

1925

E. AFRICA
KENYA

189

C.C.O.
21251
11 MAY 25

FROM
A. G. DENHAM. 477

DATE
21st April 1925.

FOR CIRCULATION:—
Mr. *Jefferys*
Mr. *Bottomley*
Mr.
Asst. U.S. of S.
.....
Perm. U.S. of S.
Parb. U.S. of S.
Secretary of State.

LEAVE AND PASSAGE RULES.

Fwds, with obsons, a Report by the Select Committee of Legislative Council, together with Regulations drafted to give effect to their recommendations.

Previous Paper
see
see
60 9711/20
see Sect. 15440/25 *sup* (Family Passages)

11/21
18 May 25 5117

MINUTES

? continue to wait for the news of the other E. A. Falls
re para 7.
11/21
11/20
There may be a case for lengthening the tour and shortening leave; but this can all be done within the four walls of the existing signs, and a very strong case would have to be made out either for letting Kenya be quite independent or for altering the

Subsequent Paper
A. G. D. 35772-20
25

General

general E.A. regulations, which work well and are well established.

? wait as proposed

In N. Rhodesia we have short-hand leave by calculating it at 2 days instead of $2\frac{1}{2}$.

C.J.D. 24.6.25.

H.P.D. 24.6.25.

W.C.S. 25.6.25 am

the late cost of fuel had to be low when 21257/100

~~XXXXXXXXXX~~

you spoke to me about

the. Before the proposed leave regulations were proposed, while a similar system in E.A. is more reasonable than in our sufficient reason for objecting to the Kenya Govt having what it wants. The question of family passage allowances has been

KENYA.

No. 477.



21251

199

11 MA, GOVERNMENT HOUSE,
NAIROBI,
KENYA.

21st April, 1925.

Sir,

I have the honour to transmit the accompanying copies of a Report by the Select Committee of Legislative Council appointed to consider terms of service for Civil Servants on the subject of leave and passages, together with copies of Regulations drafted to give effect to their recommendations.

Report.
Regulations.

2. The Report and Regulations have been laid on the table of the Legislative Council and have been approved by the Executive Council. A motion was moved by the Honourable Mr. Schwartz, an unofficial member of Council and of this Committee, at the last meeting of Council that these recommendations should be approved. I informed Council, however, that the proposals required further consideration and that I proposed to transmit them to you for your approval. I have no doubt that they will be accepted by Council and I trust that I may be authorised by you to accept the motion that these changes be introduced.

3. In Executive Council the recommendations were accepted with only a minor amendment in paragraph 7 (a); the Attorney General, however, desired

See para 507 & dispatch

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.

desired that his opinion should be recorded that the basis of calculation of leave for each month in the first, second, and third years respectively of a tour of service should be 5, 7, 7, instead of 5, 6, 8.

4. The proposed rules and regulations were also sent to the General Council of the European Civil Servants' Association of Kenya, who have expressed their agreement generally with the new conditions.

5. The main features of the new conditions governing leave and passages are as follows:-

(a) Inducements are being held out to officers to prolong their tour of service beyond the present tour of 30 months by giving them additional advantages in regard to passage allowances for their family. At present a married officer after 30 months service with a salary of less than £500 per annum (temporarily extended to £700 per annum) obtains his passage plus half the cost of one first class passage to and from England on behalf of his wife - a temporary privilege given to meet the increased cost of passages which has been extended from time to time and is at present in force up to June 1925. Under the proposed new conditions all such officers in the Government service after three years' service irrespective of the salaries they are drawing will receive the privilege permanently. A married officer who completes a tour of five years will have earned two and a half such passages available for himself, his wife, and his family.

It is believed that in this Colony where two-thirds of the stations are healthy leave need not be taken at such frequent intervals as has been the case in the past provided that every opportunity is given for an officer's health to be tested by medical examination

examination as is provided for in Section 3 of the proposed Regulations. With these safeguards there appear to be no grounds for supposing that additional residence in Kenya should be detrimental to any officer in Government service who, in order to obtain these additional advantages, may decide with the approval of Government, to prolong his tour beyond the usual period. Nor is it thought that an officer's family will suffer in health.

(b) Passage leave has been abolished and in lieu thereof additional vacation leave has been granted. This will be calculated in cycles of 3 years, i.e. 5 days per mensem for the first year, 6 days for the second year, and 8 days for the third year. Under existing conditions, officers stationed in healthy districts are eligible for 180 days leave in respect of three years service plus the periods necessarily taken on the voyages, roughly 48 days, making a total of 228 days. Under the proposed rules such officials will be eligible for a similar period.

*Section 3
No. 10/10/10*

(c) The distinction between healthy and unhealthy stations has been preserved but in a more appropriate form. The view of the Committee which is accepted by Government is that an officer serving in an unhealthy station would derive greater benefit from extended local leave each year than from a longer period of home leave at the end of his tour. Accordingly in the case of an officer who is stationed at an unhealthy station the period of leave which can be taken in any one year has been extended to 28 days. It is provided however that if an officer in an unhealthy station is unable to take advantage of this extra period of leave he may be allowed to earn additional vacation leave overseas.

The

The following example illustrates the position:-

Officers serving 36 months in:	Under present Conditions earns:	Under proposed Conditions earns:
A. Healthy Station.	5 x 36 = 180 + 48 days. for voyage = 228 "	228.
B. Unhealthy Station.	6 x 36 = 216 + 48 " for voyage = 264 "	(a) 228. (b) 264.

- (a) If extended local leave has been taken.
- (b) If extended local leave has not been taken.

(d) Encouragement is being given to officers to take part of their vacation leave locally each year. Under existing arrangements it is impossible for officials to take any vacation leave locally until they have completed a tour of service and then only with special permission. Under the new rules officers will have the option of taking up to 30 days locally in any one year of service without prejudice to their passage concessions. It is also hoped that the concession referred to in Section 7 (d) of the Regulations will enable and encourage officers to take local leave regularly. At present officers and their wives and families are not eligible for any railway concession when travelling on local leave. Rail expenses have undoubtedly prevented officers and their wives and families from obtaining periodical changes from the Highlands to the Lowlands and vice versa, and the grant of this proposed privilege will be of material assistance and will be greatly appreciated by the Service.

(e) Other changes proposed are:-

- (i) The privilege of obtaining vacation leave after 12 months,
- (ii) The privilege of obtaining leave on

urgent private affairs before the expiration of 12 months with the amount of leave and passage money earned at the time of departure.

(iii) The privilege of extending a tour to suit personal convenience without the loss of additional leave.

6. These new regulations if adopted will of course as is stated in clause 15, only apply in the case of officers appointed after their introduction and to such officers now in the service who, after being given the option of continuing under the present regulations or accepting the new terms, elect in favour of the latter within one year from the date of the introduction of the new regulations, and provided that they have not in the meantime taken leave under the provisions of the new regulations.

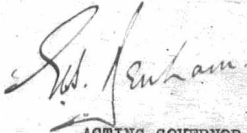
7. I trust that you will approve of these revised Regulations and sanction their introduction at an early date. In order that the expression of the views of the other East African Dependencies, may not be delayed I have sent copies of this despatch and enclosures to the Governors concerned and have asked them to address any comments they may wish to make direct to you. I would however strongly urge that the recommendations proposed are primarily based on climatic conditions which are not found to anything like the same extent, if at all, in the neighbouring territories. I do not consider therefore that regulations regarding passages and leave need be regarded as necessarily suitable for all the Dependencies in the East African Group. I believe that the members of the East African Commission were impressed by the essential difference between conditions in the several territories forming this group

group and I hope that regulations appropriate for this Colony will not be adversely criticised on the ground of their being unsuitable to the other Dependencies.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A handwritten signature in cursive script, appearing to read "J. W. Kentham".

ACTING GOVERNOR.

Your Excellency,

The Select Committee of the Legislative Council appointed on May 27th to consider the Terms of Service for the European officials, have the honour to submit an Interim Report on the subject of leave and passages.

2. The Committee met on 24th June. There were present:-

The Hon'ble Colonial Secretary (Chairman)
 The Hon'ble Treasurer.
 The Hon. Ag. General Manager, Uganda Railway.
 The Hon. Postmaster General.
 Lt. Col. Watkins, in place of the Hon. Commissioner of Lands as representing the Civil Service Association.
 The Rt. Hon. Lord Delamere.
 The Hon. Capt. H. E. Schwartz.
 The Hon. Mr. Conway Harvey.
 The Committee met again on the 15th August.

There were present:-

The Hon. Colonial Secretary (in the Chair)
 The Hon. Treasurer.
 The Hon. Ag. General Manager, Uganda Railway.
 The Hon. Commissioner of Lands.
 The Hon. Postmaster General.
 The Hon. Capt. H. E. Schwartz.
 The Committee met again on 17th September.

There were present:-

The Hon. Colonial Secretary (in the Chair)
 The Hon. Treasurer.
 The Hon. General Manager, Uganda Railway.
 The Hon. Chief Native Commissioner.

The/

The Hon. Commissioner of Lands.

The Hon. Postmaster General.

The Rt. Hon. Lord Delamere.

The Hon. Capt. Schwartz.

The Hon. Mr. O'Shea.

The Committee met again on 25th November.

There were present:-

The Hon. Colonial Secretary (in the Chair)

The Hon. Chief Native Commissioner.

The Hon. Treasurer.

The Hon. Commissioner of Lands.

The Hon. General Manager, Uganda Railway.

The Hon. Postmaster General.

Rt. Hon. Lord Delamere.

The Hon. Capt. Schwartz.

The Hon. Mr. Conway Harvey.

(The Hon. Attorney General and Hon. Principal Medical Officer also attended)

3. It was agreed:-

1. That the tours of service should no longer be compulsorily restricted to a maximum of 30 months. It was further considered that there was no longer any necessity, in view of the present conditions of life in East Africa, to insist upon an officer taking leave at the expiry of 2½ years of service. Applications are now common for permission to remain for a longer term. Except in the case of unhealthy stations, the climate does not appear to be prejudicial to the health of officers stationed here provided that adequate leave is taken at reasonable intervals. Further, the present rate of pay does not generally permit of an officer spending any length of time out of the Colony after 2½ years' service.

The desirability of, and need for, a period

of vacation for Government officers recruited in England is fully recognised. The Committee considers that on recruitment officers should be in a position to know when they will be entitled to and able to take their first home leave. They therefore recommend that at the expiry of three years, an officer should be ordinarily entitled to leave out of the Colony, subject of course, to the exigencies of the Service.

2. The Committee recommend that in order to ensure preservation of health and general fitness for service for Government officers, a medical examination should be required in the case of all officers who desire to extend their terms of resident service beyond a period of three years. At the expiry of three years, the Head of the Officer's Department should obtain a medical report on the officer in question, if he desires to remain in the Colony, and not take such leave as he is entitled to. The officer will only be allowed to continue his service without leave if, in the opinion of the medical officer or of the Head of his Department, his efficiency will not be impaired by further residence in the Colony. The officer should be medically boarded after every further year of resident service, or at any time at which, in the opinion of the Head of his Department, it is advisable on the grounds of health that he should be examined by a medical officer.

It is felt that such an arrangement will sufficiently safeguard any possible risk to health which may be entailed by the extension of the period of resident service without leave as now proposed.

3. An officer should be allowed to take leave, subject, of course, to the exigencies of the Service,

at any time after he has served twelve months in the Colony - leave to be calculated at the rate of 5 days for each month of resident service during the first year of each tour, 6 days in respect of each month during his second, and 8 days in respect of each month during his third year of each tour, and thereafter in the same cycle until leave is taken. He should further be allowed to take any portion of his vacation leave in the E. A. Dependencies, not exceeding 30 days in respect of any one year of service and that leave earned in excess of 30 days each year e.g. 30 days, 42 days and 66 days in respect of his first, second and third years resident service during each tour of duty should only accrue as overseas leave.

4. An officer in the Service should receive $1/36^{\text{th}}$ of the cost of a return passage to the port of his disembarkation not exceeding the cost of a return passage to England and back for each month of resident service. He should also if married be entitled to $1/72^{\text{nd}}$ of the cost of a return passage for his wife and/or family for each month of service. It is also recommended that if an officer stays beyond a period of 36 months which will cover the cost of his own passage he should be permitted to allocate the balance of passage money earned towards the cost of passages for his wife and (or) children.

He should also be allowed to accumulate the portions of the passage money earned in respect of his wife and to allocate the balance of passage money so earned towards the cost passages for his wife and (or) children.

5. No officer should be allowed to accumulate more than 12 months' vacation leave.

of vacation for Government officers recruited in England is fully recognised. The Committee considers that on recruitment officers should be in a position to know when they will be entitled to and able to take their first home leave. They therefore recommend that at the expiry of three years, an officer should be ordinarily entitled to leave out of the Colony, subject of course, to the exigencies of the Service.

2. The Committee recommend that in order to ensure preservation of health and general fitness for service for Government officers, a medical examination should be required in the case of all officers who desire to extend their terms of resident service beyond a period of three years. At the expiry of three years, the Head of the Officer's Department should obtain a medical report on the officer in question, if he desires to remain in the Colony, and not take such leave as he is entitled to. The officer will only be allowed to continue his service without leave if, in the opinion of the medical officer or of the Head of his Department, his efficiency will not be impaired by further residence in the Colony. The officer should be medically boarded after every further year of resident service, or at any time at which, in the opinion of the Head of his Department, it is advisable on the grounds of health that he should be examined by a medical officer.

It is felt that such an arrangement will sufficiently safeguard any possible risk to health which may be entailed by the extension of the period of resident service without leave as now proposed.

3. An officer should be allowed to take leave, subject, of course, to the exigencies of the Service,

at any time after he has served twelve months in the Colony - leave to be calculated at the rate of 5 days for each month of resident service during the first year of each tour, 6 days in respect of each month during his second, and 8 days in respect of each month during his third year of each tour, and thereafter in the same cycle until leave is taken. He should further be allowed to take any portion of his vacation leave in the E. A. Dependencies, not exceeding 30 days in respect of any one year of service and that leave earned in excess of 30 days each year e.g. 30 days, 42 days and 66 days in respect of his first, second and third year's resident service during each tour of duty should only accrue as overseas leave.

4. An officer in the Service should receive $\frac{1}{36}$ th of the cost of a return passage to the port of his disembarkation not exceeding the cost of a return passage to England and back for each month of resident service. He should also if married be entitled to $\frac{1}{72}$ nd of the cost of a return passage for his wife and/or family for each month of service. It is also recommended that if an officer stays beyond a period of 36 months which will cover the cost of his own passage he should be permitted to allocate the balance of passage money earned towards the cost of passages for his wife and (or) children.

He should also be allowed to accumulate the portions of the passage money earned in respect of his wife and to allocate the balance of passage money so earned towards the cost passages for his wife and (or) children.

5. No officer should be allowed to accumulate more than 12 months' vacation leave.

(sgd) E. B. Denham (Chairman)
R. C. Grannum
G. V. Maxwell
C. L. N. Felling
H. T. Martin
T. Fitzgerald
Delamere
Conway Harvey
H. E. Schwartz
T. J. O'Shea
P. H. Clarke.

COLONY AND PROTECTORATE OF KENYA.

REPORT OF SELECT COMMITTEE
OF LEGISLATIVE COUNCIL.

Leave and Passage Rules for
Civil Officers Serving in
Kenya Colony.

REPORT OF SELECT COMMITTEE OF LEGISLATIVE COUNCIL.

LEAVE AND PASSAGE RULES FOR CIVIL OFFICERS SERVING
IN KENYA COLONY.

1. All leave is subject to the exigencies of the Service. An officer may not demand as a right to be granted leave.

2. An officer may, at the discretion of the Governor, be granted full pay vacation leave at any time after having completed 12 months' consecutive resident service at the rate of five days in respect of each month of resident service during his first year of resident service on first appointment or subsequent to his taking leave overseas, and six days in respect of each month of resident service during his second year, and eight days in respect of each month of resident service during his third year or resident service on first appointment, or subsequent to overseas' leave, and thereafter in the same cycle, until overseas' leave is taken provided that he may take any portion of his vacation leave in the East African Dependencies, not exceeding 30 days in respect of any one year of service, and that leave earned in excess of 30 days each year, e.g., 30 days, 42 days, and 66 days in respect of his first, second and third years' resident service during each tour of duty will only accrue as overseas' leave.

3. An officer should not normally be required to serve in the Colony of Kenya for more than 36 consecutive months; but an officer will be allowed to continue his residential service at his own request, subject to the following proviso:—the Head of the Department shall cause such applicant in his department who has completed three years' consecutive residential service to be medically examined. If in the opinion of the Medical Officer, or the Head of the applicant's department, the efficiency of the officer so applying, will be impaired by further residential service without leave, the officer may be required to proceed on leave. Similarly, a further medical examination and certificate by the Head of the applicant's department shall be required at the expiration of every subsequent twelve months' residential service, or at any time, if the Head of the applicant's department thinks necessary, before further residential service without leave will be sanctioned.

4. No officer will be allowed to accumulate more than an aggregate of twelve months' vacation leave.

5. An officer desiring leave on the grounds of urgent private affairs before completing twelve consecutive calendar months' residential service, may, at the discretion of the Governor, be granted permission to proceed on leave. In such cases an officer may be granted any vacation leave to which he is entitled under Rule 2, but any extension must be without pay.

Urgent private
affairs leave.

6. An officer who is certified by a Medical Board to be physically unfit for further residential service without leave, may be required to proceed on leave, regardless of the period of his consecutive residential service, and will be granted any vacation leave to which he is entitled under Rule 2.

Sick leave.

Vacation leave may be extended with full pay by the Secretary of State, on the grounds of ill health, for any period not exceeding six calendar months, and, if necessary, for a further period of six months—with half pay.

7. (a) If an officer can be spared from his post, and his work can be carried on in his absence, he may be granted local privilege leave, which shall not exceed 14 days in every calendar year, and may not immediately precede or follow leave granted under Rule 2. Sanction for such leave must be obtained, in the case of Heads of Departments and Administrative Officers, from the Colonial Secretary. In other cases it may be granted by the Head of the Department.

Local leave.

of a low of source

(b) If an officer is stationed in an unhealthy station he may be granted a further period of local privilege leave not exceeding 14 days, which may be taken with the full 14 days allowed under Rule 7 (a), if in the opinion of the Head of his department the officer should get 28 days' leave at one time.

12. In the event of an officer being invalided, or being required by Government to take his leave, he will be subject to the same conditions in regard to passages as if he had completed 36 months' resident service.

13. A married officer who travels by a lower class than that to which he is entitled will be permitted to apply the difference between the scheduled cost of the passage actually taken and the passage to which he is entitled towards the cost of the passages of his wife and family.

14. An officer travelling independently, and wishing to effect a saving to be applied towards the cost of the passage of his wife or family will be credited with the difference between the scheduled cost of the passage actually taken, and that of the passage to which he was entitled, provided that they join him during the same tour of service, and the total sum paid to them does not exceed the actual cost of passage tickets (without incidental expenses).

15. These rules shall apply to all European officers provided that officers already in the Service shall have the option of remaining under the old Leave Regulations, on giving notice to that effect to the Colonial Secretary within one year from the date of these Regulations, and provided that they have not in the meantime taken leave, etc., under the provisions of these Regulations, which are amendments of the old Leave Regulations.