



LAWS OF KENYA

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## **PROTECTED AREAS ACT, CAP 204**

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**CHAPTER 204**

**PROTECTED AREAS ACT**

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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. 24 of 1953, Act No. 31 of 1959, L.N. 649/1963, L.N. 2/1964.]

**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 Minister 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.]

**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 Minister.

(4) The Minister 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 Minister 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.

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**CHAPTER 204**

**PROTECTED AREAS ACT**

SUBSIDIARY LEGISLATION

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*List of Subsidiary Legislation*

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**PROTECTED AREAS ORDER, 1976**

[L.N. 187/1972, L.N. 312/1974, L.N. 56/1976, L.N. 433/1989, L.N. 11/1991.]

**ORDER UNDER SECTION 3**

1. This Order may be cited as the Protected Areas Order, 1976.
2. The areas, places and premises described in the Schedules are declared to be protected areas for the purposes of the Act, and no person shall be in such protected areas without the permission of the prescribed authority or—
  - (a) in respect of the areas, places and premises described in the First Schedule, the President or the Minister;
  - (b) in respect of the areas, places and premises described in the Second, Third, and Fourth Schedules, the President or the Minister for the time being responsible for defence;
  - (c) in respect of the areas, places and premises described in the Fifth Schedule, the President or the Minister for the time being responsible for the National Youth Service;
  - (d) in respect of the areas, places and premises described in the Sixth Schedule, the President or the Minister for the time being responsible for Home Affairs;
  - (e) in respect of the areas, places or premises described in the Seventh Schedule, the President or the Minister for the time being responsible for research;

[L.N. 433/1989, s. 2.]

3. For the purpose of this Order and of the Act the prescribed authority shall be—
  - (a) in respect of the protected areas described in the First and Sixth Schedules, the Commissioner of Police;
  - (b) in respect of the protected areas described in the Second Schedule, the Commander of the Kenya Army;
  - (c) in respect of the protected areas described in the Third Schedule, the Commander of the Kenya Air Force;
  - (d) in respect of the protected areas described in the Fourth Schedule, the Commander of the Kenya Navy;
  - (e) in respect of the protected areas described in the Fifth Schedule, the Director of the National Youth Service;
  - (f) in respect of the protected area described in the Seventh Schedule, the Director of the Kenya Medical Research Institute;

[L.N. 433/1989, s. 2.]

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FIRST SCHEDULE

- (1) State House, Nairobi.
  - (2) State House, Mombasa.
  - (3) State Lodge, Kisumu.
  - (4) State Lodge, Sagana, Nyeri.
  - (5) State Lodge, Eldoret.
  - (6) State Lodge, Nakuru.
-

*Protected Areas*

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**[Subsidiary]**

## SECOND SCHEDULE

[L.N. 312/1974, s. 2.]

- (1) Headquarters, Kenya Army, at Waterworks Camp, Hill Estate, Nairobi.
  - (2) Langata Barracks, Nairobi Area.
  - (3) Kahawa Garrison Camp at Kahawa, Nairobi Area.
  - (4) Kenya Army Ammunition Depot, at Gatharaini, Nairobi.
  - (5) Kenyatta Barracks, Gilgil, on Plots No. L.R. 377/389 and L.R. 3777/389, Nakuru District.
  - (6) Gilgil Barracks, Gilgil, Nakuru District.
  - (7) The married quarters north-west of Gilgil Barracks, Gilgil, Nakuru District.
  - (8) Nakuru Barracks, Lanet, Nakuru District.
  - (9) Lanet Barracks, Lanet, Nakuru District.
  - (10) Nanyuki Barracks, Nanyuki, Laikipia District.
  - (11) St. Christopher's Camp, Nanyuki, Laikipia District.
  - (12) Kenya Army Camp, Wajir, Wajir District.
  - (13) Kenya Army Camp, Garissa, Garissa District.
  - (14) Kenya Army Camp, Mandera, Mandera District.
  - (15) Kenya Army Camp, Isiolo, Isiolo District.
  - (16) Kenya Army Camp, Garba Tulla, Isiolo District.
  - (17) Kenya Army Camp, Moyale, Marsabit District.
  - (18) Kenya Army Ammunition Depot at Gilgil, Nakuru District.
  - (19) Nyali Barracks, Municipality of Mombasa.
- All these areas are bounded by fences.

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THIRD SCHEDULE

[L.N. 312/1974, s. 2.]

- (1) Kenya Air Force Aerodrome at Eastleigh in the Nairobi Area.
  - (2) Kenya Air Force Aerodrome at Nanyuki in the Laikipia District.
- Both these areas are bounded by fences.

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FOURTH SCHEDULE

(1) Kenya Navy Headquarters and Mtongwe Jetty, Mombasa District, consisting of land and buildings and a reinforced concrete jetty adjacent to Kilindini Harbour. This area is bounded on landward side by a post and barbed-wire fence extending from the Kenya Bus Services' landing stage at the southern extremity to the cliff edge between Navy Headquarters and No. 1 Naval residence, Mtongwe, at the northern extremity.

(2) Kenya Naval Base in the north-eastern part of subdivision 240, section IV, Mombasa Mainland South, Meridional District South B.37/D2 a 2, consisting of land and buildings. This area is bounded by a high post and chain-linked fence the western portion of which divides the Naval Base from the greater part of subdivision 240 and the eastern portion of which is on or near to the eastern extremity of the subdivision.



*Protected Areas*

[Subsidiary]

(3) Mkunguni Jetty Area, being part of L.R. No. 2864, at Mkunguni, Mombasa Mainland South, and bordering on Port Reitz, and consisting of a concrete and steel pile jetty and adjacent land. This area is bounded on all sides by a high post and chain-linked fence.

## FIFTH SCHEDULE

- (1) National Youth Service Camp at Machakos Road in the Nairobi Area.
  - (2) National Youth Service Camp at Ruaraka in the Nairobi Area.
  - (3) National Youth Service Camp at Gilgil in Nakuru District.
  - (4) National Youth Service Camp at Nyunjoro in the Naivasha area of the Nakuru District.
  - (5) National Youth Service Camp at Mtongwe in the Mombasa District
  - (6) National Youth Service Camp at Yatta in the Machakos District.
  - (7) National Youth Service Camp at Masii in the Machakos District.
  - (8) National Youth Service Camp at Tumaini in the Nyandarua District.
  - (9) National Youth Service Camp at Turbo in the Kakamega District.
  - (10) National Youth Service, Kenya-Ethiopia Road Camp, in the Marsabit District.
  - (11) National Youth Service, Kitui-Garissa Road Camp, in the Kitui District.
- All these areas are bounded by fences.

## SIXTH SCHEDULE

[L.N. 56/1976, L.N. 11/1991.]

- (1) Criminal Investigations Department Headquarters at Milimani Road, Nairobi Area.
- (2) Police Dog Section Headquarters, Gymkhana Road in Nairobi Area.
- (3) Mathare Police Depot and the Provincial Police Training Centre at Mathare in Nairobi Area.
- (4) The Machakos Road Police Depot, the Police Force Central Stores, the Police Driving School, the Police Signals Stores and Workshops and the Armourers Workshop, all situated on Machakos Road in Nairobi Area.
- (5) Liverpool Road Complex including Central Police Workshop, Police Central Arms Store, Vehicles Reserve Park and Ministry of Works Supplies Branch, on Likoni Road in Nairobi Area.
- (6) Central Firearms Bureau on Ngong Road in Nairobi Area.
- (7) Kenya Police Airwing hangar at Wilson Aerodrome in Nairobi Area.
- (8) Provincial Police Training Centre, the Dog Section and No. 2 Sub-Depot in the Nyeri District.
- (9) Police Training College, Kiganjo in the Nyeri District.
- (10) Police Motor Transport Workshop at Thomson's Falls in Nyandarua District.
- (11) Police Motor Transport Workshop at Murang'a Township in the Murang'a District.
- (12) No. 1 Police Sub-Depot at Industrial Area in the Nairobi Area.

*Protected Areas***[Subsidiary]**

(13) Provincial Police Training Centre including Dog Section situated five miles outside Nakuru Township in the Nakuru District.

(14) Provincial Police Training Centre at Ngong in the Kajiado District

(15) Police Stock Theft Unit Camp at Gilgil in the Nakuru District

(16) Ngong Wireless Repeater Station at Ngong Hills in the Kajiado District.

(17) Londiani Wireless Repeater Station at Londiani Hill in the Kericho District,

(18) Eburu Wireless Repeater Station at Ebum Hill in the Nakuru District.

(19) Police Motor Transport Workshop at Nakuru Municipality in the Nakuru District.

(20) Kibwezi Wireless Repeater Station at Kibwezi Hill in Kitui District.

(21) Ol Donyo Sabuk Wireless Repeater Station on Mount Ol Sabuk in the Kiambu District.

(22) Nyambene Wireless Repeater Station on Nyambene Hill in the Meru District.

(23) Railway Police Training School at Makindu in the Kitui District.

(24) Police No. 3 Sub-Depot adjoining Isiolo Police Lines in the Isiolo District.

(25) Police Motor Transport Workshop at Isiolo Township in the Isiolo District.

(26) Police Motor Transport Workshop at Embu in the Embu District

(27) Police Motor Transport Workshop at Marsabit Township in the Marsabit District.

(28) Mbaraki Police Lines including Provincial Centre and Dog Section in Mombasa Municipality.

(29) Provincial Police Headquarters including No. 5 Sub-Depot Mama Ngina Kenyatta Drive in the Mombasa Municipality.

(30) Vuria Wireless Repeater Station on Vuria Hill in the Taita-Taveta District.

(31) Provincial Police Training Centre at Kisumu in the Kisumu District.

(32) Police No. 4 Sub-Depot near Kisumu Airfield in the Kisumu District.

(33) Police Dog Section at Kakamega Township on Kakamega Road near the Hospital in the Kakamega District.

(34) Police Motor Transport Workshop at Wajir Township in the Wajir District.

(35) Provincial Police Training Centre at Garissa in the Garissa District.

(36) Police General Service Unit New Camp on Thika Road in the Nairobi Area.

(37) Police General Service Unit Training Centre (old) at Embakasi in the Nairobi Area.

(38) Police General Service Unit Training Centre (new) at Embakasi in the Nairobi Area.

(39) Police General Service Unit Camp at Ruiru in the Kiambu District.

(40) Police General Service Unit Base Camp at Molo in the Nakuru District.

(41) Police General Service Unit Base Camp at Mokowe in the Lamu District.

(42) Police General Service Unit Base Camp at Mombasa in the Mombasa Municipality, Coast Province.

(43) Presidential Escort Section Ruiru Camp including the Switching Centre on Kenyatta Road in the Kiambu District.

(44) Presidential Escort Section Highridge Camp on 4th Parklands Avenue in the Nairobi Area.

All these areas are bounded by fences.

*Protected Areas*

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[Subsidiary]

(45) Floors Nos. 24, 25 and 26 and Basement Floor excluding the car park of L.R No. 209/10467-Nairobi.

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SEVENTH SCHEDULE

[L.N. 433/1989.]

The Kenya Medical Research Institute (KEMRI) in Nairobi.

The area is bounded by a fence.

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**PROTECTED AREAS ORDER, 2007**

[L. N. 48/2007.]

1. This Order may be cited as the Protected Areas Order, 2007.
2. The areas, places, premises described in the Schedule are declared to be protected areas for the purposes of the Act and no person shall be in the areas without permission of the prescribed authority or the President or the Minister of State for Defence.
3. For the purpose of this Order and of the Act the prescribed Authority shall be—
  - (a) in respect of the protected area described in the First Schedule, the Commander of the Kenya Army; and
  - (b) in respect of the protected areas described in the Second Schedule, the Commander of the Kenya Navy.

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FIRST SCHEDULE

1. Armed Forces Memorial Hospital.
  2. Clerical Training School, Kabete Barracks.
  3. Headquarters, Karen Barracks on plot L.R. No. 23047.
  4. Embakasi Garrison Camp, Embakasi, Nairobi Area.
  5. Defence Staff College, Karen on plot L.R. 25420.
  6. National Defence College, Karen.
  7. Eldoret Barracks on plot L.R. No. 27206/1.
  8. Kenya Armed Forces Ordnance Factory on plot L.R. 27206/2.
  9. Thika Barracks on plot L.R. No. 4953/3997.
  10. Kenya Army Ammunition Department, Gathiuru.
  11. Mariakani Barracks on plot No. L.R. 260/0.
  12. School of Infantry, Isiolo.
  13. School of Combat Engineers, Archers Post, Isiolo.
  14. Army Camp, Baragoni.
  15. Hakati Military Camp. Busia.
  16. Military Camp. Kacheliba.
  17. San Marco Project, Malindi.
  18. Lokichogio Military Camp. Turkana.
  19. Forward Operations Base, Mombasa.
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*Protected Areas*

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[Subsidiary]

SECOND SCHEDULE

1. Military Rader Stations at Shella, Shimoni, Ngomeni, Cannon Point, Kiunga, Malindi and Diani.
  2. Mande Bay, Naval Base.
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**PROTECTED AREAS ORDER, 2011**

[L.N. 9/2011.]

1. This Order may be cited as the Protected Areas Order, 2011.
2. The areas, places or premises described in the Schedule are declared to be protected areas for purposes of the Act and no person shall be in the areas without permission of the prescribed authority or the Minister of State for Provincial Administration and Internal Security.
3. For the purpose of this Order, the prescribed authority shall be—
  - (i) in respect of the protected areas described in the First Schedule, the Chief Operations Manager of the refinery; and
  - (ii) in respect of the areas described in the Second Schedule, the Managing Director, Kenya Pipeline Company.

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**FIRST SCHEDULE**

The Kenya Petroleum Refineries at Changamwe, the Moi International Airport depot, and petroleum depots along Changamwe, Shimanzi and Kisimayu road circuit in Mombasa more particularly known as—

- (1) L.R. No. MSA/Block VI/4406
- (2) L.R. No. MSA/Block 1/149
- (3) L.R. No. MSA/Block 1/318
- (4) L.R. No. MSA/Block 1149/2531
- (5) L.R. No. MSA/Block 1149/1/319
- (6) L.R. No. MSA/Block 1149/1320
- (7) L.R. No. MSA/Block 451/79, 80
- (8) L.R. No. MSA/Block 1/451/82/LIV
- (9) L.R. No. MSA/Block 1/109
- (10) L.R. No. MSA/Block 1/70
- (11) L.R. No. MSA/Block 1/76
- (12) L.R. No. MSA/Block 1/79
- (13) L.R. No. MSA/Block 1/55/6
- (14) L.R. No. MSA/Block 995/50
- (15) L.R. No. MSA/Block 1/67, 68, 142, 179, 302 and 79

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**SECOND SCHEDULE**

The LPG Plant, the Bitumen Plant and petroleum depots situated at the Embakasi Aviation depot (JKIA) and along the Outering, Lang'ata, Runyenjes, Yarrow, Hashi, Wundanyi, Nanyuki and Tanga roads in the Nairobi area, the Nakuru depot at Kiambogo, the Kisumu depot and the Eldoret depot, more particularly known as—

- (1) L.R. No. MSA/209/9042/225
- (2) L.R. No. 209/12297 Nairobi

*Protected Areas*

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**[Subsidiary]**

- (3) L.R. No. 209/7750/2 Nairobi
  - (4) L.R. No. 209/10812 Nairobi
  - (5) L.R. No. 209/12298 Nairobi
  - (6) L.R. No. 209/6430 Nairobi
  - (7) L.R. No. 209/5526 Nairobi
  - (8) L.R. No. 209/5528 and 5529 Nairobi
  - (9) L.R. No. 209/6041 Nairobi
  - (10) L.R. No. NKR/Kiambogo 2/37
  - (11) L.R. No. Kisumu/Kogony/3867
  - (12) L.R. No. 209/9525 Nairobi
  - (13) L.R. No. 209/5531 Nairobi
  - (14) L.R. No. 778/186 Eldoret
  - (15) L.R. No. MSA/Block XI/792
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