



THE REPUBLIC OF KENYA

LAWS OF KENYA

GOVERNMENT CONTRACTS ACT

CHAPTER 25

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CHAPTER 25

GOVERNMENT CONTRACTS ACT

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CHAPTER 25
GOVERNMENT CONTRACTS ACT

[Date of assent: 17th December, 1956.]

[Date of commencement: 1st July, 1957.]

An Act of Parliament to provide for the making of contracts on behalf of the Government and for matters connected therewith

[Act No. 44 of 1956, L.N. 604/1963, L.N. 2/1964, L.N. 374/1964, Act No. 8 of 1978, Act No. 6 of 1979, L.N. 66/2005, Act No. 3 of 2005.]

1. Short title

This Act may be cited as the Government Contracts Act.

2. Contracts made in Kenya for the Government

Subject to the provisions of any other written law, any contract made in the Colony on behalf of the Government shall, if reduced to writing, be made in the name of the Government of the Colony and Protectorate of Kenya, and shall be signed either by the accounting officer or by the receiver of revenue of the Ministry or for the department of the Government concerned, or by any public officer duly authorised in writing by such accounting officer or receiver of revenue, either specially in any particular case or generally for any contracts below a specified value in his department or otherwise as may be specified in such authorisation.

3. Contracts made outside Kenya for the Government

Any contract made for the Government outside Kenya by a person either generally or specially authorized in writing in that behalf by the Minister shall, so far as the same comes within the jurisdiction of the courts of Kenya, be deemed to be a contract made on behalf of the Government.

[L.N. 604/1963, L.N. 374/1964.]

4. No other contracts to be deemed Government contracts

No contract made after the commencement of this Act shall, unless made in the manner hereinbefore provided, be deemed to be made by the authority of the Government.

5. Validation of contracts entered into before the commencement of this Act

Any contract entered into in good faith for the public service of the Government before the commencement of this Act, and purporting to be made on behalf of the Government—

- (a) in the Colony, by any public officer; or
- (b) in the United Kingdom, by the Secretary of State or by the Crown Agents; or

- (c) elsewhere outside Kenya, by any person either generally or specially authorised in writing in that behalf by the Minister,

shall be deemed to be a contract duly entered into on behalf of the Government.

[L.N. 604/1963.]

6. Limitation of personal liability of public officers

(1) No public officer shall be liable to be sued personally upon any contract which he makes in that capacity; but a public officer shall be personally liable if he expressly pledges his personal credit or if he contracts otherwise than as the agent of the Government.

(2) No public officer acting on behalf of the Government shall be liable to be sued for breach of an implied warranty of his authority to enter into any contract.

7. Form of authorisation

Any authorisation given under section 2 of this Act shall be in the appropriate form set out in the First Schedule to this Act.

8. Deleted by Act No. 3 of 2005, Fourth Sch.

[Act No. 8 of 1978, s. 2, L.N. 66/2005, Act No. 3 of 2005, Fourth Sch.]

9. Non-application

For the avoidance of doubt it is declared that agreements made or other instruments given under the Internal Loans Act (Cap. 420), the External Loans and Credits Act (Cap. 422) and the Guarantee (Loans) Act (Cap. 461) are not contracts to which this Act applies.

[Act No. 6 of 1979, Sch.]

FIRST SCHEDULE

[Section 7, Act No. 8 of 1978, s. 2.]

AUTHORIZATION

A

I,.....Accounting Officer/Receiver of Revenue,.....
hereby authorise to sign the contract between the Government of
Kenya and

.....

..... for

(Here briefly describe the particular contract)

(Signed)

.....

Accounting Officer/Receiver of Revenue

Government Contracts

B

I,..... Accounting Officer/Receiver of Revenue,..... hereby authoriseto sign the contract between the Government of Kenya and any contract (in his department) below a value of (or as the case may be).

(Signed)

.....
Accounting Officer/Receiver of Revenue

SECOND SCHEDULE

[Act No. 8 of 1978.]

The Income Tax Act (Cap. 470).

The Customs and Excise Act (Cap. 472).

The Sales Tax Act (Cap. 476).

The Stamp Duties Act (Cap. 480).

The Estate Duty Act (Cap. 483).

The Second-hand Motor Vehicles Purchase Tax Act (Cap. 484).

The Traditional Liquor Act (Cap. 122).

The Hotel Accommodation Tax Act (Cap. 478).

The Air Passenger Tax Act (Cap. 68).
