



Case Number:	Appeal 34 of 2019
Date Delivered:	03 Dec 2019
Case Class:	Civil
Court:	Transport Licensing Appeals Board Tribunal
Case Action:	Judgment
Judge:	Prof. Kiarie Mwaura (Chairman), Moses Parantai (Member), Aden Noor Ali (Member), Betty Chepng'etich Bii (Member)
Citation:	Eliud Joseph Maina v National Transport and Safety Authority [2019] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Tribunal
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	-
Case Outcome:	Appeal allowed
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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**REPUBLIC OF KENYA**

**TRANSPORT LICENSING APPEALS BOARD**

**APPEAL NO. 034 OF 2019**

**ELIUD JOSEPH MAINA .....APPELLANT**

**VERSUS**

**NATIONAL TRANSPORT AND SAFETY AUTHORITY .....RESPONDENT**

**JUDGMENT**

**Introduction**

1. The Appellant is a holder of a BCE license issued by the Respondent. He has been driving under the license for the last nine 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 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 made an application to the Respondent dated June 10, 2019 for the endorsement of Class B Professional in his license in order to enable him drive a PSV cab. The Respondent acknowledged receipt of the application on October 01, 2019.
4. The Appellant averred that he had complied with section 33 of the Traffic Act (Cap 403), which requires one to be over twenty four years and to have held, for more than four years, a license endorsed in respect of motor cars or commercial vehicle.
5. The Appellant produced his certificate of good conduct and averred that he had no record of criminal or traffic offences.

**Respondent's Case**

The Respondent Authority, did not have an objection to the Appellant's application.

**Determination**

Following the arguments adduced during the trial, the Transport Licensing Appeals Board hereby makes the following orders:

1. **THAT** the Appellant is entitled to the endorsement of Class B Professional in his license and should use this order as proof of this entitlement.
2. **THAT** the Respondent endorses Class B Professional in the license of the Appellant within seven days.

**Delivered, dated, and signed in Nairobi by the Transport Licensing Appeals Board on this 3<sup>rd</sup> day of December 2019.**

<b>Prof. Kiarie Mwaura</b>	<b>Chairman</b>	.....
<b>Moses Parantai</b>	<b>Member</b>	.....
<b>Aden Noor Ali</b>	<b>Member</b>	.....
<b>Betty Chepng'etich Bii</b>	<b>Member</b>	.....



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