

SPECIAL ISSUE

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LEGAL NOTICE NO. 86

THE KENYA ROADS ACT

(No 2 of 2007)

IN EXERCISE of the powers conferred by section 22 (2) (d) and 46 of the Kenya Roads Act, the Kenya National Highways Authority, with the approval of the Minister for Roads, makes the following Regulations:—

THE KENYA ROADS (KENYA NATIONAL HIGHWAYS
AUTHORITY) REGULATIONS, 2013

PART I—PRELIMINARY

1. These Regulations may be cited as the Kenya Roads (Kenya National Highways Authority) Regulations, 2013 and shall come into operation on the thirty first day after the date of publication.

Citation and
commencement

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

Interpretation

“abnormal load” means a load, which by its nature is indivisible and extra-ordinary large and exceeds the legal load or dimensional limits therefore requiring a special permit to travel;

“Act” means the Kenya Roads Act;

No 2 of 2007

“approval” means approval by the Director General;

“articulated vehicle” means a motor vehicle with a trailer having no front-axle and attached to the part of the trailer that is superimposed on the motor vehicle and a substantial part of the weight of the trailer and of its load is borne by the motor vehicle, such a trailer is also referred to as a semi-trailer;

“Authority” means the Kenya National Highways Authority established under section 3 of the Act;

“authorized officer” means a person appointed, in writing, by the Director General, to exercise the powers or perform the duties as the Director-General may authorize;

“awkward load” means a load which, by its nature or by the nature of the container of vehicle in which it is carried, is difficult to handle or store, which load is divisible and therefore not an abnormal load and includes bitumen, volatile liquids or gases and perishable goods;

“axle” in relation to a vehicle, means a device, whether continuous across the width of the vehicle or not, by which the wheels

of the vehicle rotate and which is placed that, when the vehicle is travelling straight ahead, the vertical centre-lines of the wheels are in one vertical plane at right angles to the longitudinal centre-line of the vehicle;

“axle load” means weight transmitted on the road by an axle bearing two or more pneumatic tyres;

“axle-massload” the sum of the wheel massload of all wheels on an axle;

“axle unit”, in relation to a vehicle, means—

- (a) a set of two or more parallel axles of the vehicle which are interconnected to form a unit; or
- (b) for the purpose of the definition of “wheelbase”, in the case of a trailer, two or more axles, whether interconnected or not, where the distance between adjacent axles is less than one comma two metres;

“commercial vehicle” means a motor vehicle constructed or adapted for the carriage of goods or burdens of any description in connection with any trade, business or agriculture, but does not include any type or class of motor vehicle which the Registrar may, by notice in the Gazette, declare not to be commercial vehicles for the purposes of the Act;

“dealer” means a person who deals in the business of motor vehicles or trailers;

“designated agent” means a person appointed, in writing, by the Director-General to exercise the powers or perform the duties as assigned by the Director-General;

“front end”, in relation to—

- (a) a vehicle other than a semi-trailer, means the part of the vehicle which projects furthest forward; or
- (b) a semi-trailer, means a line running parallel with the centre-line of the king-pin and connecting the sides of the semi-trailer at the widest and furthest point in front of the king-pin;

“front overhang”, means the part of a vehicle, excluding any drawbar or coupling, which projects in front of the centre-line of the front axle or the foremost axle of the front axle unit or, if the vehicle has only one axle, which projects in front of the centre-line of the axle, or in the case of a semi-trailer, which projects in front of the centre-line of the king-pin.

“heavy commercial vehicle” means a commercial vehicle whose tare weight exceeds six thousand seven hundred and twenty pounds;

“gross axle massload”, means the maximum massload of a particular axle of a vehicle as specified by the manufacturer, or in the absence of the specification, as determined by the registering authority;

“gross axle unit massload”, means a maximum massload of a particular axle unit of a vehicle as specified by the manufacturer or, in the absence of the specification, as determined by the registering authority;

“group of axles” means axle-combinations of more than one axle suspended together with spacing between the axles of 1.2 meters to 2.5 meters;

“gross vehicle mass” means the weight of the motor vehicle or the trailer together with the height of any load including any person or animal;

“interconnected” means, for the purpose of the definition of “axle unit”, the design is such that an upward force on one axle in an axle unit transmits a downward force to the remaining axle in the axle unit;

“interlink” means a vehicle combination of a trailer attached to a semi-trailer;

“laden weight” of a vehicle means the weight of the vehicle and its load when the vehicle is stationary and ready to take off, and includes the weight of the driver and of any other person carried in the vehicle; Cap 513

“manufacturer” means a manufacturer of motor vehicles and trailers;

“motor vehicle” means a mechanically propelled vehicle;

“owner”, means the registered owner or in relation to a vehicle which is the subject of a hiring agreement, includes the person in possession of the vehicle under the hiring agreement;

“overall length”, means the overall length of a vehicle exclusive of any starting handle and any hood when down;

“overall height” in relation to a vehicle, means the distance measured from ground level to the highest part of—

- (a) any part of the vehicle; or
- (b) any load ;

“overall width” means the width measured between parallel planes passing through the extreme projecting points of the vehicle, exclusive of the driving mirror;

“overhang” means the distance measured horizontally and parallel to the longitudinal axis of the vehicle between two vertical planes at the right angles to such axis, the one passing through the point of the vehicle, exclusive of any hood when down, which projects furthest to the rear and the other passing—

- (a) in the case of a motor vehicle having two axles one of which is not a steering axle, through the centre point of that axle;
- (b) in the case of a motor vehicle having three axles—

- (i) where the rear axle is the only steering axle, through the centre point of the middle axle;
 - (ii) where the rear axle is the only steering axle, through the centre point of the middle axle; or
 - (iii) where all the axles but one are steering axles, through the centre point of the rearmost axle which is not a steering axle; or
- (c) in the case of a motor vehicle, whether having two axles or three axles, where all the axles are steering axles, through a point situated on the longitudinal axis of the vehicle and such that a line drawn from it at right angles to that axis will pass through the centre of the minimum turning circle of the vehicle;

“overload” means that the axle combinations or gross vehicle mass on a vehicle exceeds the prescribed legal limits for any particular part of public roads;

“premises” means residential premises or business premises including petrol stations, shopping malls, rental flats, supermarkets, factories, hotels, construction or car yards;

“rear overhang” means the portion of the vehicle which projects to the rear of the centre-line of the rear axle or the rearmost axle of the rear axle unit, or if such vehicle has only one axle, which projects to the rear of the centre-line of that axle;

“road” means any public road within the meaning of the Public Roads and Roads of Access Act, and includes any other road or way, wharf, car park, footpath or bridlepath on which vehicles are capable of travelling and on which the public has access;

“single axle” means one axle with at least two pneumatic tyres;

“super load” means a load which is extraordinarily large and indivisible, and which has special route requirement, a special vehicle and a permit and includes giant indivisible cranes or large pre-fabricated structures;

“super single tyres” means a single mounted tyre specially designed for replacing the combination of dual mounted tyres on axles with air suspension;

“steering axle” means an axle, the wheels of which are attached in such a manner that it enables the vehicle concerned to be steered, but excludes—

- (a) any axle or axle unit of a semitrailer or trailer;
- (b) the rear axle or axles of any motor vehicle; and
- (c) any axle of a motor vehicle which is steered by movement of the front portion of the vehicle relative to the rear portion of the vehicle, or which is steered by movement of its articulated frame;

“tandem axle” means three axles suspended together with spacing between the axles from 1.2 meters to 2.5 meters and interconnected in such a manner that any load imposed on them will automatically be distributed as pre-determined by designs of the suspension system, regardless of the roads profile or road condition;

“tare weight” means the weight of a vehicle when unladen, inclusive of the weight of the body and all parts, the heavier being taken when alternative bodies or parts are used, which are necessary to or ordinarily used with the vehicle when used on the road;

“tractor” means a motor vehicle constructed or adapted for the purpose of hauling trailers but which is not itself designed to carry goods or passengers;

“trailer” means a vehicle designed to be drawn by a motor vehicle, but does not include a sidecar attached to a motor cycle;

“vehicle” includes a motor vehicle, a trailer or any other conveyance used on a road;

“weight measures bureau” means a body authorised to certify the correctness of weighing scales as the competent authority of the state, as defined by the Weights and Measures Act.

PART II—RATES AND FEES PAYABLE FOR USE OF FACILITIES

3. (1) The Authority may, on request by a person, hire out to the person a modular bridge for temporary crossing.

Hire services for bridges.

(2) A person who hires a modular bridge from the Authority for temporary crossing shall pay to the Authority hiring charges at the rate of twenty five thousand per metre per month or any amount not exceeding twenty five thousand per metre per month.

(3) The hirer shall execute a bank guarantee equivalent to ten percent of the total hire amount which shall be refundable on delivery of the bridge in a good condition to the Authority at the end of the lease period.

(4) The hirer shall be responsible for the repair or replacement of the bridge in case of any damage occasioned to the bridge for the duration of the lease period.

(5) The Authority shall determine the extent of damage that may require replacement by the hirer.

4. A person who wishes to use the service ducts provided in a bridge structure, for purposes of passing a service, shall use the service duct on approval by the Director-General, and at a fee of five thousand shillings per metre diameter length per year.

Hire of service ducts in a bridge.

5. (1) The Authority may, on application by a person, hire out to the person a steel pipe culvert for temporary crossing.

Hire services for culverts

(2) The Authority shall charge for the hire of a steel pipe culvert for temporary crossing at the rate of seventeen thousand five hundred shillings per metre per month.