INTRODUCTION

1. The Appellant is a Sacco that is registered under the Cooperative Societies Act (Cap 490). It is licensed by the Respondent Authority to operate public service vehicles.

2. The Respondent, National Transport and Safety Authority (NTSA), 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.

BACKGROUND

3. The Appellant had made an application to the Respondent for route extension via a letter dated 5th March, 2019, seeking to extend its route to include:

   a) Migori- Kehancha and back.

   b) Nakuru-Keroka- Kilgoris and back.

   c) Homabay- Mbita- Kisumu and back.

4. The Appellant filed an appeal at the Transport Licensing Appeals Board (TLAB) on 8th May, 2019, on the grounds that the Respondent had declined its application for route extension despite the fact that the Appellant had met all the requirements.

5. There were various letters exchanged between the parties regarding compliance, as a result of which one of the route extensions had been granted (Migori- Kehancha and back).

APPellant’s Case
6. During the trial, on the 5th of July, 2019, Davynisius Matagaro Omae who is the Appellant’s Chairperson, took the Board through the various steps the Appellant had undertaken to comply with the Respondent’s requirements. The compliance was captured in a series of correspondence between the parties.

7. The chairperson demonstrated that the Appellant:

   a) had acquired Letters from all the relevant County Governments granting picking and dropping points;
   
   b) was 100% compliant on its NTSA portal as all the vehicles on its flight had valid Road Service Licenses (RSL’s) and they had up to date Public Service Vehicle (PSV) badges and;
   
   c) had acquired a letter of exemption of conductors.

**Respondent’s Case**

8. The Respondent called upon Obisa Njoroge’s, a Licensing Officer in the Respondent’s Compliance Department, who outlined the requirements that a Sacco is required to meet for it to be eligible for route extension. In her statement she confirmed that in deed the Appellant had met all the requirements, except providing a sketch diagram of the route.

9. The Licensing Officer explained that a route is defined by an applicant by providing a sketch diagram. She further explained that the definition of a route was vital especially in instances where there are several viable routes leading to the same destination. Definition of a route is done to avoid route contravention.

10. It was the Respondent’s submission that the Appellant’s application for route extension was therefore incomplete without the sketch diagram defining the route it intended to ply.

11. The Appellant was opposed to this on the basis that there were already existing viable routes to all the locations on their application for route extension.

**The issue**

Whether the Appellant’s application for route extension was complete without the sketch diagram defining the route it intended to ply.

**Determination**

Following the arguments adduced during the trial, the Transport Licensing Appeals Board is of the opinion that, the Respondent’s request for a sketch diagram for the desired routes was reasonable, as it would facilitate efficient management of the road transport system.

The Transport Licensing Appeals Board hereby makes the following orders:

1. **THAT** the Appellant avails to the Respondent a sketch map of each route extension requested.

2. **THAT** upon receipt of the sketch map, the Respondent considers the Appellant’s application for route extension within seven days.

**Delivered, dated, and signed in Nakuru by the Transport Licensing Appeals Board on this 19th day of July 2019.**

Dick Waweru 
Chairman  
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Prof. Kiarie Mwaura  
Member  
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