



THE REPUBLIC OF KENYA

LAWS OF KENYA

---

## **PRISONS ACT**

CHAPTER 90

Revised Edition 2017 [1977]

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

[www.kenyalaw.org](http://www.kenyalaw.org)



**CHAPTER 90****PRISONS ACT****ARRANGEMENT OF SECTIONS****PART I – PRELIMINARY***Section*

1. Short title.
2. Interpretation.

**PART II – CONSTITUTION AND ADMINISTRATION**

3. Composition of Service.
4. *Deleted.*
5. Administration of Service.
6. Powers of Deputy Commissioner, and delegation of powers.

**PART III – POWERS, DUTIES AND PRIVILEGES OF PRISON OFFICERS**

7. General powers and duties of prison officers.
8. Responsibility of officer in charge for stores, etc.
9. Cases where prison officers have the powers and privileges of police officers.
10. Arrest of deserters.
11. Power to examine persons or vehicles.
12. Use of force by prison officer.
13. Power to take photographs, fingerprints, etc., of prisoners.
14. Non-liability for act done under authority of a warrant.

**PART IV – OFFENCES BY PRISON OFFICERS**

15. Prison officers not to leave Service without permission.
16. Prison officers to be subject to Code of Regulations.
17. Assault on officer senior in rank.
18. Miscellaneous offences by prison officers.
19. Other offences.
20. Prison officers not to be members of trade unions.
21. Prison officers not to engage in dealings with prisoners.
22. Search of prison officers.
23. Powers of officers holding disciplinary inquiries.

**PART V – ESTABLISHMENT AND CONTROL OF PRISONS**

24. Declaration of prisons.
25. Temporary prisons.
26. Officers in charge.
27. Appointment of police officers to perform the duties of prison officers.
28. Women prison officers and female prisoners.
29. Medical officers.

**PART VI – ADMISSION, CONTROL AND DISCHARGE OF PRISONERS**

30. Prisoner in custody of officer in charge.
31. Detention of remand prisoners.
32. Custody of persons under arrest.
33. Prisoners required as witnesses.

*Prisons*

---

- 34. Prisoners to be subject to prison discipline.
- 35. Maintenance of certain prisoners from private sources.
- 36. Female prisoners to be kept apart.
- 36A. Prisoners detained for terrorist activity, etc., to be kept apart.
- 37. Prisoners may be removed to any prison.
- 38. Removal of prisoners of unsound mind.
- 39. Removal of sick prisoners to hospital.
- 40. Measures for further security of prisoners in hospital.
- 41. Removal of leper prisoners to leper settlements.
- 42. Prison officer not liable for escape of prisoners in hospital, etc.
- 43. Labour of prisoners.
- 44. Employment of unconvicted criminal prisoners.
- 45. Release of prisoners.

## PART VII – REMISSION OF SENTENCE

- 46. Remission of sentence.

## PART VIII – COMPULSORY SUPERVISION ORDERS

- 47. Compulsory supervision orders.
- 48. *Deleted.*
- 49. Release on parole.

## PART IX – OFFENCES BY PRISONERS

- 50. Prison offences.
- 51. Punishment of prisoners by officer in charge.
- 52. Punishment of prisoners by the Commissioner.
- 53. Prisoner's defence.
- 54. Medical examination before punishment.
- 55. Corporal punishment.
- 56. Segregation of prisoner.
- 57. Register of punishment.

## PART X – OFFENCES IN RELATION TO PRISONERS

- 58. Trafficking.
- 59. Prohibited articles.
- 60. Seizure of prohibited articles, etc.
- 61. Trespassing.
- 62. Unlawful possession of prison articles.
- 63. Incitement and abetting of desertion, mutiny and sedition.
- 64. Harboursing prisoners.
- 65. General penalty.

## PART XI – YOUTH CORRECTIVE TRAINING CENTRES

- 66. Establishment of youth corrective training centre.
- 67. Corrective training may be ordered in certain circumstances.

## PART XII

- 68. *Repealed.*

PART XIII – MISCELLANEOUS

- 69. Manner of execution of persons sentenced to death.
  - 70. Appointment of prison ministers.
  - 70A. Register.
  - 71. Standing orders for the guidance of prison ministers.
  - 72. Appointment and powers of visiting justices.
  - 73. Power of Ministers and judges.
  - 74. Power to make rules.
  - 75. Amendment of Cap. 91.
  - 76. Repeal and saving.
-