



THE REPUBLIC OF KENYA

LAWS OF KENYA

KENYA RAILWAYS CORPORATION ACT

CHAPTER 397

Revised Edition 2019 [1986]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

CHAPTER 397**KENYA RAILWAYS CORPORATION ACT****ARRANGEMENT OF SECTIONS****PART I – PRELIMINARY***Section*

1. Short title.
2. Interpretation.

PART II – ESTABLISHMENT OF THE CORPORATION

3. Incorporation of Kenya Railways.

PART III – MANAGEMENT OF THE CORPORATION

4. Board of Directors.
5. Managing director, deputy and secretary.
6. Further provisions.
7. Remuneration of directors.

PART IV – FUNCTIONS AND POWERS OF THE CORPORATION

8. General duty of the Board.
9. Management.
10. Powers of the managing director.
11. Powers of the Board.
- 11A. Concessioning of the railways.
12. Powers of the Minister.
13. Powers of the Corporation as a statutory body.
14. Acquisition of land for the purposes of the Corporation.
15. Power to enter land to survey, etc.
16. Power to enter land to prevent accidents, etc.
17. Power to enter land to alter position of pipes, etc.
18. Power to take water.
19. Provision of transport services, etc., other than by the Corporation.
20. Accommodation works.
21. Additional accommodation works.
22. Construction of railway crossing public road.
23. Certification of a new railway.

PART V – FINANCIAL PROVISIONS

24. Principles of operation.
25. Borrowing powers.

PART VI – ACCOUNTS AND REPORTS

26. Annual Accounts.
27. Annual report and financial year.

PART VII – RESPONSIBILITY OF THE CORPORATION
AS A CARRIER AND WAREHOUSEMAN*Responsibility as a Carrier**Passengers**Section*

- 28. Liability of loss of life, etc., of passengers.
- 29. No liability for delay in arrival of passengers, etc.

Goods

- 30. Liability for loss of goods.
- 31. Liability for delay, etc., of goods.
- 32. Limitation of liability for animals.
- 33. Limitation of liability for loss, etc., of specific articles.
- 34. Limitation of liability for loss, etc., where false account given.
- 35. Limitation of liability by contract.

Responsibility as a Warehouseman

- 36. Liability for loss of goods, etc.
- 37. Limitation of liability for loss, etc., of goods deposited in cloakroom.

PART VIII – OPERATIONS OF THE CORPORATION

Passengers and Luggage

- 38. Corporation may determine conditions for the carriage of passengers and luggage.
- 39. General right of persons to be carried as passengers.
- 40. General conditions on which tickets, etc., issued.
- 41. Persons without valid ticket, etc., may be removed from train, etc.
- 42. Fares, etc., payable by persons travelling without a valid ticket, etc.
- 43. Conditions of carriage of luggage.

Goods

- 44. Corporation may determine conditions for carriage of goods, etc.
- 45. General right to have goods carried.
- 46. Description, etc., of goods to be delivered.
- 47. Goods may be sold to pay fares, rates, etc.
- 48. Unclaimed goods in possession of the Corporation.
- 49. Indemnity where goods claimed by two persons, etc.
- 50. Dangerous or offensive goods, etc.

General

- 51. Corporation to prepare Tariff Book, etc.
- 52. Corporation shall determine maximum load, etc.

Accidents

- 53. Accidents to be reported.
- 54. The Board may order inquiry, etc.
- 55. Managing director to make a return of accidents.

PART IX – SPECIAL PROVISIONS RELATING
TO PORTS IN INLAND WATERWAYS

Section

- 56. *Repealed.*
- 57. *Repealed.*
- 58. *Repealed.*
- 59. *Repealed.*
- 60. *Repealed.*
- 61. *Repealed.*
- 62. *Repealed.*
- 63. *Repealed.*
- 64. *Repealed.*
- 65. *Repealed.*

PART X – PROVISIONS RELATING TO OFFENCES

- 66. Major offences.
- 67. Minor offences.
- 68. Travelling without ticket, etc.
- 69. Offences by passengers.
- 70. Offences relating to tickets.
- 71. Forgeries, etc., of tickets.
- 72. False returns.
- 73. Unlawfully transporting dangerous goods.
- 74. Offences by master of vessel.
- 75. Employee endangering safety of operation.
- 76. Employee demanding improper amount.
- 77. Arrest of employee.
- 78. Power of arrest, removal and place of trial.

PART XI – MISCELLANEOUS PROVISIONS

Staff

- 79. Appointment of staff.
- 80. Property of the Corporation in custody of employee, etc.
- 81. Regulations relating to staff.

Legal Provisions

- 82. Delegation and signification.
- 83. Compensation.
- 84. Liability for damage caused by fire.
- 85. Burden of proof.
- 86. Notice of claim.
- 87. Limitation.
- 88. Restriction on execution against property of Corporation.
- 89. Overcharge and undercharge.
- 90. Medical examination of persons claiming compensation.