Council of Ministers Regulation No.395/2017

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COUNCIL OF MINISTERS REGULATION No. 395/2017

COUNCIL OF MINISTERS REGULATION TO AMEND ROAD TRANSPORT TRAFFIC CONTROL REGULATION

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No.916/2015 and Article 28 of the Transport Proclamation No.468/2005.

1. Short Title
This Regulation may be cited as the “Road Transport Traffic Control Council of Ministers (Amendment) Regulation No.395/2017.”

2. Amendment
The Road Transport Traffic Control Council of Ministers Regulation No.208/2011 is hereby amended as follows:

1/ sub-article (12) of Article 2 of the Regulation is deleted and replaced by the following new sub-article (12) and other new sub-articles (13) and

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(14) are added following sub-article 2
existing sub-articles are renumbered as sub-article
(15) to (35), respectively:

“12/ ‘traffic controller’ means a recognized
controller empowered by an appropriate law

to control traffic flow and enforce the
provisions of this Regulation; and is known

as traffic controller police or transport
controller;

13/ ‘traffic controller police’ means a member
of police recognized as controller and

empowered by appropriate law to control

traffic flow and enforce the provisions of

this Regulation;

14/ ‘transport controller’ means a person

recognized as controller and empowered by

appropriate law to control the technical

competence of vehicles and enforcement of
directives related to transport
administration;”

2/ sub-article (30) of Article 2 of the Regulation as
renumbered under sub-article (1) of this Regulation
is deleted and replaced by the following new sub-
article (30):

“30/ ‘road signal’ means any signal operated
manually, mechanically or electrically, by
which traffic is alternately directed to stop,
take direction and to proceed;”

3/ Paragraph (a) of sub-article (2)of Article 5 of the
Regulation is deleted and replaced by the following new paragraph (a):

“a) Except emergency service vehicle driver, it is
7. the following new sub-article (4) is added after sub-article (3) of Article 8 of the Regulation:

"a) not wash or cause washing of vehicle on the pedestrian's road or on a vehicle's road or a place that may cause liquid to flows into the pedestrian's road or on a vehicle's road or on a place that may cause liquid to flows into the pedestrian's road or on a vehicle's road.

8. the following new paragraph (b) of paragraph (c) of Article 8 of the Regulation is deleted and replaced by the following new paragraph (b):

"b) Any person moving by sitting on animals' back or driving animals or towing animals or driving animals which tow any carriage shall take necessary care."
8/ sub-article (1) of Article 19 of the Regulation is deleted and replaced by the following new sub-article (1):

“1/ any driver before turning, changing direction, lowering speed or parking, shall give a clear warning signal at a distance of 25 meter within a town and 50 meter outside a town to other road users.”

9/ The following new sub-article (3) is added after sub-article (2) of Article 24 of the Regulation:

“3/ Any driver of a vehicle approaching a marked rectangular yellow traffic line at intersectional road shall cede priority to cross the intersection to any driver of a vehicle that has already entered the intersection.”

10/ The following new sub-article (4) is added after sub-article (3) of Article 39 of the Regulation:

“4/ Without prejudice to sub-articles (2) and (3) of this Article, in excess of loading capacity of a vehicle if a seat or anything serves as a seat is fixed with a vehicle or put in a vehicle, transport controller can order the driver to take off or to unload such seat and order the driver to stop the vehicle until he implements the given order.”

11/ sub-article (2) of Article 40 of the Regulation is deleted and replaced by the following new sub-article (2):
“2/ Without prejudice to sub-article (1) of this Article, minors below 13 years age are not allowed to sit in the front seat of the vehicle near to a driver.”

12/ sub-article (4) of Article 50 of the Regulation is deleted and replaced by the following new sub-article (4):

“4/ no driver of a motorcycle may load goods on a compartment other than those allowed to load on; or carry more than one passenger.”

13/ Part Eleven of the Regulation’s title is deleted and replaced by the following new title.

"PART ELEVEN
ROAD SIGNS AND MARKINGS"

14/ Article 63, 64 and 65 of the Regulation are deleted and replaced by the following new Article 63, 64 and 65:

“63. Use of One Road Sign and Markings

It is prohibited to use another road sign and markings other than those road signs and markings annexed as schedule to this Regulation and signs and markings may be prescribed by appropriate law in the future to control traffic.

“64. Installing and Removing Road Signs and Markings

The Authority shall have the power to install, renew, maintain, change or remove the road signs and markings.

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Federal Negarit Gazette No. 20, 2nd January 2017

65. Prohibition of Putting Road Signs and Markings

1. No person shall put, erect or use road signs and markings or any fabrication of road signs and markings looks like on road or near road except those who are licensed or their agents in accordance with this Regulation.

2. No person may remove, damage, displace, change or to oblique make road signs and markings unreadable.

15. Schedule B attached with the Regulation in accordance to 85 (1) is deleted and replaced by the following new Article 85:

A traffic controller shall request and take any driver or pedestrian who violates the provisions of this Regulation shall be punished in accordance with the vehicle driver who violates the driving qualification license from a person who shall committed the offense.
3/ A traffic controller or other legally authorized person shall give appropriate charge letter to a pedestrian or any other person who violates the provisions of this Regulation; the detail implementation of which shall be determined by the directive to be issued by the Authority.

4/ any person who receives charge letter to pay fine pursuant to sub-article (2) and (3) of this Article, but has a complaint on the penalty:

a) can lodge his complaint within two working days to the Office of Traffic Controller who provided him with a letter of charge to pay penalty;

b) any person if dissatisfied with decision given to him in accordance with paragraph (a) of this sub-article, can lodge his complaint to the head of the concerned authorized body within five working days.

5/ any driver and pedestrian fined in accordance with sub-articles (2) and (3), respectively, shall pay the penalty within 10 working days, unless he reverses his penalty through complaint lodged in accordance with sub-article (4) of this Article.

6/ If a driver fined does not pay the penalty
Federal Negarit Gazette No.8, 3rd January 2017

The following new Articles 86 and 87 are added within 10 working days in accordance with sub-article (5) of tlf. 9492 e shall be subject to additional penalty and to be recorded in punishment list pursuant to Schedule ‘A’ number (2) (C) attached herewith this Regulation. With regard to person other than driver, similar compliance shall be determined by a directive to be issued by the Authority.

7/ Notwithstanding the provision of sub-article (5) of this Article any driver who paid his fine penalty can lodge his complaint on the penalty to the Ministry of Transport for cancelation within 30 days; the decision to be given by Ministry shall be the final administrative decision.

8/ In accordance with sub article (2) of this Regulation A traffic controller who receives driving qualification license from a driver shall notify to the driver from where he can collect his license and deliver the license to the nearby concerned body within two consecutive working days.

9/ The fine imposed for violation of traffic Regulations pursuant to this Article shall enter in the judgment register and stay valid for one year as a record.

17/ The following new Articles 86 and 87 are added after Article 85 of the Regulation and the existing Article 86 of the Regulation is renumbered as Article 88:

“86. Offences Committed by Traffic Controllers

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1/ Any traffic controller who enforces the provisions of this Regulation shall enforce them impartially and without violating human rights.

2/ If a Traffic Control Office believes that a traffic controller has committed an offence while enforcing the provisions of this Regulation, without prejudice to his liability in accordance with appropriate law, shall remove him from his traffic controlling duty in accordance with Schedule ‘C’ of this Regulation.

“87. Power to Issue a Directive

The Ministry of Transport may issue directive to enforce the provisions of this Regulation.”

18/ The Road Marking prescribed on Schedule ‘A’ attached herewith this Regulation is added as road marking at the end of Schedule ‘A’ number 4 as new road sign.

3. Effective Date of the Regulation

1/ This Regulation shall enter into force on the date of publication in the Federal Negarit Gazette.

2/ Notwithstanding sub-article (1) of this Article, if it is favorable to the driver, for an offence committed before coming into force of these Regulations, the record points of offences can be corrected to make effective in accordance with the provisions of this Regulation.

Done at Addis Ababa, this 3rd day of January, 2017
HAILEMARIAM DESSALEGN
PRIME MINISTER OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA