |
|----------|---|
| 2.8.T/P2 | Dangers, complexity and responsibility of driving a heavy goods vehicle |
| 2.8.T/P3 | Impact of behaviour and decisions on other road users. |
| 2.8.T/P4 | Human factors in defensive driving. |
| 2.8.T/P5 | Kenya Learner Drivers' Handbook. |
| | Suggested training methods— |
| | (a) Practical exercises. |
| | (b) Practical work on how to use the curriculum for learners. |
| | (c) Lectures. |
| | (d) Group discussions. |

2.9 Traffic Safety Education and Statistics

2.9.1 Expected outcome

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The trainee should demonstrate knowledge of traffic safety education and statistics in Kenya.

2.9.2 Objectives of Theory or Practical

By the end of this unit, the trainee should be able to-

- (a) discuss traffic safety in Kenya;
- (b) analyse traffic statistics;
- (c) explain the Kenya road safety work;
- (d) compare Kenyan statistics and trends and compare with other countries;
- (e) discuss the impact of traffic crashes and how it affects the society;
- (f) explain the salient factors that influence traffic safety;
- (g) explain the acceptable alcohol limits;
- (h) demonstrate the importance of safe vehicles;
- (i) describe how road quality influences traffic safety;
- (j) describe how speed influences traffic safety;
- (k) discuss how the human factors influence traffic safety; and
- (l) discuss how alcohol and drug abuse influence traffic safety.

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2.9.3 Content

| 2.9.T/P1 | Traffic safety in Kenya. |
|-----------|--|
| 2.9.T/P2 | Traffic statistics. |
| 2.9.T/P3 | Kenya road safety work. |
| 2.9.T/P4 | Kenya statistics and trends and compared with other countries. |
| 2.9.T/P5 | Impact of traffic crashes and how it affects the society. |
| 2.9.T/P6 | Salient factors that influence traffic safety. |
| 2.9.T/P7 | Acceptable alcohol limits. |
| 2.9.T/P8 | Importance of safe vehicles. |
| 2.9.T/P9 | Road quality influence on traffic safety. |
| 2.9.T/P10 | Speed influence on traffic safety. |
| 2.9.T/P11 | Human factor influence on traffic safety. |
| 2.9.T/P12 | Alcohol and drug abuse influence on traffic safety. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Practical exercises. |
| | (c) Drive around in traffic to study the traffic system-assignments. |

2.10 Driving Licence Categories and The Driving Test

2.10.1 Expected outcome

The trainee should show knowledge of the licensing and testing process in Kenya.

2.10.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) describe the driving licensing system;
- (b) state the licence categories;
- (c) explain the examination process;
- (d) outline the examination procedure;
- (e) explain how to perform a driving school test and evaluate the knowledge of the learner in both theory and practical aspects; and
- (f) outline the online test registration and booking procedure.

2.10.3 Content

| 2.10.T/P1 | Driving licensing system. |
|-----------|---|
| 2.10.T/P2 | Licence categories. |
| 2.10.T/P3 | Examination process. |
| 2.10.T/P4 | Examination procedure. |
| 2.10.T/P5 | Driving school theory and practical test. |
| 2.10.T/P6 | Online test registration and booking procedure. |
| | |

| Suggested Training Methods— |
|-----------------------------|
| (a) Lectures. |
| (b) Theory tests. |
| (c) Practical driving test. |
| (d) Assignments. |

2.10.4 Objectives of Practical

By the end of this unit the trainee should be able to-

- (a) demonstrate the examination process at the examination centre; and
- (b) demonstrate online test registration and booking procedure.

2.10.5 Content

| Examination process at the examination centre. | |
|---|---|
| Online test registration and booking procedure. | |
| Suggested Training Methods— | |
| (a) Lectures. | |
| (b) Theory tests. | - 5 |
| (c) Practical driving test. | |
| (d) Assignments. | |
| | Online test registration and booking procedure. Suggested Training Methods— (a) Lectures. (b) Theory tests. (c) Practical driving test. |

2.11 Legal Aspects in Driving

2.11.1 Expected Outcome

The trainee should be able to explain the legal aspects in driving.

2.11.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

 explain the Traffic Act, the National Transport and Safety Authority Act, the Insurance (Third Party) and other relevant regulations; and

and the same of the same of

(d) identify sources of new legislative information concerning traffic.

2.11.3 Content

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| 2.11.T/P1 | The Traffic Act, the National Transport and Safety Authority Act, the Insurance (Third Party) and other relevant regulations. |
|-----------|---|
| 2.11.T/P2 | Sources of new legislative information concerning traffic. |

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| Suggested training methods— |
|--|
| (a) Lectures. |
| (b) Discussions. |
| (c) Exercises. |
| (d) Presentation and explanation of the Traffic Act. |

2.12 Time Planning

2.12.1 Expected outcome

The trainee should be able to plan time and schedule lessons.

2.12.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) prepare a scheme of work;
- (b) prepare the lesson plan;
- (c) produce quality documents as teaching material for different lessons; and
- (d) prepare tests and marking schedules.

2.12.3 Content

| 2.12.T/P1 | Scheme of work |
|-----------|---|
| 2.12.T/P2 | Lesson plan. |
| 2.12.T/P3 | Quality documents as teaching material for different lessons. |
| 2.12.T/P4 | Testing and marking schemes. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Exercises. |
| | (c) Practical planning exercises using modern planning methods. |

2.12.4 Objective of Practical

By the end of this unit, the trainee should be able to prepare and present a lesson plan and a scheme of work.

2.12.5 Content

| 2.12.P/P1 | Prepare and present a scheme of work and a lesson plan. |
|-----------|---|
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Exercises. |
| | (c) Practical planning exercises using modern planning methods. |

2.13 Quality Assurance

2.13.1 Expected outcome

The trainee should be able to standardize teaching and ensure uniform dissemination of skills and knowledge.

2.13.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) discuss the quality of driving instructions;
- (b) create quality educational materials and put in a quality system;
- (c) evaluate the course content;
- (d) evaluate the different teaching methods;
- (e) apply the methods of curriculum delivery; and
- (f) assess each class and student for the purpose of continuous improvement.

2.13.3 Content

| 2.13.T/P1 | Quality of driving instructions. |
|-----------|--|
| 2.13.T/P2 | Quality education materials. |
| 2.13.T/P3 | Course content. |
| 2.13.T/P4 | Different teaching methods. |
| 2.13.T/P5 | Standard methods of curriculum delivery. |
| 2.13.T/P6 | Assessment of each class and student for the purpose of continuous improvements. |

2.13.4 Objective of Practical

By the end of this unit, the trainee should be able to competently deliver a lesson through a mock presentation.

2.13.5 Content

| 2.13.P/P1 Mock presentation (micro teaching). | | |
|---|--|--|
| 2.13.P/P2 | Human behaviour in traffic psychology education. | |

- 2.14 Human Behaviour in Traffic-Traffic Psychology Education
- 2.14.1 Expected outcome

The trainee should be able to explain human behaviour in traffic.

2.14.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) outline the underlying causes and psychology of offensive driving;
- (b) discuss techniques of managing offensive drivers and remaining calm when driving; and

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(c) explain different offensive driving behaviours.

2.14.3 Content

| 2.14.T/P1 | Underlying causes and psychology of offensive driving. | | |
|-----------|---|--|--|
| 2.14.T/P2 | Techniques of managing offensive drivers and remaining calm when driving. | | |

and the same of the

| 2.14.T/P3 | Different offensive driving behaviour— | |
|-----------|--|--|
| | (a) Speeding. | |
| | (b) Not observing traffic signs. | |
| | (c) Disobeying traffic lights. | |
| | (d) Careless overtaking. | |
| | Suggested training methods—Lectures. | |

2.14.4 Objective of Practical

By the end of this unit, the trainee should be able to competently deliver a lesson through a mock presentation.

2.14.5 Content

| 2.14.P/P1 | Mock presentation (micro-teaching). | |
|-----------|--------------------------------------|--|
| Tr Y | Suggested training methods—Lectures. | |

2.15 Environmental Education

2.15.1 Expected Outcome

The trainee should have knowledge on environmental concerns associated with driving.

2.15.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- explain to the candidates how to reduce the impact of motor vehicle emissions on the environment;
- (b) provide examples of important laws and provisions that regulate the environmental work in Kenya;
- (c) discuss methods of reducing environmental pollution;
- (d) discuss the impact of driver behaviour on the environment;
- (e) identify eco-driving technique; and
- (f) demonstrate product transportation knowledge.

2.15.3 Content

| 2.15.T/PI | How to reduce the impact of motor vehicle emissions to the environment. |
|-----------|---|
| 2.15.T/P2 | Important laws and provisions that regulate work impacting on the environment in Kenya. |
| 2.15.T/P3 | Methods of reducing environmental pollution |
| 2.15.T/P4 | Impact of driver behaviour on the environment. |
| 2.15.T/P5 | Eco driving technique |
| 2.15.T/P6 | Product transportation knowledge |

Suggested training methods-

- (a) Lectures.
- (b) Group work.
- (c) Individual work.
- (d) Discuss and analyses traffic environmental issues practical ecodriving.

CHAPTER THREE—TRAINING OF DRIVING INSTRUCTORS PUBLIC SERVICE VEHICLES (CATEGORY D)

3.1 Target Group

- (1) Those who aspire to be driving instructors of public service vehicle.
- (2) The candidate should have a category D3 driving licence as a minimum.

3.2 Responsibility

- (1) The Authority is responsible for accrediting institutions to offer this course.
- (2) The Authority is responsible for developing and supervising the course.
- (3) The Authority continually updates the course.

3.3 Training

- (1) The trainee shall participate in both individual and in group training.
- (2) The training will involve both theory and practical classes.
- (3) The materials for the training are-
- (a) Curriculum for Training, Testing and Licensing of Instructors;
- (b) Kenya Learner Drivers' Handbook;
- (c) the Traffic Act Cap;
- (d) the National Transport and Safety Authority Act; and
- (e) other relevant legislation.
- (4) The key highlights are-
- (a) Pedagogical education;
- (b) Time management;
- (c) Curriculum for learners;
- (d) Kenya Learner Drivers Handbook;
- (e) traffic safety education and statistics;
- (f) public service vehicle theory education;
- (g) practical education in public service vehicles;
- (h) the Traffic Act;
- (i) the National Transport and Safety Authority Act;

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- (j) human behaviour in traffic-psychology education;
- (k) customer care or public relations;
- (l) first aid;
- (m) alcohol and substance abuse;
- (n) motor vehicle mechanics; and
- (o) defensive driving.
- (5) A driving school is required to have the following minimum equipment-
- (a) adequate information communication and technology resources;
- (b) at least one motor vehicle for the licence class;
- (c) at least one teacher at theory teaching; and
- (d) at least one trainer at practical training.

3.4 Units Summary and Time Allocation

| Code | Units | Content | Time (Hours) | | |
|------|--------------------------------------|---|--------------|-----------|-------|
| | | | Theory | Practical | Total |
| 3.5 | Introduction. | (a) Administrative procedures of a driving school. (b) driving school regulations. | 1 | 0 | 1 |
| 3.6 | Driving instructor testing. | Administering written, oral and practical examinations | | | |
| 3.7 | Pedagogical education. | (a) The psychology of adult learning and teaching techniques. | 20 | 0 | 20 |
| | | (b) Teaching methods. | | | |
| | | (c) Communication skills. | | | |
| | | (d) Goals and objective writing. | | | |
| | | (e) Modern teaching aids. | | | |
| | | (f) Learner testing. | | | |
| | | (g) Commentary driving. | | | |
| | | (h) The teaching model "explain, act and comment" for practical education. | | | |
| | | (i) Teaching materials development. | | | |
| 3.8 | Kenya learner driver handbook. | (a) Lectures, assignments. (b) Teaching material drawn from the handbook. | 10 | 0 | 10 |

| | | (c) (d) | handbook as teaching material for learner drivers. | | | |
|------|-----------------------------------|------------|--|----|---|----|
| 3.9 | Traffic safety | (a) | Traffic safety in Kenya. | 20 | 0 | 20 |
| | education and statistics. | (b) | Traffic statistics. | | | |
| | | (c) | Kenya road safety work. | | | |
| | | (d) | Kenya statistics and trends and compared with other countries. | | | |
| | | (e) | Impact of traffic crashes and how it affects the society. | | | |
| | | (f) | Salient factors that influence traffic safety. | | | |
| | | (g) | Acceptable alcohol limits. | | | |
| | | (h) | Importance of safe vehicles. | | | |
| | | (i) | Road quality influence the traffic safety. | | | |
| | | (j) | Speed influence on traffic safety. | + | | |
| | | (k) | Human factor influence on traffic safety. | | | |
| | | (1) | Alcohol and drugs influence on traffic safety. | | | |
| 3.10 | Driving licence categories and | (a) | Driving licensing system categories. | 10 | 5 | 15 |
| | the driving test. | (b) | Examination process. | | | |
| | | (c) | Examination procedure. | | | |
| | | (d) | Driving school theory and practical test. | | | |
| | | (e) | Online test registration and booking procedure. | | 4 | |
| 3.11 | Legal aspects | (a) | The Traffic Act. | 10 | 0 | 10 |
| | of driving. | (b) | The National Transport and Safety Authority Act. | | | |
| | | (c) | The Insurance (Third Party) Act | | | |
| | | (d) | Other relevant laws. | | | |

| motor vehicle emissions to the environment. (b) Important laws and provisions that regulates the environmental work in Kenya. (c) Methods of reducing environmental pollution. (d) Impact of driver behaviour on the environment. (e) Eco-driving technique. | | | (e) Sources of new legislative information concerning traffic. | | | |
|---|------|---|--|----|----|----|
| instructions. (b) Course content. (c) Different teaching methods. (d) Standard methods of curriculum delivery. (e) Assessment of each class or student, for the purpose of continuous improvement. (f) Scheme of work. 3.14 Human behaviour in traffic-traffic psychology education. (a) Underlying causes and the psychology of offensive driving. (b) Techniques of managing offensive drivers and remaining calm when driving. (c) Different offensive driving behaviours. 3.15 Environment education. (a) How to reduce the impact of 5 motor vehicle emissions to the environment. (b) Important laws and provisions that regulates the environmental work in Kenya. (c) Methods of reducing environmental pollution. (d) Impact of driver behaviour on the environment. (e) Eco-driving technique. | 3.12 | Time planning | (b) Lesson plan. (c) Producing quality documents as teaching | 10 | 10 | 2 |
| behaviour in traffic-traffic psychology education. (b) Techniques of managing offensive driving. (c) Different offensive driving behaviours. (a) How to reduce the impact of motor vehicle emissions to the environment. (b) Important laws and provisions that regulates the environmental work in Kenya. (c) Methods of reducing environment. (d) Impact of driver behaviour on the environment. (e) Eco-driving technique. | 3.13 | | instructions. (b) Course content. (c) Different teaching methods. (d) Standard methods of curriculum delivery. (e) Assessment of each class or student, for the purpose of continuous improvement. | | 10 | 20 |
| education. motor vehicle emissions to the environment. (b) Important laws and provisions that regulates the environmental work in Kenya. (c) Methods of reducing environmental pollution. (d) Impact of driver behaviour on the environment. (e) Eco-driving technique. | 3.14 | behaviour in traffic-traffic psychology | psychology of offensive driving. (b) Techniques of managing offensive drivers and remaining calm when driving. (c) Different offensive driving | 5 | 0 | 5 |
| knowledge. | 3.15 | education. | motor vehicle emissions to the environment. (b) Important laws and provisions that regulates the environmental work in Kenya. (c) Methods of reducing environmental pollution. (d) Impact of driver behaviour on the environment. (e) Eco-driving technique. (f) Product transportation | 5 | 5 | 0 |

3.5 Introduction

3.5.1 Expected Outcome

The trainee should be able to explain the registration process, the work of a driving instructor and the role of the driving school.

3.5.2 Objectives of Theory

By the end of this unit, the trainee should be familiar with-

- (a) the role of a driving school; and
- (b) the daily work of a driving instructor.

3.5.3 Content

| Administrative procedures of driving school. |
|--|
| Suggested training methods— |
| (a) Presentations. |
| (b) Demonstration. |
| |

3.6 Driving Instructor Testing

3.6.1 Expected outcome

The trainee should understand the content of the course and how it will be examined.

3.6.2 Objectives of Theory or Practical

By the end of the unit, the trainee should be familiar with-

- (a) the content of the course; and
- (b) how it will be examined.

3.6.3 Content

| 3.6.T/P1 | Course procedures. | |
|----------|-------------------------|--|
| 3.6.T/P2 | Examination procedures. | |

3.7 Pedagogical Education

3.7.1 Expected outcome

The trainee should be able to understand how to use different pedagogical methods in adult training.

3.7.2 Objectives of Theory or Practical

By the end of this unit, the trainee should be able to use pedagogical education methods to—

 (a) understand and carry out adult learning and teaching through psychology methods;

- (b) account for different teaching methods and their influence on teaching results and with didactic insight account for the connection between goal and method;
- demonstrate good knowledge and skills concerning verbal and non-verbal communication;
- (d) write educational goals and objectives;
- (e) use modern teaching technical aids;
- (f) use modern methods to stimulate creativity among learners;
- (g) design and perform tests and exercises for learner;
- (h) plan, structure and present a lesson;
- (i) work in groups or individually;
- (j) use commentary driving;
- (k) use the teaching model to explain, ad and comment for practical education;
- produce professional teaching materials like PowerPoint presentations, sticky notes, white boards and others; and
- (m) use the internet for teaching.

3.7.3 Content

| 3.7.T/P1 | Psychology of adult learning and teaching techniques. |
|-----------|--|
| 3.7.T/P2 | Teaching methods. |
| 3.7.T/P3 | Communication skills. |
| 3.7.T/P4 | Goal and objective writing. |
| 3.7.T/P5 | Modern teaching aids. |
| 3.7.T/P6 | Creativity amongst learners. |
| 3.7.T/P7 | Learner testing. |
| 3.7.T/P8 | Lesson planning. |
| 3.7.T/P9 | Working in groups or individually. |
| 3.7.T/P10 | Commentary driving. |
| 3.7.T/P11 | Teaching model "explain, act and comment" for practical education. |
| 3.7.T/P12 | Teaching material development. |
| 3.7.T/P13 | Use of the internet. |
| | Suggested training methods— |
| | (a) Lectures, group work, individual work, discussions and analysis. (b) Demonstration using different modern technical equipment. (c) Commentary driving. |

3.8 Kenya Learner Drivers' Handbook

Kenya Learner Drivers' Handbook aims to give drivers knowledge of how to drive a vehicle defensively. The trainee will use this handbook as a base for both theory and practical driving education and explain how to drive a vehicle defensively.

3.8.1 Expected outcome

The candidate will have the ability to use the Learner Driver's Handbook to teach learners both practical and theoretical driving of public service vehicles, in a defensive way.

3.8.2 Objectives of Theory or Practical

By the end of this unit, the trainee should have-

- (a) a tool to be used to educate a learner on how to become a competent driver;
- (b) knowledge of how to make a learner understand the danger;
- (c) complexity and responsibility of driving a public service vehicle;
- (d) knowledge of how to make a learner understand how their behaviour and decisions impact on other road users;
- (e) knowledge about human behaviour and how to become a defensive driver; and
- (f) knowledge of the Kenya Learner Drivers' Handbook.

3.8.3 Content

| 3.8.T/P1 | Kenya Learner Drivers' Handbook. |
|----------|---|
| 3.8.T/P2 | Teaching material draw n from the Learner Drivers' Handbook. |
| 3.8.T/P3 | Quality documents from the hand book as teaching material for learners. |
| 3.8.T/P4 | Teaching on how to instruct other drivers |
| | Suggested training methods— (a) Assignments. (b) Practical exercises. (c) Practical work on how to use the curriculum for learners. (d) Lectures. (e) Group discussions. |

3.9 Traffic Safety Education and Statistics

3.9.1 Expected outcome

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The trainee should demonstrate knowledge of traffic safety education and statistics in Kenya.

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3.9.2 Objectives of Theory or Practical

By the end of this unit, the trainee should be able to-

- (a) discuss traffic safety in Kenya;
- (b) analyse traffic statistics;
- (c) explain the Kenya road safety work;

- (d) compare Kenyan statistics and trends and compare with other countries;
- (e) discuss the impact of traffic crashes and how it affects the society;
- (f) explain the salient factors that influence traffic safety;
- (g) explain the acceptable alcohol limits;
- (h) demonstrate the importance of safe vehicles;
- (i) describe how road quality influences traffic safety;
- (j) describe how speed influences traffic safety;
- (k) discuss how the human factors influence traffic safety; and
- (l) discuss how alcohol and drug abuse influence traffic safety.

3.9.3 Content

| 3.9.T/P1 | Traffic safety in Kenya. |
|-----------|--|
| 3.9.T/P2 | Traffic statistics. |
| 3.9.T/P3 | Kenya road safety work. |
| 3.9.T/P4 | Kenya statistics and trends and compared with other countries. |
| 3.9.T/P5 | Impact of traffic crashes and how it affects the society. |
| 3.9.T/P6 | Salient factors that influence traffic safety. |
| 3.9.T/P7 | Acceptable alcohol limits. |
| 3.9.T/P8 | Importance of safe vehicles. |
| 3.9.T/P9 | Road quality influence on traffic safety. |
| 3.9.T/P10 | Speed influence on traffic safety. |
| 3.9.T/P11 | Human factor influence on traffic safety. |
| 3.9.T/P12 | Alcohol and drug abuse influence on traffic safety. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Practical exercises. |
| | (c) Drive around in traffic to study the traffic system-assignments. |

3.10 Driving Licence Categories and The Driving Test

3.10.1 Expected outcome

The trainee should show knowledge of the licensing and testing process in Kenya.

3.10.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) describe the driving licensing system;
- (b) state the licence categories;
- (c) explain the examination process;
- (d) outline the examination procedure;

- (e) explain how to perform a driving school test and evaluate the knowledge of the learner in both theory and practical aspects; and
- (f) outline the online test registration and booking procedure.

3.10.3 Content

| 3.10.T/P1 | Driving licensing system. |
|-----------|---|
| 3.10.T/P2 | Licence categories. |
| 3.10.T/P3 | Examination process. |
| 3.10.T/P4 | Examination procedure. |
| 3.10.T/P5 | Driving school theory and practical test. |
| 3.10.T/P6 | Online test registration and booking procedure. |
| | Suggested Training Methods— |
| | (a) Lectures. |
| | (b) Theory tests. |
| | (c) Practical driving test. |
| | (d) Assignments. |

3.10.4 Objectives of Practical

By the end of this unit the trainee should be able to-

- (a) demonstrate the examination process at the examination centre; and
- (b)demonstrate online test registration and booking procedure.

3.10.5 Content

| 3.10.P/P1 | Examination process at the examination centre. |
|-----------|---|
| 3.10.P/P2 | Online test registration and booking procedure. |
| | Suggested Training Methods— |
| | (a) Lectures. |
| | (b) Theory tests. |
| | (c) Practical driving test. |
| | (d) Assignments. |

3.11 Legal Aspects in Driving

3.11.1 Expected Outcome

The trainee should be able to explain the legal aspects in driving.

3.11.2 Objectives of Theory

a---

By the end of this unit, the trainee should be able to-

 (a) explain the Traffic Act, the National Transport and Safety Authority Act, the Insurance (Third Party) and other relevant regulations; and

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(b) identify sources of new legislative information concerning traffic.

3.11.3 Content

| 3.11.T/P1 | The Traffic Act, the National Transport and Safety Authority Act, the Insurance (Third Party) and other relevant regulations. |
|-----------|---|
| 3.11.T/P2 | Sources of new legislative information concerning traffic. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Discussions. |
| | (c) Exercises, |
| | (d) Presentation and explanation of the Traffic Act. |

3.12 Time Planning

3.12.1 Expected outcome

The trainee should be able to plan time and schedule lessons.

3.12.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) prepare a scheme of work;
- (b) prepare the lesson plan;
- (c) produce quality documents as teaching material for different lessons; and
- (d) prepare tests and marking schedules.

3.12.3 Content

| 3.12.T/P1 | Scheme of work |
|-----------|---|
| 3.12.T/P2 | Lesson plan. |
| 3.12.T/P3 | Quality documents as teaching material for different lessons. |
| 3.12.T/P4 | Testing and marking schemes. |
| | Suggested training methods— |
| ۵ | (a) Lectures. |
| | (b) Exercises. |
| | (c) Practical planning exercises using modern planning methods. |

3.12.4 Objective of Practical

By the end of this unit, the trainee should be able to prepare and present a lesson plan and a scheme of work.

3.12.5 Content

| 3.12.P/P1 | Prepare and present a scheme of work and a lesson plan. |
|-----------|---|
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Exercises. |
| | (c) Practical planning exercises using modern planning methods. |

3.13 Quality Assurance

3.13.1 Expected outcome

The trainee should be able to standardize teaching and ensure uniform dissemination of skills and knowledge.

3.13.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) discuss the quality of driving instructions;
- (b) create quality educational materials and put in a quality system;
- (c) evaluate the course content;
- (d) evaluate the different teaching methods;
- (e) apply the methods of curriculum delivery; and
- (f) assess each class and student for the purpose of continuous improvement.

3.13.3 Content

| Quality of driving instructions. |
|---|
| Quality education materials. |
| Course content. |
| Different teaching methods. |
| Standard methods of curriculum delivery. |
| Assessment of each class and student for the purpose of continuous improvement. |
| |

3.13.4 Objective of Practical

By the end of this unit, the trainee should be able to competently deliver a lesson through a mock presentation.

3.13.5 Content

| 3.13.P/P1 | Mock presentation (micro teaching). |
|-----------|--|
| 3.13.P/P2 | Human behaviour in traffic psychology education. |

3.14 Human Behaviour in Traffic-Traffic Psychology Education

3.14.1 Expected outcome

The trainee should be able to explain human behaviour in traffic.

3.14.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) outline the underlying causes and psychology of offensive driving;
- (b) discuss techniques of managing offensive drivers and remaining calm when driving; and
- (c) explain different offensive driving behaviours.

3.14.3 Content

| 3.14.T/P1 | Underlying causes and psychology of offensive driving. |
|-----------|--|
| 3.14.T/P2 | Techniques of managing offensive drivers and remaining calm when |
| | driving. |
| 3.14.T/P3 | Different offensive driving behaviour— |
| | (a) Speeding. |
| | (b) Not observing traffic signs. |
| | (c) Disobeying traffic lights. |
| | (d) Careless overtaking. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Exercises. |

3.15 Environmental Education

3.15.1 Expected Outcome

The trainee should have knowledge on environmental concerns associated with driving.

3.15.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) explain to the candidates how to reduce the impact of motor vehicle emissions on the environment;
- (b) provide examples of important laws and provisions that regulate the environmental work in Kenya;
- ' (c) discuss methods of reducing environmental pollution;
 - (d) discuss the impact of driver behaviour on the environment;
 - (e) identify eco-driving technique; and
 - (f) demonstrate product transportation knowledge.

3.15.3 Content

| 3.15.T/P1 | How to reduce the impact of motor vehicle emissions to the environment. |
|-----------|---|
| 3.15.T/P2 | Important laws and provisions that regulate work impacting on the environment in Kenya. |
| 3.15.T/P3 | Methods of reducing environmental pollution |
| 3.15.T/P4 | Impact of driver behaviour on the environment. |
| 3.15.T/P5 | Eco-driving technique. |
| 3.15.T/P6 | Product transportation knowledge. |

Suggested training methods-

- (a) Lectures.
- (b) Group work.
- (c) Individual work.
- (d) Discuss and analyse traffic environmental issues
- (e) Practical eco-driving.

CHAPTER FOUR—TRAINING OF DRIVING INSTRUCTORS OF LIGHT VEHICLES (CATEGORY B)

4.1 Target Group

- (1) Those who aspire to be driving instructors of light service vehicles.
- (2) The candidate should have a category B driving licence as a minimum.

4.2 Responsibility

- (1) The Authority is responsible for accrediting institutions to offer this course.
- (2) The Authority is responsible for developing and supervising the course.
- (3) The Authority is responsible for developing driving instructors' handbook and licensing of driving instructors.
- (4) The Authority continually updates the course.

4.3 Training

- The trainee shall participate in both individual and in group training.
- (2) The training will involve both theory and practical classes.
- (3) The materials for the training are-
- (a) Curriculum for Training, Testing and Licensing of Instructors;

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- (b) Kenya Learner Drivers' Handbook;
- (c) the Traffic Act Cap;
- (d) the National Transport and Safety Authority Act; and
- (e) other relevant legislation.

(4) The key highlights are-

- (a) Pedagogical education;
- (b) Time management;
- (c) Curriculum for learners;
- (d) Kenya Learner Drivers Handbook;
- (e) traffic safety education and statistics;
- (f) light vehicle theory education;

- (g) practical education in light vehicles;
- (h) the Traffic Act:
- (i) the National Transport and Safety Authority Act;
- (j) human behaviour in traffic-psychology education;
- (k) customer care or public relations;
- (l) first aid;
- (m) alcohol and substance abuse;
- (n) motor vehicle mechanics; and
- (o) defensive driving.
- (5) A driving school is required to have the following minimum equipment—
- (a) adequate information communication and technology resources;
- (b) at least one light vehicle for the licence class;
- (c) at least one teacher at theory teaching; and
- (d) at least one trainer at practical training.

4.4 Units Summary and Time Allocation

| Code | Units | Content | Time (Hours) | | | |
|------|-----------------------------|--|--------------|-----------|-------|--|
| | | | Theory | Practical | Total | |
| 4.5 | Introduction. | (a) Administrative procedures of a driving school. (b) Driving school regulations. | 1 | 0 | 1 | |
| 1.6 | Driving instructor testing. | Administering written, oral and practical examinations. | | | | |
| 1.7 | Pedagogical education. | (a) The psychology of adult learning and teaching techniques. (b) Teaching methods. (c) Communication skills. (d) Goals and objective writing. (e) Modern teaching aids. (f) Learner testing. (g) Commentary driving. (h) The teaching model "explain, act and" | 20 | 0 | 20 | |

| | | comment" for practical education. (i) Teaching materials development. | | | |
|------|--|--|----|---|----|
| 1.8 | Kenya learner driver handbook. | (a) Lectures, assignments. (b) Teaching material drawn from the handbook. (c) Quality documents from the handbook as teaching material for learner drivers. (d) Teaching on how to instruct other drivers. | 10 | 0 | 10 |
| 4.9 | Traffic safety education and statistics. | (a) Traffic safety in Kenya. (b) Traffic statistics. (c) Kenya road safety work. (d) Kenya statistics and trends and compared with other countries. (e) Impact of traffic crashes and how it affects the society. (f) Salient factors that influence traffic safety. (g) Acceptable alcohol limits. (h) Importance of safe vehicles. (i) Road quality influence the traffic safety. (j) Speed influence on traffic safety. (k) Human factor influence of traffic safety. (l) Alcohol and drugs influence on traffic safety. | | 0 | 20 |
| 4.10 | Driving licence categories and the driving test. | categories. | 10 | 5 | 15 |

| | | (b) Examination process.(c) Examination procedure. | | | |
|------|---------------------------|--|----|----|----|
| | | (d) Driving school theory as practical test. (e) Online test registration and booking procedure. | | | |
| 4.11 | Legal aspects of driving. | | 10 | 0 | 10 |
| 4.12 | Time planning. | (a) Scheme of work. (b) Lesson plan. (c) Producing quality documents as teaching material. | 10 | 10 | 20 |
| 4.13 | | (a) Quality of driving instructions. (b) Course content. (c) Different teaching methods. (d) Standard methods of curriculum delivery. (e) Assessment of each class or student, for the purpose of continuous improvement. (f) Scheme of work. | 10 | 10 | 20 |
| 1.14 | traffic-traffic | (a) Underlying causes and the psychology of offensive driving. (b) Techniques of managing offensive drivers and remaining calm when driving. | 5 | 0 | 5 |

| | | (c) | Different offensive driving behaviours. | | | |
|------|------------------------|-----|---|-----|----|-----|
| 4.15 | Environment education. | (a) | How to reduce the impact of motor vehicle emissions to the environment. | 5 | 5 | 0 |
| | | (b) | Important laws and provisions that regulates the environmental work in Kenya. | | | |
| | | (c) | Methods of reducing environmental pollution. | | | |
| | | (d) | Impact of driver behaviour on the environment. | | | |
| | | (e) | Eco-driving technique. | | | |
| | | (f) | Product transportation knowledge. | 57 | | |
| Т | otal | | | 101 | 25 | 126 |

4.5 Introduction

4.5.1 Expected Outcome

The trainee should be able to explain the registration process, the work of a driving instructor and the role of the driving school.

4.5.2 Objectives of Theory

By the end of this unit, the trainee should be familiar with-

- (a) the role of a driving school; and
- (b) the daily work of a driving instructor.

4.5.3 Content

| 4.5.T/P1 | Administrative procedures of driving school. | |
|----------|--|--|
| | Suggested training methods— | |
| | (a) Presentations. | |
| | (b) Lectures. | |
| | (c) Demonstration. | |

4.6 Driving Instructor Testing

4.6.1 Expected outcome

The trainee should understand the content of the course and how it will be examined.

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4.6.2 Objectives of Theory or Practical

By the end of the unit, the trainee should be familiar with-

- (a) the content of the course; and
- (b) how it will be examined.

4.6.3 Content

| 4.6.T/P1 | Course procedures. | |
|----------|-------------------------|--|
| 4.6.T/P2 | Examination procedures. | |

4.7 Pedagogical Education

4.7.1 Expected outcome

The trainee should be able to understand how to use different pedagogical methods in adult training.

4.7.2 Objectives of Theory or Practical

By the end of this unit, the trainee should be able to use pedagogical education methods to—

- (a) understand and carry out adult learning and teaching through psychology methods;
- (b) account for different teaching methods and their influence on teaching results and with didactic insight account for the connection between goal and method;
- (c) demonstrate good knowledge and skills concerning verbal and non-verbal communication;
- (d) write educational goals and objectives;
- (e) use modern teaching technical aids;
- (f) use modern methods to stimulate creativity among learners;
- (g) design and perform tests and exercises for learner;
- (h) plan, structure and present a lesson;
- (i) work in groups or individually;
- (j) use commentary driving;
- (k) use the teaching model to explain, ad and comment for practical education;
- produce professional teaching materials like PowerPoint presentations, sticky notes, white boards and others; and
- (m) use the internet for teaching.

4.7.3 Content

| 4.7.T/P1 | Psychology of adult learning and teaching techniques. |
|----------|---|
| 4.7.T/P2 | Teaching methods. |
| 4.7.T/P3 | Communication skills. |

| 4.7.T/P4 | Goal and objective writing. |
|-----------|---|
| 4.7.T/P5 | Modern teaching aids. |
| 4.7.T/P6 | Creativity amongst learners. |
| 4.7.T/P7 | Learner testing. |
| 4.7.T/P8 | Lesson planning. |
| 4.7.T/P9 | Working in groups or individually. |
| 4.7.T/P10 | Commentary driving. |
| 4.7.T/P11 | Teaching model "explain, act and comment" for practical education. |
| 4.7.T/P12 | Teaching material development. |
| 4.7.T/P13 | Use of the internet. |
| | Suggested training methods— |
| | (a) Lectures, group work, individual work, discussions and analysis |
| | (b) Demonstration using different modern technical equipment. |
| | (c) Commentary driving. |

4.8 Kenya Learner Drivers' Handbook

Kenya Learner Drivers' Handbook aims to give drivers knowledge of how to drive a vehicle defensively. The trainee will use this handbook as a base for both theory and practical driving education and explain how to drive a vehicle defensively.

4.8.1 Expected outcome

The candidate will have the ability to use the Learner Driver's Handbook to teach learners both practical and theoretical driving of public service vehicles, in a defensive way.

4.8.2 Objectives of Theory or Practical

By the end of this unit, the trainee should have-

- (a) a tool to be used to educate a learner on how to become a competent driver;
- (b) knowledge of how to make a learner understand the danger;
- (c) complexity and responsibility of driving a public service vehicle;
- (d) knowledge of how to make a learner understand how their behaviour and decisions impact on other road users;
- (e) knowledge about human behaviour and how to become a defensive driver; and

armeter . . .

(f) knowledge of the Kenya Learner Drivers' Handbook.

4.8.3 Content

| 4.8.T/P1 | Kenya Learner Drivers' Handbook. |
|----------|---|
| 4.8.T/P2 | Teaching material draw n from the Learner Drivers' Handbook. |
| 4.8.T/P3 | Quality documents from the hand book as teaching material for learners. |
| 4.8.T/P4 | Teaching on how to instruct other drivers |

| | Suggested training methods— |
|---|---|
| | (a) Assignments. |
| - | (b) Practical exercises. |
| | (c) Practical work on how to use the curriculum for learners. |
| | (d) Lectures. |
| | (e) Group discussions. |
| | (f) Groups exercise for training. |

4.9 Traffic Safety Education and Statistics

4.9.1 Expected outcome

The trainee should demonstrate knowledge of traffic safety education and statistics in Kenya.

4.9.2 Objectives of Theory or Practical

By the end of this unit, the trainee should be able to-

- (a) discuss traffic safety in Kenya;
- (b) analyse traffic statistics;
- (c) explain the Kenya road safety work;
- (d) compare Kenyan statistics and trends and compare with other countries;
- (e) discuss the impact of traffic crashes and how it affects the society;
- (f) explain the salient factors that influence traffic safety;
- (g) explain the acceptable alcohol limits;
- (h) demonstrate the importance of safe vehicles;
- describe how road quality influences traffic safety;
- (j) describe how speed influences traffic safety;
- (k) discuss how the human factors influence traffic safety; and
- (l) discuss how alcohol and drug abuse influence traffic safety.

4.9.3 Content

| 4.9.T/P1 | Traffic safety in Kenya. |
|-----------|--|
| 4.9.T/P2 | Traffic statistics. |
| 4.9.T/P3 | Kenya road safety work. |
| 4.9.T/P4 | Kenya statistics and trends and compared with other countries. |
| 4.9.T/P5 | Impact of traffic crashes and how it affects the society. |
| 4.9.T/P6 | Salient factors that influence traffic safety. |
| 4.9.T/P7 | Acceptable alcohol limits. |
| 4.9.T/P8 | Importance of safe vehicles. |
| 4.9.T/P9 | Road quality influence on traffic safety. |
| 4.9.T/P10 | Speed influence on traffic safety. |

| 4.9.T/P11 | Human factor influence on traffic safety. |
|-----------|--|
| 4.9.T/P12 | Alcohol and drug abuse influence on traffic safety. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Practical exercises. |
| | (c) Drive around in traffic to study the traffic system-assignments. |
| | (d) Assignments. |

4.10 Driving Licence Categories and the Driving Test

4.10.1 Expected outcome

The trainee should show knowledge of the licensing and testing process in Kenya.

4.10.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) describe the driving licensing system;
- (b) state the licence categories;
- (c) explain the examination process;
- (d) outline the examination procedure;
- (e) explain how to perform a driving school test and evaluate the knowledge of the learner in both theory and practical aspects; and
- (f) outline the online test registration and booking procedure.

4.10.3 Content

| 4.10.T/P1 | Driving licensing system. |
|-----------|---|
| 4.10.T/P2 | Licence categories. |
| 4.10.T/P3 | Examination process. |
| 4.10.T/P4 | Examination procedure. |
| 4.10.T/P5 | Driving school theory and practical test. |
| 4.10.T/P6 | Online test registration and booking procedure. |
| | Suggested Training Methods— |
| | (a) Lectures. |
| | (b) Theory tests. |
| | (c) Practical driving test. |
| | (d) Assignments. |

4.10.4 Objectives of Practical

By the end of this unit the trainee should be able to-

- (a) demonstrate the examination process at the examination centre; and
- (b) demonstrate online test registration and booking procedure.

4.10.5 Content

| 4.10.P/P1 | Examination process at the examination centre. |
|-----------|---|
| 4.10.P/P2 | Online test registration and booking procedure. |
| | Suggested Training Methods— |
| | (a) Lectures. |
| | (b) Theory tests. |
| | (c) Practical driving test. |
| | (d) Assignments. |

4.11 Legal Aspects in Driving

4.11.1 Expected Outcome

The trainee should be able to explain the legal aspects in driving.

4.11.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) explain the Traffic Act, the National Transport and Safety Authority Act, the Insurance (Third Party) and other relevant regulations; and
- (b) identify sources of new legislative information concerning traffic.

4.11.3 Content

| 4.11.T/P1 | The Traffic Act, the National Transport and Safety Authority Act, the Insurance (Third Party) and other relevant regulations. |
|-----------|---|
| 4.11.T/P2 | Sources of new legislative information concerning traffic. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Discussions. |
| | (c) Exercises. |
| | (d) Presentation and explanation of the Traffic Act. |

4.12 Time Planning

4.12.1 Expected outcome

The trainee should be able to plan time and schedule lessons.

4.12.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) prepare a scheme of work;
- (b) prepare the lesson plan;

- (c) produce quality documents as teaching material for different lessons; and
- (d) prepare tests and marking schedules.

4.12.3 Content

| 4.12.T/P1 | Scheme of work |
|-----------|---|
| 4.12.T/P2 | Lesson plan. |
| 4.12.T/P3 | Quality documents as teaching material for different lessons. |
| 4.12,T/P4 | Testing and marking schemes. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Exercises. |
| | (c) Practical planning exercises using modern planning methods. |

4.12.4 Objective of Practical

By the end of this unit, the trainee should be able to prepare and present a lesson plan and a scheme of work.

4.12.5 Content

| 4.12.P/P1 | Prepare and present a scheme of work and a lesson plan. |
|-----------|---|
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Exercises. |
| | (c) Practical planning exercises using modern planning methods. |

4.13 Quality Assurance

4.13.1 Expected outcome

The trainee should be able to standardize teaching and ensure uniform dissemination of skills and knowledge.

4.13.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) discuss the quality of driving instructions;
- (b) create quality educational materials and put in a quality system;
- (c) evaluate the course content;
- (d) evaluate the different teaching methods;
- (e) apply the methods of curriculum delivery; and
- (f) assess each class and student for the purpose of continuous improvement.

4.13.3 Content

| 4.13.T/P1 | Quality of driving instructions. | 51 |
|-----------|----------------------------------|----|
| 4.13.T/P2 | Quality education materials. | |

| 4.13.T/P3 | Course content. |
|-----------|---|
| 4.13.T/P4 | Different teaching methods. |
| 4.13.T/P5 | Standard methods of curriculum delivery. |
| 4.13.T/P6 | Assessment of each class and student for the purpose of continuous improvement. |

4.13.4 Objective of Practical

By the end of this unit, the trainee should be able to competently deliver a lesson through a mock presentation.

4.13.5 Content

| 4.13.P/P1 | Mock presentation (micro teaching). | |
|-----------|--|--|
| 4.13.P/P2 | Human behaviour in traffic psychology education. | |

4.14 Human Behaviour in Traffic-Traffic Psychology Education

4.14.1 Expected outcome

The trainee should be able to explain human behaviour in traffic.

4.14.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) outline the underlying causes and psychology of offensive driving;
- (b) discuss techniques of managing offensive drivers and remaining calm when driving; and
- (c) explain different offensive driving behaviours.

4.14.3 Content

| 4.14.T/P1 | Underlying causes and psychology of offensive driving. |
|-----------|---|
| 4.14.T/P2 | Techniques of managing offensive drivers and remaining calm when driving. |
| 4.14.T/P3 | Different offensive driving behaviour— |
| | (a) Speeding. |
| | (b) Not observing traffic signs. |
| | (c) Disobeying traffic lights. |
| | (d) Careless overtaking. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Exercises. |

4.15 Environmental Education

4.15.1 Expected Outcome

The trainee should have knowledge on environmental concerns associated with driving.

4.15.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) explain to the candidates how to reduce the impact of motor vehicle emissions on the environment;
- (b) provide examples of important laws and provisions that regulate the environmental work in Kenya;
- (c) discuss methods of reducing environmental pollution;
- (d) discuss the impact of driver behaviour on the environment;
- (e) identify eco-driving technique; and
- (f) demonstrate product transportation knowledge.

4.15.3 Content

| 4.15.T/P1 | How to reduce the impact of motor vehicle emissions to the environment. |
|-----------|---|
| 4.15.T/P2 | Important laws and provisions that regulate work impacting on the environment in Kenya. |
| 4.15.T/P3 | Methods of reducing environmental pollution |
| 4.15.T/P4 | Impact of driver behaviour on the environment. |
| 4.15.T/P5 | Eco-driving technique. |
| 4.15.T/P6 | Product transportation knowledge. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Group work. |
| | (c) Individual work. |
| | (d) Discuss and analyse traffic environmental issues |
| | (e) Practical eco-driving. |

CHAPTER FIVE—TRAINING OF DRIVING INSTRUCTORS OF MOPEDS AND MOTORCYCLES (CATEGORY A)

5.1 Target Group

- (1) Those who aspire to be driving instructors of mopeds and motorcycles.
- (2) The candidate should have a category A driving licence as a minimum.

5.2 Responsibility

- The Authority is responsible for accrediting institutions to offer this course.
- (2) The Authority is responsible for developing and supervising the course.
- (3) The Authority is responsible for developing a rider's instructors' handbook and licensing of driving instructors.

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(4) The Authority continually updates the course.

5.3 Training

- (1) The trainee shall participate in both individual and in group training.
- (2) The training will involve both theory and practical classes.
- (3) The materials for the training are-
- (a) Curriculum for Training, Testing and Licensing of Instructors;
- (b) Kenya Learner Drivers' Handbook;
- (c) the Traffic Act Cap;
- (d) the National Transport and Safety Authority Act; and
- (e) other relevant legislation.
- (4) The key highlights are-
- (a) Pedagogical education;
- (b) Time management;
- (c) Curriculum for learners;
- (d) Kenya Learner Drivers Handbook;
- (e) traffic safety education and statistics;
- (f) theory education in riding mopeds and motorcycles;
- (g) practical education in mopeds and motorcycles;
- (h) the Traffic Act;
- (i) the National Transport and Safety Authority Act;
- (j) human behaviour in traffic—psychology education;
- (k) customer care or public relations;
- (l) first aid;
- (m) alcohol and substance abuse;
- (n) motor vehicle mechanics; and
- (o) defensive driving.
- (5) A driving school is required to have the following minimum equipment—
- (a) adequate information communication and technology resources;
- (b) at least one motor vehicle for the licence class;
- (c) at least one teacher at theory teaching; and
- (d) at least one trainer at practical training.

5.4 Units Summary and Time Allocation

| Code | Units | Content | Time (F | Hours) | |
|------|---------------|--|---------|-----------|-------|
| | | | Theory | Practical | Total |
| 5.5 | Introduction. | (a) Administrative procedures of a driving school. | 1 | 0 | 1 |
| | | (b) driving school regulations. | | | |

| 5.6 | Driving instructor testing. | Administering written, oral and practical examinations. | | | |
|-----|-----------------------------------|---|----|---|------|
| 5.7 | Pedagogical education. | (a) The psychology of adult learning and teaching techniques. | 20 | 0 | 20 |
| | | (b) Teaching methods. | | | |
| | | (c) Communication skills. | | | |
| | | (d) Goals and objective writing. | | | |
| | | (e) Modern teaching aids. | | | |
| | | (f) Learner testing. | | | |
| | | (g) Commentary driving. | | | |
| | | (h) The teaching model "explain, act and comment" for practical education. | | | |
| | | (i) Teaching materials development. | | | |
| 5.8 | | (a) Lectures, assignments. | 10 | 0 | 10 |
| | driver handbook. | (b) Teaching material drawn from the handbook. | | | |
| | | Quality documents from the handbook as teaching material for learners. | | | |
| | | (d) Teaching on how to instruct learners. | | | |
| 5.9 | Traffic safety | (a) Traffic safety in Kenya. | 20 | 0 | . 20 |
| | education and statistics. | (b) Traffic statistics. | | | |
| | statistics. | (c) Kenya road safety work. | | | |
| | | (d) Kenya statistics and trends and compared with other countries. | | | |
| | | (e) Impact of traffic crashes and how it affects the society. | | | |
| | | (f) Salient factors that influence traffic safety. | | | |
| | | (g) Acceptable alcohol limits. | | | |
| | | (h) Importance of safe vehicles. | | | |
| | | Road quality influence the traffic safety. | | | |
| (6) | | (j) Speed influence on traffic safety. | | | |
| | | (k) Human factor influence on traffic safety. | | | |
| | | Alcohol and drugs influence on traffic safety. | | | |

| 5.10 | Driving licence categories and the driving test. | (a) Driving licensing system categories. (b) Examination process. (c) Examination procedure. (d) Driving school theory and practical test. (e) Online test registration and booking | 10 | 5 | 15 |
|------|--|--|----|----|----|
| 5.11 | Legal aspects of driving. | procedure. (a) The Traffic Act. (b) The National Transport and Safety Authority Act. (c) The Insurance (Third Party) Act, (d) Other relevant laws. (e) Sources of new legislative information concerning traffic. | 10 | 0 | 10 |
| 5.12 | Time planning. | (a) Scheme of work. (b) Lesson plan. (c) Producing quality documents as teaching material. | 10 | 10 | 20 |
| 5.13 | assurance. | (a) Quality of driving instructions. (b) Course content. (c) Different teaching methods. (d) Standard methods of curriculum delivery. (e) Assessment of each class or student, for the purpose of continuous improvement. (f) Scheme of work. | 10 | 10 | 20 |
| 5.14 | behaviour in traffic-traffic psychology education. | (a) Underlying causes and the psychology of offensive driving. (b) Techniques of managing offensive drivers and remaining calm when driving. (c) Different offensive driving behaviours. | 5 | 0 | 5 |

| 5.7.T/P9 | Working in groups or individually. |
|-----------|---|
| 5.7.T/P10 | Commentary driving. |
| 5.7.T/P11 | Teaching model "explain, act and comment" for practical education. |
| 5.7.T/P12 | Teaching material development. |
| 5.7.T/P13 | Use of the internet. |
| 14 | Suggested training methods— (a) Lectures, group work, individual work, discussions and analysis. (b) Demonstration using different modern technical equipment. (c) Commentary driving. |

5.8 Kenya Learner Drivers' Handbook

Kenya Learner Drivers' Handbook aims to give drivers knowledge of how to drive a vehicle defensively. The trainee will use this handbook as a base for both theory and practical driving education and explain how to drive a vehicle defensively.

5.8.1 Expected outcome

The candidate will have the ability to use the Learner Driver's Handbook to teach learners both practical and theoretical riding of mopeds and motorcycles, in a defensive way.

5.8.2 Objectives of Theory or Practical

By the end of this unit, the trainee should have-

- (a) a tool to be used to educate a learner on how to become a competent driver;
- (b) knowledge of how to make a learner understand the danger;
- (c) complexity and responsibility of riding a moped or motorcycle;
- (d) knowledge of how to make a learner understand how their behaviour and decisions impact on other road users;
- (e) knowledge about human behaviour and how to become a defensive driver; and
- (f) knowledge of the Kenya Learner Drivers' Handbook.

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5.8.3 Content

| Kenya Learner Drivers' Handbook. |
|--|
| Teaching material draw n from the Learner Drivers' Handbook. |
| Quality documents from the hand book as teaching material for learners |
| Teaching on how to instruct other drivers |
| |

with the second

| | Suggested training methods— (a) Assignments. | |
|---|---|--|
| 1 | (b) Practical exercises. | |
| | (c) Practical work on how to use the curriculum for learners. | |
| | (d) Lectures. | |
| | (e) Group discussions. | |
| | (f) Groups exercise for training. | |

5.9 Traffic Safety Education and Statistics

5.9.1 Expected outcome

The trainee should demonstrate knowledge of traffic safety education and statistics in Kenya.

5.9.2 Objectives of Theory or Practical

By the end of this unit, the trainee should be able to-

- (a) discuss traffic safety in Kenya;
- (b) analyse traffic statistics;
- (c) explain the Kenya road safety work;
- (d) compare Kenyan statistics and trends and compare with other countries;
- (e) discuss the impact of traffic crashes and how it affects the society;
- (f) explain the salient factors that influence traffic safety;
- (g) explain the acceptable alcohol limits;
- (h) demonstrate the importance of safe vehicles;
- (i) describe how road quality influences traffic safety;
- (j) describe how speed influences traffic safety;
- (k) discuss how the human factors influence traffic safety; and
- (l) discuss how alcohol and drug abuse influence traffic safety.

5.9.3 Content

| 5.9.T/P1 | Traffic safety in Kenya. |
|-----------|--|
| 5.9.T/P2 | Traffic statistics. |
| 5.9.T/P3 | Kenya road safety work. |
| 5.9.T/P4 | Kenya statistics and trends and compared with other countries. |
| 5.9.T/P5 | Impact of traffic crashes and how it affects the society. |
| 5.9.T/P6 | Salient factors that influence traffic safety. |
| 5.9.T/P7 | Acceptable alcohol limits. |
| 5.9.T/P8 | Importance of safe vehicles. |
| 5.9.T/P9 | Road quality influence on traffic safety. |
| 5.9.T/P10 | Speed influence on traffic safety. |

| 5.9.T/P11 | Human factor influence on traffic safety. |
|-----------|--|
| 5.9.T/P12 | Alcohol and drug abuse influence on traffic safety. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Practical exercises. |
| | (c) Drive around in traffic to study the traffic system-assignments. |
| | (d) Assignments. |

5.10 Driving Licence Categories and the Driving Test

5.10.1 Expected outcome

The trainee should show knowledge of the licensing and testing process in Kenya.

5.10.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) describe the driving licensing system;
- (b) state the licence categories;
- (c) explain the examination process;
- (d) outline the examination procedure;
- (e) explain how to perform a driving school test and evaluate the knowledge of the learner in both theory and practical aspects; and
- (f) outline the online test registration and booking procedure.

5.10.3 Content

| 5.10.T/P1 | Driving licensing system. | |
|-----------|---|--|
| 5.10.T/P2 | Licence categories. | |
| 5.10.T/P3 | Examination process. | |
| 5.10.T/P4 | Examination procedure. | |
| 5.10.T/P5 | Driving school theory and practical test. | |
| 5.10.T/P6 | Online test registration and booking procedure. | |
| | Suggested Training Methods— | |
| | (a) Lectures. | |
| | (b) Theory tests. | |
| | (c) Practical driving test. | |
| | (d) Assignments. | |

5.10.4 Objectives of Practical

By the end of this unit the trainee should be able to-

- (a) demonstrate the examination process at the examination centre; and
- (b) demonstrate online test registration and booking procedure.

5.10.5 Content

| 5.10.P/P1 | Examination process at the examination centre. |
|-----------|---|
| 5.10.P/P2 | Online test registration and booking procedure. |
| | Suggested Training Methods— |
| | (a) Lectures. |
| | (b) Theory tests. |
| | (c) Practical driving test. |
| | (d) Assignments. |

5.11 Legal Aspects in Driving

5.11.1 Expected Outcome

The trainee should be able to explain the legal aspects in driving.

5.11.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) explain the Traffic Act, the National Transport and Safety Authority Act, the Insurance (Third Party) and other relevant regulations; and
- (b) identify sources of new legislative information concerning traffic.

5.11.3 Content

| 5.11.T/P1 | The Traffic Act, the National Transport and Safety Authority Act, the Insurance (Third Party) and other relevant regulations. |
|-----------|---|
| 5.11.T/P2 | Sources of new legislative information concerning traffic. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Discussions. |
| | (c) Exercises. |
| | (d) Presentation and explanation of the Traffic Act. |

5.12 Time Planning

5.12.1 Expected outcome

The trainee should be able to plan time and schedule lessons.

5.12.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) prepare a scheme of work;
- (b) prepare the lesson plan;

(c) produce quality documents as teaching material for different lessons; and (d) prepare tests and marking schedules.

5.12.3 Content

| 5.12.T/P1 | Scheme of work |
|-----------|---|
| 5.12.T/P2 | Lesson plan. |
| 5.12.T/P3 | Quality documents as teaching material for different lessons. |
| 5.12.T/P4 | Testing and marking schemes. |
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Exercises. |
| | (c) Practical planning exercises using modern planning methods. |

5.12.4 Objective of Practical

By the end of this unit, the trainee should be able to prepare and present a lesson plan and a scheme of work.

5.12.5 Content

| 5.12.P/P1 | Prepare and present a scheme of work and a lesson plan. |
|-----------|---|
| | Suggested training methods— |
| | (a) Lectures. |
| | (b) Exercises. |
| | (c) Practical planning exercises using modern planning methods. |

5.13 Quality Assurance

5.13.1 Expected outcome

The trainee should be able to standardize teaching and ensure uniform dissemination of skills and knowledge.

5.13.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) discuss the quality of driving instructions;
- (b) create quality educational materials and put in a quality system;
- (c) evaluate the course content;
- (d) evaluate the different teaching methods;
- (e) apply the methods of curriculum delivery; and
- (f) assess each class and student for the purpose of continuous improvement.

5.13.3 Content

| 5.13.T/P1 | Quality of driving instructions. |
|-----------|----------------------------------|
| 5.13.T/P2 | Quality education materials. |
| 5.13.T/P3 | Course content. |

| 5.13.T/P4 | Different teaching methods. | |
|-----------|---|--|
| 5.13.T/P5 | 13.T/P5 Standard methods of curriculum delivery. | |
| 5.13.T/P6 | Assessment of each class and student for the purpose of continuous improvement. | |

5.13.4 Objective of Practical

By the end of this unit, the trainee should be able to competently deliver a lesson through a mock presentation.

5.13.5 Content

| 5.13.P/P1 Mock presentation (micro teaching). | | |
|---|--|--|
| 5.13.P/P2 | Human behaviour in traffic psychology education. | |

5.14 Human Behaviour in Traffic-Traffic Psychology Education

5.14.1 Expected outcome

The trainee should be able to explain human behaviour in traffic.

5.14.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) outline the underlying causes and psychology of offensive driving;
- (b) discuss techniques of managing offensive drivers and remaining calm when driving; and
- (c) explain different offensive driving behaviours.

5.14.3 Content

0

| 5.14.T/P1 | Underlying causes and psychology of offensive driving. | |
|-----------|---|--|
| 5.14.T/P2 | Techniques of managing offensive drivers and remaining calm when driving. | |
| 5.14.T/P3 | Different offensive driving behaviour— (a) Speeding. (b) Not observing traffic signs. (c) Disobeying traffic lights. (d) Careless overtaking. | |
| | Suggested training methods— (a) Lectures. (b) Exercises. | |

5.15 Environmental Education

5.15.1 Expected Outcome

The trainee should have knowledge on environmental concerns associated with driving.

5.15.2 Objectives of Theory

By the end of this unit, the trainee should be able to-

- (a) explain to the candidates how to reduce the impact of motor vehicle emissions on the environment;
- (b) provide examples of important laws and provisions that regulate the environmental work in Kenya;
- (c) discuss methods of reducing environmental pollution;
- (d) discuss the impact of driver behaviour on the environment;
- (e) identify eco-driving technique; and
- (f) demonstrate product transportation knowledge.

5.15.3 Content

| 5.15.T/P1 | How to reduce the impact of motor vehicle emissions to the environment. | |
|-----------|---|--|
| 5.15.T/P2 | Important laws and provisions that regulate work impacting on the environment in Kenya. | |
| 5.15.T/P3 | Methods of reducing environmental pollution | |
| 5.15.T/P4 | Impact of driver behaviour on the environment. | |
| 5.15.T/P5 | Eco-driving technique. | |
| 5.15.T/P6 | Product transportation knowledge. | |
| | Suggested training methods— | |
| | (a) Lectures. | |
| | (b) Group work. | |
| | (c) Individual work. | |
| | (d) Discuss and analyse traffic environmental issues | |
| | (e) Practical eco-driving. | |

PART 3-TRAINING AND TESTING OF PERSONS WITH DISABILITIES

1. Introduction

- This part seeks to explain the standard operating procedures to be used in the training, testing and issuance of driving licences and instructors licence to persons with disabilities in Kenya.
- (2) This part recognises the importance of having an all-inclusive curriculum as stipulated in the Constitution while, at the same time, ensuring that the trainees and the learners become safe drivers based on their capabilities.
- (3) The driving school theory training and testing is the same for both abled and persons with disabilities.
- (4) The practical aspect for the persons with disabilities is different from that of the abled persons.

الماء الإراقاس

(5) The testing of persons with disabilities and able learners are the same.

- (6) Upon successful completion of training and testing, a person with disabilities gets driving licence or an instructor's licence in Category F issued by the Authority.
- Summary of Process of Acquiring a Driving Licence or Instructor's Licence by a Person with a Disability
 - (1) The process for persons with disabilities to get a driving licence is as follows—
 - (a) visit a medical doctor recognized by the Authority for assessment and subsequent issuance of a medical assessment report and a disability certificate;
 - (b) avail the medical assessment report and the disability certificate to the examiner;
 - (c) the examiner will inform the applicant what kind of equipment he needs to equip his vehicle with.
 - (d) the applicant may-
 - enrol at the existing driving schools with appropriate equipment required for the applicant to undergo training; or
 - (ii) modify or adapt the applicant's vehicle with the appropriate equipment or gadgets in a workshop to enable training, and the vehicle must undergo vehicle inspection to ensure that the modified vehicle safe to drive;
 - (e) the applicant applies for a provisional licence to the Authority through the normal process attaching copies of the medical assessment report and the proposed options of the motor vehicle for the applicant's training;
 - (f) the applicant can begin training lessons at a driving school;
 - (g) the applicant will be tested at the driving school in both theory and practical;
 - (h) during the examination, the applicant will be tested in his adapted motor vehicle or that of the driving school; and
 - the driving licence or instructor's licence to be issued will indicate the special category for persons with disability (Category F).

3. Responsibilities

3.1 Medical doctor

Medical assessment must be performed by a doctor recognized by the Authority who would then issue a certificate in the form prescribed by the Rules.

- 3.2 Examiner
- The examiner is to verify the doctor's certificate and determine the equipment the learner driver needs.
- (2) The examiner is to conduct the examination with the adapted applicant's or driving school's car.

3.3 Workshop

A workshop must be licenced regarding-

- (a) knowing how to install suitable equipment; and
- (b) be examined by vehicle inspection that they are qualified to equip vehicles in a safe manner.
- 3.4 Driving school
- (1) The driving school must be licenced.
- (2) The driving school shall have special adapted vehicles or allow a learner or trainee to train with their adapted motor vehicle.
- (3) For driving schools aspiring to have specialized training of persons with disability, the premises must be built to accommodate disabled drivers and further have all the appropriate equipment, infrastructure and facilities.
- 3.5 Vehicle Inspection Unit

Vehicle Inspection Unit is expected to inspect if an adapted vehicle is safe to drive.

- 4. Training
- (1) Upon satisfactory adaptation of the vehicle to be utilized in training and appropriate correction of the disability of the learner or trainee, the learner or trainee, is expected to undergo the training as per this curriculum for the category of the licence he intends to be trained in.
- (2) The training includes basic or common units and specific units for the category of licence chosen and registered for as per this curriculum.
- 5. Testing
- All learners and trainees shall undergo a theory and a practical examination as per the category of licence selected by the learner or trainee.
- (2) The learner or trainee shall undertake the practical tests using the adapted or modified vehicle at all times.
- (3) During testing, the examiner shall take the necessary steps and precautions to ensure that the learner or trainee being examined does not suffer a disadvantage due to the disability.
- Issuing of the Driving Licence or Instructor's Licence
- The driving licence or instructor's licence issued is a special category indicating the category the person with disability is trained and tested on.
- (2) The category for persons with disability is Category F.
- (3) Depending on the class of the vehicle the person with a disability is trained and examined on, it is further classified as follows: Categories A1, A2, A3, B, C1, C, CE, CD, D1, D2, D3 and licenced as FA1, FA2, FA3, FB, FC1, FC, FCE, FCD, FD1, FD2 and FD3 respectively.

Dated the 21st January, 2020.

JAMES MACHARIA,

Cabinet Secretary, Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works.

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

EXPLANATORY MEMORANDUM TO THE TRAFFIC (DRIVING SCHOOLS, DRIVING INSTRUCTORS AND DRIVING LICENCES) RULES, 2020 (LN 28 OF 2022)

PART 1

Name of the Statutory Instrument:

Traffic (Driving Schools, Instructors and Driving

Licences) Rules, 2020

Name of the Parent Act:

The Traffic Act

Enacted Pursuant to:

Section 119(1) (ga) of The Traffic Act

Name of the Ministry/ Department:

THE NATION

Ministry of Transport, Infrastructure and Housing the National Transport and

Authority

1 have

Gazetted on:

20th March 2022

Tabled on:

PART II

1. Purpose of the Statutory instrument

To provide for the licensing and proper regulation of driving schools by providing 1.1 for minimum standards of operation to ensure that proper instruction is given to students.

To provide for the testing, licensing and minimum requirements of driving 1.2

instructors to ensure that proper instruction is given to students.

To provide for the proper training and testing of drivers in Kenya to improve the 1.3

competence and discipline of drivers.

To provide for the curriculum for the training and testing of driving instructors and 1.4 drivers by providing for the basic principles of training and testing of drivers in Kenya. The Curriculum also establish standards in the training and testing of drivers.

To provide for the licensing of all drivers using public roads in Kenya. 1.5

2. Legislative Context

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

- 2.2. The Traffic Act Cap 403 empowers the Cabinet Secretary responsible for matters relating to traffic to make rules prescribing all such matters relating to the regulation of establishments or person engaged in teaching for gain the driving of motor vehicles as the Cabinet Secretary may deem necessary for the proper control of such establishments or persons, including the grant, revocation or variation of licenses and appeals relating thereto, the testing of instructors, the inspection of vehicles and premises, and the fees payable for any of the above matters.
- 2.3 The Traffic (Driving Schools, Instructor's and Driving Licenses) Rules, 2020 are therefore issued to give effect to the Provisions of the Act.

Policy Background

- 3.1 The Government of Kenya through the Ministry of Transport, Infrastructure and Housing has the mandate to ensure the safety of all those who use any public road in Kenya. Part of this commitment is the promotion of professional driver training to provide a foundation of the proper skills, knowledge, and attitudes that will allow drivers to operate safely for decades into the future.
- 3.2 Currently the level of road discipline and the quality of drivers and their attitude is poor. It has been noted through various research that inadequate or improper driving instruction and regulation of driving school plays a big factor in contributing to kenya's poor road safety record. This is attributable to the fact that there is no national curriculum that driving schools have to follow and the calibre of instructors and quality of instruction is generally poor.
- 3.3 Public Service Vehicle (PSV) drivers require little more than holding a standard license for 4 years before being eligible to drive the public. They currently do not require additional training or standards of competency.
- 3.4 Due to the above, there is urgent need to improve the regulation of driver education, training and testing in Kenya. The Traffic (Driving Schools, Instructor's and Driving Licenses) Rules, 2020 are intended to do this by providing for improved regulation of the following aspects of driver training, testing and licensing:-
- Regulation of driving schools and branches
- Regulation of driving instructors including qualifications
 introduction of a national curriculum on the training, testing and licensing of drivers in Kenya.
- Introduction of a national curriculum on the training, testing and licensing of drivers in Kenya.
- Regulation of driving instruction

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- e. Regulation of driver testing
- f. Regulation of driver licensing

Consultation outcome

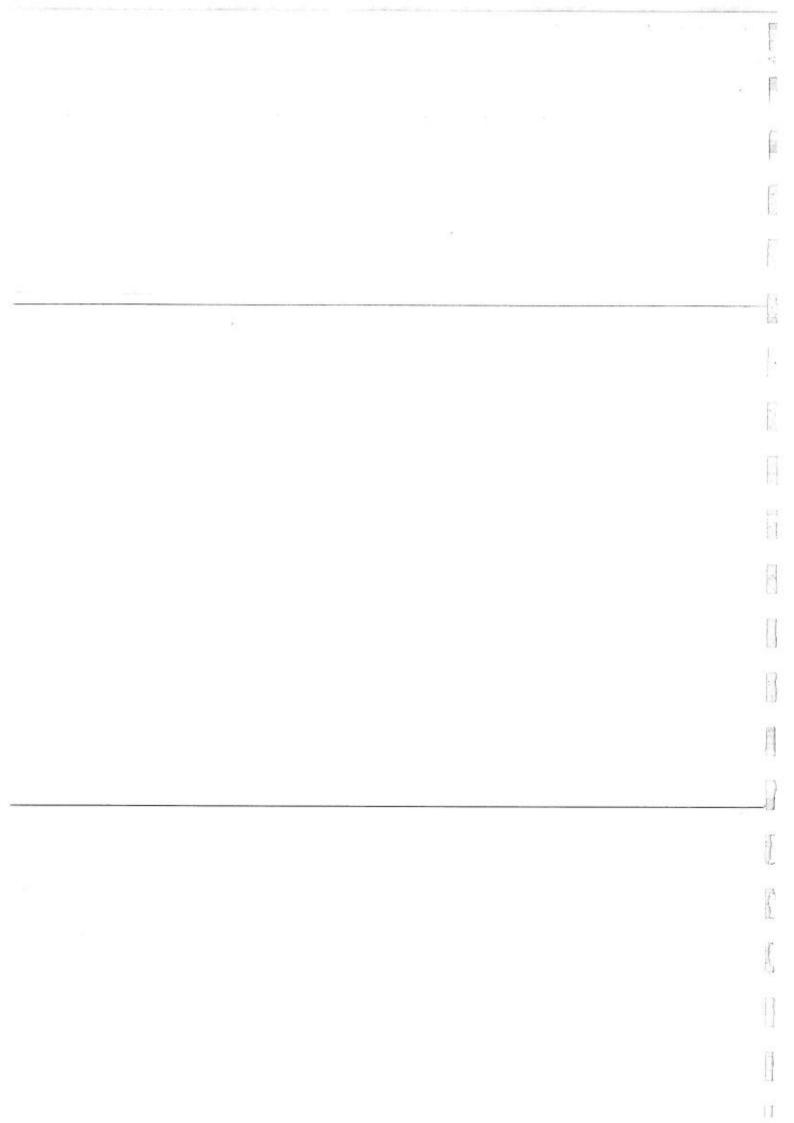
- 4.1 The National Transport and Safety Authority subjected the Rules to intense and widespread public participation through electronic media, written submissions and public forums.
- 4.2 The public participation forums covered forty three (43) counties whereby the participants were taken through the rules and were also given an opportunity to submit their views, concerns and proposals.
- 4.3 Copies of the draft rules were made available to the public and stakeholders in hard copies for those who attended the public forums and in soft copy our website for those who preferred to submit written comments.
- 4.4 Further in line with Section 5(2) (a) of the Statutory Instruments Act, the Authority invited driving schools from various regions to the public forums due to the fact that they are key stakeholders and have practical knowledge on subject matter of the rules.

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

- 4.5 The Authority collected, considered and incorporated in the draft Rules the views of the Parliamentary Select Committee on Delegated Legislation, the public and key stakeholders. The Rules were then forwarded to the Attorney General through the Ministry for legislative drafting and publication the Kenya Gazette.
- 4.6 The Rules were subsequently published in the Kenya Gazettee (Legal Notice 28 of 2020) on 20th March 2020.

Guidance

- 5.1 The Ministry and Authority will sensitize driving schools and instructors through various foras including public forums and information campaigns at a regional level and the provision of simplified literature.
- 5.2 Further the Authority has being on constant engagement with the Association of Driving Schools and will continue to do so to ensure that the necessary technical support and advise in provided to ensure the proper implementation of the Rules.
- Impact
- 6.1 The amendment shall have no fundamental effect to the rights and freedoms.



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CORRIGENDA

IN Gazette Notice No. 73 of 2020, amend the expression printed as "Issue of a new land title deed" to read "Issue of a new land register".

IN Gazette Notice No. 11198 of 2019. Cause No. 173 of 2019, amend the deceased's name printed as "Julius Ondego" to read "Gilbert Julu Ondego alias Julu Ondego".

IN Gazette Notice No. 1993 of 2020, amend the expression printed as "Cause No. 133 of 2019," to read "Cause No. 133 of 2020,".

IN Gazette Notice No. 1993 of 2020, amend the expression printed as "Cause No. 134 of 2019," in read "Cause No. 134 of 2020,".

IN Gazette Notice No. 1993 of 2020, amend the expression printed as "Cause No. 135 of 2019," to read "Cause No. 135 of 2020,".

IN Gazette Notice No. 2092 of 2020, Cause No. 11 of 2020, amend the petitioner's name printed as "James Gumba Opande" to read "Alcos Okeyo Otieno".

IN Gazette Notice No. 2059 of 2020, Cause No. 139 of 2019, amend the petitioner's name printed as "Sicilia Wanja Njue" to read "Jephat Njue Murau".

IN Gazette Notice No. 5594 of 2019, Cause No. 4 of 2019, amend the petitioner's name printed as "Phyllis Njeri Kamau" to read "Phyllis Njeri Nduati".

IN Gazette Notice No. 2082 of 2020, Cause No. 257 of 2018, amend the deceased's name printed as "Joseph Sikolya Mutoro alias Joseph Sikolia" to read "Joseph Sikolya Mutoro alias Joseph Sikolia Mutoro".

IN Gazette Notice No. 2119 of 2020, Cause No. 513 of 2019, amend the petitioner's name printed as "Jenipher Adhiambo Anyiko" to read "Jenipher Adhiambo Owaga".

IN Gazette Notice No. 2126 of 2012, Cause No. 14 of 2020, amend the expression printed as "the deceased's widow" to read "the deceased's daughter".

GAZETTE NOTICE No. 2355

THE WATER ACT

(No. 43 of 2016)

APPOINTMENT

IN EXERCISE of the powers conferred by section 31 (1) (a) of the Water Act, I, Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces, appoint—

ERICK OKEYO

to be the Chairperson of the Board of National Water Harvesting and Storage Authority, for a period of three (3) years, with effect from 20th March, 2020. The appointment of David ole Nkedienye* is revoked with effect from 20th March, 2020.

Dated the 10th March, 2020.

UHURU KENYATTA,

President.

*G.N. No. 1213 of 2019.

GAZETTE NOTICE No. 2356

SUPREME COURT OF KENYA

EASTER RECESS, 2020

PURSUANT to Article 163 (1) (a) of the Constitution of Kenya and section 6 of the Supreme Court Act, 2011 and Rules 4 (c), 5 and 7C of the Supreme Court Rules, 2012, the Chief Justice gives notice as follows:

The Easter Recess of the Supreme Court shall commence on Thursday, 2nd April, 2020 and terminate on Tuesday, 14th April, 2020 both days inclusive.

During recess, the duty judge will deal with urgent matters.

During this period, the Supreme Court registry shall be open to the public-from 9:00 a.m. to 12:00 p.m. on all weekdays other than public holidays.

Dated the 11th March, 2020.

D. K. MARAGA, Chief Justice/President of the Supreme Court of Kenya.

GAZETTE NOTICE NO. 2357

THE CONSTITUTION OF KENYA THE JUDICATURE ACT

(Cap. 8)

THE CIVIL PROCEDURE ACT

(Cap. 21)

IN EXERCISE of the powers conferred under Articles 159 (2) and 161 (2) (a) of the Constitution, section 10 of the Judicature Act and section 81 (3) of the Civil Procedure Act, the Chief Justice makes the following practice directions—

PRACTICE DIRECTIONS ON ELECTRONIC CASE MANAGEMENT

Citation

 These Practice Directions may be cited as the Electronic Case Management Practice Directions, 2020.

Commencement

- (1) These Practice Directions shall come into force on a date to be determined by the Chief Justice, and different dates may be determined for different courts.
- (2) Except as otherwise provided, all cases commenced on or after the coming into force of these Practice Directions shall be electronically filed.
- (3) A case pending prior to the coming into force of these Practice Directions is not subject to the requirements of these Practice Directions.
- (4) A-party-may-however apply to the court to convert a case not subject to these Practice Directions to an electronic case.
- (5) If the court approves an application to convert a case to electronic case, it may direct that documents filed prior to the conversion order be scanned for the convenience of the court.

Interpretation

In these Practice Directions, unless the context otherwise requires—

"approved media device" includes magnetic, optical, computer memory, microfilm or similar device;

"court" includes superior and subordinate courts;

"e-filer" means a person registered to file documents electronically through the judiciary electronic filing system;

"electronic filing" means the transmission to the court of a document using the judiciary electronic filing system;



MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN DEVELOPMENT & PUBLIC WORKS STATE DEPARTMENT OF TRANSPORT

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Fax. (020) 2726362

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NAIROBI

REF: MOT & I/C/RDT/001/1 VOL.VI (98)

27th March 2020

Mr. Jeremiah Nyegenye The Clerk Senate Parliament Building NAIROBI

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

Dear Jeremiah,

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

The above matter refers.

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

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

Yours

Enerally

Solomon Kitungu

PRINCIPAL SECRETARY.

Encl.

Copy: Mr. James Macharia, EGH

Cabinet Secretary,
Ministry of Transport, Infrastructure, Housing,
Urban, Development & Public Works
NAIROBI

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

MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSI URBAN DEVELOPMENT AND PUBLIC WORKS OFFICE OF THE CABINET SECRETARY Telephone (020) 2729200 Fax (020) 2726362 TRANSCOM BUILDING Email:cs@transport.go.ke NGONG ROAD Website and United to se P.O. Box 52592 - 00100 NAIROBI MOT & I/C/RDT/001/1 VOL.VIII 8th February, 2022 Mr. Jeremiah Nyegenye, CBS

Clerk of the Senate Parliament Building NAIROBI

Mr. Michael Sialai, EBS Clerk of the National Assembly Parliament Building MAIROBI

Dear Speak, Neward Assembly

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

NAIROBI CONST. H.C PET.NO.E251 KENYA DRIVING SCHOOLS ASSOCIATION VS. THE MINISTRY OF TRANSPORT. INFRASTRUCTURE HOUSING AND URBAN DEVELOPMENT & 3 OTHERS

The above matter and judgment dated 27th January, 2022 (attached) refer.

In the aforementioned matter in which both the National Assembly and the Senate were interested parties, Mrima J. ordered that:

The implementation of The Traffic (Driving Schools, Driving Instructors and Driving Licenses)Rules, 2020 be and is hereby staved and suspended pending a reconsideration of The Traffic (Driving

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SPEAKER'S OFFICE P. O. Box 41842, NAIRON

- a) The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020;
- b) Explanatory Memorandum;
- c) Judgement dated 27th January 2022;

d) Letter dated 27th January 2020 by the Principal Secretary - State Department of Transport; and

e) Notice to the members of the public, report on the public participation and list of attendance of members of the Public to Public Participation Forums.

Noted Brash 15 kpo22

Yours

James Macharia, EGH CABINET SECRETARY

Encl.

Copy to: Hon. Justin B. N. Muturi, EGH, MP Speaker of the National Assembly Parliament Building

NAIROBI

Hon. Sen. Lusaka Kenneth, EGH Speaker of the Senate Parliament Building NAIROBI

Dr. (Eng.) Joseph Njoroge, CBS Principal Secretary State Department of Transport NAIROBI

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



KENYA DRIVING SCHOOLS ASSOCIATION

TEL: 0722 744 737 / 0720 653 647

Email: kenyadrivingschoolassociation@gmail.com

OVERVIEW ON CONTENTIOUS ISSUES WITH THE TRAFFIC (DRIVING SCHOOL, DRIVING SCHOOL INSTRUCTOR AND DRIVING LICENSE) REGULATIONS 2020

We propose the following;

- The Age limit for B3 (professional) and category C1 be reduced to 18 years.
 A student should not wait for 2 years after getting class B license but should proceed immediately to class C1. This is the class that is needed more in Kenya today.
- 2) That a driving school license Application should not be attached to an instructor.
- 3) That an interpretation of the NTSA Act of 2012, the traffic Act Cap 403 laws of Kenya in regards to driver testing and constitutionality of Section 31 (1) of the Driving School Regulation of 2020 be done to give a clear direction on who should administer a Driving Test.
- 4) That the rules capture a requirement on proximity of one school to another to be at least 100 meters.
- That employees of NTSA be barred from opening and operating a Driving School as this will be a conflict of interest.
- 6) The requirement for a maneuver yard be removed from the Law applying for Driving School and instead be a requirement for schools training in plant and heavy machinery.
- That third party insurance be an option with PLL for the driver trainees and personal accident policy for the instructors.
- That not subject already existing driving schools and instructors to reapply for licenses afresh.
- 9) That driving school instructors should not be forced to join TVETs for instructor training, instead NTSA should prepare a curriculum and test on the same with minimal requirements i.e. minimum 25 years of age, at least 5 years driving experience, Certificate of Good Conduct and Medical Certificate. Subjecting the

instructors for 6 week training worth Ksh. 30,000 is overburdening an already tired Kenyan.

- 10) That the following fees be reviewed downwards;
 - a) Driving test application fees from the current Ksh. 1100 to Ksh. 650.
 - b) Smart license fees be reduced from the current Ksh. 3050 to Ksh. 1500. The smart license is more or less like a Bank Card whose cost is only Ksh. 400
- 11) That the renewal of Driving School License on expiry should be given an allowance of 3 months before deactivation to allow schools time to clear with ongoing students as opposed to now where NTSA shuts down the system once the school license expires.
- 12) That the requirement that driving schools makes returns to NTSA after every year be removed since NTSA can access all information as it is in their system.
- 13) That driving schools vehicle inspection should run for one year just like other vehicles as opposed to current 6 months.
- 14) That the term of a school license should be one year from the time it was issued but not when it expired as is now.
- 15) That KDSA should be given an opportunity to self-regulate and NTSA should sign a memorandum of understanding on the same with KDSA.
- 16) That we request an interpretation of the law on suspension of the regulations and whether the constitution allows a vacuum. The Kenyan is suffering since he/she cannot access services that are his/her own rights.
 Can the committee provide an alternate for continuity since there were other

Can the committee provide an alternate for continuity since there were othe existing Laws and previous rules.



SCHOOLS, INSTRUCTOR'S & DRIVING LICENSES) RULES, 2018

Lom

A. INTRODUCTION.

"Good drivers are made, not born"

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

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

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

Based on the above, the Authority developed the Traffic Driving Schools, Instructor and driving licenses rules 2018 which were subsequently enacted on 26th April 2018. (Attached and marked annex "1" is the Legal Notice 80 of 2018).

This Rules provided for:-

- Regulation of driving schools and branches.

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

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

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

| | RULE OF LN 80 OF 2018 | CONCERN | ACTION TAKEN IN PROPOSED RULES PRIOR TO PUBLIC PARTICIPATION |
|---|---|--|---|
| 1 | Rule 4(2)(d):- (2) An application for a driving school licence shall be made to the Authority in the form prescribed in the First Schedule and accompanied by- (a)a title, lease or rental agreement for a manoeuvring yard measuring at least 1.6 acres for a driving school licence under category A and B schools and one acre for a driving school licence under | The requirement had the potential of creating a monopolistic system. | Amended to remove the requirement for a copy of the title or lease or rental agreement for 1.6 acre yard and instead redrafted to require the school to only demonstrate the availability of such a yard as follows:- |
| | Category C; | | (a) the applicant demonstrate evidence of availability of manoeuvring yard for use by the driving school for training of learners |

| | | | who have not obtained learner's permit. |
|----|--|---|---|
| 2. | Rule 5. A driving school licence shall be valid for two years from the date of issue and may be renewed | N 1220 000 SMAN ST 10 00.0 | 10 01 |
| 3. | Rule 7(2)(f) (2) In determining the suitability of a proposed school under paragraph (1), the Authority shall consider the availability of— (f) other relevant equipment including computer, televisions, projector, video player or digital video disc player. | The Committee was of | The Rule was deleted. |
| | Rule 8(2)(a) (1) A driving school shall have a school manager who shall— (2) The minimum qualifications for a school manager shall include—a certificate, diploma or degree in education; and | The Committee was of the view that a qualification in education was unnecessary and discriminative and did not add any value. | The rule containing this qualification was deleted. |
| | Rule 16. 16.(1) The Authority shall determine the minimum number of continuous development courses and approve the nature, content and | The Committee was of the opinion that the clause did not add value | The rule containing thi requirement was deleted. |

| | duration of refresher courses to be attended by licensed instructors. (2) A licensed instructor shall attend a minimum number of continuous development courses determined by the authority before their instructor's license is renewed. | and was punitive as a person gets more experience with time and there was nothing this refresher courses whose content is unknown | |
|----|--|---|--|
| 6 | Rule 24 read together with the Third Schedule. | would add. This clause establishes the minimum age limits for the different categories. | The age limits were retained due to the reason that the Vienna Convention on |
| | | The Committee was of the view that this categorization was discriminatory. | Road Traffic 1968 to which Kenya is a party requires |
| | | | considered best practice to stipulate the age restrictions. |
| 7. | Rule 25(1). 25. (1) A driving license in categories A, B, F and G, that is Validity of licence issued to a driver who is under the age of seventy years, shall be renewed after every three years over a nine-year period from the date of first issue and upon | The Committee was of the opinion that the above clause was discriminatory and did not add value as statistics | The Rule was deleted. |
| | payment of the fees set out in the Second Schedule: | show that it is the young people as opposed to those above 70 who cause accidents. | |

| Rule 25(2). | The | Committee | The Rule was deleted. |
|---|--------------|--------------|-----------------------|
| Provided that, the tenth year, the licence holder shall repeat the | expressed | strong | |
| driving examination and submit a duly filled medical examination | reservations | against this | |
| report in the form set out in the Fifth Schedule | clause. | | |
| Rule 26. A driver may shall apply for a driving examination under rule 25 in the form set out in the Fourth Schedule | The Commi | | Corrected. |

The Authority incorporated the above views in the new proposed rules before subjecting them to stakeholder and public participation. (Attached and marked annex "2" are the proposed Rules prior to public participation).

B. PUBLIC PARTICIPATION.

a. Forms of public participation undertaken and stakeholders.

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

The public participation forums covered forty three (43) counties whereby the participants were taken through the rules and were also given an opportunity to submit their views, concerns and proposals. (Attached and marked annex "3" are the public notices inviting the public to participate in this exercise)

Further in line with Section 5(2) (a) of the Statutory Instruments Act, the Authority invited driving schools from various regions to this forums due to the fact that they are key stakeholders and have practical knowledge on subject matter of the rules. (Attached and marked annex "4" are the invitation letters to driving schools)

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

| | Department | Officers. | Background/Role |
|---|--|--|---|
| 1 | Legal Department | -Senior Deputy Director Legal Services. -Manager Legal | -Legal experts including drafting skills. |
| | | Services – Former Parliamentary counsel. -Legal officers | |
| 2 | Driver training and testing department | -Deputy Director and head of the driver | -Road Safety and driving school technical expert. |

| | | training and driver testing departmentDriver training and testing officers. | |
|-------------|----------------------|---|---------------------------------------|
|]]] | Regional managers | -Head of each regional office where the forums where undertaken. | -Stakeholder and public mobilization. |
|]4 | Secretariat | | -Recording and general organization. |

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

b. Issues raised by stakeholders and public.

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

| | SECTION. (RULES PRIOR TO PUBLIC | ISSUE |
|----|---|--|
| | PARTICIPATION). | |
| 1. | Requirement for a maneuvering | Driving schools especially those based in |
| | yard. Rule 2(e). | urban areas raised concerns about the |
| | (2) An application for a driving school licence shall be made to the Authority in the form prescribed in the First Schedule and accompanied by— (e) evidence of availability of maneuvering yard for use by the driving school for training of learners | availability of space for maneuvering yards. |
| | who have not obtained a learner's | |
| 2. | Suitability of premises. Rule 6(2)(b) | There were concerns raised as to the theory |
| | (2) In determining the suitability of a proposed school under paragraph (1), the Authority shall consider the availability of— (b) a theory class room with a minimum seating capacity of eight students of which each has a space of at least two metres square; | classes specifically the minimum seating capacity and space. |
| 3. | Qualifications for school manager. | There were concerns that :- |
| | Rule 8. | -the rules did not provide any qualifications |
| | 8. (1) A driving school shall have a school manager who shall- (a) ensure the preparation of all teaching | for this personthat the issue of school manager for |
| | materials according to the curriculum; (b) oversee the preparation and | purposes of the functions listed in rule 8 |
| | conducting of all internal exams; and | should be separated from the normal |
| | (c) perform all record keeping and reporting obligations of the school. | managerial functions associated with |
| | | running of a business. |
| 4. | Qualifications of a driving | There was a concern that this rule ought to |
| | instructor. Rule 14(2). | stipulate clearly the minimum conditions |
| | 14.(2) A person may apply for an | which should include the minimum number |
| | instructor's licence if that person meets the minimum conditions for the relevant class of vehicles. | of driving years and educational qualifications. |
| 5. | Carrying of passengers by student | There was a mixed reaction to this rule |
| | drivers. Rule 22 | despite the fact that it is currently contained |
| | 22.(1) Where a pupil is being instructed in the practice of driving a motor vehicle- | in the 1971 rules with some wanting it to be |

| | (a) if the pupil so desires, not more | deleted to allow for a student to carry oth |
|---|--|--|
| | than one passenger may be carried in the motor vehicle; and | students and passengers. |
| | (b) a passenger may not be carried in | dia passengers. |
| | a motor vehicle of any other | |
| | class of vehicle not designed for carrying passengers. | |
| | (3) In this rule, "passenger" means | P |
| | any person, other than the driving instructor and the pupil under | |
| | instruction, at the wheel of the vehicle | |
| | but does not include an inspector travelling in the vehicle in the course | 100 |
| | of his duties. | |
| | Driving categories. Rule 23 and | The general issue was the interrelation of the |
| | Third Schedule. | categories i.e. if one can drive a truck in |
| | A driving licence shall be classified into the categories set out in the Third | category C why should the person not be |
| | Schedule. | able to drive a light vehicle in category B? |
| | | There were concerns that there are too |
| | | many subcategories that should be |
| | | merged. |
| 8 | Minimum distance for road test. | There was a concern that a minimum |
| | Rule 27(1) | distance of 5 kilometers for a road test was |
| | 27.(1) The Authority shall conduct a | not practical and this ought to be reduce |
| | driving test that shall at the minimum consist of- | between 1-3 kilometers. |
| | (a) a practical driving examination | |
| | conducted over a minimum distance of five kilometers; | |
| | Display of "L" sign after acquisition | There was a concern that this requirement |
| | of driving license. Rule 27(4). | would serve no real purpose as it was not |
| | (4) A person who has passed a driving | necessarily the case that a new driver was |
| | fest shall be required to display the "L" | |
| | sign for a period of one year from the date of issue of the driving licence. | the owner of the vehicle he was driving. |
| | Fees applicable. Second Schedule | There was a consensus on the need to |
| | | increase the fees applicable. However |

| | | increases and suggestions made to reduce the increases. |
|-----|--|---|
| 10. | Driving training provisions for persons with disability. | There was concerns from the persons with disabilities that the rules did not make any |
| | | provision for them. |

A detailed report specifying the regions and issues raised in each is attached and marked annex "5".

c. Actions after public participation.

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

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

| | TO PUBLIC PARTICIPATION). | ISSUE | REMEDIAL ACTION |
|----|---|--|---|
| 1. | Requirement for a maneuvering yard. | Driving schools especially those based in urban | This rule was deleted and instead the Rules require that |
| | Rule 2(e). (2) An application for a driving school licence shall be made to the Authority in the form prescribed in the First Schedule and accompanied by— | areas raised concerns about the availability of space for maneuvering yards. | any student on any public road have a provisional driving license (pdl) and conditions and restrictions introduced to pdls. |

| | | | AND AND ADDRESS OF THE PARTY OF |
|------------------|---|---|--|
| 3 | Qualifications of a | There was a concern | The qualifications were |
| 0 | ensure the preparation of all teaching materials according to the curriculum; (b) oversee the preparation and conducting of all internal exams; and (c) perform all record keeping and reporting obligations of the school. | | Further qualifications were introduced based on the stakeholder and public contributions . |
| | 8. (1) A driving school shall have a school manager who shall- (a) | minimum seating capacity and space. | managerial person. |
| 1 | 8. | classes specifically the | in rule 8 and the normal |
| | school manager. Rule | raised as to the theory | school manager as espoused |
| 2 | Qualifications for | There were concerns | The rules separated the |
| | of- (b) a theory class room with a minimum seating capacity of eight students of which each has a space of at least two metres square; | yards. | |
| | school under paragraph (1), the Authority shall consider the availability | space for maneuvering | minimum space from 2 sq metres to 1 sq metres. |
| 1 | (2) In determining the suitability of a proposed | areas raised concerns about the availability of | capacity from 8 to 4 and |
| , z. 1 | Suitability of premises. Rule 6(2)(b) | Driving schools especially those based in urban | The rules were amended to reduce the minimum seating |
| 2. | (e) evidence of availability of maneuvering yard for use by the driving school for training of learners who have not obtained a learner's permit | | • |

| | 14.(2) A person may | which should include the | |
|---|--|-----------------------------|-----------------------------------|
| | apply for an instructor's licence if that person | minimum number of | |
| | meetsthe minimum | driving years and | |
| | conditions for the relevant class of vehicles. | educational | |
| | | qualifications. | |
| 4 | Carrying of passengers | There was a mixed | This rule was retained as it is |
| | by student drivers. Rule | reaction to this rule | as it was decided that it |
| | 22 | despite the fact that it is | would be dangerous and fool |
| | | currently contained in | hardy to allow a student who |
| | | the 1971 rules with some | is not versed in driving to carry |
| | | wanting it to be deleted | other students. |
| | | to allow for a student to | |
| | | carry other students and | |
| | | passengers. | |
| 5 | Driving categories. Rule | The general issue was | These catergories were |
| | 23 and Third Schedule. | the interrelation of the | aligned with the Vienna |
| | 23. A driving licence shall | categories i.e. if one can | Convention on Road Traffic |
| | be classified into the | drive a truck in category | and subcategories reduce |
| | categories set out in the | C why should the person | and interrelation improved as |
| | Third Schedule. | not be able to drive a | contained in the Third |
| | | light vehicle in category | Schedule. |
| | | Bŝ | |
| | | There were concerns | |
| | | that there are too many | |
| | | subcategories that | |
| | | should be merged. | |
| 6 | Minimum distance for | There was a concern | This rule was changed and |
| | road test. Rule 27(1) | that a minimum distance | the minimum distance for a |
| | | of 5 kilometers for a road | road test reduced to 3 kms. |

| 8 | Driving licence. Driving training provisions for persons with disability. | There was concerns from the persons with disabilities that the rules did not make any | A rule relating to persons with disabilities was introduced. |
|---|---|---|--|
| 7 | Display of "L" sign after acquisition of driving license. Rule 27(4). (4) A person who has passed a driving test shall be required to display the "L" sign for a period of one year from the date of issue of the driving licence. | There was a concern that this requirement would serve no real purpose as it was not necessarily the case that a new driver was the owner of the vehicle he was driving. | This rule was deleted. |
| | 27.(1) The Authority shall conduct a driving test that shall at the minimum consist of— (a) a practical driving examination conducted over a minimum distance of five kilometers; | test was not practical and this ought to be reduce to between 1-3 kilometers. | |

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| suggestions made to | |
|-----------------------|--|
| reduce the increases. | |

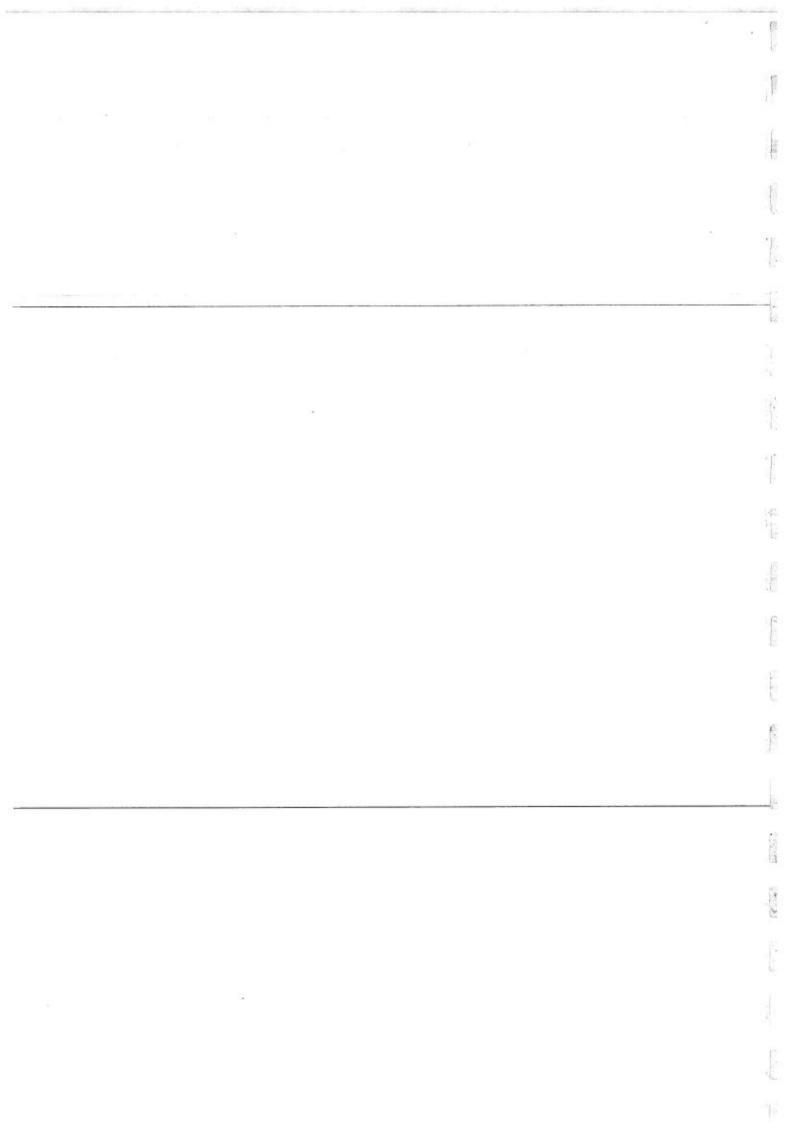
Other amendments made include:-

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

C. CONCLUSION.

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

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



Public Notice - Driving school and instru...

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National Transport and Safety Authority

STAKEHOLDER CONSULTATION FORUMS

PUBLIC PARTICIPATION FORUMS ON DRIVING SCHOOL AND INSTRUCTOR'S RULES AND THE HIGHWAY CODE

happenal transport and Safety Authority is mandated to establish systems and procedures for and over-the stations testing and licensing of drivers and formulate and review the curriculum of driving schools could be seen to the National Transport and Safety Authority Act, 2017. In carrying out this mandate surrouty has developed the draft Driving School and Instructor's Rules and the Highway Code so as to

the sont of public participation as envisaged in the constitution, the Authority hereby myles members of the participate in the following public forums listed below. Sign language interpretar will be

| 37 10 | PATE | REGION | VENUE | STARTING |
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| 1 | 265 Oct 2018 | Klambu & Muranga Counties | Shuhan Hotel , Thika | TIME 9.00 AM |
| | 30th Oct 2018 | Nyeri & Laikipia Counties | The Nyeri National Polytechnic | 9.00 A.M |
| | Tst. (You 2018 | Meru, Tharaka Nthi, Isiolo & Marsabit Counties | National Government - North Imenti Constituency Development Fund Hall in Meru Town | 9.00 A.M |
| | 2nd Flory 2018 | Embu & Kirinyaga Counties | Prime Hotel , Embu. | 9.00 A.M |
| ¥ | Eth Nov 2018 | Kisumu, Siaya & Homa Bay Counties | NITA , Kisumu | 9.00 A.M |
| | 7th Nov 2019 | Kisii, Nyamira & Migon Cournes | KIBT / Kisii | 9.00 AM |
| | 50 46, 2016 | Kakamega, Bungoma & Busia Counties | Western Hotel , Kakamega | 9.00 AM- |
| | 120 Nov 2018 | Eldoret, Uasin Cishu Nandi, Trans rosa, WestPokot and Turkana Counties | County Hall Dasin Gishu | 9.00 AM |
| | 13th Nov. 2018 | Kencho County | Kericho County Commissioner's Board Room , Kericho | 9.00 AM |
| | 14 n 195v 2018 | Nakuru, Baringo, Narok, Nyandarua County | Nuru Hotel , Nakuru | 9.00 A.M |
| | lati Kou 2018 | Mombasa and Taita Toveta County | Red Cross Hall , Mombasa | 9,00 AM |
| | MIN'THEN 2018 | Kwale County | Kombani Public Hall (Ukunda and Kwale Junction) , South Coast | 9.00 A.M. |
| | and play 2018 | Kilifi, Lamu & Tana River | Marindi County Hall , Malindi | 9.00 A.M |
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| | 3h Nov 2018 | Nairobi . | Industrial Area | d Sidner |

ens and comments on the above may also be sent to different less that sake or via a letter address the Director General, NTSA, within 14 days from the date of publication of this notice.



ON 1ST NOVEMBER 2018 AT THE NATIONAL GOVERNMENT - NORTH IMENTI STAKEHOLDER CONSULTATION FORUM ON DRIVING SCHOOL AND CONSTITUENCY DEVELOPMENT FUND HALL -MERU INSTRUCTOR RULES AND HIGHWAY CODE HELD NATIONAL TRANSPORT AND SAFETY AUTHORITY

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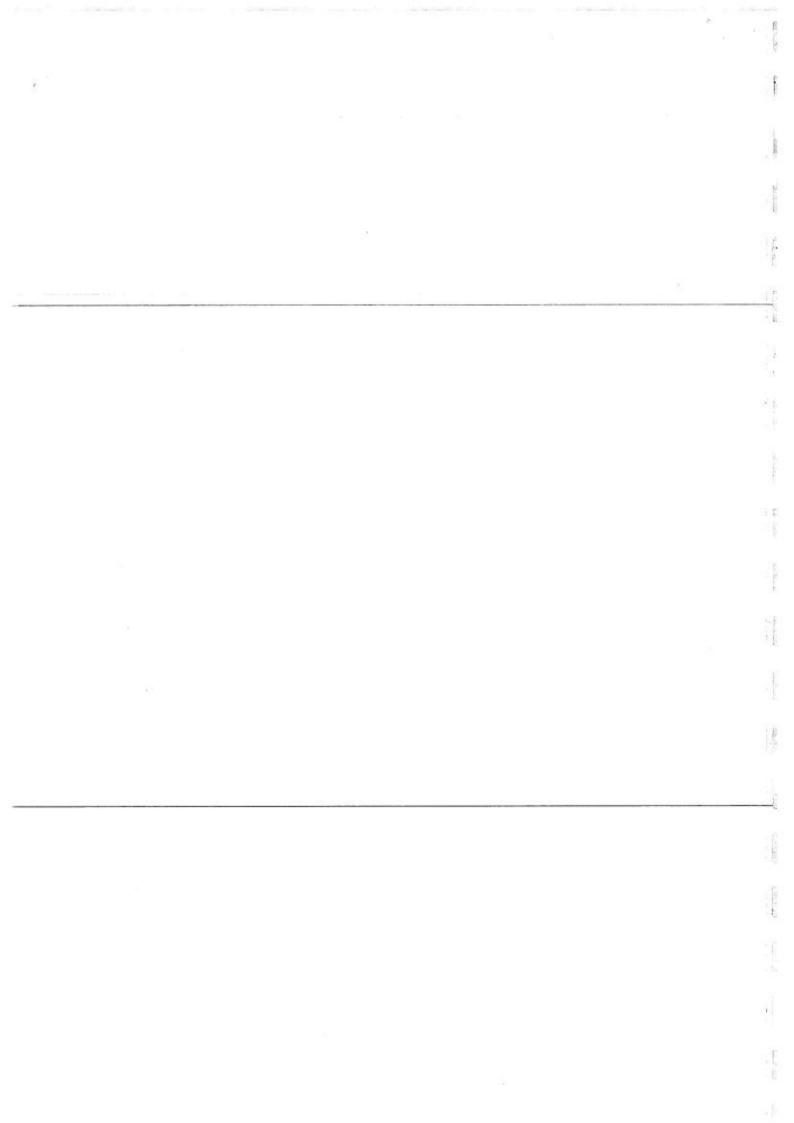
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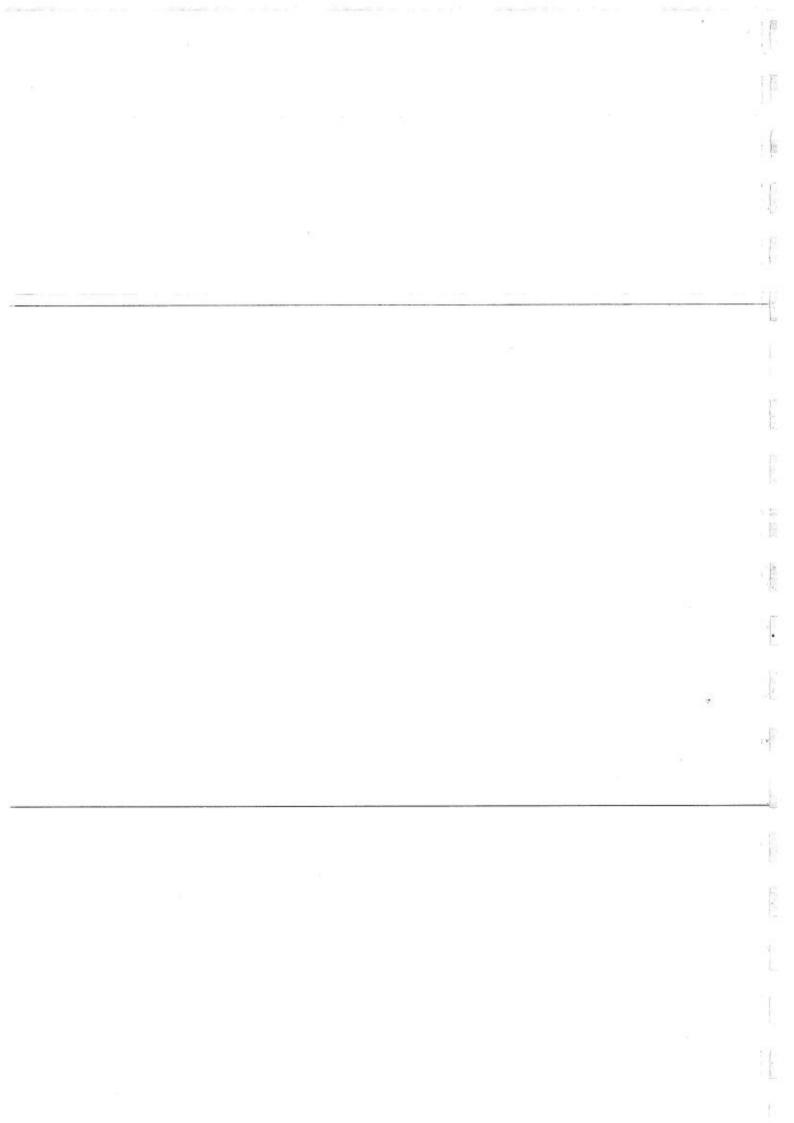
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ON 7TH NOVEMBER 2018 AT KIBT - KISII

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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND INSTRUCTOR RULES AND HIGHWAY CODE HELD NATIONAL TRANSPORT AND SAFETY AUTHORITY ON 7TH NOVEMBER 2018 AT KIBT - KISII

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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND INSTRUCTOR RULES AND HIGHWAY CODE HELD NATIONAL TRANSPORT AND SAFETY AUTHORITY

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ON 7TH NOVEMBER 2018 AT KIBT - KISII

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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND NATIONAL TRANSPORT AND SAFETY AUTHORITY INSTRUCTOR RULES AND HIGHWAY CODE HELD ON 7TH NOVEMBER 2018 AT KIBT - KISII

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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND NATIONAL TRANSPORT AND SAFETY AUTHORITY INSTRUCTOR RULES AND HIGHWAY CODE HELD ON 7TH NOVEMBER 2018 AT KIBT – KISII

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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND INSTRUCTOR RULES AND HIGHWAY CODE HELD NATIONAL TRANSPORT AND SAFETY AUTHORITY

ATTENDANCE REGISTER

ON 7TH NOVEMBER 2018 AT KIBT - KISII

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NATIONAL TRANSPORT AND SAFETY AUTHORITY

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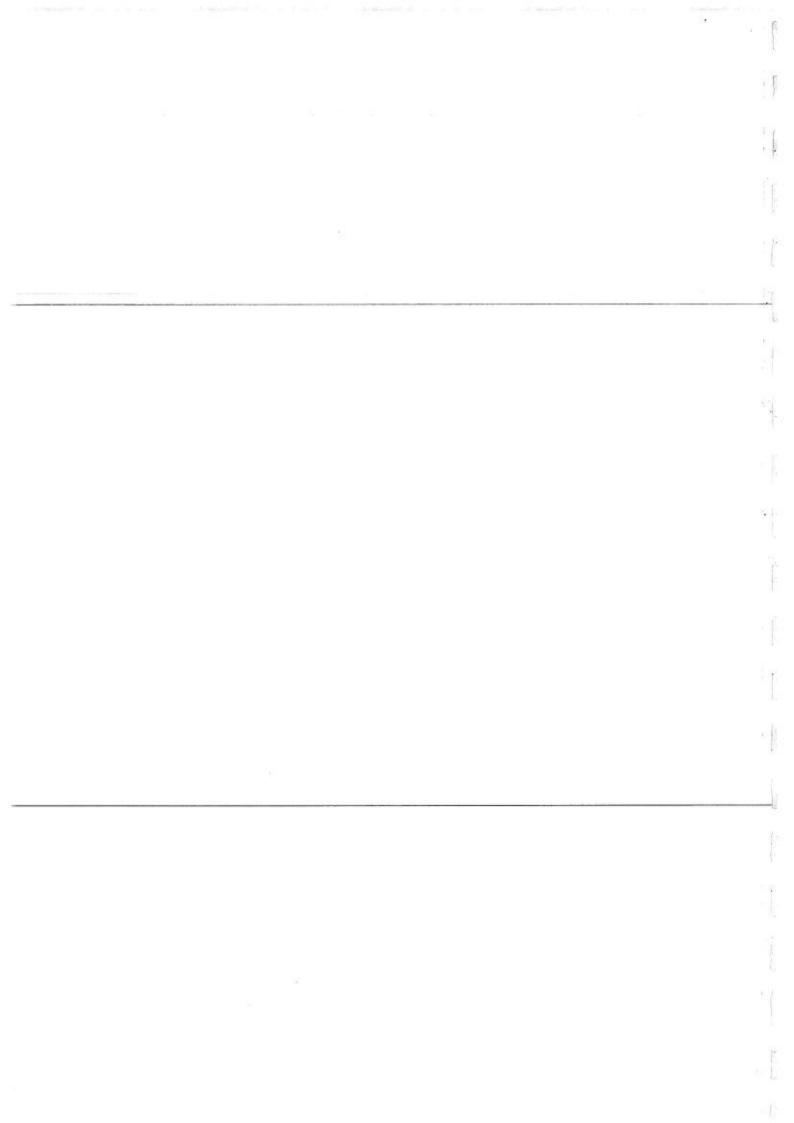
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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND ON 9⁷⁷⁴ NOVEMBER 2018 AT WESTERN HOTEL-KAKAMEGA NATIONAL TRANSPORT AND SAFETY AUTHORITY INSTRUCTOR RULES AND HIGHWAY CODE HELD

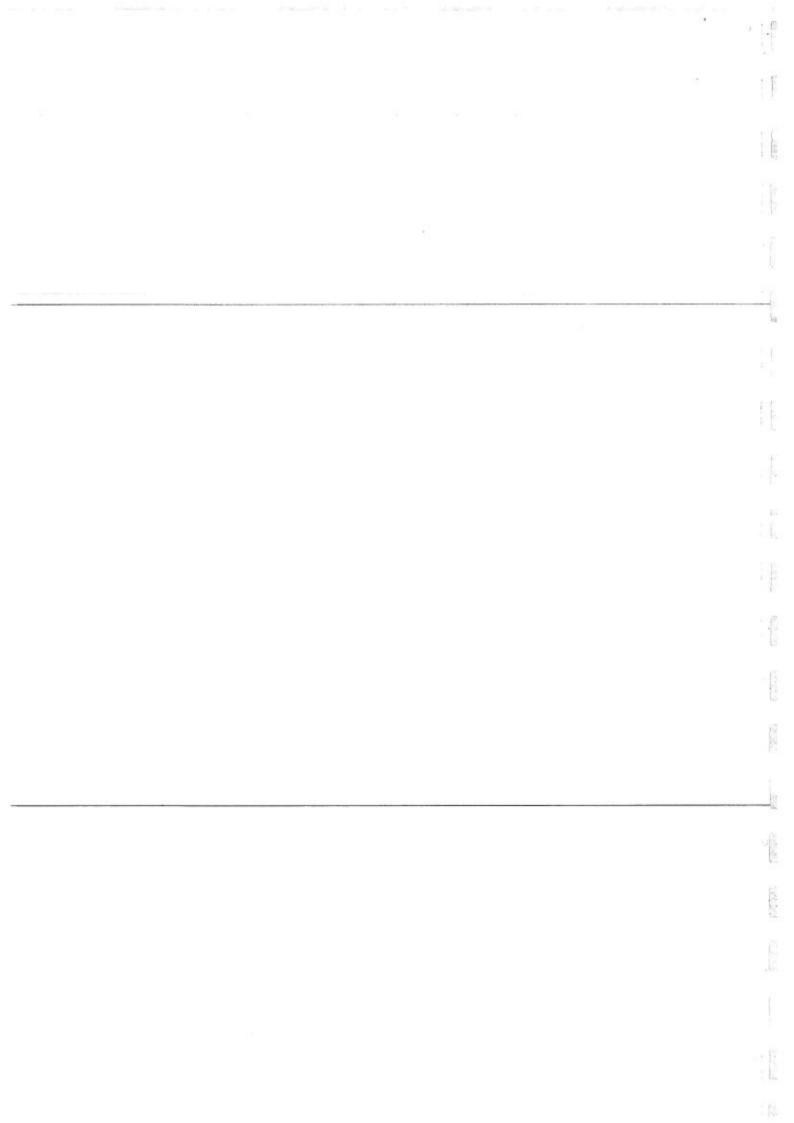
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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND ON 9TH NOVEMBER 2018 AT WESTERN HOTEL-KAKAMEGA NATIONAL TRANSPORT AND SAFETY AUTHORITY INSTRUCTOR RULES AND HIGHWAY CODE HELD

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13TH NOVEMBER 2018 AT KERICHO COUNTY COMMISSIONERS BOARD ROOM IN KERICHO STAKEHOLDER CONSULTATION FORUM ON DRIVING SCHOOL AND INSTRUCTOR RULES AND HIGHWAY CODE HELD ON NATIONAL TRANSPORT AND SAFETY AUTHORITY

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13TH NOVEMBER 2018 AT KERICHO COUNTY COMMISSIONERS BOARD ROOM IN KERICHO

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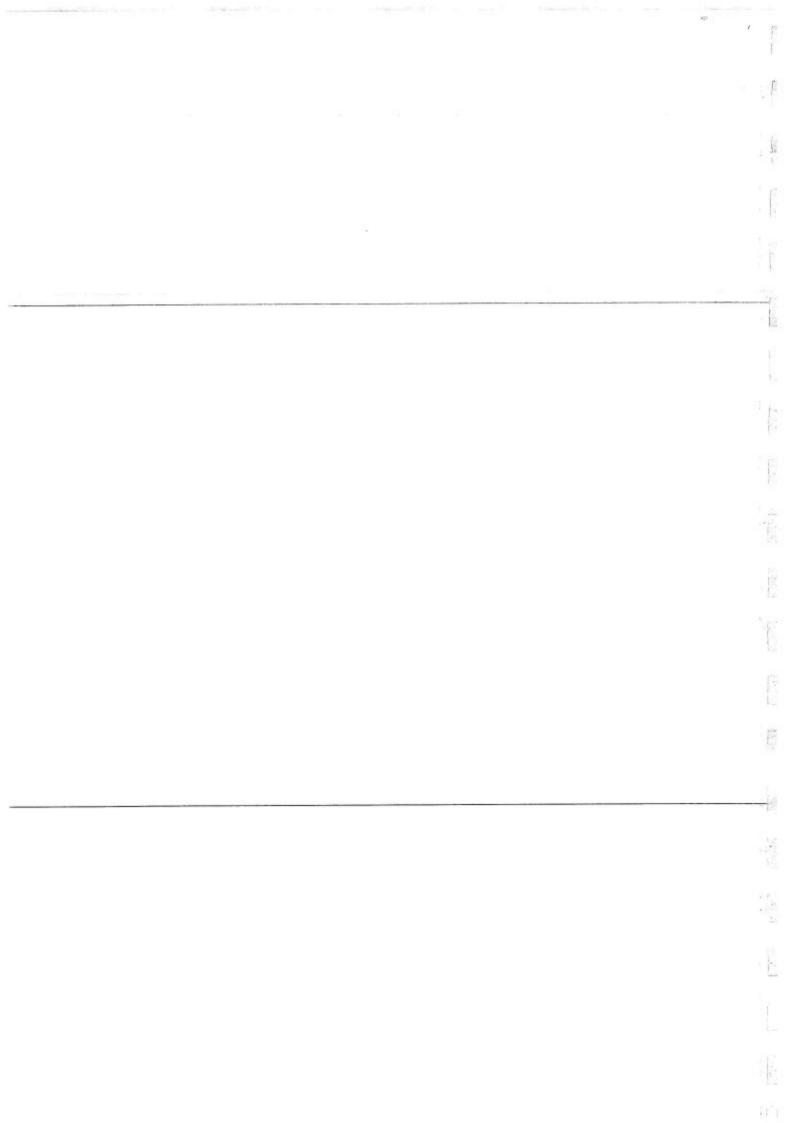
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13TH NOVEMBER 2018 AT KERICHO COUNTY COMMISSIONERS BOARD ROOM IN KERICHO STAKEHOLDER CONSULTATION FORUM ON DRIVING \$CHOOL AND INSTRUCTOR RULES AND HIGHWAY CODE HELD ON NATIONAL TRANSPORT AND SAFETY AUTHORITY

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INSTRUCTOR RULES AND HIGHWAY CODE HELD NATIONAL TRANSPORT AND SAFETY AUTHORITY

STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND ON 14TH NOVEMBER 2018 AT NURU HOTEL - NAKURU

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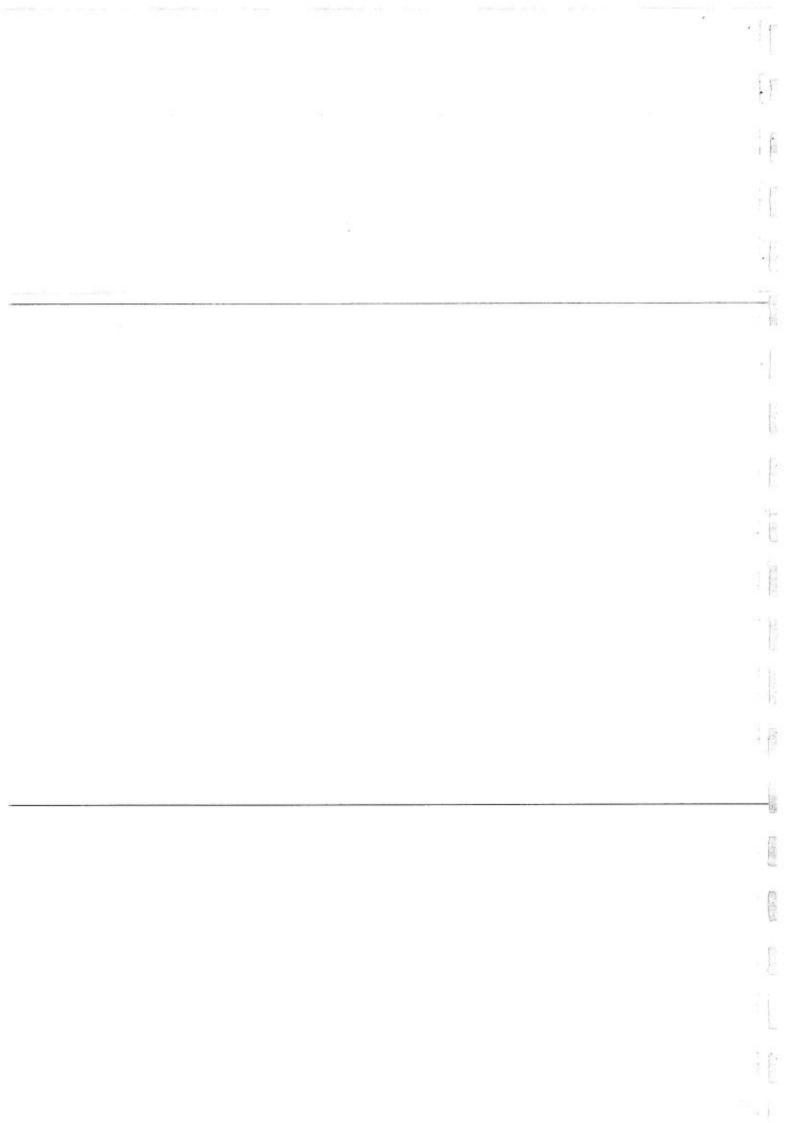
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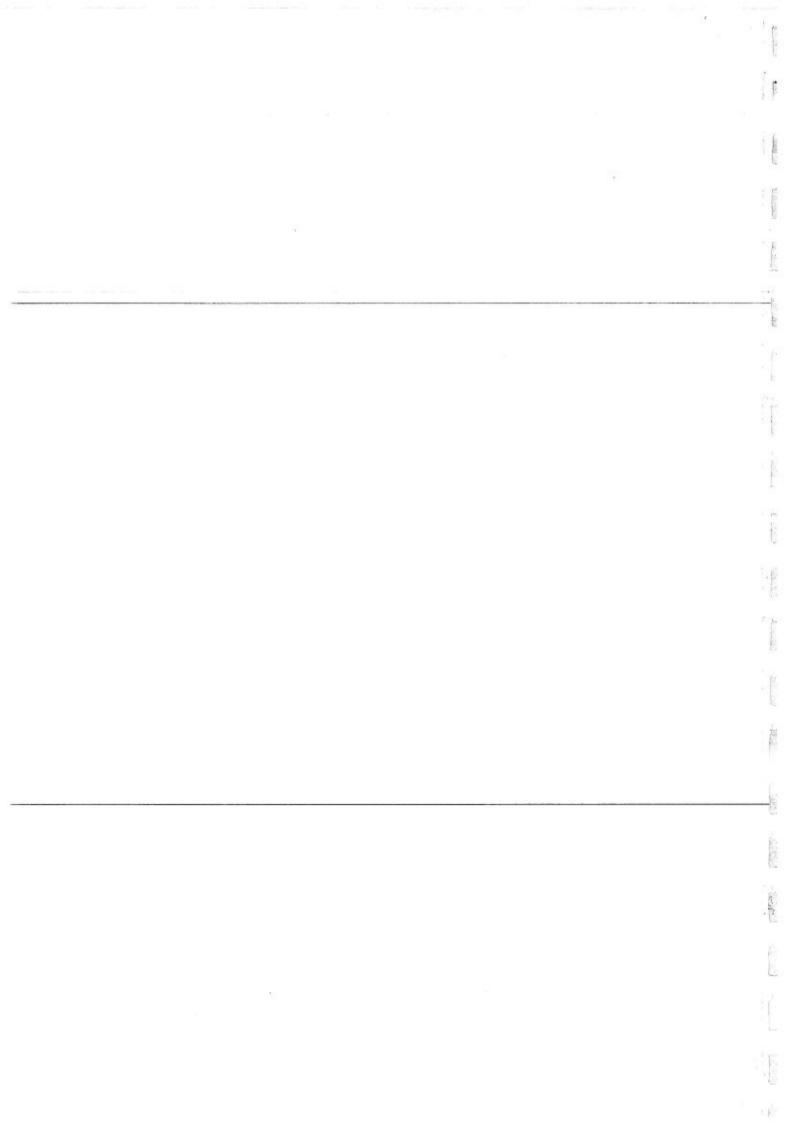
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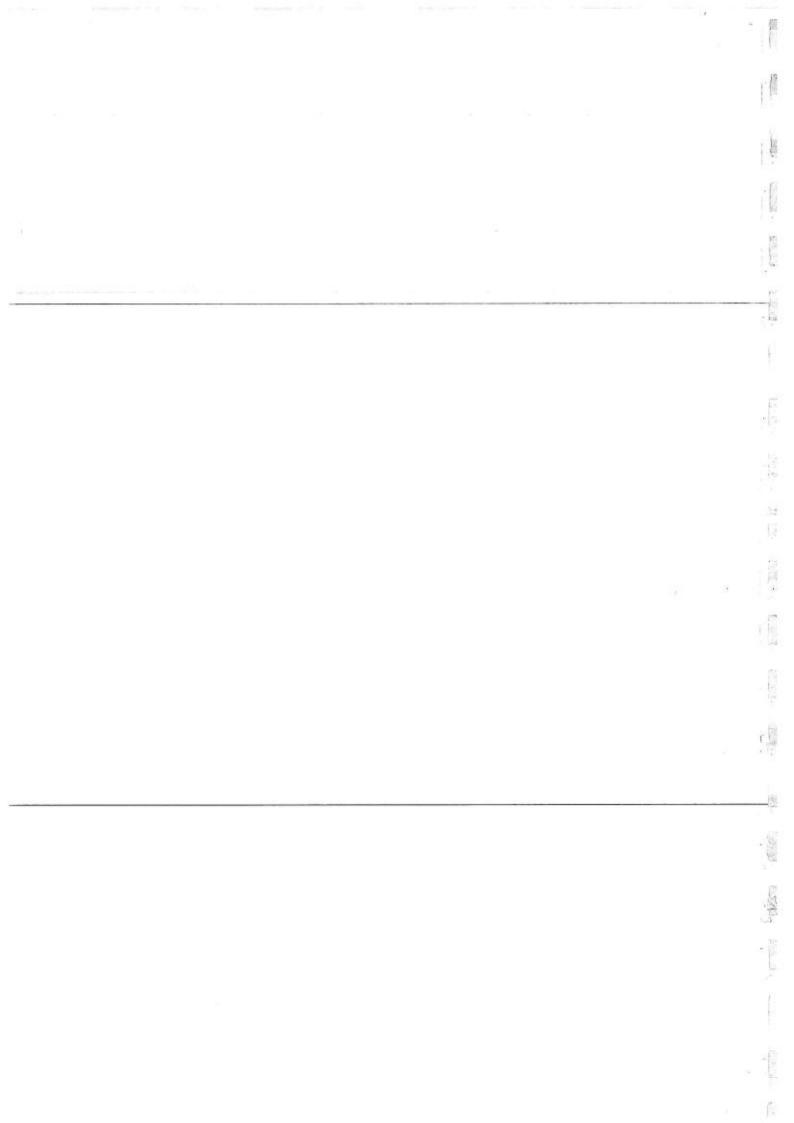
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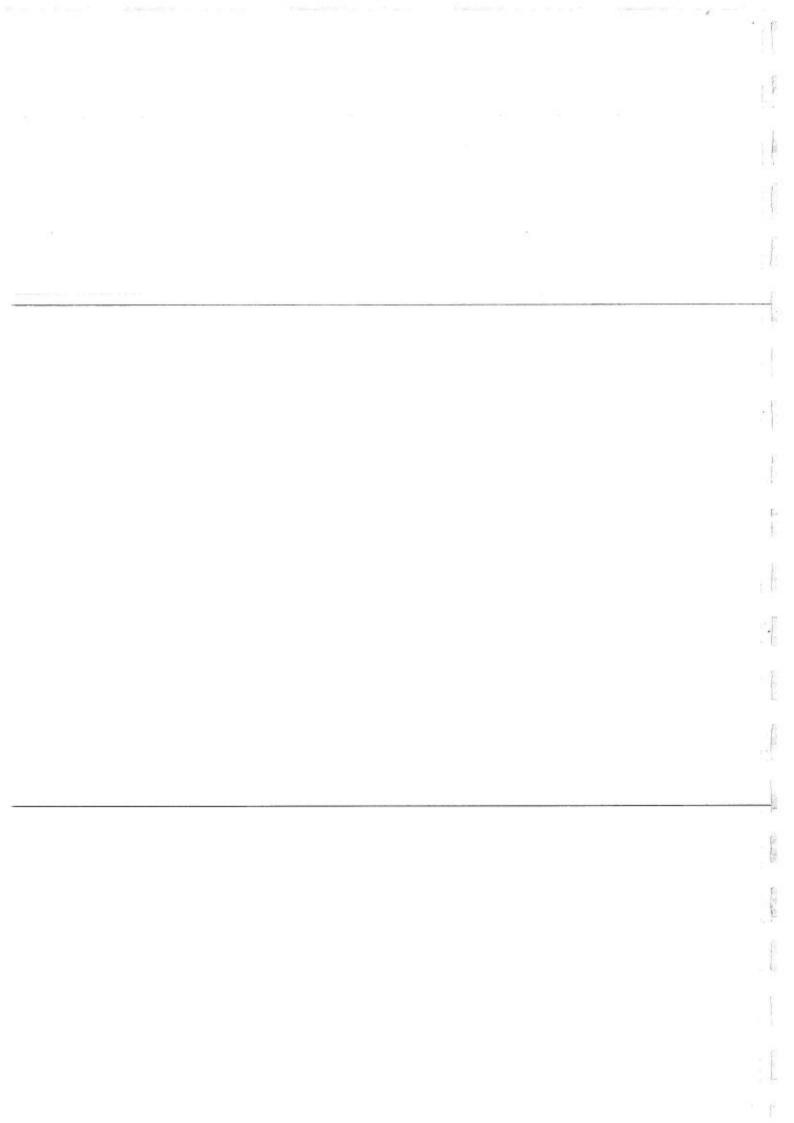


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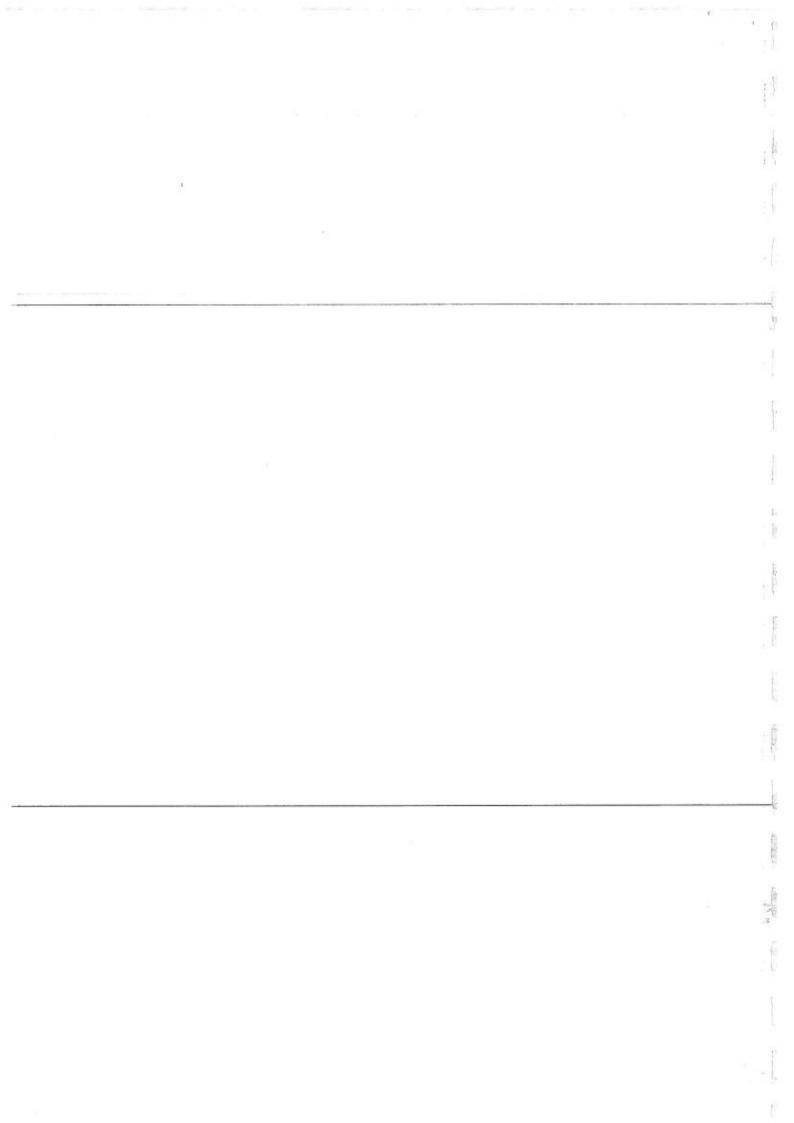
STAKEHOLDER CONSULTATION FORUM ON DRIVING SCHOOL AND ON 29TH OCTOBER 2018 AT SHUHAN HOTEL - THIKA NATIONAL TRANSPORT AND SAFETY AUTHORITY INSTRUCTOR RULES AND HIGHWAY CODE HELD

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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND ON 30™ NOVEMBER 2018 AT LIKONI INSPECTION CENTRE - INDUSTRIAL AREA, NAIROBI INSTRUCTOR RULES AND HIGHWAY CODE HELD

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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND ON 30TH NOVEMBER 2018 AT LIKONI INSPECTION CENTRE - INDUSTRIAL AREA, NAIROBI INSTRUCTOR RULES AND HIGHWAY CODE HELD

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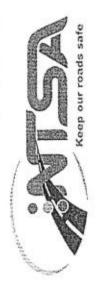
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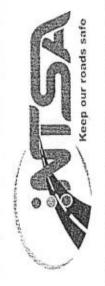
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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND INSTRUCTOR RULES AND HIGHWAY CODE HELD

ON 30TH NOVEMBER 2018 AT LIKONI INSPECTION CENTRE - INDUSTRIAL AREA, NAIROBI

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STAKEHOLDER CONSULTATION FORUM ON DRIVING SCHOOL AND ON 30TH OCTOBER 2018 AT NYERI NATIONAL POLYTECHNIC NATIONAL TRANSPORT AND SAFETY AUTHORITY INSTRUCTOR RULES AND HIGHWAY CODE HELD

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STAKEHOLDER CONSULTATION FORUM ON DRIVING SCHOOL AND ON 30TH OCTOBER 2018 AT NYERI NATIONAL POLYTECHNIC NATIONAL TRANSPORT AND SAFETY AUTHORITY INSTRUCTOR RULES AND HIGHWAY CODE HELD

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STAKEHOLDER CONSULTATION FORUM AND ACCESS TO INFORMATION ON DRIVING SCHOOL AND ON 12TH NOVEMBER 2018 AT CITY HALL-ELDORET INSTRUCTOR RULES AND HIGHWAY CODE HELD NATIONAL TRANSPORT AND SAFETY AUTHORITY

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KENYA DRIVING

TEL: 0722 744 737 / 0720 653 647

Email: kenyadrivingschoolassociation@gmail.com

Date: 22-3-2022

KENYA DRIVING SCHOOL ASSOCIATION (KDSA) SCRUTINY AND OBSERVATION ON THE NEW TRAFFIC (DRIVING SCHOOLS, DRIVING INSTRUCTORS AND DRIVING LICENCES) RULES, 2020

The contentious issues are summarized below by quoting the rule followed by our complaint.

The issues are categorized into:

a) New and branch school registration, inspection, categorization and revoking of a school licence

b) Driver instructor

c) Driver training curriculum, testing and licencing

d) Status of 2020 rules

A) NEW AND BRANCH DRIVING SCHOOL REGISTRATION INSPECTION AND SCHOOL CATEGORIZATION

1. Rule 4: rules for operating a driving school and a branch driving school

a) Proximity: The parameters of licensing school should be coefficient and coherent in terms of placement and proximity.

b) Requirements and documents: We can we have shared documents and specific documents for a main school and a branch school specified. Some documents must remain shared; registration certificate, vehicle logbooks, instructors can be shared sufficiently and efficiently so long as there is a resident instructor. We sometimes don't have a lot of work that would demand such. However the number of instructors should not be limited or over demanded by the authority but be acquired as need arises for efficiency and effectively.

The mandatory requirement of a maneuver yard or training yard to opening of a school is detrimental

to schools. The parking yard can serve the purpose.

2.RULE 5 (1) The Authority shall issue a driving school licence in the categories specified the First Schedule. The categorization of schools as A, B and C is confusing, faulty inconsistent and not all inclusive. Some classes of schools are not catered for e.g plant operators machines don't have where they belong

3.Rule 5, 3(e) a list of motor vehicles to be used by the school for instruction and their corresponding valid motor vehicle inspection certificate

The vehicle inspection should last for one year. We have observed the inspection lasting for six months instead of annually. These variation should not be encouraged.

4.Rule 5, 3(f) a current comprehensive insurance cover with a driving school endorsement, for each of the

motor vehicles specified under paragraph (e);

There should be an option of the third party insurance with personal liability (PLL) for vehicles that will fail to meet the requirements for comprehensive insurance. Comprehensive insurance is becoming expensive to the schools and yet the third party with personal liability will still serve the same purpose. The individual students have the responsibility of personal accident cover as they commence the training. 5.Rule 5, 3(g) payment of the prescribed fee; and

The fee is not specified. It used to beKshs 11,000 but it was increased to 20,000. It is contradictive. There was no provision of fees of Kshs 20,000/-? in the suspended 2020 Rules. There is need to be specific to avoid arbitrary adjustment of the fees to the detriment of one party.

6.Rule 5, 3 (h) such other information as the Authority may deem necessary for the consideration of the application.

inis is a toopnote for corruption. The requirements should be all specified and discussed and agreed upon before being endorsed.

7. Rule 9. (1) Where a proprietor intends to operate or manage a school at premises that are not specified in the driving school licence, the proprietor shall apply for a branch driving school licence in Form 1 set out in the First Schedule.

Mobile short term classes should be allowed when there are sponsored students either by government of private institutions without necessarily demanding registration as a branch driving school. This will help reduce movement and accommodation?

8.Rule 13. (1) A school shall not guarantee or assure a learner, success in acquiring a driver's licence, when the school publishes or advertises for enrolment of learners.

This is going overboard on its mandate to the marketing of individuals driving schools.

This is speculative and should not be part of Rules. KDSA is developing its own CODE OF CONDUCT and that will be the home of such statements.

<u>9.Rule 14. (1)</u> The Authority <u>shall appoint such number of driving school inspectors as it may consider</u> necessary for the proper administration of these Rules.

Specify the training and qualifications and from which government agency or agencies.

10.Rule 14 (2) An inspector may— (a) enter the premises of a school during the regular hours of business of the school to—

Use of the term "May" may allow for corruption and illegitimate activities. There should be notice of the inspection and or the purpose of visit.

This is also an infringement on business owner's constitutional on the right to privacy (<u>Article 31</u> of the Constitution of Kenya) be informed of such visit and the reasons.

11.Rule 14 (2) ii) examine books, records, vehicles or other equipment used by or pertaining to the school; or Driving school inspectors.

The National assembly in the 2018 Hansard had rejected this provision, it was rule number 12 that time and now it is still appearing despite the National Assembly having rejected it.

14.Rule 15. (1) The Authority may suspend, revoke or vary the terms or conditions, of a driving school licence or branch driving school licence, if—

The right to informed of a wrong done and time to remedy a wrong done is a constitutional right Article 47. 15.Rule 12, (4) A school shall by the thirty-first date of January, in every year, submit to the Authority on paper and in electronic format, an annual report of the activities of the school, for the immediately preceding calendar year.

The rule should specify the activities. The activities ought to be very specific and clear; not vague 16.Rule 12, (5) A school shall notify the Authority of an accident involving its motor vehicle resulting in a fatality, within twenty-four hours of when the accident

This is a police function thus duplication of services. The school should maintain accident occurrence register. There is no legal backing for this demand and in any event o, WHAT USE?

B) DRIVER INSTRUCTOR

- 17. Rule 8, (3) A school, shall have at least one other driving instructor beside the head driving instructor.

 a) There should be no need for a head instructor, the director of the school can be in charge of monitoring the training.
- b) attaching an instructor to a school and when he decides to leave the school, the school is switched from the system without grace period to replace.
- c) The instructor employed should be qualified to handle the instruction sufficiently and efficiently.
- d) There should be no limit as to how many instructors to employ, let this depend on the capacity of the school and at the discretion of the proprietor.
- e) The already licensed instructors should not be affected by the rule of a minimum grade of D minus.
- f) COMPETENCY should be considered when employing the instructors.

g) I he number of instructors should depend on the capacity of learners the school can handle. The director can employ one or more depending on the school capacity, can be one instructor or more instructors depending on the capacity the school can handle.

18. Rule 16. (1) A driving instructor shall not instruct unless he has a valid instructor's licence.

Room should be given for the instructors on practice as they await licensing but under monitoring by senior instructors.

19.Rule 18, (5) An instructor's licence shall be valid for one year from the date of issue.

The instructor license should be valid for three years as other driving licences. The renewal should be automatic upon application and payment of application fee without exposing the instructor to rigorous renewal process. The authority to consider regular trainings and seminars for driving school owners in order to keep them updated on emerging issues.

20.Rule 20. (1) A driving instructor shall carry his instructor's license at all times when giving instruction.

Allow for digital submission and confirmation of the instructor's license.

21.Rule 20, (6) A person who is aggrieved by the decision of the Authority under sub rule (3) may appeal to

the Appeals Board.

The Traffic Act cap 403 makes provision for appeals to Courts under section 77 and Sec 31(3) likewise gives the aggrieved the right to appeal to a subordinate court on grounds of revocation of a driving license and not an appeals board as in the suspended rules.

C. DRIVER TRAINING CURRICULUM, TESTING AND LICENSING

22.Rule 23. The curriculum set out in the Fourth Schedule shall be used

The curriculum should be reviewed since it has some loop holes. Starter classes limited by age, some classes mixed up and can give room for corruption and also improper licensing. E.g C1, B3, PLANT OPERATORS SECTIONS NOT SEPARATED AND YET THEY ARE ABOUT 10 SECTIONS.

23.Rule 24. (1) A motor vehicle that a school uses in instructing a learner shall— (a) be of a category specified in the driving licence or branch driving licence;

Vehicle categories needs to be reviewed on a very serious note. They are overlapping and unclear.

24.Rule 31. (1) Pursuant to an application made under rule 30, the Authority shall conduct a driving test that shall consist of—

(a) a theoretical driving test;

(b) a test for knowledge in the highway code and traffic signs;

(c) a test for knowledge on road safety principles and procedures; and

(d) a practical driving test which shall be conducted over a minimum distance of two kilometres.

This rule is pursuant to Rule 30, that is itself a contravention of the Traffic Act and therefore cannot stand 25.Rule 33. (1) A student who has passed the driving test under rule 31, may apply for an interim driving licence in Form 6 set out in the First Schedule.

The interim driving license should be visible to the authority online platform for its authenticity.

The IDL has had issues and therefore needs to be effected to make it functional.

26.Rule 34. A driving licence shall be classified into the categories set out in the Third Schedule.

Categories of driving licences.

The categories should be reviewed. E.g, B1 is separate from B2 but the licence indicates any of those as B giving a student an extra class

27. Rule 42. (1) The Authority may, on the application of a police officer, of at least the rank of superintendent, or on its own motion—

(a) suspend or revoke, an endorsement on the driving licence of a public service vehicle or a commercial vehicle, for a driver of a motor vehicle that was involved in an accident that resulted in a fatality, pending the determination of the criminal proceedings instituted pursuant to that accident;

Section 40 of the Traffic Act need to be amended to allow the Authority to act on ITS OWN MOTION 28.Rule 43. (1) A person who is aggrieved by a decision of the Authority under these Rules may, within thirty days of receipt of the notification of such decision, appeal to the Appeals Board.

Inis Kuie overthrows the provisions of section 7/ of the Traffic Act, yet that Act has not been amended to pave way for the Rule

29. Rule 45. (1) A person who commits an offence under these Rules for which no penalty has been provided, is liable, on conviction, to fine of at least twenty thousand shillings or to imprisonment for a term not exceeding six months, or to both.

This Rule overthrows The Traffic Act cap 403 that makes provision for fines and penalties for failure to comply with Part IV –DIRVING LICENCES for a sum not exceeding TEN Thousand and in PART VI(B) for failing to comply with provisions under PARKING ELSEWHERE THAN DESIGNATED PARKING PLACES in sections 41 and section 75 for a sum not exceeding FIVE Thousand

30. Rule 46. (1) A person who, before the commencement of these Rules, held a valid driving school licence or an instructor's licence, shall, within six months after the commencement of these Rules or otherwise upon the expiry of the licence, whichever is earlier, apply for a new driving school licence or instructor's licence, in accordance with these Rules.

This Rules offends section 3(3) and 39(10 of the Traffic Act and therefore it cannot stand unless the Parent Act is first amended

D) <u>THE STATUS OF THESE RULES IN 2018 AND PARLIAMENTARY DECISION ON 2020 RULES</u>
30. <u>Rule 47</u>. The Traffic (Driving Schools, Driving Instructors and Driving Licences) Rules, 2018 are hereby revoked. Revocation of L. N. No 81 of 2018.

The rules purport to repeal a statute that is none existence, one that is never found in our statutes. It is demonstrating how the drafting of the suspended rules was done without the seriousness that goes into the making of a statutory instrument.

Note: The making of these RULES MUST have the input from KeNHA; KURA; KeRRA; AND NeMATA AND THE INTERNANTIONAL TRAFFIC

REPUBLIC OF KENYA IN THE HIGH COURT OF KENYA AT NAIROBI CONSTITUTIONAL AND HUMAN/RIGHTS DIVISION

(Coram: A. C. Mrima, J.)
PETITION NO. E251/OF 2020

BETWEEN

| | KENYA DRIVING SCHOOLS ASSOCIATION PETITIONER |
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| | KENYA DRIVING SCHOOLS ASSOCIATION PETITIONER |
| | RENTA DRIVING SCHOOLS ASSOCIATION RETITIONER |
| | VERSUS |
| | THE NATIONAL TRANSPORT AND |
| | SAFETYY AUTHORITY |
| | MINISTRY OF TRANSPORT, INFRASTRUCTURE, |
| | HOUSING & URBAN DEVELOPMENT2ND RESPONDENT |
| | HON. ATTORNEY GENERAL3RD RESPONDENT |
| | INSPECTOR GENERAL OF POLICE 4 TH RESPONDENT |
| | AND |
| * | THE NATIONAL ASSEMBLY 1ST INTERESTED PARTY |
| | THE SENATE |

JUDGMENT

Introduction:

- The enactment of the National Transport and Safety Authority Act, No. 33 of 2012 (hereinafter referred to as 'the NTSA Act') brought several changes within the transport sector in Kenya. One of such changes was in the manner driving schools were to conduct their businesses.
- On the basis of the NTSA Act, the 1st Respondent herein, the National Transport and Safety Authority (hereinafter referred to as 'the 1st Respondent', 'the NTSA' or 'the Authority') enacted various Rules.

Judgment - Nairobi High Court Constitutional Petition No. E251 of 2020

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The Rules were successfully challenged both in the High Court and in the National Assembly.

- The 1st Respondent thereafter came up with The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 (hereinafter referred to as ('the impugned Rules'). Those are the rules which are currently challenged in this matter.
- The Petition is opposed by all the Respondents and one Interested Party.

The Petition:

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- 5. The Petition is dated 18th August, 2020. It was supported by two Affidavits sworn by one Samuel Kamau Kariuki, the Chairperson of the Petitioner. They are a Supporting Affidavit sworn on 18th August, 2020 and a Supplementary Affidavit sworn on 22nd January, 2021 respectively. The Petitioner also filed written submissions dated 26th January, 2021 and a List of Authorities.
- 6. The gist of the Petition is that the impugned Rules were enacted in violation of Articles 109(3) and 118(1)(b) of the Constitution and are also contrary to Sections 5(1) and (2), 3,10, 11, 12, 13, 17 and 18 of the Statutory Instruments Act, 2013 as well as Sections 3(1), (2) and (3), 39 and 73 of the Traffic (Amendment) Act, 2012, hence unconstitutional.
- 7. The Petitioner also filed two applications together with the Petition. They are an application by way of Notice of Motion and another application by way of a Chamber Summons. Both applications are also evenly dated. The Notice of Motion sought for conservatory orders staying and suspending the implementation of the impugned Rules pending the determination of the Petition whereas the Chamber Summons sought for leave that the matter be heard during the Court's recess.
- The matter was certified urgent by the Duty Court and leave granted to be heard during the then Court's recess. The Petitioner was

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directed to effect service of the pleadings and the Notice of Motion accordingly. The Court, however, declined to issue any conservatory orders.

 In the end, the Court directed that both the Notice of Motion and the Petition on be heard together and by way of reliance on the pleadings, affidavit evidence and written submissions.

The Responses:

- 10. In opposition to the Petition and the application, the 1st Respondent filed a Replying Affidavit sworn by one George Njao, the Director-General of the NTSA, on 7th September, 2020 as well as written submissions dated 1st February, 2021.
- 11. The 2nd, 3rd and 4th Respondents were represented by the Hon. Attorney General. They opposed the Petition and the application by filing Grounds of Opposition dated 28th October, 2020 and a Replying Affidavit sworn by one Solomon Kitungu, the Principal Secretary, State Department for Transport in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works. The Affidavit was also evenly sworn.
- The Hon. Attorney General also filed written submissions dated 22nd
 February, 2021.
- The 1st Interested Party, The National Assembly, did not participate in this matter despite being enjoined by the Court on 15th July, 2021 and being accordingly served.
- 14. The 2nd Interested Party, The Senate, appeared in the matter. It opposed the Petition and the application by filing a Replying Affidavit sworn by the Clerk to the Senate one Jeremiah Nyegenye on 23rd September, 2021 and written submissions dated 29th September, 2021.



Issues for Determination:

- 15. From the reading of the documents filed, the parties' submissions and the decisions referred to, the following two issues arise for determination: -
 - (a) Whether the impugned Rules violate Articles 109(3) and 118(1)(b) of the Constitution.
 - (b) Whether the impugned Rules are contrary to Sections 5(1) and (2), 3,10, 11, 12, 13, 17 and 18 of the Statutory Instruments Act, 2013 as well as Sections 3(1), (2) and (3), 39 and 73 of the Traffic (Amendment) Act, 2012 and if so, unconstitutional.
 - (c) Remedies, if any.

Analysis and Determination:

- I will deal with each issue separately.
 - (a) Whether the impugned Rules violate Articles 109(3) and 118(1)(b) of the Constitution:
- 17. The Petitioner pleaded that under Article 109(3) of the Constitution, any legislation, including subsidiary legislation, that is not for County Government must be considered only in the National Assembly.
- 18. It was further pleaded that under the Fourth Schedule of the Constitution, transport is a national Government function and as such any legislative agenda on the matter is a preserve of the National Assembly.
- The Petitioner deposed that the tussle between itself and the 1st Respondent had a history. According to the Petitioner, since

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inception, the 1st Respondent has been out to unlawfully control the Petitioner members' businesses by passing illegal rules.

- 20. It was contended that in 2014 the 1st Respondent enacted The Traffic (Driving Schools and Instructors) Rules, 2014 (hereinafter referred to as 'the 2014 Rules'). The Petitioner challenged the said rules through the National Assembly. In August 2018 the National Assembly through the Justice and Legal Affairs Committee wholly rejected the 2014 Rules for various reasons. The Petitioner contended that the 1st Respondent was directed to relook at the 2014 Rules and revert to the National Assembly after having taken into account the issues raised.
- 21. According to the Petitioner, the 1st Respondent instead enacted various policy documents on the basis of the 2014 Rules through The Traffic (Driving Schools and Instructors) Rules, 2014 (2017) (hereinafter referred to as 'the 2017 Rules').
- 22. The 2017 Rules were challenged in Nairobi High Court Constitutional Petition No. 97 of 2018 Okiya Omtatah Okoiti vs. The National Transport and Safety Authority & Another. Judgement was rendered on 19th November, 2018 where the 2017 Rules and all the policy documents made thereunder were quashed.
- 23. The 1st Respondent, still undeterred, enacted the impugned Rules. The Petitioner contended that the 1st Respondent did not send the impugned Rules to the National Assembly as required under the Constitution, but instead sent them to both the Senate and the National Assembly contrary to the directions given in 2018 by the National Assembly.
- 24. The Petitioner held to the position that the Senate had nothing to do with the impugned Rules courtesy of Article 109(3) of the Constitution.
- 25. As to whether the passage of the impugned Rules complied with the requirements on public participation as required under Article 118(1)(b) of the Constitution, the Petitioner was categorical that the

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- alleged public participation undertaken fell way below anything which would be described as reasonable.
- 26. The Petitioner contended that publication of notices and collection of signatures were a mere ritual exercise and did not prove that any meaningful engagement took place for want of minutes for such meetings. The Petitioner contended further that no meaningful engagement took place in any of the 43 Counties and that the impugned Rules were not even part of the meetings' agenda.

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- The Petitioner cited several decisions on the threshold of public participation in support of its position.
- 28. The 1st Respondent held a contrary position to that of the Petitioner.
- 29. In its Replying Affidavit, NTSA traced the history of the events leading to the enactment of the impugned Rules. For ease of reference I will reproduce what was deponed: -
 - 6. THAT before the enactment of the 2020 Rules the driving school driver training and testing are regulated by the Traffic Driving School and Instructor Rules 1971. As to be expected the Rules were outdated and unable to regulate the industry in line with the current trends that would promote professionalism and improve the efficiency of service and thus the need for new responsive rules to regulate the Training, testing and licensing of drivers.
 - 7. THAT I am also advised by the Authority's advocate on record whose advise I verily believe to be true that The Traffic Act Cap 403 empowers the Cabinet secretary responsible for matters relating to traffic to make rules prescribing all such matters relating to regulation of the establishment or persons engaged in teaching for gain the driving of motor vehicles as the cabinet secretary may deem necessary for the proper control of such establishments or persons, including the grant, revocation, variation of licenses and appeals relating thereto, the testing of instructors, the inspection of vehicles and premises, and the fee payable for any of the above matter.
 - THAT in 2016 the Authority embarked on amending the 1971 Rules. This followed a public participation process wherein the

PAR)

Authority requested for comments from its stakeholders through the local dallies and held consultative forum on the same. Attached and marked GN-I are copies of the notices and attendance sheet for the said public participation.

- 9. <u>THAT</u> before the publication of the said 2016 Rules the petitioner herein challenged the same in Court through Nakuru Petition 9 of 2016 on the basis that there was no public participation where the Court dismissed the petition in our favour on 14th December, 2018. Attached and marked GN-2 is the copy of the judgement.
- 10. THAT subsequently the Rules were gazzeted and the same was presented to Select Parliamentary Committee on Delegated Legislation here after referred to as SPCDL as required by the Statutory Instrument Act where the Committee annulled the same on the basis that the Authority had not incorporated some of the views raised by the Committee.
- 11. THAT thereafter the Authority redrafted the Rules incorporating the comments raised by the SPCDL Committee and undertook another comprehensive public participation in compliance with provisions of Statutory Instruments Act resulting in substantial changes in the initial draft. Attached and marked GN-3 are documents confirming that public participation was undertaken including the notice, attendance sheets from different regions representing the forty-seven Counties. The notice was also placed on our website.
- 12. THAT draft was subsequently published through Legal Notice 28 of 2020 on 10th March, 2020. We forwarded the Explanatory Memorandum to the Cabinet Secretary Ministry of Transport, Infrastructure, Housing, Urban Development and Public works for their onward forwarding to the speakers of both houses. Attached and marked GN-4 is our letter forwarding the Explanatory Memorandum to the Cabinet Secretary.
- 13. <u>THAT</u> the published rules were presented to the Delegated Legislation committees of both houses of Parliament as per the Statutory Instruments Act. (Attached and marked GN-5 are copies of letters forwarding the Rules to the speakers of the both houses.)
- 14. <u>THAT</u> I am advised by Authority's advocate on record which advice I verily believe to be true that the assertions that the

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- equity must come with clean hands. The petitioner's members did participate in the public participation in different regions.
- 22. THAT we note that the Petitioners resolution of the meeting held on 11th August, 2020 signed by Secretary Joseph M. Nderi and chairperson Samuel Kariuki officials driving schools also participated in the public participation. The undersigned Chairman's driving school being Kericho driving school was represented during the public participation. Other official's schools that participated include Ndovu Driving School belonging to Joseph Magara, Real Driving School belonging to Joseph Nderi, Style up Driving School belonging to Eunice Mwendwa among other officials.
- THAT there are over five hundred registered Driving school in the Republic of Kenya. Attached and Marked GN- 7 is the list of all registered driving schools in Kenya.
- 24. <u>THAT</u> as from the time of filing the current petitions the driving schools' portal are up and running even the ones whose licenses have since expired are still operational.
- 25. <u>THAT</u> I also confirm that a number of driving schools have already submitted their documents in compliance with the stated gazetted Rules. Attached and marked GN-8 are lists of driving schools that have started complying with the Rules including schools belonging to some of the officials.
- 26. <u>THAT</u> I have been advised by the Authority's Advocate on record which advice I verily believe it is true that the Petition is incompetent as the Petitioner has not demonstrated the specific manner in which the 1st Respondent has violated provisions of Articles of Constitution.
- 27. <u>THAT</u> in the response of the relief sought by the Petitioner I am advised by the Authority's advocate on record which advise I verily belief to be true that the Petition dated 19th August 2020 is not a proper Constitutional petition in respect of which Honorable Court can exercise its jurisdiction under Article 1 65(3) of the Constitution.

- THAT the orders sought by the petitioner will occasion grave injustices to not only the Respondents herein but the public at large.
- THAT stopping the implementation of the Rules will cause great prejudice to the 1st Respondent.
- THAT I swear this affidavit in opposition to the petition and the Notice of motion dated 1 8th August, 2020.
- The 1st Respondent expounded on the foregoing disposition in its submissions. It also referred to several decisions in buttressing the arguments.
- 31. The Hon. Attorney General also re-emphasized the position taken by the 1st Respondent. Through the Replying Affidavit sworn by Solomon Kitungu, it reiterated the steps taken by the Respondents in ensuring that adequate public participation was undertaken. Several decisions in support of the position that there was reasonable public engagement were referred to in the submissions.
- 32. The Senate, as well, posited that indeed satisfactory public participation was carried out. The Clerk of the Senate deponed as follows: -
 - 5. THAT I am advised by Mr. Wambulwa, Advocate and which advice I verily believe to be sound in law that under Articles 1, 94, 95, 96 and 109 of the Constitution, the legislative authority of the Republic of Kenya, is at the national level, vested in and exercised by the Parliament and that the said rules were approved in accordance with the Senate Standing Orders, the Statutory Instruments Act and the Constitution.
 - 6. THAT further, Article 94 (5) of the Constitution provides that:
 - No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation...
 - 7. <u>THAT</u> Article 96 (1) and (2) of the Constitution provides for the role of the Senate as follows:

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- 96. (1) The Senate represents the counties, and serves to protect the interests of the counties and their governments.
 - (2) The Senate participates in the law-making function of Parliament by considering, debating and approving Bills concerning counties, as provided in Articles 109 to 113
- 8. <u>THAT</u> section 11 of the Statutory Instruments Act requires that every Cabinet Secretary responsible for a regulation making authority to ensure that within seven sitting days after publication of a statutory instrument to transmit to the responsible Clerk of Parliament for tabling before the relevant House of Parliament.
- THAT Article 93 of the Constitution establishes Parliament consisting of the National Assembly and the Senate.
- 10. THAT accordingly, the Senate being one of the Houses of Parliament is required to approve any statutory instrument transmitted to it by the responsible Cabinet Secretary in accordance with Section II of the Statutory Instruments Act. The assertions that the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 were not supposed to be tabled before the Senate are unfounded.
- 11. THAT I am advised by Mr. Wambulwa, Advocate and which advice I verily believe to be sound in law that contrary to the allegations by the Petitioner that the Rules were to be tabled in the National Assembly and not the Senate, transport is both a national and county function as provided under the Fourth Schedule to the Constitution hence the said Rules were properly considered by the Senate as the representative and protector of the interests of counties and their governments.
- 12. THAT vide a letter dated 27th March, 2020 from the Principal Secretary, State Department of Transport in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, transmitted the said rules having been published vide legal notice Vol. CXXII- No 50 dated 20th March, 2020, together Explanatory Memorandum and Public Participation Report to the Clerk of the Senate and the Clerk of the National Assembly for approval. Annexed hereto and marked as "JN.I" is a true copy of the letter from the Permanent Secretary, State Department of Transport addressed to Clerk

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of the Senate and Clerk of the National Assembly dated 27th March, 2020.

- 13. <u>THAT</u> the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 were laid before the Senate on 19th May, 2020 and referred to the Sessional Committee on Delegated Legislation for consideration and approval.
- 14. THAT the Senate Sessional Committee on Delegated Legislation considered the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 and on 15th June, 2020 approved the said Rules. Annexed hereto and marked as "JN.2 ab" are true copies of minutes of the Sessional Committee on Delegated Legislation dated 12th and 15th June, 2020 respectively.
- 15. THAT I am advised by Mr. Wambulwa; Advocate and which advice I verily believe to be sound in law that contrary to the allegations by the Petitioner that there was no public participation in the Senate in violation of Article 118 (1) (b) of the Constitution and section 5 (1) (a) and (b) of the Statutory Instruments Act, 2013, there is no requirement for Parliament to carry out public participation in relation to approval of statutory instruments.
- 16. <u>THAT</u> in accordance with Part IV of the Statutory Instrument Act, the role of Parliament is to scrutinize a statutory instrument to ensure compliance with the delegated authority and the law and to either approve or reject it.
- 17. THAT in particular, section 13 of the Statutory Instruments Act requires the relevant Committee of Parliament, in carrying out its scrutiny of any statutory instrument or published Bill be guided by the principles of good governance, rule of law and shall in particular consider whether the statutory instrument meets the requirements set out in section 13 of the Act which provides:
 - 13. The Committee shall, in carrying out its scrutiny of any statutory instrument or published Bill be guided by the principles of good governance, rule of law and shall in particular consider whether the statutory instrument-
 - is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other written law;
 - infringes on fundamental rights and freedoms of the public;

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- 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;
- 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;
- is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
- 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;
- makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
- makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
- m. inappropriately delegates legislative powers;
- imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
- appears for any reason to infringe on the rule of law;
- inadequately subjects the exercise of legislative power to parliamentary scrutiny; and
- accords to any other reason that the Committee considers fit to examine.
- 18. <u>THAT</u> section 5 of the Statutory Instruments Act requires that before a regulation making authority makes a statutory instrument that have a direct, or a substantial indirect effect on business or restrict competition, the regulation making authority makes appropriate consultations with persons who are likely to be affected by the proposed instrument.
- <u>THAT</u> in consideration for approval of the said Rules, the Sessional Committee on Delegated Legislation in ensuring

Instruments Act which requires that the regulation-making authority makes appropriate consultations with persons who are likely to be affected by the proposed instrument, requested for prove that there was consultation with relevant-stakeholders before gazettement of the rules.

20. THAT the National Transport and Safety Authority through the State Department of Transport in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works forwarded to the Committee the attendance registers for the public participation for Driving School and Instructor Rules and Highway Code held in various regions. Annexed hereto and marked as "JN.3" are copies of the attendance registers forwarded to the Committee by the National Transport and Safety Authority.

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- 21. <u>THAT</u> from the attendance registers, the National Transport and Safety Authority indicated it had carried out public participation covering forty-three (43) counties which the Sessional Committee on Delegated Legislation considered as sufficient in accordance with the provisions of section 5 of the Statutory Instruments Act.
- 22. THAT having been satisfied that the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 were made and gazetted in accordance with the enabling statutes, the Sessional Committee on Delegated Legislation considered and approved the said Rules at its 18th Sitting held on 15th June, 2020. Refer to annexure marked as "JN.2" in paragraph 14 herein above.
- 23. THAT through a letter dated 19th June, 2020, the Clerk of the Senate notified the Principal Secretary, State Department for Transport, Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works of the Senate Sessional Committee on Delegated Legislation's approval of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020.
- 24. <u>THAT</u> I am advised by Mr. Wambulwa, Advocate and which advice I verily believe to be sound in law that section 15 (2) of the Statutory Instruments Act provides that where the relevant Committee of Parliament where a statutory instrument is referred does not consider the statutory instrument and make

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the report to Parliament containing its resolution within twenty eight sitting days after the date of referral of the statutory instrument to the Committee or such other period as the House may, by resolution approve, the statutory instrument shall be deemed to have fully met the relevant considerations.

- 25. THAT while this Court has jurisdiction under Article 165 (3) (d) (ii) of the Constitution, to "determine the question whether anything said to be done under the authority of the Constitution or of any law is inconsistent with, or in contravention of, this Constitution ", it is apparent that in order for this Honourable Court to invoke its jurisdiction to inquire into acts of the Senate pursuant to its powers and obligations under the Constitution, the Petitioner must establish that there is a violation or threatened violation of the Constitution and/or its fundamental rights and freedoms. In the circumstances of this case, the Petitioner has not demonstrated that any of its rights and fundamental freedoms has been violated.
- 26. <u>THAT</u> I indeed confirm that the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 were approved by the Senate in accordance with the Constitution, the Statutory Instruments Act and the Senate Standing Orders and therefore constitutional.
- 27. <u>THAT</u> from the foregoing, it is clear that the Petition herein is bad in law, baseless and an abuse of the court process and should be dismissed with costs to the 2nd Interested Party.
- 33. In its submissions, the Senate rebutted the Petitioner's argument that the impugned Rules were unconstitutional as the Senate did not carry out public participation contrary to the provisions of Article 118(1)(b) of the Constitution and Section 5(1)(a) and (b) of the Statutory Instruments Act, 2013. It submitted that contrary to the above allegations, there is no requirement for either House of Parliament to carry out public participation in relation to approval of statutory instruments.
- 34. The Senate, however, submitted that it asked the 1st Respondent to avail evidence of public participation and that NTSA forwarded to the Senate copies of Attendance registers for the public participation for Driving School and Instructor Rules and Highway Code held in



various regions. The Senate was satisfied that indeed adequate public consultation had been undertaken.

- 35. Having captured the parties' cases and submissions on the issue, I will now deal further. The issue at hand raises two sub-issues. The sub-issues are: -
 - (i) Whether the impugned Rules contravene Article 109(3) of the Constitution, and,
 - (ii) Whether there was adequate public participation in the process of enacting the impugned Rules.
- 36. As the issue rests on the manner in which this Court ought to interpret the Constitution, I will, in the first instance, look at that aspect.
- 37. On 19th day of November, 2021, the Court of Appeal at Nairobi delivered a Judgment in Civil Appeal No. E084 of 2021 The Speaker of the National Assembly of the Republic of Kenya & Another Vs. The Senate of the Republic of Kenya & 12 Others (2021) eKLR wherein the Court dealt with the manner in which the Constitution ought to be interpreted. The Learned Judges expressed themselves thus: -
 - 42. Our starting point in this regard is Article 259 of the Constitution, which obligates us to interpret the Constitution in a manner that—

 (a) promotes its purposes, values and principles;

 (b) advances the rule of law, and the human rights and fundamental freedoms in the Bill of Rights;

(c) permits the development of the law; and

(d) contributes to good governance."

43. It is notable in this respect that constitutional interpretation includes both interpretation and construction. As explained by Vincent Crabbe in his text <u>Legislative Drafting: Volume 1</u> at pages 231 to 233, interpretation entails discovering the

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meaning of words used in a statutory or other written document, and is of various types. Authentic interpretation is used when the meaning of a word is expressly provided for in the document; usual or customary interpretation when based on accepted usages of the word; doctrinal, when it is based on the grammatical arrangement of the words in a sentence; and logical, when based on the intention of Parliament. Crabbe also pointed out that logical interpretation can be liberal or strict.

44. Construction of a legal provision on the other hand is wider in scope than interpretation, and is directed at the legal effect or consequences of the provision in question. Interpretation must of necessity come before construction, and having ascertained the meaning of the words, one construes them to determine how they fit into the scheme of the law or legal document in question. Crabbe in this respect opines that a Constitution is in this respect different from an Act of Parliament, and describes it as a living organism capable of growth and development. In his words "a constitution is a mechanism under which laws are made, and not a mere Act which declares what the law should be". Therefore, that the construction of a Constitution demands a broad and liberal approach, and must be beneficial.

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45. We are persuaded by this explanation, and indeed the approach suggested therein has been adopted by the Kenyan Courts. A holistic and purposive interpretation of the Constitution that calls for the investigation of the historical, economic, social, cultural and political background of the provision in question has been consistently affirmed by the courts. The Supreme Court in this respect explained the approach in constitutional interpretation in Council of Governors vs The Attorney General and 7 Others [2019] eKLR as follows:

"[42] Under Article 2(1), the Constitution is the Supreme law of the land. Article 259 of the Constitution then gives the approach to be adopted in interpreting the Constitution, basically in a manner that promotes its purposes, values and principles. Suffice it to say that in interpreting the Constitution, the starting point is always to look at Article 259 for it provides the matrix, or guiding principles on how it is to be interpreted and then Article 260 where specific words and phrases are interpreted. It is imperative to note

that while Article 259 deals with construing of the Constitution and outlines the principles that underpin that act; Article 260 deals with interpretation, that is, it is explicit in assigning meaning to the words and phrases it addresses. Hence the opening words in that Article are: "In this Constitution, unless the context requires otherwise-".

[43] Consequently, in search of the meaning assigned to some words and phrases as used in the Constitution, one needs to consult Article 260 to find out if that particular term or phrase has ALREADY been defined. It is only where the same has not been defined that the Court will embark on seeking a meaning by employing the various principles of constitutional interpretation...."

- 46. The various principles of constitutional interpretation have also been the subject of different decisions of this Court and the Supreme Court. In <u>Re the Matter of Kenya National Commission on Human Rights</u> [2014] eKLR, the Supreme Court considered the meaning of a holistic interpretation of the Constitution, and stated:
 - "[26] But what is meant by a 'holistic interpretation of the Constitution'? It must mean interpreting the Constitution context. It is the contextual analysis of a constitutional provision, reading alongside and against other provisions, so as to maintain a rational explication of what the Constitution must be taken to mean in light of its history, of the issues in the dispute, and of prevailing circumstances. Such scheme interpretation does not mean an unbridled extrapolation of discrete constitutional provisions into each other, so as to arrive at a desired result."
- 47. This view was also expressed by the Supreme Court in Communications Commission of Kenya & 5 Others vs



Royal Media Services Limited & 5 Others, [2015] eKLR, that "the Constitution should be interpreted in a holistic manner, within its context, and in its spirit."

48. A purposive interpretation on the other hand acknowledges that the meaning of language is imprecise, and measures words against contextual, schematic, and purposive considerations. Aharon Barak in the text "Purposive Interpretation in Law" at page 111 explains that:

"According to purposive interpretation, the purpose of a text is a normative concept. It is a legal construction that helps the interpreter understand a legal text. The author of the text created the text. The purpose of the text is not part of the text itself. The judge formulates the purpose based on information about the intention of the text's author (subjective purpose) and the "intention" of the legal system (objective purpose)."

49. As such, the purposive interpretation avoids the shortcomings of the literal approach, namely absurd interpretations or those that appear to run counter to the purpose and functioning of the legislative regime. The Supreme Court of Kenya in the case of Gatirau Peter Munya vs Dickson Mwenda Kithinji & 2 Others, [2014] eKLR, confirmed that a purposive interpretation should be given to statutes so as to reveal their true intention. The Court observed as follows:

"In Pepper vs. Hart [1992] 3 WLR, Lord Griffiths observed that the "purposive approach to legislative interpretation" has evolved to resolve ambiguities in meaning. In this regard, where the literal words used in a statute create an ambiguity, the Court is not to be held captive to such phraseology. Where the Court is not sure of what the legislature meant, it is free to look beyond the words themselves, and consider the the historical context underpinning Judge thus learned legislation. The pronounced himself:

The object of the court in interpreting legislation is to give effect so far as the

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language permits to the intention of the legislature. If the language proves to be ambiguous I can see no sound reason not to consult Hansard to see if there is a clear statement of the meaning that the words were intended to carry. The days have long passed when courts adopted a strict constructionist view of interpretation which required them to adopt the literal meaning of the language. The courts now adopt a purposive approach which seeks to give effect to the true purpose of legislation and are prepared to look at much extraneous material that bears upon the background against which the legislation was enacted."

50. The persuasive decision of this Court in the case of County
Government of Nyeri & Another v Cecilia Wangechi
Ndungu [2015] eKLR is also illuminating, and it was held
therein that:

"Interpretation of any document ultimately identifying the intention Parliament, the drafter, or the parties. That intention must be determined by reference to the precise words used, their particular documentary and factual context, and, where identifiable, their aim and purpose. To that extent, almost every issue of interpretation is unique in terms of the nature of the various factors involved. However, that does not mean that the court has a completely free hand when it comes to interpreting documents; that would be inconsistent with the rule of law, and with the need for as much certainty and predictability as can be attained, bearing in mind that each case must be resolved by reference to its particular factors."

51. The Constitution in this respect provides the purposes that should guide the Courts in interpreting it in Article 259, including the purpose of the specific provisions, and broader rule of law and good governance objectives.



- 38. It is with these principles in mind that we shall proceed to consider the issues raised in this appeal. The above principles will aid this Court in consideration of the two sub-issues.
- 39. The first sub-issue is whether the impugned Rules contravene Article 109(3) of the Constitution. The provision states as follows: -

A Bill not concerning county government is considered only in the National Assembly, and passed in accordance with Article 122 and the Standing Orders of the Assembly.

 Article 110 of the Constitution addresses the issue of Bills concerning County Governments. The Article is tailored as follows: -

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- (1) In this Constitution, "a Bill concerning county government" means-
 - (a) a Bill containing provisions affecting the functions and powers of the county governments set out in the Fourth Schedule;
 - (b) a Bill relating to the election of members of a county assembly or a county executive; and
 - a Bill referred to in Chapter Twelve affecting the finances of county governments.
- (2) A Bill concerning county governments is-
 - (a) a special Bill, which shall be considered under Article 111, if it-
 - relates to the election of members of a county assembly or a county executive; or
 - (ii) is the annual County Allocation of Revenue Bill referred to in Article 218; or
 - (b) an ordinary Bill, which shall be considered under Article 112, in any other case.
- (3) Before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any



question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.

- (4) When any Bill concerning county government has been passed by one House of Parliament, the Speaker of that House shall refer it to the Speaker of the other House.
- (5) If both Houses pass the Bill in the same form, the Speaker of the House in which the Bill originated shall, within seven days, refer the Bill to the President for assent.
- 41. In dealing with this sub-issue, this Court remains alive to the fact that Article 109(3) of the Constitution deals with Bills concerning counties and not delegated legislations. The manner in which delegated legislations are to be laid before Parliament is provided for in the Statutory Instruments Act, No. 23 of 2013, However, a consideration of Article 109(3) of the Constitution is relevant in this matter since, once it is determined, for instance, that the impugned Rules fall under the category of matters not concerning county governments, then the Senate would not have any business considering such delegated legislation. In other words, the correct House of Parliament to consider a delegated legislation can only be the one having mandate to deal with the parent Bill or statute.

- 42. The Court of Appeal in The Speaker of the National Assembly of the Republic of Kenya & Another Vs. The Senate of the Republic of Kenya & 12 Others case (supra) comprehensively dealt with the nature of the Bills envisaged by Articles 109 to 114 of the Constitution. These provisions deal with the manner in which Bills are to be dealt with by the two Houses of Parliament.
- 43. In re-emphasizing the position that not all Bills originating from the National Assembly must also be considered by the Senate, the Learned Judges held as follows: -
 - 79. Therefore, in light of the context and purpose of the provisions of Article 110(3) of the Constitution as regards the concurrence process therein, it is the finding of this Court that the Bills referred to in Article 110(3) can only be interpreted and construed to mean Bills concerning County Government as defined by Article 110(1) and interpreted in this



judgment, and not every or any Bills that originate from the National Assembly. To reiterate, this is for the reasons that a holistic, contextual and purposive interpretation of Article 110(3) limits the law making powers of Senate in this regard. This interpretation does not in any way derogate from the purpose for which the Senate exists, and its limited legislative powers must in this regard be interpreted holistically in relation to other constitutional provisions on its purpose, and its non-legislative powers of representation and oversight that are set out in Articles 93, 94 and 96 of the Constitution. Read as a whole, these provisions serve to reinforce and augment Senate's role in protecting the counties and devolution.

44. In answering the question as to what bills do not concern counties, the Court of Appeal had the following to say at paragraph 118: -

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Having set the basis for establishing the nature of the impugned Acts, we turn to the Constitution to identify the nature of bills provided for under Articles 109 to 114, and the House to which responsibility is assigned for passing of the bills. Part 4 of the Constitution deals with the enactment of legislation by the Houses of Parliament. We begin with the bills specified, under Article 109 (3) of the Constitution as "A Bill not concerning county government". By implication these would be national government bills or any other bill not categorised as concerning counties and which are not money Bills. These bills are "...considered only in the National Assembly, and passed in accordance with Article 122 and the Standing Orders of the Assembly," By virtue of Article 186 of the Constitution, Part 1 of the Fourth Schedule would require to be applied to such bills to ascertain whether the function in question was assigned to the national government. If so, then the bill was one that should be passed by the National Assembly.

Still on the same question, the Court stated as follows in paragraph
 132 that: -

These are the third category of bills specified under Article 109 (4) of the Constitution. They are referred to as, "A Bill concerning county government..." Such bills may originate in the National Assembly or the Senate. Their passage requires to be in accordance with Articles 110 to 113, 122 and 123 of the Constitution and the Standing Orders of the Houses. Article 110 (1) of the Constitution defines bills concerning county governments as a bill containing provisions affecting the functions and powers of the county governments set out in the Fourth Schedule; a Bill relating to the election of members of a county assembly or a county executive; and a Bill referred to in

Chapter Twelve that affects the finances of county governments. A Bill concerning county governments may comprise a special Bill, which shall be considered under Article 111, if it relates to the election of members of a county assembly or a county executive; or is the annual County Allocation of Revenue Bill referred to in Article 218. In any other case, a bill is considered to be an ordinary bill under Article 112. As concerns the powers and functions of counties, these are to be found in Part 2 of the Fourth Schedule.

- 46. The position is, therefore, that in ascertaining whether a Bill concerns counties the Fourth Schedule of the Constitution is the first port of call. If the function in question was assigned to the National Government, then the bill should only be considered by the National Assembly. If the function is a shared one, then the bill may originate from either the National Assembly or the Senate and its passage requires to be in accordance with Articles 110 to 113, 122 and 123 of the Constitution and the Standing Orders of the Houses.
- 47. Returning to the case at hand, the impugned Rules are on transport. Under the Fourth Schedule of the Constitution, transport is a shared function by both the National and County Governments.
- 48. The role of the National Government relating to transport is provided for in Section 18 of Part 1 of the Fourth Schedule as follows: -
 - 18. Transport and communication
 - (a) road traffic
 - (b) the construction and operation of national trunk roads;
 - (c) standards for the construction and maintenance of other roads by counties;
 - (d) railways;
 - (e) pipelines;
 - (f) marine navigation;
 - (g) civil aviation;
 - (h) space travel;
 - (i) postal services;
 - (j) telecommunications; and
 - (k) radio and television broadcasting.



- 49. On the other hand, Section 5 of Part 2 of the Fourth Schedule provide for the transport role of a County Government as under: -
 - 5. County transport, including-
 - (a) county roads;

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- street lighting; (b)
- (c) traffic and parking;
- public road transport; and (d)
- ferries and harbours, excluding the regulation of international and national shipping and matters related thereto.
- 50. Drawing from the foregoing, if the impugned Rules were a Bill, then both Houses of Parliament would have specific roles to play in its passage. In this case, therefore, the impugned Rules, being delegated legislation, would also require the consideration of both Houses of Parliament.
- 51. Whereas the aspect of consideration by both Houses of Parliament will be dealt with under the next main issue, this Court hereby finds and hold that the impugned Rules concerned County Governments and as such they were to be considered by the two Houses of Parliament, Since there is evidence that indeed the impugned Rules were forwarded to the two Houses of Parliament for consideration, this Court further finds and hold that the impugned Rules do not violate Article 109(3) of the Constitution. The first sub-issue is, hence, answered in the negative.
- 52. I will now deal with the second sub-issue on public participation.
- 53. The parties herein have made dispositions and submissions on this sub-issue in quite some detail. This Court has greatly benefitted from such. I will not, therefore, belabor the settled and agreed position that indeed the impugned Rules were to be subject to public participation. I will, however, add that further to the issue of public participation, there is also the aspect of stakeholders' engagement.



- 54. In Mombasa High Court Constitutional Petition No. 159 of 2018 consolidated with Constitutional Petition No. 201 of 2019 William Odhiambo Ramogi & Others -vs- Attorney General & 4 Others; Muslims for Human Rights & 2 Others (2020) eKLR the 5-Judge Bench dealt with the issue of public participation and stakeholders' engagement. This is what the Court stated about stakeholders' engagement.
 - 119. Consultation is, hence, a more robust and pointed approach towards involving a target group. It is often referred to as stakeholders' engagement. Speaking on consultation the Court of Appeal in Legal Advice Centre & 2 others v County Government of Mombasa & 4 others [2018] eKLR quoted with approval Ngcobo J in Matatiele Municipality and Others vs. President of the Republic of South Africa and Others (2) (CCT73/05A) [2006] ZACC 12; 2007 (1) BCLR 47 (CC) as follows:

.....The more discrete and identifiable the potentially affected section of the population, and the more intense the possible effect on their interests, the more reasonable it would be to expect the legislature to be astute to ensure that the potentially affected section of the population is given a reasonable opportunity to have a say....

120. In a Three-Judge bench the High Court in consolidated Constitutional Petition Nos. 305 of 2012, 34 of 2013 and 12 of 2014 (Formerly Nairobi Constitutional Petition 43 of 2014) Mui Coal Basin Local Community & 15 Others v Permanent Secretary Ministry of Energy & 17 Others [2015] eKLR the Court addressed the concept of consultation in the following manner: -

intentional inclusivity and diversity. Any clear and intentional attempts to keep out bona fide stakeholders would render the public participation programme ineffective and illegal by definition. In determining inclusivity in the design of a public participation regime, the government agency or Public Official must take into account the subsidiarity principle: those most affected by a policy legislation or action must have a bigger say in that policy legislation or action and their views must be more deliberately sought and taken into account.

(emphasis added)

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- 121. Consultation or stakeholders' engagement tends to give more latitude to key sector stakeholders in a given field to take part in the process towards making laws or formulation of administrative decisions which to a large extent impact on them. That is because such key stakeholders are mostly affected by the law, policy or decision in a profound way. Therefore, in appropriate instances a Government agency or a public officer undertaking public participation may have to consider incorporating the aspect of consultation or stakeholders' engagement.
- 55. Given the concurrence on the need for public engagement in coming up with the impugned Rules and from the principles discussed in the foregoing considerations, this Court finds that since the impugned Rules were specifically on Driving Schools, Driving Instructors and Driving Licenses and which licenses are only issued once a learner is trained and tested in a Driving School, then, in the worst case scenario, even stakeholders' engagement would have sufficed in the unique circumstances of this matter.

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- 56. The Petitioner's main concern is the nature and adequacy of the stakeholders' engagement. As said, the Petitioner contended that no adequate engagement was undertaken.
- 57. The nature and adequacy of public participation and stakeholders' engagement was discussed in Petition No. 104 of 2020 Kaps Parking Limited & Another vs. The County Government of Nairobi & Another (2021) eKLR by this Court. This is what the Court rendered:
 - 137. The manner in which public participation is carried out depends on the matter at hand. There is no straight-jacket application of the principle of citizen participation. However, any mode of undertaking public participation which may be adopted by a public entity must factor, in the minimum, the following basic four parameters. First, the public be accorded reasonable access to the information which they are called upon to give their views on. In other words, the mode of conveying the information to the public reigns. Second, the people be sensitized or be made to understand what they are called upon to consider and give their views on. In this case, the language used in conveying the information to the public becomes of paramount importance. For

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instance, if those affected by the intended decisions or the legislation are mostly illiterate, then such realities must be factored in deciding the mode and manner of conveying the information. Third, once the public is granted reasonable access to the information and is made to understand it, the public must then be accorded reasonable time to interrogate the information and to come up with its views. Fourth, there must be a defined manner in which the public or stakeholders will tender their responses on the matter.

- 138. The effect of the above constitutional and statutory parameters is to ensure that public participation is realistic and not illusory. Public participation should not be a mere formality, but must accord reasonable opportunity for people to have their say in what affects them. In that way, the dietates of the Constitution and the law will be achieved. (See Robert M. Gakuru's case (supra) among others).
- 58. In Petition Nos. 532 of 2013 & 12, 35, 36, 42 & 72 of 2014 and in Judicial Review Miscellaneous Application 61 of 2014 (Consolidated), the adequacy of public participation was discussed as follows: -

.... Whereas the magnitude of the publicity required may depend from one action to another a one-day newspaper advertisement in a country such as ours where a majority of the populace survive on less than a dollar per day and to whom newspapers are a luxury leave alone the level of illiteracy in some parts of this country may not suffice for the purposes of seeking public views and public participation. As was held in <u>Doctors for Life International vs. Speaker of the National Assembly and Others</u> (supra): -

Merely to allow public participation in the law-making process is, in the prevailing circumstances, not enough. More is required. Measures need to be taken to facilitate public participation in the law-making process. Thus, Parliament and the provincial legislatures must provide notice of and information about the legislation under consideration and the opportunities for participation that are available. To achieve this, it may be desirable to provide public education that builds capacity for such participation. Public involvement in the legislative process requires access to information and the facilitation of learning and understanding in order to achieve meaningful involvement by ordinary citizens....[the Assembly] should create conditions that are conducive to the effective exercise of the right to participate in the law-making process. This can be realised in various ways, including through road shows, regional workshops, radio programs and

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publications aimed at educating and informing the public about ways to influence Parliament, to mention a few It is implicit, if not explicit, from the duty to facilitate public participation in the law-making process that the Constitution values public-participation in the lawmaking process. The duty to facilitate public participation in the law-making process would be meaningless unless it sought to ensure that the public participates in that process. The very purpose in facilitating public participation in legislative and other processes is to ensure that the public participates in the lawmaking process consistent with our democracy. Indeed, it is apparent from the powers and duties of the legislative organs of state that the Constitution contemplates that the public will participate in the law-making duty to facilitate public participation in any particular case, the Court will consider what Parliament has done in that case. The question will be whether what Parliament has done is reasonable in all the circumstances. And factors relevant to determining reasonableness would include rules, if any, adopted by Parliament to facilitate public participation, the nature of the legislation under consideration, and whether the legislation needed to be enacted urgently. Ultimately, what Parliament must determine in each case is what methods of facilitating public participation would be appropriate. In determining whether what Parliament has done is reasonable, this Court will pay respect to what Parliament has assessed as being the appropriate method. In determining the appropriate level of scrutiny of Parliament's duty to facilitate public involvement, the Court must balance, on the one hand, the need to respect parliamentary institutional autonomy, and on the other, the right of the public to participate in public affairs. In my view, this balance is best struck by this Court considering whether what Parliament does in each case is reasonable.

- 59. In this case, the Respondents have demonstrated how they carried out the public engagement. The 1st Respondent first carried out a public advertisement in a newspaper on national circulation wherein it stated how and where the engagements were to be conducted. It gave the dates and venues of the meetings and also explained what was to be discussed in the meetings. The 1st Respondent, as well, made provision for sign language interpreters in the meetings.
- The meetings were to begin from 29th October, 2018 to 30th November, 2018. The meetings covered all the 43 counties in Kenya.

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61. The 1st Respondent made a further provision for those who wished to send their written memoranda. It gave an email address to that end.

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- 62. Evidence was tendered to prove that indeed the said meetings were conducted. Copies of Attendance Registers and Sheets for each meeting were annexed. The 1st Respondent prepared a Report on the outcome of the public participation exercise upon completion of the exercise. The Report was produced in evidence.
- 63. The Report was comprehensive. It detailed all the issues of concern which led to the annulment of the 2018 Rules and the actions taken by the 1st Respondent before undertaking public participation. It also gave the list of the meetings, dates and venues of meetings held during the exercise. It further gave the names and qualifications of the facilitators of the meetings. There is no doubt that the facilitators were senior officers of the 1st Respondent and were possessed of the requisite knowledge and experience to conduct such meetings.
- 64. The Report also captured all the views raised by the participants in each meeting. Lastly, the Report set out the actions taken by the 1st Respondent after conducting the public participation. It confirmed that all the issues raised in the meetings were considered and remedial actions taken prior to the gazettement of the impugned Rules.
- 65. The 1st Respondent, therefore, carried out a nation-wide public participation exercise on the impugned Rules. The Petitioner, however, alleged that the impugned Rules were not part of the discussions in the meetings and demanded the provision of minutes of the meetings.
- 66. The 1st Respondent captured the issues raised in each meeting in the report. There is no evidence by those who were in attendance in each of the said meetings to back the Petitioner's position. Further, the hearing of the Petition was by way of reliance on the pleadings and

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affidavit evidence. The Petitioner did not seek to cross-examine any witness on the contents of their dispositions.

- 67. I have further carefully considered the issues which were recorded as having been raised during the meetings and the Petitioner's averments in this Petition. I find that the issues are similar. There is evidence, as well, to confirm that most of the members of the Petitioner have complied or are in the process of complying with the impugned Rules.
 - 68. On evaluation of the evidence at hand, this Court finds that the contention by the Petitioner that there was no adequate public participation in coming up with the impugned Rules to be unsustainable. To the contrary, the Court is satisfied that the 1st Respondent undertook a comprehensive public participation exercise and adduced evidence before Court in such proof.

- 69. In the end, the second sub-issue is also answered in the negative.
- 70. In sum, this Court returns a finding that the first main issue is wholly answered in the negative and is for rejection.
 - (b) Whether the impugned Rules are contrary to Sections 5(1) and (2), 3, 10, 11, 12, 13, 17 and 18 of the Statutory Instruments Act, 2013 as well as Sections 3(1), (2) and (3), 39 and 73 of the Traffic (Amendment) Act, 2012 and if so, unconstitutional:
- 71. The Petitioner pleaded that the Statutory Instruments Act, No. 23 of 2013 (hereinafter referred to as 'the Instruments Act') gave a clear road map on how any subsidiary legislation must be dealt with. Section 5 calls for consultation with the affected persons or entities.
- 72. In its submissions, the Petitioner contended that the impugned Rules did not also comply with Section 13 of the Instruments Act. It further contended the 1st Respondent failed to take into account the

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directives by the National Assembly on how to re-align the impugned Rules with the Constitution and the law.

- 73. Resulting from the foregoing, the Petitioner averred that as a result of the failure on the part of the Respondents and the Senate, the impugned Rules variously infringed several Articles of the Constitution, hence they are unconstitutional. I will have a detailed look at the Articles of the Constitution allegedly contravened in the later part of this issue.
- 74. The decisions in Re Okiya Omtatah Okoiti vs. Commissioner General Kenya Revenue Authority & 2 Others (2018) eKLR and Ré Okiya Omtatah Okoiti vs. Communication Authority of Kenya (2018) eKLR were cited in support of the Petitioner's position.
- 75. The 1st Respondent posited that it took into account all what had been raised by the National Assembly in the former Rules and subjected it to public engagement. The result was the impugned Rules. To the 1st Respondent, the impugned Rules did not contravene any of the alleged provisions of the law.
- 76. The Hon. Attorney General posited that the 2nd Respondent complied with the law and forwarded all the relevant documents to the two Houses of Parliament as so provided under the Instruments Act.
- 77. The Senate also opposed the Petitioner's contention.
- 78. It pleaded that in accordance with Part IV of the Instruments Act, the role of Parliament is to scrutinize a statutory instrument to ensure compliance with the delegated authority and the law and to either approve or reject it.
- 79. It further pleaded that Section 13 of the Instruments Act requires the relevant Committee of Parliament, in carrying out its scrutiny of any statutory instrument or published Bill be guided by the principles of good governance, rule of law and shall in particular

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consider whether the statutory instrument meets the requirements set out in section 13 of the said Act.

80. The Senate argued that the burden of ensuring that public participation had been carried out is placed on a regulation making authority and not on Parliament. On its part, Parliament is to satisfy itself that adequate participation was carried out.

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- 81. It was posited for the Senate that the 1st Respondent through the State Department of Transport in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works forwarded to the Senate's Committee the attendance registers for the public participation for Driving School and Instructor Rules and Highway Code held in various regions. From the attendance registers, NTSA indicated that it had carried out public participation covering forty-three (43) counties which the Sessional Committee on Delegated Legislation considered as sufficient in accordance with the provisions of section 5 of the Instruments Act.
- 82. In its submissions, the Senate argued that under Articles 1, 94, 95, 96 and 109 of the Constitution, the legislative authority of the Republic of Kenya, is at the national level, vested in and exercised by the Parliament. Further, Article 93 of the Constitution establishes Parliament consisting of the National Assembly and the Senate.
- 83. It further submitted that approval of statutory instruments just like any other legislative function of Parliament, is a shared function between the National Assembly and the Senate. It argued that Section 11 of the Statutory Instruments Act require that every Cabinet Secretary responsible for a regulation making authority to ensure that within seven sitting days after publication of a statutory instrument to transmit to the responsible Clerk of Parliament for tabling before the relevant House of Parliament We submit that in accordance to section 11 of the Statutory Instruments Act requires that every Cabinet Secretary responsible for a regulation making authority is to ensure that within seven sitting days after publication

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of a statutory instrument to transmit to the responsible Clerk of Parliament for tabling before the relevant House of Parliament.

- 84. The Senate accordingly submitted that being one of the Houses of Parliament it is required to approve any Statutory instrument transmitted to it by the responsible Cabinet Secretary in accordance with Section 11 of the Instruments Act. The assertions that the impugned Rules were not supposed to be tabled before the Senate are unfounded.
- 85. The Senate also submitted that Section 15(2) of the Instruments Act requires that where the relevant Committee of Parliament where a statutory instrument is referred does not consider the statutory instrument and make the report to Parliament containing its resolution within twenty eight sitting days after the date of referral of the statutory instrument to the Committee or such other period as the House may, by resolution approve, the statutory instrument shall be deemed to have fully met the relevant considerations.
- 86. It was further submitted that the Senate's Sessional Committee on Delegated Legislation acted within the law by scrutinizing, considering the approving the impugned Rules.
- 87. On the import of Section 5 of the Instruments Act, it was submitted that contrary to the Petitioner's position, there is no requirement for either House of Parliament to carry out public participation in relation to approval of statutory instruments. Instead, the role of Parliament is to scrutinize a statutory instrument to ensure compliance with the delegated authority and the law and to either approve or reject it.
- 88. In particular, Section 13 of the Instruments Act requires the relevant Committee of Parliament, in carrying out its scrutiny of any statutory instrument or published Bill be guided by the principles of good governance, rule of law and shall in particular consider whether the statutory instrument meets the requirements set out in section 13 of the Instruments Act.

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- 89. The Senate reiterated that the burden of ensuring public participation has been carried out is placed on a regulation making authority. Indeed, Section 5 of the Instruments Act requires that before a regulation making authority makes a statutory instrument that have a direct, or a substantial indirect effect on business or restrict competition, the regulation making authority makes appropriate consultations with persons who are likely to be affected by the proposed instrument.
- 90. On whether the impugned Rules are unconstitutional, the Senate submitted that it is trite law that every legislation and every decision of Parliament is presumed constitutional and where a person allege that an Act of Parliament or any decision of Parliament is unconstitutional, the burden lies on that person to prove the unconstitutionality of the same.

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- 91. In this case, it was submitted that the Petitioner had not discharged the burden of proof by demonstrating to this Honorable Court the manner in which the impugned Rules were made, gazetted or approved or any of the or any of the provisions therein violate the Constitution.
- 92. The Senate argued that jurisprudence is replete with cases that every law has in its favor the presumption of constitutionality, and to justify its nullification, there must be a clear and unequivocal breach of the Constitution, not a doubtful and argumentative one. A statute or a part thereof will be sustained unless it is plainly, obviously, palpably and manifestly in conflict with some provision(s) of the fundamental law.
- 93. It was submitted that the test for establishing constitutionality of a statute, was exhaustively set out by the High Court in Institute of Social Accountability & Another vs. National Assembly & 4 Others High Court Petition No. 71 of 2014 [2015] eKLR, and followed by the same court in Council of Governors & 3 others v The Senate & 53 others [2015] eKLR and in Commission for Implementation of the Constitution Parliament of Kenya & Another.

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- 94. The Senate summed up its submissions in that the Petitioner had neither demonstrated to this Honorable Court nor had it discharged the burden of proof to establish the unconstitutionality of the impugned Rules and as such, there are no grounds presented to this Honorable Court to enable the Court to declare the Rules unconstitutional.
- 95. As a starting point, the Petitioner prayed that this Court finds that the impugned Rules contravened Sections 5(1) and (2), 3, 10, 11, 12, 13, 17 and 18 of the Instruments Act as well as Sections 3(1), (2) and (3), 39 and 73 of the Traffic (Amendment) Act, 2012. However, apart from dealing with Sections 5 and 13 of the Instruments Act and Sections 3(1), (2) and (3), 39 and 73 of the Traffic (Amendment) Act, the Petitioner did nothing in relation to the rest of the sections it pleaded on.

- 96. The Petitioner, therefore, pleaded in an omnibus manner. It neither tendered arguments nor any evidence in support of the contravention of the alleged Sections 3, 10, 11, 12, 17 and 18 of the Instruments Act. In that case, this Court will not consider whether the impugned Rules infringe any of those provisions.
- 97. This Court will now consider whether the impugned Rules infringed Sections 5 and 13 of the Instruments Act and Sections 3(1), (2) and (3), 39 and 73 of the Traffic (Amendment) Act and if so, void, and by extension, whether they are unconstitutional.
- 98. I will first deal with Sections 5 and 13 of the Instruments Act. For ease of reference herein, I will reproduce the said sections. Section 5 of the Instruments Act provide as follows: -
 - Before a regulation-making authority makes a statutory instrument, and in particular where the proposed statutory instrument is likely to—
 - (a) have a direct, or a substantial indirect effect on business;
 or
 - (b) restrict competition;

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the regulation-making authority shall make appropriate consultations with persons who are likely to be affected by the proposed instrument.

- (2). In determining whether any consultation that was undertaken is appropriate, the regulation making authority shall have regard to any relevant matter, including the extent to which the consultation—
 - (a) drew on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument; and
 - (b) ensured that persons likely to be affected by the proposed statutory instrument had an adequate opportunity to comment on its proposed content.
- (3). Without limiting by implication, the form that consultation referred to in subsection (1) might take, the consultation shall
 - involve notification, either directly or by advertisement, of bodies that, or of organizations representative of persons who, are likely to be affected by the proposed instrument; or
 - (b) invite submissions to be made by a specified date or might invite participation in public hearings to be held concerning the proposed instrument.

99. Section 13 provides as follows: -

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The Committee shall, in carrying out its scrutiny of any statutory instrument or published Bill be guided by the principles of good governance, rule of law and shall in particular consider whether the statutory instrument-

- is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other written law; infringes on fundamental rights and freedoms of the public;
- (b) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- (c) contains imposition of taxation;
- (e) directly or indirectly bars the jurisdiction of the Courts;

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 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;

 is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;

 appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;

 appears to have had unjustifiable delay in its publication or laying before Parliament;

- (k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
- makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;

(m) inappropriately delegates legislative powers;

- imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
- (o) appears for any reason to infringe on the rule of law;
- inadequately subjects the exercise of legislative power to parliamentary scrutiny; and
- (q) accords to any other reason that the Committee considers fit to examine.
- 100. Section 2 of the Instruments Act defines a "regulation-making authority" to mean any authority authorized by an Act of Parliament to make statutory instruments. In this case, the "regulation-making authority" is the 1st Respondent.
- 101. Section 5 of the Instruments Act require the regulation-making authority to make appropriate consultations with persons who are likely to be affected by the proposed instrument. On this, I agree with the Respondents and the Senate that the onus of carrying out the consultation is on the regulation-making authority and not on the Houses of Parliament. The role of the Houses of Parliament is captured in Section 13 of the Instruments Act, which I will shortly revert to.

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- 102. Some of the parameters to be considered by the regulation-making authority include notification, either directly or by advertisement, of bodies that, or of organizations representative of persons who, are likely to be affected by the proposed instrument or invitation of submissions to be made by a specified date or might invite participation in public hearings to be held concerning the proposed instrument.
- 103. The 1st Respondent undertook all the requirements. There is evidence that it placed a public advertisement in a local newspaper, it conducted public hearings and invited written memoranda. The 1st Respondent, therefore, fully complied with Section 5 of the Instruments Act.
- 104. On whether there was compliance with Section 13 of the Instruments Act, the Committee of the House is required to scrutinize the statutory instrument or published Bill and in doing so it be guided by the principles of good governance and rule of law.
- 105. In the course of carrying out the scrutiny, the Committee is required to consider whether the instrument aligns with the 17 parameters.
- 106. The said parameters are listed in Section 13 of the Instruments Act as (a) to (q).
- 107. The Merriam Webster Dictionary defines the word 'scrutiny' to mean: -
 - a searching study, inquiry, or inspection: EXAMINATION
 - a searching look

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- close watch: SURVEILLANCE
- 108. The Concise Oxford English Dictionary, 12th Edition, Oxford University Press at page1295 defines the words 'scrutinize', 'scrutiny' and 'scrutineer' as follows: -

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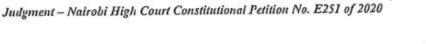
'scrutinize' as a verb to mean 'examine or inspect closely and thoroughly'.

'scrutiny' as a noun to mean 'critical observation or examination'

'scrutineer' as a noun to mean 'a person who examines something closely and thoroughly'

- 108. It can, therefore, be summed up that scrutiny involves a detailed examination with careful or critical attention. Simply put, it is to examine something with great care. Scrutiny is, hence, more than the ordinary observation of something. It goes further to unravel the inner state of affairs of a thing.
- 109. In scrutinizing the impugned Rules, the Houses of Parliament were, by law, called upon to undertake critical and detailed examination of the same. Such scrutiny is guided by inter alia the parameters set out in Section 13 of the Instruments Act.
- 110. Section 11(1) of the Instruments Act requires every Cabinet Secretary responsible for a regulation-making authority to, within seven (7) sitting days, after the publication of a statutory instrument, ensure that a copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament.
- 111. In this case, there is evidence that the impugned Rules were gazetted on 20th March, 2020 vide a Special Issue of the Kenya Gazette in Legal Notice No. 28. Vol. CXXII- No 50. There is further evidence that the Principal Secretary, State Department of Transport in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, transmitted the impugned Rules together with Explanatory Memorandum and Public Participation Report to the Clerk of the Senate and the Clerk of the National Assembly for approval. That was through a letter dated 27th March, 2020.
- 112. The Senate appeared in this matter upon service. The National Assembly did not. There was no averment to the effect that the

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National Assembly considered the impugned Rules or at all. This Court, therefore, finds that the impugned Rules were not considered by the National Assembly. The Instruments Act provides for what happens if a House of Parliament fails to deal with a subsidiary legislation placed before it.

113. The Senate deposed that the impugned Rules were laid before the Senate on 19th May, 2020 and that the Rules were referred to the Sessional Committee on Delegated Legislation for consideration and approval. That, the Senate Sessional Committee on Delegated Legislation considered the impugned Rules and on 15th June, 2020 approved them. Minutes of the proceedings before the Sessional Committee on Delegated Legislation dated 12th and 15th June, 2020 respectively were availed in support.

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- 114. I have perused copies of the said minutes. On 12th June, 2020 the Senate Committee under MIN. NO. SEN/SCDL/092/2020 noted that it had previously considered the draft impugned Rules and proposed a more robust public participation to be undertaken by the 1st Respondent. The Committee also reviewed the 2018 Rules alongside the impugned Rules and noted that the impugned Rules had made substantial changes to the 2018 Rules as directed.
- 115. The Committee then went through the impugned Rules and was satisfied with the new-look impugned Rules. It, however, resolved to be availed with evidence of public participation.
- 116. On 15th June, 2020 the Committee approved the impugned Rules and the 1st Respondent was duly informed.
- 117. The 2018 Rules had been annulled by the National Assembly on account of several infringements to the guaranteed rights and freedoms. Such were captured in the National Assembly Hansard of 14th August, 2018 which a copy thereof was availed by the Petitioner.
- 118. The Senate in dealing with the impugned Rules allegedly went through the 2018 Rules and satisfied itself that all the contentious areas raised before were properly and fully addressed. It then

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requirements in the 2018 Rules remained intact in the approved impugned Rules.

- 124. The Petitioner also raised issue with Rule 12(4) and (5) of the impugned Rules. The minutes of the Senate Committee did not capture anything on Rule 12 of the impugned Rules.
- 125. A careful consideration of the minutes of the Senate Committee shows that the Committee only dealt with part of the impugned Rules. From the minutes, the Committee dealt with Rules 4, 5, 6, 7, 8, 16, 24, 25, 26 and 27.

- 126. There were a total of 47 rules in the impugned Rules which were gazetted and forwarded to the two Houses of Parliament for scrutiny. As said, it was only the Senate which dealt with them. The Senate, however, only dealt with 10 out of the 47 rules. I say so because the Committee minutes so indicate and further there is no statement in the minutes confirming that the Committee curiously examined all the 47 rules contained in the impugned Rules.
- 127. Given the above state of affairs and in view of the scrutiny role imposed upon the Houses of Parliament, this Court finds and hold that the Senate did not sufficiently scrutinize the impugned Rules. The Senate also failed to satisfy itself that the impugned Rules were in compliance with Section 13 of the Instruments Act.
- 128. The upshot is, therefore, that a crucial step in the making of a subsidiary legislation was not properly so undertaken. That puts the validity of the impugned Rules to serious constitutional and legality tests.
- 129. In the end, this Court finds and hold that the 1st Respondent undertook adequate public participation on the impugned Rules in line with Articles 10(2)(a) and 118(1)(b) of the Constitution. The Court further finds and hold that the Senate did not sufficiently comply with Section 13 of the Instruments Act.

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(c) Remedies, if any:

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- 130. The Petitioner prayed for the declaration of unconstitutionality and invalidity of the impugned Rules in their entirety.
- 131. This Court has been informed by the 1st Respondent that the impugned Rules are being implemented and infact most of the Petitioner's members have complied with some of the requirements in the rules. The Court was urged not to annul the impugned Rules.
- 132. In such a scenario, this Court ought to take into account the rival positions and submissions. It has to avail what is regarded to as appropriate remedies.
- 133. The Court of Appeal in Total Kenya Limited vs Kenya Revenue Authority (2013) eKLR held that even in instances where there are express provisions on specific reliefs a Court is not precluded from making any other orders under its inherent jurisdiction for ends of justice to be met to the parties. The High Court in Simeon Kioko Kitheka & 18 Others vs. County Government of Machakos & 2 Others (2018) eKLR held that Article 23 of the Constitution does not expressly bar the Court from granting conservatory orders where a challenge is taken on the constitutionality of legislation.
- 134. In Republic Ex Parte Chudasama vs. The Chief Magistrate's Court, Nairobi and Another Nairobi HCCC No. 473 of 2006, [2008] 2 EA 311, Rawal, J (as she then was) stated that:

While protecting fundamental rights, the Court has power to fashion new remedies as there is no limitation on what the Court can do. Any limitation of its powers can only derive from the Constitution itself. Not only can the court enlarge old remedies, it can invent new ones as well if that is what it takes or is necessary in an appropriate case to secure and vindicate the rights breached. Anything less would mean that the Court itself, instead of being the protector, defender, and guarantor of the constitutional rights would be guilty of the most serious betrayal. See Gaily vs. Attorney-General [2001] 2 RC 671;

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Ramanoop vs. Attorney General [2004] Law Reports of Commonwealth (From High Court of Trinidad and Tobago); Wanjuguna vs. Republic [2004] KLR 520...The Court is always faced with variety of facts and circumstances and to place it into a straight jacket of a procedure, especially in the field of very important, sensitive and special jurisdiction touching on liberties and rights of subjects shall be a blot on independence and many facetted jurisdiction and discretionary powers of the High Court. See The Judicial Review Handbook (3rd Edn) by Michael Fordham at 361.

135. The Constitutional Court of South Africa in Fose vs. Minister of Safety & Security [1977] ZACC 6 emphasized the foregoing as follows: -

Appropriate relief will in essence be relief that is required to protect and enforce the Constitution. Depending on the circumstances of each particular case the relief may be a declaration of rights, an interdict, a mandamus or such other relief as may be required to ensure that the rights enshrined in the Constitution are protected and enforced. If it is necessary to do so, the courts may even have to fashion new remedies to secure the protection and enforcement of these all important rights.

- 136. In this case, there is no doubt that adequate public engagement on the impugned Rules was undertaken by the 1st Respondent. Since it is the Houses of Parliament which failed to carry out their mandates, nullifying the impugned Rules will be a tall order and a serious waste of public resources considering the nature of the nation-wide public participation which was undertaken at the taxpayers cost. Further, nullifying the impugned Rules will result to confusion in the sector since the entire process will have to be undertaken afresh.
- 137. This Court will consider staying the implementation of the impugned Rules as it looks for other suitable remedies.

Conclusion:

138. The Petition has partly succeeded. The Petitioner has failed to challenge the impugned Rules on the basis of public participation. However, it has succeeded to demonstrate that the impugned Rules did not comply with Section 13 of the Instruments Act.

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- 139. Arising therefrom, this Court hereby makes the following findings: -
 - (a) A delegated legislation which is concerned with County Governments must be considered by both Houses of Parliament under the Statutory Instruments Act.
 - (b) As the impugned Rules are on the shared transport function under the Fourth Schedule of the Constitution, the impugned Rules concern County Governments and as such they were to be considered by the two Houses of Parliament under the Statutory Instruments Act.
 - (c) The 1st Respondent undertook sufficient public participation on the impugned Rules.
 - (d) Section 13 of the Statutory Instruments Act was not sufficiently complied with by either House of Parliament.

Disposition:

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- 140. In the end, the following orders do hereby issue: -
 - (i) The implementation of The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 be and is hereby stayed and suspended pending a reconsideration of The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 by the two Houses of Parliament.
 - (ii) The Cabinet Secretary in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works shall re-transmit a copy of The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 and the explanatory memorandum together with a copy of this judgment to the Speakers of both Houses of Parliament. That shall be in the next 14 days.

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- (iii) In view of the remainder of the terms of the Houses of Parliament, the respective Speakers of Parliament shall take steps to ensure that The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 are expeditiously dealt with by the respective Houses.
- (iv) In the event that any or both of the Houses of Parliament are/is unable to finalize the dealing with The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 within the remainder of the current terms of the Houses of Parliament, the said Rules shall be dealt with in the next term of Parliament.
- (v) Each party shall bear its own costs.

Orders accordingly.

DELIVERED, DATED and SIGNED at NAIROBI this 27th day of

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JUDGE

Judgment virtually delivered in the presence of:

Mr. Muguku, Learned Counsel for the Petitioner.

Miss. Sirai, Learned Counsel for the 1st Respondent.

Miss. Chiringa, Learned Counsel for the 2nd and 3rd Respondents.

No appearance for the National Assembly.

Mr. Waliaula, Learned Counsel for the Senate.

Elizabeth Wanjohi – Court Assistant

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