



REPUBLIC OF KENYA

TRANSPORT LICENSING APPEALS BOARD

APPEAL NO. 01 OF 2020

JOSEPH NYAMAI MUNYWOKI.....APPELLANT

-VERSUS-

NATIONAL TRANSPORT AND SAFETY AUTHORITY.....RESPONDENT

JUDGMENT

Introduction

1. The Appellant is a holder of a class A & I license issued by the Respondent. He has been driving under the license for the last 28 years.
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 to 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.

Appellant's Case

3. The Appellant has been driving for 28 years and has been using a physical license showing that he has class A & I endorsement. This license was produced as evidence in court.
4. When he applied for a smart driving license, class A & I was omitted.
5. He indicated that he was likely to lose his job if the details of smart driving license were not updated to capture class A & I.

NTSA's Case

6. Upon being presented with the physical driving license, NTSA did not prove that it was forgery.

Determination

7. The Appellant proved to the satisfaction of TLAB that he had been driving for 28 years and that the physical license that he has been using had a class A & I endorsement.
8. Having considered the facts, evidence adduced and the relevant law, the Transport Licensing Appeals Board hereby makes the

following orders:

1. That the Appellant is entitled to the endorsement of class A & I in his licence and should use this order as proof of that entitlement.
2. That NTSA should update the Appellant's smart driving licence with class class A & I endorsement within seven (7) days of this order.
3. That the order be served upon NTSA and the Traffic Commandant.

DELIVERED, DATED, AND SIGNED IN NAIROBI BY THE TRANSPORT LICENSING APPEALS BOARD ON THIS 27TH DAY OF SEPTEMBER 2020.

Dick Waweru **Chairman**

Prof. Kiarie Mwaura **Member**

Moses Parantai **Member**

Aden Noor Ali **Member**

Betty Chepng'etich Bii **Member**



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