
THE EAST AFRICAN COMMUNITY

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THE EAST AFRICAN COMMUNITY VEHICLE LOAD
CONTROL ACT, 2016.

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SCHEDULES

**THE EAST AFRICAN COMMUNITY VEHICLE LOAD
CONTROL ACT, 2016**

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.

Date of assent 1st December, 2015.

Date of commencement See section 1.

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, 2016 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;

“authorised 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 authorised 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;

“relevant implementing agency” means any agency appointed by a Partner State for the purposes of implementing this Act;

“tandem axle” means two axles suspended together with a spacing between the axles ranging from 1.2m to 2.5m and interconnected in such a manner that any load imposed upon them will automatically be distributed in proportions predetermined by the design of the suspension system regardless of the load profile or road condition;

“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;

“tridem axle” means three axles suspended together with a spacing between the axles from 1.2m to 2.5m, and interconnected in such manner that any load imposed upon them will automatically be distributed in proportions predetermined by the design of the suspension system regardless of the road profile or road condition;

“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, including all its associated peripherals and software;

“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.

Application
of Act.

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

PART II

LEGAL LOAD LIMITS AND OVERLOADING FEES.

Legal load
limits.

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.

(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
of
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

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.

Obligatory weighing of vehicles.

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

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—

Special categories of vehicle loads.

(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 or other penalty as the national laws of the relevant Partner State shall prescribe.

PART IV

OPERATIONS OF WEIGHBRIDGES AND WEIGHING STATIONS

Regional
operations
and
procedures
regulations.

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.

Weighbridge approval, verification, calibration and audits.

(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 organisation 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 organisation 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 organisation 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.

Installation
and
management
of weigh-
bridges.

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.

Application of information and communications technology and data management.

(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 authorised officers for the purposes of this Act and notify the Secretary General.

Appointment of authorized officers.

(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 authorised officer shall have the power to—

Powers of authorized officers.

- (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;
- (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 authorised 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 authorised officer acted maliciously or recklessly.

(3) Only authorised 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 authorised 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 weigh 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;

Coordination and monitoring of regional vehicle load control.

(e) initiate policies on the improvement of a regional network of weighing stations and any related trade facilitation matters;

(f) perform 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 and other penalties to be imposed under this Act and the methods of payment of the fees or penalties;
- (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) determining the criteria for the establishment of optimal regional network of weighbridges and the location of weighbridges and weigh stations along the Regional Trunk Road Network;
- (m) 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
- (n) compounding of penalties.

Amendment
of
Schedules.

24. The Council may from time to time amend the schedules.

Act to take
precedence.

25. 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 – Karongi – 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 – 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

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		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

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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

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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

<i>Axle Type</i>	<i>Number of tyres on the axle</i>	<i>Type of tyre</i>	<i>Permissible limit (metric tonnes)</i>
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>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

THE EAST AFRICAN COMMUNITY
STATUTORY INSTRUMENTS SUPPLEMENT

No. 3

17th August, 2018.

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THE EAST AFRICAN COMMUNITY VEHICLE LOAD
CONTROL (ENFORCEMENT MEASURES) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

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16. Payment of assessed damages.
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*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

Regulation

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SECOND SCHEDULE —Overloading Fees

THIRD SCHEDULE —Demerits Point System

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**THE EAST AFRICAN COMMUNITY VEHICLE
LOAD CONTROL (ENFORCEMENT MEASURES)
REGULATIONS, 2018**

IN EXERCISE of the powers conferred upon the Council by sections 10 and 23 of the East African Community Vehicle Load Control Act, 2016 the Council makes the following Regulations

PART I—PRELIMINARY.

1. These Regulations may be cited as the East African Community Vehicle Load Control (Enforcement Measures) Regulations, 2018. Citation.

2. In these Regulations, unless the context otherwise requires— Inter-pretation.

“Act” means the East African Community Vehicle Load Control Act 2016;

“authorised officer” means any person appointed as such under section 14 of the Act;

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

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

“Gazette” means the official gazette of the Community;

“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 of the Act;

“Minister” means the minister responsible for matters relating to roads 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;

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

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

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

“overloaded vehicle” means a vehicle that is detected by an authorised officer as overloaded

either with regard to the permissible maximum axle or axle unit weight or permissible maximum gross vehicle weight;

“weighbridge operator” means a person including an authorised officer and any other person.

acting under his or her authority, who manages or operates weighbridge equipment or performs vehicle load control under the Act; and

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

PART II—ADMINISTRATION.

Adminis-
tration and
operations
of weigh-
bridges.

3. (1) Pursuant to section 14 (1) of the Act, the Minister shall by notice in the national gazette, in the form specified in the First Schedule, appoint an authorised officer for the purposes of enforcing vehicle load control measures.

(2) For the efficient and effective enforcement of the Act, the national roads authority shall establish a vehicle load control unit to administer and operate weighbridges.

(3) The national roads authority may outsource the vehicle load control operators from the private sector to operate, manage or maintain weighbridges.

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

(4) Any powers of the authorised officer under the Act may, other than the powers to issue weighbridge tickets and release orders for overloaded vehicles, be exercised by a weighbridge operator under the supervision of the authorised officer.

4. (1) The Council shall by notice in the Gazette and pursuant to section 12 (1) of the Act set the location of weighbridges for the regional network.

Location
of regional
network
of weigh-
bridges.

(2) A weighing station shall be identified with road signs for weighbridges approved by the Council.

(3) For the purposes of the Act, the Council shall cause to be published in widely circulating regional and national newspapers and in the relevant websites of national road authorities and institutions, the regional network of weighbridges.

(4) The Council may by notice in the Gazette change the location of weighbridges.

(5) A national roads authority may set up a mobile weighbridge and surveillance technology along the Regional Trunk Road Network to monitor compliance with the Act and these Regulations at such place and at such times as may be necessary for the enforcement of the Act and these Regulations.

(6) Where a transporter is found to be in contravention of the Act or these Regulations, as required under sub-regulation (5), the mobile weighbridge operator shall direct the vehicle to be driven under the escort of an authorised officer to the nearest static weighbridge for accurate measurement of the weight.

5. (1) Weighbridge, including a mobile weighbridge, shall not commence operations unless it is approved by the national body responsible for weights and measures and issued with an approval certificate.

Approval
and
certification
of weigh-
bridges.

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

(2) The approval certificate shall be in such form as the national weights and measures body shall determine.

(3) The national roads authority shall maintain and regularly update a national register of approved weighbridges and mobile weighbridges.

Calibration
of Weigh-
bridges.

6. (1) The national roads authority shall ensure that every weighbridge and mobile weighbridge is calibrated at least once every three months.

(2) A weighbridge and a mobile weighbridge that have been repaired shall be recalibrated and approved before operation.

(3) The calibration shall be carried out by an officer or agent authorised by the national body responsible for weights and measures in a Partner State and a certificate of calibration issued and signed by the calibrator of each Partner State.

(4) The certificate of calibration shall be displayed conspicuously at the weighing station.

(5) The national body responsible for weights and measures shall accredit duly qualified calibrators and shall maintain a register of such calibrators for reference and use by weighbridge operators.

Regional
reference
standard.

7. (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) For the efficient and effective harmonisation of weighbridge calibration standards, the national bodies responsible for weights and measures shall reference all weights to the regional reference standard.

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

8. (1) The national roads authority shall cause the audit of a weighbridge and mobile weighbridge to be carried out at least once every twelve months to every weighbridge and mobile weighbridge along the Regional Trunk Road Network.

Weigh-
bridge
audits.

(2) An audit report shall be prepared and signed by the supervising officer of the weights and measures body and the authorised officer.

9. (1) A transporter shall, upon direction by an authorised officer or a weighbridge road sign, submit the vehicle for weighing or verification of weights and dimensions on a weighbridge and mobile weighbridge.

Weighing
procedures.

(2) An authorised officer shall upon weighing a vehicle under sub-regulation (1) issue a regional weighbridge certificate to a vehicle that conforms, in the form specified in the Second Schedule.

(3) A person who contravenes sub-regulation (1) commits an offence.

10. (1) The regional weighbridge certificate issued under regulation 9(2) shall be signed by the authorised officer and the transporter and stamped by the authorised officer and shall be produced by the transporter to an authorised officer upon request at another weighbridge.

Regional
weighbridge
certificates.

(2) Except for a vehicle previously confirmed to be within the legal load limits and dimensions by surveillance or screening devices, every transporter shall upon request by an authorised officer produce a weighbridge certificate.

(3) A transporter who contravenes sub-regulation (2) commits an offence.

(4) A national roads authority shall admit a regional weighbridge certificate issued at any weighbridge along the Regional Trunk Road Network as proof of weighing, unless there is apparent forgery, tampering or manifest error on the face of the certificate.

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

PART III—OVERLOADING FEES.

Charge for overloading.

11. (1) Where a vehicle is determined to be overloaded, the transporter shall be liable, and shall pay at the weighbridge station the overloading fees prescribed in the Third Schedule.

(2) The overloading fees shall comprise both the axle and gross vehicle weight overload as provided in the Third Schedule.

(3) The overloading fees payable under sub-regulation (1) shall be determined and certified by an authorised officer on the weighbridge certificate.

Payment of overloading fees.

12. (1) A transporter of a vehicle determined to have exceeded the load limits shall pay the overloading fees at the weighbridge at which the weighing was done or at any other place specified by the national roads authority.

(2) For the purposes of sub regulation (1), the national roads authority shall designate within each weighing station a well-marked and conspicuous paying point at which overloading fees shall be paid and collected.

(3) The national roads authority shall provide convenient facilities and means for payment of overloading fees including electronic means.

(4) An official receipt shall be issued to the transporter upon payment of overloading fees.

Impounding and detention of overloaded vehicles.

13. (1) An overloaded vehicle shall be impounded and detained until the transporter pays the overloading fees.

(2) In accordance with section 17 (6) of the Act, an overloaded vehicle shall be detained without charge for a period of three days and thereafter a fee of fifty dollars shall be charged for each extra day of detention.

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

(3) Subject to sub-regulation (2), a transporter who fails to remove his or her vehicle from the parking yard after paying overloading fees shall incur additional fees of fifty dollars for each extra day the vehicle stays at the yard.

(4) An overloaded vehicle carrying a hazardous load shall not be offloaded at the weighbridge station unless the authorised officer has taken special safety precautions or directs the vehicle to such place as the authorised officer may determine for offloading the load.

(5) An overloaded vehicle carrying a perishable load shall not be offloaded at the weighbridge station unless the authorised officer has taken special measures to address health, safety and environmental factors dependent upon the nature of the load, and directed the vehicle to such place as the authorised officer may determine for redistributing or offloading the load.

(6) Subject to sub-regulation (4), an overloaded vehicle carrying a hazardous load which cannot comply with special safety and health precautions for offloading and intends to proceed with the journey shall pay in addition to the normal overloading fee, four times the overload fees for the remaining part of its journey within the Partner State.

(7) The safety and security of any impounded vehicle shall be the responsibility of the transporter.

14. (1) A vehicle that has been impounded for overloading shall be released to the transporter upon payment of the requisite overloading fees and any other related charges and production of the original payment receipt.

Release of
vehicles.

(2) The national roads authority shall issue a release order for the vehicle, which shall be signed and stamped by an authorised officer and shall be in the form specified in the Fourth Schedule.

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

(3) The transporter shall keep the release order of the vehicle throughout the journey.

(4) The transporter shall be required to present the release order at subsequent weighbridges together with the other weighbridge certificates.

(5) A vehicle found overloaded after a release order has been issued during the course of the same journey shall have the overloading fees charged compounded by a factor of three and imposed on the transporter.

Road
damage
assessment.

15. (1) Where a transporter causes visible damage to a road, bridge or road furniture, the national roads authority shall prepare a road damage assessment report within fourteen days of the event.

(2) The road damage assessment report shall be prepared by an officer or agent of the national roads authority or other public officer with expertise and experience in road infrastructure.

(3) The damage assessment report shall be signed by the officer or agent and shall be submitted to national roads authority.

(4) The road damage assessment report shall be forwarded to the transporter for comment, if any, within seven days of its date, and the transporter may accept the report as prepared and sign it in acceptance or may by notice to the national roads authority dispute the report.

Payment
of assessed
damages.

16. (1) A transporter shall be liable to pay to the national roads authority costs of damages assessed within thirty days of receipt of the report.

(2) The costs of damages assessed in the report shall be a civil debt recoverable against the transporter if the costs remain unpaid after thirty days.

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

17. (1) A transporter who disputes a road damage assessment report shall within seven days of receipt of the report notify the national roads authority, stating reasons for the dispute. Independent assessment where report is disputed.

(2) Upon receipt of notification under sub-regulation (1), the national roads authority shall, in consultation with the transporter, request the chairperson of the national professional body of engineers to appoint an independent assessor within fourteen days of notification from the transporter.

(3) The independent assessor shall review the damage assessment report and may receive representations from the national roads authority and the transporter.

(4) The independent assessor shall issue a final assessment report within thirty days of his or her appointment.

(5) A transporter who disputes a road damage assessment report shall not be liable for payment for road damage costs due until the independent assessor has issued his or her final report.

(6) The report of the independent assessor shall be final and no appeal shall be made on the report unless on the grounds of manifest error or fraud on the part of the independent assessor.

(7) A person who is dissatisfied with the report of an independent assessor in sub-regulation (5) may appeal in accordance with the national laws of the respective Partner State.

PART IV—SPECIAL CATEGORIES

18. (1) Subject to the national laws, transit cargo shall be weighed at the designated weighbridge stations along the Regional Trunk Road Network. Transit cargo.

(2) A transporter issued with a weighbridge certificate at a static weighbridge shall be required to present the weighbridge certificate at all subsequent weighbridges traversed during the journey for verification by the authorised officers.

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

(3) Where a transit cargo is weighed and detected by surveillance devices that it is overloaded, the weight shall be verified by weighing the load at the nearest static weighbridge.

(4) An overloaded vehicle carrying transit cargo shall be detained until an authorised customs officer breaks the seal of the cargo in the presence of the transporter.

Provisions
for special
categories of
loads.

19. (1) The transporter of any of the special categories of loads under section 9 of the Act shall apply for and obtain a special permit before commencing a journey.

(2) A vehicle for which a special permit has been granted shall be required to present the special permit at each weighbridge.

(3) An authorised officer may verify the weight and dimensions of special loads at a weighbridge station to confirm adherence to the special permit terms and conditions.

(4) An authorised officer shall be required to have regard for health and safety issues when verifying the weight or dimensions of special loads.

(5) An authorised officer shall impound and detain a vehicle carrying a special load without the requisite permit.

PART V—DEMERIT POINT SYSTEM.

Demerit
point system.

20. (1) The demerit point system shall apply to a vehicle, a transporter or a driver where it is determined that a vehicle is overloaded under regulation 11.

(2) The demerit points set out in the second column of Part A of the Fifth Schedule shall be imposed on the vehicle, driver or transporter and shall be applied cumulatively.

(3) Where an overload is on both the gross vehicle weight and the axle load limits with respect to the same journey, the authorised officer shall record the higher of the two categories of overload but not both against the vehicle, transporter or driver.

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

(4) A vehicle, driver or transporter against whom a demerit point is recorded in accordance with Part A of the Fifth Schedule shall be liable to a penalty prescribed in Part B of the Fifth Schedule.

(5) The national roads authority shall publish in its official website the list of vehicles banned whether temporarily or permanently under Part B of the Fifth Schedule.

(6) A vehicle that has been permanently banned from the Regional Trunk Road Network under Part B of the Fifth Schedule shall have the ban lifted if the vehicle is transferred to another person with no relation or connection to the person under whom the vehicle was banned provided that, such transfer shall be executed with the prior approval in writing by the national roads authority.

(7) Notwithstanding sub-regulation (6), a vehicle banned under these Regulations shall not have the ban lifted or ownership transferred and registered before the lapse of one year.

PART VI—MISCELLANEOUS PROVISIONS.

21. (1) All weighbridges in operation along the Regional Trunk Road Network at the coming into force of these Regulations shall be deemed to be approved under these Regulations.

(2) The Partner States shall gazette the appointed authorised officers within six (6) months of the coming into force of these Regulations and notify the Secretary General.

Transitional provisions.

(3) Officers in the Partner States carrying out functions of authorised officers under the Act shall continue in office until the operationalisation of sub-regulation (2).

SCHEDULES

FIRST SCHEDULE

Regulation 3 (1)

**NOTICE OF APPOINTMENT OF AUTHORISED
OFFICER**



**NOTIFICATION OF APPOINTMENT OF
AUTHORISED OFFICER**

*(Under section 14(1) of the East African Community Vehicle Load
Control Act, 2016)*

NAME OF PARTNER STATE		Date
<p>NOTICE is hereby given of the appointment of the following as the authorised officer in accordance with section 14(1) of the East African Community Vehicle Load Control Act, 2016 for the purposes of performing duties as prescribed by that Act.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>		
Appointing Officer.....		Minister

To be gazetted in the National Gazette of Partner State

The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018

SECOND SCHEDULE

Regulation 9 (2)

Form EACV - 1



Stamp

THE EAC VEHICLE LOAD CONTROL ACT, 2016
THE EAC (WEIGHBRIDGE) VEHICLE WEIGHT
CERTIFICATE

Date..... Region/Location..... Time

Country

Weighbridge Station:

Weigh-
bridge
Code:

PART A: TRANSPORT INFORMATION

Owner of The Vehicle

Address.....

Types of Cargo

Origin..... Destination
(Country and City)

Special Load permit No.
(If Applicable)

Transporter No.....

Vehicle Reg No.

Vehicle;

Semi-trailer.....

Trailer.....

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

PART B : AXLE WEIGHTS							
Axle no.	Axle-group	Load measured scale reading (kg) (a)	Allowed load (kg) b)	Discretion allowance (kg) <5% of (b) (c)	Adjusted Load (kg) (a-c) (d)	Over-load (kg) (d-b) (e)	Over-load fee (From e)
1	Axle-group1						
2	Axle-group2						
3	Axle-group3						
4	Axle-group4						
5	Axle-group5						
Dimensions	Legal Height		Measured Height		Extra Height		
	Legal Width		Measured Width		Extra Width		
	Legal Length		Measured Length		Extra Length		
PART C: FINES AND PENALTIES							
Currency							
Sum of Axle- fees							
Gross Vehicle Weight GVW							
Total Amount to be paid							
Action taken:							
Name of Weighbridge Operator						Signature.	
Name of the Driver			Driver's License No.			Signature.	
If not satisfied with the findings and you may appeal, tick the box.		yes		No	

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

Remarks	
Notes	For abnormal loads
*	Relevant country's name to appear here.
+	Axle configuration e.g. 1-22(2 axle groups) (3 axle groups) 1-22*2-22(4 axle groups)
„	Higher of either sum of axle or GVM fee
	Required only when vehicle is overloaded and charged

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

THIRD SCHEDULE

Regulation 11, (1) and (2)

OVERLOADING FEES

PART I - AXLES

AXLE CONFIGURATION	Steering Axle	Single (Drive) Axle	Tandem Axle	Tridem Axle
	Legal weight =8t	Legal weight = 10t	Legal weight = 18t	Legal weight = 24t
	Legal ESA= 8.158t	Legal ESA = 8.158t	Legal AGLE = 15t	Legal AGLE = 21.3t
OVERLOAD/ AXLE (kg)	OVERLOAD FEE (USD)			
100.00	9.30	18.10	8.30	4.90
200.00	18.95	36.70	16.75	9.85
300.00	28.95	55.90	25.35	14.90
400.00	39.30	75.65	34.05	19.95
500.00	50.05	96.00	42.90	25.10
600.00	61.20	116.90	51.85	30.30
700.00	72.75	138.45	60.95	35.55
800.00	84.65	160.55	70.20	40.85
900.00	97.00	183.30	79.60	46.25
1,000.00	109.80	206.70	89.10	51.70
1,100.00	123.00	230.75	98.80	57.20
1,200.00	136.65	255.45	108.60	62.75
1,300.00	150.75	280.80	118.55	68.35
1,400.00	165.30	306.85	128.60	74.05
1,500.00	180.35	333.60	138.85	79.75
1,600.00	195.85	361.05	149.25	85.60
1,700.00	211.85	389.25	159.75	91.45
1,800.00	228.40	418.15	170.45	97.40
1,900.00	245.40	447.80	181.30	103.40
2,000.00	262.95	478.20	192.25	109.45
2,100.00	281.05	509.35	203.40	115.55

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

AXLE CONFIGURATION	Steering Axle	Single (Drive) Axle	Tandem Axle	Tridem Axle
	Legal weight =8t	Legal weight = 10t	Legal weight = 18t	Legal weight = 24t
	Legal ESA= 8.158t	Legal ESA = 8.158t	Legal AGLE = 15t	Legal AGLE = 21.3t
2,200.00	299.70	541.30	214.70	121.75
2,300.00	318.85	574.05	226.15	128.00
2,400.00	338.60	607.60	237.75	134.35
2,500.00	358.95	642.00	249.55	140.75
2,600.00	379.85	677.20	261.45	147.20
2,700.00	401.40	713.30	273.55	153.70
2,800.00	423.50	750.20	285.80	160.30
2,900.00	446.30	788.00	298.20	167.00
3,000.00	469.65	826.70	310.80	173.70
3,100.00	493.70	866.30	323.55	180.50
3,200.00	518.40	906.80	336.45	187.40
3,300.00	543.75	948.25	349.55	194.35
3,400.00	569.80	990.65	362.85	201.35
3,500.00	596.55	1,034.00	376.25	208.45
3,600.00	624.00	1,078.30	389.90	215.60
3,700.00	652.20	1,123.65	403.65	222.85
3,800.00	681.10	1,169.95	417.65	230.15
3,900.00	710.75	1,217.30	431.80	237.50
4,000.00	741.15	1,265.65	446.10	244.95
4,100.00	772.30	1,315.05	460.60	252.50
4,200.00	804.25	1,365.55	475.30	260.10
4,300.00	837.00	1,417.10	490.20	267.75
4,400.00	870.60	1,469.75	505.25	275.50
4,500.00	904.95	1,523.50	520.50	283.35
4,600.00	940.20	1,578.35	535.95	291.25
4,700.00	976.25	1,634.40	551.60	299.25
4,800.00	1,013.15	1,691.55	567.40	307.30

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

AXLE CONFIGURATION	Steering Axle	Single (Drive) Axle	Tandem Axle	Tridem Axle
	Legal weight =8t	Legal weight = 10t	Legal weight = 18t	Legal weight = 24t
	Legal ESA= 8.158t	Legal ESA = 8.158t	Legal AGLE = 15t	Legal AGLE = 21.3t
4,900.00	1,050.95	1,749.90	583.40	315.45
5,000.00	1,089.65	1,809.45	599.65	323.65
5,100.00	1,129.25	1,870.15	616.05	331.95
5,200.00	1,169.75	1,932.10	632.65	340.30
5,300.00	1,211.20	1,995.30	649.45	348.75
5,400.00	1,253.60	2,059.75	666.50	357.30
5,500.00	1,296.95	2,125.45	683.70	365.90
5,600.00	1,341.30	2,192.45	701.15	374.60
5,700.00	1,386.60	2,260.70	718.75	383.40
5,800.00	1,432.90	2,330.35	736.60	392.25
5,900.00	1,480.25	2,401.25	754.65	401.20
6,000.00	1,528.60	2,473.55	772.90	410.25
6,100.00	1,578.00	2,547.20	791.35	419.35
6,200.00	1,628.50	2,622.25	810.05	428.55
6,300.00	1,680.05	2,698.70	828.95	437.85
6,400.00	1,732.70	2,776.60	848.05	447.20
6,500.00	1,786.45	2,855.90	867.40	456.65
6,600.00	1,841.35	2,936.65	886.95	466.20
6,700.00	1,897.35	3,018.90	906.75	475.85
6,800.00	1,954.50	3,102.60	926.75	485.55
6,900.00	2,012.85	3,187.85	946.95	495.35
7,000.00	2,072.40	3,274.60	967.40	505.25
7,100.00	2,133.15	3,362.90	988.10	515.25
7,200.00	2,195.10	3,452.80	1,009.00	525.30
7,300.00	2,258.25	3,544.25	1,030.15	535.45
7,400.00	2,322.70	3,637.30	1,051.55	545.70
7,500.00	2,388.40	3,731.95	1,073.15	556.05

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

AXLE CONFIGURATION	Steering Axle	Single (Drive) Axle	Tandem Axle	Tridem Axle
	Legal weight =8t	Legal weight = 10t	Legal weight = 18t	Legal weight = 24t
	Legal ESA= 8.158t	Legal ESA = 8.158t	Legal AGLE = 15t	Legal AGLE = 21.3t
7,600.00	2,455.40	3,828.25	1,095.00	566.50
7,700.00	2,53.70	3,926.20	1,117.10	577.05
7,800.00	2,593.30	4,025.85	1,139.45	587.65
7,900.00	2,664.25	4,127.15	1,162.00	598.35
8,000.00	2,736.55	4,230.20	1,184.80	609.15
8,100.00	2,810.20	4,335.00	1,207.90	620.05
8,200.00	2,885.25	4,441.50	1,231.20	631.05
8,300.00	2,961.70	4,549.80	1,254.75	642.15
8,400.00	3,039.55	4,659.90	1,278.55	653.35
8,500.00	3,118.85	4,771.75	1,302.60	664.65
8,600.00	3,199.60	4,885.50	1,326.95	676.00
8,700.00	3,281.85	5,001.05	1,351.50	687.50
8,800.00	3,365.60	5,118.50	1,376.35	699.05
8,900.00	3,450.80	5,237.85	1,401.40	710.75
9,000.00	3,537.55	5,359.05	1,426.75	722.50
9,100.00	3,625.90	5,482.25	1,452.35	734.40
9,200.00	3,715.75	5,607.35	1,478.25	746.35
9,300.00	3,807.20	5,734.45	1,504.40	758.45
9,400.00	3,900.25	5,863.50	1,530.80	770.60
9,500.00	3,994.90	5,994.60	1,557.45	782.90
9,600.00	4,091.20	6,127.75	1,584.40	795.25
9,700.00	4,189.15	6,262.90	1,611.60	807.75
9,800.00	4,288.80	6,400.15	1,639.10	820.35
9,900.00	4,390.15	6,539.50	1,666.90	833.05
10,000.00	4,493.15	6,680.95	1,694.95	845.85

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

PART II- GROSS VEHICLE WEIGHT

Regulation 11 (1) and (2)

**OVERLOADING FEES FOR MAXIMUM
GROSS VEHICLE WEIGHT**

Overload Charges: Years 2011 - 2020

EAC OVERLOADING FEES SCHEDULE FOR MAXIMUM GWV	
Overload up to (Kilograms)	Fees (USD)
500	90.95
1,000	186.00
1,500	289.35
2,000	392.70
2,500	504.30
3,000	620.05
3,500	744.10
4,000	872.20
4,500	1,008.65
5,000	1,153.30
5,500	1,306.25
6,000	1,467.50
6,500	1,641.10
7,000	1,823.00
7,500	2,021.40
8,000	2,228.10
8,500	2,451.30
9,000	2,691.10
9,500	2,943.25
10,000	3,220.20
10,500	3,513.70

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

EAC OVERLOADING FEES SCHEDULE FOR MAXIMUM GVW	
Overload up to (Kilograms)	Fees (USD)
11,000	3,827.85
11,500	4,170.95
12,000	4,538.85
12,500	4,939.85
13,000	5,369.75
13,500	5,836.85
14,000	6,345.30
14,500	6,895.10
15,000	7,494.50
15,500	8,147.65
16,500	9,635.80
17,000	10,483.20
17,500	11,409.15
18,000	12,426.10
18,500	13,538.05
19,000	14,753.40
19,500	16,092.70
20,000	17,560.20
20,500	19,172.35
21,000	20,945.75
21,500	22,892.75
22,000	25,038.15
22,500	27,398.55
23,000	30,002.80
23,500	32,871.65
24,000	36,029.85
24,500	39,518.70

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

EAC OVERLOADING FEES SCHEDULE FOR MAXIMUM GVW	
Overload up to (Kilograms)	Fees (USD)
25,000	43,367.25
25,500	47,616.75
26,000	52,304.45
26,500	57,484.05
27,000	63,209.30
27,500	69,533.95
28,000	76,524.10
28,500	84,250.10
29,000	92,794.60
29,500	102,248.50
30,000	112,702.75
30,500	124,269.00
31,000	137,067.15
31,500 and above	145,889.80

Overload charges: Years 2021 – 2030

EAC OVERLOADING FEES SCHEDULE FOR MAXIMUM GVW	
Overload up to (Kilograms)	Fees (USD)
500	235.90
1,000	482.50
1,500	750.55
2,000	1,018.60
2,500	1,308.05
3,000	1,608.30
3,500	1,929.95
4,000	2,262.30

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

EAC OVERLOADING FEES SCHEDULE FOR MAXIMUM GWV	
Overload up to (Kilograms)	Fees (USD)
4,500	2,616.15
5,000	2,991.40
5,500	3,388.10
6,000	3,806.30
6,500	4,256.60
7,000	4,728.35
7,500	5,243.00
8,000	5,779.10
8,500	6,358.10
9,000	6,979.95
9,500	7,634.00
10,000	8,352.35
10,500	9,113.60
11,000	9,928.50
11,500	10,818.40
12,000	11,772.65
12,500	12,812.65
13,000	13,927.75
13,500	15,139.35
14,000	16,458.10
14,500	17,884.15
15,000	19,438.80
15,500	21,132.85
16,500	24,992.75
17,000	27,190.75
17,500	29,592.45
18,000	32,230.05
18,500	35,114.25
19,000	38,266.45
19,500	41,740.35

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*


EAC OVERLOADING FEES SCHEDULE FOR MAXIMUM GVW	
Overload up to (Kilograms)	Fees (USD)
20,000	45,546.65
20,500	49,728.20
21,000	54,327.90
21,500	59,377.90
22,000	64,942.55
22,500	71,064.75
23,000	77,819.55
23,500	85,260.55
24,000	93,452.10
24,500	102,501.40
25,000	112,483.50
25,500	123,505.60
26,000	135,664.25
26,500	149,098.75
27,000	163,948.60
27,500	180,353.10
28,000	198,483.85
28,500	218,523.10
29,000	240,685.25
29,500	265,206.25
30,000	292,321.95
30,500	322,321.85
31,000	355,516.85
31,500 and above	375,266.60

The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018

FOURTH SCHEDULE

Regulation 14 (2)

FORM OF RELEASE ORDER

 <p>East African Community</p>	<p>EAC VEHICLE LOAD CONTROL ACT, 2016</p> <p>COMPOUNDING OF OFFENCES ORDER FORM (under Section 22(3))</p>	<p>National Roads Authority Log</p>
<p>Description of Offence under section 20(1)</p>	<p>Amount payable (compounded by a factor of three)</p>	
<p>Section 20 (1)a</p>		
<p>Section 20 (1)b</p>		
<p>Section 20 (1)c</p>		
<p>Section 20 (1)e</p>		
<p>Section 20 (1)f</p>		
<p>Note Attach a copy of the request from the offender in line with section 22(3)a</p>		
<p>Paid by</p> <p>.....</p> <p>Signature.....</p>		
<p>Authorised Officer.....</p> <p>Signature</p> <p style="text-align: center;">STAMP</p>		

*The East African Community Vehicle Load Control
(Enforcement Measures) Regulations, 2018*

FIFTH SCHEDULE

Regulation 20

THE DEMERIT POINTS SYSTEM

PART A: DEMERIT POINT SYSTEM

OVERLOAD CATEGORIES	DEMERIT POINTS
Overloading on GVW between 0 – 1000 kilogrammes	1
Overloading on GVW between 1000 – 2000 kilogrammes	3
Overloading on GVW between 2001 – 3000 kilogrammes	4
Overloading on GVW between 3001 – 4000 kilogrammes	5
Overloading on GVW Between 4001 – 5000 kilogrammes	6
Overloading on GVW between above 5001 tonnes	12
Overloading on any axle above 5 – 10 % of permissible weight	3
Overloading on any axle above 11 – 20% permissible weight	5
Overloading on any axle between 21 – 30% of permissible weight	7
Overloading on any axle between 31 – 40% of permissible weight	12
Overloading on any axle above 41%	24

PART B: PENALTIES

NO OF POINTS (accumulated in any 24-month period)	PENALTIES
6-10	Warning
11 -14	6-month ban from using the RTRN
15-20	1-year Ban
21-40	18 months Ban
41-60	3 years Ban
Above 60 points	Permanent ban

The Procedure for Demerit Points

1. (1) Demerits points will be recorded against—
 - (a) a vehicle or trailer;
 - (b) a transporter including owner and;

- (c) driver declared in the trip plan.

(2) Demerits points recorded shall be cumulative but a transporter with a fleet of vehicles shall only have the entire fleet banned from the regional trunk road network should the following demerit point threshold be met—

- (a) at least one half of the number of vehicles registered under his name have been banned; and
- (b) the cumulative demerit points recorded against him are at least one half of the total maximum points he could receive if each of his vehicles receives a ban

2. Demerits warning notice

(1) Any person, vehicle or trailer that accrues six or more demerit points, will have a warning notice issued.

(2) The warning notice shall show the—

- (a) overloading details;
- (b) date the overloading occurred; and
- (c) number of demerit points for each overload.

3. Road Ban

(1) Any transporter, vehicle or driver that accumulates twelve or more demerit points in any two-year period, shall be disqualified from operating on the Regional Trunk Network for the periods specified in the table above.

(2) Each two-year period is calculated based on the dates the overload occurred.

(3) For a person who has been given a road ban the disqualification starts 28 days after a formal notice is sent to him, providing they may exercise the good behaviour option specified under paragraph 4.

(4) For a transporter under a road ban, any new demerit point disqualification will take effect immediately it is recorded if the violation occurs within three years.

4. The good behaviour option

(1) In lieu of serving the demerit point disqualification, a person may be eligible to apply for a good behaviour option.

(2) That person shall notify the national roads authority within 14 days of the date the notice of disqualification was issued.

(3) Failure to apply within this timeframe will result in the disqualification taking effect as specified in the notice.

(4) Once the good behaviour condition is accepted, a person will be able to continue to operate.

(5) A person who has applied for the good behaviour option and further incur four or more points during the 12 months, will be disqualified for twice the original disqualification period with no right of appeal or further good behaviour option.

(6) Demerit points associated with an existing demerit disqualification or good behaviour option are not counted towards a future disqualification.

RT HON. DR. A.M. KIRUNDA KIVEJINJA,
Chairperson Council of Ministers.

THE EAST AFRICAN COMMUNITY
STATUTORY INSTRUMENTS SUPPLEMENT

No. 1

17th August, 2018.

to the East African Community Gazette No. 11 of 17th August, 2018.

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THE EAST AFRICAN COMMUNITY
VEHICLE LOAD CONTROL (VEHICLE DIMENSIONS
AND AXLE CONFIGURATIONS) REGULATIONS, 2018.

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY

Regulation

1. Citation.
2. Interpretation.

PART II—VEHICLE DIMENSIONS.

3. Vehicle dimensions.

PART III—AXLE CONFIGURATIONS

4. Prescribed axle configurations.
5. Wheels and tyres.
6. Liquid loads.
7. Lifiable axles.

FIRST SCHEDULE—Vehicle Dimensions and Axle Configurations

SECOND SCHEDULE—Liquid Cargo Transports

*The East African Community Vehicle Load (Vehicle Dimensions
and Axle Configurations) Regulations, 2018*

**THE EAST AFRICAN COMMUNITY
VEHICLE LOAD CONTROL (VEHICLE DIMENSIONS
AND AXLE CONFIGURATIONS) REGULATIONS, 2018.**

IN EXERCISE of the powers conferred upon the Council by sections 5 and 23 of the East African Community Vehicle Load Control Act, 2016, the Council of Ministers makes the following Regulations

PART I—PRELIMINARY.

1. These Regulations may be cited as the East African Community Vehicle Load (Vehicle Dimensions and Axle Configurations) Regulations, 2018. Inter-pretation.

2. In these Regulations, unless the context otherwise requires— Citation.

“Act” means the East African Community Vehicle Load Control Act 2016;

“authorised officer” means any person appointed as such under section 14 of the Act;

“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;

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

“Council” means the Council of Ministers of the East African 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;

“Gazette” means the official gazette of the Community;

“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 to the Act; and

“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.

PART II —VEHICLE DIMENSIONS.

Vehicle
dimensions.

3. (1) A vehicle operated on the Regional Trunk Road Network shall conform to the vehicle dimensions provided for under the First Schedule.

(2) In determining the dimensions of a vehicle for the purposes of this regulation—

- (a) an outside rear-view mirror is not included in determining the width of the vehicle, unless the mirror protrudes more than twenty centimetres beyond the widest part of the vehicle or its load; and
- (b) a non-load bearing device used—
 - (i) to secure any load on a vehicle;
 - (ii) to contain any load on a vehicle; or
 - (iii) to cover any load on a vehicle,is not included in determining the width of the vehicle, unless the device protrudes more than ten centimetres beyond the widest part of the vehicle or its load.

PART III—AXLE CONFIGURATIONS.

4. (1) A person shall not operate a vehicle or cause to be operated any vehicle on the Regional Trunk Road Network unless—

Prescribed
axle
configurations.

- (a) the vehicle conforms to the configurations provided for in the First Schedule;
- (b) the axle load does not exceed the limits set out in the Second Schedule to the Act;
- (c) the gross vehicle weight is distributed on axles in the manner specified in the Second Schedule to the Act; and
- (d) a vehicle with a rigid body does not have more than three axles except for a vehicle with two steering axles.

(2) Notwithstanding the provisions of sub-regulation (1) the weight on an axle unit shall not exceed the manufacturer's gross axle weight rating if the manufacturer's gross axle weight is less than the amount otherwise permitted by the Act.

The East African Community Vehicle Load (Vehicle Dimensions and Axle Configurations) Regulations, 2018

Wheels and
tyres.

5. (1) A person shall not drive a vehicle on any road unless it is fitted with wheels and adequately inflated pneumatic tyres, or other type of wheel or tyre adequate to carry safely the permitted maximum laden weight of the vehicle.

(2) A person shall not drive a vehicle if any wheel or tyre fitted to the vehicle is in such a condition that it does not bear a load evenly on the road surface when the vehicle is moving.

Liquid
loads.

6. (1) The volumetric capacity of a tank, constructed for the purpose of transporting liquid loads in bulk, shall not exceed the maximum volume provided in Part A of the Second Schedule.

(2) The maximum volumes of specific liquid products permitted to be loaded into each category of tank shall be as specified in Part B of the Second Schedule.

(3) A person shall not transport on the Regional Trunk Road Network quantities of bulk liquid exceeding those specified under Part B of the Second Schedule.

(4) A tank mounted on a vehicle for the purposes of transporting bulk liquids shall have affixed to each side—

(a) a diagram of the type of vehicle as specified in the First Schedule and the volume of the tank expressed in cubic metres; and

(b) a table below the diagram specified under subparagraph (a) indicating the maximum volume of bulk liquid permitted of each type of liquid product capable of being transported in the tank as specified in the Part B of the Second Schedule;

(5) The diagram and table under regulation 6 (4) shall consist of black characters on a white background, and shall be located on each side of the tank midway between the top and the base of the tank at the point nearest to the end of the tank which is closest to the front of the vehicle or trailer.

The East African Community Vehicle Load (Vehicle Dimensions and Axle Configurations) Regulations, 2018

7. (1) A vehicle or trailer that is operated on the Regional Trunk Road Network may have liftable axles provided it meets the following conditions—

Liftable
axles.

- (a) the liftable axles shall be authorised by the vehicle manufacturer and fitted by an accredited service provider;
- (b) the vehicle shall be fitted with a manufacturer certified dead man's switch;
- (c) the operating mechanism of the dead man's switch shall be certified by the manufacturer of the vehicle;
- (d) the liftable axle shall meet the minimum safety requirements as may be prescribed by the Council; and
- (e) the vehicle or trailer shall be registered and the liftable axles verified by the relevant authority in the Partner State.

(2) The liftable axle on any vehicle shall automatically be in the down position on the road pavement if the adjacent fixed axle is loaded to or above the legal load limit and the liftable axle can only be lifted through the operation of a dead man's switch in exceptional circumstances.

(3) In the case of a trailer or semi-trailer, the liftable axle shall be automatically in the 'down' position if the adjacent fixed axle or axle unit is loaded to or above the legal load limit.

(4) The weight limits applicable to liftable axles shall be the same as for the fixed axles as provided under regulation 4.

(5) Both wheel hubs of the liftable axle shall be painted in bright orange or red colour, to contrast with the other wheel hubs of the vehicle.

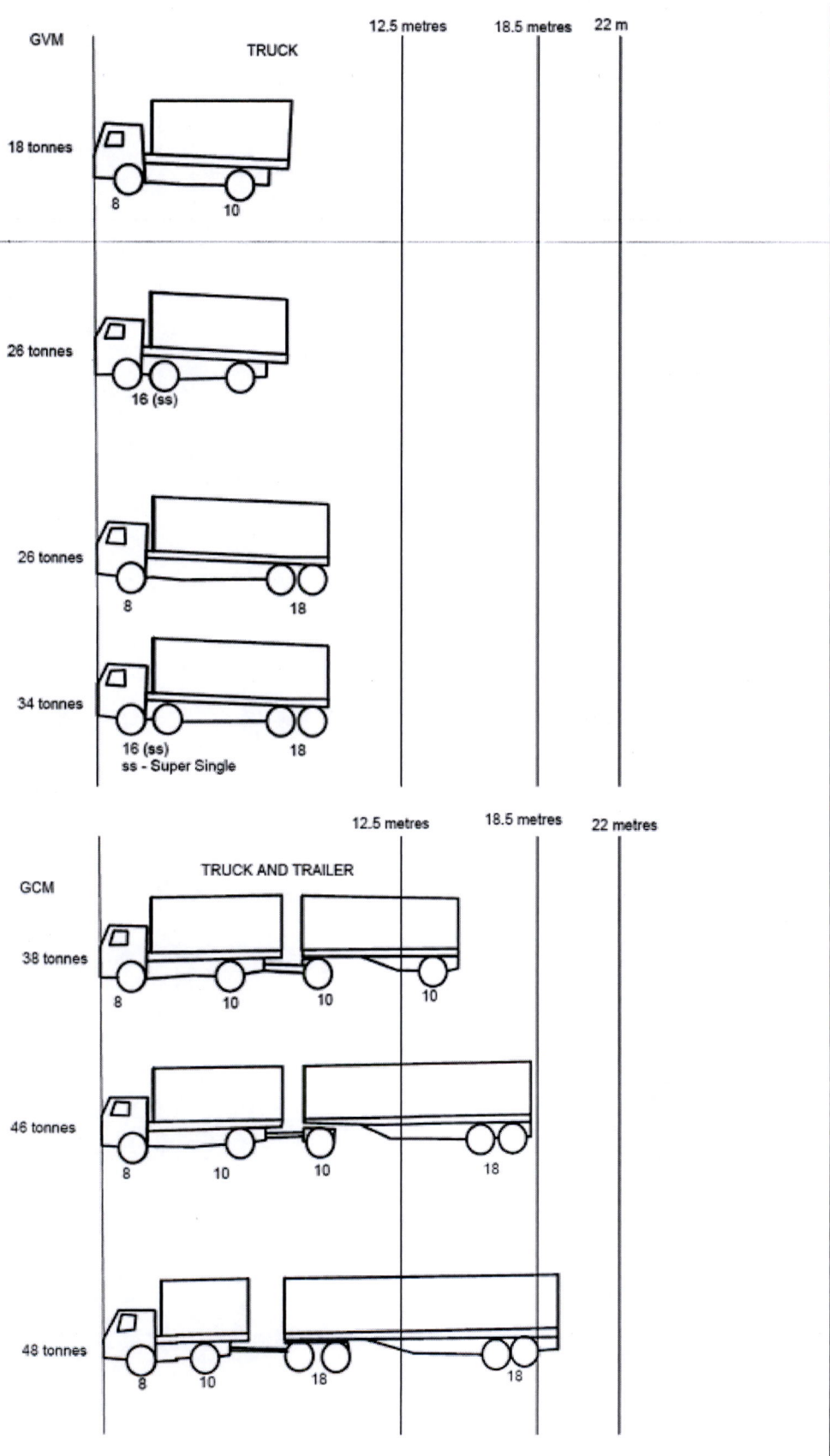
The East African Community Vehicle Load (Vehicle Dimensions and Axle Configurations) Regulations, 2018

(6) A vehicle fitted with liftable axles shall have an identification plate issued by the relevant authority in a Partner State affixed on it close to the liftable axle and clearly visible.

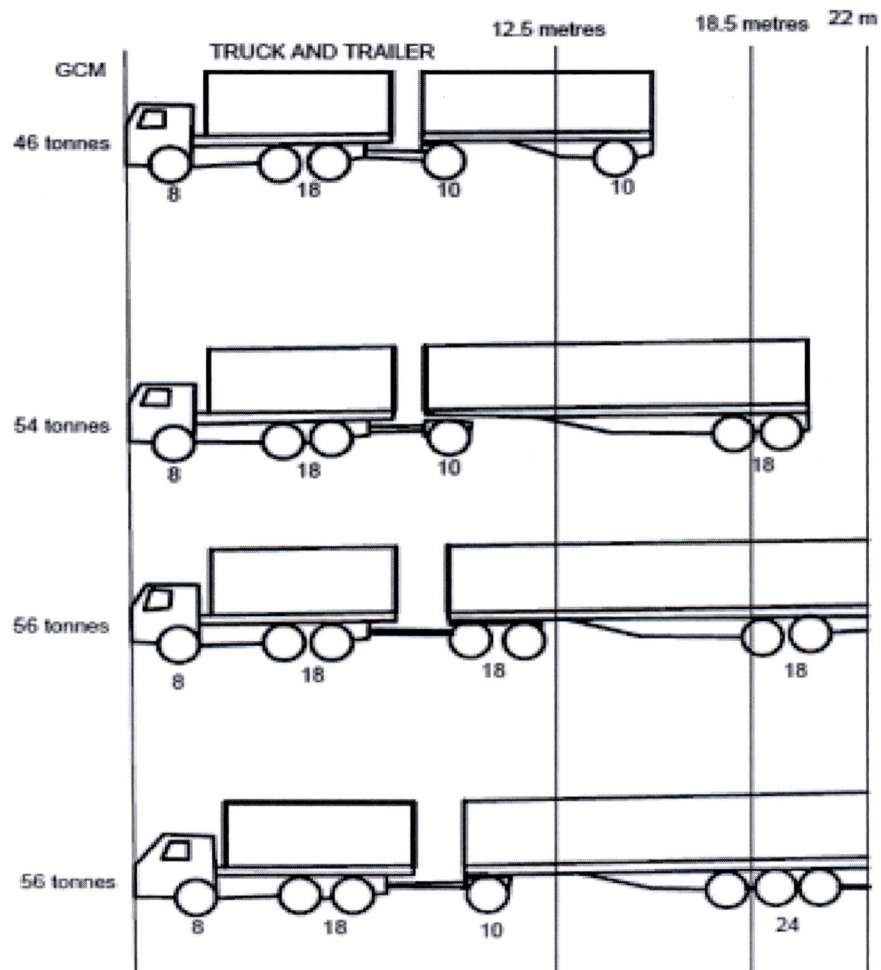
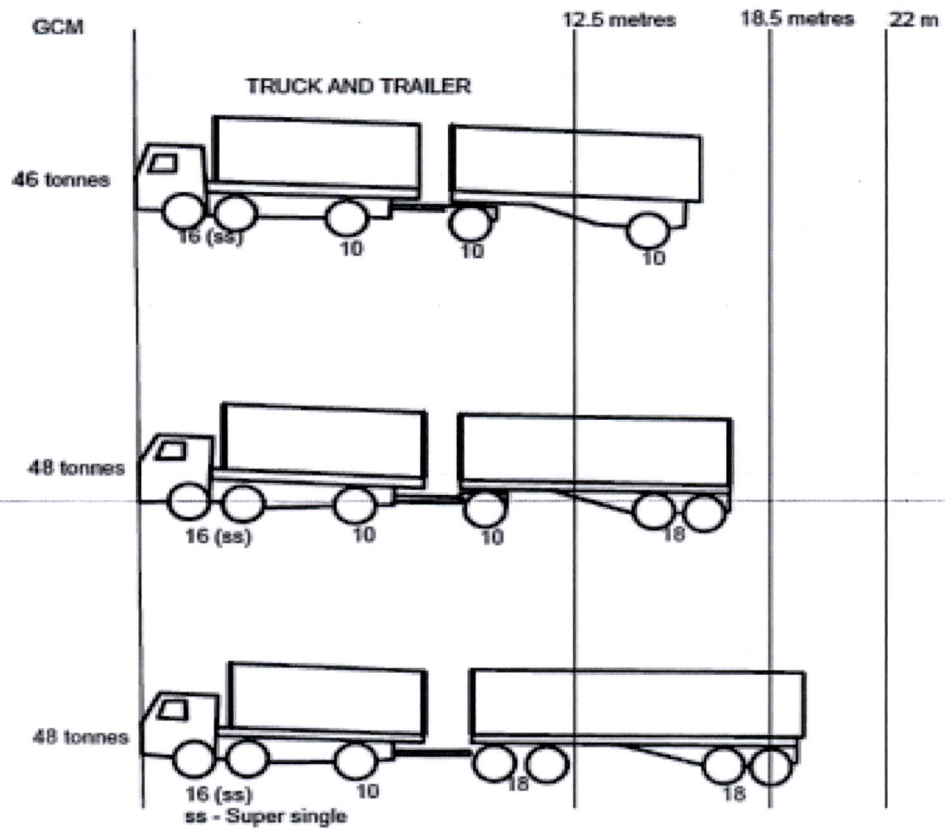
FIRST SCHEDULE

Reg. 3 and 4

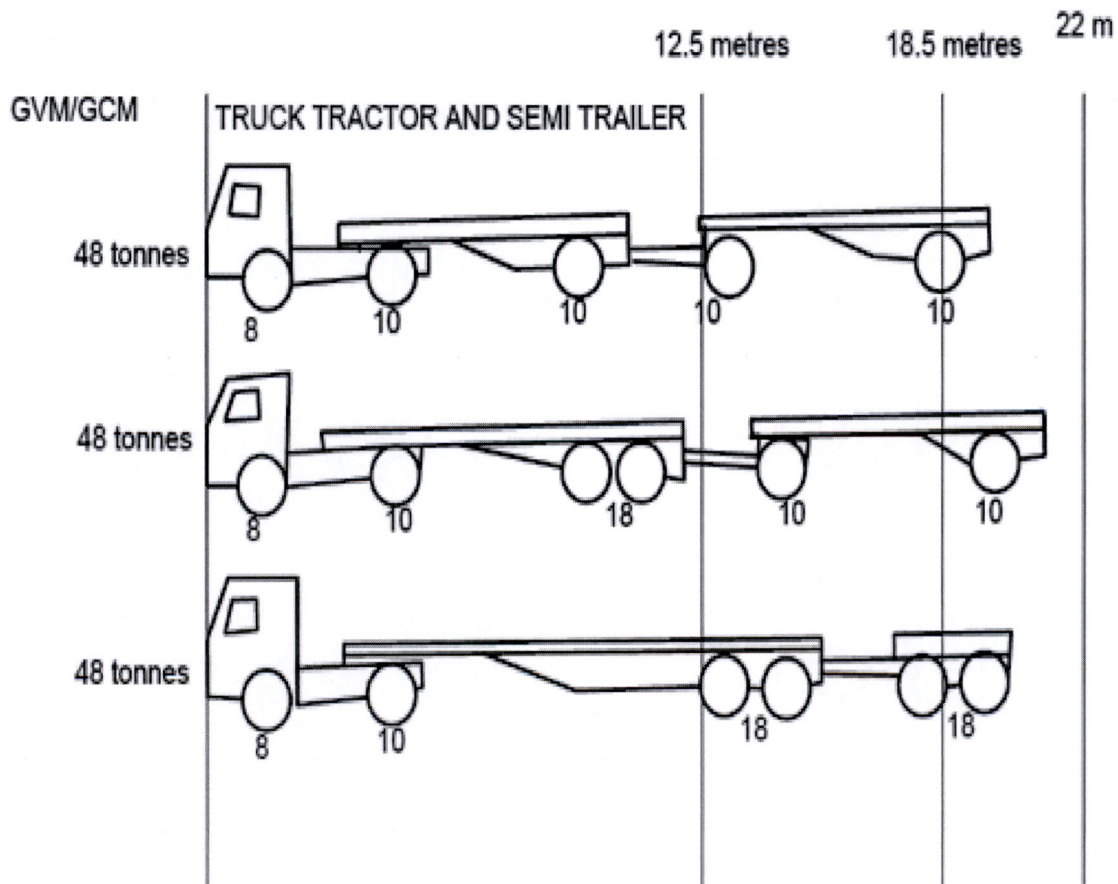
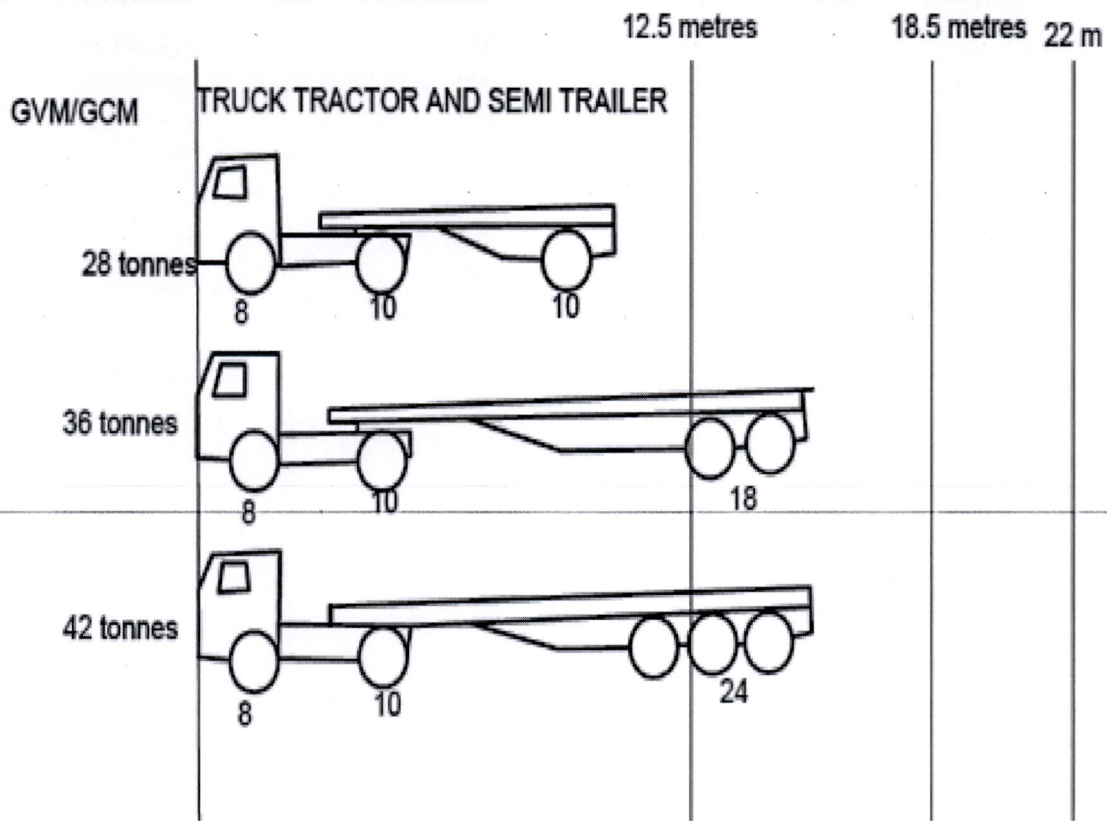
VEHICLE DIMENSIONS AND AXLE CONFIGURATIONS



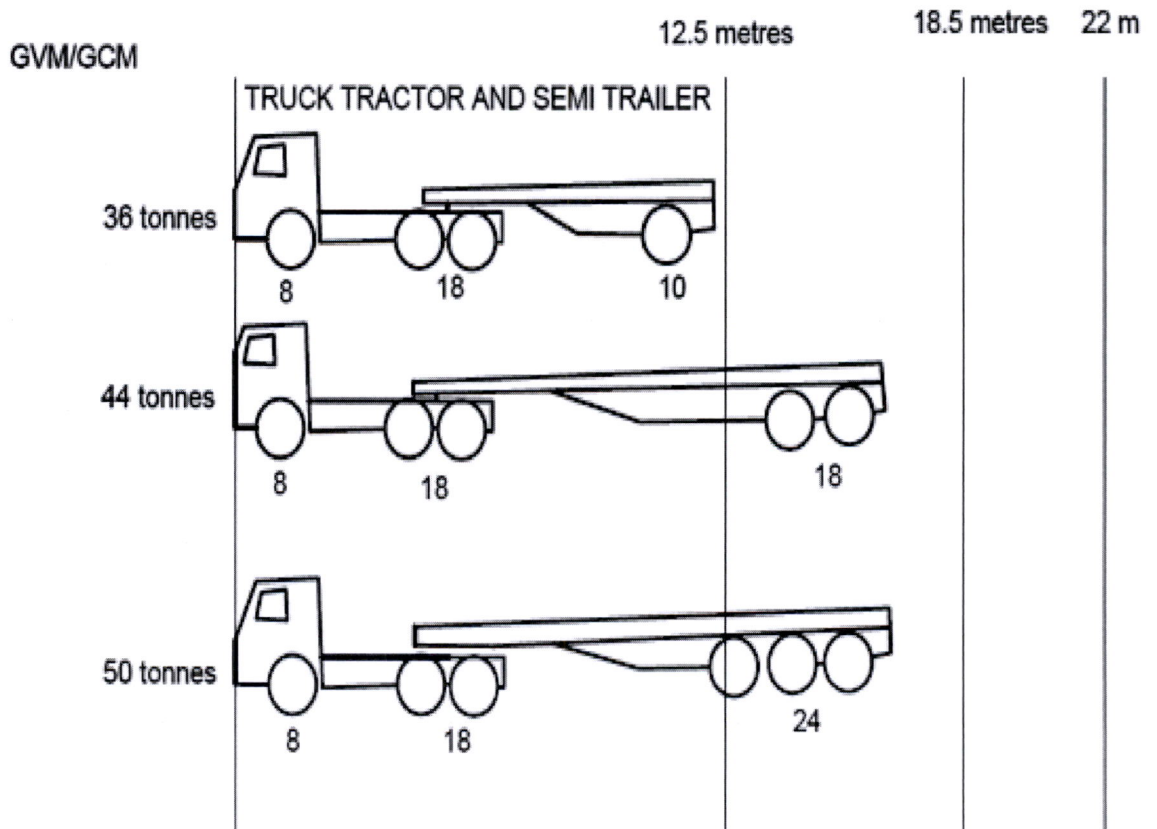
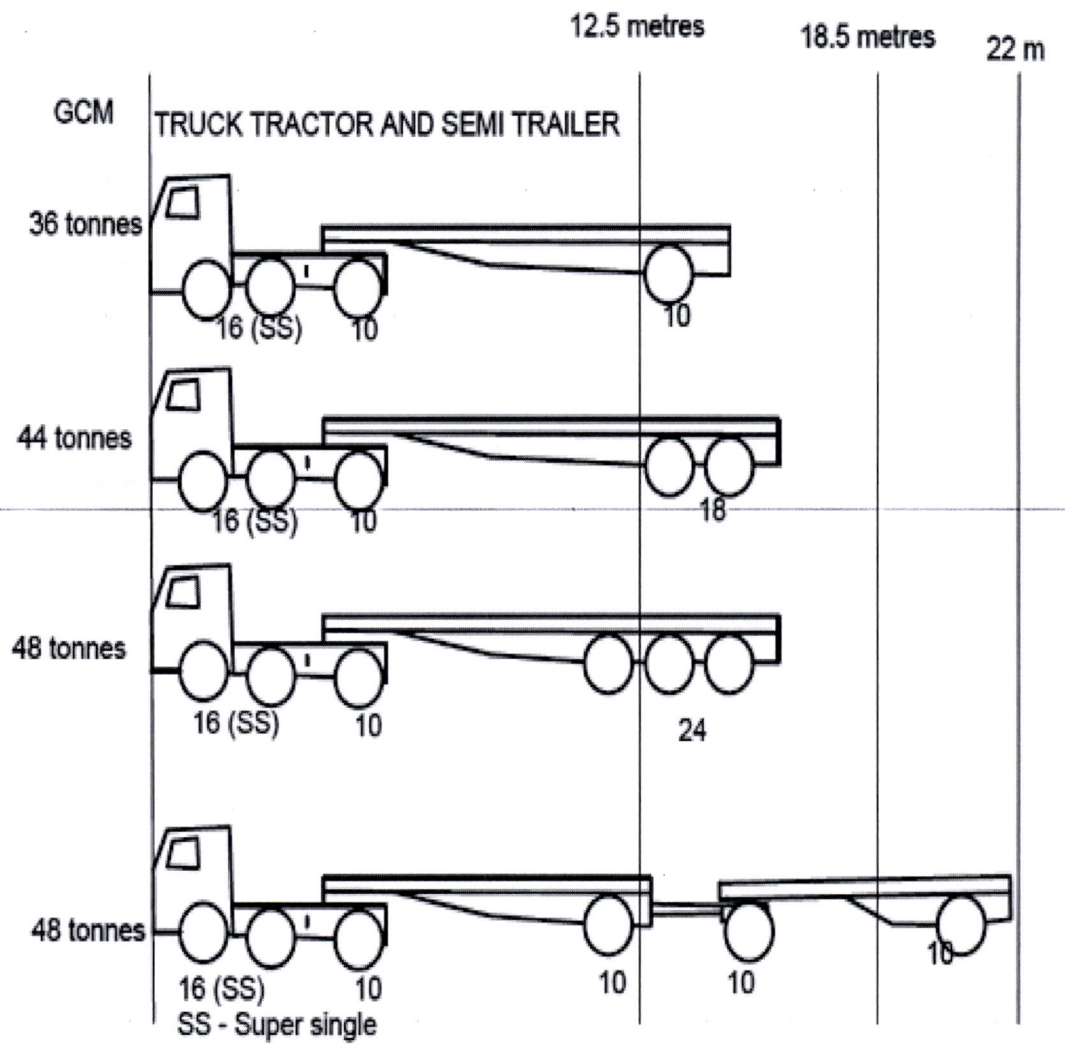
The East African Community Vehicle Load (Vehicle Dimensions and Axle Configurations) Regulations, 2018



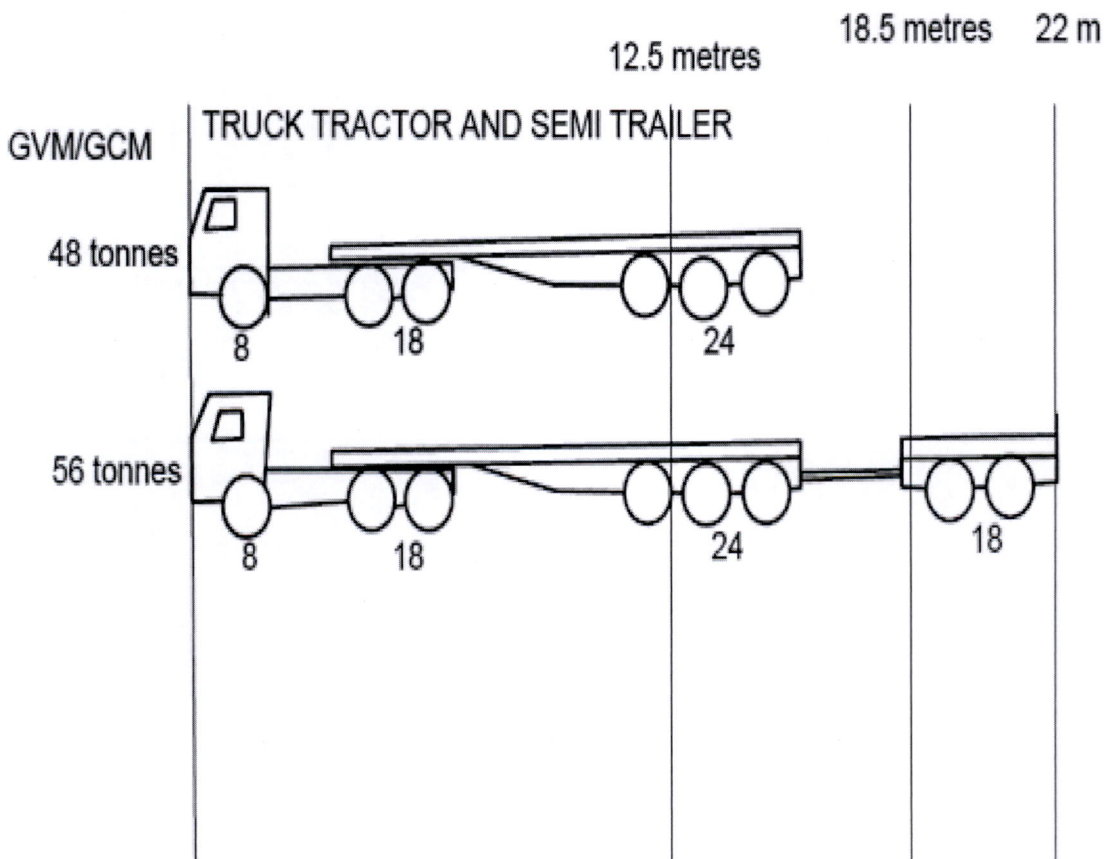
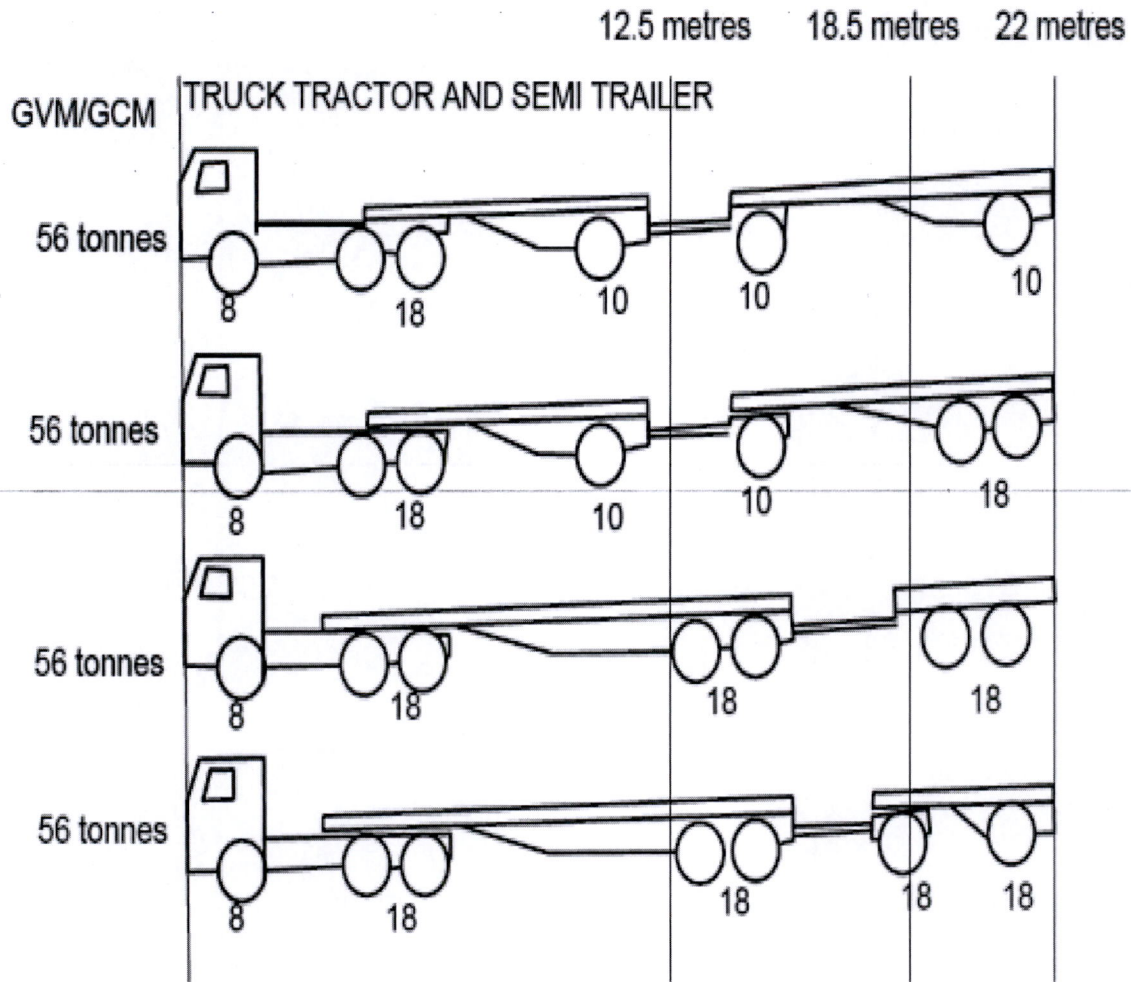
The East African Community Vehicle Load (Vehicle Dimensions and Axle Configurations) Regulations, 2018



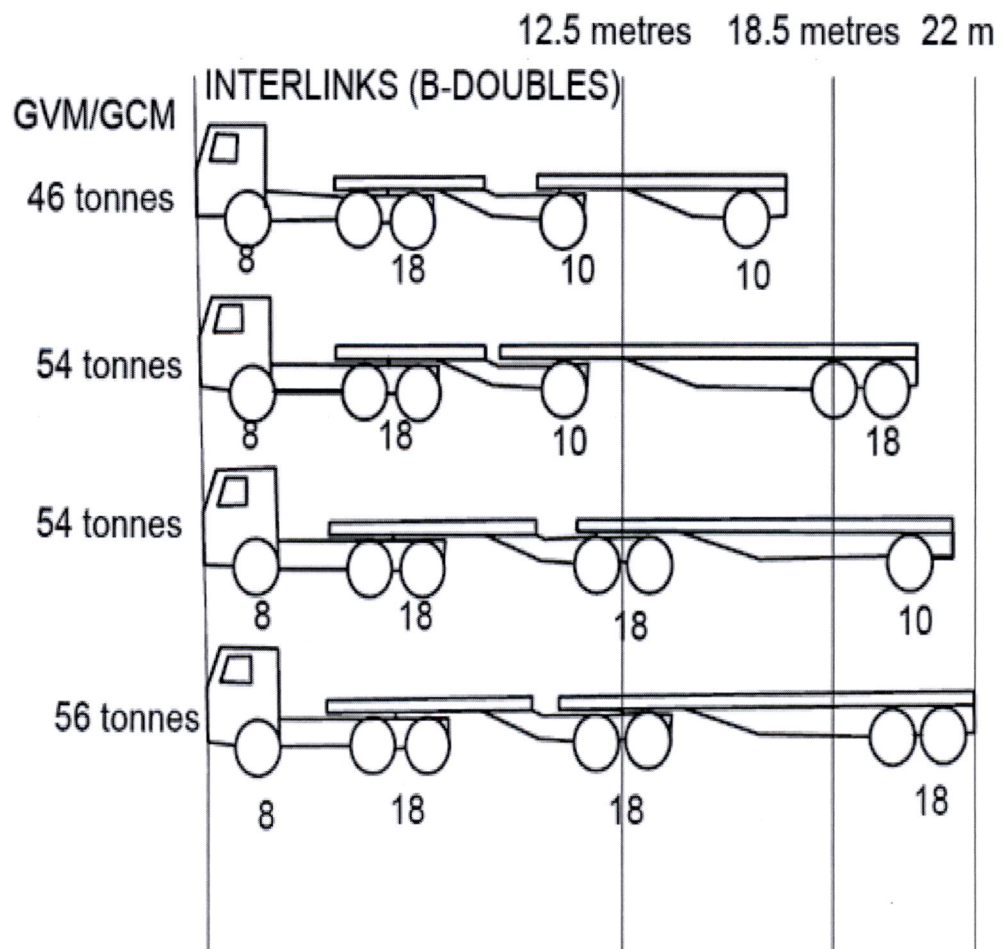
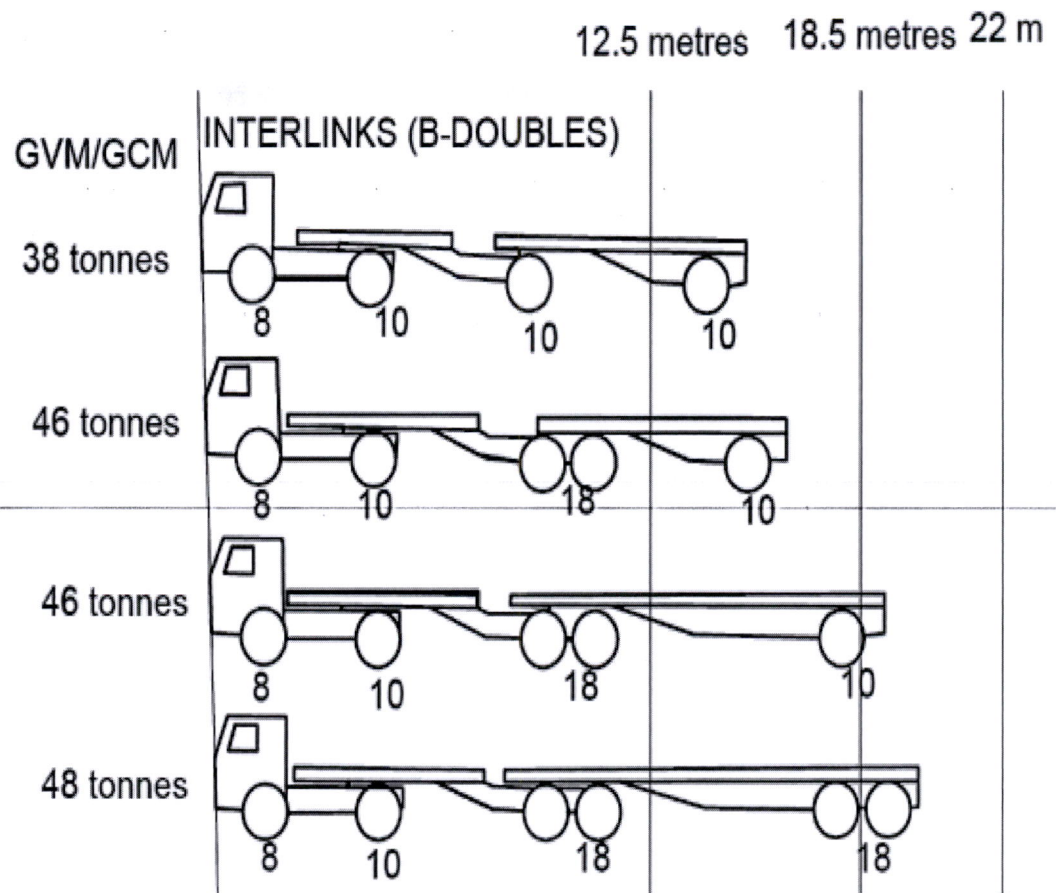
The East African Community Vehicle Load (Vehicle Dimensions and Axle Configurations) Regulations, 2018



The East African Community Vehicle Load (Vehicle Dimensions and Axle Configurations) Regulations, 2018



The East African Community Vehicle Load (Vehicle Dimensions and Axle Configurations) Regulations, 2018



SECOND SCHEDULE

Reg. 6

PART A

STANDARDS AND SPECIFICATIONS FOR TRANSPORT OF LIQUID CARGO

Type of Vehicle or Trailer	Maximum Allowable Volume Bulk Liquid per Tank
1. Two-axle goods vehicles not exceeding 7,000 kg. tare weight	11 cubic metres
2. Three-axle goods vehicles not exceeding 7,000 kg. tare weight	18 cubic metres
3. Three-axle goods vehicles whose tare weight exceeds 7,000 kg. but does not exceed 10,000 kg	14 cubic metres
4. Two-axle draw bar trailer not exceeding 6,000 kg. tare weight	12 cubic metres
5. Three-axle draw bar trailer not exceeding 8,000 kg. tare weight	17 cubic metres
6. Three-axle semi-trailer drawn by a three-axle prime mover not exceeding 18,000 kg. total tare weight	35 cubic metres
7. Three-axle semi-trailer drawn by a two-axle prime mover not exceeding 17,000 kg. total tare weight	28 cubic metres
8. Two-axle semi-trailer drawn by a three-axle prime mover not exceeding 17,000 kg. total tare weight	24 cubic metres
9. Two-axle semi-trailer drawn by a two-axle prime mover not exceeding 15,000 kg. total tare weight	19 cubic metres

PART B

MAXIMUM ALLOWABLE VOLUME BY PRODUCT (M³)

Product	(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)
Regular Petrol	11	18	14	12	17	35	28	24	19
Super Petrol	11	18	14	12	17	35	28	24	18
Kerosene	11	17	14	12	16	34	27	23	18
Aviation	11	17	14	12	16	34	27	23	18
Power Alcohol	11	17	14	12	16	34	27	23	18
Diesel	10	16	13	11	15	31	25	22	17
Industrial Diesel	9	15	12	10	14	30	24	21	16

Where—

- (i) Stands for truck (150 mm by 200 mm)- rigid body vehicle with 2 axles
- (ii) Stands for truck (150 mm by 200 mm)- rigid body vehicle with 3 axles
- (iii) Stands for truck (150 mm by 200 mm)- rigid body vehicle with 3 axles
- (iv) Stands for truck (150 mm by 200 mm)- semi trailer with 2 axles
- (v) Stands for truck (150 mm by 200 mm)- semi trailer with 3 axles
- (vi) Stands for truck (150 mm by 350 mm)- vehicle with semi-trailer with 6 axles
- (vii) Stands for truck (150 mm by 350 mm)- vehicle with semi-trailer with 5 axles
- (viii) Stands for truck (150 mm by 350 mm)- vehicle with semi-trailer with 5 axles
- (ix) Stands for truck (150 mm by 350 mm)- vehicle with semi-trailer with 4 axles

RT HON. DR. A.M. KIRUNDA KIVEJINJA,
Chairperson Council of Ministers.

STATUTORY INSTRUMENTS SUPPLEMENT

No. 2

17th August, 2018.

to the East African Community Gazette No. 11 of 17th August, 2018.

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THE EAST AFRICAN COMMUNITY VEHICLE LOAD
CONTROL (SPECIAL LOADS) REGULATIONS, 2018.

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY

Regulation

1. Citation.
2. Interpretation.

PART II—CLASSIFICATION AND PERMITS FOR SPECIAL LOADS

3. Categories of loads.
4. Requirement for permit.
5. Journey notification.
6. Technical specifications for vehicles.

PART III—CONDITIONS OF TRANSPORT

7. Conditions for transport of special loads.
8. Compliance with safety measures.
9. Marking and lighting of vehicles transporting special loads.
10. Escorts.
11. Safety precautions.
12. Special procedures for hazardous or dangerous cargo.
13. Securing special loads.
14. Holding yards for special loads.

PART IV—MISCELLANEOUS PROVISIONS

15. Offences and penalties.
16. Guidelines.

*The East African Community Vehicle Load Control
(Special Loads) Regulations, 2018*

First Schedule—Categorization of Special Permits

Second Schedule—Categories of Hazardous Loads

Third Schedule—Form of Special Permit

Fourth Schedule—Application Form for Special Permit

Fifth Schedule—Fees and Costs

**THE EAST AFRICAN COMMUNITY VEHICLE LOAD
CONTROL (SPECIAL LOADS) REGULATIONS, 2018.**

IN EXERCISE of the powers conferred on the Council by section 23 of the East African Community Vehicle Load Control Act, 2016, the Council of Ministers makes the following Regulations:

PART I—PRELIMINARY

1. These Regulations may be cited as the East African Community Vehicle Load (Special Loads) Regulations, 2018. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“Act” means the East African Community Vehicle Load Control Act, 2016;

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

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

“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;

“hazardous load” means a 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;

*The East African Community Vehicle Load Control
(Special Loads) Regulations, 2018*

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

“special load” means loads specified in section 9 of the Act;

“special permit” means the permit for the transportation of special loads as provided for in regulation 3(1);

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

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

PART II—CLASSIFICATION AND PERMITS FOR SPECIAL LOADS

Categories
of loads.

3. (1) The following loads shall, in accordance with section 9 of the Act, be considered special loads and shall require a special permit to be transported along the Regional Trunk Road Network—

- (a) abnormal loads;
- (b) awkward loads;
- (c) hazardous loads;
- (d) unstable loads; and
- (e) super loads.

(2) The classification of vehicle dimensions and the transport conditions for special loads are provided for in the First Schedule and the Second Schedule in the case of hazardous loads.

*The East African Community Vehicle Load Control
(Special Loads) Regulations, 2018*

4. (1) A person who intends to transport a special load referred to in regulation 3 shall apply to the Minister in the Form prescribed in the Third Schedule.

Requirement
for permit.

(2) An application in sub regulation (1) shall be accompanied by the fees specified in the Fourth Schedule and the proposed route.

(3) The proposed route shall be supported by clear justification and any mitigation measures the transporter intends to put in place to minimise disruption of normal road transport and to prevent any damage or injury to persons, property, roads, bridges and other installations.

(4) The Minister may direct the national roads authority to verify the proposed route.

(5) An applicant shall not commence the journey before a special permit in respect of the journey is issued by the Minister.

(6) The Minister shall, before issuing a special permit, be satisfied that the conditions for transport specified in the First Schedule are met.

(7) The Minister may, in addition to the conditions referred to in sub regulation (2), impose such additional conditions as may be required by the national laws and publish the conditions in the national gazette at least thirty days before the conditions take effect.

(8) The form of the special permit shall be as specified in the Fifth Schedule.

(9) The Minister may exercise the powers assigned under this regulation in person or through an appointed agent or person.

*The East African Community Vehicle Load Control
(Special Loads) Regulations, 2018*

(10) A decision on the application of the special permit shall be communicated to the applicant within thirty days from the date of application or the last submission or on the date of the last submission of any document or information requested by the Minister.

Journey
notification.

5. (1) A transporter who is issued with a special permit under Regulation 4 shall notify the national roads authority at least fourteen days before commencement of the journey and shall provide the following information—

- (a) full particulars of transporter or operating company of the vehicle;
- (b) full particulars of the owner of the cargo;
- (c) full particulars of the cargo and its nature;
- (d) full particulars of driver and turnboy;
- (e) the proposed route plan of transport of the cargo; and
- (f) vehicle registration details including number plate and chassis number.

(3) The national roads authority may require a transporter to modify aspects of the journey such as the proposed route, type of vehicle to be used or period of transport for such reason as the national roads authority may consider necessary.

Technical
specifications for
vehicles.

6. The Council may by notice in the Gazette prescribe technical specifications including vehicle dimensions, axle configurations and safety features for vehicles for transport of special loads.

PART III—CONDITIONS FOR TRANSPORT

Conditions
for transport
of special
loads.

7. A person transporting cargo under a special permit shall in addition to conditions specified in the special permit comply with the following—

*The East African Community Vehicle Load Control
(Special Loads) Regulations, 2018*

- (a) the vehicle shall meet the technical specifications and standards prescribed for carrying the load;
- (b) the vehicle shall be licensed under the national laws of the Partner State and such licence shall be in force;
- (c) necessary safety, environmental and health precautions shall be taken to fasten the load and to prevent any damage or injury to persons or the property along the transport route;
- (d) the vehicle has all the required markings, warning flags and lights for the transport of the load;
- (e) the vehicle is operated by a properly trained and qualified driver;
- (f) the vehicle has the required escorts as prescribed in the First Schedule;
- (g) a notice of not less than seven days has been provided to the general public in at least one widely circulating national newspaper on the dates of the proposed journey and the roads it will traverse;
- (h) notification has been given not less than seven (7) days to the traffic police and local authorities of the proposed journey and the routes it will take; and
- (i) all requisite permit fees have been paid.

8. (1) A person who transports a special load shall comply with laws and regulations on safety, environment and health in force in a Partner State.

Compliance with safety measures.

*The East African Community Vehicle Load Control
(Special Loads) Regulations, 2018*

(2) The grant of a special permit shall not exempt a transporter from axle load limits and the applicable safety, environmental and health regulations and laws that are in force in a Partner State.

Marking
and lighting
of vehicles
transporting
special
loads.

9. (1) A vehicle that transports a special load shall be marked conspicuously on each side with a reflective sign to that effect.

(2) A vehicle that transports a special load shall have a conspicuous flashing light to warn other road users of the nature of the load.

Escorts.

10. (1) A vehicle that transports a special load shall comply with escort conditions and terms prescribed in the First Schedule.

(2) A national roads authority may require additional escorts including police escort where the nature of the load require additional precautions.

Safety
precautions.

11. (1) A transporter shall ensure that a vehicle transporting a special load has visible red flags on all the four extreme widest corners or edges of the load or vehicle and a sign reading 'ABNORMAL LOAD' is conspicuously displayed at the front and the rear ends of the vehicle.

(2) A transporter shall ensure that a vehicle transporting hazardous or dangerous cargo shall have a conspicuous sign displayed on all the sides of the vehicle clearly marked 'HAZARDOUS AND DANGEROUS CARGO'.

(3) Unless otherwise permitted by a national roads authority, a vehicle transporting a special load shall not operate outside the designated hours between 6:30 am to 6:30 pm.

Special
procedures
for
hazardous
or
dangerous
cargo.

12. (1) Hazardous or dangerous cargo shall be transported only during designated hours.

*The East African Community Vehicle Load Control
(Special Loads) Regulations, 2018*

(2) The special permit issued with regard to hazardous or dangerous cargo shall be invalid if any of the conditions of transport specified in the permit have not been complied with by the transporter.

(3) A person shall not handle, offer for transport or import any hazardous or dangerous cargo unless that person complies with applicable prescribed safety requirements.

(4) The means of containment and transport of hazardous or dangerous cargo shall comply with applicable prescribed safety standards and display all applicable warning signs.

(5) A vehicle which overloads while transporting hazardous or dangerous cargo shall be handled expeditiously and shall not be detained at the weighbridge station for more than four hours.

(6) If four hours elapse under sub regulation (5), an authorised officer shall direct such vehicle to a special holding yard at the cost of the transporter.

(7) Any physical damage to the road infrastructure or any other damage to third party property caused by the transporter shall be the liability of the transporter.

13. The Council may by notice in the Gazette prescribe guidelines and standards for the harnessing and securing of special loads transported within the Community.

Securing special loads.

14. A national roads authority may directly or through contractual arrangements with private parties, establish suitable facilities and yards for the holding and offloading of special loads.

Holding yards for special loads.

*The East African Community Vehicle Load Control
(Special Loads) Regulations, 2018*

PART IV—MISCELLANEOUS PROVISIONS

Offences
and
penalties.

15. (1) A person commits an offence under the Act and these Regulations if he or she—

- (a) transports any special cargo without a valid permit;
- (b) fails to pay any fees or charges under these Regulations;
- (c) fails to comply with any condition for transport of special loads as provided for in these Regulations or under the permit;
- (d) causes damage to the road infrastructure or any third-party property or injury to a person;
- (e) knowingly provides false or misleading information in the application for a special permit or to an authorised officer during verification of the special permit;
- (f) offers a bribe or inducement to a licensing authority or to an authorised officer to perform or refrain from the performance of a duty or exercise of a power;
- (g) declines to submit for verification of a special permit and the load at a weighbridge or at any place if so directed by an authorised officer or by the police;
- (h) fails or refuses to present documentation for verification of the load; or
- (i) obstructs an authorised officer from the performance of his functions.

(2) A person convicted of any offence under these Regulations shall be liable to the penalties provided for under the Act.

*The East African Community Vehicle Load Control
(Special Loads) Regulations, 2018*

(3) A national roads authority may impose an administrative fee as prescribed under these Regulations.

16. The Council may prescribe guidelines, standards and specifications for the transport of special loads along the Regional Trunk Road Network. Guidelines.

