

1929

Kenya

No. 15550

Sub. File D

SUBJECT

Defence Force

Exemptions

CLOSED
UNTIL

~~FILE~~

CO533/385/15550/29
Sub File
D

Previous

Main File

Subsequent

15993 /D/30

14. ^{10 July 1929}
State that as far as peace service ~~concerns~~
concerned, are unable to lay down definite
rules, but would consider individual cases.

Wait for Admiralty reply. Then write
with 6/10/29
Genl
C. Cliffe

See memo to X 103507 29.

acc'd
29.7.29
above

To Army com

DESTROYED UNDER STATUTE

No reply yet received from
Admiralty. ? any action necessary?

14/8/29
30.8.29

Tell the Army, when
rec'd a reply from the V.O.
& that the Govt think that
it will be possible for the
L.C. to present their claims
at an early date in order
that a K.M. may be sent
with you to No 1
INTRE 14/8/29

6. Admiralty. 13th Sept. 29. 3

Submits opinions re position of officers and men in
receipt of disability or wounds pensions who serve
in the Kenya Defence Force.

Mr Cliffe
I have discussed this and your suggested
asking the Ministry of Pensions for a
general ruling on reply for the 10
letter (No 4) in view of the last
sentence of para 1 of last letter, you
thought it might be necessary to
apply eventually to the Commission to
give him a strong lead not to include
two class of persons to the Defence Force
at all, when they had the liability
personal liability which might arise for
any further disallowment
E. Cliffe

[Had had this for some time since 29.7.29
Went sick with the 8000 - hence the further
delay till my return today]

I have added an alternative
to para 2 (last part of the off) as
I much doubt the advisability of
"contracting out" - the Govt do
accept the liability for not
accept the men.

J. W. Allen
3/10/29

acc'd
1.11.29
above

To Min: of Pens. — Cons ^{17/0} 5 NOV 1959
(w/c's 1, 2, 3, 4, 6 + D.F. Ordinance)

Cancelled in
New 8
10/10

As Kenya is pressing for a reply on this point, see No. 1 of the main file X.15550, we had better remind the Ministry of Pensions as in draft herewith.

8: Ministry of Pensions. 20th Decr. 59

The reasons on the position of officers and men who may volunteer for service in the Kenya Defence Force.

to Clauson

all this comes might
has been decided
note that it is ~~in the interests of~~
before to inform Government this
has been as regard voluntary
involvement may help in view
to state
that financial liabilities it
is doubtful whether the Vol Force
has been pushed to accept
such volunteers that the
Govt. would be glad to have the
the Govt. should be for a
decision is taken:

perhaps small say of

A | It seems to include the N.C. letter of 4
29 Jan 59 referred to in 4074 - if it has
already been sent out in any form
I cannot see why we should do.

J.W. Allen

2/1/60

(See also memo of
15/10/59)
Kenya File

We are going to deal with it shortly
in a general Circ. so do not think
but we need to make sure that
a Circ. will shortly be issued dealing
with that point.

G. L. H. Cannon
7/1/60

D/T revision. 10/1/60

accl

6.1.60

at uree

9 To: Gen. HQ - (w/c's 2, 3, 4, 6, 7, 8) - Cons - 10/1/60
(1 Answer)

10 To: J.C. (w/c 1) Cons 5 Jan 1960 (as 17/1/60)

5
9
110

Mr. Allen 7/1/30
Mr. ~~Barth~~ 1/20
Mr. ~~Chambers~~ 8/1
Mr. ~~Hutchinson~~ 8/1/30

Downing Street.

13 January, 1930.

Hand to H.O.
15993/D/30

Sir E. Harding.
Sir J. Shuckburgh
Sir G. ~~Conrad~~
Sir C. ~~Dale~~
Sir S. ~~Wilson~~
Mr. Ormsby-Gore.
Lord Lovat.
Mr. Amery.

Sir,

I have the honour to refer to Sir Jacob Barth's despatch No. 289 of the 20th ¹⁹²⁹ May regarding the position of Officers, Non-Commissioned Officers, and Men in receipt of disability or wounds pensions who may elect to serve in the Kenya Defence Force.

(No.1)

DRAFT.

Carston

KENYA

No. 140

Gov. Grigg.

I note that it has been decided that this class of person should be exempted from compulsory enrolment in the Defence Force, and I now enclose for your consideration a copy of correspondence which has taken place with the War Office, Admiralty, and Ministry of Pensions, regarding your enquiry whether the pensions of

- (No.2) ✓
- (No.3) ✓
- (No.4) ✓
- (No.6) ✓
- (No.7) ✓
- (No.8) ✓

- To Admy. 28th June, '29
- To W.O. 28th June, '29
- Fr. W.O. 10th July, '29
- Fr. Admy. 13th Sept. '29
- To M. of P. 5th Novr. '29
- Fr. M. of P. 20th Decr. '29

copy to
Admin. Secy
W.O.
M.P.
18/11/29
18/11/29
18/11/29
on 15/9/30/D/30/31 DEC 1930

such

such persons would be invalidated if
they enrol voluntarily in the Force.

In view of the possible financial
liabilities resulting from increased
disablement, it seems to me doubtful
whether the Colonial Government would
be justified in accepting the services
of such volunteers, and I shall be
glad to be furnished with your obser-
vations on the point before any deci-
sion is taken.

3. I may add that I anticipate
that I shall shortly be in a position to
issue a Circular despatch regarding
the question referred to in par.2 of
the War Office letter of the 10th of
July, 1929.

(No.4)

I have, etc.

FIELD.

P.L. 13

86

Telephone: Victoria 8740.

Telegraphic Address:
"Warpension, Parl, London."

MINISTRY OF PENSIONS,

SANCTUARY BUILDINGS,

18, GREAT SMITH STREET,

LONDON, S.W.

Replies should be addressed to
The Secretary, Ministry of Pensions,
and the following number quoted:

AH/Gen/29/7.

December, 1929.



RECEIVED
21 DEC 1929
COL. OFFICE

Sir,

(No. 7.)

With reference to your letter of the 5th ultimo, No.15550/D/29, regarding the position of officers and men who may volunteer for service in the Kenya Defence Force, I am directed by the Minister of Pensions to inform you that service in that Force would not invalidate any disability or wounds pension awarded by this Department. Where, however, such pension includes any element in respect of service it would, in general, be subject to the same rules as regards the service element, as pensions awarded by the Service Department.

I am, however, to state for the information of the Secretary of State, that there is a general understanding between this Ministry and the Service Departments that officers and men in receipt of disability compensation from this Department should not ordinarily be re-commissioned or re-enlisted in the Navy, Army, or Air Force.

Amended order 15993/D/203 1 DEC 1930
19 JAN 1930

The Under Secretary of State,
Colonial Office,
S.W.I.

P.L. 3

Telephone: Victoria 8740.
Telegraphic Address:
"Warpension, Parl, London."

MINISTRY OF PENSIONS,
SANCTUARY BUILDINGS,
18, GREAT SMITH STREET,
LONDON, S.W.

86

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Amund on 5/9/30/1031 DEC 1930
COP. 5240 - 19 JAN 1930

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

X 430/10/19
KENYA 8

- Mr. Cliffe 24. ix 29.
- Mr. Clouston 24/9
- Mr. Allen 24/9
- Mr. Bottomley
- Sir E. Harding.
- Sir J. Shuckburgh.
- Sir G. Grindle.
- Sir C. Davis.
- Sir S. Wilson.
- Mr. Ormsby-Gore.
- Lord Lonsd.
- Mr. Amery.

ans'd
8

C. D.
A 2 NOV
D 4

5 Nov.
1929

DRAFT.

The Secretary,
Ministry of Pensions.

18 JAN 1930

From O A 4 20 v 29. (no 1) X
 To W O 28 v 29 (no 3) X
 To Admty 28 vi 29 (no 2) X
 From W 10 vi 29 (no 1) X
 From Admty 13 ix 29. (no 1) X
 Defense Force Ordinance X

Sir

I am glad to transmit to you, for the use of the Minister of Pensions, copies of the correspondence noted in the margin regarding the practice of offering reservists officers and men in receipt of disability a grant of pensions in respect of any regular force, who, though exempt from compulsory enlistment, may volunteer for service in the Kenya Defense Force. A copy of the Kenya Defense Force Ordinance

Re: info information.

2. in view of the terms of para 1 of the letter for the Army to be... of the 15 September (1906) in Lord's Hospital will be grateful if he could be furnished with info for communication

(1906)

Handwritten mark

to the Gov of Bengal with a general statement as to the rules which would apply in such cases under

under which would apply in such cases under

such general rules can be formulated. It is not his appreciation that it would not be possible to charge upon Imperial Funds any additional pension on account of increased disability due to service in the ~~army~~ ^{in any case}

Kenya Defence

substitute for as a condition

he will in due course discuss with the Gov what policy it should be best to pursue in the matter of such pension. It is not necessary to take the assistance of such appointments for entry into the service conditional upon the ~~service~~ ^{service} ~~being~~ ^{being} ~~completed~~ ^{completed} ~~and~~ ^{and} ~~any other~~ ^{any other} ~~condition~~ ^{condition}

Handwritten notes and scribbles

180

and

- Mr.
- Mr.
- Mr.
- Mr. Bottomley
- Sir E. Harding
- Sir G. G. G.
- Sir G. G.
- Sir C. D.
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lovat
- Mr. Amery

DRAFT.

and that the... of... any such liability... of the East... It will be... that... the Defence Force Office... provided in the award to... of the... of the... of the... of the...

Handwritten signature

(Signed) A. G. C. PARKINSON



Any further communication should be addressed to—
The Secretary of the Admiralty,
London, S.W. 1.

RECEIVED
16 SEP 1929
COL. OFFICE

6
P. No. 10

Admiralty, S.W. 1.

quoting " C.N. 6457/29 "

13th September 1929.

Sir,

10

With reference to your letter of the 28th June, No. 15550/D/29, regarding the position of officers and men in receipt of disability or wounds pensions who serve in the Kenya Defence Force, I am commanded by My Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that the question of the position of officers and men in receipt of disability pensions arising out of service during the great war is a matter for the Ministry of Pensions, by which Department such pensions are paid.

2. In other cases, the fact of an officer or man serving in the Kenya Defence Force would not affect his disability retired pay or pension, except that the position with regard to retired pay of officers employed in a Dominion or Colonial Naval Force in time of war or emergency is still under consideration with the Treasury, and any decision come to would be applicable to Officers who join a local Defence Force. The disability retired pay awarded to an officer under post-

COMMUNION ON 13493/D/30/31 DEC 1930

Copy - Gov 40 - 13 JAN 1930

Copy to Min of Pensions - NOV 1929

Under Secretary of State.

COLONIAL OFFICE,
S.W.1.

war/

post-war regulations would, however, if not already stabilised, be subject to the usual periodical review as laid down in the Regulations.

3. The position of officers joining the Kenya Defence Force with regard to their general liability to Naval Service in time of war or emergency has been raised in Admiralty letter of the 24th June, C.W.5111/29, and having regard to the fact that, despite his disability, an officer in receipt of disability retired pay might be found to be most usefully employed at such a time on work of a Naval character, the considerations set out in that letter would apply, but My Lords propose to consider the whole question on receipt of the reply.

4. So far, however, as ratings in receipt of disability pensions are concerned, My Lords are prepared to remove the limitation in Part I, paragraph 8, of Memorandum B, and to place them at the disposal of the Colony either in peace or war without their having to be employed on duties of a Naval character unless they are specially required and known to be fit for Naval Service (vide paragraph 9, Explanatory Notes). A further letter will/

will be sent regarding the alteration to Memorandum B necessitated by this decision.

I am, Sir,

Your obedient Servant,

Charles Walker

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



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

10 July, 1929

7/General/2934 (P.S.S.)

RECEIVED
12 JUL 1929
COL. OFFICE

412

DEC 1930

NOV 1929

15 992/2/3031

Cpy to him of memo

Sir,

With reference to your letter 18550/D/29 of the 30th June, regarding the position of officers, non-commissioned officers and men who, although in receipt of disability or wound pensions, may yet elect to serve in the Kenya Defence Force, I am commanded by the Army Council to state that so far as peace service is concerned, they are unable to lay down definite rules as to whether disability etc. pensions would, or would not be affected by service in the Force. They would, however be prepared to consider individual cases, submitted to them prior to the acceptance of the officer or man. The Colony would be required to accept full liability for any worsening of the original disability which may result from service in the Kenya Defence Force.

The conditions under which officers in receipt of disability etc. pensions will serve in the event of mobilization will conform to the conditions laid down in War Office letter 191/2813 (G1) of the 24th January, 1929 for officers of the Regular Army, Reserve of Officers and the Territorial Army Reserve domiciled in Crown Colonies, Protectorates and Mandated Territories.

The pensions of ex-warrant officers, Non-Commissioned Officers and men would not be affected except as stated in paragraph 1 above. In the event of mobilization for an emergency such pensions would continue to be paid in full in addition to pay.

I am,

Sir,

Your obedient servant,

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

Copy 528 44 - 10 JAN 1930

3
2
1

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



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

10 July, 1929

1/General/2934 (P.S.S.)

RECEIVED
19 JUL 1929
COL OFFICE

4/12

Copy 528 40 - 1 JAN 1930
137
1/2
2/3
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99/99
100/100

Sir,

With reference to your letter 18300/D/29 of the 30th June, regarding the position of officers, non-commissioned officers and men who, although in receipt of disability or wound pensions, may yet elect to serve in the Kenya Defence Force, I am commanded by the Army Council to state that so far as peace service is concerned, they are unable to lay down definite rules as to whether disability etc. pensions would, or would not be affected by service in the Force. They would, however, be prepared to consider individual cases, submitted to them prior to the acceptance of the officer or man. The Colony would be required to accept full liability for any worsening of the original disability which may result from service in the Kenya Defence Force.

The conditions under which officers in receipt of disability etc. pensions will serve in the event of mobilization will conform to the conditions laid down in War Office letter 131/2813 (C1) of the 24th January, 1929, for officers of the Regular Army Reserve of Officers and the Territorial Army Reserve domiciled in Crown Colonies, Protectorates and Mandated Territories.

The pensions of warrant officers, Non-Commissioned Officers and men would not be affected except as stated in paragraph 1 above. In the event of mobilization for an emergency such pensions would continue to be paid in full in addition to pay.

I am,

Sir,

Your obedient servant,

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

W. H. Murray

- Mr. Hanlin Init 2/16
- Mr. Parkinson *JP*
- Mr.
- Mr. Bottomley.
- Sir E. Harding.
- Sir J. Shackburgh.
- Sir G. Grindle.
- Sir C. Davis.
- Mr. Wilson.
- Mr. Ormsby-Gore.
- Lord Lovat.
- Mr. Amery.

Amey 11/6/29
~~Amey 11/6/29~~

June 1929

Sir
I am directed to
inform you for the
Army

DRAFT.

Under
The Secretary of State
War office

From O.A.G. Kenya 20/5/29
(Am. 1)

Kenya Order 12/1/28

Copy to Genl of Plans 5 NOV 1929
Copy to Genl 40 - 13 JAN 1930

the accompanying copy of
a despatch from the O.A.G. of
Kenya, in which he enquired
whether officers, N.C.O.s and men
in receipt of disability or
wound pensions who, although
examined, yet elect to move in
the Kenya Defence Force, would
be considered for pensions.

2 offrs

2. A copy of the Kenya

Defence Force Ord. 24 (No. 12 of 1928)

is also enclosed.

3. The S.I.S. would be glad

to learn about reply to the

letter with the Council

concerns Army personnel

A letter should be

addressed to the

Admiralty

as the

X. 15550/D. 129 Kenya 14

Mr. Hamilton 2/16

Mr. Parkinson 2/16

Mr.

Mr. Boulton

Sir B. Barling

Sir J. Stuckburgh

Sir G. Grindle

Sir C. Ditcher

Sir S. Wilson

Mr. Ormsby-Goad

Lord Lovat

Mr. Anson

DRAFT.

The Secretary

Admiralty

From G. Kenya. 20/5/48

(No. 1)

Kenya 20/5/1948

Copy to Home of Kenya 5 MAY 1948

Copy to Govt of Kenya 8 JAN 1950

Commission of the Admiralty, to

accompanied copy of a disputed

from the 9. 5 of Kenya

which he enquires whether officers

was commissioned officers,

and men in receipt of disability

or wound pensions etc, although

except get short to serve in

the Kenya Defence Force, would

thereby invalidate their pensions.

2. A copy of the Kenya

RECEIVED

Recd 28 28 Jan 1948

2/16

Defense Force Order C no. 12 of

1978) is also enclosed

3. The 5 of 5 would be

please what reply then
glad to ~~receive the letter~~

we wish to be clear to the
the books Commission ~~London~~

def. , for you as co-chair
naval personnel

4 A letter similar to this

is being addressed to the war office

I am etc.

W. KINSON.

115
6



GOVERNMENT HOUSE
NAIROBI.
KENYA.

KENYA

No. 284

RECEIVED
17 JUN 1929
COL. OFFICE

May, 1929.

Sir,

With reference to Section 13 (2) of the Defence Force Ordinance (No.12 of 1928) I have the honour to inform you that with the advice of my Executive Council I have decided to exempt, inter alios, officers, non-commissioned officers and men in receipt of disability or wound pensions in respect of service in any recognised naval or military force from service in the Defence Force. The question however has arisen as to whether such persons who, although exempt, elect to serve in the Defence Force would thereby invalidate their pensions, and I shall be glad if you will represent the position to the Admiralty and the War Office, informing me of the result in due course. I may mention that a considerable number of persons in this Colony will be affected by such decisions as may be reached.

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

Copy to Mr. ...
Copy to ...
5 NOV 1929
12 JAN 1930

15
6



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA
No. 289

RECEIVED - D 20 May, 1929.
17 JUN 1929
COL. OFFICE

Sir,

With reference to Section 13 (2) of the Defence Force Ordinance (No.12 of 1928) I have the honour to inform you that with the advice of my Executive Council I have decided to exempt, inter alios, officers, non-commissioned officers and men in receipt of disability or wound pensions in respect of service in any recognised naval or military force from service in the Defence Force. The question however has arisen as to whether such persons who, although exempt, elect to serve in the Defence Force would thereby invalidate their pensions, and I shall be glad if you will represent the position to the Admiralty and the War Office, informing me of the result in due course. I may mention that a considerable number of persons in this Colony will be affected by such decisions as may be reached.

I have the honour to be,

Sir,

Your most obedient, humble servant,

ACTING GOVERNOR.

Copy to Admiralty 26
Copy to Queen's House
5 NOV 1929
13 JAN 1930
MSW - 10V 110

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.