

1937

38240

60533/484

38240

2

KENYA

2

KENYA TERRITORIAL FORCE

LEGISLATION



Previous		Major Cole	17.8
		Maj Dale	10.1
		Mr Paschin	17.51
M.F.		M. Dale	24.
		Major Cole	24.11
		Mr Paschin	24/11
Subsequent		297	9/12
		303	13/12
1938		L.D.	20/11/7
		298	21/12
R. 297	21/3/37	297	22/12
R. 309	27/3	Maj Cole	11.2
M. Paschin	/	297	/
R. 297	12/4/37	L. 95	/
R. 309	20/4		
Major Cole	01.4		
M. Paschin	27/4		
	27/4		
S. C. Bostanley	27/4		
R. 297	27/4/37		
R. 309	1		
198	18/5		
297	19/5		
L. 95	21/5		
R. 297	18/6		
R. 309	5/7		

C.I.

DEFENCE.

1. ACTING COL. SEC. 3 PM. 16.2.37.
Trs. 12 copies of Report of the Select Committee of the
Leg. Co. on the Kenya Regiment (Territorial Force) Bill.
(Spares to Library)

2

*See minute below No 9 on
38240/37.*

*Off. for with
27/3/37*

ares to Library.

2. A/GOV'S DEPUTY. 199. 3.4.37.
Trs. Ordce. 4 of 1937 "Kenya Regiment (Territorial Force)
Ordce., 1937" and requests that non-disallowance be
communicated by telegram.

*Action also reqd
38090/37
later
27/3/37*

The Kenya Regiment (Territorial Force)

Ordinance contains almost all the amendments proposed by us and by the War Office. One point which the War Office made was that provision should be made in the Ordinance that Territorial Force Officers and Non-Commissioned Officers who may be serving with the Coast Defence Unit of the K.A.R. should be made subject to the provisions of the King's African Rifles Ordinance. I do not see that this has been done.

*See No 13
38240/36*

As regards the Kenya Defence Force Ordinance on 38090/37, the amendments proposed in the draft bill stage have been made. As it stands, the maximum age limit for compulsory enrolment is 55, but the Governor is amending the Ordinance on the lines suggested in No. 4 on 38240/37.

The penalty clause in this Ordinance (Clause 31) differs from the corresponding clause in the Kenya Regiment Ordinance (Clause 30), but this does not call for comment.

(2)

Other amendments made by the Select Committee do not affect the principles of this legislation and we can now send the Ordinances to the War Office for their consideration. I submit draft.

*C.A. Tomlinson
27/4.*

to Colonel Duncan Adams, commanding despatch
of the Nairobi battalion of the Kenya Regiment
under the new organization, came in to
see me this morning. I had a long talk
with him on the organization and learned
that he was much concerned at the delay
in putting the scheme into operation. He told
me that, whereas there was a rush of
~~people~~ men to join up when the Committee's
report on the scheme was first published,
there are now withdrawing their names
because they feel that no interest is
being taken in the force.

I feel that the intimation of non-
disallowance should be notified by
cable as requested by the Governor's Deputy
so that the scheme may be put into
effect as soon as possible.

A draft telegram is submitted

J. E. G. [Signature]

27/4/37

-Yes: there was no need to hold them up really. The O.A.G.
has not ~~revised~~ them and they are both law. As they
do conform to what was proposed we can agree to
signifying non-disallowance.

There may be some modifications in detail and
they may find locally that some alteration is needed. But
that can wait: we shall have to get W.O. into it, but there is no
hurry over that.

J. E. G. [Signature]

27/4/37

W.O.

27.4.37

am

To Gov Kenya Tel no 96. 27/4/37.

4 To W.O. (at small. draft.) ^{18/6.} Cont. 18/5/37

5. WAR OFFICE

17.6.37

Returns copies of bills and suggests amendments thereto as
indicated.

The W.O.'s comments do not amount
to much, & subject to the
views of the Staff Officers &
the Legal Dept they might
be sent to the Governor.

At the same time we might
raise the question of providing
to the Kenya Regiment Ordinance
that T.F. Officers & NCOs who may
be serving with the Coast
Defence Unit of the KAR should
be made subject to the
provisions of the KAR Ordinance.
(See in this connection 34086/8/37
KAR.
see wild).

Not done.

A. G. [Signature]
57/7/37

6. WAR OFFICE

31.7.37

Suggest further amendment as indicated.

7. Extract from Supplement to Gazette No. 20 of 4.5.37

8. Secretariat Circular No. 4 of 18.5.37 (Regd. in accordance with
instruction no. 38119/37)

9. Extract from Supplement to Gazette No. 25 of 1.6.37

Not done. This is in continuation of Nos.
The W.O. draws attention to the fact
that Section 19 of the Kenya Regt Act

Office makes no mention of the period
necessary for an Officer to have
served before he can be granted
permission to retain his rank
& wear the prescribed uniform
on retirement.

Since the Order was received, the
Regulations issued under the
Kenya Regt. Order have been
published locally. The appropriate
extracts from the Kenya Gazette
have been attached to the
file.

The Regulation relating to the
uniform & rank of retired
Officers is No 119. (See page
257 of No 9)

In view of the difficulty existing in
his circular despatch of the
3rd of Feb. 1937, the Regulation 119
should be amended to prescribe
as an essential qualification
for the grant of permission to
retain rank & wear the
appropriate uniform, a minimum
period of 10 years' Commissioned
Service on the active list.

(See Nos-
on 380907/13
below)

The Governor wishes to submit
to the Legis. C'nl in October
any amendments proposed by
the W.O. to the Kenya Defence
Force Order. So it is desirable

to send out the amendments proposed
in the last part of No 5 on this
file as soon as possible.

C. H. Brown with
14/8/37

I attach comments on the W.O. suggestions.

There is a further point about the status of the Coast
Defence unit at Mombasa. It would appear that this unit
is now to be composed of regular African enlisted soldiers
and is locally regarded as an Artillery unit of the K.A.R.

To bring this unit within the K.A.R. and under the pro-
visions of the K.A.R. Ordinance, an amendment is necessary
to Section 4 of that Ordinance which now only provides
for "battalions" of troops. This means infantry.

I suggest that the attention of the Governor might be
drawn to this situation in the despatch sending out the
amendments (suggested) to the Kenya Regt & Kenya Defence
Ordinances, with a suggestion that section 4 (1) might be
amended to read "units of troops" instead of "one or more
battalions of troops", making the presumption that it is
desired to include this unit within the K.A.R. N. Pde.

We might also ask for the official title of this unit, for
inclusion in the Army Book.

P. J. Cole
17. 8. 37

Technical Force order

We usually refrain from suggesting amendments to Orders
which are already enacted unless they are really necessary
I would merely put the W.O. points on sections 36 & 119
for consideration. There are two points which strike me
as requiring comment:-

s. 11 What is the point of the last sentence? I believe
there will be no question of compulsorily transferring
the cadets.

s. 24 I am bothered about this in relation to the permanent
and staff. If I understand the Army Act rightly,

I would like to see
with the necessary
K.A.R. papers (W.O.)

A "trained man" presumably
has to do some "drills"
to. But I can find no
such provision either in
the Order or Regulations.

the officers of the permanent staff will come under
para (1) of s. 175 of that Act, and soldiers under
para (1) of s. 176. If this is so, the provisions
of s. 24 in so far as they modify the Army Act
in relation to the permanent staff are ultra
vires. This same comment applies to s. 23 of the Territorial Force Ordinance
(I apologise for not raising these two points in
the draft Bill. But both provisions were in the
old ordinance).

As to the Defence Force Ordinance I have for
some days been striving to get lines of text, ^{and was sure that}
on which this was considered in draft but having
it in the same time as the Territorial Force Ordinance, a point
~~was raised that these were temporary provisions.~~ But
which Kings might have thought it worth while to raise otherwise.
With regard to W.O. Comments I would put (a) (b) (c)
but there is nothing in (b). It is provided for in the
Criminal Procedure Code. (During Magistrate's Note to clause
of the Territorial Force Ordinance
29 on Major General's terms opposite)

Apart from this, & what I say above about s. 23,
I have no objections.

W.D. Cole
20.9.

I regret the delay in dealing with
this paper.

I have now prepared a revised draft
of the memorandum which had been prepared by

Mr. Grossmith

Mr. Grossmith, as it seemed desirable to explain
(principally for the information of the War Office)
why certain of the amendments which they had
suggested are unnecessary.

I have also incorporated a note of my
view of what the last sentence of Section 11 of the
Territorial Force Ordinance was intended to mean.

J.J. Passmore
17.11.37.

Major Cole

You will see how I suggest
getting round the permanent
staff difficulty. (I think
there is a good deal better
than what we thought of
yesterday. Since if there are
any permanent staff who are
not subject to the Army
discipline from here, they will
be made subject to the Army
Act with the modifications

(W.C.)
24. I agree
W.C.
24/11

13 No. Kenya Conf (2) (of 1st hand, 6, 6 + 12) - 30 NOV 1937

After two visits/drafts (3)

Rec'd to my file
for action
1/17/38

b.W.O. (w/ 13 + 107) - B/A
encl.

21 DEC 1937

DESTROYED UNDER STATUTE

Res: S.B.

This point has been raised in the 16th
inspection report on the Pemba Coast.
Defense Balling and will be dealt with
on these papers in due course.

fully

P. J. Cox

6.2.38 also

C. O.

Mr. Grossmith. 6/10/37.

Mr. Pasmin 17/11.

Major Cole 14/11

Mr. Pasmin. 24/11 f.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shackburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

38240/2/37.
Handy 11/1938 file
56

13



30 NOV 1937

October, 1937

DRAFT for Conson

KENYA.

Sir,

and to express my regret that an earlier reply has not been returned to you enquiring whether the Army Council wished to suggest any further amendments to the Kenya Defence Force Ordinance.

I have etc. to refer to

~~NO. Confidential (2)~~

No 6

Governor.

38090/3/37

your despatch No. 626 of the 28th of Oct. I now enclose ~~July~~, and to transmit to you a copy of

To W.O. 14/6/37 (4)
without endorsement.
From W.O. 17/6/37 (5)

From W.O. 31/7/37 (6)

Memorandum (52)

correspondence with the War Office regarding the provisions of the Kenya Regiment (Territorial Force) Ordinance, 1937, and the Kenya Defence Force Ordinance, 1937.

2. I also enclose a memorandum containing the observations of my advisers on the amendments suggested by the War Office, and which appear to call for particular consideration. In addition, I have

FURTHER ACTION.

Copy with last encl. to W.O. Lt.

Copy to ~~the Home~~ placed on 38090/3/37.

Copy 4 of last encl. to W.O. Lt.

drawn

on certain
~~drawn attention to~~ further points,
not mentioned in the correspondence
with the War Office, which *appear to* ~~has~~ advised
require consideration.

I have, etc.

(Signed) W. ORMSBY GORE.

7
12
HC

KENYA REGIMENT
(TERRITORIAL FORCE) ORDINANCE.

Section 11, last sentence.

(It is presumed the intention here is to transfer the cadets to the Regiment only on their subsequent training way.) As there is no definition of

"trained man" either in the Ordinance or Regulations, and as there does not appear to be any provision conferring any privilege or exemption on a trained man, the purpose of this sentence is not apparent.

Section 19.

12
It is suggested that provision recommended by the War Office should be included in the Ordinance, rather than in the Regulations.

Section 24.

copy to Kenya

Not of
Presumably the officers of the permanent staff will come under the provisions of paragraph (1) of Section 175 of the Army Act, and other ranks under paragraph (1) of Section 176 of that Act, *and therefore the Army Act applies to them*

is this is
will apply to them staff by its own terms.
The provisions of *24* Clause 24 of the Ordinance, in so far as they purport to modify the Army Act in relation to the permanent

7
12
He

KENYA REGIMENT
(TERRITORIAL FORCE) ORDINANCE.

Section 11, last sentence.

(It is presumed the intention here is to transfer the cadets to the Regiment only on their discharge from school way. As there is no definition of

"trained man" either in the Ordinance or Regulations, and as there does not appear to be any provision conferring any privilege or exemption on a trained man, the purpose of this sentence is not apparent.

Section 19.

It is suggested that ^{the} provision recommended by the War Office should be included in the Ordinance, rather than in the Regulations.

Copy to Kenya 23

Section 24.

Not of
Presumably ^{presumably} the officers of the permanent staff will come under the provisions of paragraph (1) of Section 175 of the Army Act, and other ranks under paragraph ^{and transfer to Army Act applicable to} (1) of Section 176 of that Act, ~~is this is~~
will apply to them staff by its own terms.
The provisions of ^{clause} Clause 24 of the Ordinance, in so far as they purport to modify the Army Act in relation to the permanent

KENYA DEFENCE FORCE ORDINANCE.

The War Office observation

at (a) (b) and (c), should be considered.

As regards point (d), see

comment on Section 29 of the Kenya Regimental (Territorial Force) Ordinance.

Section 23.

See comment on Section 24 of

the Kenya Regimental (Territorial Force) Ordinance.

(It is suggested that the words "if not otherwise subject to the Army Act" should be inserted after "permanent staff". It will also be advisable to make it clear accordingly that it is only in regard to discipline that the Army Act is applied by this section: compare s. 105 of Order 43/1932.)

permanent staff, are ultra vires.

The same comment applies to Section 23 of the

Defence Force Ordinance. ~~It is suggested that this section should be modified so as to show that the application of the Army Act to the permanent staff Section 29, is not subject to any condition. The words~~

An offence under Section 29 would be

punishable by a subordinate court of the

first class under the Criminal Procedure

Code. The amendment suggested by the War

Office is therefore unnecessary. (An express

provision was necessary in Section 31 in order

to restrict jurisdiction to ~~the~~ courts of the

class ^{mentioned} ~~prescribed~~.)

Section 36.

The War Office suggestion will no

doubt be considered ~~locally~~.

↓

KENYA REGIMENT (Territorial Force) Ordinance.

Clause 29.

To insert words "against this ordinance" after the word "offence" in line 4; or, alternatively:-

To substitute "wilfully contravenes or fails to comply with" for the expression "commits any offence against" in line 1, and to omit " shall be guilty of an offence and" ^{Line 4.}

*I think there is nothing
whenever in G.O. suggestion
An offence under s. 29
is punishable by a sub-
Court of the first class
under the Criminal
Procedure Code. An offence
provision was necessary
in s. 31, or any magistrate
could punish.*

W.O. reason:- Presumably it is intended that the word "of an offence" in line 4 should mean "of an offence against this Ordinance" which will be punishable by a subordinate Court of the first class under Clause 31 with the penalty specifically provided in Clause 29. Such being the case, it seems desirable for purposes of clarity, despite the definition of ordinance in Clause 2, to insert the words " against" into the Ordinance after "offence" in line 4, because under Clause 31 the commission of an offence against the regulations is not, in terms, made punishable but only the wilful contravention of or failure to comply with the regulations. An alternative method would be to substitute for the words "commits any offence against" in Clause 29, line 1, the words "wilfully contravenes or fails to comply with" and to omit the words "shall be guilty of an offence and" from line 4.

Clause 36.

To include specifically in Clause 36, describe Clause 36(14) the power to make regulations providing for and regulating the requisitioning of accommodation or supplies referred to in Clause 29.

Clause 19.

No mention is made of the minimum period of continuous service which is prescribed as an essential qualification before the privilege of retention of rank and wearing of uniform is granted. Refers to the recent circular (of 2nd February 1937) in which 10 years commissioned service on the active list is regarded by the S. of S. as an essential qualification for general application.

War Office suggest that some reference to this qualification should be made in the Regulations for the Kenya Regt.

KENYA DEFENCE FORCE Ordinance.

Clause 2.

Suggests that such expressions as "Act", "Ordinance", "member", "officer", "permanent staff", which are defined in Clause 2 of the Kenya Regiment (Territorial Force) Ordinance should also be defined in Clause 2 of this ordinance. Other definitions may also be thought necessary.

"Act" in Clause 2 of the Kenya Regiment (Territorial Force) Ordinance would presumably include regulations made under the Army Act etc referred to in Clause 24 of that ordinance. Having regard therefore to Clause 23 of the Kenya Defence Force ordinance, it would seem that a definition of "act" is also required in Clause 2 of that Ordinance.

Clause 10.

Marginal note hardly appears correctly to describe the purport of the Clause.

Clauses 9(1)

14
30.

To trace can be found that any tribunal is set up under this Ordinance which has power to punish an offence under Clause 9(1), Clause 14 or Clause 30. In this connection see Clause 28 where a tribunal is provided.

Kenya Regt (T.F) Ord:

Notes on W.O.suggestions.

Clause 29.
*See marginal with
in previous page.*

I agree with W.O.view and suggest that the first alternative of inserting the words "against this Ordinance" after "offence" in line 4 be accepted.

Clause 36.
has been put in print

I agree with W.O.suggestion.

Clause 19.
*has been put in print,
but we need to suggest
wording.*

I agree with W.O.suggestion but offer for consideration the point whether this essential qualification might not be referred to in the ordinance as well as the regulations so as to draw attention to the fact that there is a prescribed period.

Suggestion:- Add at end of 19 (1), "provided that they eligible for this privilege in respect of the length of commissioned service as prescribed in the regulations".

Kenya Defence Force Ord:

Clause 2.

I agree with W.O.view that the definitions mentioned in their letter should also be included in this ordinance.

Clause 10.

I agree with W.O.view that the marginal note is faulty. As it stands it would seem that a person who should go into Class I can elect to go into Class 11 (that is, as far as the marginal note is concerned).

Suggested re-wording:- "Persons may elect to enrol in Class preceding that appropriate to their age".

*Not in
the manual.*
Clauses 9(1)
14
30.

I agree.

Suggestion:- To insert after the word "conviction" in each of these Clauses, the words "before a first or second class magistrate".

666

Further suggestions for consideration.

Clause 3 of
K.R.(T.F.) Ord:

3.(3) states that the Regiment shall be under the command of the Commander, Local Forces, Kenya and Uganda. This means, of course, the Commander of the Northern Brigade, K.A.R. and it is the intention to add this to his title in the Army List in due course. But, there is no statutory provision that the Commander, Northern Bde, K.A.R. is the Commander, Local Forces, Kenya and Uganda. It may, therefore, be considered desirable to make it clear in the Ordinance who is this Commander, Local Forces, who will command the Kenya Regiment.

*But see
the definition
in the Regulations
OK.*

Suggestion:- To add to Clause 2:-

"Commander, Local Forces, Kenya and Uganda" means the Commander of the Northern Brigade, The King's African Rifles.

The definition does

*I don't think
we need bother with this.*

Clause 2 of
K.D.F. ordinance.

It will be noted that in Clause 2 of the K. Defence Force Ordinance they have defined the "Commander" as the Commander Local Forces, ~~Kenya~~ Kenya and Uganda, but again there is nothing to show that it is the Commander Northern Bde KAR who is the Commander, Local Forces.

666

Suggestion:- add at end of definition of "Commander" "who is the Commander of the Northern Brigade, The King's African Rifles".

CIRCULAR.

Downing Street,

3rd February, 1937.

Sir,

I have the honour to refer to Mr. Winston Churchill's circular despatch of the 27th August, 1921, and to inform you that the restrictions placed by paragraphs 3, 4 and 5 of that despatch on the grant to retired Volunteer Officers of the privilege of retaining their rank and of wearing uniform on special occasions are no longer regarded as applicable to the case of retired or retiring officers of Colonial Auxiliary Forces.

2. You are therefore at liberty to grant this privilege to such officers at your discretion under local regulations, and I am advised that a notification in the local Gazette, in any appropriate case, of the retention of rank with permission to wear the prescribed uniform, will be regarded as sufficient authority for the exercise of those privileges in this country by the officer concerned.

3. It is undesirable, however, that the privilege should be granted to officers who have served in Auxiliary Forces for short periods only, and, after consulting the War Office, I consider that the regulations on this subject should prescribe as an essential qualification a minimum period of ten years' commissioned service on the active list.

I have the honour to be,

Sir,

Your most obedient, humble servant,

W. ORMSBY GORE.

12
9
Exhausted from Supplement to Gazette N° 25 of 16 37

GOVERNMENT NOTICE No. 454

THE KENYA REGIMENT (TERRITORIAL FORCE)
ORDINANCE, 1937

NOTICE

IN EXERCISE of the powers conferred upon him by sections 1, 3 (5) and 12 of the Kenya Regiment (Territorial Force) Ordinance, 1937, His Excellency the Governor has been pleased to establish the Colony and Protectorate to be a military district for the purposes of this Ordinance and to declare that the First Battalion of the Kenya Regiment (Territorial Force) shall be a unit for the purposes of the aforesaid Ordinance and shall be trained in such district.

By Command of His Excellency the Governor.

Nairobi.

This 1st day of June, 1937.

A. DE V. WADE,
Colonial Secretary.

GOVERNMENT NOTICE No. 455

THE KENYA REGIMENT (TERRITORIAL FORCE)
ORDINANCE, 1937

AND

THE INTERPRETATION AND GENERAL CLAUSES
ORDINANCE

(Chapter 1 of the Revised Edition)

DELEGATION

IN EXERCISE of the powers conferred upon him by section 13 of the Interpretation and General Clauses Ordinance (Chapter 1 of the Revised Edition) and all other powers thereunto enabling him His Excellency the Governor has been pleased to delegate the powers of discharge conferred upon him by section 15 of the Kenya Regiment (Territorial Force) Ordinance, 1937—

- (1) to a Commanding Officer in the Kenya Regiment (Territorial Force) in respect of any member of the unit under his command in the cases set out in the Schedule hereto; and

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- (1) to a Commanding Officer in the Kenya Regiment (Territorial Force) in respect of any member of the unit under his command in the cases set out in the Schedule hereto; and

- (2) to the Commander, Northern Brigade, King's African Rifles, and Officer Commanding, Local Forces, Kenya and Uganda, in respect of any member of the Kenya Regiment (Territorial Force) in any case other than those set out in the Schedule hereto.

By Command of His Excellency the Governor.

Nairobi,

This 1st day of June, 1937.

A. DE V. WADE,
Colonial Secretary.

SCHEDULE

1. Termination of Engagement.
2. Having reached the age limit.
3. At his own request.
4. Having made a false answer on enrolment.
5. Having been irregularly enrolled.
6. Having made a misstatement as to age on enrolment.
7. Medically unfit.
8. Having been convicted by the Civil Courts of an offence involving moral turpitude.
9. For the purpose of being appointed to a commission.

GOVERNMENT NOTICE No. 456

THE KENYA REGIMENT (TERRITORIAL FORCE) ORDINANCE, 1937

ESTABLISHMENT OF A CADET UNIT

IN EXERCISE of the powers conferred upon him by section 9 of the Kenya Regiment (Territorial Force) Ordinance, 1937, His Excellency the Governor has been pleased to establish a Cadet Unit which shall be composed of boys of the Prince of Wales School, Kabete, and shall be known as the Prince of Wales School Officers Training Corps.

By Command of His Excellency the Governor.

Nairobi,

This 1st day of June, 1937.

A. DE V. WADE,
Colonial Secretary.

GOVERNMENT NOTICE No. 457

THE KENYA REGIMENT (TERRITORIAL FORCE) ORDINANCE, 1937

REGULATIONS

IN EXERCISE of the powers conferred upon him by section 41 of the Kenya Regiment (Territorial Force) Ordinance, 1937, His Excellency the Governor has been pleased to make the following Regulations:—

1. These Regulations may be cited as the Prince of Wales School Officers Training Corps Regulations, 1937.

2. In these Regulations—
“Corps” means the Prince of Wales School Officers Training Corps;
“Commanding Officer” means the officer in command of the Corps.

3. The enrolment of boys as cadets in the Corps shall be voluntary and subject to the consent of their parents or guardians.

4. The Corps shall consist of one company under the command of the Commanding Officer with the rank of captain with a second in command, and such other officers and cadets, up to the full establishment of an infantry company, as may be fixed by the Commander.

5. The Corps shall be under the control and direction of the Commander.

6. The Commanding Officer shall be responsible to the Commander for the training, discipline and efficiency of the Corps. He shall also be responsible for all funds, arms, equipment and stores issued to the Corps.

7. The Governor may appoint any officer or an officer of the Reserve or Special Reserve, to be an officer of the Corps. All such appointments shall be published in the Gazette and shall be supernumerary to the establishment of the Regiment.

8. The Commanding Officer may, with the approval of the Principal of the Prince of Wales School, appoint any cadet as a cadet under officer, who shall act as a platoon commander, but shall not hold a commission or be recognised as an officer outside the Corps.

9. (1) Training of the Corps shall be carried out in accordance with such manuals or parts thereof as may be ordered by the Commanding Officer and with the assistance of the permanent staff of the Regiment. The Commanding Officer shall submit to the Commander for approval all programmes of training.

(2) The object of the training shall be to teach the principles of leadership in the field and shall, among other matters, consist of—

- (a) discipline, of which drill shall be the foundation;
- (b) the proper handling and use of weapons, the rifle and light automatic;
- (c) the tactical handling of sections, platoons, and the company;
- (d) map reading;
- (e) marching and march discipline; and
- (f) weapon training course as laid down in the War Office Regulations for the Officers Training Corps.

(3) A camp shall be held annually for which a training programme shall be prepared in advance. The camp and training shall be supervised by the permanent staff of the Regiment, and the Commander will inspect the Corps at work. The annual weapon training course may take place during the camp.

10. The Commander shall inspect the Corps at least once a year at such time as he may appoint.

11. The following shall be the sealed pattern of the uniform of the Corps:—

Officers.—Regulation Service dress of the appropriate rank in the Regiment.

Cadet Under Officers.—Hats as for Cadets. Cadet tunic, Sam Browne belt, no badges of rank or collar badges, blue lanyards.

Cadets.—Khaki drill shorts, two patch pockets and shoulder straps, brass buttons (School pattern). Brass shoulder titles. Khaki drill shorts (no pockets), khaki puttees and brown boots. Khaki terai hat with brim turned up on the left side, with school colours thereon. Badges of rank—yellow on blue ground, lanyards of N.C.O's blue.

12. Uniforms shall only be used in accordance with the directions of the Commanding Officer or the second in command.

13. Every cadet may be issued with a webbing belt and bayonet frog.

14. The Corps may be armed with .303 S.M.L.E. rifles and slings and the short pattern bayonets.

15. Two light automatic guns may be allotted to the Corps for training purposes.

16. Arms, side-arms and equipment may be issued to cadets under such conditions as the Commanding Officer may from time to time impose.

17. Clothing (including boots) and accoutrements, after the issue to a cadet, shall be vested in the Commanding Officer. Cadets to whom clothing and accoutrements are issued shall be responsible that they are used for training purposes only, and for producing them in good condition whenever called upon to do so.

By Command of His Excellency the Governor.

Nairobi,

This 1st day of June, 1937.

A. DE V. WADE,
Colonial Secretary.

GOVERNMENT NOTICE No. 458

THE KENYA REGIMENT (TERRITORIAL FORCE)
REGULATIONS, 1937

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THE KENYA REGIMENT (TERRITORIAL FORCE)
ORDINANCE, 1937

REGULATIONS

IN EXERCISE of the powers conferred upon him by section 36 of the Kenya Regiment (Territorial Force) Ordinance, 1937, His Excellency the Governor has been pleased to make the following Regulations:—

PART I

PRELIMINARY

1. These Regulations may be cited as the Kenya Regiment (Territorial Force) Regulations, 1937, and shall come into force on the 1st day of June, 1937.

2. In these Regulations, unless the context otherwise requires—

“Commander” means the Commander, Northern Brigade, King’s African Rifles and Officer Commanding Local Forces, Kenya and Uganda;

“Company” includes a Squadron and Battery;

“embodied” means called out for active service;

“Ordinance” means the Kenya Regiment (Territorial Force) Ordinance, 1937.

“recruit” means any person applying to be a member of the Regiment;

“sub-unit” means any formation smaller than a Company.

PART II

COMPOSITION OF THE REGIMENT, AND DUTIES OF
COMMANDING OFFICERS

3. The allocation of headquarters and the distribution of units may be fixed or varied by the Governor.

4. A Commanding Officer shall be responsible to the Commander for the maintenance of discipline, efficiency and system in the unit under his command. It shall be the duty of the Commanding Officer, by advice and timely intervention, to endeavour to promote a good understanding and to prevent disputes within the unit under his command, and to discountenance any disposition of his officers and members to gambling or extravagance.

5. A Commanding Officer shall pay particular attention to the preservation of the health of the members of his unit during peace training and when embodied, and shall, together with his subordinate officers, be responsible for the efficient supervision of the health of such members and for the maintenance of suitable and adequate sanitary arrangements during camp and when embodied.

Health and
sanitary
arrangements.

The Commanding Officer shall, in exercising his duties under this Regulation, act on the advice of a medical officer who shall advise him on matters relating to health and sanitation, unless he has some adequate reason for neglecting or failing to comply with such advice.

6. A Commanding Officer shall supervise and control all duties performed by those under his command, and shall be held accountable for arms, equipment and stores of whatever description taken on charge by him.

General duties.

7. A Commanding Officer shall be responsible for—

Arms, supplies
and funds.

(a) the condition of arms in his charge;

(b) the correct receipt and issue of all supplies, and for ensuring that all daily issues during peace training are inspected and weighed in the presence of an officer; and

(c) the proper application of all unit funds, other than public funds, and the appointment, supervision and control of any committee formed for their management.

8. (1) As soon as the annual accounts of the funds referred to in paragraph (c) of the preceding Regulation are ready, the Commanding Officer shall assemble an audit board consisting of two officers. Such board may include officers on the Reserve or Special Reserve.

Accounts and
audit boards.

(2) The board shall examine all vouchers, and, if satisfied that liabilities are not omitted from the balance-sheet, that assets are not over-estimated, that cash credits are actually available, and that the accounts have been maintained in a proper manner, shall certify accordingly. Such certificate, together with a copy of the proceedings, shall be submitted to the Commanding Officer, who shall forward such certificate and proceedings to the Commander.

9. A Commanding Officer shall be responsible for the systematic and efficient instruction of officers under his command in their professional duties in connexion with the

Instructions of
officers.

Short title.

Interpretation.

No. 4 of 1937.

Distribution.

General
responsibility of
a commanding
officer.

Regiment and for their due preparation for examinations for promotion. The Staff Officer shall, if he is so ordered by the Commander, advise and assist a Commanding Officer in all matters connected with such instruction and preparation.

10. (1) An officer in temporary command of a unit shall not issue any standing orders or alter those which are at the time in force, or authorize the application of regimental funds to any purpose other than the ordinary current expenditure, without the approval of the Commander.

(2) An officer, whilst absent from and not exercising his command, shall not issue regimental or other orders relating to such command.

11. The second in command of a unit shall make himself thoroughly acquainted with the professional abilities of all officers placed under his supervision, and a company commander shall acquire similar knowledge with regard to the officers placed under him.

12. (1) Every company commander, even if the appointment is held temporarily, shall be held accountable to his Commanding Officer for all arms, equipment, ammunition, clothing and public stores held on charge by him. He shall pay attention to the cleanliness of clothing, arms, accoutrements and quarters, shall take charge of all money received on account of his company, and shall be responsible for the safe custody of such money and for the expenditure thereof in conformity with regulations and with due regard to the interests of his men. Public money shall not be placed in charge of a warrant officer or non-commissioned officer.

(2) When an officer is ordered to take over command of a company or sub-unit having stores in its charge he shall check all the arms, equipment, ammunition, clothing, public stores and money appertaining thereto and shall sign a certificate that he has done so. Such certificate shall be forwarded by such officer to his Commanding Officer, and on receipt thereof the Commanding Officer shall insert in regimental orders a notice to the effect that such officer has taken over such company or sub-unit.

PART III MEDICAL

13. A Commanding Officer shall ensure that the medical officer of the unit attends camp, and shall notify in unit orders that such medical officer is in charge of the sanitary arrangements and the health of officers and members attending that

camp. Should the medical officer of the unit not be able to attend camp, the Commanding Officer of such unit shall report the fact to the Commander with the name of a suggested substitute.

14. The medical officer shall ensure that adequate medical facilities are provided and that means exist for transferring dangerous cases to hospital.

15. (1) As soon as the unit has assembled in camp the Commanding Officer shall order a medical inspection to be held by the medical officer in order to ensure that all members are fit to attend camp.

(2) The medical officer shall, on the first day of camp, cause to be inserted in unit orders the time and place where he will hold a daily medical inspection.

16. (1) In the event of an officer or member contracting any illness or injury during camp the Commanding Officer shall, if the medical officer states that such illness or injury is, or is likely to be, of a serious nature, order a court of inquiry to be held.

(2) Should no medical officer be present the senior officer present shall, if necessary, summon medical aid, and shall immediately write out a report of the case and forward it to his Commanding Officer, who may, if he thinks fit, order a court of inquiry to be held.

PART IV

OFFICERS: COMMISSION, PROMOTION, RESIGNATION, RETIREMENT, ETC.

17. (1) No person who is under the age of 18 years and no person who is physically unfit for general service shall be commissioned as an officer.

(2) Notwithstanding anything contained in sub-regulation (1) of this Regulation, a person who is physically unfit for general service may, in exceptional circumstances, if he is considered likely to prove fit for special duties, or if it is considered desirable for special reasons, be recommended for special consideration by the Governor.

18. A candidate for a commission who has no military qualifications may, if he undertakes to pass such examination as the Commander shall decide within such period as the Commander may specify, be commissioned in the lowest rank.

Powers of officers in temporary command.

Second in command.

Duties of company commander in respect of arms, equipment and stores in his charge.

Medical officer to attend camp.

Health arrangements.

Medical inspection in camp.

Courts of inquiry on illness or injury.

Qualifications of candidates as to age and physical fitness.

Candidate with no military qualifications.

Candidates with special qualifications.

19. An application for a commission, other than a commission in the lowest rank, shall be accompanied by a statement giving previous service (if any) and other special qualifications. A candidate who has previously held a commission in any of His Majesty's Forces shall be required to produce a certificate from the Commanding Officer under whom he last served, or from a serving officer not below the rank of major who has personal knowledge of the candidate, that his services were satisfactory and that his retirement or resignation did not arise from any matter affecting his character or efficiency.

Suitability of candidate.

20. A commission shall not be granted unless in the opinion of the Governor the candidate applying therefor is in all respects a suitable person to hold a commission in the Regiment.

Form of application.

21. Every application for a commission shall be made on L.F. Form 1 set out in the Schedule hereto, and shall be accompanied, if possible, by a copy of the candidate's birth certificate.

Commander's recommendation.

22. The Commander shall satisfy himself as to the suitability of the candidate and shall forward the application to the Governor together with his recommendation thereon.

Commissions of Reserve of Regular or Territorial Army.

23. An officer of any Reserve of Officers of the Regular or Territorial Army may be commissioned in the Regiment, and if he is so commissioned his Reserve commission shall be in abeyance: Provided that, in the event of mobilization, if such officer is below the rank of major in the Regiment, he shall be liable to instant recall to the Regular or Territorial Army, and if such officer is of or above the rank of major, the question as to whether or not he shall be recalled shall be determined by the Army Council.

Appointment of commanding officer.

24. The Commanding Officer of a unit shall be appointed for a period of four years. The Governor may, however, in exceptional circumstances, grant extensions for terms not exceeding two years, but no Commanding Officer shall be permitted to retain his command for more than 8 years, or after he attains the age of 55.

Commissions of medical, dental and veterinary officers and chaplains.
Cap. 119.

25. (1) A candidate for a commission as a medical officer or dental officer must be registered under the Medical Practitioners and Dentists Ordinance.

(2) A candidate for a commission as a veterinary officer must be a qualified member of the Royal College of Veterinary Surgeons.

(3) Clergymen of all denominations may be commissioned in the Regiment as chaplains with the honorary rank of captain.

(4) Every application under this Regulation shall be made to the Commander for submission to the Governor.

26. (1) An application for a commission as quartermaster shall be made to the Commanding Officer, who shall submit it to the Commander with his comments.

Commissions of quartermasters.

(2) The Commander shall forward such application to the Governor together with his recommendation thereon.

27. A medical officer, dental officer, veterinary officer or quartermaster will be granted honorary rank as follows:—

Honorary rank of medical, dental and veterinary officers and quartermasters.

On appointment: Lieutenant.

After completing five years' commissioned service: Captain.

After completing fifteen years' commissioned service: Major.

For the purpose of this Regulation, active service shall count double.

28. Officers of the Regiment when serving with officers of the regular forces will take precedence as the junior of their rank.

Precedence of officers serving with regular officers.

29. (1) The precedence of officers of the same rank and appointed to that rank on the same date, but to different units of the Regiment shall be determined by the date of their appointment to their next lower rank.

Precedence of officers in the Regiment.

(2) The precedence of officers in the same unit of the same rank shall be determined by the order in which their names appeared in the Gazette.

30. (1) The promotion of officers shall be in the discretion of the Governor, and shall, save in the case of promotion to the rank of lieutenant, be governed by establishment.

Promotion of officers.

(2) Regard will be had to regimental seniority, the report of the Commanding Officer and the recommendation of the Commander. The Governor may, if he thinks fit, in the interests of particular units, or having taken into consideration such report and recommendation, promote officers who are not next in seniority, or who have not served in the lower ranks.

(3) A second lieutenant may, after three years' commissioned service in the Regiment, be promoted to the rank of lieutenant, provided that he is qualified and recommended by his Commanding Officer for such promotion.

Supervision.

31. When recommending an appointment or a promotion by which any officer will be superseded, the Commanding Officer shall submit a report to the Commander setting out the facts upon which he bases his recommendation. The Commander shall forward such report to the Governor together with his recommendation endorsed thereon. Such report shall be shown to the officer to be superseded, who shall initial it.

Test of promotion.

32. The test which is referred to in section 17 of the Ordinance, and which must be passed before an officer is promoted, shall be set by the Commanding Officer of such officer, and shall be of such a nature as to satisfy such Commanding Officer that the officer is in every way fitted to be promoted.

Notification in the Gazette.

33. Every promotion, transfer, secondment, restoration to establishment, removal, retirement, and the acceptance of an officer's resignation shall be notified in the Gazette.

Transfers.

34. An officer, if he so desires and with the consent of both Commanding Officers, may, subject to the approval of the Commander, be transferred to another unit.

Seconding for special duty.

35. An officer may, if he so desires and subject to the approval of the Governor, be seconded for a period not exceeding two years for special duty.

Seconding for leave.

36. An officer granted leave for the purpose of going abroad for a period of one year or more may be seconded by the Commander on the recommendation of his Commanding Officer for a period not exceeding the duration of the leave granted to him.

Resignation.

37. An application from an officer to resign his commission shall be forwarded by his Commanding Officer to the Commander for transmission to the Governor. When forwarding the application the Commanding Officer shall state if—

- (1) all regimental claims have been paid;
- (2) he is aware of any outstanding public claim on account of outfit allowance or other service;
- (3) there is any objection to the resignation being sanctioned; and
- (4) if there is any special reason why such officer should not serve in the Reserve.

38. (1) A Commanding Officer shall submit in duplicate to the Commander an annual report on L.F. Form 2 set out in the Schedule hereto on all officers under his command. The Commander shall forward one copy of the completed report to the Governor and shall file one in his office.

Confidential reports.

(2) Such reports shall be strictly confidential as between officers reporting and officers reported upon, and shall in no case be made public.

(3) Such reports shall be shown to the officers concerned, who shall initial them: Provided that where such a course is not practicable, a copy of the report shall be sent to the officer by post, and such officer shall initial it and return it to the reporting officer, who shall forthwith destroy it and certify on the original report that he has complied with the provisions of this sub-regulation.

39. Should it become necessary for a Commanding Officer at any time to report adversely on an officer in regard to his fitness for his present position, or for promotion to a higher rank, or in respect of any fault which affects his character as an officer and a gentleman, the same procedure as is set out in the last preceding Regulation shall be followed.

Adverse reports.

40. An officer adversely reported upon, either in the annual or in any special confidential report, shall be permitted to make any observations he desires before the report is forwarded to the Commander or to the Governor, as the case may be.

Observations on adverse reports.

41. The retirement of officers (except as stated below) from the Regiment shall be compulsory on their attaining the following ages:—

Ages of compulsory retirement.

Colonel	...	...	...	...	60
Lieut.-Colonel	...	...	...	...	55
Major	...	...	...	...	50
Captain	...	...	...	...	48
Subaltern	...	...	...	...	45
Quartermaster	...	...	...	...	55

Provided that, in exceptional circumstances, extensions not exceeding two years at a time may be granted by the Governor on the recommendation of the Commander.

42. (1) A personal record of each officer, containing such particulars, other than confidential entries, as the Governor may require, shall be maintained by the Commanding Officer

Personal records.

of the unit with which he is serving, and a duplicate of such record shall be forwarded annually to the Commander by the Commanding Officer.

(2) When an officer is transferred from one unit to another, such record shall be passed by his Commanding Officer to the officer commanding his new unit.

Change of address.

43. Every officer of the Regiment, Reserve or Special Reserve shall notify without delay any change of address to the Commanding Officer.

Honorary Colonel:

44. The Governor may appoint an Honorary Colonel to the Regiment for such time as he may think fit, and such Honorary Colonel shall be entitled to wear the regimental uniform with the rank and badges of Colonel.

PART V

OFFICERS' MESSES

Membership.

45. Every officer shall be a member of the officers' mess, if one is established, of the unit with which he is serving, and shall pay a subscription to defray the ordinary expenses thereof charged from the date of his appointment to such unit and payable in arrear at a rate to be fixed by the Commanding Officer, which shall in no case exceed in one year ten days' pay of such officer's rank: Provided that in special cases the Commander may excuse an officer from membership at times other than during peace training.

Subscriptions and accounts.

46. Every officer shall pay to mess president appointed by the Commanding Officer his mess-bill and all authorized subscriptions within fourteen days of the date of submission of the account. The president of the mess shall report in writing to the Commanding Officer any omission to do so, and the officer concerned shall then be called upon for an explanation. If the explanation is unsatisfactory or if the account is not settled within seven days after the request for an explanation, the Commanding Officer shall report the circumstances to the Commander.

Observance of mess regulations.

47. A Commanding Officer shall be responsible for ensuring that all regulations and orders relating to any officers' mess of his unit are observed and that every such mess is conducted without unnecessary expense or extravagance, and shall, by his personal example and advice, ensure economical habits amongst his officers and careful management of the mess.

48. The senior officer of the unit present shall be responsible for the maintenance of discipline in the mess. Responsibility for mess discipline.

PART VI.

MEMBERS: ENROLMENT, PROMOTION, TRANSFER, LEAVE, DISCHARGE AND MESSING

Medical examination on enrolment. Cap. 119

49. A recruit on enrolment shall be examined by a medical practitioner registered under the provisions of the Medical Practitioners and Dentists Ordinance, who shall certify the result of such examination on L.F. Form 3 set out in the Schedule hereto.

50. A recruit may be required to give the names of two respectable persons from whom personal references can be obtained. Personal references.

51. A Commanding Officer shall obtain a confidential report on every recruit from the officer in command of the platoon to which it is proposed to post such recruit, before the enrolment of such recruit is approved. Report on recruit.

52. (1) Two copies of the enrolment form (L.F. Form 3) shall be completed on enrolment, and the attesting officer shall forthwith send both copies to the Commander. Enrolment form to be completed.

(2) No recruit shall wilfully give a false answer to any question on such form.

53. The following classes of persons shall not be enrolled in the Regiment:— Classes ineligible.

(a) Men belonging to any Corps of the Royal Navy, Regular Army, Royal Marines, Royal Air Force, Territorial Force, or any reserve thereto;

(b) Men who have been discharged from any of such forces, (i) as unfit for further service; (ii) for misconduct; or (iii) with a bad or indifferent character.

54. The approval of a recruit's enrolment shall not be given except by an officer of or above the rank of major, an officer of the permanent staff or an officer specially authorized by the Commander. Approval.

55. The certificate of the attesting officer on L.F. Form 3 in the Schedule hereto shall not be completed except by a Regular Officer, an officer, a Magistrate or a Justice of the Peace. Certificate of attesting officer.

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Recruit with previous service.

56. When a recruit who has previously served in the Royal Navy, Regular Army, Royal Marines, Royal Air Force or any other forces of the Crown enrolls in the Regiment, he shall state the particulars of his former service and cause of discharge, and shall produce, if possible, his certificate of discharge, which shall be returned to him conspicuously endorsed in red ink as follows:—

“Enrolled in the Kenya Regiment (Territorial Force) on the day of 19....”

Procedure in special cases.

57. The enrolment of a recruit who has previously served in the Regular Forces shall be notified by the Commander to the officer in charge of his record.

Special appointment of warrant officers and non-commissioned officers. Promotion of members.

58. A recruit specially selected for appointment as a warrant officer or a non-commissioned officer may be enrolled up to the age of 45 years.

59. A Commanding Officer may, on the written recommendation of a company commander, promote any member of the unit under his command: Provided that promotion to the rank of warrant officer and to non-commissioned officer of or above the rank of sergeant shall be made from non-commissioned officers who have qualified by passing such examination as the Commanding Officer may determine.

Promotion in special cases.

60. A warrant officer or non-commissioned officer who has served as such in the Regular Army may be appointed, without further examination, to the rank for which he has already qualified whilst serving with the colours.

Precedence.

61. Warrant officers and non-commissioned officers shall take precedence as junior of their rank when serving or paraded with any portion of the Regular Army or the Reserve thereto.

Reduction.

62. (1) Any members of the Regiment, except a warrant officer, may be reduced in rank by his Commanding Officer, but in such case the Commanding Officer shall forthwith send a full report to the Commander.

(2) A warrant officer of the Regiment may be reduced in rank by the Commander.

Transfer.

63. Members may, if they so desire, with the consent of both Commanding Officers, and subject to the approval of the Commander, be transferred to another unit.

64. The following are the instructions as to the procedure in the various classes of discharge:—

CAUSE OF DISCHARGE	Competent Officer to	
	(a) Authorize Discharge under the powers delegated to him by the Governor	(b) Carry out Discharge
1. Termination of Engagement	Commanding Officer	Commanding Officer
2. Having reached the age limit	do.	do.
3. At his own request	do.	do.
4. Conduct unsatisfactory	Commander	do.
5. Not likely to become efficient soldier	do.	do.
6. Disobedience of orders	do.	do.
7. His service being no longer required	do.	do.
8. Having made a false answer on enrolment	Commanding Officer	do.
9. Having been irregularly enrolled	do.	do.
10. Having made a misstatement as to age on enrolment	do.	do.
11. Medically unfit	do.	do.
12. Having been convicted by the Civil courts of an offence involving moral turpitude	do.	do.
13. For the purpose of being appointed to a commission	do.	do.

In cases other than those specified in this Regulation the Commander may authorize discharge, and any discharge so authorized shall be carried out by the Commanding Officer:

65. Any member may, except when that part of the Regiment to which he is posted has been embodied by notice under section 13 of the Ordinance, apply to be discharged before the end of his current term of service.

Application for premature discharge.

66. Every warrant officer, company quartermaster sergeant and sergeant shall be discharged on attaining the age of fifty years. In the case of other members the age for discharge shall be forty-five years, except that in cases where members are employed in non-combatant duties it may be extended to fifty years.

Age of compulsory discharge.

67. A member who desires to re-engage must apply during the six months prior to the expiration of his current term of service and at the time of making such application shall

Re-engagement.

make a declaration on L.F. Form 4 in the Schedule hereto. Should his Commanding Officer be doubtful as to his physical fitness he shall cause him to be re-examined by a medical officer, and if such medical officer certifies on such form that such member is fit for general service he may be re-engaged.

Arms,
equipment, etc.,
to be delivered
up on discharge

68. On being discharged a member shall deliver up in good order, fair wear and tear excepted, all arms, clothing and equipment issued to him, being public property. A member who without good and sufficient reason fails to comply with this Regulation shall, in addition to any penalty, be liable to pay for the property which he has failed to deliver up.

Discharge
certificate.

69 (1) On discharge a member shall be furnished with a discharge certificate (on L.F. Form 5, set out in the Schedule hereto) by his Commanding Officer, who shall furnish a copy thereof to the Commander.

(2) In the case of a member being discharged for misconduct the cause of his discharge, together with the following endorsement, shall be written in red ink across the face of such form and signed by the Commanding Officer:—

“*Caution.*—Men who have been discharged from the Regiment for misconduct of any sort are cautioned against attempting to re-enrol by concealing the circumstances of their discharge, as to do so renders a man liable to the penalties provided by the Ordinance.”

(3) Any person who has been discharged from the Regiment shall, if he wishes to re-enrol, produce such form to the attesting officer.

Certificate of
disembodiment.

70. A member who is discharged at a time when the Regiment is embodied shall be issued under the provisions of King's Regulations with a certificate of discharge or disembodiment.

PART VII

WARRANT OFFICERS' AND NON-COMMISSIONED OFFICERS'

MESSES

Membership and
subscriptions.

71. Every warrant officer and non-commissioned officer shall become a member of the non-commissioned officers' mess and shall pay a subscription to defray the ordinary expenses thereof at a rate to be approved by the Commanding Officer, which shall not in any circumstances exceed in any one year five days' pay for his rank:

Provided that in special cases the Commanding Officer may, on the recommendation of the non-commissioned officers mess committee (which the Commanding Officer is hereby

empowered to appoint), grant relief from payment of the whole or any part of such subscription.

72. The privilege of honorary membership of the non-commissioned officers mess may be accorded, but only at the discretion of the Commanding Officer, to members of other units of His Majesty's Forces, or to those who are specially qualified for such privilege.

Honorary
membership.

73. The Commanding Officer shall be responsible for ensuring that non-commissioned officers messes are conducted with economy, regularity and order. The committee of each mess shall draw up rules on matters of detail which shall be submitted for approval to the Commanding Officer. The senior warrant officer or non-commissioned officer present in mess shall be responsible for the maintenance of good order and the observance of such rules.

Mess regulations
and discipline.

PART VIII

ORDERS AND RECORDS

74. The orders of a unit shall be divided into two parts as follows:—

Unit orders.

Part I shall deal with training, manoeuvres, parades and matters which do not affect pay, service or documents.

Part II shall deal with matters which affect pay, service or documents, and shall be framed in the way in which the entry is to be made on the original and duplicate enrolment forms. Every circumstance which affects a man's service or pay shall be published in Part II orders immediately after its occurrence.

75. (1) The Commanding Officer of a unit shall issue Part I and Part II orders when necessary. Orders shall be numbered consecutively, commencing from the first day of January of each year, and each item shall be given a sub-number.

Entries from
orders on
enrolment forms.

(2) The Commanding Officer shall record from Part II orders on the duplicate enrolment form of each member of his unit any variations of service, etc., of such member, and the Commander shall cause similar entries to be made on the original enrolment form of each member.

76. (1) A regimental conduct sheet shall be prepared for a member only as and when an entry is incurred, and shall be retained by the Commanding Officer.

Regimental
conduct sheet.

(2) The regimental conduct sheet of a warrant officer shall be maintained as a confidential document, and entries shall only be made of convictions by courts martial, convic-

tions by ordinary criminal courts of offences involving moral turpitude, punishments under the provisions of sub-section (2) of section 47 of the Army Act, and reductions for an offence. A certified copy of the conviction of a criminal court shall be annexed to the conduct sheet.

(3) The regimental conduct sheet of any other member shall be kept with his other documents, and therein shall be inserted entries of all punishments awarded by the Commanding Officer by virtue of the powers conferred upon him by the Army Act together with all entries which are required to be made in the case of a warrant officer:

Provided that when the Commanding Officer is of the opinion that a regimental entry should not be made, he may submit the case for decision to the Commander, who may order that no entry be made.

(4) Every remission, commutation, mitigation or reduction of a sentence shall be entered, and entries shall also be made of any special act of gallantry or distinguished conduct, whether military or civil, brought to notice in the Commander's orders in despatches.

77. A company conduct sheet for each member of the Regiment under the rank of company quartermaster sergeant shall be prepared only as and when an entry is incurred, and shall be retained by the company commander under lock and key. An entry shall be made in the company conduct sheet to every award of punishment against such member, by whomsoever made:

Provided that if the company commander is of the opinion that an entry should not be made, he may represent the case to the Commanding Officer, who may order that no entry be made.

78. The company conduct sheet of a member shall be destroyed—

- (1) immediately after the first annual camp after his enrolment;
- (2) on attaining the rank of sergeant;
- (3) on promotion to company quartermaster sergeant or higher rank;
- (4) on discharge;

Provided that before destroying the company conduct sheet of any member the Commanding Officer shall compare the regimental sheet of such member therewith and shall duly check it.

Company
conduct sheet.

Destruction of
company
conduct sheet.

79. When a member becomes non-effective, his enrolment forms and other documents shall be dealt with as follows:—

Disposal of
documents.

A Nature of Casualty	B Original Enrolment Form	C Duplicate Enrolment Form	D Conduct Sheets and any other documents
1. Death	To be destroyed by the Commander on receipt of duplicate Enrolment form from C.O. Unit.	To be forwarded to and retained by the Commander indefinitely.	To be destroyed.
2. Desertion	Enrolment form to be retained for 15 years and then destroyed by the Commander.	To be retained by the member's C.O. for one year and then treated as in C.1.	As in C.2.
3. Discharge except under para. 9 of Column 1 of Regula-64.	As in B.2.	As in C.1. In case of re-enlistment in any other of H.M.'s Forces, all documents to be forwarded to the Officer i/c records of the corps in which the man enlists.	As in C.3.
4. Recruit rejected on approval.	To be retained by the Commander for one year and then destroyed	To be destroyed on discharge.	There are none
5. On posting to another Unit of the Regiment.	To remain in the custody of the Commander.	To be forwarded to member's new C.O.	As in C.5.
6. Promotion to commissioned rank.	As in B.1.	As in C.1.	As in C.1.
7. Discharge on being appointed to a commission in any of H.M.'s Forces.	As in B.1.	To be forwarded with documents attached thereto to Officer i/c records on such corps.	As in C.7.

Regimental numbers.

80. Members shall be allotted regimental numbers on enrolment. Numbers shall be allotted consecutively and shall be prefixed by the letters "L.F." They shall retain these numbers throughout their service, irrespective of subsequent posting or transfers to units within the Local Forces. A member who re-enrols will resume the number previously allotted to him.

PART IX

PERMANENT STAFF

Duties of Commander.

81. (1) The Commander shall be responsible for ensuring that the Regiment is correctly armed and equipped and that the necessary reserve stock of arms and ammunition is maintained.

(2) The Commander shall recommend to the Governor the distribution of the Regiment and the relative establishments to be authorized.

(3) The Commander may appoint to the permanent staff qualified regimental non-commissioned officers, reservists, pensioners or discharged soldiers as instructors, should the occasion arise for their employment.

Regulations governing permanent staff.

82. Officers, warrant officers, non-commissioned officers and men seconded from the Regular Army for service on the permanent staff of the Regiment shall be subject to the regulations governing similar appointments in the King's African Rifles.

Precedence.

83. Officers, warrant officers and non-commissioned officers of the permanent staff shall, on parade, rank as senior to all regimental officers, warrant officers and non-commissioned officers of the same rank.

PART X

DISCIPLINE

Explanation of Army Act.

84. The Commanding Officer shall cause the purport of sections 4 to 44 of the Army Act to be explained to his unit when first assembled in camp, and at such other times as he may deem expedient.

Treatment by officers and non-commissioned officers of subordinates.

85. An officer shall adopt towards his subordinates such methods of command and treatment as will not only ensure respect for authority but will also foster the feeling of self-respect and personal honour essential to military efficiency. Warrant officers and non-commissioned officers shall be guided

by these principles in dealing with each other and with their subordinates, and shall avoid the use of intemperate language or the adoption of an offensive manner.

86. An officer shall not reprove a non-commissioned officer in the presence or hearing of privates, unless it is necessary for the benefit of example that the reproof be public.

Reproof of non-commissioned officers.

87. An officer who becomes bankrupt, makes a composition with his creditors, or otherwise is unable to meet his obligations shall at once notify the fact to his Commanding Officer. The Commanding Officer shall forthwith submit a report to the Commander, who shall forward it to the Governor together with his recommendations.

Bankruptcy of officer.

88. All officers shall acquaint themselves with these Regulations and any orders which are issued. Ignorance of such Regulations and orders shall not excuse their non-observance. An officer who has been on leave of absence shall, on rejoining, make himself acquainted with all orders issued during his absence.

Officers to know Regulations.

89. Courts martial, courts of inquiry, committees and boards will be conducted in accordance with the rules of procedure and King's Regulations.

Conduct of courts martial.

Courts of inquiry involving expense shall not be held without the authority of the Commander.

90. An officer or member is liable to be tried by court martial for any offence against the Army Act committed by him while he was subject to such Act: Provided that an officer or member shall not be liable to be so treated unless such trial commences while such officer or member is subject to the provisions of the said Act or within three months after he has ceased to be so subject.

Offences against Army Act.

91. In a civil court an officer or member shall remove his head-dress while the judge or magistrate is present, except when the officer or member is on duty under arms with a party or escort inside the court.

Head dress in civil courts.

92. Officers and members of the Regiment shall not take part in or attend political meetings in uniform. They shall not discuss political questions in speeches at military gatherings, such as dinners, concerts, prize distributions, displays, etc., whether attendance thereat is in uniform or not.

Political speeches.

Meetings.

93. (1) Meetings of officers and/or members shall not be held for the purpose of discussing any matter affecting discipline or the expenditure of moneys received from public funds.

(2) A meeting of officers and/or members for the purpose of discussing any other matter shall not, unless it is called by and under the authority of the Commanding Officer, be recognized.

Saluting officers.

94. Members in uniform shall salute all commissioned officers whom they know to be such, whether in uniform or not, including officers of other of His Majesty's Forces.

Care of ammunition.

95. (1) A member of the Regiment is strictly forbidden—

(a) to carry ball ammunition to a place of parade or instruction; and

(b) to take any Government ammunition, whether obtained on payment or not, away from the rifle range or place of instruction,

without permission from an officer of or above the rank of captain. An order to this effect shall be published annually in unit orders.

(2) Wherever possible, ammunition for weapon training, machine-gun practice, private practice or competition shall be issued only on the range, and if no magazine exists on the range ammunition shall be conveyed thither in bulk in accordance with the Commanding Officer's instructions.

(3) Before blank or drill ammunition is used on parade, the officer or instructor shall personally inspect all rifle magazines, machine-guns, pouches, and bandoliers to ascertain that these do not contain any ball ammunition. The officer or instructor, as the case may be, shall render a certificate to the Commanding Officer setting forth that this Regulation has been complied with and also that the members were reminded that they are not allowed to have any ball ammunition in their possession.

Issue of ammunition.

96. The issue of ammunition shall, whenever possible, be made by an officer or instructor of the permanent staff, and all unexpended rounds shall be collected from members at the termination of the parade by the person who issued it.

Uniform on parade.

97. Uniform shall be worn at all parades, except that company parades, parades under sergeant instructors and for weapon training may, with the authority of the Commanding Officer, be carried out in plain clothes.

PART XI

PEACE TRAINING

98. (1) Every officer and member shall undergo peace training each year as follows:—

(a) Annual training in camp—twelve days;

(b) Annual weapon training course; and

(c) Sixty hours' actual instruction out of camp, the incidence of which shall be arranged by Commanding Officers for the convenience of members.

(2) In addition to the training prescribed by sub-regulation (1) of this Regulation, if voluntary instruction is held officers and members should make every effort to attend.

(3) Officers, warrant officers and non-commissioned officers may, at the discretion of the Commanding Officers, be allowed to count attendances at tactical exercises as instruction.

99. (1) The Commanding Officer shall, at least 28 days prior to the date of assembly of the annual camp, insert in the Gazette and in local papers a notice setting out the time, date and place of such camp, and shall affix a copy thereof on the notice board at the unit's orderly room and at the headquarters of all companies and sub-units.

(2) Compliance with sub-regulation (1) of this Regulation shall be deemed to be sufficient notification to officers and members of the time, date and place at which the camp will be held.

100. An officer or member may be attached to a unit other than his own for peace training for such period as may be authorized by the Commander, on application through his Commanding Officer.

101. The Commander may in his discretion exempt any officer or member from carrying out the whole or any portion of the annual course of peace training.

102. (1) An application from an officer or member to be excused the whole or any portion of the annual course of peace training shall be made in writing to his Commanding Officer, who shall forward it to the Commander with his recommendation.

(2) An officer or member applying to be excused shall set out his reasons in detail.

(3) Except in cases of sickness or of extreme urgency, an application to be excused must be made not less than a fortnight before the date fixed for the assembly of the unit for its annual camp.

Exemption on health grounds.

103. (1) An officer or member applying to be exempted on grounds of sickness shall attach to his application a medical certificate in support thereof.

(2) If such application is made for two years in succession the officer or member, as the case may be, shall be examined by a medical officer of the unit in order to ascertain whether he is fit to remain in the Regiment.

Leave while in camp.

104. The Commanding Officer may grant leave from camp with pay to an officer or member of the Regiment for a period not exceeding one night, but in no other circumstances shall leave with pay be allowed.

Leave from camp through sickness.

105. If an officer or member is obliged to leave before the end of the annual training camp in consequence of sickness duly certified by the unit medical officer, pay shall be issued for the days of attendance at camp.

PART XII

PAY

Pay during peace training.

106. (1) Officers and members shall receive pay at the rates given in the table below while undergoing peace training in camp and whilst acting as instructors in camps of the Kenya Defence Force:—

	<i>Per diem.</i>
	<i>Sh. cts.</i>
Lieutenant-Colonel	40 00
Major	30 00
Captain	20 00
Lieutenant	15 00
Second Lieutenant	10 00
Regimental Sergeant Major ...	9 00
Regimental Quartermaster Sergeant ...	8 00
Company Sergeant Major	8 00
Company Quartermaster Sergeant ...	7 00
Sergeant	6 00
Corporal	4 50
Lance Corporal	3 50
Private	2 50

(2) When the Regiment is called out for active service the rates of pay in sub-regulation (1) of this Regulation shall be superseded by the appropriate pay and allowances for the Regular Army.

107. (1) An officer shall be entitled to an outfit allowance of £5 on being commissioned, out of which he shall provide himself with the uniforms prescribed by Regulations 110 and 113 of these Regulations.

Officers' allowance.

(2) Should an officer resign within one year of being commissioned he shall be liable, at the discretion of the Commander, to refund such allowance.

108. There shall be paid to officers and members a travelling allowance in respect of travelling expenses to and from the annual camp and out-of-camp instruction, at such rates as may be laid down by the Commander from time to time.

Travelling expenses.

109. During the annual training camp, officers and members shall receive rations in kind, and no allowance shall be made in lieu thereof.

Rations in camp.

PART XIII

UNIFORM AND ISSUE OF ARMS, EQUIPMENT AND CLOTHING

110. The following shall be the sealed pattern of the uniform of the Regiment:—

Service uniform.

Officers.—Service Dress: Khaki drill jacket as laid down in dress regulations for the Regular Army; brass buttons having the regimental badge thereon; collar badges to be worn on lapel; khaki shirt and khaki tie; khaki drill bush shirt, officers' pattern, K.A.R.; brass titles, "Kenya Regt.", surmounted by a "T" on the shoulder straps; khaki shorts; khaki puttees, and brown ankle boots. Mounted officers shall wear khaki breeches and brown leggings or fields boots and spurs. Head-dress: Khaki foreign service helmet with brown and green patch divided by a thin scarlet stripe, on the left side, and the regimental badge in brass in the centre of the patch.

Members.—Khaki drill jacket, cadet pattern; brass buttons having regimental badge thereon; brass titles "Kenya Regt.", surmounted by a "T" on shoulder straps; khaki shirt and tie; khaki drill bush shirt; khaki drill shorts; khaki puttees and brown ankle boots; helmet as for officers.

111. Badges of rank and chevrons for all ranks shall be worn as in the Regular Army.

Badges and chevrons.

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Kenya Proclamations, Rules and Regulations, 1937

Mess uniform.

112. The following shall be the sealed pattern of the mess uniform of the Regiment, the possession of which is optional:—

Officers.—(a) *Mess Jacket*: Blue cloth with scarlet roll collar, pointed cuffs 6 inches deep at the point and 2½ inches behind, also scarlet cloth shoulder straps of scarlet cloth, 1½ inches at the base, tapering to 1 inch at the point, sewn in at the shoulder and buttoned with small regimental buttons at the neck; rank badges in gold embroidery; no gold braid or piping; collar badges as described below.

(b) *Mess Waistcoat*: White, washing, single-breasted waistcoat, with four small regimental buttons.

(c) *Overalls*: Blue cloth, with scarlet stripe ¼ inch wide down each side seam.

(d) *Boots*: Wellingtons; mounted officers, box spurs.

(e) *Collar Badges*: The collar badges shall be worn on the collar, the top of the badge 8½ inches below the shoulder strap button. Miniatures shall be worn above the badge, the space between medals and badge to be ¼ inch.

(f) *Head-dress*: Forage cap as in dress regulations for the Regular Army.

Members.—(g) Blue cloth jacket with regimental buttons and brass collar badges; blue cloth trousers and black boots or shoes. *Head-dress*: Blue cloth field service cap with regimental badge in brass.

Camp mess uniform of officers.

113. In camp the mess uniform of officers shall be—

(a) Blue cloth patrol jacket with regimental buttons; brass collar badges and brass badges of rank;

(b) Overalls and boots as above;

(c) Blue cloth field service cap with regimental badge.

Regimental badge.

114. The badge of the Regiment shall be a charging African buffalo on a scroll bearing the words "Kenya Regiment" flanked by the initials "T" and "F".

Issue of arms.

115. The issue of arms, side arms and equipment to officers and members shall be subject to such conditions as the Commander may from time to time impose.

Ownership of clothing after issue.

116. (1) Arms, equipment and clothing (including boots) after issue to an officer or member shall become vested in the Commanding Officer.

(2) Such arms, equipment and clothing shall be used for military purposes only, and every officer or member to whom such are issued shall produce them in good condition whenever called upon to do so by the Commanding Officer.

117. As a general rule, clothing will only be renewed after a period of three years' service, but a board of officers may recommend the replacement of any articles lost or destroyed during training within such period.

Renewal of clothing.

118. (1) An officer or member while out of the Colony shall not wear uniform without the permission of the senior officer of His Majesty's Forces in the district in which he is, or of His Majesty's representative if in a foreign country.

Wearing of uniform.

(2) An officer or member shall not, without permission of the War Office, attend any manoeuvres of a foreign army in uniform.

(3) An officer while travelling abroad as a private individual shall not in any circumstances be permitted to wear uniform.

119. The names of any officers placed on the retired list who have been granted permission to wear uniform and retain their rank shall be notified in the Gazette, and such officers shall be entitled to wear the uniform of the unit in which they last served.

Uniform of retired officers.

PART XIV

GENERAL MANAGEMENT OF THE REGIMENT

120. The Commander shall be responsible for the general management and control of the Regiment, and all moneys allotted for the establishment, upkeep and training of the Regiment shall be administered by him.

Responsibility of commander.

121. Any grant of money by the Commander shall be devoted to the particular service for which it is allotted, and Commanding Officers shall be responsible for ensuring that proper books of account and vouchers dealing with the expenditure thereof are kept and are available at all times for inspection by the Commander and the Government Auditor.

Grants to units.

122. A Commanding Officer shall submit to the Commander such accounts and returns connected with the administration and training of his unit as the Commander may require.

Units accounts and returns.

123. (1) Officers and members shall not be called upon to pay contributions for any function, entertainment or display unless they signify their consent to pay a share of the expense incurred.

Commanding officer to promote economy.

(2) A Commanding Officer shall give his special censure and protection to those officers or members who may, for motives of economy, decline to share in any such proposed expense, and shall call the attention of company commanders to this Regulation.

Loss of confidential documents.

124. Any loss or deficiency in secret or confidential documents shall be reported to the Commander as soon as such loss or deficiency is observed.

Efficiency decoration and medal.

125. Officers and members are eligible for the award of the Efficiency Decoration and the Efficiency Medal respectively, in accordance with the regulations governing the award of such Decorations and Medals.

Marriage of officers and members.

126. An officer or member who marries shall report his marriage to his Commanding Officer, who shall record it in the documents of the officer or member, as the case may be.

Deaths of officers and members.

127. (1) Whenever the death of an officer or member occurs, his Commanding Officer shall report such death to the Commander.

(2) Casualties to the permanent staff shall be dealt with in accordance with King's Regulations.

Military funerals.

128. Military funerals may, with the permission of the Commander, be accorded to a deceased officer or member who, at the time of death, was on the active list of the unit, and who is to be buried within the district in which the headquarters of the unit are situated.

Procedure on disbandment.

129. If the Governor orders disbandment of any unit, the Commander shall arrange for the disposal of all military stores, equipment, public moneys, unit funds, etc., on charge of the unit so disbanded.

PART XV

RESERVE AND SPECIAL RESERVE

Reserve of officers.

130. Officers placed on the retired list may, with the approval of the Governor, be required to serve in the Reserve (which is hereby established) until they reach the age for compulsory retirement in their rank as laid down in Regulation 41 of these Regulations.

To report annually.

131. Officers on the Reserve shall not be required to do any training, but shall report themselves in writing to the Commander annually on the first day of August.

Training of members on the Reserve.

132. Members on completing their service in the Regiment shall serve in the Reserve for such period as is prescribed by section 6 of the Ordinance, and shall attend ten hours

instruction in each year on dates to be arranged by them with the Commanding Officer of the unit from which they were discharged.

133. Any officer, warrant officer, non-commissioned officer and man who has served in the Regular Army, Territorial Army or any Volunteer Force, or who has other special qualifications, and any person for whom no vacancy in the Regiment is available may be appointed to the Special Reserve (which is hereby established).

Appointment of Special Reserve.

134. The normal period of service in the Special Reserve shall not exceed three years, but may be extended for terms not exceeding further periods of three years.

Service in Special Reserve.

135. The procedure regarding the grant of commissions in the Regiment as laid down in these Regulations shall be followed in the case of applications for commissions in the Reserve and Special Reserve, and any candidate for such a commission shall complete L.F. Form 1 set out in the Schedule hereto.

Applications for commissions in Special Reserve.

136. Officers of the Special Reserve, when serving with officers of the Regular Army or the Regiment, shall take precedence as the junior of their rank. The Governor may confer special seniority on an officer of the Special Reserve over officers of the Regiment.

Precedence.

137. (1) Officers of the Special Reserve shall report themselves in writing to the Commander annually on the first of August, and shall notify the Commander of any change of address.

To report annually.

(2) Should they fail to do so they may be removed from the Special Reserve.

138. (1) Warrant officers, non-commissioned officers and men in the Special Reserve shall be attached to a unit of their own branch of the service, and shall parade with such unit at least once in every year.

Warrant officers and non-commissioned officers in Special Reserve.

(2) They shall report in writing any change of address to the Officer Commanding the unit to which they are attached.

139. The Commander may order officers, warrant officers, non-commissioned officers and men of the Special Reserve to attend such instruction as he may consider necessary to ensure their efficiency.

Instruction of Special Reserve.

By Command of His Excellency the Governor.

Nairobi.

This 1st day of June, 1937.

A. DE V. WADE,
Colonial Secretary.

NOTE.—Any additional remarks or recommendations concerning an individual Officer made on this page should be communicated to the Officer in question.

REMARKS BY COMMANDER, LOCAL FORCES

Commanding Officer. (As to his fitness, or otherwise, for his position. Also the name of the Officer most suitable to succeed to the command of the unit.)

I have ascertained that the instructions with regard to confidential reports being communicated to Officers concerned have been carried out as prescribed in Regulation 38, and that action has been taken regarding the reports where necessary.

Place _____ Signature _____

Date _____ Commanding _____

REMARKS BY THE INSPECTOR GENERAL

Place _____ Signature _____

Date _____

REMARKS BY THE GOVERNOR AND COMMANDER-IN-CHIEF

Place _____ Signature _____

Date _____



ORIGINAL

DUPLICATE

L. F. Form 3
The Attesting Officer will strike out the word "Original" on the Duplicate and the word "Duplicate" on the Original.

KENYA REGIMENT (TERRITORIAL FORCE)
(Regulations 49, 52, 54)

L.F. No.	Name	Enrolment Of	Unit
Questions to be put to the Recruit before Enrolment			
1.	What is your full name and permanent postal address? (Block letters)	1. Residential (Address)	1. (Christian Names) (Surname)
2.	Where were you born?	2. Country Town County or District	
3. (a)	Are you a British subject?	3. (a)	(a) (Father)
	(b) Nationality of parents at their birth		(Mother)
4.	What is the date of your birth?	4.	
5.	What is your profession, trade or calling?	5.	
6.	Where were you educated and have you any degree or diploma?	6.	
7.	Are you married, widower or single? and how many children have you?	7.	
8.	Are you willing to be enrolled for service in the Kenya Regiment (Territorial Force) for the term of four years (provided the Governor should so long require your services)?	8.	
9.	Have you received notice paper L. F. Form 8, stating the liabilities you are incurring by enrolling, and do you understand and are you willing to accept them?	9.	
10.	Do you now belong to, or have you ever served in the Royal Navy, the Army, the Royal Air Force, the Royal Marines, the Militia, the Territorial Army, any Dominion or Colonial Force, or any Reserve thereto? If so, state which unit, army or regimental number, and if discharged, cause of discharge; those particulars must be given for the whole of your previous service, i.e. for all engagements on which you have served.	10.	
11.	Have you truly stated the whole, if any, of your previous service?	11.	
12.	What is your religious denomination?	12.	
Under the provisions of the Kenya Regiment (Territorial Force) Ordinance 1937 and the Regulations made thereunder, a person who wilfully makes a false answer to any of the above questions renders himself liable to punishment.			
I, _____ do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagements made.			
		SIGNATURE OF RECRUIT Signature of Witness	
OATH TO BE TAKEN BY RECRUIT ON ENROLMENT			
I, _____ swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs, and Successors, and that I will as in duty bound honestly and faithfully serve His Majesty, His Heirs, and Successors, according to the conditions of my service.			
CERTIFICATE OF THE ATTESTING OFFICER			
I, _____ do hereby certify that, in my presence, all the foregoing Questions were put to the Recruit above named, that the Answers written opposite to them are those which he gave to me, and that he has made and signed the Declaration, and taken the oath at _____ on this _____ day of _____ 19____.			
Signature of person authorised to attest Recruits			
The enrolment of a member shall not be completed nor shall he be finally accepted until he has been approved by the Approving Officer.			

Note.—Any additional remarks or recommendations concerning an individual Officer made on this page should be communicated to the Officer in question.

REMARKS BY COMMANDER, LOCAL FORCES.

Commanding Officer. (As to his fitness, or otherwise, for his position. Also the name of the Officer most suitable to succeed to the command of the unit.)

I have ascertained that the instructions with regard to confidential reports being communicated to Officers concerned have been carried out as prescribed in Regulation 38, and that action has been taken regarding the reports where necessary.

Place _____ Signature _____

Date _____ Commanding _____

REMARKS BY THE INSPECTOR GENERAL

Place _____ Signature _____

Date _____

REMARKS BY THE GOVERNOR AND COMMANDER-IN-CHIEF

Place _____ Signature _____

Date _____



ORIGINAL

DUPLICATE

The Attesting Officer will strike out the word "Original" on the Duplicate and the word "Duplicate" on the Original

KENYA REGIMENT (TERRITORIAL FORCE)

(Regulations 49, 52, 54)

L. F. FORM 3

L.F. No.	Name	Unit
ENROLMENT OF		
Questions to be put to the Recruit before Enrolment		
1. What is your full name and permanent postal address? (Block letters)	1. (Surname)	1. (Christian Name)
	Postal	Residential
2. Where were you born?	2. Country	Town
	.....	County or District
3. (A) Are you a British subject? (B) Nationality of parents at their birth	3. (A)	3. (A)
	.....	(Mother)
4. What is the date of your birth	4.	4.
5. What is your profession, trade or calling	5.	5.
6. Where were you educated and have you any degree or diploma	6.	6.
7. Are you married, widower or single? and how many children have you?	7.	7.
8. Are you willing to be enrolled for service in the Kenya Regiment (Territorial Force) for the term of four years (provided the Governor should so long require your services)?	8.	8.
9. Have you received notice paper L.F. Form 8, and do you understand and are you willing to accept them?	9.	9.
10. Do you now belong to, or have you ever served in the Royal Navy, the Army, the Royal Air Force, the Royal Marines, the Militia, the Territorial Army, any Dominion or Colonial Force, or any Reserve thereto? If so, state which unit, army or regimental number, and if discharged, cause of discharge; these particulars must be given for the whole of your previous service, i.e. for ALL engagements on which you have served.	10.	10.
11. Have you truly stated the whole, if any, of your previous service?	11.	11.
12. What is your religious denomination? Under the provisions of the Kenya Regiment (Territorial Force) Ordinance 1937 and the Regulations made thereunder, a person who wilfully makes a false answer to any of the above questions renders himself liable to punishment.	12.	12.
I,, do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagements made.		
		SIGNATURE OF RECRUIT
		Signature of Witness
OATH TO BE TAKEN BY RECRUIT ON ENROLMENT		
I,, swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs, and Successors, and that I will as in duty bound honestly and faithfully serve His Majesty, His Heirs, and Successors, according to the conditions of my service.		
CERTIFICATE OF THE ATTESTING OFFICER		
I,, do hereby certify that, in my presence, all the foregoing Questions were put to the Recruit above named, that the Answers written opposite to them are those which he gave to me, and that he has made and signed the Declaration, and taken the oath at, on this, day of, 19..... Signature of person authorized to attest Recruits		
The enrolment of a member shall not be completed nor shall he be finally accepted until he has been approved by the Approving Officer.		

L.F. FORM 5

THE KENYA REGIMENT (TERRITORIAL FORCE)
(Regulation 69)

DISCHARGE CERTIFICATE

No. _____ Rank _____ Name _____

Company _____ Unit _____ Kenya Regiment (Territorial
Force).

Cause of discharge _____

Character _____

Qualifications as a soldier and war services _____

Medals _____

Service _____ years _____ days

Station _____

Date _____

Commanding _____ Unit, Kenya
Regiment.

COLONY AND PROTECTORATE OF KENYA

Ref. No. A. MIL. 66/16/1

CIRCULAR No. 14

G —14

A —

D —

THE SECRETARIAT,

P. O. Box 621,

NAIROBI

18th May, 1937

THE KENYA REGIMENT (TERRITORIAL FORCE)
ANNUAL TRAINING

It is the intention that the Kenya Regiment, (Territorial Force) will be concentrated in camp for training purposes for a period of twelve days once a year.

2. It has been represented to Government that, if the full period of twelve days is to count against local leave normally due, recruitment in so far as Government officials is concerned will be adversely affected.

The principle has therefore been accepted by Government that of the period to be spent in camp by members of the Government Service enlisting in the Regiment one week shall be regarded as duty, the balance of five days being counted against the local leave due to the officer concerned.

3. In so far as is possible arrangements will be made for the annual camp to include two week-ends in order to reduce dislocation of services to a minimum.

4. The terms of this circular should be brought by Heads of Departments especially to the notice of all officers concerned.

L. A. WEAIVING,
for Colonial Secretary

To:—

All Heads of Departments.

All Provincial Commissioners,

Officers in Charge of Extra-Provincial Districts.

Extract for Supplement N° 18 to Gazette N° 20
dated 4.5.37 36

GOVERNMENT NOTICE No. 381

THE KENYA REGIMENT (TERRITORIAL FORCE)
ORDINANCE, 1937

NOTICE

IN EXERCISE of the powers conferred upon him by section 1 of the Kenya Regiment (Territorial Force) Ordinance, 1937, His Excellency the Governor has been pleased to appoint the 1st day of June, 1937, as the date upon which the said Ordinance shall come into operation.

By Command of His Excellency the Governor.

Nairobi,

This 1st day of May, 1937.

A. DE V. WADE,
Colonial Secretary.

GOVERNMENT NOTICE No. 382

THE KENYA REGIMENT (TERRITORIAL FORCE)
ORDINANCE, 1937

AND

THE INTERPRETATION AND GENERAL CLAUSES
(AMENDMENT) ORDINANCE, 1926

NOTICE

IN EXERCISE of the powers conferred upon him by section 3 of the Kenya Regiment (Territorial Force) Ordinance, 1937, and by virtue of the provisions of section 3 of the Interpretation and General Clauses (Amendment) Ordinance, 1926, His Excellency the Governor has been pleased, with effect from the 1st day of June, 1937,

- (1) to establish a regiment for the Colony which shall be known as the Kenya Regiment (Territorial Force); and
- (2) to revoke Government Notice No. 441 of 1930.

By Command of His Excellency the Governor.

Nairobi,

This 1st day of May, 1937.

A. DE V. WADE,
Colonial Secretary.

Any further communication on this subject should be addressed to —
The Under-Secretary of State,
The War Office,
London, S.W.1.
and the following number quoted.



THE WAR OFFICE,
LONDON, S.W.1.

17th June, 1937.

0165/2313 (M.O.2.)

No change

SECRET.

~~40~~

Sir,

I am commanded by the Army Council to acknowledge
the receipt of Colonial Office letter No. 38240/2/37 dated
18th May, 1937, and in reply to state for the information
of Mr. Secretary Ormsby Gore that so far as the Kenya
Regiment (Territorial Force) Ordinance is concerned, the
only observation which they desire to make relates to the
drafting of Clause 29. Presumably it is intended that the
words "of an offence" in line 4 should mean "of an offence
against this Ordinance" which will be punishable by a
subordinate Court of the first class under Clause 31 with
the penalty specifically provided in Clause 29. Such
being the case, it would seem desirable for purposes of
clarity, despite the definition of ordinance in Clause 2,
to insert the words "against this Ordinance" after "offence"
in line 4 of Clause 29, because under Clause 31 the
commission of an offence against the regulations is not, in
terms, made punishable but only the wilful contravention of

The Under Secretary of State,
Colonial Office,
Downing Street,
London, S.W.1.

or/

Copy to Kenya

or failure to comply with the regulations. An alternative method would be to substitute for the words "commits any offence against" in line 1 of Clause 29 the words "wilfully contravenes or fails to comply with" and to omit the words "shall be guilty of an offence and" from line 4 of Clause 29.

It is for consideration whether, despite Clause 36(14), it would not be desirable to include specifically in Clause 36 the power to make regulations providing for and regulating the requisitioning of accommodation or supplies referred to in Clause 29.

2. I am to say that with regard to the Kenya Defence Force Ordinance the Council desire to make the following observations :-

- (a) It is not clear why such expressions as "Act" or "Ordinance", "member", "officer" and "permanent staff" which are defined in Clause 2 of the Kenya Regiment (Territorial Force) Ordinance should not also be defined in Clause 2 of the Kenya Defence Force Ordinance. Other definitions may also be thought necessary.

(b)/

9
(b) "Act" in Clause 2 of the Kenya Regiment (Territorial Force) Ordinance would presumably include regulations made under the Army Act etc. referred to in Clause 24 of that Ordinance. Having regard therefore to Clause 23 of the Kenya Defence Force Ordinance, it would seem that a definition of "Act" is also required in Clause 2 of that Ordinance.

(c) Clause 10. The marginal note hardly appears correctly to describe the purport of the Clause.

(d) No trace can be found that any tribunal is set up under the Ordinance which has power to punish an offence under Clause 9(1), Clause 14 or Clause 30. In this connection see Clause 28 where a tribunal is provided.

3. I am to add that the copies of the bills forwarded with Colonial Office letter under reply are returned herewith.

I am,

Sir,

Your obedient Servant,

At. Wilford

COPY
OF
THE KENYA REGIMENT (TERRITORIAL FORCE) BILL
1937, SHOWING THE AMENDMENTS MADE DURING
ITS PASSAGE IN LEGISLATIVE COUNCIL

Colony and Protectorate of Kenya

GOVERNMENT NOTICE No. 846

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

B. W. BAKER-BEALL,
Acting Clerk of the Legislative Council.

A Bill to Provide for the Establishment of a Regiment to be known as the Kenya Regiment (Territorial Force).

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

PART I

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) Ordinance, 1936, and shall come into operation upon such date as the Governor may by notice in the Gazette appoint, and shall apply to such military districts as the Governor may appoint and establish under section 12 of this Ordinance. Short title and commencement

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the following meanings:— Interpretation.

"active service": every officer and member shall be deemed to be an active service when he is attached to or forms part of a force engaged in operations against the enemy or in aiding the civil authority in the protection of life and property or in prevention or suppression of internal disorder;

"active service": every member of the Regiment when called out for the purpose of repelling external aggression or for aiding the civil authority in the protection of life and property and preventing and suppressing internal disorder in the Colony shall be deemed to be on active service;

"Act" or "Ordinance" shall include all regulations made thereunder;

"cadets" means all boys serving in cadet units ^{established under} the provisions of this Ordinance;

"commanding officer" means the officer in command of any military district, unit or detachment;

"member" means any warrant officer, non-commissioned officer or man enrolled in or belonging to the Regiment;

"military district" means a military district appointed and established under this Ordinance;

"officer" means any person appointed by the Governor to hold commissioned rank in the Regiment;

"peace training" means all ^{such} training as may be prescribed under this Ordinance other than training on active service ~~as may be prescribed~~;

"permanent staff" means all officers, warrant officers, non-commissioned officers, armourers, clerks and storekeepers or any other persons appointed under section 23 of this Ordinance;

"prescribed" means prescribed by regulations; ^{as referred to in clause 23 of the Ordinance and specified under the provisions of section 3 of this Ordinance;}
"regulations" means regulations made under the provisions of this Ordinance;

"Reserve" means the Reserve established under the provisions of section 7 of this Ordinance;

"Special Reserve" means the Special Reserve ^{established} under the provisions of section 8 of this Ordinance;

"unit" means any portion of the Regiment which may be declared by the Governor to be a unit for the purposes of this Ordinance.

PART II.

CONSTITUTION OF REGIMENT.

Formation of Regiment.

(14)

3. (1) The Governor may by notice in the Gazette, establish ~~under this Ordinance~~ a regiment for the Colony ^{which shall be} to be known as the Kenya Regiment (Territorial Force), ~~throughout this Ordinance referred to as "the Regiment"~~, and to accept on behalf of His Majesty the services of any qualified persons to become officers or members of the Regiment.

(2) Upon such notice the Regiment shall be deemed to be lawfully established.

(3) The Regiment shall be under the supreme command of the Governor, and under the command of the Commander, Local Forces, Kenya and Uganda, who shall be responsible to the Governor for the organization, discipline, and efficiency of the Regiment.

(4) The officers of the Regiment shall be commissioned by the Governor.

(5) The Governor may, by ^{notice} notification in the Gazette, declare any portion of the Regiment to be a unit for the purposes of this Ordinance.

(6) Upon such notice a unit shall be deemed to be lawfully constituted.

4. (1) Every officer ^{shall} of the Regiment must be a British subject of European race or origin and shall upon being commissioned take the prescribed oath.

(2) Every member ^{shall} of the Regiment must be a British subject of European race or origin between the ages of eighteen and ~~forty~~ ^{forty-five} years, and shall upon enrolment take the oath and complete the attestation form as prescribed;

Provided ~~always~~ that the age limit may be extended by regulations for such ~~classes~~ of warrant officers, non-commissioned officers and men as the Governor may decide.

5. Every officer and every ^{member} person who has tendered his services and whose services have been accepted and who has been enrolled as a member of the Regiment shall be liable to be called out for active service within the limits of the Colony, and to undergo such peace training as may be prescribed from time to time. ^{Liability of Officers and those who have tendered and have been accepted.} Provided that notwithstanding anything in this Ordinance contained, any officer or member of the Regiment may, when taking an oath as prescribed, sign a declaration in the form prescribed to the effect that he is willing to serve under this Ordinance outside the Colony in the event of the Governor deeming such a course expedient.

6. Every member enrolled under the provisions of this Ordinance for service in the Regiment shall except as hereinafter provided serve for a minimum period of four years, and thereafter shall serve ^{in the Reserve} for four years in the Reserve ^{under the provisions of this Ordinance for a period of four years or, if at the expiration of such period of four years he has not attained the age of} ^{thirty years, until he attains such age.} Provided that the Governor may, on the recommendation of the Commander, Local Forces, Kenya and Uganda, curtail, to such extent as he may think reasonable, the period of service to be undergone, under this section, by any person who produces evidence of previous service with the Kenya Auxiliary Force established under the Kenya Auxiliary Force Ordinance, 1934, or with any of His Majesty's Forces, regular or auxiliary, of such a nature as to satisfy the Governor that his service with the Regiment should be so curtailed.

7. The Governor may establish a Reserve to the Regiment, to be known as the Kenya Regiment (Territorial Force) Reserve, in such manner as may be prescribed, and such Reserve shall form part of the Regiment. ^{Establishment of Kenya Regiment (Territorial Force) Reserve.}

Special Reserve to the Regiment.

8. The Governor may ^{form} a Special Reserve to the Regiment in such manner as may be prescribed, and those persons who offer their services and whose services are accepted, shall be liable, when the whole or any part of the Regiment is called out for active service, to render services with such portion of any local force as the Governor may decide. The Special Reserve shall be subject to such peace training as may be from time to time prescribed.

PART III.

CADETS

Cadet Units.

9. The Governor may ^{appoint} Cadet Units, the description, numbers in, enrolment in, and organization of, which shall be such as the Governor may from time to time prescribe. Cadet Units shall not form part of the Regiment, but shall be affiliated to it and regarded as a training unit for the Regiment. Cadet Units shall be composed of boys between the ages of fourteen and eighteen years.

Cadets' liability for peace training.

10. All boys who, with the consent of their parents or guardians, have enrolled as members of a Cadet Unit shall be liable to undergo such an annual course of peace training as may be prescribed.

Certificate of efficiency.

11. A cadet who has undergone the prescribed course of instruction for any one year, and passed the prescribed tests, shall be ^{admitted to be} an efficient cadet for that year, and if he is ^{continued} efficient for not less than three years, and his conduct under instruction in cadet training has proved satisfactory, he shall be entitled, on ^{attaining} the age of eighteen years, to receive a certificate of efficiency. Holders of such certificates may be transferred to the Regiment as trained men.

PART IV.

ADMINISTRATION.

Military districts.

12. The Governor may, by notice in the Gazette, appoint and establish military districts throughout the Colony with the number and designation of units of the Regiment to be allotted to and ^{trained} in any military district.

Calling out of Regiment for active service.

13. The Governor may, by notice in the Gazette, call out the whole or any part of the Regiment for active service and when so called out they shall be held to that service until such time as the Governor may, by notice in the Gazette, declare that they are relieved from that service.

14. Notwithstanding anything to the contrary in this Ordinance contained, ~~no~~ officer or member of the Regiment while called out or employed on active service shall be entitled to obtain discharge therefrom during the continuance of such service.

Not entitled to discharge when on active service.

15. The Governor may at any time discontinue the service of any unit of the Regiment or cause the same to be disbanded, or release from service any officer, or discharge any of the members, of such unit.

Power to disband or discharge.

16. The executive military command and inspection of the Regiment or units thereof shall be vested in such officers as may be appointed by the Governor.

Officers in executive command.

17. The Governor may prescribe such tests as he ^{may} think fit which ~~must be satisfied by~~ candidates for appointments to commissions and for promotion ^{to various ranks}.

Tests for appointment and promotion to various ranks.

18. The Governor may cancel the commission of any officer at any time, ^{with} provided that the commission of an officer shall not be cancelled ^{without} the holder thereof ^{being} notified in writing of any complaint or charge made, ^{and} of the action proposed to be taken against him, ^{and} without his being called upon to show cause in relation thereto, ^{and} provided further that ~~no~~ such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or more.

Cancellation of commission.

19. (1) The Governor may place officers of the Regiment on the retired list, and officers on that list may, with the approval of the Governor, retain their rank and wear the prescribed uniform.

Retirement of officers.

(2) The ages of compulsory retirement of officers of the Regiment shall be as prescribed.

20. An officer of the Regiment, except when on active service, or in anticipation of being called out on the same, may, by writing under his hand, tender ^{his} resignation of his commission, but shall not, unless otherwise ordered by the Governor, be relieved of the duties of his appointment until the acceptance of his resignation is notified in the Gazette.

Resignation of commission.

21. (1) A uniform, with distinctive marks or badges, shall be prescribed for every unit of the Regiment and issued to members thereof, to be maintained at their own expense for such periods and under such conditions as may be prescribed.

Uniforms, arms, and accoutrements.

(2) Arms, ammunition, and equipment, shall be issued under prescribed conditions to ^{Officers and members of the Regiment} members of the Regiment, and each member to whom a rifle has been issued shall be bound to keep it in his personal possession, and be responsible for its maintenance in good order and condition, and to produce ~~the same~~ ^{it} for inspection whenever called upon to do so.

(3) When called out for active service, or when undergoing peace training, ^{members shall bring with them their equipment and any ammunition which may have been placed in their custody ~~with them~~}

Pay and allowances.

22. ^{Officers and members of the Regiment} shall be paid at a prescribed daily rate for the days on which they are called out for active service under the provisions of this Ordinance, and they may also be granted such monetary or other allowances as are laid down in regulations.

Duration of peace training.

23. (1) ^{The service of each} Each officer and member of the Regiment shall reckon his service as an officer or member from the date of his appointment or enrolment, as the case may be, ^{and shall} during each ^{complete year} ~~year~~ ^{beginning from that date, undergo} such course of annual ^{Officers and members of Regiment, Reserve and Special Reserve as mobilization to be under Army Act} exercises as may be prescribed under this Ordinance.

(2) The time occupied at a camp or place of assembly as part of any period of peace training prescribed under this Ordinance shall be counted as part of the period of peace training.

(3) Every member of the Regiment shall be held to be under a duty to perform with effect against this Ordinance.

PROVISIONS

24. When the Regiment is called out for active service, the officers of the Regiment shall be provided with such supplies of foodstuffs, forage, and all other articles, necessary for the maintenance of the Regiment or any portion thereof, and of other forces

Commanding.

acting in co-operation therewith. A written requisition may, under this section, be made on any person in manner prescribed, but so that every person so requisitioned upon shall be entitled in due course to receive compensation for everything obtained or taken from him.

25. (1) The officer in command of the Regiment on active service in the field when so empowered by the Governor may requisition the authorities controlling any transport system in the Colony to supply suitable engines and rolling stock and marine transport and every other form of transport necessary for the conveyance of officers and members of the Regiment or other forces, together with their animals, guns, baggage, stores, supplies and vehicular transport, and to convey the same by air, road, rail or water to and from any points within or outside the Colony, as may be necessary.

Transport facilities.

(2) The Governor may, under like circumstances, authorize any officer to assume control over any transport system within the territory or any portion thereof.

PART VI

DISCIPLINE.

24 26. The provisions of the Army Act, 44 and 45 Vict., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall, so far as applicable, apply to officers and members of the Regiment and to the permanent staff at all times and shall apply to the Reserve and Special Reserve during peace training, when they are on active service and when they are called out for active service subject to the following modifications:—

Officers and members of Regiment and Special Reserve on mobilization to be under Army Act.

(a) The words "the Regiment" may be read therein for the words "regular forces", the words "officer or member of the Regiment" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State".

(b) No sentence of a court-martial upon the trial of an officer or a member of the Regiment, Reserve or Special Reserve shall be carried into execution unless confirmed by the Governor ^{or such officer as he may appoint as his behalf.}

24. The provisions of the Army Act, 44 and 45 Vict., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall apply to the permanent staff and officers at all times and to members, the Reserve and the Special Reserve when they are on active service, when they are called out for active service, during peace training, when they are engaged in any military exercise of drill or musketry, when they are carrying out any escort duty or guard of honour and when they are in uniform at any time or place, subject to the following modifications:—

(a) the words "the Regiment" shall be read therein for the words "regular forces", the words "officer or member of the Regiment" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State", and

(b) no sentence of a court martial upon the trial of an officer or a member of the Regiment, Reserve or Special Reserve shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

in any year without such leave or furlough as is provided for him for that year, under this Ordinance.

(2) Arms, ammunition, ^{and} equipment, shall be issued under prescribed conditions to ^{Officers and} members of the Regiment, and each member to whom a rifle has been issued shall be bound to keep it in his personal possession, ^{and} be responsible for its maintenance in good order and condition, and to produce ~~the same~~ for inspection whenever called upon to do so.

(3) When called ^{out} for active service, or when undergoing peace training, ^{Officers and} members shall bring with them their equipment and any ammunition which may have been placed in their custody ^{to them}.

Pay and allowances.

22. ^{Officers and members} The Regiment shall be paid at a prescribed daily rate for the days on which they are called out for active service under the provisions of this Ordinance, and they may also be granted such monetary or other allowances as are laid down in regulations.

Duration of peace training.

23. (1) ^{the service of each} Each officer and member of the Regiment shall ^{be calculated} reckon his service as an officer or member from the date of his appointment or enlistment, as the case may be, ^{and shall} during each ^{complete year} complete year, ^{reckoning from that date} reckoning from that date, undergo such course of annual peace training, instruction, and other such exercises as may be prescribed.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be ^{reckoned} as part of any period of peace training, instruction, or service prescribed under this ~~section~~ ^{article}.

(3) Every member of the Regiment who in any year without leave or permission, as prescribed, evades or fails duly to perform with proper zeal the full course of training allotted to him for that year, shall be guilty of an offense against this Ordinance.

PART V.

PROVISIONS FOR ACTIVE SERVICE.

Comandoring.

24. When the Regiment or any portion thereof is called out for active service, the Governor may authorize and appoint officers of the Regiment or of the public service in the Colony, to obtain and take possession of buildings and other premises, supplies of foodstuffs, forage, transport, animals and vehicles, and all other articles, necessary for the maintenance in the field of the Regiment or any portion thereof, and of other forces

acting in co-operation therewith. A written requisition may, under this section, be made on any person in manner prescribed, but so that every person so requisitioned upon shall be entitled in due course to receive compensation for every thing obtained or taken from him.

25. (1) The officer in command of the Regiment on active service in the field when so empowered by the Governor may requisition the authorities ^{controlling} any transport system in the Colony to supply suitable engines and rolling stock and marine transport and every other form of transport necessary for the conveyance of officers and members of the Regiment or other forces, together with their animals, guns, baggage, stores, supplies and vehicular transport, and to convey the same by air, road, rail or water to and from any points within or outside the Colony, as may be necessary.

Transport facilities.

(2) The Governor may, under like circumstances, authorize any officer to assume control over any transport system within the territory or any portion thereof.

unless otherwise ordered by the Governor, be relieved of his appointment until the acceptance of his ^{is} notified in the Gazette.

1) A uniform, with distinctive marks or badges, prescribed for every unit of the Regiment and issued ~~and~~ members thereof. Such uniform shall be maintained at their own expense for such periods and under such ^{as} may be prescribed.

Uniforms, arms, and accoutrements.

Arms, ammunition, and equipment, shall be issued under prescribed conditions to officers and members, and to any officer or member to whom a rifle has been issued shall be bound to keep it in his personal possession, to be responsible for its maintenance in good order and condition, and to produce the same for inspection whenever called upon to do so.

44 and 45 Vict. Officers and members of Regiment and Special Reserve on mobilization to be under Army Act.

read therein for words "officer or member" for the words "State".

in the trial of an offence, Reserve or execution unless the officer is to

may be appointed as is usually

Officers and members not punishable under this Ordinance as well as under the Army Act.

Refusal to undergo peace training an offence.

Reservation of right to prosecute otherwise than under Ordinance.

Offences by officers or members against members of other of His Majesty's forces.

Penalty for refusing or neglecting to assemble when called out for active service.

~~27~~ ²⁷ 27. Notwithstanding the provisions contained in section 26 of this Ordinance, no officer or member of the Regiment, Reserve or Special Reserve shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Army Act.

28. Any member of the Regiment who refuses or neglects to undergo such peace training as shall be prescribed from time to time shall be guilty of an offence.

~~29~~ ²⁹ 29. Nothing in this Ordinance contained shall prevent any offender from being prosecuted otherwise than under the provisions of this Ordinance, in all cases in which he would by law, without this Ordinance, be liable to such prosecution, but no person convicted or acquitted of any ~~crime or offence~~ under the provisions of this Ordinance or under the Army Act, shall be liable to be again tried for the same ~~crime or offence~~.

30. Whenever the Regiment or any portion thereof and other of His Majesty's forces are associated together under one command, any act committed by officers or members of the Regiment, which would if committed in respect of, or in relation to, the officers or members or institutions of the Regiment, be an offence against this Ordinance, or the Army Act, so far as applicable, or any modifications or adaptations thereof effected in terms of this Ordinance, shall, if committed in respect of, or in relation to, the officers or members or institutions of His Majesty's forces be deemed to be a similar offence, and shall be triable and punishable as prescribed by this Ordinance or by the Army Act, so far as applicable.

31. (1) Any officer or member of the Regiment called out for active service, who refuses or neglects to assemble or march as ordered, shall be liable on conviction to a fine not exceeding one hundred pounds, or to a term of imprisonment not exceeding six months, or to both such fine and such imprisonment.

(2) Any officer or member of the Regiment called out for active service as provided under the preceding sub-section shall, as from the date of such calling out, also be subject to the provisions of section 26 (2) of this Ordinance.

27 ~~28~~ ²⁸ 28. Any person who—

- (1) agrees with, or induces, or attempts to induce any officer or member of the Regiment to neglect or to act in conflict with his military duty in that force; or
- (2) is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any officer or member of the Regiment or any law or regulation with which it is the duty of any member of that force to comply, may be evaded or infringed; or
- (3) supplies, or is a party to supplying, any officer or member of the Regiment with intoxicating liquor when that officer or member is on military duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor;

shall be guilty of an offence against this Ordinance.

~~28~~ ²⁸ 29. Any officer or member who fraudulently personates or represents himself to be an officer or member of the Regiment travelling on service of that force, with the intent to obtain conveyance at special rates or to evade payment of any toll, shall be guilty of an offence against this Ordinance.

~~29~~ ²⁹ 30. Any person who commits any offence against the regulations providing for and regulating the requisitioning in time of war of accommodation or supplies in pursuance of section 24 of this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

~~30~~ ³⁰ 35. Any officer or member of the Regiment who, without proper authority and permission, gives, sells, pledges, lends or otherwise disposes of any moneys, animals, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Regiment shall be guilty of an offence against this Ordinance, and, in addition to any penalty for such an offence which may be imposed under this Ordinance, he may be ordered by the court or other authority competent to impose that penalty to make good the loss or deficiency caused by the gift, sale, pledge, loan or other disposition, and every such gift, sale, pledge, loan or disposition shall be null and void, ~~except as against a bona fide purchaser for value without notice~~

Aiding or inducing members of the Regiment to derelict of duty.

Officer or

Personation.

Offences against commanding regulations.

Wrongful disposal of property.

(14) all matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Regiment, or for carrying out and giving effect to this Ordinance.

Repeal.
Cap. 42.

37 ~~42~~. The Territorial Force Ordinance and all regulations made thereunder are hereby repealed.

OBJECTS AND REASONS.

This Bill, together with the Kenya Auxiliary Force Bill, is designed to give effect to the recommendations of a Committee appointed by His Excellency the Governor on the 4th April, 1936, to consider suggestions for the re-organization of the Defence Forces of the Colony.

This Bill is modelled on the Territorial Force Ordinance (Chapter 42 of the Revised Edition), which it repeals, and makes provision for the establishment of a Volunteer Force to be known as the Kenya Regiment (Territorial Force), the main function of which will be to train officers, non-commissioned officers and instructors to take their places as such in the event of external aggression.

If the provisions of this Bill become law the total estimated recurrent annual cost of the Kenya Regiment on a basis of two companies will be £5,854. Every additional company will cost £1,772 in the first year.

COPY
OF
THE KENYA DEFENCE FORCE BILL, 1937,
SHOWING THE AMENDMENTS
MADE DURING ITS PASSAGE
IN LEGISLATIVE COUNCIL.

GOVERNMENT NOTICE No. 647

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

R. W. BAKER-BEALL,
Acting Clerk of the Legislative Council.

A Bill to Provide for the Establishment of the Kenya Auxiliary Force.

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

PART I.

ESTABLISHMENT, ORGANIZATION AND ADMINISTRATION.

1. This Ordinance may be cited as the Kenya ^{Defence} Auxiliary Force Ordinance, 1936, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint. Short title and commencement

2. In this Ordinance unless the context otherwise requires, the following expressions have the following meanings:— Interpretation

"active service"—every member of the ^{Defence} Auxiliary Force when called out for the purpose of repelling external aggression or for aiding the civil authority in the protection of life and property, ^{or for the preservation of the independence of the Colony and preventing and suppressing internal disorder in the Colony shall be deemed to be on active service;}

"peace training" means all such training as may be prescribed under this Ordinance other than training on active service, ^{as may be prescribed;} under the provision of section 3 of this Ordinance

"prescribed" means prescribed by regulations;

"regulations" means regulations made under the provisions of this Ordinance.

3. (1) There shall be established in the Colony ~~in connection with the Kenya Regiment (Territorial Force) Ordinance, 1936, a force to be known as the Kenya Auxiliary Force (throughout this Ordinance referred to as the Auxiliary Force), which shall be under the supreme command of the Governor, and the members of which shall be liable, in accordance with the provisions of this Ordinance, to be called out for active service within the limits of the Colony and to undergo such peace training as may be prescribed.~~

Kenya
Auxiliary Defence
Force.
No. 1936

in connection with the means the Commander, Local Force, Kenya and Uganda;

(2) The Governor may from time to time constitute for the ~~Auxiliary~~ ^{Mall} Force a permanent staff, consisting of such officers, warrant officers, non-commissioned officers and men as he may deem necessary.

Organization of the Auxiliary Force.

4. (1) The ~~Auxiliary~~ ^{Defence} Force shall be under the command of the Commander, ~~Local Forces, Kenya and Uganda~~ (herein ~~after referred to as the Commander~~), who shall be responsible to the Governor for the ~~organization, administration, discipline and efficiency of the Auxiliary Force~~.

(2) The headquarters of the ~~Auxiliary~~ ^{Defence} Force shall be in Nairobi, or at such other place as the Governor may from time to time appoint.

Defence Auxiliary Force Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as ~~Auxiliary~~ ^{Defence} Force Districts and shall designate the same respectively by such names as he may think fit, and may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

(2) The Governor ~~may appoint~~ ^{shall commission} in each ~~Auxiliary~~ ^{Defence} Force District a District Commandant and such other officers as he may deem expedient.

(3) Every such District and the members of the ~~Auxiliary~~ ^{Defence} Force resident therein shall be organized in accordance with the provisions of this Ordinance and of the regulations.

Power of Governor to dispense with services.

6. The Governor may at any time dispense with the services of any officer or member of the ~~Auxiliary~~ ^{Defence} Force.

Power of Governor to delegate authority.

7. The Governor may, for all or any of the purposes of this Ordinance, by writing under his hand delegate all or any of the functions, powers and duties under this Ordinance or the regulations to such person or persons as he may deem expedient.

PART II.

CONSTITUTION AND ENROLMENT.

Division of the Auxiliary Force into Classes.

8. Members of the ~~Auxiliary~~ ^{Defence} Force shall be divided into the following Classes, namely:—

Class I—Persons who have attained the age of eighteen years and have not attained the age of thirty years.

Class II—Persons who have attained the age of thirty years and have not attained the age of fifty-five years.

9. (1) Subject to the provisions of this Ordinance every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and who has not attained the age of fifty-five years and who is ordinarily resident in the Colony shall attend at the office of the District Commissioner of his administrative district within one month after the commencement of this Ordinance or of attaining the age of eighteen years or of becoming so resident as aforesaid, as the case may be, and shall enrol himself as a member of the ~~Auxiliary~~ ^{Defence} Force in the class appropriate to his age, and if such person fails so to enrol himself he shall nevertheless be deemed to be enrolled as a member of the ~~Auxiliary~~ ^{Defence} Force.

Compulsory enrolment of male British subjects between the ages of 18 and 55 years.

Provided that any person failing to enrol himself as provided for in this section shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.

(2) Subject to the permission of the Governor, any male person, who is not a British subject but who has the other qualifications required by subsection (1) of this section, may volunteer to serve in the ~~Auxiliary~~ ^{Defence} Force, and in such case such person shall attend at the office of the District Commissioner as aforesaid and upon taking the prescribed oath shall enrol himself as a member of the ~~Auxiliary~~ ^{Defence} Force in the Class appropriate to his age.

(3) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions in actual practice shall only be enrolled or deemed to be enrolled and liable to serve in the ~~Auxiliary~~ ^{Defence} Force in their professional capacity.

(4) For the purpose of ascertaining what persons are liable to serve in the ~~Auxiliary~~ ^{Defence} Force and the best use which can be made of their services in time of emergency, regulations may be made requiring all or any persons to give, from time to time, such particulars regarding themselves as may be prescribed and requiring employers to give, from time to time, particulars of all persons in their employ and the nature of their employment.

Right of persons to elect as to Class in which they are enrolled.

10. Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the ~~Auxiliary~~ Force or who volunteers for service therein may, with the permission of the Commander, elect to enrol as a member of the Class preceding the Class appropriate to his age.

Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by the regulations upon the members of the Class in which he is enrolled.

Exemptions.

11. Notwithstanding anything to the contrary in this Ordinance contained, the Classes of persons set out in the First Schedule to this Ordinance shall be exempted from such of the obligations imposed by this Ordinance as are specified in such Schedule.

Other Exemptions for health reasons.

12. (1) All persons who are certified under the hand of a medical officer, specially appointed by the Governor, to be medically unfit for service under this Ordinance by reason of bodily or mental infirmity or unfitness shall be exempt from service in the ~~Auxiliary~~ Force.

(2) The Governor in Council may by order exempt any person or any class of persons from all or any of the obligations imposed by this Ordinance or by the regulations.

Preparation of lists of persons liable to serve.

13. (1) The District Commissioner of each administrative district shall, within two months after the commencement of this Ordinance, and during the month of January in each succeeding year, prepare a list, in the form given in the Second Schedule to this Ordinance, containing the names of all persons in the district who are liable for enrolment and service or who volunteer for service under the provisions of this Ordinance.

(2) When such list has been prepared the District Commissioner shall cause a copy thereof to be affixed in a conspicuous manner at his office and court-house, and shall cause a notice to be inserted, in at least one newspaper of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be earlier than two weeks nor later than four weeks (unless for special reasons) after the date on which the copy of such list was affixed as aforesaid.

(3) Upon the date and at the place so notified the District Commissioner shall hold a court, and shall, on due proof by the oath of such person as he shall see fit to examine or by statutory declaration or affidavit, correct all errors in such list, either by adding thereto the names of persons liable to enrolment and service or by striking out the names of persons who have been exempted. Such court may be adjourned from day to day until all questions as to the correctness of the list have been determined. The decision of the District Commissioner upon any question arising in regard to the correction of the list shall be subject to appeal to the Court of a First Class Magistrate.

(4) As soon as all questions as to the correctness of the list have been determined as aforesaid, the District Commissioner shall forthwith transmit such corrected list to the Commander.

14. Any member of the ~~Auxiliary~~ Force who leaves an ~~Auxiliary~~ Force District to reside in another ~~Auxiliary~~ Force District shall forthwith notify the District Commissioner and the District Commandant of each such District and any such member who fails to make such notification shall be guilty of an offence and shall be liable on conviction to a term of imprisonment not exceeding one month or to a fine not exceeding ten pounds.

PART III. ARMS, EQUIPMENT AND TRAINING.

15. Such rifles, ammunition, equipment and uniform as may be prescribed shall be provided by the Government for members of the ~~Auxiliary~~ Force and will be issued in accordance with regulations.

16. Every member of the ~~Auxiliary~~ Force in possession of a Government rifle, ammunition, equipment and uniform as hereinbefore provided shall be responsible for the same and for keeping the same in a good and efficient condition, and shall be liable for any loss of or damage to such rifle, ammunition, equipment or uniform, due to his act, neglect or default.

17. (1) The peace training of each Class of the ~~Auxiliary~~ Force shall be carried out in accordance with regulations made under this Ordinance and every member of the ~~Auxiliary~~ Force shall undergo such peace training in any year as shall be notified in accordance with the provisions of section 19 of this Ordinance.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of the prescribed period of peace training.

Power to exempt from peace training.

18. A District Commandant may, with the approval of the Commander, exempt any member of the Auxiliary Force in his District from the performance of the whole or any part of his compulsory peace training under the provisions of section 17 of this Ordinance.

Notification of time and place of peace training.

19. The date and place of every course of peace training shall be notified by the Commander and notice of such date and place published in the Gazette and in the Auxiliary Force Orders and in such other manner as may be prescribed shall be sufficient notice to every member of the Auxiliary Force.

Penalty for non-attendance at peace training.

20. If any member of the Auxiliary Force without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fails to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of peace training, or fails to complete such course, then and in any such case such member shall be liable, on conviction before a magistrate of the first or second Class, to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or the regulations.

PART IV.

MOBILIZATION.

Calling out and mobilization of the Auxiliary Force.

21. (1) Whenever in the opinion of the Governor it shall be necessary to repel external aggression, or to aid the civil authority in the protection of life and property and to prevent and suppress internal disorder in the Colony, the Governor may, by proclamation, call out and mobilize the Auxiliary Force or such part or parts thereof as he may deem necessary for active service.

Provided that a proclamation under this sub-section may call out the members of either Class or both Classes mentioned in section 8 of this Ordinance, but so that the members enrolled in Class II shall not be called out until the members enrolled in Class I have been called out.

Provided further that the Governor may, by such proclamation, in lieu of calling out and mobilizing the Auxiliary Force or any part thereof as aforesaid, order the Auxiliary Force or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate mobilization.

(2) In the case of sudden and imminent danger in any province or district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such province or district may, for the defence of the province or district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor call out the members of the Auxiliary Force resident in such province or district, but in such case such officer shall forthwith report to the Governor such calling out and any subsequent step taken by him.

22. Members of the Auxiliary Force shall, when they are on active service or when called out in a manner provided by the last preceding section or when ordered to hold themselves in readiness for mobilization in manner provided by the second proviso to section 21 (1), be subject to the provisions of the Army Act, 44 and 45 Vict. Ch. 58, and all Acts amending or substituted for the same, so far as applicable, but so that the Regulations under section 31 of this Ordinance may prescribe that any provisions of those Acts shall not apply to the Auxiliary Force.

Discipline of the Auxiliary Force on mobilization to be governed by Army Act, 44 And 45 Vict. Ch. 58.

Provided that—

(a) the words "the Auxiliary Force" shall be read therein for the words "Regular Forces", the words "member of the Auxiliary Force" for the words "officer or soldier", as the case may be, and the word "Governor" for the words "His Majesty" and "Secretary of State".

(b) no sentence of a court-martial upon the trial of a member of the Auxiliary Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

23. On the mobilization of the whole or any part of the Auxiliary Force for active service every resident (whether he is or he is not a member of the Auxiliary Force) shall be liable to provide transport and supplies in his possession if so required; and any person who without reasonable cause or

Liability of population to provide transport, etc.

23. Ch. 58 (herein to the times on active during exercis escort at any (a)

(b)

excuse, fails to comply with the requirements of the section shall be liable on conviction before a magistrate of the first or second class, to a fine not exceeding one hundred pounds or to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

Deliver
Force not to be called out for ceremonial parades.
Penalty for breach of duty.

24. No member of the *Deliver* Auxiliary Force shall be liable to be called out for ceremonial parades or for any purpose other than as provided in this Ordinance.

25. Any member of the Auxiliary Force who, after any proclamation has been published in pursuance of the provisions of section 21 of this Ordinance, without reasonable cause or excuse fails to attend or absents himself without the permission of some competent authority, or refuses or neglects to obey any lawful command of his superior officer, shall be liable, on conviction before a magistrate of the first or second class, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Provided always that no such conviction shall be deemed to exempt the person convicted from service or from any future liability to serve under the provisions of this Ordinance.

PART V.

MISCELLANEOUS PROVISIONS.

Member not to be punished for same offence.

25 28. Notwithstanding the provisions of section ²³ of this Ordinance no member of the *Deliver* Auxiliary Force shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Army Act.

Temporary absence of members, exemptions from service of certain persons.
No. 4 of 1937

26 27. The provisions of this Ordinance shall not apply to any member of the *Deliver* Auxiliary Force during his temporary absence from the Colony, nor to any person while serving in the Kenya Regiment (Territorial Force) established under the Kenya Regiment (Territorial Force) Ordinance, 1937, or in the Reserve or Special Reserve thereof.

Provided that except as hereinafter provided every person on the date of the completion of his service with the Kenya Regiment (Territorial Force) or with the Reserve or Special Reserve thereof shall be deemed to be a member of the *Deliver* Auxiliary Force in Class II thereof as provided for in section 8 of this Ordinance and to be subject in all respects to the provisions of this Ordinance:

Provided further that the provisions of the above proviso shall not apply to any officer or member of the Kenya Regiment (Territorial Force) (excluding the Reserve thereof) between the ages of eighteen and thirty who has been permitted to resign therefrom before having completed the full term of his service therewith, nor to any such officer or member of the Kenya Regiment (Territorial Force) (excluding the Reserve thereof) whose service with the Regiment has been unsatisfactory. A certificate signed by the Commanding Officer of the unit to which such officer or member belongs to the effect that such officer or member was permitted to resign or a certificate signed by the Commanding Officer of such Unit and approved by the Commander, to the effect that the service of any officer or member of the Kenya Regiment (Territorial Force) has been unsatisfactory shall be sufficient for the purposes of this proviso, provided that in the latter case the certificate shall be shown to the officer or member of the *Deliver* Auxiliary Force concerned before being sent to the Commander. Any such officer or member who has been permitted to resign or whose service has been unsatisfactory shall be deemed to be a member of the *Deliver* Auxiliary Force in Class I thereof and to be subject in all respects to the provisions of this Ordinance, except that the amount of peace training to be done by him shall be in the discretion of the Commander.

27 28. Nothing in this Ordinance contained shall be deemed to prevent any member of the *Deliver* Auxiliary Force from volunteering to serve in any of His Majesty's Regular or other Forces.

Right of members to volunteer service in His Majesty's Forces.
Co-operation of employers.

28 28. Any employer who—
(a) by dismissing an employee or by reducing his wages or in any other manner whatever penalizes him for entering upon or carrying out any service or training as aforesaid; *Deliver* provided that this paragraph shall not be construed to require an employer to pay any person in his employ any wages or salary for the time he is absent from work for the purpose of peace training or during the time he is engaged on active service; or
(b) by words, conduct, or otherwise directly or indirectly compels, induces, or prevails upon, or attempts to compel, induce, or prevail upon, any person in or seeking his employ to do or refrain from doing any service or peace training under this Ordinance for which he is liable, or eligible.

shall be guilty of an offence and shall be liable, on conviction before a first or second class magistrate, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Governor may award gratuity or pension in certain events.

2930. (1) ^{to any officer or} ~~to any~~ member of the ^{Police} ~~Auxiliary~~ Force who is temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him ^{while on active service as provided by section 21 of this Ordinance.} when the Governor may award to such member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

(2) The Governor may grant to the widow or family of any such member who may be killed in action or on active service as provided in section 21 of this Ordinance a pension or allowance of such amount as may be prescribed.

(3) No pension or gratuity payable under this Ordinance shall be ~~assigned~~ or transferable, nor shall the same be attached or levied upon for or in respect of any ^{debt or claim} ~~debt~~ due to the recipient ^{or his wife.} ~~or his wife.~~

Penalty. 3021. Any person who contravenes or fails to comply with any of the provisions of this Ordinance for which no other penalty is provided shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

Power to make regulations.

3122. (1) The Governor may from time to time make regulations providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this Ordinance and where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient for giving full effect to this Ordinance, providing for or supplying such omission or insufficiency and without prejudice to the foregoing powers, providing for all or any of the following matters—

- (a) the general government, discipline, peace training and management of the ^{Police} ~~Auxiliary~~ Force;
- (b) the establishment of units of the ^{Police} ~~Auxiliary~~ Force and the various grades, numerical establishment, ranks and appointments therein;

- (c) the attendance at drills, inspection, classes and courses of instruction of members of the ^{Police} ~~Auxiliary~~ Force and the examination of members of the ^{Police} ~~Auxiliary~~ Force as to proficiency in military professional subjects, and the granting of certificates of proficiency in military professional subjects;
- (d) ^{the appointment of a commission or staff for the ~~Auxiliary~~ Force} ~~the appointment of a commission or staff for the ~~Auxiliary~~ Force~~;
- (e) the appointment to, seniority of, promotion in and tenure of commissioned or non-commissioned ranks in the ^{Police} ~~Auxiliary~~ Force;
- (f) the leave of absence, suspension, reduction and discharge of members of the ^{Police} ~~Auxiliary~~ Force;
- (g) the condition as to physical fitness for service in the various units of the ^{Police} ~~Auxiliary~~ Force;
- (h) the fixing of rates of pay and allowances and issues of rations to members of the ^{Police} ~~Auxiliary~~ Force when called out under section 21 of this Ordinance;
- (i) the enrolment of all persons liable for service in the ^{Police} ~~Auxiliary~~ Force;
- (j) the convening, composition, procedure and power of boards of officers and courts of inquiry;
- (k) ^{the payment of compensation to widows and families of members of the Auxiliary Force as provided in section 30 of this Ordinance;} ~~the payment of compensation to widows and families of members of the Auxiliary Force as provided in section 30 of this Ordinance;~~
- (l) the requisitioning of means of conveyance and transport for service with the ^{Police} ~~Auxiliary~~ Force when called out under section 21 of this Ordinance;
- (m) the conveyance by air, road, rail, or water of members of the ^{Police} ~~Auxiliary~~ Force and their transport and equipment when travelling on duty;
- (n) the requisitioning of goods, provisions, supplies and accommodation for members of the ^{Police} ~~Auxiliary~~ Force when called out under section 21 of this Ordinance;
- (o) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the ^{Police} ~~Auxiliary~~ Force;
- (p) the compiling of registers of transport and the duties of members of the ^{Police} ~~Auxiliary~~ Force in connection therewith;
- (q) the establishment and conduct of camp, regimental, or district institutions for providing recreation and refreshment to members of the ^{Police} ~~Auxiliary~~ Force;

shall be guilty of an offence and shall be liable on conviction before a first or second class magistrate, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Governor may award gratuity or pension in certain events.

2930. (1) In the case of any member of the Auxiliary Force who is temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him while on active service as provided in section 21 of this Ordinance, the Governor may award to such member such gratuity of yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

(2) The Governor may grant to the widow or family of any such member who may be killed in action or on active service as provided in section 21 of this Ordinance a pension or allowance of such amount as may be prescribed.

(3) No pension or gratuity payable under this Ordinance shall be assigned or transferable, nor shall the same be attached or levied upon for or in respect of any debt or claim due to the recipient or his wife.

ed under fifty pounds shall exceed sanction

Penalty.

3021. Any person who contravenes or fails to comply with any of the provisions of this Ordinance for which no other penalty is provided shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

Power to make regulations.

3122. (1) The Governor may from time to time make regulations providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this Ordinance and where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient for giving full effect to this Ordinance, providing for or supplying such omission or insufficiency and without prejudice to the foregoing powers, providing for all or any of the following matters—

- (a) the general government, discipline, peace training and management of the Auxiliary Force;
- (b) the establishment of units of the Auxiliary Force and the various grades, numerical establishment, ranks and appointments therein;

- (c) the attendance at drills, inspection, classes and courses of instruction of members of the Auxiliary Force and the examination of members of the Auxiliary Force as to proficiency in military professional subjects, and the granting of certificates of proficiency in military professional subjects;
- (d) the appointment of a permanent staff for the Auxiliary Force;
- (e) the appointment to, seniority of, promotion in and tenure of commissioned or non-commissioned ranks in the Auxiliary Force;
- (f) the leave of absence, suspension, reduction and discharge of members of the Auxiliary Force;
- (g) the condition as to physical fitness for service in the various units of the Auxiliary Force;
- (h) the fixing of rates of pay and allowances and issues of rations to members of the Auxiliary Force when called out under section 21 of this Ordinance;
- (i) the enrolment of all persons liable for service in the Auxiliary Force;
- (j) the convening, composition, procedure and power of boards of officers and courts of inquiry;
- (k) the payment of compensation to widows and families of members of the Auxiliary Force as provided in section 30 of this Ordinance;
- (l) the requisitioning of means of conveyance and transport for service with the Auxiliary Force when called out under section 21 of this Ordinance;
- (m) the conveyance by air, road, rail, or water of members of the Auxiliary Force and their transport and equipment when travelling on duty;
- (n) the requisitioning of goods, provisions, supplies and accommodation for members of the Auxiliary Force when called out under section 21 of this Ordinance;
- (o) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Auxiliary Force;
- (p) the compiling of registers of transport and the duties of members of the Auxiliary Force in connection therewith;
- (q) the establishment and conduct of camp, regimental, or district institutions for providing recreation and refreshment to members of the Auxiliary Force;

OBJECTS AND REASONS.

This Bill, together with the Kenya Regiment (Territorial Force) Bill, is designed to give effect to the recommendations of the Committee appointed by His Excellency the Governor on the 4th April, 1936, to consider suggestions for the re-organization of the Defence Forces of the Colony.

This Bill is modelled on the Defence Force Ordinance, 1927, which it repeals and makes provision for the establishment of a Force to be known as the Kenya Auxiliary Force, the main function of which will be to train all citizens not in the Kenya Regiment to defend the Colony in the event of Internal Disturbance. A considerable number of important alterations have been made, and there are a large number of minor alterations.

If the provisions of this Bill become law the total estimate of the expenditure required to establish and maintain the Auxiliary Force will amount to £5,047 of which £3,403 will be non-recurrent and £1,644 recurrent.

Mr. Grossmith

Major C. G. ...

Mr. ...

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley

Sir J. Shackburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.



18 MAY 1937

Handwritten mark resembling a stylized 'B' or '3'.

Sir,

I am etc. to refer to the previous correspondence regarding the draft Ordinances for the establishment of the Kenya Regiment (Territorial Force and the Kenya Auxiliary Reserve, and to transmit to you, to be laid before the Army Council, copies of the Ordinances as passed by the Legislative Council of Kenya together with the reports of the Select Committee of the Legislative Council appointed to consider the provisions of the Bills as submitted to the Council. For convenience of reference the amendments proposed by the Select Committee have been marked in red ink in copies of the Bills which are also enclosed, for perusal and return.

DRAFT.

UNDER SECRETARY OF STATE
WAR OFFICE.

Copy file to Kenya

Ordinance No. 4. 1937

Bill marked in red ink

Ordinance No. 5. 1937

Bill marked in red ink

From O.A.G. 6th of March

To O.A.G. 12th of April

From O.A.G. 4th of March

To O.A.G. 19th of March

Reports of Select Committee

38240/2/37
38240/3/37
38240/4/37
38240/5/37
38240/6/37
38240/7/37
38240/8/37
38240/9/37
38240/10/37
38240/11/37
38240/12/37

FURTHER ACTION.

Handwritten notes and signatures in the bottom left corner, including 'copy to' and 'copy to Kenya'.

2. Mr. Ormsby Gore will be grateful for any

observations which the Army Council may now have to offer on the Ordinances as passed.

In March last the Acting Governor again raised the question whether commissions in the Kenya Regiment (Territorial Force) should be granted direct by His Majesty the King ^{or by the Governor} and was informed that the Secretary of State remained of the opinion that commissions in Colonial Forces should properly be granted by the Governor. A copy of the relevant correspondence is enclosed.

(No need to tell G.O. etc.)

3. As regards the proposed auxiliary force, it

will be observed that the title has been changed to the

Clause 9 of

Kenya Defence Force. In the Kenya Defence Force Ordinance, 1937,

no ~~provision~~ provision has been made for ^{an} ~~superior~~ age limit of 55 years,

and in this connection I am to invite reference to the

accompanying copy of a despatch from the Acting Governor

dated ^{the} 4th March and the Secretary of State's reply of the

19th of March. As the Governor proposes to take an early

opportunity to amend ^{the} Ordinance ~~nos. 4 and 5~~ in accordance with the

terms of the Secretary of State's telegram of the 19th of

March, it will be appreciated if any amendments which the

Army Council may have to propose in connection with this

or

C. O.

88240/37

Mr. GreenSmith

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

UNDER SECRETARY OF STATE

WAR OFFICE

The Kenya Regiment (Territorial Force)
or ~~with~~ Ordinance ~~nos. 4 and 5~~ can be communicated to the Colonial Office as early as possible, in order that they may be transmitted to the Governor with a view to their inclusion in the next amending Ordinances.

5- The Acting Governor has stated that in view of the fact that it is not the intention to bring Ordinances Nos. 4 and 5 into operation until an intimation is been informed by telegraph received that His Majesty will not be

advised to exercise his power of in respect of these Ordinances, disallowance, he would be grateful if that intimation could be communicated by telegram. Mr. Ormsby Gore proposes, provided that the Army Council see no objection to telegraph accordingly

FURTHER ACTION.

observing

2. Mr. Ormsby Gore will be grateful for any observations which the Army Council may now have to offer on the Ordinances as passed.

In March last the Acting Governor again raised the question whether commissions in the Kenya Regiment (Territorial Force) should be granted direct by His Majesty the King ^{or by the Governor} and was informed that the Secretary of State remained of the opinion that commissions in Colonial Forces should properly be granted by the Governor. A copy of the relevant correspondence is enclosed.

3. As regards the proposed auxiliary force, it will be observed that the title has been changed to the Kenya Defence Force. In ^{Clause 8 of} the Kenya Defence Force Ordinance, 1937, ~~no~~ provision has been made for ^{an} ~~superior~~ age limit ^{of 55 years,} and in this connection I am to invite reference to the accompanying copy of a despatch from the Acting Governor dated ^{on 4/} 4th March and the Secretary of State's reply of the 19th of March. As the Governor proposes to take an early opportunity to amend ^{the} Ordinance ~~Nos~~ in accordance with the terms of the Secretary of State's telegram of the 19th of March, it will be appreciated if any amendments which the Army Council may have to propose in connection with this

(No need to tell G.O. this.)
J.

C. O.

66240/37

Mr. Grossmith

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

UNDER SECRETARY OF STATE
WAR OFFICE

58
The Kenya Regiment (Territorial Force)
or ~~with~~ Ordinance ~~Nos~~ can be communicated to the Colonial Office as early as possible in order that they may be transmitted to the Governor with a view to their inclusion in the next amending Ordinances

The Acting Governor has stated that in view of the fact that it is not the intention to bring Ordinances Nos. 4 and 5 into operation until ^{an intimation is} ~~been informed by telegraph~~ received that His Majesty will not be advised to exercise his power of ^{in respect of these Ordinances} disallowance, ~~he would be grateful if that~~ intimation could be communicated by telegram. Mr. Ormsby Gore proposes, ~~provided that the Army Council see no objection to telegraph accordingly~~

FURTHER ACTION.

observing

and any proposals for amendments wh. may be made
observing that ^{after further detailed examination & consideration} further comments will be sent by despatch.

The Gov. has now reported that it
is proposed to bring the Kenya
Regiment Ordinance into
force with effect from the
1st of June & the Defence
Force Ordinance with effect from
the 1st of September.

(Signed) J. E. W. FLOOD

38240/2/1957.

3
R 28 APR
D 28 437

boxed & sent
7.0. Pm
27.4.57.

C. O.

May 22

Mr. Flood 27.4

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

Governor,

Nairobi.

Telegram.

38090/3

FURTHER ACTION.

Copied
38090/3/54

Your despatch No 199 of 3rd April
forwarding copies of Kenya Regiment
(Territorial Force) Ordinance, 1937, His
Majesty will not be advised to exercise
power of disallowance. Any proposals
for amendment after detailed examination of
ordinance will be sent ^{later} by despatch.
Consider it desirable that Ordinance be
brought into operation as early as possible.

Secer.

No. 96

Your despatches 3rd April NO 199

& 200. Kenya Regiment (Territorial
Force) Ordinance and Kenya Defence
Force Ordinance. H. M. will not
be advised to exercise power of
disallowance, and Ordinances may be
brought into operation forthwith.

Any proposals for later amendment
which may be made after
further detailed examination and
consideration will be sent by despatch

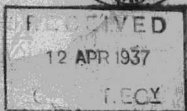
AIR MAIL

KENYA

No. 199



26
GOVERNMENT HOUSE
NAIROBI
KENYA



3 APRIL, 1957.

Sir,

(9) ON 38240/37

With reference to correspondence terminating with the Acting Governor's despatch No. 153 of the 6th March, I have the honour to forward two authenticated and twelve printed copies of Ordinance No. IV of 1957 entitled "An Ordinance to Provide for the Establishment of a Regiment to be known as the Kenya Regiment (Territorial Force)" together with a Legal Report thereon with enclosures by the Attorney General.

2. This Ordinance passed its third reading in the Legislative Council on the 9th March and the Acting Governor assented to it in His Majesty's name on the 29th March.

3. In view of the fact that it is not the intention to bring the Ordinance into operation until an intimation is received that His Majesty will not be advised to exercise his powers of disallowance, I shall be grateful if that intimation could be communicated by telegram.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

A handwritten signature in dark ink, appearing to read 'H. Magan'.

ACTING GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE

W. ORMSBY GORE, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON. S.W. 1

61

LEGAL REPORT

THE KENYA REGIMENT (TERRITORIAL FORCE) BILL, 1937

This Bill, together with the Kenya Defence Force Bill, 1937, is designed to give effect to the recommendations of a Committee appointed by His Excellency the Governor on the 4th April, 1936, to consider suggestions for the re-organization of the Defence Forces of the Colony.

This Bill is modelled on the Territorial Force Ordinance (Chapter 42 of the Revised Edition), which it repeals, and makes provision for the establishment of a Volunteer Force to be known as the Kenya Regiment (Territorial Force), the main function of which will be to train officers, non-commissioned officers and instructors to take their places as such in the event of external aggression.

The Bill, prior to its introduction into Legislative Council, was submitted to the Secretary of State, and was, subject to amendments suggested, approved by him in his telegram No. 248 of the 28th October, 1936.

No. 24
38240736.

A copy of the Bill showing the amendments made during its passage in Legislative Council, together with a Comparative Table, is enclosed herewith for submission to the Secretary of State.

As the Bill was approved by the Secretary of State and as it is not intended to bring it into operation until he signifies that His Majesty will not be advised to exercise the powers of disallowance with regard to this Bill, I am of the opinion that His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

Nairobi

9th March, 1937.

W. H. ...
ATTORNEY GENERAL

COMPARATIVE TABLE

THE KENYA REGIMENT (TERRITORIAL FORCE) BILL, 1937

Clause of the Bill.		Remarks
1.	Short title. Cf. section 1 of Chapter 42 of the Revised Edition (Kenya).	
2.	Cf. section 2	-do-
3.	Cf. section 3	-do-
4.	Cf. section 4	-do-
5.	Cf. section 5	-do-
6.	Cf. section 6	-do-
7.	Cf. section 7	-do-
8.	New.	
9, 10 and 11	New, but cf. sections 8 and 9	-do-
12.	Cf. section 10	-do-
13.	Cf. section 11	-do-
14.	Cf. section 12	-do-
15.	Cf. section 13	-do-
16.	Cf. section 14	-do-
17.	Cf. section 15	-do-
18.	Cf. section 16	-do-
19.	Cf. section 17	-do-
20.	Cf. section 18	-do-
21.	Cf. section 19	-do-
22.	Cf. section 20	-do-
23.	Cf. section 21	-do-
24.	New.	
25.	Cf. section 25	-do-
26.	Cf. section 29	-do-
27.	Cf. section 32	-do-
28.	Cf. section 33	-do-
29.	Cf. section 34	-do-
30.	Cf. section 35	-do-

Clause of the
Bill.

Remarks.

- | | | |
|-----|--|------|
| 31. | Cf. section 36 of Chapter 42 of the Revised Edition (Kenya). | |
| 32. | Cf. section 37 | -do- |
| 33. | Cf. section 38 | -do- |
| 34. | Cf. section 39 | -do- |
| 35. | New, | |
| 36. | Cf. section 40 | -do- |
| 37. | New. Repeal. | |



Colony and Protectorate of Kenya

IN THE FIRST YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI

ARMIGEL DE VINS WADE, C.M.G., O.B.E.,
Acting Governor.

Assented to in His Majesty's
name this 27th day of March,
1937.

A. de V. WADE

Acting Governor.

AN ORDINANCE TO PROVIDE FOR THE
ESTABLISHMENT OF A REGIMENT TO BE
KNOWN AS THE KENYA REGIMENT
(TERRITORIAL FORCE)

ORDINANCE No. IV of 1937

**An Ordinance to Provide for the Establishment of
a Regiment to be known as the Kenya Regiment
(Territorial Force).**

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

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) Ordinance, 1937, and shall come into operation upon such date as the Governor may by notice in the Gazette appoint, and shall apply to such military districts as the Governor may appoint and establish under section 12 of this Ordinance.

Short title
and com-
mencement.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the following meanings :—

Interpretation.

"active service": every officer and member shall be deemed to be on active service when he is attached to or forms part of a force engaged in operations against the enemy or in aiding the civil authority in the protection of life and property or in the prevention or suppression of internal disorder;

"Act" or "Ordinance" includes all regulations made thereunder;

"cadets" means all boys serving in cadet units established under the provisions of this Ordinance;

"commanding officer" means the officer in command of any military district, unit or detachment;

"member" means any warrant officer, non-commissioned officer or man enrolled in or belonging to the Regiment;

"military district" means a military district appointed and established under this Ordinance;

"officer" means any person appointed by the Governor to hold commissioned rank in the Regiment;

"peace training" means such training, other than training on active service, as may be prescribed;

"permanent staff" means all officers, warrant officers, non-commissioned officers, armourers, clerks and storekeepers or any other persons appointed under section 34 of this Ordinance;

"prescribed" means prescribed by regulations;

"Regiment" means the regiment established under the provisions of section 3 of this Ordinance;

"regulations" means regulations made under the provisions of this Ordinance;

"Reserve" means the Reserve established under the provisions of section 7 of this Ordinance;

"Special Reserve" means the Special Reserve established under the provisions of section 8 of this Ordinance;

"unit" means any portion of the Regiment declared by the Governor to be a unit for the purposes of this Ordinance.

PART II.

CONSTITUTION OF REGIMENT.

Establishment
of Kenya
Regiment
(Territorial
Force).

3. (1) The Governor may by notice in the Gazette, establish a regiment for the Colony which shall be known as the Kenya Regiment (Territorial Force), and may accept on behalf of His Majesty the services of any qualified persons to become officers or members of the Regiment.

(2) As and from the date of such notice the Regiment shall be deemed to be lawfully established.

(3) The Regiment shall be under the supreme command of the Governor, and under the command of the Commander, Local Forces, Kenya and Uganda, who shall be responsible to the Governor for the organization, discipline, and efficiency of the Regiment.

(4) The officers of the Regiment shall be commissioned by the Governor.

(5) The Governor may, by notice in the Gazette, declare any portion of the Regiment to be a unit for the purposes of this Ordinance.

(6) As from the date of such notice a unit shall be deemed to be lawfully constituted.

4. (1) Every officer shall be a British subject of European race or origin and shall upon being commissioned take the prescribed oath. Membership.

(2) Every member shall be a British subject of European race or origin between the ages of eighteen and thirty-five years, and shall upon enrolment take the prescribed oath and complete the prescribed attestation form:

Provided that the age limit may be extended by regulations for such warrant officers, non-commissioned officers and men as the Governor may decide.

5. Every officer and every member shall be liable to be called out for active service and to undergo such peace training as may be prescribed from time to time. Liability of officers and members.

6. Every member enrolled under the provisions of this Ordinance for service in the Regiment shall except as hereinafter provided serve for a minimum period of four years, and thereafter shall serve in the Reserve established under the provisions of section 7 of this Ordinance for a period of four years or, if at the expiration of such period of four years he has not attained the age of thirty years, until he attains such age: Period of service.

Provided that the Governor may, on the recommendation of the Commander, Local Forces, Kenya and Uganda, curtail, to such extent as he may think reasonable, the period of service to be undergone, under this section, by any person who produces evidence of previous service with the Kenya Defence Force established under the Kenya Defence Force Ordinance, 1937, or with any of His Majesty's Forces, regular or auxiliary, of such a nature as to satisfy the Governor that his service with the Regiment should be so curtailed.

No. 5 of 1937.

7. The Governor may establish a Reserve to the Regiment, which shall be known as the Kenya Regiment (Territorial Force) Reserve, in such manner as may be prescribed, and such Reserve shall form part of the Regiment.

Establishment
of Kenya
Regiment
(Territorial
Force)
Reserve.

8. The Governor may establish a Special Reserve to the Regiment in such manner as may be prescribed, and those persons who offer their services and whose services are accepted, shall be liable, when the whole or any part of the Regiment is called out for active service, to render services with such

Special
Reserve to the
Regiment.

portion of any local force as the Governor may decide. The Special Reserve shall be subject to such peace training as may be prescribed from time to time.

PART III.

CADETS.

Cadet Units.

9. The Governor may establish Cadet Units, the description of, numbers in, enrolment in, and organization of which shall be such as the Governor may from time to time prescribe. Cadet Units shall not form part of the Regiment, but shall be affiliated to it and regarded as a training unit for the Regiment. Cadet Units shall be composed of boys between the ages of fourteen and eighteen years.

Cadets' liability for peace training.

10. All boys who, with the consent of their parents or guardians, have enrolled as members of a Cadet Unit shall be liable to undergo such annual course of peace training as may be prescribed.

Certificate of efficiency.

11. A cadet who has undergone the prescribed course of instruction for any one year, and passed the prescribed tests, shall be deemed to be an efficient cadet for that year, and if he is deemed to be efficient for not less than three years, and his conduct under instruction in cadet training has proved satisfactory, he shall be entitled, on attaining the age of eighteen years, to receive a certificate of efficiency. Holders of such certificates may be transferred to the Regiment as trained men.

PART IV.

ADMINISTRATION.

Military districts.

12. The Governor may, by notice in the Gazette, appoint and establish military districts throughout the Colony with the number and designation of units of the Regiment to be allotted to and trained in any military district.

Calling out of Regiment for active service.

13. The Governor may, by notice in the Gazette, call out the whole or any part of the Regiment for active service and when so called out they shall be held to that service until such time as the Governor may, by notice in the Gazette, declare that they are relieved from that service.

Not entitled to discharge when on active service

14. No officer or member while called out or employed on active service shall be entitled to obtain discharge therefrom during the continuance of such service.

15. The Governor may at any time discontinue the service of any unit of the Regiment or cause the same to be disbanded, or release from service any officer, or discharge any of the members, of such unit. Power to disband or discharge.

16. The executive military command and inspection of the Regiment or units thereof shall be vested in such officers as may be appointed by the Governor. Officers in executive command.

17. The Governor may prescribe such tests as he may think fit which candidates for appointments to commissions and for promotion shall pass. Tests for appointment and promotion to various ranks.

18. The Governor may cancel the commission of any officer at any time: Provided that such commission shall not be cancelled unless the holder thereof has been notified in writing of any complaint or charge made, of the action proposed to be taken against him, and has been called upon to show cause in relation thereto. No such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or more. Cancellation of commission.

19. (1) The Governor may place officers on the retired list, and officers on that list may, with the approval of the Governor, retain their rank and wear the prescribed uniform. Retirement of officers.
(2) The ages of compulsory retirement of officers of the Regiment shall be as prescribed.

20. An officer, except when on active service, or in anticipation of being called out on such service, may, by writing under his hand, tender the resignation of his commission, but shall not, unless otherwise ordered by the Governor, be relieved of the duties of his appointment until the acceptance of his resignation is notified in the Gazette. Resignation of commission.

21. (1) A uniform, with distinctive marks or badges, shall be prescribed for every unit of the Regiment and issued to members thereof. Such uniform shall be maintained at their own expense for such periods and under such conditions as may be prescribed. Uniforms, arms, and accoutrements.

(2) Arms, ammunition, and equipment, shall be issued under prescribed conditions to officers and members, and each officer or member to whom a rifle has been issued shall be bound to keep it in his personal possession, to be responsible for its maintenance in good order and condition, and to produce it for inspection whenever called upon to do so.

(3) When called out for active service, or when undergoing peace training, officers and members shall bring with them their equipment and any ammunition which may have been issued to them.

Pay and allowances.

22. Officers and members shall be paid at a prescribed daily rate for the days on which they are called out for active service under the provisions of this Ordinance, and they may also be granted such monetary or other allowances as are laid down in regulations.

Duration of peace training.

23. (1) The service of each officer and member shall be calculated from the date of his appointment or enrolment, as the case may be. Every officer and member shall during each prescribed training year undergo such course of annual peace training, instruction, and other such exercises as may be prescribed.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be taken into account as part of any period of peace training, instruction, or service prescribed under this Ordinance.

(3) Any member who in any year without reasonable cause or excuse or without such leave or permission as may be prescribed evades or fails to perform the full course of training allotted to him for that year, shall be guilty of an offence against this Ordinance.

PART V.

DISCIPLINE.

Officers and members of Regiment, Reserve and Special Reserve on mobilisation to be under Army Act.

24. The provisions of the Army Act, 44 and 45 Vict., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall apply to the permanent staff and officers at all times and to members, the Reserve and the Special Reserve when they are on active service, when they are called out for active service, during peace training, when they are engaged in any military exercise of drill or musketry, when they are carrying out any escort duty or guard of honour and when they are in uniform at any time or place, subject to the following modifications—

- (a) the words "the Regiment" shall be read therein for the words "regular forces"; the words "officer or member of the Regiment" for the words "officer or soldier"; and the word "Governor" for the words "His Majesty" and "Secretary of State", and

(b) no sentence of a court martial upon the trial of an officer or a member of the Regiment, Reserve or Special Reserve shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

25. Notwithstanding the provisions contained in section 24 of this Ordinance, no officer or member of the Regiment, Reserve or Special Reserve shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Army Act.

26. Nothing in this Ordinance contained shall prevent any offender from being prosecuted otherwise than under the provisions of this Ordinance, in all cases in which he would by law, without this Ordinance, be liable to such prosecution; but no person convicted or acquitted of any offence under the provisions of this Ordinance or under the Army Act, shall be liable to be again tried for the same offence.

27. Any person who—

- (1) agrees with, or induces, or attempts to induce any officer or member to neglect or to act in conflict with his military duty; or
- (2) is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any officer or member, or any law or regulation with which it is the duty of any officer or member to comply, may be evaded or infringed; or
- (3) supplies, or is a party to supplying, any officer or member with intoxicating liquor when that officer or member is on military duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor,

shall be guilty of an offence against this Ordinance.

28. Any officer or member who, with the intent to obtain conveyance at special rates or to evade payment of any toll, fraudulently personates or represents himself to be an officer or member of the Regiment travelling on service of that force, shall be guilty of an offence against this Ordinance.

Officers and members not punishable under this Ordinance as well as under the Army Act.

Reservation of right to prosecute otherwise than under Ordinance.

Aiding or inducing officers or members to derelict of duty.

Personation.

Offences against commanding regulations.

29. Any person who commits any offence against the regulations providing for and regulating the requisitioning of accommodation or supplies in pursuance of this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

Wrongful disposal of property.

30. Any officer or member who, without proper authority and permission, gives, sells, pledges, lends or otherwise disposes of any moneys, animals, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Regiment shall be guilty of an offence against this Ordinance, and, in addition to any penalty for such an offence which may be imposed under this Ordinance, may be ordered by the court to make good the loss or deficiency caused by such gift, sale, pledge, loan or other disposition. Every such gift, sale, pledge, loan or disposition shall be null and void, except as against a bona fide purchaser for value without notice.

Penalty for contravening the Ordinance in any way.

31. Any person who commits an offence against this Ordinance or who wilfully contravenes or fails to comply with any of the provisions of this Ordinance, or the regulations shall, where no other penalty is specifically provided, be liable on conviction by a subordinate court of the first class to a fine not exceeding ten pounds or to a term of imprisonment for a period not exceeding one month, or to both such fine and such imprisonment.

Limitation of action.

32. Every civil action against, and every criminal prosecution of, any person in respect of anything done in pursuance or in contravention of this Ordinance shall be commenced within six months after the cause of the proceedings has arisen, and notice in writing of any civil action and the cause thereof shall be given to the defendant one month at least before the commencement thereof.

Disclosure of information.

33. (1) Any officer or member or any person employed in the public service, who discloses any information or any other secret or confidential information relating to the defence of the Colony, which comes within his cognizance shall, unless acting under the due authority and in the execution of his duty (the burden of proof whereof shall be upon him) be guilty of an offence against this Ordinance.

(2) The provisions of this section shall be in addition to and not in derogation of the provisions of the Official Secrets Cap. 64. Ordinance.

PART VI.

MISCELLANEOUS.

34. The Governor may from time to time constitute for the Regiment a permanent staff, consisting of such officers, warrant officers, non-commissioned officers and men as he may deem necessary. Power to constitute permanent staff.

35. (1) If any officer or member is temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him during peace training or when on active service, the Governor may award such officer or member such compensation, gratuity or yearly pension as to him may seem fit. Governor may award gratuity or pension in certain events.

(2) The Governor may grant to the widow or family of any such officer or member who may be killed in action or on active service a pension or allowance of such amount as to him may seem fit.

(3) No gratuity or compensation granted under this section shall exceed two hundred and fifty pounds and no pension granted under this section shall exceed one hundred pounds per annum except with the sanction of the Legislative Council.

(4) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached or levied upon for or in respect of any debt due from, or any claim against, the recipient of such pension or gratuity, or his wife.

36. The Governor may from time to time make regulations for all or any of the matters or things following connected with the Regiment— Regulations.

- (1) the numerical establishment of units of the Regiment and cadets, and the various grades, ranks and appointments therein;
- (2) the appointment, promotion, transfer, leave, resignation and release from service of officers;
- (3) the enrolment, posting, transfer, leave, promotion, reduction, discharge and dismissal of warrant officers, non-commissioned officers and men, and the disbandment of any units;

Dupl. regd. n. 38090/2/37



THE SECRETARIAT.
NAIROBI.
KENYA.

WHEN REPLYING
PLEASE QUOTE
NUMBER
AND DATE

D/leg. Co. 26/3/8/5

RECEIVED
15 MAR 1937
C. O. REGY

16 February, 1937

No. IV

Kenya Regiment (Territorial Force) 1937

- (4) the appointment and posting of the permanent staff and the control, discipline, pay, allowances, leave, transfer, release from service, and dismissal thereof;
- (5) the discipline of the Regiment;
- (6) the convening of courts of inquiry, and the attendance of witnesses;
- (7) the exemption of officers and members from carrying out the full course of peace training for any one training year;
- (8) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Regiment and for cadets;
- (9) the conveyance by air, road, rail, or water of officers and members and their transport and equipment when travelling on duty;
- (10) the general government control and management of the Regiment;
- (11) drill, peace training instruction, camps and medical treatment thereat;
- (12) the establishment, control and management of the Reserve and Special Reserve;
- (13) the establishment, control and management of Cadet Units; and
- (14) all matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Regiment, or for carrying out and giving effect to this Ordinance.

Repeal.
Cap. 42.

37. The Territorial Force Ordinance and all regulations made thereunder are hereby repealed.

Passed in the Legislative Council the ninth day of March, in the year of our Lord one thousand nine hundred and thirty-seven.

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.

R. W. BAKER-DEALL

Acting Clerk of the Legislative Council.

The Acting Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies, and has the honour to forward twelve copies each of the undermentioned publications:

Report of Select Committee of Legislative Council on the Kenya Regiment (Territorial Force) Bill

Report of Select Committee of Legislative Council on the Kenya Auxiliary Force Bill

copy to wiro. (4)

38090/3/37

R E P O R T
O F
THE SELECT COMMITTEE OF LEGISLATIVE COUNCIL
APPOINTED TO CONSIDER AND REPORT ON THE
PROVISIONS OF A BILL TO PROVIDE FOR THE
ESTABLISHMENT OF A REGIMENT TO BE KNOWN
AS THE KENYA REGIMENT (TERRITORIAL)
FORCE

Your Excellency,

We, the members of the above Committee, recommend that the Kenya Regiment (Territorial Force) Bill, 1936, be amended in the following respects -

1. That the word "PRELIMINARY" be inserted after the expression "PART I." which occurs between the enacting formula and Clause 1.

2. That Clause 1 be amended by substituting the figures "1937" for the figures "1936" which occurs in the second line.

3. That Clause 2 be amended -

(a) by deleting the definition of "active service" and by substituting therefor the following -

"'active service': every officer and member shall be deemed to be on active service when he is attached to or forms part of a force engaged in operations against the enemy or in aiding the civil authority in the protection of life and property or in the prevention or suppression of internal disorder,"

(b) by substituting the word "includes" for the words "shall include" which occur in the definition of "Act" or "Ordinance";

(c) by substituting the words "established under" for the words "subject to" which occur in the definition of "cadets";

(d) by deleting the definition of "peace training" and by substituting therefor the following -

"'peace training' means such training, other than training on active service, as may be prescribed;"

(e) by substituting the figures "54" for the figures "39" which occur in the definition of "permanent staff";

(f) by adding immediately after the definition of "prescribed" the following definition -

"'Regiment' means the regiment established under the provisions of section 3 of this Ordinance;"

(g) by substituting the word "established" for the word "formed" which occurs in the definition of "Special Reserve";

(h) by deleting the words "which may be" which occur in the definition of "unit".

4. That Clause 3 be amended -

(a) by deleting sub-clause (1) and by substituting therefor the following sub-clause -

"Establishment of Kenya Regiment (Territorial Force).

(1) The Governor may by notice in the Gazette, establish a regiment for the Colony which shall be known as the Kenya Regiment (Territorial Force), and may accept on behalf of His Majesty the services of any qualified persons to become officers or members of the Regiment."

(b) by substituting the words "As and from the date of" for the word "Upon" which occurs in the first line of sub-clause (2);

(c) by substituting the word "notice" for the word "notification" which occurs in the first line of sub-clause (5);

(d) by substituting the words "As from the date of" for the word "Upon" which occurs in the first line of sub-clause (6).

5. That Clause 4 be deleted and the following Clause be substituted therefor

"Membership"

4. (1) Every officer shall be a British subject of European race or origin and shall upon being commissioned take the prescribed oath.

(2) Every member shall be a British subject of European race or origin between the ages of eighteen and thirty-five years, and shall upon enrolment take the prescribed oath and complete the prescribed attestation form:

Provided that the age limit may be extended by regulations for such warrant officers, non-commissioned officers and men as the Governor may decide."

3. That Clause 5 be deleted and the following Clause be substituted therefor -

"Liability of officers and members."

5. Every officer and every member shall be liable to be called out for active service and to undergo such peace training as may be prescribed from time to time."

7. That Clause 6 be amended -

(a) by deleting the fourth and the fifth lines thereof and by substituting therefor the following -

"hereafter shall serve in the reserve established under the provisions of section 7 of this Ordinance for a period of four years or, if at the expiration of such period of four years he has not attained the age of thirty years, until he attains such age";

(b) by substituting the word "Defence" for the word "Auxiliary" where the latter word occurs in the tenth and the eleventh lines;

(c) by substituting the figures "1957" for the figures "195". The marginal note requires similar amendment.

8. That Clause 7 be amended by deleting the expression -

"(to be known as the Kenya Regiment (Territorial Force) Reserve)"

which occurs in the second and the third lines and by substituting therefor the following -

"which shall be known as the Kenya Regiment (Territorial Force) Reserve,".

9. That Clause 8 be amended -

(a) by substituting the word "establish" for the word "form" which occurs in the first line;

(b) by inserting a comma after the word "prescribed" which occurs in the second line;

(c) by deleting the last line and by substituting therefor the following -

"be prescribed from time to time".

10. That Clause 9 be amended by deleting the first and the second lines and by substituting therefor the following -

"9. The Governor may establish Cadet Units, the description of, numbers in, enrolment in, and organisation of which".

11. That Clause 11 be amended -

(a) by substituting the words "deemed to be" for the words "reckoned as" which occur in the third line;

(b) by substituting the words "deemed to be" for the word "reckoned" which occurs in the fourth line.

12. That Clause 14 be deleted and the following Clause be substituted therefor -

"Not entitled to discharge when on active service."

14. No officer or member while called out or employed on active service shall be entitled to obtain discharge therefrom during the continuance of such service."

13. That Clause 15 be amended by inserting commas after the word "officer" which occurs in the third line and after the word "members" which occurs in the fourth line.

14. That Clause 17 be deleted and the following Clause be substituted therefor -

"Tests for appointment and promotion to various ranks."

17. The Governor may prescribe such tests as he may think fit which candidates for appointments to commissions and for promotion shall pass."

15. That Clause 18 be deleted and the following Clause be substituted therefor -

Cancellation
of commission.

18. The Governor may cancel the commission of any officer at any time: Provided that such commission shall not be cancelled unless the holder thereof has been notified in writing of any complaint or charge made, of the action proposed to be taken against him, and has been called upon to show cause in relation thereto. No such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or more."

16. That Clause 19 be amended by deleting the words "of the Regiment" which occur in the first line.

17. That Clause 20 be amended by deleting the first three lines and by substituting therefor the following -

"20. An officer, except when on active service, or in anticipation of being called out on such service, may, by writing under his hand, tender the resignation of his".

18. That Clause 21 be deleted and the following Clause be substituted therefor -

21.(1) A uniform, with distinctive marks or badges, shall be prescribed for every unit of the Regiment and issued to officers and members thereof. Such uniform shall be maintained at their own expense for such periods and under such conditions as may be prescribed.

(2) Arms, ammunition, and equipment, shall be issued under prescribed conditions to officers and members, and each officer or member to whom a rifle has been issued shall be bound to keep it in his personal possession, to be responsible for its maintenance in good order and condition, and to produce it for inspection whenever called upon to do so.

(3) When called out for active service, or when undergoing peace training, officers and members shall bring with them their equipment and any ammunition which may have been issued to them."

19. That Clause 22 be amended by substituting the words "Officers and members" for the words "The Regiment" which occur in the first line.

20. That Clause 23 be deleted and the following Clause be substituted therefor -

23.(1) The service of each officer and member shall be calculated from the date of his appointment or enrolment, as the case may be. Every officer and member shall during each prescribed training year undergo such course of annual peace training, instruction, and other such exercise as may be prescribed.

Uniforms,
arms, and
accoutre-
ments.

"Duration of
peace
training.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be taken into account as part of any period of peace training, instruction, or service prescribed under this Ordinance.

(3) Any member who in any year without reasonable cause or excuse or without such leave or permission as may be prescribed evades or fails to perform the full course of training allotted to him for that year, shall be guilty of an offence against this Ordinance."

21. Part V (Clauses 24 and 25) be deleted, and Part VI and Part VII be renumbered as Part V and Part VI respectively.

22. That Clause 26 be deleted and the following Clause be substituted therefor -

"Officers and members of Regiment Reserve and Special Reserve on mobilization to be under Army Act.

24. The provisions of the Army Act, 44 and 45 - Vict., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall apply to the permanent staff and officers at all times and to members, the Reserve and the Special Reserve when they are on active service, when they are called out for active service, during peace training, when they are engaged in any military exercise of drill or musketry, when they are carrying out any escort duty or guard of honour and when they are in uniform at any time or place, subject to the following modifications -

- (a) the words "the Regiment" shall be read therein for the words "regular forces", the words "officer or member of the Regiment" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State, and
- (b) no sentence of a court martial upon the trial of an officer or a member of the Regiment, Reserve or Special Reserve shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf."

23. That Clause 27 be renumbered as Clause 25 and be amended by substituting the figures "24" for the figures "26" which occur in the second line.

24. That Clause 28 be deleted.

25. That Clause 29 be renumbered as Clause 26 and be amended by deleting the words "crime or" which occur in the fifth line and ⁱⁿ the seventh line.

26. That Clauses 30 and 31 be deleted, and that Clauses 32 to 42 be renumbered as Clauses 27 to 37.

27. That Clause 32 (now Clause 27) be deleted and the following Clause be substituted therefor -

"Aiding or inducing officers or members to dereliction of duty."

27. Any person who -

- (a) agrees with, or induces, or attempts to induce any officer or member to neglect or to act in conflict with his military duty; or
- (2) is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any officer or member, or any law or regulation with which it is the duty of any officer or member to comply, may be evaded or infringed; or
- (3) supplies, or is a party to supplying, any officer or member with intoxicating liquor when that officer or member is on military duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor,

shall be guilty of an offence against this Ordinance."

28. That Clause 33 (now Clause 28) be deleted and the following Clause be substituted therefor -

"Personation."

28. Any officer or member who, with the intent to obtain conveyance at special rates or to evade payment of any toll, fraudulently personates or represents himself to be an officer or member of the Regiment travelling on service of that force, shall be guilty of an offence against this Ordinance."

29. That Clause 34 (now Clause 29) be amended by deleting the words "section 24 of" which occur in the fourth line.

30. That Clause 35 (now Clause 30) be amended -

- (a) by deleting the words "of the Regiment" which occur in the first line;
- (b) by deleting the last five lines and by substituting therefor the following -

"this Ordinance, may be ordered by the court to make good the loss or deficiency caused by such gift, sale, pledge, loan or other disposition. Every such gift, sale, pledge, loan or disposition shall be null and void, except as against a bona fide purchaser for value without notice."

31. That Clause 36 (now Clause 31) be amended by deleting the fourth line and by substituting therefor the following "shall, where no other penalty is specifically provided, be liable on con-".

32. That Clause 37 (now Clause 32) be amended by inserting a comma after the word "arisen" which occurs in the fifth line.

- 33. That Clause 38 (now Clause 33) be amended -
 - (a) by inserting the figure and brackets "(1)" at the commencement;
 - (b) by deleting the words "of the Regiment" which occur in the first line thereof;
 - (c) by adding the following sub-clause -

"(2) The provisions of this section shall be in addition to and not in derogation of the provisions of the Official Secrets Ordinance."

Cap. 64.

34. That Clause 40 (now Clause 35) be deleted and the following Clause be substituted therefor -

"Governor may award gratuity or pension in certain events."

35.(1) If any officer or member is temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him during peace training or when on active service, the Governor may award such officer or member such compensation, gratuity or yearly pension as to him may seem fit.

(2) The Governor may grant to the widow or family of any such officer or member who may be killed in action or on active service a pension or allowance of such amount as to him may seem fit.

(3) No gratuity or compensation granted under this section shall exceed two hundred and fifty pounds and no pension granted under this section shall exceed one hundred pounds per annum except with the sanction of the Legislative Council.

(4) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached or levied upon for or in respect of any debt due from, or any claim against, the recipient of such pension or gratuity, or his wife."

- 35. That Clause 41 (now Clause 36) be amended -
 - (a) by the deletion of paragraph (4) and by the substitution therefor of the following paragraph -

"(4) the appointment and posting of the permanent staff and the control, discipline, pay, allowances, leave, transfer, release from service, and dismissal thereof;"

- (b) by the deletion of paragraph (6) and by the substitution therefor of the following paragraph -

"(6) the convening of courts of inquiry, and the attendance of witnesses;"

(c) by inserting the word "the" before the word "exemption" which occurs in the first line of paragraph (7), and by deleting the words "of the Regiment" which occur in the first line of paragraph (7);

(d) by deleting the words "of the Regiment" which occur in the second line of paragraph (9);

(e) by inserting the word "control" between the word "government" and the word "and" which occur in the first line of paragraph (10);

(f) by deleting paragraphs (11), (12), (13) and (14) and by substituting therefor the following paragraphs -

"(11) drill, peace training instruction, camps and medical treatment thereat;

(12) the establishment, control and management of the Reserve and Special Reserve,

(13) the establishment, control and management of Cadet Units; and";

(g) by renumbering paragraph (15) as paragraph (14).

The amendments recommended are so numerous that, for facility of reference, the Bill (attached hereto) incorporating the amendments has been reprinted.

We do not wish to postpone the enactment of this measure and have therefore made no recommendation with regard to the amendment of sub-clause (4) of Clause 3 but we would like the arguments with reference to this Clause which were adduced before the Committee and which have been forwarded to the Colonial Secretary by the Chairman to be placed before the Secretary of State for his further consideration.

We have the honour to be,
Your Excellency's most obedient servants,

SD.	E.G. MORRIS	(CHAIRMAN)
SD.	H.H. BRASSEY EDWARDS	(MEMBER)
SD.	T.D. WALLACE	(MEMBER)
SD.	FRANCIS SCOTT	(MEMBER)
SD.	F.W. CAVENDISH BENTINCK	(MEMBER)
SD.	R. DE V. SHAW	(MEMBER)

Nairobi,
8th February, 1937.

COLONY AND PROTECTORATE OF KENYA



A BILL TO PROVIDE FOR THE ESTABLISHMENT
OF A REGIMENT TO BE KNOWN AS THE
KENYA REGIMENT (TERRITORIAL FORCE)

1150-750. G.C.-28-1-37

PRINTED BY THE GOVERNMENT PRINTER, NAIROBI

**A Bill to Provide for the Establishment of a
Regiment to be known as the Kenya Regiment
(Territorial Force).**

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

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) Ordinance, 1937, and shall come into operation upon such date as the Governor may by notice in the Gazette appoint, and shall apply to such military districts as the Governor may appoint and establish under section 12 of this Ordinance.

Short title
and com-
mencement.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the following meanings:—

Interpretation:

“active service”: every officer and member shall be deemed to be on active service when he is attached to or forms part of a force engaged in operations against the enemy or in aiding the civil authority in the protection of life and property or in the prevention or suppression of internal disorder;

“Act” or “Ordinance” includes all regulations made thereunder;

“cadets” means all boys serving in cadet units established under the provisions of this Ordinance;

“commanding officer” means the officer in command of any military district, unit or detachment;

“member” means any warrant officer, non-commissioned officer or man enrolled in or belonging to the Regiment;

“military district” means a military district appointed and established under this Ordinance;

“officer” means any person appointed by the Governor to hold commissioned rank in the Regiment;

"peace training" means such training, other than training on active service, as may be prescribed;

"permanent staff" means all officers, warrant officers, non-commissioned officers, armourers, clerks and storekeepers or any other persons appointed under section 34 of this Ordinance;

"prescribed" means prescribed by regulations;

"Regiment" means the regiment established under the provisions of section 3 of this Ordinance;

"regulations" means regulations made under the provisions of this Ordinance;

"Reserve" means the Reserve established under the provisions of section 7 of this Ordinance;

"Special Reserve" means the Special Reserve established under the provisions of section 8 of this Ordinance;

"unit" means any portion of the Regiment declared by the Governor to be a unit for the purposes of this Ordinance.

PART II.

CONSTITUTION OF REGIMENT.

Establishment
of Kenya
Regiment
(Territorial
Force).

3. (1) The Governor may by notice in the Gazette, establish a regiment for the Colony which shall be known as the Kenya Regiment (Territorial Force), and may accept on behalf of His Majesty the services of any qualified persons to become officers or members of the Regiment.

(2) As and from the date of such notice the Regiment shall be deemed to be lawfully established.

(3) The Regiment shall be under the supreme command of the Governor, and under the command of the Commander, Local Forces, Kenya and Uganda, who shall be responsible to the Governor for the organization, discipline, and efficiency of the Regiment.

(4) The officers of the Regiment shall be commissioned by the Governor.

(5) The Governor may, by notice in the Gazette, declare any portion of the Regiment to be a unit for the purposes of this Ordinance.

(6) As from the date of such notice a unit shall be deemed to be lawfully constituted.

4. (1) Every officer shall be a British subject of European race or origin and shall upon being commissioned take the prescribed oath. Membership.

(2) Every member shall be a British subject of European race or origin between the ages of eighteen and thirty-five years, and shall upon enrolment take the prescribed oath and complete the prescribed attestation form:

Provided that the age limit may be extended by regulations for such warrant officers, non-commissioned officers and men as the Governor may decide.

5. Every officer and every member shall be liable to be called out for active service and to undergo such peace training as may be prescribed from time to time. Liability of officers and members.

6. Every member enrolled under the provisions of this Ordinance for service in the Regiment shall except as herein-after provided serve for a minimum period of four years, and thereafter shall serve in the Reserve established under the provisions of section 7 of this Ordinance for a period of four years or, if at the expiration of such period of four years he has not attained the age of thirty years, until he attains such age. Period of service.

Provided that the Governor may, on the recommendation of the Commander, Local Forces, Kenya and Uganda, curtail, to such extent as he may think reasonable, the period of service to be undergone, under this section, by any person who produces evidence of previous service with the Kenya Defence Force established under the Kenya Defence Force Ordinance, No. of 1937, or with any of His Majesty's Forces, regular or auxiliary, of such a nature as to satisfy the Governor that his service with the Regiment should be so curtailed.

7. The Governor may establish a Reserve to the Regiment, which shall be known as the Kenya Regiment (Territorial Force) Reserve, in such manner as may be prescribed, and such Reserve shall form part of the Regiment. Establishment of Kenya Regiment (Territorial Force) Reserve.

8. The Governor may establish a Special Reserve to the Regiment in such manner as may be prescribed, and those persons who offer their services and whose services are accepted, shall be liable, when the whole or any part of the Regiment is called out for active service, to render services with such Special Reserve to the Regiment.

portion of any local force as the Governor may decide. The Special Reserve shall be subject to such peace training as may be prescribed from time to time.

PART III.

CADETS.

Cadet Units. -9. The Governor may establish Cadet Units, the description of, numbers in, enrolment in, and organization of which shall be such as the Governor may from time to time prescribe. Cadet Units shall not form part of the Regiment, but shall be affiliated to it and regarded as a training unit for the Regiment. Cadet Units shall be composed of boys between the ages of fourteen and eighteen years.

Cadets' liability for peace training. 10. All boys who, with the consent of their parents or guardians, have enrolled as members of a Cadet Unit shall be liable to undergo such annual course of peace training as may be prescribed.

Certificate of efficiency. 11. A cadet who has undergone the prescribed course of instruction for any one year, and passed the prescribed tests, shall be deemed to be an efficient cadet for that year, and if he is deemed to be efficient for not less than three years, and his conduct under instruction in cadet training has proved satisfactory, he shall be entitled, on attaining the age of eighteen years, to receive a certificate of efficiency. Holders of such certificates may be transferred to the Regiment as trained men.

PART IV.

ADMINISTRATION.

Military districts. 12. The Governor may, by notice in the Gazette, appoint and establish military districts throughout the Colony with the number and designation of units of the Regiment to be allotted to and trained in any military district.

Calling out of Regiment for active service. 13. The Governor may, by notice in the Gazette, call out the whole or any part of the Regiment for active service and when so called out they shall be held to that service until such time as the Governor may, by notice in the Gazette, declare that they are relieved from that service.

Not entitled to discharge when on active service. 14. No officer or member while called out or employed on active service shall be entitled to obtain discharge therefrom during the continuance of such service.

15. The Governor may at any time discontinue the service of any unit of the Regiment or cause the same to be disbanded, or release from service any officer, or discharge any of the members, of such unit.

Power to disband or discharge.

16. The executive military command and inspection of the Regiment or units thereof shall be vested in such officers as may be appointed by the Governor.

Officers in executive command.

17. The Governor may prescribe such tests as he may think fit which candidates for appointments to commissions and for promotion shall pass.

Tests for appointment and promotion to various ranks.

18. The Governor may cancel the commission of any officer at any time: Provided that such commission shall not be cancelled unless the holder thereof has been notified in writing of any complaint or charge made, of the action proposed to be taken against him, and has been called upon to show cause in relation thereto. No such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or more.

Cancellation of commission.

19. (1) The Governor may place officers on the retired list, and officers on that list may, with the approval of the Governor, retain their rank and wear the prescribed uniform.

Retirement of officers.

(2) The ages of compulsory retirement of officers of the Regiment shall be as prescribed.

20. An officer, except when on active service, or in anticipation of being called out on such service, may, by writing under his hand, tender the resignation of his commission, but shall not, unless otherwise ordered by the Governor, be relieved of the duties of his appointment until the acceptance of his resignation is notified in the Gazette.

Resignation of commission.

21. (1) A uniform, with distinctive marks or badges, shall be prescribed for every unit of the Regiment and issued to officers and members thereof. Such uniform shall be maintained at their own expense for such periods and under such conditions as may be prescribed.

Uniforms, arms, and accoutrements.

(2) Arms, ammunition, and equipment, shall be issued under prescribed conditions to officers and members, and each officer or member to whom a rifle has been issued shall be bound to keep it in his personal possession, to be responsible for its maintenance in good order and condition, and to produce it for inspection whenever called upon to do so.

Why in app. 1?

(3) When called out for active service, or when undergoing peace training, officers and members shall bring with them their equipment and any ammunition which may have been issued to them.

Pay and allowances.

22. Officers and members shall be paid at a prescribed daily rate for the days on which they are called out for active service under the provisions of this Ordinance, and they may also be granted such monetary or other allowances as are laid down in regulations.

Duration of peace training.

23. (1) The service of each officer and member shall be calculated from the date of his appointment or enrolment, as the case may be. Every officer and member shall during each prescribed training year undergo such course of annual peace training, instruction, and other such exercises as may be prescribed.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be taken into account as part of any period of peace training, instruction, or service prescribed under this Ordinance.

(3) Any member who in any year without reasonable cause or excuse or without such leave or permission as may be prescribed evades or fails to perform the full course of training allotted to him for that year, shall be guilty of an offence against this Ordinance.

PART V.
DISCIPLINE.

Officers and members of Regiment Reserve and Special Reserve on mobilization to be under Army Act.

24. The provisions of the Army Act, 44 and 45 Viet., Ch. 56, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall apply to the permanent staff and officers at all times and to members, the Reserve and the Special Reserve when they are on active service, when they are called out for active service, during peace training, when they are engaged in any military exercise of drill or musketry, when they are carrying out any escort duty or guard of honour and when they are in uniform at any time or place, subject to the following modifications—

(a) the words "the Regiment" shall be read therein for the words "regular forces", the words "officer or member of the Regiment" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State", and

(b) no sentence of a court martial upon the trial of an officer or a member of the Regiment, Reserve or Special Reserve shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

25. Notwithstanding the provisions contained in section 24 of this Ordinance, no officer or member of the Regiment, Reserve or Special Reserve shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Army Act.

Officers and members not punishable under this Ordinance as well as under the Army Act.

26. Nothing in this Ordinance contained shall prevent any offender from being prosecuted otherwise than under the provisions of this Ordinance, in all cases in which he would by law, without this Ordinance, be liable to such prosecution, but no person convicted or acquitted of any offence under the provisions of this Ordinance or under the Army Act, shall be liable to be again tried for the same offence.

Reservation of right to prosecute otherwise than under Ordinance.

27. Any person who—

Aiding or inducing officers or members to dereliction of duty.

(1) agrees with, or induces, or attempts to induce any officer or member to neglect or to act in conflict with his military duty; or

(2) is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any officer or member, or any law or regulation with which it is the duty of any officer or member to comply, may be evaded or infringed; or

(3) supplies, or is a party to supplying, any officer or member with intoxicating liquor when that officer or member is on military duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor,

not defined

shall be guilty of an offence against this Ordinance.

28. Any officer or member who, with the intent to obtain conveyance at special rates or to evade payment of any toll, fraudulently personates or represents himself to be an officer or member of the Regiment travelling on service of that force, shall be guilty of an offence against this Ordinance.

Personation.

Offences against commanding regulations.

29. Any person who commits any offence against the regulations providing for and regulating the requisitioning of accommodation or supplies in pursuance of this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

Wrongful disposal of property.

30. Any officer or member who, without proper authority and permission, gives, sells, pledges, lends or otherwise disposes of any moneys, animals, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Regiment shall be guilty of an offence against this Ordinance, and, in addition to any penalty for such an offence which may be imposed under this Ordinance, may be ordered by the court to make good the loss or deficiency caused by such gift, sale, pledge, loan or other disposition. Every such gift, sale, pledge, loan or disposition shall be null and void, except as against a bona fide purchaser for value without notice.

Penalty for contravening the Ordinance in any way.

31. Any person who commits an offence against this Ordinance or who wilfully contravenes or fails to comply with any of the provisions of this Ordinance, or the regulations shall, where no other penalty is specifically provided, be liable on conviction by a subordinate court of the first class to a fine not exceeding ten pounds or to a term of imprisonment for a period not exceeding one month, or to both such fine and such imprisonment.

Limitation of action.

32. Every civil action against, and every criminal prosecution of, any person in respect of anything, done in pursuance or in contravention of this Ordinance shall be commenced within six months after the cause of the proceedings has arisen, and notice in writing of any civil action and the cause thereof shall be given to the defendant one month at least before the commencement thereof.

Disclosure of information.

33. (1) Any officer or member or any person employed in the public service, who discloses any information or any other secret or confidential information relating to the defence of the Colony, which comes within his cognizance shall, unless acting under the due authority and in the execution of his duty (the burden of proof whereof shall be upon him) be guilty of an offence against this Ordinance.

(2) The provisions of this section shall be in addition to and not in derogation of the provisions of the Official Secrets Cap. 64 Ordinance.

PART VI.

MISCELLANEOUS.

34. The Governor may from time to time constitute for the Regiment a permanent staff, consisting of such officers, warrant officers, non-commissioned officers and men as he may deem necessary. Power to constitute permanent staff.

35. (1) If any officer or member is temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him during peace training or when on active service, the Governor may award such officer or member such compensation, gratuity or yearly pension as to him may seem fit. Governor may award gratuity or pension in certain events.

(2) The Governor may grant to the widow or family of any such officer or member who may be killed in action or on active service a pension or allowance of such amount as to him may seem fit.

(3) No gratuity or compensation granted under this section shall exceed two hundred and fifty pounds and no pension granted under this section shall exceed one hundred pounds per annum except with the sanction of the Legislative Council.

(4) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached or levied upon for or in respect of any debt due from, or any claim against, the recipient of such pension or gratuity, or his wife.

36. The Governor may from time to time make regulations for all or any of the matters or things following connected with the Regiment— Regulations.

- (1) the numerical establishment of units of the Regiment and cadets, and the various grades, ranks and appointments therein;
- (2) the appointment, promotion, transfer, leave, resignation and release from service of officers;
- (3) the enrolment, posting, transfer, leave, promotion, reduction, discharge and dismissal of warrant officers, non-commissioned officers and men, and the disbandment of any units;

- (4) the appointment and posting of the permanent staff and the control, discipline, pay, allowances, leave, transfer, release from service, and dismissal thereof;
- (5) the discipline of the Regiment;
- (6) the convening of courts of inquiry, and the attendance of witnesses;
- (7) the exemption of officers and members from carrying out the full course of peace training for any one training year;
- (8) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Regiment and for cadets;
- (9) the conveyance by air, road, rail, or water of officers and members and their transport and equipment when travelling on duty;
- (10) the general government control and management of the Regiment;
- (11) drill, peace training instruction, camps and medical treatment thereat;
- (12) the establishment, control and management of the Reserve and Special Reserve;
- (13) the establishment, control and management of Cadet Units; and
- (14) all matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Regiment, or for carrying out and giving effect to this Ordinance.

Repeal.
Cap. 42.

37. The Territorial Force Ordinance and all regulations made thereunder are hereby repealed.