Uganda

Roads Act, 2019

Act 16 of 2019

Legislation as at 25 September 2019

FRBR URI: /akn/ug/act/2019/16/eng@2019-09-25

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PDF created on 25 April 2024 at 16:10.

Collection last checked for updates: 31 December 2000.

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Roads Act, 2019
Contents

Part I – Preliminary ... 1
1. Commencement ... 1
2. Purpose of the Act ... 1
3. Interpretation ... 1
Part II – Road management ... 6
Road authority ... 6
4. Appointment of roads authorities ... 6
5. Functions of roads authorities ... 6
6. Powers of the Minister ... 7
Toll roads ... 7
7. Declaration of toll road ... 7
8. Prescription of tolls ... 8
9. Payment of road toll ... 8
10. Toll revenue ... 8
11. Public Private Partnerships ... 9
12. Shadow tolling ... 9
Part III – Classification of public roads and declaration of road reserves ... 9
13. Classification and reclassification of roads ... 9
14. Classes of public roads ... 9
15. Declaration of road reserves ... 10
16. Road reserves to be kept clear ... 10
17. Power to prescribe building lines on public roads ... 11
Part IV – Execution of road works ... 11
18. Plans for public roads ... 11
19. Execution of road works ... 11
20. Notice of road construction ... 11
21. Power to take materials for road construction ... 12
22. Road maintenance ... 12
23. Temporary traffic signs ... 12
24. Removal of obstructions and encroachments ... 13
25. Ferries, pontoons and bridges ... 13
26. Power of road authority to make ditches ... 13
27. Power to undertake ancillary works ... 14
28. Power to protect road works ... 14

29. Existing utilities on public roads 14
30. Protection of the environment 14
31. Environmental section for the road sector 15
32. Land conservation 15
Part V – Vehicle load control 15
33. Application of Part V 15
Legal Load Limits and Overloading Fines 15
34. Legal load limits 15
35. Prohibition of overloading 16
36. Liability for payment of fines and other costs 16
Control of vehicle loads 16
37. Mandatory weighing of vehicles 16
38. Special categories of vehicle loads 17
Operations of weighbridges and weighing stations 17
39. Operation and procedures at weighbridges and weigh stations 17
40. Approval, verification, calibration and audit of weighbridge 17
41. Installation and management of weighbridges and weighing stations 18
Enforcement of axle load control 18
42. Appointment of authorised officers 18
43. Powers of authorised officers 19
44. Duty of drivers to follow instructions of authorised officer 19
45. Procedure in case of vehicle overloading 20
46. Demerit point system 20
47. Regulations for axle load control 20
Part VI – Road safety 21
48. Safety of road users 21
49. Pedestrian crossings 21
50. Provision of footways and cycle ways 21
51. Road furniture 21
52. Speed limit 22
53. Closure of road by Minister 22
54. Construction of special roads, restriction of traffic, deviations and rest areas 22
55. Closure of public road 23
56. Special parking places 23
57. Traffic signs 23

58. Broken-down or abandoned vehicles 23
59. Sale of abandoned vehicles 24
Part VII – Access to roads 25
60. Control of points of access to public roads 25
61. Requirements and specification of access roads 25
62. Application for leave to construct access road through private property 25
Part VIII – Offences and penalties 25
63. Destroying roads 25
64. Obstructions on roads 26
65. Interferences on public roads 26
66. Stopping or clogging drains or watercourses 27
67. Nuisance on roads 27
68. Failure to comply with road signs 28
69. Failure to comply with the building line requirements 28
70. Offences relating to road tolls 28
71. Offences relating to axle loads 28
72. Obstruction of officers 29
73. Offences by contractors 30
74. General penalty 30
75. Express penalties 30
76. Cancellation of approvals granted under the Act 30
Part IX – Miscellaneous 30
77. Regulations 30
78. Amendment of Schedules 31
79. Repeal and savings 31
Schedule 1 (Section 3 and 78(1)) 31
Schedule 2 (Sections 3, 14 (2) and 78 (2)) 32
Schedule 3 (Sections 3, 34 (1), 35 (1) (a), 35 (2) (b), 36 (4) and 78 (2)) 35
Schedule 4 (Sections 3, 34 (2), 35 (1) (b), 36(4) and 77 (2)) 35
Schedule 5 (Sections 35 (1) (c) and 77 (2)) 36
Schedule 6 (Sections 8(3) and 77(2)) 37

Uganda

Roads Act, 2019

Act 16 of 2019

Published in Uganda Gazette 48 on 25 September 2019

Assented to on 4 September 2019

Commenced on 25 September 2019

[This is the version of this document from 25 September 2019.]

An Act to reform the law relating to the development, management and maintenance of public roads; to provide for the appointment of road authorities for the development, maintenance, control and management of different classes of public roads; to provide for toll roads and the imposition of road tolls on certain public roads; to provide for the classification of public roads; to provide for the declaration, control and protection of road reserves on public roads; to provide for access to public roads; to provide for axle load control on public roads; to provide for the creation of an environment section for the road sector; to provide for road safety; to provide for offences and penalties; and to make provision for related matters.

BE IT ENACTED by Parliament as follows:

Part I – Preliminary

1. Commencement

This Act shall come into force on the date of publication in the *Gazette*.

2. Purpose of the Act

The purpose of this Act is—

(a) to reform the law relating to the development, management, classification, demarcation and safety of public roads and for the placing and maintenance of road furniture;

(b) to provide for the declaration, management and protection of road reserves on public roads;

(c) to provide for the control of axle loads on public roads;

(d) to provide for the development and maintenance of toll roads and the imposition of road tolls on certain public roads;

(e) to provide for access to public roads;

(f) to create an environment that is conducive for the efficient and effective rehabilitation and maintenance of public roads; and

(g) to provide for the development and management of ferries and ferry landings.

3. Interpretation

In this Act, unless the context otherwise requires—

"**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 loaded or on which it is to be loaded;

"**access road**" means a public or private road affording access to a public road or to a highway;

"**adjoining land**" means land over which an access road passes or is to pass;

"**authorised officer**" means a person appointed under section 42;

"**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 the wheels would be in one vertical plane at right angles to the longitudinal centre-line of the 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 the a 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;

"**building line**" means an imaginary line prescribing the minimum distance of any building or proposed building from the boundary of a road reserve;

"**calibration**" means a 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 realised by measurement standards;

"**carriageway**" means a portion of a public road including the various traffic lanes and auxiliary lanes, but excludes shoulders;

"**certification**" means the issuance of a written statement by a third-party, based on a decision following review, that products, processes, systems or persons have fulfilled specified requirements or standards;

"**community access road**" means a road, path or track linking communities and villages to other classified roads and provides access to administrative, social and economic services;

"**concessionaire**" means a private entity that invests in road infrastructure construction, operation, maintenance and rehabilitation and collects tolls to recover its investment;

"**conventional tyre**" means a tyre fitted to a vehicle, the section width of which is between 280 mm and 315 mm;

"**currency point**" has the value assigned to it in Schedule 1 to this Act;

"**cycle way**" means a thoroughfare for bicycles and on which the use of moving and stationary vehicles is prohibited;

"**dead man's switch**" means a switch that is spring loaded and held "in" by the driver while the axle is in the lifted position and which, as soon as the driver takes his or her hand off the switch, 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 occur, the aggregate of which is to determine the gravity and frequency of overloading;

"**district road**" means a road which—

(a) gives access for the rural population to district administration headquarters, important towns and trading centres and social amenities including hospitals and schools;

(b) has low levels of motorised traffic within a rural area; and

(c) is vital to the welfare and economy of rural populations, including communities living in the more remote regions;

"**driver**" means any person who drives or guides, or is in actual physical control of a vehicle on a public road, and includes an operator of such vehicle;

"**emergency maintenance**" means maintenance needed to deal with emergencies and problems that require immediate action when a public road is blocked, damaged or destroyed;

"**environment**" means the physical factors of the surroundings of human beings, including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics and includes both the natural and the built environment;

"**expressway**" means a heavily trafficked, high speed and limited access road, which has a dual carriageway with grade separated junctions, and considered the highest grade of road and that may qualify for development using private sector financing;

"**ferry landing**" means a specialised docking facility that receives a ferryboat;

"**footway**" means a way or path for pedestrians, including a raised walk along the edge of a bridge and on which the use of moving or stationary vehicles is prohibited;

"**gross vehicle weight**" in relation to a motor vehicle, means the maximum permissible weight of the a vehicle and its load under this Act;

"**hazardous load**" means any load prescribed by the Minister by regulations to be capable of posing a risk to health, safety and property when transported along a public road;

"**heavy axle**" means an axle with more than two wheels;

"**independent audit organisation**" means an organization approved by the Uganda National Bureau of Standards under the Uganda National Bureau of Standards Act 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;

"**land owner**" means a person who owns land in accordance with the Land Act;

"**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 Schedule 3 and Schedule 4 to this Act;

"**liftable axle**" 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 roads;

"**national road**" means a strategic road of national importance which—

(a) links ports, airports and border posts to each other and to the Capital City;

(b) links district headquarters to each other and to small towns; and

(c) is vital for facilitating trade, commercial activities and national integration and the provision of administrative and social services;

"**overload**" means an axle load, a load from a group of axles, or gross vehicle weight on a vehicle that exceeds the prescribed legal limit 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;

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"**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;

"**periodic maintenance**" means maintenance, required only at intervals of several years;

"**private road**" means a road constructed by any person not being a road authority;

"**public road**" means a road specified in Schedule 2 to this Act and any road classified or reclassified by the Minister under section 13 as a public road and includes every carriageway over which the public has a right of way, express highway, footways on either side of the road, drains, ditches, embankments, ferries, bridges appertaining to the road, shoulders and all land not being private property, lying within the road reserve;

"**right of way**" means the right to use a public road;

"**road**" means a highway and any other road to which the public have access and includes—

(a) a bridge over which a road passes;

(b) a ferry as declared by the Minister under the Ferries Act; or

(c) a ship, as defined in the Inland Water Transport (Control) Act;

"**road authority**" means—

(a) in the case of a road maintained by the central government, the Uganda National Roads Authority;

(b) in the case of a road maintained by a district local government or urban local government, the relevant local government;

(c) in case of a road maintained by Kampala Capital City Authority, the Kampala Capital City Authority; and

(d) a road authority appointed by the Minister under section 4;

"**road construction**" means an activity undertaken to create a road, road pavement structure or road furniture;

"**road furniture**" means all fixtures on the road and within the road reserve that are intended to provide information or safety to a road user and includes traffic lights, sign posts, traffic signs, guardrails, marker posts, fences, reflectors and centre-line pads (cat's eyes);

"**road maintenance**" includes operations required to keep roads in good conditions and repair;

"**road reserve**" means an area declared to be a road reserve under section 15;

"**road side station**" means a facility along expressways, class A national roads and ferry landing sites and includes toilets, bathrooms, parking yards, restaurants, mini groceries, supermarkets, garages and resting centres;

"**routine maintenance**" means maintenance, required continually on every road whatever its engineering characteristics or traffic volume;

"**service road**" means a road that runs parallel to a highway and that provides access to the property bordering it;

"**shadow toll**" means a payment structure where the road user does not pay a toll; but the toll operator collects toll revenue from the road authority in proportion to the number of vehicles using the road;

"**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;

"**super single tyre**" means a tyre fitted to a vehicle, the section width of which is equal to or greater than 385 mm;

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"**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;

"**toll**" means a charge levied on a vehicle using a toll road;

"**toll operator**" means an authority or private entity responsible for collection of road tolls, and may be involved in the construction, operation, maintenance and rehabilitation of the toll road;

"**toll road**" means the whole length or portion of a national, district, urban or community access road, declared by the Minster under section 7 (1) or established and maintained by a road authority under section 7(4), where tolls are levied and collected from vehicles using the road;

"**toll station**" means a structure on a toll road where a toll is payable under this Act or any electrical or mechanical device on a toll road for recording the liability to pay a toll or any combination of such structure or device;

"**track**" means a path or road for bicycles but not for motor vehicles;

"**traffic sign**" means any object or device, whether fixed or portable, for conveying of traffic warnings, information, requirements, restrictions or prohibitions of any description and includes any line or mark on a national road for conveying warnings, information, requirements, restrictions or prohibitions;

"**transporter**" includes an owner and a driver of a vehicle and every person acting as agent for the owner, or who is in possession or control of the vehicle;

"**tridem axle**" means three axles suspended together with a spacing between the axles from 1.2m to 2.5m, and interconnected in 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 road profile or road condition;

"**unstable load**" means a load on a vehicle which could shift or oscillate within the vehicle when the vehicle is moving or stationary;

"**urban road**" means a road within the boundaries of an urban council and which does not form part of a national road;

"**vehicle**" means any conveyance or structure which is designed to be propelled or drawn on land, including a trailer, machine or implement of any kind drawn or propelled along a public road whether by animal, mechanical, electrical or any other motive power;

"**verification**" means the process of examining, testing, marking and issuing of certificates that ascertain and confirm that the measuring instrument complies with the statutory requirements or approved standards;

"**weighbridge**" means a machine for weighing vehicles under this Act, and includes all its associated peripherals and software;

"**weighbridge operator**" means any person, including an authorised officer, and a person 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 a public road for weighing vehicles and includes all facilities found in it.

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Part II – Road management

Road authority

4. Appointment of roads authorities

(1) The Minister may, by statutory instrument, appoint road authorities for the purposes of this Act.

(2) The Minister shall specify the type and area of roads over which a road authority appointed under subsection (1) shall be responsible in relation to the construction, alteration, rehabilitation, maintenance, protection and supervision.

(3) Notwithstanding subsection (1), the following are appointed road authorities for purposes of this Act—

(a) the Uganda National Roads Authority established by section 5 of the Uganda National Roads Authority Act, 2006; for national roads;

(b) local government councils; for district and community access roads;

(c) urban councils; for urban roads; and

(d) city authorities; for city roads.

5. Functions of roads authorities

(1) A road authority is responsible for the development, maintenance, control and management of public roads, road reserves and facilities under its jurisdiction in accordance with this Act and any other applicable law.

(2) Without limiting the generality of subsection (1), a road authority shall—

(a) develop public roads in accordance with its respective investment and physical development plans;

(b) prepare and implement road maintenance programs;

(c) adopt a harmonised approach on technical standards issued by the Minister for the promotion of a sustainable road network, taking into consideration the fact that different road users may require different standards;

(d) ensure road safety during development and maintenance of public roads;

(e) control and regulate the use of road reserves;

(f) manage the use of public roads with the aim of providing safe and adequate infrastructure for road transportation;

(g) conduct and maintain inventories on all public roads under its jurisdiction;

(h) develop, maintain and use road management systems for planning, budgeting, rational use of resources and decision making;

(i) provide pedestrian crossings, footways, cycle tracks, parking lanes and similar passageways on public roads;

(j) construct, maintain and control storm-water drains; and

(k) carry out any other function as may be determined by the Minister.

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(3) In carrying out its functions under this Act, a road authority may—

(a) undertake research or collaborate with any public research organisation with a view to facilitating the planning, development and maintenance activities of the road authorities;

(b) approve within standards issued by the Minister, remove, adjust or modify road advertisements and utility lines and charge fees for such advertisements and utilities lines;

(c) impose road tolls in accordance with this Act;

(d) enter upon any land to carry out investigations connected with siting, diverting, maintenance and construction of public roads;

(e) control traffic during maintenance, operation and construction of public roads;

(f) recommend the reservation of land for proposed public roads to the relevant government ministry, department or agency;

(g) place temporary or permanent traffic signs, including road signs and signals;

(h) undertake work across, on and within road reserves;

(i) acquire land for road development in accordance with the applicable laws;

(j) keep public roads clear of any obstructions;

(k) control utility service lines; and

(l) carry out any other act relevant to the performance of its functions under this Act.

6. Powers of the Minister

(1) The Minister may, in consultation with the relevant road authority, by statutory instrument, delegate any of the functions of the road authority prescribed under section 5 to any public institution or agency or to a private entity in respect of an area or specified public road.

(2) The Minister may, in consultation with the roads authorities, issue standards and design codes for public roads, bridges and ferry landings

(3) The Minister may give directions to a road authority with respect to policy and a road authority shall comply with those directives.

(4) The Engineer-in-Chief appointed by the Public Service Commission within the Ministry responsible for transport shall provide technical advice to the Minister on matters relating to—

(a) issuance of standards and design codes for public roads, bridges and ferry landings;

(b) declaration of toll roads;

(c) classification and reclassification of public roads;

(d) road reserve widths for different classes of public roads;

(e) determination and prescription of building lines; and

(f) restriction of certain classes of vehicles from using certain roads.

Toll roads

7. Declaration of toll road

(1) The Minister may, in consultation with the Minister responsible for finance and the relevant road authority, by statutory instrument, declare any road, group of roads or a portion of a road as a toll road for purposes of this Act.

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(2) A road shall not be declared a toll road under subsection (1) unless there is an alternative well maintained all weather route accessible to the public by vehicular or other traffic.

(3) The development, operation, management and maintenance of toll roads shall be supported by use of appropriate technologies including—

(a) Intelligent Transport Systems (ITS);

(b) Electronic Toll Collections (ETC);

(c) Asset Management Systems (AMS);

(d) promotion of Interoperability of Toll Systems; and

(e) any other system approved by the Minister.

(4) Notwithstanding subsection (1), a road authority may, with the approval of the Minister, establish and maintain toll roads in accordance with this Act and regulations made under this Act.

(5) The relevant road authority shall be responsible for monitoring the operational efficiency, financial performance and the engineering characteristics of the toll road.

8. Prescription of tolls

(1) The Minister may, by statutory instrument and in consultation with the Minister responsible for finance, prescribe tolls for toll roads declared under section 7.

(2) A toll prescribed under subsection (1) shall be a charge levied on a vehicle using a toll road for the purpose of recovering the cost of construction, operation, maintenance and rehabilitation of the road.

(3) A charge levied on a vehicle under subsection (2) shall be done in accordance with the classification of vehicles set out in Schedule 6 to this Act.

9. Payment of road toll

(1) A driver of a vehicle using a toll road shall be responsible for paying the road toll.

(2) The following vehicles are exempted from paying road tolls—

(a) emergency vehicles of the fire brigade and ambulances; and

(b) the Presidential convoy.

(3) Notwithstanding subsection (1), the Minister may, by statutory instrument and in consultation with the relevant road authority, exempt a vehicle or classes of motor vehicles from the payment of a road toll.

(4) Subject to subsections (1) and (3), a person shall not drive a vehicle on a toll road without paying the road toll.

10. Toll revenue

(1) A toll levied under this Act shall be collected by the relevant road authority and deposited into the Consolidated Fund or the Road Fund established under the Uganda Road Fund Act, 2008.

(2) Notwithstanding subsection (1), the relevant road authority may, with the approval of the Minister and the Minister responsible for finance, retain some of the toll levied for the purposes of meeting any expense and other obligations associated with the road upon which the toll is levied.

(3) A road authority may open and maintain a special account for the purposes of managing the toll revenue in accordance with the Public Finance Management Act, 2015.

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(4) A road authority may, in accordance with the Public Private Partnerships Act, 2015, enter into public private partnership agreement with a toll operator or concessionaire to collect toll revenue or to manage the account referred to in subsection (3).

11. Public Private Partnerships

(1) A road authority may develop, operate or maintain a toll road under a Public Private Partnership agreement between the road authority and a private entity approved under the Public Private Partnership Act, 2015.

(2) The agreement referred to in subsection (1) shall provide for the works or operations to be carried out to ensure value for money in the application of the toll revenue and may be subject to other conditions as the road authority may determine.

(3) Subject to the Public Private Partnership Act, 2015, the Minister may make regulations providing for the manner in which the agreement referred to in subsection (1) shall be made.

12. Shadow tolling

(1) The Minister may, in consultation with the Minister responsible for finance and the relevant road authority, designate a public road as a shadow toll road incorporating a payment structure where the road user does not pay a toll; but the toll operator collects toll revenue from the road authority in proportion to the number of vehicles using the road.

(2) The purpose of a shadow toll under subsection (1) is to enable the road authority to delegate the construction and funding of the infrastructure to a toll operator or concessionaire for purposes of this Act.

(3) The toll operator or concessionaire with whom a road authority enters into an agreement is entitled to shadow tolls payable by the road authority.

(4) Payment of shadow tolls shall be based on—

(a) traffic counts conducted by the toll operator or concessionaire; and

(b) the level of service of the road infrastructure.

Part III – Classification of public roads and declaration of road reserves

13. Classification and reclassification of roads

(1) The Minister may, by statutory instrument, classify or reclassify public roads for purposes of this Act.

(2) In classifying or reclassifying a road under subsection (1), the Minister shall—

(a) be guided by the use, function or administrative criteria of the road; and

(b) consult the Minister responsible for finance and the relevant road authority.

14. Classes of public roads

(1) Notwithstanding section 13, all public roads in Uganda are classified as national roads, urban roads, district roads or community access roads under this Act.

(2) Every road set out in Schedule 2 to this Act is declared a public road for purposes of this Act.

(3) The Minister may, taking into account any developments, declaration, public interest, road closure, diversion, turning or enlargement relating to a public road under this Act, reclassify public roads.

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15. Declaration of road reserves

(1) The Minister may, by statutory instrument, declare a road reserve on any land acquired by a road authority for purposes of road construction.

(2) The Minister may declare and gazette different widths of road reserves for different classes of roads.

(3) A road authority shall clearly demarcate and mark the boundaries of a road reserve on every public road under its jurisdiction using trees, pegs or any other marking approved by the Minister.

16. Road reserves to be kept clear

(1) A road reserve declared under section 15, shall be used exclusively for the development and expansion of public roads or for other road related activities.

(2) Notwithstanding subsection (1), a road authority may—

(a) plant trees and other vegetation in a road reserve;

(b) in writing, authorise any person or authority to use a road reserve for any approved activity including the placing of public lighting, advertisements, pipelines, telephone lines, electric supplies, optic fibre cables and posts, drains, sewers, mains and other utilities.

(3) The authorisation to use a road reserve under subsection (2) shall only be granted where the use does not hinder further use and development of the road reserve by a road authority.

(4) Subject to subsection (5), where a road authority requires a road reserve occupied by a person authorised under subsection (2) for road expansion, development, maintenance or other road related activity, the person authorised to use the road reserve shall remove the utilities or developments and restore the area to as near as possible to its original state or repair any damage as determined by the road authority in accordance with subsection (7).

(5) The cost of removing developments from a public road and restoration of the area under subsection (4) shall be at the cost of the person authorised under subsection (2) without any compensation from the relevant road authority.

(6) Where a road authority requires to use a road reserve, the road authority shall notify the person authorised to use the road reserve not later than ninety days or such other shorter period as a road authority may specify in the notice before the commencement of road works in the respective road reserve.

(7) A person authorised to use a road reserve under this section whose activity causes or is likely to cause damage to the road, road furniture or the surrounding environment shall—

(a) where damage is done to the road furniture or road, restore the damaged road furniture or fund the restoration of the road section to its original state and condition in accordance with the road technical specifications and standards issued by the Minister; and

(b) where the damage is done to the surrounding environment of the road reserve, restore the environment to its previous state and condition in accordance with the National Environment Act, 2019.

(8) A person who constructs any structure in or on a road reserve or uses a road reserve without authorisation under this section is not entitled to any compensation for the structure or use and shall remove the structure or cease the use of the road reserve at his or her cost.

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17. Power to prescribe building lines on public roads

(1) The Minister may, in consultation with the relevant road authority, by statutory instrument, prescribe—

(a) the building line in which buildings shall be erected along a road, taking into account the Physical Planning Act, 2010; and

(b) the distance from the centre of the road within which no building shall be erected in a local government or area.

(2) Where a building line is prescribed under this section in relation to an existing road, no new building, other than a boundary wall or fence, shall be erected and no permanent excavation below the level of the road shall be close to the centre line of the road than the building line, except with the consent of the relevant road authority subject to such conditions as the road authority deems fit.

(3) The prohibition imposed under subsection (2) shall not affect the right of any railway, bus rapid transit, electricity, water or sewerage undertakers to make an excavation for the purpose of laying, altering, maintaining or renewing any main, sewer, pipe, electric line, duct or other apparatus.

(4) A condition imposed by a road authority in giving consent under subsection (2) shall be binding on the successor in title to every owner, and on every lessee and occupier of any land to which it relates.

(5) Where, in the opinion of a road authority, a building line prescribed under this section, or any part of a building line, is no longer necessary or desirable, the road authority shall advise the Minister to remove the building line.

Part IV – Execution of road works

18. Plans for public roads

Each road authority shall, in consultation with the Minister, prepare a plan and survey the public road under its management and may, from time to time, amend the plan or survey to take into account any deviation or alteration made on any existing public road.

19. Execution of road works

(1) A road authority shall ensure that the execution of road works and ferry landings apply innovative technologies to achieve cost effectiveness and shall comply with all the applicable laws.

(2) The execution of road works and road projects shall only be implemented by a designated road authority.

(3) Where a Government ministry, department or agency develops programmes with a road development or maintenance component, the road development or maintenance component shall be implemented in collaboration with the ministry responsible for roads and the relevant road authority.

20. Notice of road construction

Where it appears to a road authority that there is need, in the public interest, to construct a new road or to widen, deviate or re-align an existing road or access road under this Act, the road authority shall conduct public meetings and publish a notice in a newspaper of national circulation, showing the location and extent of the proposed road corridor.

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21. Power to take materials for road construction

(1) A road authority may, subject to the Constitution and any other applicable law—

(a) acquire land owned by any person for purposes of this Act;

(b) excavate and take materials required for road construction or maintenance of a public road; or

(c) with the consent of the owner, enter upon any land and take any material including water, other than water from an artificial dam, well or borehole, necessary for the construction, maintenance or repair of roads or proposed roads and for providing access roads and space for stockpiling; and no compensation shall be payable except as provided in this section.

(2) A road authority shall, before entering upon any land, consult the land owner to offer a suitable alternative, where possible.

(3) A road authority shall not take possession of materials on which the owner has expended money or labour, or material from any house, wall or other structure.

(4) Compensation shall not be paid for materials or quarries located within a road reserve.

(5) A road authority shall compensate the land owner for any damages caused to the land under this section.

(6) A road authority shall, when constructing an access road to a site of quarry, have the right to make openings in fences and shall secure the openings against stray livestock during the operations and properly restore the fences upon completion of the work.

(7) A road authority shall ensure that any quarry or other excavation used under this section is safe and secure.

(8) A road authority shall, after completion of the work, fill the excavated quarry.

22. Road maintenance

(1) A road authority shall, in making decisions for maintenance of a public road, be guided by technical and economic considerations.

(2) The types of road maintenance to be carried out by a road authority include—

(a) routine maintenance;

(b) periodic maintenance;

(c) emergency maintenance; and

(d) any other type of maintenance as the road authority may determine.

23. Temporary traffic signs

(1) A police officer or any person acting under the authority or instruction of the Inspector General of Police may place on any road or on any structure on a public road, traffic signs of appropriate size, colour or type prescribed by the Minister by regulations indicating such prohibitions, restrictions or requirements relating to vehicular traffic as may be necessary or expedient to guide traffic in consequence of an accident or other unforeseen event or extraordinary circumstances.

(2) Notwithstanding subsection (1), a road authority may place traffic signs in accordance with subsection (1) when engaged in works of maintenance, rehabilitation, construction or other road works in respect of the length of road being maintained or constructed.

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(3) Traffic signs placed in accordance with this section shall be removed as soon as the circumstances or works on account of which they were placed have ceased to exist or have been completed, as the case may be.

(4) Notwithstanding subsections (1) and (2), a police officer or any person acting under the authority or instruction of the Inspector General of Police or a road authority shall take measures to ensure minimum disruption of traffic flow.

24. Removal of obstructions and encroachments

(1) A road authority may give notice in writing to any person obstructing or encroaching on a public road or road reserve to remove or abate the obstruction or encroachment within a period specified in the notice.

(2) Notwithstanding subsection (1), a road authority may, without prior notice, remove an obstruction or encroachment on a public road or road reserve at the cost of the person responsible for the encroachment or obstruction.

(3) Where a person to whom a notice has been issued under subsection (1) fails to comply with the notice within the prescribed period, the road authority may cause the obstruction or encroachment to be removed or abated at the cost of the person who was issued with the notice.

(4) For the purposes of giving effect to subsection (3), a road authority may enter into any house, garden, enclosure or other premises and remove the obstruction or encroachment and recover the costs occasioned from the person failing to remove or abate the obstruction or encroachment.

(5) The road authorities may, for purposes of this section, issue guidelines to land owners adjacent to a public road for the use of verge treatments.

25. Ferries, pontoons and bridges

(1) A road authority may, where necessary, construct and operate any ferry or pontoon to facilitate the crossing of any lake, river or stream.

(2) Any ferry or pontoon operated under subsection (1) shall be operated in accordance with the Ferries Act.

(3) A road authority shall, where necessary, construct bridges over lakes, rivers and streams or under a railway line or inland waterways.

(4) The powers under subsection (3) shall be exercised in consultation with the relevant Government ministry, department or agency.

26. Power of road authority to make ditches

(1) Subject to the Constitution and any other applicable law, a road authority may make and keep open any ditches, gutters, bridges or watercourses and may make and lay drains, culverts, tunnels or bridges as it deems necessary for the draining, reservation, improvement, repair or construction of any public road in and through any land or grounds adjacent or lying near the public road or road reserve.

(2) Notwithstanding subsection (1), a drain, tunnel or culvert shall be constructed in a manner that—

(a) minimizes damage to the environment, adjacent land and other properties;

(b) is not dangerous to road users; and

(c) does not restrict access to property.

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27. Power to undertake ancillary works

(1) A road authority may, for the purpose of protecting traffic along any road from danger or making the crossing of any road less dangerous to pedestrians—

(a) provide lighting, maintain, alter or remove places of refuge on the road;

(b) provide road markings, guardrails, pelican crossings, cats eyes and reflectors; or

(c) construct, light, maintain, alter, remove or close subways or overhead bridges for the use of pedestrians.

(2) A road authority may construct and maintain works in the carriageway—

(a) along any length of a public road for separating a part of the road which is to be used by traffic moving in one direction from a part of the road which is to be used, whether at all times or at particular times, by traffic moving in another direction;

(b) at cross roads or other junctions for regulating the movement of traffic; or

(c) for providing places of refuge for the protection of pedestrians crossing the road.

(3) The power conferred upon a road authority by subsection (2) shall include power to light any works, to pave, plant grass, erect pillars, walls, guardrails or other fences on, around or across the grass or part of the grass and plant ornamental or avenue trees, shrubs and other vegetation for ornamental purposes or in the interest of safety; and shall include the power to remove the road works.

28. Power to protect road works

(1) A road authority may place stone, gravel, wood or other materials upon any public road and may allow the stone, gravel, wood or other materials to remain on the public road during the time the road is under construction or maintenance or for such a time before the construction or repairs are commenced.

(2) Where a road authority places materials on a public road under subsection (1), signs shall be appropriately posted warning road users, at least forty five metres before the place where the materials are located.

29. Existing utilities on public roads

Notwithstanding any law regulating—

(a) the construction, erecting, placing, maintaining or keeping on, over or under any public road of any telephone lines, cables, pipelines, electric poles, power or other poles, or any wires, fixtures or attachments; or

(b) the constructing, erecting, placing, maintaining or keeping on, over or under any road of any object or thing, whether or not of the kind mentioned under this section;

all poles, wires, fixtures and attachments placed on public roads before the commencement of this Act shall be deemed to be lawfully on, over or under public roads and shall be held in accordance with this Act on such terms and conditions as the Minister may deem necessary.

30. Protection of the environment

A road authority shall, in carrying out its functions under this Act, comply with the National Environment Act, 2019 and with all regulations and guidelines made under that Act.

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31. Environmental section for the road sector

(1) Subject to any law relating to the recruitment of persons in the public service, the Minister shall establish an environmental unit for the road sector within the ministry responsible for roads to mainstream cross cutting issues and ensure compliance with the environmental principles prescribed under the National Environment Act, 2019.

(2) The environment unit referred to in subsection (1) shall—

(a) advise the Minister on the production of a sustainable development strategy for the roads sector, including policies and plans for the implementation of the strategy;

(b) develop and regularly update, in consultation with the National Environment Management Authority, environmental codes and practices for road works;

(c) coordinate with the National Environment Management Authority in the development of environmental regulations and guidelines for the roads sector for the approval of the Minister;

(d) disseminate information regarding environmental protection and management within the roads sector;

(e) assist the National Environment Management Authority to supervise and coordinate the implementation of the National Environment Act, 2019 in the roads sector; and

(f) mainstream cross-cutting and environmental issues into plans and projects in the roads sector.

32. Land conservation

The Minister may, in consultation with the National Environment Management Authority, by statutory instrument, make regulations and guidelines for land preservation and control of soil erosion during the construction and maintenance of public roads.

Part V – Vehicle load control

33. Application of Part V

(1) This Part applies to the implementation of vehicle load control along public roads.

(2) A road authority shall control the maximum gross vehicle weights, axle loads and dimensions of permitted vehicles and impose speed limits and overloading fees in accordance with this Part and regulations made under this Act.

Legal Load Limits and Overloading Fines

34. Legal load limits

(1) The axle load of any vehicle using a public road shall not exceed the maximum permissible weight limit for the vehicle, set out in Schedule 3 to this Act.

(2) The gross vehicle weight of any vehicle using a public road shall not exceed the maximum permissible gross vehicle weight specified in Schedule 4 to this Act and regulations made under this Act.

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35. Prohibition of overloading

(1) A person shall not drive or use, or cause or permit to be driven or used, on any part of a public road, any vehicle as may be prescribed by the Minister by regulations except where—

(a) the gross vehicle weight of the vehicle does not exceed the weight specified in relation to a vehicle of such description in Schedule 4 to this Act;

(b) the gross vehicle weight is distributed on axles in the manner specified in Schedule 3 to this Act; and

(c) the overall dimensions of the vehicle and trailer, including when laden, does not exceed the specifications set out in Schedule 5 to this Act.

(2) Notwithstanding subsection (1)—

(a) no axle, singly or as one of a tandem or triple axle shall carry—

(i) more than eight metric tonnes for two conventional tyres;

(ii) eight and a half metric tonnes for super single tyres; or

(iii) ten metric tonnes for a single non - steering axle with four conventional tyres;

(b) the axle load limit shall not exceed the limits prescribed in Schedule 3 to this Act; and

(c) the maximum number of axles of any group shall not exceed three.

(3) Liftable axles shall only be permitted on a vehicle if the axles are fitted with the manufacturer's certified dead man's switch or on an air suspension system or with automatic dropdown when loaded.

36. Liability for payment of fines and other costs

(1) A person shall not drive, use, cause or permit to be driven or used, any vehicle on a public road, while it is overloaded.

(2) A transporter who drives, uses, causes or permits to be driven or used, any vehicle on a public road while the vehicle is overloaded is liable to pay to the relevant road authority, a fine prescribed by the Minister by regulations.

(3) A vehicle is said to be overloaded when used on any part of a public road in contravention of the weight limits set out in Schedule 3 and Schedule 4 to this Act.

(4) Where any damage is caused to any bridge, road furniture or road pavement, the transporter shall compensate the relevant road authority for the damage and shall be liable for any costs, charges or expenses in that respect, including any axle or gross vehicle weight overload fines payable under this Act.

(5) Regulations made under this section may provide for the assessment of damage, the procedures of administration, and for costs, charges or expenses charged under subsection (4).

Control of vehicle loads

37. Mandatory weighing of vehicles

(1) A transporter operating a vehicle of a gross vehicle weight of 3,500 kilogrammes or more shall present the vehicle to be weighed at every weighbridge or weighing station situated along a public road traversed by the vehicle, or which is designated for the purpose by a road authority.

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

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38. Special categories of vehicle loads

(1) The following loads shall only be transported on a public road if a special permit has been issued by the Minister, in consultation with the relevant road authority—

(a) abnormal loads;

(b) awkward loads;

(c) hazardous loads;

(d) unstable loads;

(e) super loads; and

(f) such other load as the Minister may prescribe by notice in *Gazette*.

(2) An application for a special permit under subsection (1) shall be in the manner prescribed by the Minister by regulations.

(3) A vehicle carrying a load specified in subsection (1) without a special permit shall be stopped and detained by an authorised officer or directed to proceed to such place as may be necessary, taking into account safety, health or security, and the transporter shall be liable to pay a fine or other penalty under this Act, the Traffic and Road Safety Act and any other applicable law.

Operations of weighbridges and weighing stations

39. Operation and procedures at weighbridges and weigh stations

(1) The Minister shall, by regulations, prescribe the procedure for the management and operation of weighbridges and weigh stations to ensure that all weighbridge operations are carried out in a proper, consistent and standardised manner and for purposes of enforcement of this Act.

(2) Regulations made under subsection (1) shall provide for—

(a) weighbridge approval, calibration, verification and audit standards;

(b) networking of weighbridges and weigh stations;

(c) linking weighbridges to customs;

(d) identification and conspicuous sign marks for weighing stations and weighbridges;

(e) standardised forms for weighing operations;

(f) linking of weighbridge certificates with customs procedures;

(g) identification of authorised officers;

(h) use of modern information and communication technologies in operations of weighbridges;

(i) safety measures;

(j) obligatory training of weighbridge and weighing station staff under a regionally prescribed training syllabus at accredited institutions; and

(k) any other matter related or incidental to the above.

40. Approval, verification, calibration and audit of weighbridge

(1) A weighbridge or weighing station used for enforcement purposes under this Act shall be approved by the Uganda National Bureau of Standards.

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(2) A weighbridge or weighing station shall not be approved for use under subsection (1) unless it complies with standards issued by the Uganda National Bureau of Standards.

(3) The Uganda National Bureau of Standards shall conduct quarterly inspection of weighbridge and weighing station to verify whether the weighbridge or weighing station complies with the standards referred to under subsection (2).

(4) An approved weighing station or weighbridge shall be subject to an annual audit by an independent audit organisation appointed by the Uganda National Bureau of Standards to confirm that the weighing station or weighbridge complies with the terms and conditions of the approval.

(5) A person operating a weighbridge or a weighing station shall provide the Uganda National Bureau of Standards or an independent audit organisation appointed by the Uganda National Bureau of Standards 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.

(6) Where a weighing station or weighbridge complies with the prescribed standards, the independent audit organisation shall issue a certificate of compliance in the prescribed format.

(7) Where a weighing station or weighbridge does not comply with the prescribed standards, the Uganda National Bureau of Standards may—

(a) issue a directive in writing to the responsible body operating the weighing station or weighbridge to ensure compliance within a period specified in the directive;

(b) suspend the certificate of approval pending such compliance; or

(c) revoke the certificate of approval.

(8) A certificate of approval may be renewed, where after a technical audit, the weighing station or a weighbridge complies with the prescribed standards.

41. Installation and management of weighbridges and weighing stations

(1) Every road authority shall, in consultation with the Minister, determine the network and location of weighbridges and weighing stations along the public roads under its jurisdiction.

(2) In determining the network and location of weighbridges and weighing stations under subsection (1), a road authority shall take into account the flow of traffic along the public road.

(3) A road authority responsible for a weighbridge or weighing station shall issue operational guidelines for the proper use of weighing devices by transporters at a weighbridge or weighing station.

Enforcement of axle load control

42. Appointment of authorised officers

(1) Every road authority, shall by notice in the *Gazette*, appoint authorised officers for the purposes of this Part.

(2) A road authority may revoke the appointment of an authorised officer under such conditions as may be prescribed by regulations.

43. Powers of authorised officers

(1) An authorised officer appointed under section 42 shall have the power to—

(a) require the driver of a vehicle to stop the vehicle for purposes of weighing and inspecting the vehicle;

(b) enter a 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 Part;

(f) issue a weighing certificate for a 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 the prescribed 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 a vehicle to be driven to a designated location if the driver is incapable or unwilling to comply with an instruction of the authorised officer;

(k) inspect any relevant record relating to a vehicle or load issued, or required under this Act;

(l) make inquiries of any person who owns or operates a vehicle being inspected; and

(m) cause to be performed, tests or examinations as provided for in this Part in respect of the vehicle or any load carried in or on the vehicle.

(2) In exercising the powers under subsection (1), an 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) Without prejudice to any other applicable law, other relevant Government agency including the Police, may provide such assistance as may be necessary to any authorised officer in the enforcement of this Part.

(4) A person offering assistance to an authorised officer under subsection (3) shall not undertake the weighing or verification of any load or determination of compliance with the provisions of this Part by any transporter.

(5) For the avoidance of doubt, only authorized officers with requisite identification shall manage weighbridges and weighing stations.

44. Duty of drivers to follow instructions of authorised officer

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 authorised officer may direct.

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45. Procedure in case of vehicle overloading

The Minister shall, by regulations, prescribe the procedure to be followed by an authorised officer at weighbridges or weigh stations during weighing and in case of overloading.

46. Demerit point system

(1) The Minister may, by regulations, prescribe a demerit point system for overloading.

(2) Regulations made under subsection (1) shall provide for—

(a) categorisation of overloading according to the degree of severity;

(b) a threshold of overloading, which if exceeded, result in one or more of the administrative sanctions contemplated in subsection (4) being applied; and

(c) additional fines, being not less than three times the normal overloading fees, to be paid by transporters who exceed the thresholds set out in paragraph (b).

(3) The demerit points shall be recorded by an authorised officer in the weighing report.

(4) Where a vehicle has exceeded the threshold prescribed by the Minister by regulations in the demerit point system, the road authority may, in addition to recovering any overloading fees, impose one or more of the following sanctions against the transporter—

(a) a ban, as may be prescribed by regulations made under subsection (1), 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) the withdrawal of the operating licence of the vehicle by the responsible ministry, department or agency.

47. Regulations for axle load control

(1) The Minister may, by statutory instrument, make regulations for giving effect to this Part.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for—

(a) the maximum axle weights and dimensions of motor vehicles, trailers or engineering plant to be used on any road and the payment of express penalties for overloading;

(b) fines for overloading and other penalties to be imposed under this Part and the method of payment of the fines or penalties;

(c) vehicle dimensions, axle load configurations and vehicle combinations;

(d) weigh station and weighbridge operations and procedures;

(e) terms and conditions for transport of abnormal, awkward, hazardous and unstable loads and other similar loads;

(f) approval standards for weighbridges and weighing stations;

(g) training and qualification standards for weighing station personnel;

(h) the role and mandate of roads authorities with respect to enforcement procedures under this Part;

(i) the format of any form, record or certificate to be prepared or made in terms of this Part;

(j) information and communication technology systems;

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(k) determining the criteria for the establishment of an optimal regional network of weighbridges and the location of weighbridges and weigh stations along public roads;

(l) the manner or form in which any application under this part may be made, including prescribing forms;

(m) compounding of penalties; and

(n) any other matter related to axle loads.

(3) Without prejudice to any fine or penalty prescribed under this Act, where a vehicle is found on any road to be in excess of the maximum prescribed axle weight for that road, an authorised officer or police officer may—

(a) direct the driver or other person in charge of the motor vehicle, trailer or engineering plant to park it by the roadside and remove the excess weight at the expense of the owner or other person responsible for the motor vehicle, trailer or engineering plant; or

(b) impound the motor vehicle, trailer or engineering plant until the excess weight is removed at the expense of the owner or other person responsible for the load.

Part VI – Road safety

48. Safety of road users

A road authority shall put in place measures to ensure the safety of road users during the design, construction, maintenance and operation of public roads by providing pedestrian crossings, footways, overhead bridges and road signs in a manner prescribed by regulations.

49. Pedestrian crossings

(1) A road authority may cause pedestrian crossings and footways in such form as may be prescribed by regulations to be placed across public roads at such places as the road authority may determine.

(2) In any proceedings under this Act, every pedestrian crossing shall be presumed to have been lawfully placed and to be in a lawful form until the contrary is proved.

50. Provision of footways and cycle ways

A road authority shall, where necessary—

(a) provide for the safety or accommodation of pedestrians and pedal cyclists, proper and sufficient footways and cycle ways by the side of the road; and

(b) provide for grass or tracks by the side of the roads for the safety or accommodation of driven and ridden animals and agricultural machinery.

51. Road furniture

(1) A road authority shall ensure that the necessary road furniture is erected and maintained on public roads under its jurisdiction, in a manner prescribed by regulations.

(2) A road furniture erected and maintained by a road authority under subsection (1) shall not dazzle road users or distract their attention in a way prejudicial to traffic safety.

(3) A person who damages, removes or obscures road furniture commits an offence and is liable, on conviction, to a fine not exceeding ninety six currency points or imprisonment not exceeding four years, or both.

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(4) The court may, in addition to any penalty imposed under subsection (3), require the person convicted of the offence to pay for the repair or replacement of the road furniture.

52. Speed limit

(1) The Minister may, by regulations, prescribe the speed limits in respect of all public roads or sections of public roads.

(2) Notwithstanding the provisions of any other law, the Minister may, by statutory order, prescribe temporary maximum speed limits for motor vehicles, trailers or engineering plant of different classes or descriptions on any part of any road for such period as may be specified in the order.

(3) A person who fails to comply with a speed limit set under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred sixty eight currency points or imprisonment not exceeding seven years, or both.

53. Closure of road by Minister

The Minister may, by legal notice in the *Gazette*, close any road or part of a road to all motor vehicles, trailers or engineering plant for such period as may be specified in the order.

54. Construction of special roads, restriction of traffic, deviations and rest areas

(1) A road authority may construct or maintain a public road or part of a public road restricted to—

(a) the exclusive use of any special kinds of traffic, including pedestrians, ridden or driven animals; or

(b) traffic moving in one direction only.

(2) A road authority shall, before constructing or maintaining a road under subsection (1), put a notice a newspaper of national circulation.

(3) For the purpose of constructing, repairing or maintaining any public road within its jurisdiction, a road authority may, on giving prior notice to the land owner or occupier concerned, construct and maintain temporary deviations over any land adjacent to the road not being land occupied by buildings, orchards, gardens or other improvements, or land under cultivation; and no compensation shall be payable.

(4) Notwithstanding subsection (3), the powers conferred upon a road authority may be exercised over land under cultivation with the consent of the owner or occupier concerned and on payment to the owner or occupier of land appropriate compensation as may be agreed upon by a road authority and the owner or occupier of the land.

(5) Where any deviation has been constructed, the road authority shall, when the deviation has ceased to be required for the purpose for which it was constructed, restore and make good to the satisfaction of an environmental officer, the land over which the deviation was constructed.

(6) A road authority may, by notice in the *Gazette*, set aside parts of a road as parking place for all or any class of motor vehicles, trailers or engineering plant in accordance with regulations and standards issued by the Minister, and the road authority may levy charges for the designated parking places.

(7) A person who uses a restricted public road contrary to this section commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

(8) The road authority responsible for the national road network shall—

(a) provide road side stations for road users on class A national road at every fifty kilometer interval or travel time of one hour, whichever comes first; and

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(b) provide rest areas at every ferry landing site.

55. Closure of public road

(1) Notwithstanding section 53, a road authority may where it considers that urgent action is required for the protection of the public or for the construction and maintenance of a public road, in consultation with the Minister, close any public road or part of a public road to all traffic or to any class or classes of traffic for a specified period.

(2) A road authority may, in consultation with the Minister, restrict any class or classes of traffic on any road or on part of any road for a specified temporary period or may prescribe the terms and conditions on which all traffic or any class or classes of traffic will be permitted on any road or part of any road for a specified period.

(3) Where a road authority closes a road under subsection (1), signs shall be posted restricting the use of the road.

(4) A person who does not comply with a sign posted under subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

56. Special parking places

A road authority may, by notice in the *Gazette*, set aside parts of roads as places for—

(a) bus stops;

(b) taxicab stands; and

(c) loading zones for goods vehicles.

57. Traffic signs

(1) A road authority may cause traffic signs of such kinds, designs, standards, material, size and colour as may be prescribed by the Minister by regulations, to be erected or marked on the ground at such places as may be specified in the regulations.

(2) In any proceedings under this Act, a traffic sign shall be presumed to be lawfully erected and of the lawful kind, design, standard, material, size and colour until the contrary is proved.

(3) No board or notice which might be confused with a traffic sign or other traffic device which might render it less visible or effective or might dazzle road users or distract their attention in a way prejudicial to traffic safety shall be erected on or near a road.

58. Broken-down or abandoned vehicles

(1) A person whose vehicle breaks down or who is involved in a road accident on a public road shall remove the vehicle from the public road in accordance with this section.

(2) Subject to subsection (1), a vehicle which breaks down or which is involved in an accident in an urban area shall be removed from the public road within two hours from the time of the break down or accident.

(3) Subject to subsection (1), a vehicle which breaks down or which is involved in an accident in a rural area shall be removed from a public road within six hours from the time of the break down or accident.

(4) A person shall not repair a vehicle along a public road, except for emergency cases and the repair time shall not exceed a period of two hours in an urban area and six hours in a rural area.

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(5) Repair of broken down vehicles or a vehicle involved in a road accident in emergency cases shall not be done in a manner that causes or is likely to cause danger, obstruction or undue inconvenience to other road users or cause damage to the road.

(6) A road authority or a police officer shall, after the two hours referred to in subsection (2), cause to be towed, a mechanically broken vehicle, to a yard at the nearest police station and the vehicle shall be removed by the owner or his or her representative after paying the cost of towing.

(7) A vehicle left unattended on a public road for two hours or more shall be considered to be abandoned unless, prior to the expiration of the two hours, the owner of the vehicle or his or her representative has notified a road authority or the police that the vehicle is to be parked for an extended period of time and the road authority or the police has permitted the owner of the vehicle to be parked for an extended time, subject to such conditions as the road authority or the police may deem necessary.

(8) Any person who repairs a vehicle along a road or leaves a vehicle unattended on a public road without authorisation from a road authority or the police commits an offence and is liable, on conviction, to a fine not exceeding ninety six currency points or imprisonment not exceeding four years, or both.

(9) A driver of a motor vehicle that has broken down or is involved in an accident shall provide adequate warnings, at a reasonable distance that does not cause or is likely to cause danger, obstruction or undue inconvenience to other road users and where the manner of parking is indicated by a sign post or marking on the road side, the driver shall park the vehicle or trailer in such a manner.

(10) A person who fails to provide a warning in accordance with subsection (9) commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years, or both.

(11) A person shall not drive a motor vehicle on the shoulders, cycle ways, pedestrian crossing or footways of a public road.

(12) A person who contravenes subsection (11) commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years, or both.

(13) A court convicting a person of an offence under subsection (12) may, in addition to any penalty imposed order the person to pay for the cost of repairing the damage caused to the public road.

59. Sale of abandoned vehicles

(1) Where a motor vehicle, trailer or engineering plant moved under subsection 58 (6) is not claimed and the expenses of removal and storage are not paid by the owner or person having interest in the vehicle within two months from the date of removal, the police shall cause notice of the intention to sell the vehicle, trailer or engineering plant by auction to be published in the *Gazette* and in at least two newspaper of national circulation.

(2) Ninety days after the notice in subsection (1), the motor vehicle, trailer or engineering plant shall be sold by auction.

(3) The proceeds of any sale under subsection (2) shall be applied to—

(a) the payment of costs and charges relating to the sale, including costs of advertisement; and

(b) payment of expenses for the removal and storage of the motor vehicle, trailer or engineering plant.

(4) The owner of the motor vehicle, trailer or engineering plant sold under subsection (2) shall be paid any balance that remains after the payments under subsection (3).

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Part VII – Access to roads

60. Control of points of access to public roads

(1) The Minister may, in consultation with the relevant road authority, make regulations for the control of the number, location and design of points of access to public roads.

(2) A road authority may construct service roads for purposes of limiting the number of access roads joining public roads.

61. Requirements and specification of access roads

(1) The Minister shall, by regulations, specify the requirements and specifications of access roads.

(2) Where a road or portion of a road or any land has been designated and acquired as an access road, a person shall not, without written approval from a road authority, construct, use, or allow the use of an entrance-way or gate which or part of which is connected with or open upon the access road.

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or imprisonment not exceeding five years, or both.

62. Application for leave to construct access road through private property

(1) Where the owner of any land is unable, through negotiations, to obtain leave from adjoining landowners to construct an access road to a public road, he or she may apply to the Minister for leave to construct an access road over any land lying between his or her land and the public road.

(2) The Minister may, in consultation with the relevant road authority, grant leave to construct an access road.

(3) The Minister shall, before granting leave to construct an access road under subsection (2), ensure that an applicant compensates the adjoining landowner.

(4) An application under subsection (1) shall be in a manner prescribed by regulations.

Part VIII – Offences and penalties

63. Destroying roads

A person who—

(a) destroys, pulls up, defaces, breaks or damages milestones, culverts, road furniture, dams, bridges or pavements;

(b) litters a public road;

(c) spills oil on a public road, bridge, ferry or pontoon;

(d) causes storm water or sewage to spill on a public road; or

(e) places or burns on a public road, any substance that can damage the public road, bridge, ferry or pontoon;

commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or imprisonment not exceeding five years, or both.

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64. Obstructions on roads

(1) A person who—

(a) turns or permits to be turned loose or slaughters, any animal on a public road;

(b) tethers or causes to be tethered any animal in, upon or near a public road so that the animal causes obstruction or inconvenience to passersby, unless the animal is so tethered during the time required for loading or unloading of the animal on or from any vehicle to which the animal may belong;

(c) places or throws any stones, broken bottles, solid waste, garbage, bricks, sand, nails, lime, dung or rubbish on a public road, and allows the same to remain on the public road except for purposes of implementation of any provision of this Act;

(d) leaves, places or negligently allows any timber, stones or other material to fall on or over a public road so as to obstruct the road or endanger persons using the road or deposits rubbish, debris or other material; gaseous, liquid or solid on the public road;

(e) places or mixes construction materials on a public road;

(f) places an obstruction in a drain, gutter, sluice or watercourse on a public road;

(g) encroaches on a public road by making or causing to be made on the public road, without proper authority, any building, temporary kiosk, platform, hedge, ditch or fence or other obstruction;

(h) prevents by a dam or obstruction, water flowing from a public road onto the adjoining land, whether or not he or she is the owner or occupant of such land;

(i) causes water to flow over a public road;

(j) dries any food on a public road; or

(k) in any way prevents any person or any vehicle from passing along a public road,

commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

(2) The cost of removing any obstruction or dam and of repairing any damage caused by actions referred to under subsection (1) shall be recovered by the relevant road authority from the person causing the obstruction.

(3) A road authority or any person authorized by a road authority may remove or demolish an obstruction or dam referred to under subsection (1).

65. Interferences on public roads

(1) A person commits an offence who—

(a) constructs, erects or commences to construct or erect any building, billboard, unauthorised road sign or erection in contravention of this Act or which interferes in any way with the proper function of any cutting, ditch or culvert constructed in connection with a public road;

(b) plants or permits any tree or permanent crop to grow within a road reserve in contravention of this Act, or which interferes in any way with the proper function of any cutting, ditch or culvert constructed in connection with a public road; or

(c) connects with a road, any cattle path, cycle track, service road or entrance or means of access to a dwelling or to any other premises or place which interferes in any way with the proper function of any cutting, ditch or culvert constructed in connection with a road or which in

the opinion of the road authority is likely to be dangerous to persons or vehicles using the public road;

(d) encroaches on any road or road reserve by making or erecting any building fence, billboard or signage, temporary kiosk, ditch or other obstacle;

(e) carries out a business activity on the shoulder of a public road, road sidewalk or road reserve without authorization from a road authority;

(f) leaves, places or negligently allows to fall on or over a public road, any timber, stones or other material so as to obstruct the road or endanger persons using the road; or deposits rubbish, debris or other material on the road;

(g) intentionally or negligently damages, in any way, any part of a public road;

(h) fills or obstructs any ditch or drain made to carry water off a public road, whether on the road or elsewhere, by making dams, ditches, drains or other works, causes flooding of any public road or by driving plant or equipment with chains on a public road; or

(i) causes or allows any timber, sledge, plough or other heavy material or thing, not being wholly raised above the ground on wheels, to be moved along or across a public road.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding one hundred sixty eight currency points or imprisonment not exceeding seven years, or both.

(3) A road authority shall give notice in writing to a person who has committed an offence under subsection (1) requiring him or her to—

(a) pull down or remove the building or erection;

(b) cut down or uproot the tree or crops; or

(c) alter or repair the cattle path, cycle track, service road or entrance or means of access.

(4) The court may, in addition to any penalty imposed under subsection (1), order the person to pay an additional fine of not exceeding one hundred currency points for every day during which the offence continues.

66. Stopping or clogging drains or watercourses

(1) A person shall not—

(a) deposit any sewage, refuse, rubbish or other material on the road or in any drain, gutter, sluice or watercourse on any public road; or

(b) cause or permit any sewage, refuse, garbage, rubbish or other matter to discharge or flow upon a public road or into any drain, gutter, sluice or watercourse on a public road.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years, or both.

67. Nuisance on roads

A person who, on any public road—

(a) makes or causes noise pollution;

(b) plays any game to the annoyance or danger of persons using the public road;

(c) pitches any tent, booth or stall without the permission of a road authority;

(d) makes any fire without permission of a road authority; or

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(e) places himself or herself in a road in such a manner as to cause danger or inconvenience to traffic,

commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

68. Failure to comply with road signs

A person who fails to comply with a road sign posted by a road authority or the police restricting the use of a public road under this Act commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

69. Failure to comply with the building line requirements

A person who contravenes section 17 or any condition imposed in connection with the giving of a consent under section 17, commits an offence and is liable, on conviction to a fine not exceeding one hundred sixty eight currency points or imprisonment not exceeding seven years or both; and in case of a continuing offence, is liable to an additional fine not exceeding two thousand currency points for each day on which the offence continues.

70. Offences relating to road tolls

(1) A person who—

(a) drives a vehicle through a toll station, except by a route designated for the passage of the vehicle;

(b) refuses to stop a vehicle at a toll station to pay a toll; or

(c) fraudulently or forcibly drives a vehicle through a toll station without paying a toll,

commits an offence and is liable, on conviction, to a fine not exceeding twelve currency points or imprisonment not exceeding six months, or both.

(2) A person who levies or collects illegal tolls commits an offence and is liable, on conviction, to a fine not exceeding twelve currency points or imprisonment not exceeding six months, or both.

(3) Where for any reason, a vehicle is parked on a toll road for more than one hour, the road authority or toll operator shall remove the vehicle, and the driver or the owner of the vehicle, shall pay the cost of removing, parking and where applicable, the cost of maintaining the road.

(4) A pedestrian who enters the boundary of or crosses a toll road commits an offence and is liable, on conviction, to a fine not exceeding twelve currency points or imprisonment not exceeding six months, or both.

(5) The road authority or toll operator shall retain the driving permit of a driver who commits an offence under this section, until the fine imposed has been paid.

71. Offences relating to axle loads

(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 38 or such other load specified by the Minister by 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 38;

(d) obstructs an authorised officer in the discharge of his or her duties;

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(e) fails to comply with any request, demand, requirement or order properly made or given to him or her by an authorised officer in accordance with this Act;

(f) without reasonable cause, fails to give to an authorised officer any assistance or information which the authorised officer may reasonably require of that person for the purpose of the performance of the duties of the authorised officer under this Act;

(g) causes damage to any weighbridge, or weigh station, or to 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 man's switch or other mechanism in the vehicle that affects the weight of the vehicle;

(j) wilfully provides false information to an authorised officer;

(k) directly or indirectly offers or gives to an authorised officer or any other person, any payment or reward, whether pecuniary or otherwise, or any promise or security for any such payment or reward;

(l) proposes or enters into any agreement with an authorised officer or any other officer, in order to induce him or her to do, abstain from doing, permit, conceal, or connive at, any act or thing, whereby the relevant roads authority is or may be defrauded, or which is contrary to this Act or to 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 person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding seventy two currency points or imprisonment not exceeding three years, or both.

(3) A weighbridge operator or an authorised person commits an offence if he or she—

(a) directly or indirectly solicits for, or takes, in connection with any of his or her duties, any payment or other reward, 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;

(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 this Act or the proper execution of his or her duty; or

(c) wilfully operates a faulty weighbridge or weigh station, tampers with or in any other way interferes with the operation of a weighbridge, weigh station or any machine or installation at a weighbridge or weigh station.

(4) A person who commits an offence under subsection (3) is liable, on conviction, to a fine not exceeding seventy two currency points or imprisonment not exceeding three years, or both.

(5) A person who aids, abets, counsels or authorises the commission of an offence under this section shall be deemed to have committed the offence and is liable to the penalty prescribed for the offence.

72. Obstruction of officers

A person who resists, obstructs, hinders or molests any person acting under the authority of this Act commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points.

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73. Offences by contractors

(1) A contractor who constructs a road which does not meet the requirements of standards prescribed by the Minister under this Act commits an offence and is liable on conviction to a fine not exceeding two million currency points.

(2) A court convicting a person under subsection (1) may in addition to any penalty issued require the contractor to remedy the defects in the road, road construction or road furniture.

74. General penalty

A person who contravenes any provision of this Act, the breach of which no specific penalty is expressly provided for, is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year, or both.

75. Express penalties

(1) The Minister may, by regulations, prescribe an express penalty scheme for purposes of this Act.

(2) For the avoidance of doubt, an express penalty and overloading fines under section 71 shall be payable to a revenue collection bank designated by the Uganda Revenue Authority.

76. Cancellation of approvals granted under the Act

The Minister or a road authority may cancel or suspend a certificate, licence or other approval granted under this Act for contravention of any provision of this Act.

Part IX – Miscellaneous

77. Regulations

(1) The Minister may, by statutory instrument, make regulations for the better carrying into effect the purposes and intentions of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations made under this section may provide for—

(a) the general control, use, management, survey, construction and maintenance of public roads and bridges;

(b) prevention of obstruction on public roads;

(c) the placement, removal, control, erection or modification of any structure or the control of carrying out of any works, on, under or over land within a public road, road reserve or ferry landing facility;

(d) placement and maintenance of road furniture;

(e) management and control of road reserves;

(f) classification and reclassification of public roads;

(g) laying of railways, trolleys, tramways and other crossings on public roads;

(h) placement of utilities on public roads;

(i) fees;

(j) the imposition, collection, operation, management and maintenance of toll roads;

(k) securing safety on public roads;

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(l) placement of advertisements and billboards on public roads;

(m) prohibiting activities that may cause damage to public roads;

(n) forms, permits and certificates or authorization required under this Act;

(o) the requirements and specification of access roads and the procedure for applications to construct, operate and maintain access roads;

(p) protection of the environment during road construction and maintenance;

(q) use of public roads by non-motorists;

(r) mainstreaming cross cutting and environmental issues in the road sector;

(s) administrative or procedural matters which are necessary to give effect to this Act;

(t) forfeiture of anything used in the commission of an offence under this Act; and

(u) any other matter which is necessary and expedient to give effect to this Act.

(3) Regulations made under this section may, in respect of any contravention of any of the regulations —

(a) prescribe a penalty of a fine not exceeding two hundred eighty eight currency points or imprisonment not exceeding twelve years, or both;

(b) in the case of a continuing contravention, prescribe an additional penalty not exceeding two thousand currency points in respect of each day on which the offence continues; and

(c) prescribe a higher penalty not exceeding three hundred sixty currency points or imprisonment not exceeding fifteen years or both in respect of a second or subsequent contravention.

78. Amendment of Schedules

(1) The Minister may, with the approval of Parliament, by statutory instrument, amend Schedule 2.

(2) The Minister may, by statutory instrument, amend Schedules 1, 3, 4, 5 and 6.

79. Repeal and savings

(1) The Roads Act, Cap. 358 is repealed.

(2) The Access to Roads Act, Cap. 350 is repealed.

(3) Sections 120, 132, 133, 139, 140, 153, 154, 173 and 178 (j) and (k) of the Traffic and Road Safety Act Cap. 361 are repealed.

(4) Any statutory instrument made under the Roads Act, the Access to Roads Act, or the provisions of the Traffic and Road Safety Act repealed under subsections (1), (2) and (3) and in force immediately before the commencement of this Act shall remain in force, so far as it is not inconsistent with this Act, until it is revoked by a statutory instrument made under this Act.

Schedule 1 (Section 3 and 78(1))

Currency point

A currency point is equivalent to twenty thousand shillings.

Schedule 2 (Sections 3, 14 (2) and 78 (2))

Classification of public roads

Class of Road	Type of road	Road Authority	Designated by	Recommending authority	Description
National Road	Expressway	Uganda National Roads Authority	Minister	Executive Director, UNRA	Heavy traffic roads, high speed and limited access with dual carriage way with grade separated junctions, and considered the highest grade of road. It may qualify for development using private sector financing.
National Road	A	Uganda National Roads Authority	Minister	Executive Director, UNRA	Strategic roads of national importance linking ports, airports and border posts to each other and to the Capital City. They serve long distance transport, with a relatively high proportion of heavy trucks
National Road	B	Uganda National Roads Authority	Minister	Executive Director, UNRA	Roads linking District Headquarters to each other or to a class A road. They also connect major regional commercial, population and

					administrative centres to Class A road network, serving as collectors for Class C roads and local roads. Trips are a mixture of long distance and local traffic.
National Road	C	Uganda National Roads Authority	Minister	Executive Director, UNRA	Roads linking small towns to District Headquarters, to Class A and B roads and to each other. They are local in nature and connect local roads to Class B road network. Traffic using these roads is predominantly local, covering short distances
National Road	Other	Uganda National Roads Authority	Minister	Executive Director, UNRA	Other national roads, maintained by UNRA
District Road	I	District Council	Minister	CAO, District Council	Link District centres to each other and the national road network.
District Road	II	District Council	Minister	CAO, District Council	Provide a connection to the national road network or Class I District network. Interconnect district headquarters

					and county administrative centres
District Road	III	District Council	Minister	CAO, District Council	Connectors to and between Class II District Road Network.
Urban Road	U	Municipal Council	Minister	Town Clerk, Municipal Council	Road within a municipality, not being a national road.
Urban Road	U	Town Council	Minister	Town Clerk, Town Council	Road within a Town Council, not being a national road.
Park Road	P	As Determined by the Minister	Minister	Executive Director Uganda Wildlife Authority	Road within a national park, not being a national road or district road.
CommunityAccess Road	CAR	District Council	Minister	CAO, District Council	Road, path or track linking communities and villages to other classified roads. Roads also provides access to administrative, social and economic services.

Schedule 3 (Sections 3, 34 (1), 35 (1) (a), 35 (2) (b), 36 (4) and 78 (2))

Permissble axle load limits

Axle Type	Number of Tyres on Axle	Type of Tyre	Permissible Limit (Metric tonnes)
Single	2	Conventional	8
Single	4	Conventional	10
Tandem	8	Conventional	18
	4	Super Single	16
Tridem	12	Conventional	24
	6	Super Single	22.4
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 limit.

4. The maximum number of axles in any axle group shall be limited to three (3) axles.

Schedule 4 (Sections 3, 34 (2), 35 (1) (b), 36(4) and 77 (2))

Gross Vehicle Weight limits

The permissible maximum Gross Vehicle Weight shall be 56 metric tonnes, subject to the following conditions—

(a) the vehicle shall have a maximum of seven (7) axles; and

(b) the Gross Vehicle Weight shall be limited in relation to the vehicle spatial axle load distribution of using the bridge formula.

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Schedule 5 (Sections 35 (1) (c) and 77 (2))

Vehicle dimensions, axle load configurations and vehicle combination

Standard/Provision Type of vehicle	Type of Vehicle	Dimensions in Metres
Maximum overall length of vehicle	Rigid Vehicle	12.50
	Articulate Vehicle	17.40
	Combination Vehicle	22.0
Maximum overall width of vehicle	All Vehicle Categories	2.60
Maximum overall height of vehicle	All Vehicle Categories	4.30
Projecting load limits (front and rear)	All Vehicle Categories	1.25
Projecting load limits (sides)	All Vehicle Categories	0.15

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Schedule 6 (Sections 8(3) and 77(2))

Classification of vehicles

Class	Type of vehicle	Description
1	Motorcycles	Vehicle with two wheels; excluding tricycles. (Commercial motor cycles not allowed on toll roads).
2	Light vehicles	Light vehicles with 3 or more wheels; with or without trailers and with no heavy axle on the vehicle or trailer.
3	Medium goods vehicles and medium buses	Goods vehicles or buses with three or fewer than three axles of which one or more is a heavy axle.
4	Large goods vehicles and large buses	Goods vehicles or buses with four or more axles of which one or more is a heavy axle.

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