



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE FERRIES ACT

CHAPTER 410

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CHAPTER 410

FERRIES ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 410

FERRIES ACT

[Date of assent: 10th June, 1936.]

[Date of commencement: 1st October, 1936.]

An Act relating to ferries

[Act No. 15 of 1936, Gazette Notice 573 of 1936, Act No. 50 of 1948, Act No. 64 of 1950, Act No. 2 of 1952, Legal Notice 562 of 1956, Legal Notice 173 of 1960, Act No. 15 of 1961, Legal Notice 2 of 1964.]

1. Short title

This Act may be cited as the Ferries Act.

2. Interpretation

In this Act, except where the context otherwise requires—

"ferry boat" means any floating vessel, propelled by any means whatsoever, used for the purpose of carrying passengers, animals, goods or vehicles between any two points from one side of a waterway to another; but does not include any such floating vessel which is not capable of carrying more than three passengers or 300 lb. of goods;

[Act No. 15 of 1961, Sch., L.N. 2/1964.]

3. Power of Road Authority relating to ferries

(1) Notwithstanding anything in any other Act or law contained, the Road Authority shall have power to do all or any of the following things, namely—

- (a) subject to the approval of the Cabinet Secretary, to enter into an agreement with any person for the establishment, acquisition, construction, laying down, equipment, maintenance and carrying on of a service of ferry boats;
- (b) whenever any service of ferry boats is established, acquired, maintained or carried on by any person under an agreement entered into between such person and the Road Authority under the powers conferred upon the Road Authority by this section, by order made with the approval of the Cabinet Secretary, to prohibit any person, except with the consent of the Road Authority signified in writing, carrying on a ferry-boat service within such area or areas and for such period and within such hours as may be prescribed in such order:

Provided that the right of any person to ply for hire with any ferry boat for the unexpired period of any licence granted under any law in force and issued to him prior to the date of the coming into force of an order of prohibition made under this subsection, and the right of any person to carry for hire or reward passengers departing to or arriving from any place outside the limits of any prohibited area, shall not be affected.

- (2) (a) Before making an order of prohibition under subsection (1) of this section, the Road Authority shall cause notice of the intention to do so to be published in the *Gazette* and in at least one newspaper circulating within the district.

- (b) Such notice shall be given once in each week for four succeeding weeks, and any objections received shall be laid before the Cabinet Secretary.
- (c) If and when the Cabinet Secretary, after considering the objections, if any, approves of the making of the order, such order shall be made under the hand of the Road Authority, shall be published in the *Gazette* and in at least one newspaper circulating within the district, and shall come into force on such date as may be specified in such order.

(3) The Road Authority may by order revoke an order of prohibition made under subsection (1) of this section, and may in like manner vary any such order by extending or reducing the period of the operation thereof or by extending or reducing the area to which the order of prohibition applies:

Provided that the making of any such order of revocation or variation shall be subject to the procedure prescribed in subsection (2) of this section as if such order of revocation or variation were an order being made under subsection (1) of this subsection.

[Act No. 2 of 1952, s. 3.]

4. Penalty for carrying on ferry service in prohibited area

Save as is provided in paragraph (b) of subsection (1) of section 3 of this Act, any person who, without the written consent of the Road Authority, carries on within a prohibited area any service of ferry boats, or who plies for hire or reward any ferry boat within a prohibited area, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months, and in addition to a fine not exceeding two hundred shillings in respect of each and every day upon which he so offends.

5. Agreements and orders made before commencement of Act No. 2 of 1952

(1) The benefit and burden of all agreements entered into with any person in pursuance of this Act prior to, and subsisting at the commencement of, the Ferries (Amendment) Ordinance, 1952, are vested in the Road Authority.

(2) Any order made in pursuance of this Act and in force at the commencement of the Ferries (Amendment) Ordinance, 1952, may be revoked or varied by the Road Authority.

[Act No. 2 of 1952, s. 4.]

6. Rules

The Cabinet Secretary may make rules for regulating ferry boats, for fixing the amount of the licence fees to be paid and the charges of fares which may be charged by distance or by time, for regulating and controlling the conduct of persons using ferryboats and the embarkation and disembarkation of persons, animals, goods and vehicles, and for regulating or prohibiting the use of the landing places, approaches and ramps maintained in connection with any service or ferry boats.

[L.N. 562/1956, L.N. 173/1960.]
