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Tribal Police.

Presents

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No. 1.6. Harris H.342 27/10  
Mr. Lamson, H.H.OST 27/10  
A. Whitney =  
H. 342 27/10  
S. H. 61

Delinquents

38167/35.

By 207 12/6  
L. 109 6/6  
Mr. Freeman 6  
Dr. H. 14/6  
H. 15  
311 15/6  
297 17/6  
247 22/6  
Library 26  
H. 27 26/6  
L. 109 9/6  
L. 109 11  
111 =  
111 27/6

Governor Byrne 211  
Trans. 2 authenticated & 12 printed copies of the Tribal  
Police (Amend.) Ordinance, No 98/1933.

1  
● authenticated & 12  
printed copies of  
Ordinance to be  
sent to Chicago.

Prior to 1929, when their position was regularised, tribal police were known as tribal retainers, and were no more than a nebulous body of hangers-on to the local Chief, acting in some such capacity as bodyguard. They existed in every district and would also perform the duties of messengers or other assistants to headmen.

When these individuals were transformed into tribal police, it was intended thereby to support the native chiefs and not to let the tribal police usurp their authority, and we have, in fact, been told that they are regarded by the people as part of the tribal government. It is said that they are hardly fitted to take over all the duties of ordinary police, such as criminal investigation with a view to the institution of judicial proceedings, but they are fully capable of doing such things as serving processes, and they are particularly valuable in that they are operating in their own country.

To take the present Ordinance clause by clause:-

Section 14 makes applicable to tribal police the Rewards and Fines Fund system that already exists in the regular police force. It follows section 53 of the Police Ordinance, 1930.

Section 15 deals with the duties of a tribal policeman who finds lost property. If unclaimed, property is to be sold and half is to be put into the Rewards and Fines Fund. There appears to be no parallel to this section in the Police Ordinance.







GOVERNMENT HOUSE  
NAIROBI.  
KENYA.

KENYA.

No. 271.

RECEIVED  
2 MAY 1933  
COLLECTOR

29<sup>th</sup> APRIL, 1933.

*Gummed (2)*

Sir,

I have the honour to forward herewith two authenticated and twelve printed copies of an Ordinance intituled "The Tribal Police (Amendment) Ordinance 1933", which duly passed its third reading in the Legislative Council on the 30th March 1933, and to which I assented in His Majesty's name on the 24th April, 1933, together with a copy of the Legal Report by the Attorney General.

I have the honour to be,

Sir,

Your most obedient, humble servant,

ATTORNEY-GENERAL,  
NAIROBI.

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP GUALIFFE-LISTER, P.C., O.B.E., M.C.M.I.  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S. W. 1.

LEGAL REPORT.

THE TRIBAL POLICE (AMENDMENT) BILL, 1933.

The object of the Bill is to make provision for:-

- (a) the formation of a Tribal Police Rewards and Fines Fund on lines similar to those of the Kenya Police.
- (b) The employment of additional tribal Policemen for disturbed districts or because, by reason of the conduct of the inhabitants, it is necessary to increase the number of tribal police.

The reason for (a) is so as to assist the wives and families of deceased tribal officers, to regard meritorious acts, to advance authorized recreation etc.

The reason for (b) is so as to enforce law and order in certain circumstances in the cheapest possible manner e.g. where there is continual trespass of stock over a boundary.

In my opinion, His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

*W. A. G. G. G.*  
ATTORNEY GENERAL.

Mairobi.

6th April, 1933.

LEGAL REPORT.

THE TRIBAL POLICE (AMENDMENT) BILL, 1953.

The object of the Bill is to make provision  
for:-

- (a) the formation of a Tribal Police Rewards and Fines Fund on lines similar to those of the Kenya Police.
- (b) The employment of additional tribal Policemen for disturbed districts or because, by reason of the conduct of the inhabitants, it is necessary to increase the number of tribal police.

The reason for (a) is so as to assist the wives and families of deceased tribal officers, to regard meritorious acts, to advance authorised recreation etc.

The reason for (b) is so as to enforce law and order in certain circumstances in the cheapest possible manner e.g. where there is continual trespass of stock over a boundary.

In my opinion, His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

*R. S. Chetty*  
ATTORNEY GENERAL.

Nairobi,

6th April, 1953.



Colony and Protectorate of Kenya.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE V.**  
**JOSEPH ALOYSIUS BYRNE, K.O.M.G., K.B.E., O.B.,**  
*Governor.*

Assented to in His Majesty's  
name this 24 day of April,  
1933.

**J. BYRNE.**

*Governor.*

**AN ORDINANCE TO AMEND THE TRIBAL  
POLICE ORDINANCE, 1929.**



ORDINANCE No. IX of 1933

An Ordinance to Amend the Tribal Police Ordinance, 1929.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Tribal Police (Amendment) Ordinance, 1933" and shall be read as one with the Tribal Police Ordinance, 1929, hereinafter referred to as "the Principal Ordinance".

2. The Principal Ordinance is hereby amended by the addition of the following sections after section 13 thereof:—

(1) In every Province there shall be established a fund called "the Tribal Police Rewards and Fines Fund" hereinafter referred to as "the Fund".

(2) All fines imposed by an administrative officer upon a tribal police officer under the provisions of this Ordinance shall be paid to the Provincial Commissioner to be placed to the credit of the Fund.

(3) No payment shall be made from the Fund except upon the authority of the Provincial Commissioner.

(4) The Provincial Commissioner may sanction payments from the Fund for any of the following purposes:—

(a) assistance to the wives and families of deceased tribal police officers, or to those discharged from the tribal police as medically unfit for further service;

(b) contributions towards prizes at athletic meetings, assault-at-arms or similar events organized by or for the benefit of the tribal police;

(c) payments to tribal police officers as rewards for meritorious acts or service in the execution of duty, if such payments are not met from Colonial Funds;

(d) expenditure for the benefit and advancement of authorized recreation and sport and other branches of police activity organized within the tribal police.

officers shall be a charge on the inhabitants of such area and shall be recoverable after inquiry by a magistrate from all or any of them in such proportion as the Governor, having regard to the respective means of such inhabitants, may direct.

18. (1) If in any area in regard to which the Governor has authorized the employment of additional tribal police officers under the last preceding section, death or grievous hurt or loss of or damage to property has been caused by or has resulted from the misconduct of the inhabitants of such area or any class or section of the inhabitants of such area or any class or section of such inhabitants, any person who claims to have suffered injury from such misconduct may, within one month after the date of the injury, make an application for compensation to the magistrate of the district within which such area is situated.

Award of compensation to sufferers from misconduct of inhabitants.

(a) Upon any such claim being made the magistrate may, subject to the directions of the Governor, after such inquiry as he may consider necessary, and whether any additional tribal police officers have or have not been stationed in such area under the last preceding section—

(i) declare the person or persons to whom injury has been caused by or has resulted from such misconduct;

(ii) assess the amount of compensation to be paid to such person or persons and the manner in which it is to be distributed;

(iii) assess the proportions in which such compensation shall be paid by the inhabitants in such area.

Provided that the magistrate shall not make any declaration or assessment under this sub-section unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area and that the person who suffered the injury, was himself free from blame in respect of the circumstances which led to such injury.

Provided also that the magistrate may, subject to the directions of the Governor, exempt any person or any class or section of such inhabitants from liability to pay any portion of such compensation.

(3) Every declaration or assessment made or exemption granted under the last preceding sub-section shall be subject to revision by the Governor, but, save as aforesaid, shall be final.

(4) No civil suit shall be maintainable in respect of any injury for which compensation has been accepted under this section.

Definition of  
"inhabitants."

19. For the purposes of the two last preceding sections the term "inhabitants" includes all persons who themselves or by their agents or servants occupy or hold land or other immovable property within the area specified in the proclamation and all landholders who themselves or by their agents or servants collect rents direct from lessees or occupiers in such area, notwithstanding that they do not actually reside in such area.

Recovery and  
disposal of  
moneys paid  
under sections  
17 and 18.

20. (1) All moneys payable under sections 17 and 18 of this Ordinance shall be recoverable by a magistrate in the manner provided by law for the recovery of fines imposed in criminal proceedings or by suit in any competent court.

(2) All moneys recovered under section 17 of this Ordinance shall be paid to the Treasurer for the use of the Colony.

(3) All moneys recovered under section 18 of this Ordinance shall be paid by the magistrate to the persons to whom and in the proportions in which the same are payable.

Passed in the Legislative Council the thirtieth day of March, in the year of Our Lord one thousand nine hundred and thirty-three.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

**H. E. BADER**

*Acting Clerk of the Legislative Council.*