

THE PUBLIC ROADS TOLL ACT, 1984

No. 9 of 1984

Date of Assent: 12th July, 1984

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

Section

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Toll stations, etc.
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SCHEDULES

An Act of Parliament to provide for the collection of tolls on public roads; to establish a Public Roads Toll Fund; and for connected purposes

ENACTED by the Parliament of Kenya as follows:—

1. This Act may be cited as the Public Roads Toll Act, 1984 and shall come into force on a date to be appointed by the Minister by notice in the Gazette.

Short title and commencement.

2. In this Act, unless the context otherwise requires—
“commercial vehicle” has the meaning assigned to it in the Traffic Act;

Interpretation.

“heavy goods vehicle” means a commercial vehicle whose tare weight exceeds seven thousand kilogrammes; and includes semi-trailers and draw bar trailers irrespective of their nominal weight;

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“light goods vehicle” means a commercial vehicle whose tare weight does not exceed four thousand kilogrammes;

“medium goods vehicle” means a commercial vehicle whose tare weight does not exceed seven thousand kilogrammes;

“motor car” and “motor omnibus” have the meanings respectively assigned to those terms in the Traffic Act;

“toll” means the charges prescribed in the Second Schedule leviable pursuant to this Act;

“toll collector” means a toll collector appointed under section 4;

“toll station” means a toll station designated as such under section 3;

“vehicle” includes a motor vehicle, a trailer and any other conveyance used on a road; but does not include a bicycle, motor cycle, and an animal or human powered wheeled cart or an agricultural tractor which is not towing a trailer, whether it is laden or not.

Toll stations,
etc.

3. (1) There shall be toll stations on the public roads specified in the second column of the First Schedule at the places specified in the first column of that Schedule.

(2) The Minister may, by notice in the Gazette, amend the First Schedule.

(3) The Minister shall provide equipment, buildings or structures and installations including permanent or movable weighbridges necessary for the proper functioning of a toll station.

(4) Special areas may be designated as toll stations through which different types of vehicles shall pass and each toll station shall be conspicuously signposted in Kiswahili and English.

(5) Every vehicle approaching and proceeding through a toll station shall be stopped at the toll station and the toll in respect of that vehicle shall be paid to the toll collector or in such other manner as may be prescribed by the Minister.

(6) The prescribed abstract of this Act and the rules shall be conspicuously exhibited in Kiswahili and English at every toll station.

4. (1) The Minister shall appoint toll collectors who shall collect tolls at toll stations and perform such other duties as may be prescribed by the Minister for the purpose of this Act.

Appointment of toll collectors.

(2) Every toll station shall have a station manager appointed by the Minister.

5. (1) Tolls, other than those to be levied at Mtwapa Bridge and the New Nyali Bridge, shall be levied in accordance with the rates prescribed in Part 1 of the Second Schedule.

Levying of tolls.

(2) Tolls for Mtwapa Bridge and the New Nyali Bridge shall be levied in accordance with the rates prescribed in Part II of the Second Schedule.

(3) The Minister may, by order published in the Gazette, amend the Second Schedule.

(4) Every order made under subsection (3) shall be laid before the National Assembly without unreasonable delay and if a resolution is passed within twenty days on which the National Assembly next sits after the order is laid before it that the order be annulled it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder.

6. (1) A receipt or ticket in the prescribed form shall be issued on the payment of a toll.

Receipts to be issued and records to be kept.

(2) A record of the payment of tolls shall be maintained at every toll station and the station manager shall make and submit or cause to be made and submitted to the Minister monthly returns of the payment in the prescribed form.

7. (1) Notwithstanding section 32 of the Exchequer and Audit Act, Parliament shall appropriate moneys necessary for the establishment of a fund to be known as the Public Roads Toll Fund.

Public Roads Toll Fund.
Cap. 412.

(2) The Public Roads Toll Fund shall be administered by the Permanent Secretary to the Ministry for the time being responsible for roads.

(3) All moneys collected as tolls under this Act shall be paid into the Public Roads Toll Fund and there shall be paid

out of the Fund such moneys as are necessary for the proper functioning of toll stations and for such matters relating to the repair or maintenance of roads as the Minister may direct.

(4) Notwithstanding subsection (3) of this section and section 34 of the Exchequer and Audit Act, the Treasury may make rules governing the efficient management and administration of the Public Roads Toll Fund.

Offences and
penalties.

8. (1) Any person who—

- (a) drives a vehicle through a toll station except by the route designated for the passage of that vehicle; or
- (b) refuses to stop a vehicle at a toll station and to pay the toll; or
- (c) fraudulently or forcibly drives a vehicle through a toll station without paying the toll,

shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

(2) In addition to the penalty under subsection (1) the court shall order the offender to pay the prescribed toll where the offence is one of failing to pay the toll.

Rules.

9. The Minister may make rules generally for the better carrying into effect the provisions of this Act and may, by those rules, prescribe anything which under this Act may be prescribed.

FIRST SCHEDULE

(s. 3)

TOLL STATIONS

<i>Location</i>	<i>Public Road</i>
1. Athi River	A. 104 (Namanga/Mombasa-Nairobi)
2. Ruiru	A. 2 (Nairobi-Thika)
3. Gilgil	A. 104 (Nairobi-Nakuru)
4. Malaba	A. 104 (Nakuru-Malaba)
5. Busia	A1/81 (Nakuru-Busia)
6. Mtwapa	B. 8 (Mombasa-Malindi)
7. New Nyali Bridge	B. 8 (Mombasa-Malindi)

SECOND SCHEDULE

(s. 5)

TOLLS

PART I

<i>Category of Vehicle</i>	<i>Toll Sh.</i>
Motor cars	5
Light goods vehicle	10
Motor omnibus	20
Medium goods vehicle	50
Heavy goods vehicle	100

PART II

THE TOLLS PAYABLE AT MTWAPA BRIDGE AND NEW NYALI BRIDGE SHALL BE AS FOLLOWS:—

Vehicle Category (All weights are in metric tonnes)	Single Journey <i>KSh.</i>	Return Journey <i>KSh.</i>	SEASONAL TICKETS	
			6 months validity <i>KSh.</i>	12 months validity <i>KSh.</i>
Motor-cycles, bicycles and pedestrians ..	Free	Free	Free	Free
All cars and station wagons whose tare weight does not exceed 1½ tonnes ..	1	2	180	360
Commercial vehicles and buses whose gross weight does not exceed 5 tonnes ..	2	4	360	720
Commercial vehicles and buses whose gross weight is between 5 and 11½ tonnes	10	20	1,800	3,600
Commercial vehicles and buses with gross weight exceeding 11 tonnes	10	20	1,800	3,600
Tankers and lorries with trailers	15	30	2,700	5,400