

1929

Kenya

No. 15550

Sub File "C"

SUBJECT

CLOSED
UNTIL

Defence Force

CO 533/385/15550/29
Sub File C

Permission for Lt J. H. Hayward and other officers to remain in the F. A.

Previous

Main File

Subsequent

O.A.G. 277.

10 May 1939.

2

Trs. copy corrs. and requests W.O. be approached with a view to ascertaining their opinion as to whether the conditions of service in the Defence Force precluded permission to remain in the Territorial Army.

Cpy of (1) and enclosure
? to War Office H. for info.

Amth...
19/6/39

Please see No. 14 of 1529/21 (para 2)
The Pakenham's subsequent
minute which refers to Gen. G.
(6130/125 Genl). ? this I can -
be first instance at any rate.

W.M.C.

28/6/39

I attach 6130/125
~~but~~ it appears that W.O. ~~is~~
contemplates that it is possible
for members of the R.A.F.C. to be
to be resident in the Colonies, ~~and~~
they wd not be making elections to other
-range to allow them provisionally
to join local forces in emergency.
But I do not see that this question
really arises here, Lt. Hayward who
is already resident in Kenya wants
to join the I.A.(R). I can quite under-
stand the W.O. not wanting him there
as he will really never be available
for them; but ~~it is quite a different~~
~~business~~ ~~from~~ ~~keeping~~ ~~people~~ ~~on~~ ~~the~~ ~~Col.~~ ~~who~~
this is quite a different business
from keeping people on the Col. who
are already there.

I feel that our approach to the
W.O. if made, must be exceedingly cautious.
It looks very much as if [unclear]

Hayward having received direct
orders from his military superior
to do something had gone to the
O. A. G. & asked him to ask the
S. of S. whether he need do it.
I should be sorry to be a party
to putting such a question to
the A. C.

I am inclined to think it would
be best to reply to the O. A. G.
that the general question of the
position of officers of the R. A. R. O.

& T. A. R. is at present under
consideration in the C. of S. is at pre-
sent under discussion with the
W. O.; ~~but that it is~~ not
affected by the present case
since Lt. Hayward is not an
officer of either of those Reserves,
& the W. O. in view of his prior
obligations to the Kenya Defence
Force are apparently unwilling
to permit him to join either
of Reserves, but that this need
not be taken as an indication
that they will require ~~officers~~
persons who were officers of those
Reserves before they went ~~to Kenya~~
to resign from them or proceeding
ourselves, even if any fair level ~~of~~

We could send this to the W. O. as
a Jt. for concurrence if you
like

G. S. H. (Lawson)
6/6/29

W. O. (Lawson)

But surely there is more to
it than you suggest.

Lt. Hayward, as I read the
dispatch, has held a

a commission in the T. A. he
has applied to join the T. A. (R.) 3
& he is told that he should
do this and also that the
Regts. in T. A. conditions

2000 of appears to be
asking more than one question,
viz ① was not a man in the
Kenya Defence Force retained by
T. A. Commission? ② what
about men in the R. A. R. O.
and the T. A. (R.)?

If I have read the Dip. right,
ought we not to write to the W. O.
ref. ② and ③ on 6/30/29 for
to say that only if Kenya has
wished to be inf. in connection
with the case of an officer in
the T. A. who has come to be
noted, whether it is to be
understood that the conditions
of service in the Kenya Defence
Force include the grant of
permission for an officer to
retain his commission in
the T. A. or alternatively
to transfer to the T. A. (Reserve)?
& enquire what
reply A. C. will wish
to be sent.

all Railtonian

170

A

whether or
not they
belong to a
local military
force

Will they then
but that in the
latter case the S. of S.
understands that
certain conditions
may be imposed.

Mr. Parkin

I am sorry that I did not deal with the T.A. point. The answer here is quite simple. As an officer of the T.A. is under obligation to attend ~~the training~~ for a fixed amount of training every year he is automatically compelled to retire if he transfers his residence overseas, irrespective of whether he holds another force or not. ~~As part~~ As part from the training, he is as to transferring his residence to cause to be available for immediate mobilization, which is a qualification for membership of the T.A.

If I think that the first part of the despatch is loosely worded & that the ~~case~~ C.A.B. include the T.A.(R) in the present T.A. when it first occurs.

Would it meet the point if our ~~officer~~ for concurrence started off by saying that Mr. Hayward's removal from the Active List of the T.A. follows automatically on his transfer of his residence outside the U.K. & he has no connection with his joining the Kenya Defence Force, then continue as from (A) as amended.

G. L. H. Cannon
7/6/29

Right: let us then have a ~~copy~~ copy ~~of the~~ according to which ~~sent~~ sent per ~~to the~~ to the W.O. (S.O.) for ~~correction~~ correction.

accept
P.G. 24
above

15/7

To Whittle for copies No 1 (containing 2 copies of draft reply)

3. MAJOR C.W.G. INCE (W.O.) S.O. 8 JULY 1929. 4
Submits observations on proposed reply to Kenya and has slightly altered the draft reply.

Mr. Clouston

Now

Amended copy ~~sent~~ - sending ~~to~~
to Mr. Ince to ~~copy~~ ~~copy~~
copy of ~~copy~~ ~~copy~~
banking time for his letter.

Perille

17.7.29

G. L. H. Cannon

7/7/29

Mr. Parkin

You have discussed this with me
and will I think now examine ^{the} ~~the~~
the lines which you suggested.

Perille 23.7.29

Mr. Clouston

The substance is the same,
but we have re-arranged the
Dip. a little ~~to~~ ~~to~~
the improve it.

We ought to let W.O.
have the correct copy ~~of the~~
before we ~~send~~ ~~send~~ ~~send~~

G. L. H. Cannon
23.7.29

L.13550 C./29 Kenya.

- Mr. Loe 22/7/29
- Mr. Parkin 23.7.29
- Mr. ~~...~~ 23/7/29
- Mr. Balfour
- Sir E. Harding
- Sir J. Shuckburgh
- Sir G. Grindle
- Sir C. Deane
- Sir S. Wilson
- Mr. Ormsby-Gore

Downing Street,

25 July 1929.

Sir,

I have etc. to acknowledge the receipt of your despatch No. 277 of the 10th May, regarding the question whether Lieutenant J.H. Hayward (W.R.) Field Brigade R.A. (T), who is now resident at Kabete, may be permitted to remain in the Territorial Army, or to transfer to the Territorial Army Reserve.

2. The question of Lieutenant Hayward's position in the Territorial Army is one which is unaffected by his joining the Kenya Defence Force, and is determined merely by the fact that he has taken up his residence overseas. An officer of the Territorial Army is under an obligation to do a fixed amount of training every

DRAFT.

KENYA

NO. 568

G.A.G.

copy to W.C. 25 JUL 1929

3 Days

every

every year, and if he goes to live overseas, he naturally becomes unable to carry out ~~the~~ ^{this} prescribed training.

Moreover, by living overseas such an officer ceases to be available for immediate mobilisation, ~~which is an~~ ^{an} essential condition of service in the Territorial Army. The Army Council

accordingly take the view that such an officer, except when he is seconded under

the Territorial Army Regulations, ^{should} resign

his commission in the Territorial Army,

~~and~~ ^{and} transfer to the Territorial Army Reserve.

I understand that in the case of Lieutenant

Hayward, the Army Council ^{would feel no need to} raise no objection

to his transfer to the Territorial Army

Reserve, but do not consider that any useful

^{purpose is} served by ~~such~~ ^{such} transfers.

3. The position of officers in the Territorial Army Reserve or in the Regular Reserve of officers, who have taken up their residence overseas, is one requiring special consideration, and the position of

every year, and, if he goes to live overseas, he naturally becomes unable to carry out ^{this} the prescribed training.

Moreover, by living overseas such an officer ceases to be available for ^{to this country} immediate mobilisation, which is an essential condition of service in the

Territorial Army. The Army Council

accordingly take the view that such an

officer, except when he is seconded under

the Territorial Army Regulations, ^{should} resign

his commission in the Territorial Army,

^{alternatively,} or transfer to the Territorial Army Reserve.

I understand that in the case of Lieutenant

Hayward, the Army Council ^{would not} raise ~~no~~ objection

to his transfer to the Territorial Army

Reserve, but ^{do} do not consider that any useful

purpose ^{is} served by ~~such~~ ^{his to Army} transfers.

3. The position of officers in the Territorial Army Reserve or in the Regular

Reserve of officers, who have taken up

their residence overseas, is one requiring

special consideration, and the position of

such officers resident in the Colonial Dependencies (whether or not they belong to a Local Military force) is now under discussion with the War Office. I shall notify you of the arrangements decided upon as soon as a decision has been reached. I understand that the Army Council are unlikely to require persons who were officers of those Reserves before proceeding overseas to resign from them on taking up residence outside this country, even if they join Local Military forces. It is probable, however, that in the latter case certain conditions may be imposed as to their service in such forces should they wish to remain in the Reserves.

I have,

etc.

(Signed) PASSEHEAD.



73

The War Office,

Whitehall,

S.W.1.

8th July, 1929.

RECEIVED
11 JUL 1929
COL. OFFICE

Dear Mr. Claman

Dear Mr. Claman
- 1102

Your letter No. 15550/C/29 dated 28 June relative to Lieutenant J.H. Hayward, Territorial Army, address 25, Little, has been referred to me. We agree that Lieutenant Hayward could not be permitted to remain on the active list, as being permanently resident in Kenya he could not carry out his military obligations. There is no objection to his transferring to the Reserve, though it is doubtful whether any useful purpose would be served by such a course.

We have slightly amended your draft reply as Territorial Army officers on abroad are not automatically compellable to return. In certain cases they may be seconded, but a second would not be allowed in cases where an officer is resident abroad permanently.

With reference to the contents of your draft letter, a similar letter on this subject No. 091/2213(C.1) was dispatched to you on 20th June, 1929.

We have made a suggested amendment to build the front member in form one above.

It really comes to this that as cases where ^{TA} officers already hold ^{TA} Commissions and are already transferring from active list to Reserve, we have no real objection to their being joined in the 1st Reserve, but that if they are permanently residents in Kenya there is really no useful purpose served by their re-commissioning. I have been able to make clear your meaning.

Yours sincerely
O. W. G. Price (Major General)

Vertical stamp on the left margin

D.H.A.R.K.
KENYA

DOERING STREET,

June, 1923.

NO. _____
O.A.G.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 277 of the 10th May regarding the question whether Lieutenant J.H. Hayward (W.R.) Field Brigade R.A. (T), who is now resident at Kabete, may be permitted to remain in the Territorial Army, or to transfer to the Territorial Army Reserve.

The question of Lieutenant Hayward's position in the Territorial Army is one which is unaffected by his joining the Kenya Defence Force, and is determined merely by the fact that he has taken up his residence overseas. An officer of the Territorial Army is under an obligation to

do

do a fixed amount of training every year,
and to ~~be automatically transferred to the~~
~~(irrespective of whether he signs another~~
if he goes to live overseas
~~area or not)~~ and in instances unable to carry
out the prescribed training. ^{should be and they proceed under the Army Reserve Commission} In any case,
by living overseas such an officer ceases to be
available for immediate mobilization, which is an
essential condition of service in the Territorial Army.

2. The position of officers in the Territorial
Army Reserve or in the Regular Reserve of Officers,
who have taken up their residence overseas is one requiring
special consideration, and the ~~general~~ position of
such officers, as set in the Colonial Reserves
~~(who they might be seconded to a local military force)~~
of the Government with the War Office. I shall
notify you of the arrangements decided upon as soon
as a decision has been reached. It appears that, in
the case of Lieut. Hayward, the Army Council are ^{not} raising ^{his} objection
awfully, in view of his previous obligations
to the Reserve Force, to ^{his former} permit him to ~~be~~
~~either Reserve.~~ ^{but they are not certain that it is useful before is arrived back home} This need not, however, be taken
as an indication that the Army Council will
require persons who were officers of those Reserves

9
before proceeding overseas to resign from
them on taking up residence outside this
country, even if they join local
military forces. I understand, however,
that, in the latter case, certain
conditions may be imposed as to their
service in such forces should they wish
to remain in the Reserves.

I have, s'c.

10
X 15950/10/12

Mr. Webb 15/10/12
Mr. Wainwright 19/5
Mr. P...
Mr. B...

Sir E. Harding
Sir J. Shuckburgh
Sir G. Grenville
Sir C. Doane
Sir S. Wilson
Mr. Ormsby-Gore
Lord Lovat
Mr. Amory

17/8
Handwritten notes and scribbles

~~Confidential~~
London 28 June 1914

DRAFT.

F. Whittle Esq.

(with name)

~~From D.A.G.~~

with enclosure

~~From D.A.G.~~
KABETE

I understand that
as you are now in C...
I enclose to
address you on the following
subject. I enclose a
copy of a report which

we have had from the
British Governor of Kenya

concerning certain correspondence

also the eligibility of

his excellency J. H. Haywood

(W.R.) Field Brigade R.A. (T.)

(in Kenya)

with a view to the

to maintain the discipline

Army. You will see that

Sir Jacob Bath also raises

the question of the position

Officers in the Territorial
Army Reserve and in the
Regular Reserve of Officers also
have been in attendance

to discuss the
the first place will be
to explain to the Staff

the general views which prevailed
at present as regards

the Territorial Army, and
no returns the further

which he was asked to tell
him that the matter is under

consideration with the War Office
(see my report letter of the

24th January 1916 (i.l.))
and in reply of the 31st April)

and I would like to see
the result of the

1 hour 20
6/30. General

~~Handwritten signature~~

Officers in the Territorial
Army Reserve and in the
Regular Reserve of Officers will

- Mr.
- Mr.
- Mr.
- Mr. Bolland
- Sir H. ...
- Sir J. ...
- Sir G. ...
- Sir C. ...
- Sir S. ...
- Mr. Ormsby-Gore.
- Lord ...
- Mr. Amory.

DRAFT.

to receive from these Reserves
if they go to live in Kings

The enclosed will

of a reply to the Acting
General's despatch has
arrangements been prepared for

the same lines. When you
in so good as to let me
know of the War Office

concern in its terms or of
the matter in any
alterations in it

Yours sincerely
[Signature]

the Reserve Army
 is one which is unaffected by
 his joining the Reserve
 force him to determine
 himself by the fact that he
 has taken up his residence
 across the River of the
 Imperial Army is under an
 obligation to do a paper account
 of himself every year, and is
 administratively complete & entire
 of the fact & his ^{status} ~~status~~
 and to remain under
 duty as the prescribed training
 (responsibility of the matter as
 the matter is not)
 in any case by being across
 the river in his course to
 be liable for immediate ^{transfer}
 when an essential ^{condition}

- Mr.
- Mr.
- Mr.
- Mr. E. Hartley
- Sir E. Harting
- Sir J. Shackleton
- Sir G. Grenade
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lonsdale
- Mr. Amery

DRAFT.

~~I should notify you of the
 arrangements proposed for the
 transfer of the ~~...~~
 as a decision ~~...~~
 has been reached on
 the subject
 of ~~...~~ ~~...~~ ~~...~~
 to go at a later date the
 arrangements ~~...~~ ~~...~~
 Commission~~

of service to the Reserve **13**
 Army
 3 The position of
 Officers in the Reserve
 Army ~~...~~
 Regular Reserve of Officers
 who have been called up their
 residence remains to date
 requiring special provision,
 general power of ~~...~~
 residence in the Colonies
 dependent on ~~...~~
 they belong to a local
 (Military force) is now
 under discussion ~~...~~
 it appears that
 in the case of ~~...~~
 the Army ~~...~~

... in view of the
... the
... force, &
... either
...
... as an
... the Army
... require
...
...
...
...
... military
... however,
...
... force.
...
...
...
...

KENYA

No. 277



GOVERNMENT HOUSE,
NAIROBI
KENYA

14

RECEIVED
3-JUN 1929
COL. OFFICE

May, 1929.

Sir,

letter No.C.R.N.C.43728/28/E.S.
dated the 4th March, 1929, from
the Headquarters, Northern
Command.

letter No.C.R.W.R.D.99/II/A
dated the 5th March, 1929, from
the Headquarters, 49th (West
Riding) Division, York.

A letter dated the 7th March,
1929, from the Commander of the
49th (West Riding) Divisional
Artillery, and

letter No.S.58/B dated the 11th
March, 1929.

I have the honour to transmit
copies of the marginally noted correspo nd-
ence addressed to Lt. J.H. Hayward (W.R.)
Field Brigade R.A. (T) of Kabete in this
Colony, and to request you to approach the
War Office with a view to ascertaining
their opinion as to whether the conditions
of service in the Kenya Defence Force
precludes permission to remain in the
Territorial Army. I understand Lt.
Hayward desires t transfer to the
Territorial Army Reserve.

The matter concerns a considerable
number of officers residing in Kenya wh o
belong to the Regular Reserve of Officers
and to the Territorial Reserve of Officers
and I should appreciate the Army Council's
ruling.

I have the honour to be,

Sir,

Your most obedient, humble servant

ACTING GOVERNOR.

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON S.W.1