
THE EAST AFRICAN COMMUNITY

BILL SUPPLEMENT

No. 8

30th November, 2012.

to the East African Community Gazette No. 16 of 30th November, 2012.

Printed by the Uganda Printing and Publishing Corporation, Entebbe, by Order of the East African Community.



**THE EAST AFRICAN COMMUNITY VEHICLE LOAD
CONTROL BILL, 2012.**

MEMORANDUM

The object of this Bill is to make provision for the control of vehicle loads, harmonized enforcement, and to make institutional arrangements for the Regional Trunk Road Network within the Community.

Inefficient transport remains one of the challenges that continue to frustrate the core objective of the Community: to widen and deepen cooperation among the Partner States in political, economic, social, and other fields for their mutual benefit.

In particular, overloading of vehicles along the Regional Trunk Road Network remains one of the major causes of premature failure of the regional road infrastructure. As a consequence, maintenance requirements are high in the EAC. Each of the Partner States recognised this problem and put into place independent rules and regulations to control vehicle loads as a way of reducing road maintenance costs.

Unfortunately, a balance between trade facilitation and the protection of the road infrastructure has not been achieved due to the lack of a harmonized approach to the vehicle load control problem.

The overall objective of this Bill is therefore to achieve efficient and effective control of vehicle overloading in the EAC region as a basis for reducing accelerated deterioration of road networks and, as a consequence, reducing total transport costs.

RT. HON. ERIYA KATEGAYA MP,
Chairperson Council of Ministers.

THE EAST AFRICAN COMMUNITY VEHICLE LOAD
CONTROL BILL, 2012.

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THE EAST AFRICAN COMMUNITY VEHICLE LOAD
CONTROL BILL, 2012

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY VEHICLE LOAD
CONTROL ACT, 2012

An Act of the Community to make provision for the control of vehicle loads, harmonized enforcement, institutional arrangements for the Regional Trunk Road Network within the Community and to provide for other related matters.

ENACTED by the East African Community and assented to by the Heads of State.

PART I
PRELIMINARY

1. This Act may be cited as the East African Community Vehicle Load Control Act, 2012 and shall come into force on such date as the Council may, by, notice published in the Gazette, appoint.

Short title and commencement.

2. In this Act, unless the context otherwise requires—

Interpretation.

“abnormal load” means a load, which by its nature is indivisible and the dimensions of which exceed the authorized dimensions of the vehicle on which it is to be loaded;

“authorized officer” means any person appointed as such under Section 14;

“axle” in relation to a vehicle, means a device or set of devices, whether continuous across the width of the vehicle or not, about which the wheels of the vehicle rotate and which is so placed that, when the vehicle is travelling straight ahead, the vertical centre lines of such wheels would be in one vertical plane at right angles to the longitudinal centre-line of such vehicle;

“axle group” in relation to a vehicle, means any number of axles which for the purposes of transferring load to the road pavement act in unison or together;

“axle load” means the sum of the wheel weight loads of all wheels on any axle;

“axle unit” in relation to a vehicle, means a set of two or more parallel axles of such vehicle which are so interconnected as to form a unit;

“awkward load” means a load that is unstable in nature and which although it is divisible requires special equipment and safety precautions to offload;

“calibration” means the set of operations that establish, under specified conditions, the relationship between values of quantities indicated by a measuring instrument or measuring system, or values represented by a

material measure or reference material and the corresponding values realized by measurement standards;

“certification” means the issue of a written statement by a third-party, based on a decision following review that products, processes, systems, or persons have fulfilled specified requirements;

“Community” means the East African Community established under Article 2 of the Treaty;

“conventional tyre” means a tyre fitted to a vehicle, the section width of which is between 280 mm and 315 mm;

“Council” means the Council of Ministers of the Community established by Article 9 of the Treaty;

“dead man’s switch” means a switch that is spring loaded and has to be held “in” by the driver while the axle is in the lifted position and as soon as the driver takes his or her hand off the switch, the axle returns to the pavement and takes up normal loading;

“demerit point system” means a system that records penalty points to a transporter progressively when incidences of overloading occurs, the aggregate of which is to determine the gravity and frequency of overloading;

“driver” means any person who drives or guides, or is in actual physical control of a vehicle on a road, and includes an operator of such vehicle;

“Gazette” means the official gazette of the East African Community;

“gross vehicle weight” in relation to a motor vehicle, means the maximum permissible weight of such vehicle and its load under this Act;

“hazardous load” means any load which has been prescribed by the Council in the Gazette to be capable of posing risk to health, safety, and property when transported along the Regional Trunk Road Network;

“independent audit organization” means an organization approved by the agency responsible for standards in a Partner State to carry out audits of weighing stations and weighbridges;

“information and communications technology” means the convergence of telecommunications, broadcasting, computers, storage and audio-visual systems in order to enable users to create, access, store, transmit and manipulate information;

“inspection” means the examination of a product design, product, process or installation, and determination of its conformity with specific requirements or, on the basis of professional judgement, with general requirements;

“legal load limit” means the weight that may be borne by a single axle, an axle group, or all the axles of a vehicle as specified in the Second and Third Schedules;

“liftable axles” means a non-powered axle in an axle unit, which can be lifted independently, but which, by virtue of an automatic mechanism, must be lowered to the road pavement when the adjacent axle in the axle unit is loaded to the legal limit;

“Minister” means the minister responsible for matters relating to roads in a Partner State;

“national court” means the national court of a Partner State with jurisdiction on matters related to this Act;

“national gazette” means an official government gazette in a Partner State;

“national roads authority” means for each Partner State, the authority or agency responsible for the trunk roads of the Partner State forming part of the Regional Trunk Road Network;

“overload” means an axle load, a load from a group of axles, or gross vehicle weight on a vehicle that exceeds the prescribed legal limits for the vehicle or for any particular part of public roads;

“overloaded vehicle” means a vehicle that is detected by an authorized officer as overloaded, either with regard to the permissible maximum axle or axle unit weight or permissible maximum gross vehicle weight;

“owner” means any person who is registered as such in the log book or similar registration of a vehicle and includes for any vehicle under a hire purchase agreement any person in possession of the vehicle other than a financier, or any person who is registered as owner under a lien or security document;

“Partner States” means the Republic of Uganda, the Republic of Kenya, the United Republic of Tanzania, the Republic of Burundi, the Republic of Rwanda, and any other country granted membership to the Community under Article 3 of the Treaty;

“Secretary General” means the Secretary General of the Community provided for under Article 67 of the Treaty;

“super load” means a load, which by its nature is indivisible and the weight of which exceeds the authorized weight of the vehicle on which it is to be loaded;

“super single tyre” means a tyre fitted to a vehicle, the section width of which is equal to or greater than 385 mm;

“Regional Trunk Road Network” means the network of roads set out in the First Schedule;

“transporter” includes an owner and driver of a vehicle and every person acting as agent for the owner, or who is in possession or control of the vehicle;

“Treaty” means the Treaty establishing the East African Community;

“unstable load” means a load on a vehicle which could shift or oscillate within the vehicle when it is moving or stationary;

“vehicle” means any conveyance or structure which is designed to be propelled or drawn on land, and includes a trailer;

“verification” means the procedure, which includes the examination, testing, marking and issuing of certificates that ascertain and confirm that the measuring instrument complies with the statutory requirements;

“weighbridge” means a machine for weighing vehicles under this Act;

“weighbridge operator” means any person including an authorized officer and all other persons acting under his or her authority who manages and operates weighbridge equipment or performs vehicle load control under this Act;

“weighing station” means a check point or installation along the Regional Trunk Road Network for weighing vehicles and includes all facilities found therein.

3. This Act shall apply to the implementation of vehicle load control along the Regional Trunk Road Network set out in the First Schedule. Application of Act.

PART II :
LEGAL LOAD LIMITS AND OVERLOADING FEES.

4. (1) The axle load of any vehicle using the Regional Trunk Road Network shall not exceed the maximum permissible weight limits for such vehicle, set out in the Second Schedule. Legal load limits.

(2) The gross vehicle weight of any vehicle using the Regional Trunk Road Network shall not exceed the maximum permissible gross vehicle weight specified in the Third Schedule.

prohibition
overloading.

5. (1) A person shall not drive or use, or cause or permit to be driven or used, on any part of the Regional Trunk Road Network, any vehicle as may be specified in regulations prescribed by the Council except where—

(a) the gross vehicle weight of such a vehicle does not exceed the weight specified in relation to a vehicle of such description in the Third Schedule;

(b) such gross vehicle weight is distributed on axles in the manner specified in the Second Schedule:

Provided that—

(i) no axle, singly or as one of a tandem or triple axles shall carry more than eight metric tonnes for two conventional tyres, eight and a half metric tonnes for super single tyres and ten metric tonnes for a single non-steering axle with four conventional tyres; and

(ii) the axle load limit shall not exceed the limits set in the Second Schedule;

(c) such overall dimensions of the vehicle and trailer including when laden does not exceed the specifications set out in the Fourth Schedule.

(2) Notwithstanding the provisions of sub-section (1), the maximum number of axles of any group shall not exceed three.

(3) Lifiable axles shall only be permitted on a vehicle if such axles are fitted with the manufacturer's certified dead man's switch or on air suspension system or with automatic dropdown when loaded.

(4) The Council may prescribe regulations with respect to liftable axles.

6. (1) A person shall not drive, use, cause or permit to be driven or used, any vehicle on the Regional Trunk Road Network while overloaded.

Liability for
overloading
fees and
other costs.

(2) Any person who drives, uses, causes or permits to be driven or used, any vehicle on the Regional Trunk Road Network while overloaded shall be liable to pay overloading fees to the national roads authority or any institution designated by a Partner State where the overloading is detected, such overloading fees as may be from time to time be prescribed and published in the Gazette by the Council.

(3) The liability under sub section (2) shall be on the transporter.

(4) A vehicle is said to be overloaded when used on any part of the Regional Trunk Road Network in contravention of the weight limits set out in the Second and Third Schedules.

(5) If any damage is caused to any bridge, road furniture or road pavement, the transporter shall compensate the national roads authority for such damage and shall be liable for any costs, charges or expenses in that respect, including any axle or gross vehicle weight overload fee payable in accordance with this Act.

(6) The costs, charges or expenses charged under sub-section (5) shall be certified by the national roads authority in a damage assessment report to be prepared within such period as may be prescribed in regulations made under this Act.

(7) Where an assessment is disputed by the transporter, the assessment shall be subject to an independent expert determination by a qualified engineering expert appointed by the national professional body of engineers of

the Partner States where the damage is caused on application by the transporter, and the cost of such independent expert assessment shall be borne by the transporter.

(8) Where the determination under sub-section (7) is disputed by either party, the matter shall be referred to a national court for determination.

(9) Where it is established while a journey is being undertaken, that a vehicle is carrying a load in excess of the legal load limit, the vehicle in question shall not continue with its journey unless the overloading fees is paid and the excess load is offloaded or redistributed and the vehicle upon being re-weighed conforms to the load limit.

Payment of overloading fees.

7. A national roads authority or any other institution designated by a Partner State shall provide for payment of overloading fees at weighing stations or such other designated locations.

PART III CONTROL OF VEHICLE LOADS

Obligatory weighing of vehicles.

8. (1) A transporter operating a vehicle of a gross vehicle weight of 3,500 kilogrammes or more shall present such vehicle to be weighed at every weighing station that is situated along the Regional Trunk Road Network traversed by such vehicle or that is designated for this purpose by a national roads authority.

(2) The weighing of the load of any vehicle shall be conducted by an authorized officer.

Special categories of vehicle loads.

9. (1) The following loads shall only be transported through the Regional Trunk Road Network if a special permit has been issued by the Minister of the relevant Partner State—

(a) abnormal loads;

(b) awkward loads;

(c) hazardous loads;

(d) unstable loads;

(e) super loads;

(f) such other loads as the Council may prescribe by notice published in the Community Gazette.

(2) The special permit issued under sub-section (1) by the Minister shall be in such form as shall be prescribed by regulations.

(3) A vehicle carrying any of the loads specified in sub-section (1) without a special permit shall be stopped and detained by an authorized officer or directed to proceed to such place as may be necessary, taking into account safety, health or security, and the transporter of such vehicle shall be liable for such fine as the national laws of the relevant Partner State shall prescribe.

PART IV OPERATIONS OF WEIGHBRIDGES AND WEIGHING STATIONS

10. (1) The Council shall prescribe regional weighbridge operations and procedures regulations by notice published in the Gazette for use in all Partner States, to ensure that all weighbridge operations are carried out in a proper, consistent and standardized manner throughout the Community.

(2) The regional weighbridge operations and procedures regulations shall provide for—

- (a) Weighbridge approval, calibration, verification and audit standards
- (b) identification and conspicuous sign marks for weighing stations and weighbridges;
- (c) standardized forms for weighing operations;
- (d) regional weighbridge certificates acceptable to all national road authorities;
- (e) linking of weighbridge certificates with customs procedures;
- (f) identification of authorized officers;
- (g) use of modern information and communication technologies in operations of weighbridges;
- (h) safety measures;
- (i) obligatory training of weighbridge and weighing station staff under a regionally prescribed training syllabus at accredited institutions; and
- (j) any other matter required to be prescribed by the regulations.

11. (1) A weighbridge or weighing station used for enforcement purposes under this Act shall be approved by the national accreditation body responsible for standards, weights and measures.

(2) A weighbridge or weighing station shall not be approved for use under this Act by a national accreditation body unless it complies with the regional standards issued by the Council.

(3) The Council shall issue regulations specifying different standards for different types of weighing stations, and each approved weighbridge shall be calibrated as shall be provided for in the regional standards.

(4) The national accreditation body shall conduct periodic inspections to verify whether a weighing station complies with the regional standards.

(5) An approved weighing station or weighbridge shall be subject to an annual audit by a qualified independent audit organization appointed by the national accreditation body to confirm that the weighing station or weighbridge meets the requirements for approval.

(6) Any person operating a weighbridge or a weighing station shall provide the qualified independent audit organization with all reasonable assistance in undertaking the audit including—

- (a) any information that may be requested;
- (b) access to the documentation relating to the operation of the weighing station, including the storage of data records;
- (c) access to any part of the weighing station and facilities; and
- (d) access to any person employed with regard to the operation of the weighing station or weighbridge.

(7) Where the audit findings show that a weighing station or weighbridge complies with the regional standards, the independent audit authority shall issue a certificate of compliance in the prescribed format.

(8) If the findings of an annual audit concludes that a weighing station or weighbridge does not comply with the prescribed standards, a national accreditation body may—

- (a) issue a directive in writing to the responsible body operating the weighing station to ensure compliance within the period specified by the directive;
- (b) suspend the certificate of approval pending such compliance; or
- (c) revoke the certificate of approval.

(9) A certificate of approval may be renewed if a weighing station or a weighbridge complies with the prescribed standards after the technical audit has been conducted.

12. (1) The Council shall determine the regional network of weighbridges and the locations of weighbridges and weighing stations along the Regional Trunk Road Network.

(2) Each national roads authority shall establish the weighbridges determined by the Council and shall—

- (a) cause weighing stations or other devices for measurement of weights to be installed along the Regional Trunk Road Network within the Partner States;
- (b) determine weighing devices that may be fixed or portable; and
- (c) provide guidelines for proper use of weighing devices by transporters at a weighing station or weighbridge.

13. (1) Partner States shall establish and manage information and communications technology systems for the Regional Trunk Road Network, and in particular, for weighbridges and weighing stations.

(2) The information and communications technology systems shall facilitate the sharing of information within the regional network of weighbridges.

(3) The Council shall prescribe measures to ensure the security and integrity of information generated from the weighbridges.

PART V
ENFORCEMENT

14. (1) The Partner States shall by notice in the national gazette appoint authorized officers for the purposes of this Act and notify the Secretary General.

(2) The Partner States may revoke the appointment of an authorized officer under such conditions as may be prescribed by the national laws.

15. (1) An authorized officer shall have the power to—

- (a) require the driver of a vehicle to stop the vehicle for the purposes of weighing and inspecting the vehicle;
- (b) in accordance with relevant laws, enter the vehicle and inspect any record relating to any load carried in or on the vehicle;
- (c) direct a driver to proceed to a weighing station for the purposes of weighing the vehicle;

Application of information and communications technology and data management

Appointment of authorized officers.

Powers of authorized officers.

Application of information and communications technology and data management

- (d) weigh the vehicle and any load being carried in or on the vehicle;
- (e) verify the weight of all axles or axle units on a vehicle or combination of vehicles in accordance with this Act;
- (f) issue a weighing certificate for the vehicle providing required particulars;
- (g) in consultation with relevant implementing agencies, cause the offloading of a vehicle at a designated place or the adjustment of the load to ensure that the vehicle is loaded within limits;
- (h) detain a vehicle until such time as an overloading fee has been paid or proof, in the manner prescribed has been provided that payment has been made;
- (i) direct the driver of a vehicle carrying an abnormal, awkward or hazardous load to proceed to an appropriate place determined by the officer to ensure the safety of the cargo, persons, or property;
- (j) cause the vehicle to be driven to a designated location if the driver is incapable or unwilling to comply with an instruction of the officer;
- (k) inspect any relevant record relating to, issued, or required under this Act;
- (l) make inquiries of any person who owns or operates the vehicle being inspected; and

(m) cause to be performed, tests or examinations as provided for in this Act in respect of the vehicle or any load carried in or on the vehicle.

(2) In exercising the powers prescribed in subsection (1), the authorized officer shall not be liable for any damage to or loss in respect of a vehicle or its load, unless it is shown that the authorized officer acted maliciously or recklessly.

(3) Only authorized officers with requisite identification shall manage weighing stations and weighbridges, and shall have enforcement powers as provided under Part V of this Act.

(4) Without prejudice to any national laws of a Partner State, other implementing agencies shall provide such assistance as may be necessary to any authorized officer in enforcement of this Act but shall not undertake the weighing or verification of any load or determination of compliance with the provisions of this Act by any transporter.

16. A driver shall on being signalled or requested to do so by an authorized officer comply and take the vehicle to a weighing station or such other designated parking or quarantine area, as the authorized officer may direct.

Duty of drivers to follow instruction of an authorized officer.

17. (1) When an authorized officer determines that a vehicle is carrying a load in excess of the legal load limit under this Act, he or she shall issue a weighing report setting out the overload particulars and the amount of overload fees payable.

Procedures in case of vehicle overloading.

(2) Where an authorized officer, while a journey is being undertaken, determines that a vehicle is carrying a load in excess of the legal load limit, the authorized officer shall in consultation with relevant implementing agencies, not allow the vehicle in question to continue its journey, unless the load

is redistributed and the vehicle is, upon being reweighed, found to be within the legal load limit, or the vehicle is offloaded to lower its weight to the legal load limit and—

(a) any amounts due under subsection (1) have been paid to the national roads authority or its duly appointed agent; or

(b) a guarantee in the prescribed format is provided by the transporter that such amounts shall be paid.

(3) Where the fact of overloading is not disputed by the transporter, the transporter shall sign and acknowledge the weighing report in the prescribed manner and the transporter shall be liable for the overload fees which may be recovered as a summary debt by the national roads authority.

(4) Where the fact of overloading is disputed by the transporter, the authorized officer weighing the vehicle shall indicate such dispute in the weighing report, and a copy of the disputed report shall be issued to the transporter who may—

(a) pay the requisite overloading fees on a without prejudice basis to secure the release of the vehicle, make such necessary adjustment on the load as may be directed by the authorized officer and lodge an appeal against the fees as provided for by regulations made under this Act; or

(b) appeal against the fees, using regulations made under this Act, during which period the vehicle will remain detained at such designated place at the cost of the transporter.

(5) It shall be the duty of the driver to notify the owner and other relevant parties of an overload as indicated in the weighing report and such fees required to be paid for the overloading.

(6) An overloaded vehicle shall be detained without a charge by the national roads authority for the period prescribed in the regional operation and procedures regulations and, thereafter, a fee as prescribed by the national roads authority or its agents who may be operating the parking lots where the vehicle is detained shall be charged for each extra day until proof of payment is produced.

(7) Subject to the provisions of this section, a detained vehicle shall be held under the transporter's responsibility and payment of charges and costs for storage and removal of the detained vehicle shall be made in the manner prescribed by the national roads authority.

(8) If the overloading fees provided for under this Act are not paid within sixty days after imposition, the national roads authority or any institution designated by a Partner State may issue a notice of sale published in the Gazette, official community website and one newspaper in the vehicle's country of registration if the vehicle is registered in a Partner State, for the transporter to claim the vehicle and its goods.

(9) If the transporter does not claim the vehicle within sixty days of the notice under sub-section (8) the national roads authority or any institution designated by a Partner State may apply to the national court for orders to auction the vehicle and its goods.

(10) The proceeds of any such sale shall, subject to other national laws, first be utilized to cover overloading fees, the charges arising from the sale including the cost of storage, the advertisement and removal of the vehicle, and any other charges

as determined by the Partner State, while the remaining proceeds if any, shall be payable to the transporter, or, where the transporter fails to claim within six months of the sale, the proceeds shall be deposited to the national roads authority.

(11) For security reasons the national roads authority shall immediately, but not later than one hour, notify the police regarding which vehicle is being detained at the weighing stations or gazetted place.

Demerit point system.

18. (1) The Council shall publish in the Gazette regulations prescribing a demerit point system for overloading.

(2) The demerit point system shall provide for—

- (a) categorization of overloading according to the degree of severity;
- (b) a threshold or thresholds of overloading, which if exceeded, results in one or more of the administrative sanctions contemplated in subsection (4) being applied; and
- (c) additional fines being not less than three times normal overloading fees to be paid by transporters who exceed the thresholds set out in section 17(2) (b).

(3) The demerit points shall be recorded by an authorized officer in the weighing report provided under section 17.

(4) For cases in which a vehicle has exceeded the threshold as may be prescribed by the Council in the demerit point system, the national roads authority, in addition to recovering any overloading fees, may impose one or more of the following sanctions against the transporter—

- (a) a ban, as may be prescribed in regulations, on the use of a specified road or route or generally by the transporter;
- (b) the imposition of a higher scale of overloading fees in respect of any future carriage of loads in excess of the legal load limit for a specified period; or
- (c) a recommendation for the withdrawal of an operating license of the vehicle to the licensing authority.

PART VI
INSTITUTIONAL ARRANGEMENTS

19. (1) For the purposes of this Act, the Council shall—

- (a) monitor and keep under review the effective implementation of this Act;
- (b) develop regional operational standards for weighing stations to ensure uniformity of approach in weighbridge and weigh stations within the Community;
- (c) make regulations, schedules and annexes that are required to be prescribed under this Act;
- (d) set specific programmes for the training, capacity building and awareness creation amongst stakeholders for an effective load control regime within the Community;
- (e) initiate policies on the improvement of a regional network of weighing stations and any related trade facilitation matters;

Coordination and monitoring of regional vehicle load control.

(f) any other function as may be necessary for the implementation of this Act.

(2) The Council shall establish a central co-ordination and data centre for the regional network of weigh stations and weighbridges.

PART VII
OFFENCES AND PENALTIES

Offences.

20. (1) A person commits an offence under this Act if that person—

- (a) being a transporter, bypasses, absconds or evades a weighbridge or weighing station;
- (b) transports any load specified under section 9 or such other load specified by the Council in regulations without a special permit;
- (c) fails to comply with any terms and conditions of the Special Permit for carrying any load specified under section 8;
- (d) obstructs an authorized officer in the discharge of his or her duties;
- (e) fails to comply with any request, demand, requirement or order properly made or given to him or her by an authorized officer in accordance with the provisions of this Act;
- (f) without reasonable cause, fails to give to an authorized officer any assistance or information which the authorized officer may reasonably require of that person for the purpose of the performance of the authorized officer's duties under this Act;

(g) causes damage to any weighbridge, weigh station, any weighing equipment or installation;

(h) tampers with, distorts, forges or misrepresents any weighing certificate, special permit or any other record given under this Act;

(i) operates a vehicle with a defective suspension, dead mans switch or other mechanism in the vehicle that affects the weight of the vehicle;

(j) willfully provides false information;

(k) directly or indirectly offers or gives to any officer any payment or reward whatsoever; whether pecuniary or otherwise, or any promise or security for any such payment or reward;

(l) proposes or enters into any agreement with any officer, in order to induce him or her to do, abstain from doing, permit, conceal, or connive at, any act or thing whereby the national roads authority is or may be defrauded, or which is contrary to the provisions of this Act or the proper execution of the duty of such officer; or

(m) conspires with another person or persons to contravene any of the provisions of this Act.

(2) A weighbridge operator commits an offence if the weighbridge operator—

(a) directly or indirectly solicits for, or takes in connection with any of his or her duties, any payment or other reward whatsoever, whether pecuniary or otherwise, or any promise or security for any such payment or reward, not being a payment or reward which he or she is lawfully entitled to claim or receive; or

(b) enters into or acquiesces in any agreement to do, abstain from doing, permit, conceal, or connive at, any act or thing which is contrary to the provisions of this Act or the proper execution of his or her duty; or

(c) willfully operates a faulty weighbridge, tampers with or in any other way interferes with the operation of a weighbridge or any machine or installation at a weighing station.

Penalties.

21. (1) A person convicted of an offence under section 20 by a national court shall be liable to a fine not exceeding fifteen thousand US dollars or to imprisonment for a term not exceeding three years, or both.

(2) Any person who aids, abets, counsels or authorizes the commission of an offence under this Act shall be deemed to have committed such offence and shall be liable to the penalty prescribed for such offence under this Act.

Com-
pounding of
penalties.

22. (1) The National Road Authority, where it is satisfied that any person has committed an offence under paragraphs (a), (b), (c), (e), (f) and (g) of subsection (1) of Section 20, may compound the offence and may order such person to pay a sum of money, as the National Road Authority may deem fit not exceeding the amount of the fine to which the person would have been liable if the person had been prosecuted and convicted for the offence.

(2) The National Road Authority shall not exercise its powers under subsection (1) unless the person admits in a prescribed form that the person has committed the offence and requests the National Road Authority to deal with such offence under this section.

(3) Where the National Road Authority makes any order under this section—

(a) the order shall be in writing and shall have attached to it the request of the person to the National Road Authority to deal with the matter;

(b) the order shall specify the offence which the person committed and the penalty imposed by the National Road Authority;

(c) a copy of the order shall be given to the person if the transporter so requests;

(d) the person shall not be liable to any further prosecution in respect of the offence upon payment of the fine; and

(e) the order shall be final and shall not be subject to appeal and may be enforced in the same manner as a decree or order of the High Court.

PART VIII
MISCELLANEOUS PROVISIONS

23. (1) The Council may make regulations for giving Regulations.
effect to the provisions of this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Council may make regulations providing for—

(a) overloading fees to be imposed under this Act and the methods of payment of the fees;

(b) vehicle dimensions, axle load configurations and vehicle combinations;

- (c) regional weigh station and weighbridge operations and procedures;
- (d) a demerit point system;
- (e) terms and conditions for transport of abnormal, awkward, hazardous and unstable loads and such other loads as the Council may by regulations prescribe;
- (f) regional approval standards for weighbridges and weighing stations;
- (g) training and qualification standards for weighing station personnel;
- (h) role and mandate of the national implementing agencies with respect to enforcement procedures under this Act;
- (i) prescribed format of any form, record or certificate to be prepared or made in terms of this Act;
- (j) dispute resolution procedures, appeals and other matters under this Act;
- (k) information and communication technology systems;
- (l) the manner or form in which any application, other than any application to a court of law, may be made in terms of this Act, and prescribed forms for that purpose; and
- (m) compounding of penalties.

24. This Act shall take precedence over the Partner States' laws with respect to any matter to which its provisions relate.

SCHEDULES

s.3

FIRST SCHEDULE

REGIONAL TRUNK ROAD NETWORK (RTRN)

Lengths of International Corridors of the RTRN

No.	Corridor	Countries	Cities/Towns Served by the Corridor	Length (km)
1	Northern Corridor and links: Mombasa – Voi – Eldoret – Bugiri – Kampala – Masaka – Kigali – Kibuye – Kayanza – Bujumbura	Kenya	Mombasa – Voi – Mtito Andei – Kibwezi – Emali – Sultan Hamud – Athi River	462
		Kenya	Athi River – Nairobi – Uplands – Kimende – Naivasha – Nakuru – Timboroa – Eldoret – Webuye – Bungoma – Malaba	467
		Uganda	Malaba – Tororo – Bugiri – Iganga – Jinja – Mukono – Kampala – Masaka – Mbarara – Ntungamo – Kabale	665
		Rwanda	Gatuna – Kigali – Butare (Akanyaru)	235
		Burundi	Kanyaru – Kayanza – Bujumbura	115
		Kenya	Rironi – Mai Mahiu	20
		Kenya	Mai Mahiu – Naivasha	34
		Kenya	Mau Summit – Londiani – Kedowa – Kericho – Kapsoit – Awasi – Ahero – Kisumu	131
		Kenya	Kisumu – Busia	127
2	Central Corridor: Dar es Salaam – Morogoro – Dodoma – Singida – Nzega – Nyakanazi – Rusumo – Kigali – Gisenyi	Tanzania	Dar es Salaam – Dodoma	452
		Tanzania	Dodoma – Nzega	460
		Tanzania	Nzega – Lusahunga	317
		Tanzania	Lusahunga – Rusumo	92
		Rwanda	Rusumo – Kigali – Gisenyi	316
		Tanzania	Lusahunga – Biharamulo	40
		Tanzania	Biharamulo – Bukoba	168
		Tanzania	Bukoba – Mutukula	81
		Uganda	Mutukula – Masaka	60

		Burundi	Kobero – Muyinga – Gitega – Mwaro – Bujumbura	235
		Tanzania	Manyoni – Tabora – Kigoma	300
3	Dar es Salaam (TAZARA) Corridor: Morogoro – Iringa – Mbeya – Tunduma	Tanzania	Morogoro – Iringa	300
		Tanzania	Iringa – Mbeya	322
		Tanzania	Mbeya – Tunduma	103
4	Namanga Corridor: Iringa – Dodoma – Kelema – Babati – Arusha – Namanga – Nairobi – Thika – Murang'a – Embu – Nyeri – Nanyuki – Isiolo – Marsabit – Moyale	Tanzania	Iringa – Dodoma	264
		Tanzania	Dodoma – Babati	258
		Tanzania	Babati – Arusha	168
		Tanzania	Arusha – Namanga	107
		Kenya	Namanga – Kajiado – Athi River – Mlolongo – Nairobi	164
		Kenya	Nairobi – Thika – Makutano – Marua – Nanyuki – Lewa – Isiolo – Marsabi – Moyale	771
		Kenya	Kenol – Murang'a – Sagana	41
		Kenya	Makutano – Embu – Meru,	163
5	Sumbawanga Corridor: Tunduma – Sumbawanga – Kasulu – Manyovu – Makamba – Nyanza Lac – Rumonge – Bujumbura	Tanzania	Tunduma – Sumbawanga	226
		Tanzania	Sumbawanga – Mpanda	234
		Tanzania	Mpanda – Kigoma	266
		Tanzania	Kigoma – Manyovu	80
		Burundi	Mugina – Mabanda (Makamba) – Nyanza Lac – Rumonge – Bujumbura	168
6	Sirari Corridor: Lokichogio – Lodwar – Kitale – Bungoma – Kisumu – Kisii – Sirari – Mwanza – Biharamulo	Kenya	Isebania – Kisii – Ahero – Kisumu – Kakamega – Kaburengo – Webuye – Kitale – Lodwar – Lokichogio	884
		Kenya	Kaburengo – Webuye	7
		Tanzania	Sirari – Makutano	84
		Tanzania	Makutano – Usagara JCT	204
		Tanzania	Usagara JCT – Geita	98
		Tanzania	Geita – Biharamulo	131

7	Coastal Corridor: Mingoyo – Dar es Salaam; Chalinze – Vanga – Mombasa – Malindi – Lamu	Tanzania	Mingoyo – Lindi	28
		Tanzania	Lindi – Dar es Salaam	452
		Tanzania	Dar es Salaam – Bagamoyo	67
		Tanzania	Bagamoyo – Makurunge	14
		Tanzania	Makurunge – Tanga	183
		Tanzania	Tanga – Horohoro	68
		Kenya	Lunga Lunga – Ramisi – Msambweni – Likoni – Mombasa	104
		Kenya	Mombasa – Kilifi – Malindi – Garsen	223
		Kenya	Witu – Mkunumbi – Witu – Lamu	114
8	Mtwara Corridor: Mtwara – Mingoyo – Masasi – Tunduru – Songea – Mbamba Bay	Tanzania	Mtwara – Mingoyo	83
		Tanzania	Mingoyo – Masasi	119
		Tanzania	Masasi – Tunduru	194
		Tanzania	Tunduru – Songea	267
		Tanzania	Songea – Mbamba Bay	166
9	Tanga Corridor: Arusha – Moshi – Himo – Lushoto – A1	Tanzania	Arusha – Moshi	81
		Tanzania	Moshi – Same	105
		Tanzania	Same – Korogwe	159
		Tanzania	Korogwe – Tanga	197
10	Gulu Corridor: Tororo – Nimule	Uganda	Tororo – Mbale – Soroti – Dokolo – Lira – Gulu – Nimule	475
11	Arua Corridor: Kampala – Arua – Oraba	Uganda	Kampala – Luwero – Pakwachi – Nebi – Arua – Oraba	607
12	Fort Portal Corridor: Kampala – Fort Portal – Kasese – Mpondwe	Uganda	Kampala – Mityana – Mubende – Kyenjojo – Fort Portal – Kasese – Mpondwe	456

13	Mirama Hills Corridor: Ntungamo – Mirama Hills	Uganda	Ntungamo – Mirama Hills	37
14	Kakitumba Corridor: Mbarara – Kakitumba	Uganda	Mbarara – Kakitumba/Kagitumba	70
15	Mutukula Corridor: Masaka – Mutukula	Uganda	Masaka – Mutukula	88
16	Bunagana Corridor: Kabale – Kisoro – Bunagana	Uganda	Kabale – Kisoro – Bunagana	92

SECOND SCHEDULE

s.4(1)

AXLE LOAD LIMITS

Permissible Maximum Axle Load Limits

Axle Type	Number of tyres on the axle	Type of tyre	Permissible limit (metric tonnes)
Single	2	Conventional	8
Single	4	Conventional	10
Tandem	8	Conventional	18
	4	Super single	16
Tridem	12	Conventional	24
	6	Super single	22.5
Liftable single	4	Conventional	10
Liftable single	2	Super single	8.5

1. A tolerance of 5% of the permissible maximum axle load limit shall be allowed on the axle load limits.
2. A vehicle with liftable axles shall be fitted with the manufacturer's certified dead man's switch and must have an automatic drop-down mechanism when loaded.
3. No axle in the tandem or tridem axle group shall exceed the permissible maximum single axle load limits.
4. The maximum number of axles in any axle groups shall be limited to three (3) axles.
5. The conventional tyres and inflation pressures that match the recommended axle load limits shall be the following:

- (a) A 1100 x 20, which is an 11-inch (280 mm) wide cross-ply tyre, fitted to a 20-inch diameter wheel rim and inflated at a pressure of 750 kPa (7.5 bars); or,
- (b) A 12 R 22.5, which is a 12-inch (305 mm) wide radial-ply tyre on a 22.5-inch diameter wheel rim and inflated at a pressure of 800 kPa (8.0 bars); or,
- (c) A 315/80R22.5, which is a 315 mm wide tyre inflated at a pressure of 800kPa or 8.0 bars.

The super single tyre shall be of size 385/65R22.5, but will be progressively replaced with wide-base single tyres such as 455/55R22

THIRD SCHEDULE

s.4 (2)

GROSS VEHICLE WEIGHT LIMITS

The permissible maximum Gross Vehicle Weight shall be 56 metric tonnes, subject to the following conditions:

1. The vehicle shall have a maximum of seven (7) axles.
2. The GVW shall be limited in relation to the vehicle spatial axle load distribution of using the bridge formula.

FOURTH SCHEDULE

s.5 (1) (c)

VEHICLE DIMENSIONS, AXLE LOAD CONFIGURATIONS
AND VEHICLE COMBINATIONS

<i>Standard/Provision</i>	<i>Type of vehicle</i>	<i>Proposed EAC standard/ provision</i>
Maximum overall length of vehicles (m)	Rigid vehicle	12.5
	Articulate vehicle	17.4
	Combination vehicles	22.0
Maximum overall width of vehicles (m)	All categories	2.65
Maximum overall height of vehicles (m)	All categories	4.3
Projecting load limits (front and rear) (m)	All categories	1.25
Projecting load limits (sides) (m)	All categories	0.15