

TRANSPORT LICENSING APPEALS BOARD

APPEAL NO. 18 OF 2020

MODERN PREMIUM SACCOAPPELLANT

VERSUS

NATIONAL TRANSPORT AND SAFETY AUTHORITYRESPONDENT

RULING

Introduction

1. The Appellant is a cooperative society that is registered under the Co-operative Societies Act (Cap 490) and is licensed by the Respondent Authority to operate public service vehicles.

2. The Respondent, National Transport and Safety Authority, is established under section 3 of the National Transport and Safety Authority Act, No. 33 of 2012 and has the responsibility to: advise and make recommendations to the Cabinet Secretary on matters relating to road transport and safety, implement policies relating road transport and safety; plan, manage and regulate the road transport system; ensure the provision of safe, reliable, and efficient road transport services and to administer the Traffic Act.

The Appellant's Case

3. Pending the hearing and determination of this matter, the Appellant appeared in court on August 25, 2021 and applied for a temporary order to lift the closure of their portal and restrain the Respondent, or its agents or representatives, from impounding their vehicles.

4. The Appellant contended that their Sacco had complied with all licensing conditions by the time the portal was closed in early July of 2021. They confirmed that the Sacco had 34 vehicles and not 71 as contended by NTSA. It was the Appellant's case that this discrepancy could have led to the unwarranted closure of the portal by NTSA.

4. The Appellant undertook to update the portal with all the required information within 21 days.

The Respondent's Case

The Respondent confirmed that there was a discrepancy in the total number of vehicles associated with Modern Premium Sacco.

Having considered the facts and the law applicable to this matter, the Transport Licensing Appeals Board makes the following orders:

THAT pending the hearing and determination of this suit, NTSA is ordered to open the portal of Modern Premium Sacco for a period of 21 days.

DELIVERED, DATED, AND SIGNED IN NAIROBI BY THE TRANSPORT LICENSING APPEALS BOARD ON THIS 1ST OF SEPTEMBER, 2021

DICK WAWERU CHAIRMAN

PROF. KIARIE MWAURA MEMBER

BETTY CHEPNG'ETICH BII MEMBER

ADEN NOOR MEMBER

MOSES PARANTAI MEMBER