

LAWS OF KENYA

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**GOVERNMENT CONTRACTS ACT**

CHAPTER 25

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## CHAPTER 25

### THE GOVERNMENT CONTRACTS ACT

*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**

44 of 1956,  
L.N. 604/1963,  
L.N. 374/1964,  
8 of 1978,  
6 of 1979,  
3 of 2005.

Short title.

1. This Act may be cited as the Government Contracts Act.

Contracts made  
in Kenya for the  
Government.

2. Subject to the provisions of any other written law, any contract made in Kenya on behalf of the Government shall, if reduced to writing, be made in the name of the Government 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 authorized 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 authorization.

Contracts made  
outside Kenya for the  
Government.  
L.N. 374/1964.

3. 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.

No other contracts  
to be deemed  
Government  
contracts.

4. 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.

Validation of  
contracts entered  
into before the  
commencement of  
this Act.  
L.N. 604/1963.

5. 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 Kenya, 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 authorized in writing in that behalf by the Minister,

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

Limitation of  
personal liberty of  
public officers.

6. (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. Any authorization given under section 2 shall be in the appropriate form set out in the First Schedule. Form of authorization.

8. (Deleted by 3 of 2005, 4th Sch.).

9. For the avoidance of doubt it is declared that agreements made or other instruments given under the Internal Loans Act, the External Loans and Credits Act and the Guarantee (Loans) Act are not contracts to which this Act applies. Non-application. 6 of 1979.

FIRST SCHEDULE (s. 7) 8 of 1978, s. 2.

AUTHORIZATION

A

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

(Here briefly describe the particular contract)

(Signed)

.....  
*Accounting Officer / Receiver of Revenue.*

B

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

(Signed)

.....  
*Accounting Officer / Receiver of Revenue.*

SECOND SCHEDULE

|  |           |
|--|-----------|
| The Air Passenger Tax Act.                       | Cap. 68.  |
| The Traditional Liquor Act.                      | Cap. 122. |
| The Income Tax Act.                              | Cap. 470. |
| The Customs and Excise Act.                      | Cap. 472. |
| The Sales Tax Act.                               | Cap 476.  |
| The Hotel Accommodation Tax Act.                 | Cap. 478. |
| The Stamp Duties Act.                            | Cap. 480. |
| The Estate Duty Act.                             | Cap.483.  |
| The Second-hand Motor Vehicles Purchase Tax Act. | Cap. 484. |

**SUBSIDIARY LEGISLATION****Authorization under section 2**

L.N. 183/1958.

The Accounting Officer of the Ministry of Defense has authorized each officer in charge of a Prison, Prison Camp, Detention Camp, Special Detention Camp or Works Camp to sign on behalf of the Government any contract for the employment by any public organization or local authority of prisoners or detainees held in his custody.