

1925

²²
E. AFRICA
KENYA

C.O.
44656
3 OCT 25

DENHAM.

TEL
447

DATE
2nd October 1925.

LOCATION

*Tororo
Bottley*

001

B.M.A. REGULATIONS.

S of S.

Kenya branch of B.M.A. requests applica-
tion of new regulations be suspended until Memor-
ial reaches S. of S. Considers certain of the
regulations require further consn. Despatch
follows at once.

U.S. of S.

C. of S. 6.10.25

ry of State.

Previous Paper

MINUTES

*Res 43967 Law
Sanitation*

[Illegible scribbled text]

The Regulations have been
drafted after the fullest
possible consultation with the
local Govts and the C.A.M.S.
Ctee, and it is not clear
why the Kenya branch of
the B.M.A. should object to
their application to Kenya, or
why the D.M.S.S. should
support them. It would in
any

Subsequent Paper

*Res 45773 S.A.
Nyasa*

1/12

any case be impracticable to suspend the application of the regis to a section of the E.A.M.S., when the regis have been published in the other Dependencies concerned (without, so far as we know, any protest having been made). Certainly there is no ground for suspending the regis on account of the two objections mentioned in the last sentence of this let. The question of applying the liability to transfer to officers new in the service is discussed in the minutes in 28045/ I is most unlikely that a case will arise in which the liability be questioned: if the case does arise it can be dealt with according to its merits.

As regards private practice, there is no question of infringing a right. Officers have never been granted the right to private practice as part of the conditions of service. It is true that private practice has been tacitly allowed, but it was only at certain stations that there was any to be had.

An officer stationed at Nairobi and enjoying private practice could have had no possible ground to protest if, before these regulations were thought of, he had been moved to a station where there was no private practice. His case can be said to have any more cause for complaint if it is laid down that the officer for the time being stationed at Nairobi is not to take private practice? Previous for the Governor debarring private practice at certain stations has appeared in the W.A.M.S. regis for years, and was in the draft of the E.A.M.S. regis which were sent out for comment. No protest against it was then made by Dr. Gilks.

In any case there is no need to suspend the regulations because of Section IV. The regulations do not oblige the Governor to take any action under Section IV (2), and if he finds difficulty in

taking any action under that clause
he can say so and explain his
reasons.

Opt. for common hereafter.

J. Jeffries 5.10.25.

I agree entirely

H. P. R. 5.10.25

Mr. Thurby-Jones

(1) Liability for compulsory transfer.

It has been suggested Gen that
what they decide in the common
pools being open to the pro- transfer
from other circumstances. But
as the D.H.G. says "compulsory
transfer" we need not go beyond
that point. On this, the draft
will serve. If it becomes necessary
we would agree that a man originally
allocated to change (only) shall
not be compulsorily transferred,
with the exception that a man
who declined could not necessarily
be sent from transfer from
change.

Ch. Private Practice. Please see

Section IV of the Regulations in

373

28025/25. § Paragraph IV (c)

represents the existing position, & no
exception arises. Paragraph II (c) is
the important one, & in form it
has been altered (with the approval of
the C.M.S. (C)) since the
Regulations were referred to Govt &
draft. The original form is flagged
in 58136/24, but the sense, and
I think the emphasis, are unchanged
in each case. In principle, therefore,
unless, for a particular instance, the
Governor takes a definite decision,
viz. that there are private doctor
officers for private work and that
Govt. doctors should therefore
confine themselves to their (whole time)
Government jobs.

On this point, too, therefore, I
think the draft let explain meets
the case.

W. C. Howley
I agree. I am W. C. H. 5.10.25 6.10.25.

Telegram from the Officer Administering the Government of Kenya to the Secretary of State for the Colonies.

Dated 2nd October.

(Received Colonial Office 6.50 p.m. 2nd October, 1925)

2604
No 447 2nd October. Your despatch of 24th July Confidential Regulations for the Medical Service (s) Kenya branch of the British Medical Association requests me to cable you asking you to suspend application of the new Regulations for the East African Medical Service in Kenya until the Memorial from the Members of the service in this Colony reaches you. Director of Medical and Sanitary Services supports the request and I am addressing you fully by despatch by today's mail. Consider that Regulations especially those referring to liabilities compulsory transfer and withdrawal of the privileges of private practice as affecting the present members of the staff require further consideration before any action taken on your despatch.

90/44656/25

Kenya.

327

- Mr. Jeffries 5/10/25
- Mr. Darnie 5/19/25
- Mr. Bottomley 6.10.25
- Mr. Strachey
- Mr. Shuckburgh
- Mr. Davis
- Mr. Grindley
- Mr. S. W. Cook
- Mr. [unclear]
- Mr. Ormaby-Gore
- Mr. Amery

C. D.
R 6007
D 15

Ind.

~~Tel Section~~

Called to seat
JL 3.50 p.m.
6/10/25

gc

6th Oct.

DRAFT. Tel code

Werner
Nairobi

Your tel. 2nd Oct. No. 407

As regulations have been promulgated in East African Dependencies generally and are now in force I am not prepared to suspend their application to members of the East African Medical Service in Kenya.

As regards objections mentioned in your telegram it is of course open to you to represent your difficulties with

regard to private practice

before taking ~~action~~ any

action under para. 6 of

my des. 4th July ○

(28045/pt)

With reference to transfer

no change in existing

practice is contemplated

and question of right of
officers who have been appointed
~~officers now in service to~~

expressly to Kenya only to
refuse transfer if offered

can be left for comment

in individual cases if they

rise

...