

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY
(FIRST SESSION)

NCCA/TJ/PL/2022(7)

25th October, 2022

PAPER LAID

SUBJECT: TUKTUK REGULATIONS

Pursuant to Section 68 (g) of Nairobi City County Transport Act, 2020, I beg to lay the following Paper on the Table of this Assembly, today Tuesday 25th October, 2022.

— THE NAIROBI CITY COUNTY TRANSPORT ACT, 2020 (*TUKTUK REGULATIONS*)

(The leader of Majority Party)

Copies to:

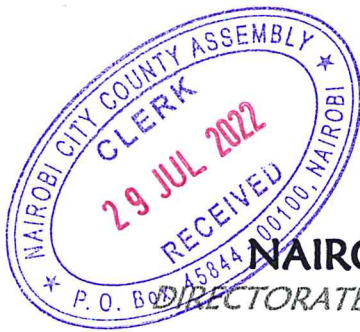
The Speaker

The Clerk

Hansard Editor

Hansard Reporters

The Press



REPUBLIC OF KENYA



NAIROBI METROPOLITAN SERVICES

DIRECTORATE OF TRANSPORT, ROADS AND PUBLIC WORKS

*1 DHS
Handy deal
Chum
7/8/22*

INTERNAL MEMO

TO : Director Roads, Public Works and Transport

FROM : Deputy Director, Roads, Public Works and Transport Engineering

REF : NMS/NCC/TA/01

DATE : 28th July, 2022

RE: OPERATION OF ILLEGAL PSVS (TUK TUKS) IN NAIROBI METROPOLITAN AREA.

I refer to the above captioned issue and the letter from the Director General of the National Transport and Safety Authority to the Director General NMS dated 14th September 2021, reference NTSA/C/RT/003/1.

The letter indicates that 'Tuk Tuks' operating as a taxicab (carrying no more than seven passengers) should be licenced and regulated by the County Government.

The Nairobi City County Transport Act grants powers to the County Government under section 34 to regulate these vehicles. Regulations (hereby attached) have been drafted and are awaiting approval by the County Assembly.


Eng. Jeremy Kimathi M'iriria
DEPUTY DIRECTOR ROADS, PUBLIC WORKS AND TRANSPORT
ENGINEERING

Copy to: Clerk to the Assembly

*III SCA - Adam
Prepare for tabling
Mhoro
PEA (ChSP)
25/10/22*

*II PCA - LSP
Handy put this at
Priority business
for the next
Assembly
DHS
2/8/2022*

Legal Notice No....

THE NAIROBI CITY COUNTY TRANSPORT ACT

(No. x of 2022)

IN EXERCISE of the powers conferred by Section 34 of the Nairobi City County Transport Act, the County Executive Committee Member for Transport makes the following regulations:-

THE NAIROBI CITY COUNTY (THREE WHEELED MOTORCYCLE TAXI (TUK TUK)) REGULATIONS, 2022

1. These regulations may be cited as the Nairobi City County (Three Wheeled Motorcycle) Regulations and shall come into force upon publication in the Gazette.

2. In these Regulations, unless the context otherwise requires –

“Act” means the Nairobi City County Transport Act, 2020

“Authorised person” means a traffic police officer or traffic marshal

“CBD” means the central business district of Nairobi as envisaged in the Act.

“Committee Member” means the County Executive Committee Member responsible for transport

“Chief Officer” means Chief Officer responsible for roads in the Nairobi City County Government

“Sector” means the Transport, Roads & Public Works sector of the Nairobi City County Government

“Permit” means a permit to operate a motorcycle for commercial gain through the carriage of a passenger

“public road” has the meaning assigned to it under the Act

“ride” means to operate, manage or be in control of a three wheeled motorcycle;

“rider” means the person operating or person in control of a three wheeled motorcycle;

"three wheeled motorcycle" means any mechanically propelled vehicle with three wheels the weight of which unladen does not exceed eight hundred kilograms; "

"Three wheeled motorcycle Taxi" means a three wheeled motorcycle used for the purpose of carrying or ferrying of a passenger for reward or hire;

"Third Party Motor Vehicle Insurance" means an insurance policy by that name issued in respect to a three wheeled motorcycle pursuant to the provisions of the Insurance (Motor Vehicles Third Party Risks) Act;

"Third Party Public Service Vehicle Insurance" means an insurance policy by that name issued in respect to a three wheeled motorcycle pursuant to the provisions of the Insurance (Motor Vehicles Third Party Risks) Act

"tuk tuk" means a motor vehicle with three wheels propelled by an engine, and capable of carrying passengers or goods;

3. These regulations apply to all three wheeled motorcycles operating for commercial gain on a public road in Nairobi City County, irrespective of the authority that is responsible for the care and maintenance of that road.
4. No three wheeled motorcycle shall operate for commercial gain without a permit issued by the county.
5. (1) An application for the grant of three wheeled motorcycle taxi permit shall –
 - (a) be lodged with the Chief Officer;
 - (b) contain such information and be accompanied by such documents as are required as listed in Schedule One;
 - (c) be of the form prescribed in Schedule Two
 - (d) be accompanied by the prescribed fee as shown in Schedule Three; and
 - (e) for the purpose of the list of documents listed in Schedule One, the Chief Officer will require verification of details to ensure a database for the operators and three wheeled motorcycles is established and updated regularly.
 - (2) An application may be made in an electronic format approved by the Directorate.
 - (3) The Directorate shall keep and maintain an updated database of all permit holders
 - (4) The prescribed application fee shall not be refundable
6. A three wheeled motorcycle permit may be issued –
 - (a) for a period of one year renewable annually; or
 - (b) for any part of the city designated by the CEC Member.
7. A three wheeled motorcycle permit may be revoked if a rider contravenes any parts of these regulations or the National Transport and Safety Authority (Operation of Three wheeled motorcycles) Regulations, 2015.
8. No three wheeled motorcycle shall enter the CBD.
- 1) A three wheeled motorcycle permit may be renewed.
 - (2) An application for renewal shall be made within fifteen days of the expiry date of the current permit.
9. The rider of a three wheeled motorcycle taxi shall carry his permit at all times and show it to any authorised person if requested.
10. Any person who is denied an approval may appeal to the Committee Member within 14 days of being informed of the refusal by the Chief Officer.

11. No three wheeled motorcycle taxi shall –

(a) park or wait on a footway or cycleway

(b) park on or within a carriageway except where designated for three wheeled motorcycle taxi parking.

12. A person who contravenes any provision of these Regulations commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or, both.

Schedule One

Documents required to accompany application for a three wheeled motorcycle taxi permit:

- (a) Application Form
- (b) Valid driver's licence
- (c) Passport size photograph of applicant
- (d) Photograph of three wheeled motorcycle to be used as a three wheeled motorcycle taxi clearly showing the registration plate
- (e) Registration document for the three wheeled motorcycle to be used as a three wheeled motorcycle taxi
- (f) Details of a verification document from the Chief Officer to confirm the details presented for the three wheeled motorcycle to be used as a three wheeled motorcycle taxi
- (g) A copy of the third party public service vehicle insurance policy in respect of the same three wheeled motorcycle

Schedule Two

Form for adding or deleting a three (3) wheeled motorcycle with respect to a three (3) wheeled motorcycle permit.

Name of Applicant		
Id of Applicant		
Means of propulsion (Internal Combustion Engine or Electric)		
Permit Number		
Current three wheeled (3) Motorcycle's details		
Details of the three wheeled motorcycle included in the permit	Registration number	Attach photograph
Three (3) wheeled Motorcycles to be removed		
Details of any three (3) wheeled motorcycles to be removed from the permit	Registration number	
Three (3) wheeled Motorcycles permit to be added/renewed		
Details of any three (3) wheeled motorcycles to be added to the permit	Registration number	Attach photograph
	Details' verification document from the Sector	Attach
	Third party public service vehicle insurance policy	Attach

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Schedule Three

Fees payable in Kenyan shillings in respect of a three wheeled motorcycle taxi permit :-

Means of propulsion	One Year
Internal Combustion Engine	As determined by the chief officer
Electric	50% of the above

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