



THE REPUBLIC OF KENYA

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THE PROTECTED AREAS ACT

CHAPTER 204

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CHAPTER 204

PROTECTED AREAS ACT
ARRANGEMENT OF SECTIONS

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CHAPTER 204

PROTECTED AREAS ACT

[Date of assent: 8th September, 1949.]

[Date of commencement: 8th September, 1949.]

An Act of Parliament to prevent the entry of unauthorized persons into areas which have been declared to be protected areas

[Act No. 28 of 1949, Act No. 31 of 1959, Legal Notice 649 of 1963, Legal Notice 2 of 1964.]

1. Short title

This Act may be cited as the Protected Areas Act.

2. Interpretation

In this Act, except where the context otherwise requires—

"the hours of darkness" means the period from six-thirty o'clock p.m. to six-thirty o'clock a.m.;

"prescribed authority" means the person specified as such in any order made under section 3;

"protected area" means any area, place or premises in relation to which an order made under section 3 is in force.

[Act No. 24 of 1953, s. 2.]

3. Protected areas

(1) If, as respects any area, place or premises, it appears to the Cabinet Secretary to be necessary or expedient in the interests of public safety and public order that special precautions should be taken to prevent the entry of unauthorized persons, he may, by order published in the *Gazette*, declare such area, place or premises to be a protected area for the purposes of this Act; and, so long as the order is in force, no person shall, subject to any exemptions for which provision may be made in the order, be in such protected area without the permission of the prescribed authority or such other person as may be specified in the order.

(2) Any order made under subsection (1) shall be laid before the National Assembly at its next sitting.

[Act No. 24 of 1953, s. 3, Act No. 31 of 1959, s. 2, L.N. 649/1963, r. 3.]

4. Permission to enter protected area

Where, in pursuance of section 3, any person is granted permission to be in a protected area, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the prescribed authority or person granting the permission, or by the police officer in charge of the district.

5. Person entering protected area may be searched

(1) Any police officer or any person authorized in that behalf by the prescribed authority may search any person, conveyance, vehicle, vessel or container found in or found entering or leaving, or seeking to enter or leave, or reasonably suspected of having recently left, a protected area, and may stop and detain any such person, conveyance, vehicle, vessel or container for the purpose of searching him or it.

(2) Any person detained for the purpose of being searched shall be deemed to be in lawful custody.

(3) If any conveyance, vehicle, vessel or container is found to contain arms, ammunition, explosives or stores which have been, or are being, abstracted or removed from any protected area unlawfully or without the permission of the prescribed authority or of any person authorized by him in that behalf, the conveyance, vehicle, vessel or container and its contents shall forthwith be forfeited, and shall abide the directions of the Cabinet Secretary.

(4) The Cabinet Secretary may direct that any conveyance, vehicle, vessel, container or contents forfeited under subsection (3) be returned to its or their owner or may give such other direction regarding it or them as he thinks fit.

[Act No. 24 of 1953, s. 4, Act No. 31 of 1959, s. 3.]

6. Removal of unauthorized person

If any person is in a protected area in contravention of this Act, or, being lawfully in a protected area, fails to comply with any direction given under this Act, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by any police officer or any person authorized in that behalf by the prescribed authority.

7. Power of arrest after challenge

(1) Any person in a protected area who fails to stop after being challenged twice by a sentry, or by a person authorized in that behalf by the prescribed authority, may be arrested.

(2) A sentry or person authorized in that behalf by the prescribed authority may use any arms against any person who by force prevents or attempts to prevent the lawful arrest of himself or of any other person in a protected area:

Provided that—

- (i) resort shall not be had to the use of arms under this section unless the sentry or person authorized has reasonable ground to believe that he or any other person is in danger of grievous bodily harm, and that he cannot otherwise effect such arrest;
- (ii) the use of arms under this section shall be, as far as possible, to disable and not to kill.

[Act No. 31 of 1959, s. 4.]

8. Fencing of areas and warning of danger

(1) The prescribed authority in which the protected area is situate shall cause such precautions to be taken as the prescribed authority and any person deputed by the Cabinet Secretary shall deem reasonably necessary to prevent inadvertent or accidental entry into the protected area during the hours of darkness.

(2) Such precautions shall include the fencing of the protected area and the prominent display of warning notices, and where such precautions have been duly taken no person shall be entitled to compensation or damages in respect of injury received or death caused as a result of any unauthorized entry into the protected area.

[Act No. 24 of 1953, s. 5, Act No. 31 of 1959, s. 3.]

9. Penalties

(1) Any person who is in a protected area without permission contrary to the provisions of section 3, or who fails to comply with any order issued under that section, or who fails to comply with any direction given to him under section 4, or who refuses to allow himself to be searched under section 5, shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand shillings, or to both such imprisonment and fine.

(2) Any person who has been detained as a result of the exercise of the powers conferred by section 5 and is found to have in his possession or to be conveying in any manner any arms, ammunition, explosives or stores, and who on being charged does not give an account to the satisfaction of the court that he came by them lawfully, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand shillings, or to both such imprisonment and fine.
