

KTA NEWSLETTER

RENEWAL OF C28 & C40 LICENCES FOR GOODS UNDER CUSTOMS CONTROL



TRANSIT GOODS

The Kenya Transporters Association (KTA) wishes to draw the attention of all transporters to the recent **Kenya Revenue Authority (KRA) Public Notice dated 17th September 2024**. KRA has reminded transporters handling transit goods and other goods under customs control that their current licenses will expire on **31st December 2024**.

Transporters are urged to note that the licensing of vehicles for conveying Transit Goods and other goods under Customs Control is governed by **Regulations 104 of the East African Community Customs Management Regulations, 2010 and Section 244 of the East African Community Customs Management Act, 2004**. All transporters must submit applications for license renewal for the year 2025.

Mandatory Requirements for License Renewal:

- ❖ Copy of the motor vehicle logbook
- ❖ Copy of the valid insurance certificate
- ❖ Copy of COMESA Yellow Card (for foreign vehicles)/Insurance cover
- ❖ Duly filled application form, signed and stamped by a Customs Officer

To ensure a smooth and efficient renewal process and avoid delays or inconveniences, transporters are strongly encouraged to submit their applications no later than **31st October 2024**. All applications should be submitted to the nearest **RRU-KRA office**, with the following locations available for submission:

Mombasa (Compact CFS Miritini), Taru (Near Chiefs Office), Voi (KRA Office), Machakos (Emali), Naivasha (KRA Office), Nakuru, Eldoret, Kericho Kisumu, Bungoma, Kitale and Garissa

Please note that **applications should not be submitted at KRA Border Stations**.

Importance of Compliance

The KTA emphasizes the importance of complying with these regulatory requirements to avoid operational disruptions. Timely renewal of licenses ensures that transporters can continue their operations without any legal or logistical hindrances. We urge all transporters to act swiftly and comply with the deadlines to maintain smooth and efficient transportation services under customs control.



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MEMBER**

JOIN TODAY!

ORDINARY MEMBERSHIP

Fees Payable

Entrance Fee: KES. 1,000
 Membership Fee: KES. 10,000
 Subscription Fee: KES. 2,000
 Per Truck Per Year
 Truck Stickers: KES. 200 Per
 Truck
 Membership Certificate: KES.
 500



On 10th September 2024, the Kenya Transporters Association (KTA) met with the Kenya Ports Authority (KPA) management at the Nairobi Inland Container Depot (ICDN). The meeting was convened in response to persistent complaints from transporters regarding delays caused by inefficiencies at the depot.

1. System Downtime and Inefficient Communication:

KTA raised concerns about frequent system downtimes and slow communication during disruptions. KPA responded by confirming the automation of ICDN gates and the installation of UPS backups for uninterrupted power supply in outer lanes to ensure 24/7 operations. The KTA also requested the ICT office to operate continuously, which was positively received by KPA.

2. Mismatched Operations of Government Agencies:

KPA highlighted that delays often arise due to non-aligned operational hours of partner government agencies. KTA was encouraged to lobby for these agencies to adopt 24/7 operations to ensure smoother workflows and avoid operational delays at the ICDN.

3. Overnight Charges and Waivers:

KTA raised the issue of overnight charges, especially in cases where delays were caused by KPA. KPA clarified that waiver requests would be evaluated on a case-by-case basis by the waiver committee. Transporters were advised to avoid last-minute loading, and KPA committed to granting waivers when delays were due to system downtime or equipment failures. Transporters are also advised to plan properly to minimize operational delays.

4. Lack of Portpass Printer:

KTA expressed frustration over the non-functional portpass printer at ICDN, which had been out of service for over a year. KPA assured the meeting that the procurement of a new printer was nearing completion and committed to providing a list of ready portpasses. Contact details of gate duty managers would also be shared to facilitate prompt issue resolution.

5. Empty Container Management:

KPA acknowledged the ongoing challenges in managing empty containers at ICDN. They advised transporters to offload containers when wagons are unavailable and wait for discharge when wagons are present to prevent congestion as the authority cannot mix the exports, imports and empty containers due to loss of containers. This operational adjustment is expected to ease container flow issues.

6. Operational Efficiency Gains at ICDN:

KPA noted that since automation processes began in 2018, the average dwell time has significantly reduced from over 18 hours to an average truck turnaround time of 2.9 hours. This reflects substantial improvements in operational efficiency at ICDN. KTA remains committed to continuing collaboration with KPA to further enhance operations and address transporter concerns.

SULTAN HAMUD ROADSIDE STATION: A MILESTONE FOR TRANSPORTERS ALONG THE NORTHERN CORRIDOR



In a significant boost to road safety and support for long-distance truckers, the first comprehensive roadside stopover facility, **Supastop**, has officially opened at **Sultan Hamud** along the **Nairobi-Mombasa** highway. This landmark project, spearheaded by **Superior Homes Kenya**, aims to enhance the well-being and safety of truck drivers traversing the Northern Corridor by providing an all-inclusive resting point equipped with modern amenities. The complex is a strategic development that aligns with efforts to improve infrastructure and promote safe driving practices along one of Kenya's busiest transit routes. Designed to meet the unique needs of truckers and other road users, the facility includes a fuel station, secure parking, affordable accommodation, restrooms and shower facilities, a health center, prayer rooms, convenience stores, eateries, and a dedicated truck checkpoint.

Addressing Gaps in Roadside Amenities

The site's strategic location addresses a critical gap in truckers' rest and accommodation needs, as the area, which is a midpoint between **Mtito Andei** and **Salama**, previously lacked adequate resting points. The place is safe haven for the estimated **300** trucks that park overnight in the area. This **145-kilometer** stretch has long been known for lacking safe and comfortable amenities, leaving truck drivers vulnerable to fatigue and insecurity.

Enhancing Safety and Comfort for Transporters

Supastop is more than just an infrastructure upgrade; it represents a commitment to transforming the transport and logistics sector by offering a clean, safe, and comfortable environment for long-haul drivers and travelers. The development has been undertaken in partnership with the **Northern Corridor Transit and Transport Coordination Authority (NCTTCA)**, which has long advocated for better roadside facilities to reduce road accidents. Data from NCTTCA shows that 92% of accidents on the Northern Corridor are linked to human error, often stemming from driver fatigue and inadequate rest.

A Model for Future Developments

Supastop's unique model addresses a critical issue in road safety – driver fatigue. Over the years, fatigue among long-distance drivers has been identified as a major cause of road accidents involving heavy commercial vehicles and passenger buses along the corridor. The facility aims to encourage drivers to take regular breaks, reducing the risk of accidents and promoting road safety for all.

The Kenya Transporters Association (KTA) welcomes this development as it directly aligns with our ongoing efforts to advocate for improved infrastructure and safety measures for transporters. KTA continues to collaborate with various stakeholders, including the government, to create a network of professional drivers and secure transport solutions. As more of these facilities are developed, we look forward to a transformed Northern Corridor – one that not only facilitates trade but also prioritizes the needs of those who drive its success.

ILLEGAL KILIFI COUNTY VEHICLE ENTRY FEES ON THE MALINDI-MOMBASA-BAGAMOYO HIGHWAY: A VIOLATION OF CONSTITUTIONAL LAW

In an advisory issued on **2nd October 2024**, the **Kenya Transporters Association (KTA)** strongly opposed the imposition of entry fees on commercial vehicles **transiting Kilifi County via the Malindi-Mombasa-Bagamoyo Highway**. KTA termed the county's actions **unconstitutional, null, and void**, citing recent judicial precedent and the supremacy of the Constitution of Kenya.

Supreme Court Ruling Sets Precedent

The KTA's position is supported by the Supreme Court's decision in **Base Titanium Limited v. County Government of Mombasa & the Attorney General (Petition No. 22 of 2021)**, which upheld the principle of constitutional legality in taxation. The ruling reaffirmed that counties cannot impose levies on **national roads or restrict movement along them**. This landmark case clarified the distinction between county and national roads, ruling that any taxation power exercised by county governments must not impede national economic policies, national road mobility, or inter-county economic activities.

Road Classification and Jurisdiction

The Malindi-Bagamoyo Highway, stretching **from Malindi to Mombasa** and onward through **Lunga Lunga to the Tanzania border**, is classified as a national and international trunk road, specifically designated as routes B8 and A14. This critical transit corridor falls under the purview of the **Kenya National Highways Authority (KeNHA)** and is maintained using national government funds raised through levies such as the fuel tax.

Violation of the Constitution

Article 209 of the Constitution of Kenya, 2010, permits counties to levy charges for services rendered but mandates a direct link between the service and the charge. Additionally, **Section 5 of the Article** restricts counties from exercising taxation powers in a manner that prejudices national economic policies or hinders the free movement of goods, services, capital, or labor. KTA contends that Kilifi County's Finance Act 2023, which legalizes entry fees for vehicles transiting Kilifi on the **Malindi-Mombasa-Bagamoyo Highway**, is in direct contravention of these constitutional provisions.

Article 2(4) of the Constitution further emphasizes that any law, including regulations or by-laws, that conflicts with the Constitution is void. Thus, Kilifi County's directive, as outlined in its **Finance Act 2023 (Part VI, Section F)**, is unconstitutional and unenforceable.

KTA's Demands and Legal Recourse

The Kenya Transporters Association demands that Kilifi County:

1. **Cease** the levying of entry fees on the Malindi-Bagamoyo Highway immediately.
2. **Refund** all levies collected from transporters.

Failure to comply within seven (7) days of the advisory notice will result in KTA instituting legal proceedings against Kilifi County. Furthermore, the Association plans to take legal action against any other county governments found levying unconstitutional charges on KTA members.

KTA is also exploring additional countermeasures, including:

1. **Advising** transporters to use alternative routes bypassing Kilifi County.
2. **Encouraging** transporters to refuse payment of the entry fees and park their trucks along the highway.

The Association urges all stakeholders to stand firm against these unlawful fees and protect the rights of the transport industry as enshrined in the Constitution.



Ministry of Health

Mpox Preventive measures

Avoid close contact with infected individuals.
Abstain or maintain only one sex partner



Avoid sharing personal items like towels, utensils or clothing



Wear protective gear if caring for someone with Mpox



Wash hands with soap and water or use hand sanitizer when soap is not available



Improve ventilation in shared spaces



Clean shared surfaces regularly



Protect yourself from Mpox.

For more information, contact the Ministry of Health hotline at: 719 or 0729 471414 / 0732 353535

Source: KTA

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SCANIA



On 12th September 2024, Kenya Transporters Association embarked on a journey to Busia County to engage with Busia County Government officials. The objective of the meeting was to address the newly introduced truck entry fees stipulated in the **Busia County Finance Act 2023 (Schedule 5, Part D)** and to oppose these levies, which KTA believes are unfair and violate national laws.

KTA's team met with the **County Secretary, Mr. John Oscar Juma**, and the County Executive Committee Member for Finance, **madam Topister Wanyama**, to discuss the contentious entry fees, introduced in the 2023 Finance Act

*The Kenya Transporters Association (KTA), in a notice dated 12th August 2024, firmly opposed the proposed vehicle entry fees for trucks transiting Busia County along national roads. As a border county, Busia serves as a vital gateway for exports and imports passing through the **Busia** and **Malaba** borders.*

The Kenya Transporters Association opposes the levies based on the following grounds:

- 1. Truck Entry Fees:** The Busia County Government recently introduced fees for trucks entering the county. KTA expressed strong opposition, citing that the fees violate Article 209 of the Kenya Constitution 2010, which governs the roles and functions of county and national governments.
- 2. Unfair Burden and Economic Implications on Transporters:** KTA highlighted the detrimental impact of these levies on transporters, as they increase operational costs and undermine the competitive advantage of Kenya's road transport sector. The association also noted that the fees create a trade barrier, particularly for transit trucks passing through Busia.
- 3. Constitutional Violation:** KTA argued that county governments are not authorized to levy taxes on national government functions such as road transport and customs services. The introduction of these levies was described as **an overreach into national government mandates**.

*In response, Busia County's Secretary termed KTA's stance as a threat, stating that the entry fees are already part of an enforced law, which can only be reviewed by the County Assembly. The county reiterated its commitment to adhering to the law and indicated that they are working closely with the **Kenya Revenue Authority (KRA)** to achieve their objectives within legal parameters.*

The County Government provided the following justifications:

- 1. Fee Applicability:** The charges apply only within Busia and Malaba municipalities.
- 2. Public Participation:** The county government emphasized that the entry fee proposal underwent public participation, where KTA did not submit a memorandum.
- 3. Security Provision:** The County Government argued that they provide security for trucks transiting through Busia, justifying the charge.
- 4. Parking Bay Plans:** There are plans to build a parking bay in **Mundika** to reduce congestion in the town, with all vehicles being directed there.
- 5. Truck Welfare:** The County stated that 20% of the revenue collected would go towards the welfare of truckers.

KTA's Position:

KTA maintains that the entry fees imposed by Busia and Kilifi counties are illegal and contravene Article 209 of the Kenyan Constitution. The association is determined to seek the nullification of these fees through legal means. KTA continues to advocate for fair and legal practices to ensure that transporters are not unfairly burdened by unconstitutional levies. The association will explore all legal avenues to resolve this matter and protect the interests of its members and the wider road transport sector.

FREE EYE SCREENING FOR ALL DRIVERS - A CRUCIAL STEP FOR ROAD SAFETY



- Free Eye and Vision Screening: Open to all truck and bus drivers, no matter which vehicle brand you drive.
- Free Medical Checkup: General health assessments offered on-site.
- Subsidised Eyeglasses: Drivers requiring glasses can get them for only Kshs. 250 after screening.

Date	Venue	Time
7 th - 11 th October 2024	Scania East Africa Office, Mombasa Branch, Bonje	9am - 4pm

In partnership with



We are excited to inform you that Scania, in collaboration with the Kenya Transporters Association (KTA), is offering free eye medical checkups for all truck and bus drivers, regardless of the brand of vehicle they operate. This initiative aims to promote the health and safety of our drivers, a critical component in ensuring safe and efficient transport operations.

Why Should You Send Your Drivers?

Good vision is essential for safe driving, especially for drivers who spend long hours on the road. Detecting and addressing any potential eye health issues early can prevent accidents caused by impaired vision and reduce the risk of fatigue, eye strain, and other health complications. By participating in this program, you are not only investing in the well-being of your drivers but also enhancing safety for everyone on the road.

Let's take advantage of this opportunity and ensure that all our drivers are screened.

Date: 7th - 11th October 2024

Venue: Bonje - Outside One 2 One Logistics (K) Ltd office, in the area next to Shell Bonje Petrol Station

Time: 9 AM - 4 PM

ASSOCIATE MEMBERSHIP

The membership is open to organizations or firms with strategic business interest in the transport sector

DOCUMENTATIONS

Copy of PIN certificate/Tax Compliance Certificate

Copy of Certificate of Registration/Incorporation
Letter of application seeking membership with KTA

A signed copy of the Code of Conduct.

Joining fee KES. 100,500 which is payable annually.

BENEFITS

- ❖ Strategic Branding
- ❖ Events & Networking
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TERMS & CONDITIONS APPLY

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As part of the **Kenya Transporters Association's** ongoing efforts to address trade bottlenecks and enhance cross-border operations, the KTA Secretariat conducted an engagement with the Kenya Revenue Authority (KRA) and the Uganda Revenue Authority (URA) at the **Busia and Malaba One Stop Border Posts (OSBPs)**. The visit aimed to familiarize the team with cross-border procedures, identify inefficiencies, and propose solutions to improve trade flow along the Northern Corridor, particularly at Malaba OSBP, where long queues of trucks have been a persistent challenge.

Key Discussion Points

- 1. Trade Bottlenecks:** The KTA raised concerns regarding the significant delays experienced at both Busia and Malaba borders, which negatively impact cross-border trade. The association highlighted key issues such as extended customs clearance times, system inefficiencies, and limited operating hours, all of which contribute to the congestion of trucks at the borders.

Cross-Border Harmonization: A call was made for greater harmonization of customs procedures between KRA and URA to facilitate a smoother flow of goods between Kenya and Uganda. The KTA emphasized the importance of better coordination between the two authorities to alleviate truck congestion and expedite trade processes.

- 2. System Downtime:** The issue of system downtimes was a major concern. The KTA urged KRA and URA to address these inefficiencies by implementing reliable backup systems to ensure uninterrupted operations, especially during peak hours. Such improvements would help reduce delays and improve the overall efficiency of cross-border trade.

Outcome

Both **Kenya Revenue Authority (KRA)** and **Uganda Revenue Authority (URA)** acknowledged the challenges raised by the KTA and committed to improving cross-border operations. They agreed on the need to increase staffing at border points during peak hours and to enhance system uptime in order to reduce truck queues. Additionally, both authorities expressed their willingness to engage with KTA in future discussions aimed at further improving trade facilitation along the Northern Corridor.

The KTA Secretariat commended the progress made by KRA and URA in improving services at the border posts and pledged to continue working closely with both agencies on initiatives that support and facilitate trade. The association also highlighted the importance of compliance with customs regulations for transporters handling goods under customs control, advising its members to prioritize compliance to avoid penalties. KTA will continue sensitizing its members on the need for adherence to these regulations to ensure smoother cross-border operations.

This engagement reflects KTA's commitment to addressing key challenges in the logistics sector and advocating for improvements that will benefit the entire transport industry.



VISION

A united association of global excellence in advancing sustainable road freight services

MISSION

To strengthen and improve transportation by serving and leading its diverse membership through advocacy, innovation and information sharing

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Kenya Transporters Association Ltd



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GET IN TOUCH

**TOM MBOYA ROAD,
TUDOR, MOMBASA
P.O BOX 88502 – 80100
MOMBASA, KENYA**

The Kenya Transporters Association Limited (KTA) is a business association of road transporters whose broad objective is to provide a common voice to articulate business constraints facing its members, while being a united association of global excellence in advancing sustainable and competitive road freight services in Kenya, East Africa Region and beyond.

CARGO STATISTICS COLUMN

CONTAINER TERMINAL (SEPT. 2024)		12 th – 18 th	19 th – 25 th	Change
Total Number of Ships		19	18	-1
Total Delivered Containers by Road (TEU'S)		10,427	10,310	-117
Delivered C'ners by Road	LOCAL	4,930	4,514	-416
Delivered C'ners by Road	TRANSIT	6,199	6,578	379
Delivered C'ners by SGR		4,212	3,818	-394
Imports Population Breakdown	LOCAL	1,486	2,236	750
	TRANSIT	4,583	6,202	1,619
Transit in Yard Breakdown	Burundi	160	227	67
	D.R. Congo	393	474	81
	Ethiopia	28	34	6
	Rwanda	684	857	173
	Somalia	0	0	0
	S. Sudan	11	240	229
	Tanzania	416	421	5
	Uganda	2,891	3,949	1,058
Deliveries to CFSS	Consolbase	362	374	12
	Msa C.T	206	128	-78
	Compact	395	349	-46
	Interpel	289	262	-27
	Mitchell Cotts	303	256	-47
	Awanad	131	224	93
	Portside	120	105	-15
	Focus	286	294	8
	MICT	185	223	38
	Makupa Yard	76	64	-12
	MICD	100	69	-31
	Autoport	416	369	-47
	Regional	227	219	-8
	Greatlakes	0	0	0
Siginon	218	96	-122	
Boss Freight	281	200	-81	

Source: KPA



SUPASTOP provides long-distance drivers with secure parking spot, decent and affordable accommodation alongside other amenities they need while on transit

DRIVER INCENTIVES

- If you fuel 100 – 199 litres you get free parking for one night
- 200 – 299 litres, free parking for one night and a meal.
- 300 and more litres, you get free parking for one night, a meal and one-night stay in a single room