

CHAPTER 410

THE FERRIES ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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LIKONI AND MUTONGWE FERRY SERVICES

[Legal Notice 236 of 1948]

[Cap. 236 (1948), Sub. Leg.]

Whereas by virtue of section 3(1) of the Ferries Ordinance it is provided that whenever any service of ferry boats is established, acquired, maintained or carried on by any person under an agreement entered into between such person under an agreement entered into between such person and the Director of Public Works (hereinafter referred to as "the Director") under the powers conferred upon the Director by the said section 3(1) of the Ferries Act the Director shall have power by order under his hand, carrying on a ferry boat service within the meaning of the said Ferries Act within such area or areas and for such period and within such hours as may be prescribed in such Order:

And whereas a service of ferry boats has been established and acquired and will be maintained and carried on by the Kenya Bus Service (Mombasa) Ltd., under an agreement entered into between the said Kenya Bus Services (Mombasa) Ltd., and the Director under the powers conferred upon the Director by the said section 3(1) of the said Ferries Act, and whereas all the provisions of section 3 of the said Act have been complied with:

Now, therefore, I, John Clark Stonach, Director of Public Works, do, by this Order, under my hand and with the approval of the Governor, prohibit any person, except with my consent signified in writing under my hand, carrying on a ferry boat service within the meaning of the said Ferries Ordinance within the areas delineated and described on the drawing marked P.W.D, Drawing No. 12334/1 such areas being the areas included in the boundaries of the areas marked respectively "A" Likoni Ferry and "B" Mtongwe Ferry on the said plan and part of the total area of each of such areas being hatched on the said plan, within all hours of every day, from the date of this Order, until further notice. Copies of P.W.D Drawing No. 12334/1 can be inspected at the Head Office of the Public Works Department, Nairobi, or at the office of the Senior Assistant Engineer, Public Works Department, Mombasa: Provided that I do hereby and without prejudice to the giving of any further consent to any other person or persons at any time in my absolute discretion as provided for in section 3(1) of the said Ferries Act give my consent to the East African Estates Limited, exercising within the areas referred to in this Act all the rights conferred upon and acquired by them by virtue of clause 20 of a Grant made to that Company on the 21st day of February, 1925, by the then Acting Governor of Kenya such grant being registered in the Registry of Titles, Mombasa District, and being Title No. C.R. 7850/1 being a Grant for the term of ninety-nine years of certain land in the districts of Kwale and Mombasa of the Coast Province of the Protectorate of Kenya, which said clause 30 reads as follows—

"Nothing herein contained or implied shall confer any foreshore rights upon the Grantee, but it, the Grantee (upon having given to the Governor reasonable notice in writing to that intent) shall have permission and liberty to construct at its own expense a landing stage on the foreshore at Likoni to be of such structure as is necessary for ferry purposes only and the Grantee for the purpose of completing such ferry shall have permission and liberty to use at all reasonable hours the existing Government landing stage or jetty (or any substitute therefore) on the Mombasa Island side of the harbour upon the payment of such fees as may be demanded. Provided that nothing herein contained or implied shall be construed as to grant any right or interest in the Government jetty aforementioned other than the bare permission and liberty aforesaid."

FERRIES RULES

[Gazette Notice 914 of 1951, Legal Notice 92 of 1957, Legal Notice 561 of 1957]

[Cap. 236 (1948), Sub Leg G.N. 914/1951]

1. These Rules may be cited as the Ferries Rules.

2. In these Rules—

"licensee" means the person who enters into an agreement with the Road Authority in accordance with the provisions of the Act in respect of the service of ferry boats the subject of such agreement;

"other ferry authority" means any person, not being a licensee, responsible for the operation of a service of ferry boats;

"toll collector" means the person appointed by the licensee to collect charges, fares or tolls;

3. The charges, fares or tolls chargeable by a licensee or other ferry authority under the terms of his agreement with the Road Authority may be demanded by the toll collector from every person using a ferry boat, and it shall be lawful for the licensee or other ferry authority to refuse to carry any person or the livestock, vehicle or goods of any person on such ferry boat unless such person pays the appropriate charge, fare or toll before entering or embarking on such ferry boats or before placing any such livestock, vehicle or goods thereon.

4. Any person wishing to utilize any ferry boat who—

- (a) refuses to pay the prescribed charges, fares or tolls; or
- (b) fraudulently or forcibly passes the toll collector without paying the prescribed charges, fares or tolls; or
- (c) willfully obstructs the toll collector or other person employed to work such ferry boat in the execution of their respective duties; or
- (d) enters or remains on a ferry boat after having been informed by the person employed to work such ferry boat that it contains the maximum permitted number of passengers or maximum load; or
- (e) refuses or neglects to obey within a reasonable time the request by the licensee or other ferry authority or by any person employed by such licensee or other ferry authority in connection with any service of ferry boats—
 - (i) to stop a vehicle or dismount therefrom at any point indicated to him by any such person; or
 - (ii) to drive a vehicle, or proceed on foot, along the approaches to, or on to, or off, any ferry boat in any manner indicated to him by any such person; or
 - (iii) to move himself or his livestock, vehicle or goods from one place to another in a ferry boat for the purpose of better utilizing the accommodation on such ferry boat; or
- (f) drives a vehicle on to a ferry boat without first causing every passenger on such vehicle, other than a disabled person, to vacate the vehicle; or
- (g) drives on to a ferry boat any vehicle which is loaded in such a manner as is likely to be dangerous or to cause damage to any person or property; or
- (h) where the person employed to work a ferry grants priority to any vehicle, fails to give priority to that vehicle or hinders any priority granted to that vehicle,

shall be guilty of an offence.

5. There shall be exhibited by the licensee or other ferry authority, at such conspicuous places as may be appropriate, notices in English and Kiswahili—

Ferries

[Subsidiary]

- (a) on each ferry boat, denoting the maximum number of passengers and the maximum load which the ferry boat is permitted to carry; and
- (b) on each approach whereby access is gained to a ferry boat, indicating the requirements of these Rules.

6. Any person who—

- (a) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of others on a ferry boat; or
- (b) does anything which may cause injury to persons employed or travelling on a ferry boat; or
- (c) commits any nuisance or act of indecency, or uses profane, obscene, indecent or abusive language on a ferry boat; or
- (d) without lawful authority, moves or operates any ferry boat, or set adrift or otherwise causes damage to any ferry boat, or causes any damage to landing places, approaches or ramps maintained in connection with any services of ferry boats; or
- (e) disobeys while upon a ferry boat the reasonable directions of the licensee or other ferry authority or any person employed to work such ferry boat; or
- (f) obstructs or does anything which may obstruct the free use of any landing places, approaches or ramps maintained in connection with any service of ferry boats; or
- (g) willfully removes, alters, destroys or damages any gate, toll bar, table of charges, pontoon, gear, boat, tackle, landing places, approaches, ramp or other thing maintained in connection with any service of ferry boats; or
- (h) attempts or counsels the doing of, or assists or aids in doing, any of the acts mentioned in this rule, shall be guilty of an offence.

7. It shall be lawful for the licensee or other ferry authority or any person employed by the licensee or other ferry authority in connection with service of ferry boats to refuse to allow the driver of any vehicle to embark such vehicle on to a ferry boat until any direction given in accordance with these Rules has been complied with.

8. Any person who commits an offence under these Rules or contravenes any of the provisions of these Rules shall be liable to a fine not exceeding two hundred shillings or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

THE FERRIES (VEHICLE TOLL CHARGES) RULES

[Legal Notice 138 of 2001, Legal Notice 88 of 2002, Legal Notice 136 of 2009, Legal Notice 71 of 2013, Legal Notice 4 of 2018]

1. These Rules may be cited as the Ferries (Vehicle Toll Charges) Rules.
2. The vehicle tolls charges provided in the Schedule hereto shall be levied by Kenya Ferry Services Limited in respect of vehicles using the ferry crossing channel.

Schedule

[L.N. 136/2009, L.N. 71/2013, L.N. 4/2018.]

Category	Vehicle length (Metres)	Rates (Shs.)
Car	3.5	120
Car	4.5	120
Car	6	150
Land Rover	6	250
Pickup		150
Car (Towing)	3.5 – 6	300
Kombi	5	280
Pickup ½ tonne	5	280
Pickup 1 tonne	5	280
Truck	5	350
Truck	5.5	350
Truck	6	400
Truck	7	600
Truck	7.5	600
Truck	8	700
Truck	8.5	700
Truck	9	850
Truck	9.5	850
Truck	10	900
Truck	11	1,050
Truck	11.5	1,050
Truck	12	1,200
Truck	12.5	1,200
Truck	13	1,350
Truck	13.5	1,350
Truck	14	1,450
Truck	15	1,500
Truck	15.5	1,500
Truck	16	1,600
Truck	16.5	1,600
Truck on tow	17	1,700
Trailer (Empty)		7,000
Minibus	7	600
Bus	9 – 11	1,100
Petrol Car		2,150
Tanker (Fuel) (Empty)		2,400
Petrol trailer (Empty)		5,550

Ferries

[Subsidiary]

Motorcycle/Mkokoteni		50
Surcharge on loader Canter		220
Surcharge on loaded lorry		500
Surcharge on petrol tanker		500
Surcharge on loaded mkokoteni		50
Ten-wheeled truck above ten tonnes		2,500
Truck on tow	Over 17 metres	3,100
Pickup/kombi on tow		750
Surcharge on loaded pickup		80
Loaded trailer		7,950
Abnormal load		15,950
