

Section 88 of the Kenya Communication Act, 1998

(Powers on Occurrence of Emergency)

88.(1) On the declaration of any public emergency or in the interest of public safety and tranquility, the Minister for the time being responsible for Internal Security may, by order in writing, direct any officer duly authorized in that behalf, to take temporary possession of any telecommunication apparatus or any radio communication station or apparatus within Kenya, and –

- (a) in the case of radio communication, that any communication or class of communication shall or shall not be emitted from any radio communication station or apparatus taken under this section; or
 - (b) in the case of telecommunication, that any communication within Kenya from any person or class of persons relating to any particular subject shall be intercepted and disclosed to such person as may be specified in the direction; or
 - (c) in the case of postal services, that any postal article or class or description or postal article in the course of transmission by post within Kenya shall be intercepted or detained or shall be delivered to any officer mentioned in the order or shall be disposed of in such manner as the Minister may direct.
- (2) A certificate signed by the Minister for the time being responsible for internal security shall be conclusive proof of the existence of a public emergency, or that any act done under subsection (1) was done in the public safety or tranquility.
- (3) A telecommunication apparatus constructed, maintained or operated by any person within Kenya or any postal article which is seized by any officer duly authorized under subsection (1) (a) shall be returned to the telecommunication operator at the end of the emergency or where such apparatus or article is not returned, full compensation in respect thereof, to be determined by the Minister, shall be paid to the owner.
- (4) A person aggrieved by a decision of the Minister under subsection (3) as to the compensation payable in respect of anything seized under

this section may appeal to the High Court within fourteen days of such decision.