

STATUTORY INSTRUMENTS SUPPLEMENT

No. 2

17th August, 2018.

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

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

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;

“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.

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.

(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.

(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—

- (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.

(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.

(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.

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.

(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.