LEGAL NOTICE No. 138
THE PUBLIC HEALTH ACT
(Cap. 242)
THE PUBLIC HEALTH (COVID-19 OPERATION OF PUBLIC SERVICE VEHICLES) RULES, 2020
ARRANGEMENT OF RULES

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THE PUBLIC HEALTH ACT
(Cap. 242)

THE PUBLIC HEALTH (COVID-19 OPERATION OF PUBLIC SERVICE VEHICLES) RULES, 2020

IN EXERCISE of the powers conferred by section 36 (m) of the Public Health Act, the Cabinet Secretary for Health makes the following Rules—

THE PUBLIC HEALTH (COVID-19 OPERATION OF PUBLIC SERVICE VEHICLES) RULES, 2020


2. In these Rules, unless the context otherwise requires—

"COVID-19" means an infectious disease caused by coronavirus;

"County Director" means the County Director responsible for Public Health in a county;

"Crew" means the driver, the conductor or any other employee or agent of the Public Service Vehicle operator aboard the vehicle;

"Health Care Professional" has the meaning assigned to it under the Health Act, 2017;

"Owner" means the registered owner of the Public Service Vehicle;

"Operator" means the corporate body with operational responsibility over the public service vehicle on a day to day basis either as the registered owner of the vehicle or pursuant to the terms of a contract or franchise agreement with the registered owner of the vehicle;

3. (1) The operator of a Public Service Vehicle shall ensure that—

(a) the crew of the Public Service Vehicle are screened for COVID-19 at the bus terminus, at the beginning and at the end of a work shift; and

(b) the crew of a Public Service Vehicle whose temperature is above thirty-seven point three degrees Celsius shall not be allowed to operate the vehicle and the operator shall immediately notify the County Director of such findings.

(2) The screening under sub paragraph (1)(a) shall carried out by measuring and recording body temperature using a contact free thermometer approved by the Kenya Bureau of Standards.
(3) The operator shall keep a register of the results of the body temperature of every crew member who is screened and the register shall be produced by the operator, on demand by a public health officer.

(4) An operator who contravenes paragraph (1) or makes a false entry in the register referred to in paragraph (3) commits an offence.

4. The operator of a Public Service Vehicle shall ensure that the crew and employees of the Public Service Vehicle are trained by a health care professional on the prevention of the spread of COVID-19 and a record of the training maintained.

5. (1) The crew of a Public Service Vehicle shall—

(a) wear a face mask that covers the mouth and nose;

(b) ensure that all passengers sanitize their hands before boarding;

(c) ensure proper ventilation of the vehicle while on transit;

(d) not allow any hawking, preaching or begging in the vehicle;

(e) ensure that disembarkation at the destination is conducted by rows starting with the rows closest to the exits; and

(f) ensure that the vehicle is disinfected after every trip.

(2) A person who contravenes paragraph (1) commits an offence.

6. (1) The operator of a Public Service Vehicle shall ensure that—

(a) a handwashing station, complete with clean running water, soap and paper towels, is installed at the ticket booking office and passenger boarding point and the effluent water from the handwashing station does not flow freely on the ground;

(b) a hand sanitizer approved by the Kenya Bureau of Standards is available for use by passengers;

(c) the interior surface of the vehicle is disinfected after every trip and a disinfection schedule maintained;

(d) luggage is disinfected;

(e) the temperature of passengers is measured at the entrance of the vehicle using a contact free thermometer;

(f) the Public Service Vehicle carries the capacity set out in the Schedule; and

(g) there is social distancing between passengers.
(2) A person who contravenes any provision of this rule commits an offence.

7. (1) The operator of a Public Service Vehicle engaged in intercounty passenger travel shall maintain and keep a passenger manifest for any trip for a period of at least six months.

(2) The manifest under paragraph (1) shall contain—

(a) the name of the passenger;
(b) the nationality of the passenger;
(c) the passport number or identification number of the passenger;
(d) the telephone number of the passenger;
(e) the seat allocated to the passenger; and
(f) the permanent residence of the passenger.

(3) The operator shall provide, without undue delay, the manifest to the relevant public health authorities upon request.

(4) The requirements of paragraph (1) shall not apply if the total distance to be covered between the point of commencement of travel in one county and the point of termination of travel in another county does not exceed fifty kilometers.

(5) A passenger of a Public Service Vehicle shall not provide false information for purposes of paragraph (2).

(6) A person who contravenes paragraph (1), (3) or (5) commits an offence.

8. (1) The operator of a Public Service Vehicle shall comply with the following operating conditions—

(a) there shall be no serving of food or drinks to passengers in a Public Service Vehicle;
(b) a system for contact free payment shall be put in place by the operator; and
(c) a passenger with body temperature exceeding thirty-seven point three degrees Celsius shall not be allowed into the Public Service Vehicle.

(2) A person who contravenes any provision of paragraph (1) commits an offence.

9. (1) A passenger shall, while aboard a Public Service Vehicle, wear a face mask that covers the mouth and nose throughout the journey.
(2) A person who contravenes paragraph (1) commits an offence.

10. (1) A person who commits an offence under these Rules shall, on conviction, be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding six months or both.

(2) The County Director may, in addition to any other penalty prescribed under these Rules, order that all vehicles belonging to the SACCO, Company or such other operator that is in breach of these Rules be impounded and subjected to inspection.

11. These Rules shall be enforced by the National and County Governments as the respective health authorities in line with the provisions of the Public Health Act.
## Schedule

<table>
<thead>
<tr>
<th>VEHICLE CAPACITY</th>
<th>ALLOWED SEATING CAPACITY</th>
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<tr>
<td>14 seater</td>
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</tbody>
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MUTAHI KAGWE,
Cabinet Secretary for Health.