

E. AFRICA
K. A. R.

38995

REC-
RE 9, AUG 20

165

38995

COLONIAL

COMMUTATION OF MILITARY LEAVE

1920

5th August

of previous Paper.

Df:tel to Gov stating procedure as to refund of
any money paid for

minutes on file 925/20

J.P. 20

R.R. 20

*Note that the bracketing
is in accordance with*

all

10.0 10

*seen
2/9/20*

Copy above Ch. 30 Apr '20

subsequent Paper.

57 377

Mr. Bettomey.

This is a nightmare!

The rule has always been quite clear and has been followed in every case in which we have had a say.

The leave granted is either:

(a) Civil leave with Civil rates under civil regulations in respect of whole tour (including K.A.R. service)

(b) K.A.R. leave with K.A.R. rates under K.A.R. regulations in respect of K.A.R. service, or
whichever is more favourable.

(b) is never always more favourable, though the pay may be somewhat lower, the length of leave must always be greater.

It is quite wrong to say, as stated in para 3 of Appendix, that this rule was suspended by despatch on G.O. 65765/19, K.A.R. The despatch of 11/11/19 confirmed the rule.

I don't see what we can do except point out as above, express regret that the local authorities should have modified the rule laid down by the S of S without consulting him, especially in a sense inconsistent with the spirit of the rule, and to say that in the circles own the S of S can only refer to the Governor to clear up the matter in the following lines.

(1) In future case of such examination of K.A.R. leave to be allowed.

(2) Subject to (3) refunds not to be insisted on, and, where already made, to be cancelled, but gov. to make all the arrangements for this himself and to inform the officer concerned of what has been decided.

(3) In no case should an officer be allowed to have both K.A.R. leave and civil leave in respect of

the same period of service whether as a lump sum or as leave proper.

(The paper should be noted on all the files of the officers named in the enclosure as we may have further correspondence with individuals about the matter.)

M.G.M.

1/6/20.

Mr. Hestonley.

Draft herewith for censure after discussion

W.C.B.

1/6/20.

Sir H. Hestonley.

This is our best attempt to clear up this matter which is entirely due to Sir E. Hartley's unauthorized action reported in para 3. I have cancelled the reference to this point in the first part of the draft.

As to the "local forces" etc., the local people have gone wrong altogether. The point is that it would appear from the first sentence of para 4 of the (report) that there was no authority to grant military leave, military leave, for the local forces.

W.C.B.

1/3/20.

W.L.R.

1/3/20

RECEIVED
25 JUN 1920
COL OFFICE

June, 1920.

15.

My Lord,

I have the honour to acknowledge the receipt of Colonel Amery's despatch No. 407 of 19th March regarding the leave of Mr. G. W. Knapman, Office Superintendent in the Secretariat, and to bring to Your Lordship's notice the unenviable position in which this officer, and other officials of the Protectorate Service who were seconded to the military during a period of their tour of service, find themselves owing to a refund being demanded from them of the moneys which they received in respect of leave earned on military service.

2. In this connection I have to refer to Mr. Long's telegram of 27th June 1918 which laid down the conditions on which such leave was to be computed, of the substance of which both the Treasurer and the Assistant Adjutant and Quartermaster General, King's African Rifles, were notified. This ruling held good until it was suspended by that given in Your Lordship's despatch No. 1273 of 26th November 1919.

RIGHT HONOURABLE

VISCOUNT MILNER, P.C., G.C.B., G.S.M.C., &c., &c.

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S. W.

3. In March 1919 Captain Rainsford enquired whether he might compound the leave due to him in respect of his King's African Rifles service. His application was recommended by the Treasurer and passed by the Deputy Assistant Adjutant and Quartermaster General and was sanctioned by Sir Edward Northey in anticipation of Your Lordship's approval and this, together with the general question of compounding leave was submitted in his despatch No. 329 of 16th April 1919. To this despatch Your Lordship replied generally in a telegram dated 2nd August, but as no mention was made of the specific case reported, it was assumed that Your Lordship acquiesced in the procedure adopted and it was not until the receipt of Colonel Amery's despatch No. 89 of 20th January, that any exception was taken to Sir Edward Northey's action. In the meantime Captain Rainsford's leave had expired, and payments in lieu of leave earned with the military had continued to be made.

4. The Chief Paymasters, King's African Rifles, and East Africa Pay Corps, can quote no authority empowering them to commute leave earned for a money payment. It appears however that the procedure was adopted to save unnecessary work, as the payment of a lump sum to the officer concerned entailed fewer book entries and less correspondence than the monthly payment of moneys during the period of leave earned by the officer concerned, and also minimised the inconvenience that would have been caused had officers elected to take the full leave due to them. The reasons for this are more fully set out in my Confidential Despatch No. 93 of 14th

5. I feel sure that Your Lordship will agree that it would be inequitable in the highest degree to penalise junior officials for the misunderstanding that has occurred, and that Captain Rainsford, could hardly anticipate having to refund so large a sum of money after being informed that Sir Edward Fortney had sanctioned the commutation. This would also apply to other cases for which Captain Rainsford's served as a precedent. Even if Captain Rainsford had anticipated any objections being raised, he could have hardly foreseen that such would be the case after the long interval which had elapsed between the permission being given and the subsequent ~~error~~.

6. Although, in theory, the refund of gratuities or payment for leave commuted only means the transfer from the payee's bank of those moneys which he has received, yet in practice, it means that the beneficiary has to return moneys which he has, probably, spent in purchases of property, movable or immovable, and which can only be realized at a loss. In brief, Your Lordship is aware that such refunds often entail considerable hardship.

I enclose, as requested in paragraph 2 of Colonel Amery's despatch No. 407 of 19th March, a complete list of officers who were permitted to commute their military leave. In one case it will be observed that an officer will have to refund only a whole year's salary plus War Bonus, and after deduction of the commutable value of his leave. Again, I am doubtful whether any could be made from officers who have or who would wish to resign rather than

7. In my despatch No.95 of 28th January the facts of the case were not fully represented to Your Lordship, and I feel sure that Your Lordship will concur in my view that these refunds for leave earned in respect of military service, will entail considerable hardship on the officers concerned, and I earnestly trust that Your Lordship will give the question your sympathetic reconsideration.

8. If, as I hope, Your Lordship will consent to waive the refund of amounts already paid, I would recommend that such a ruling should only be retrospective and should be conceded as an act of grace to those who have been placed in difficult circumstances arising out of the misunderstanding for which they were not responsible. It is not proposed that officers who have commuted on the Civil basis should be entitled to claim the additional amount obtainable by commutation under King's African Rifles Regulations.

I have the honour to be,
Your Lordship's
humble, obedient servant,

ACTING GOVERNOR.

LIST OF U. S. P. OFFICERS WHO HAVE BEEN RECALLED TO MILITARY SERVICE

INCL 05 1920
19 Dec 1919 No. 1060 7-6-1920

Specify whether leave earned, whether military service has been resumed, etc.

Amount paid on 1/1 of leave recalled, etc.	Amount that should have been paid under CIVIL REGULATIONS (if same as above)	Balance to be refunded.	Officers present salary plus bonus per month.	Whether officer is on leave since coming.	Whether officer has been on leave since coming.	Whether officer is married or unmarried.	Number of children if any.	Whether officer has been asked to refund if so what action has been taken.
			No. of days, etc.					
	1102		20.15 B. 512-50	Yes	Yes	unmarried	nil	No.
	82		15.15 B. 537-50	No	Yes	Unmarried	Nil	No
	821-15		27.10 C. 412-50	Yes	No.	Unmarried	Nil	Yes - as per [unclear] by [unclear]
	1124-50		17.10 C. 522-50	Yes	Yes	unmarried	012	Yes - as per [unclear] by [unclear]
	1033			No	Yes	unmarried	Nil	No
	778		18.15 B. 575	No	No	unmarried	Nil	No
	1148		35.15 B. 500	Yes	Yes	unmarried	Nil	No
	1747-15		41.15 B. 548-75	No	Yes	unmarried	Nil	No
	1062-50		31.15 C. 475-50	Yes	Yes	unmarried	010	No
	1047		27.10 C. 412-50	Yes	Yes	unmarried	Nil	No
	1015		18.15 C. 522-50	No	Yes	unmarried	Nil	No
	1412		37.10 C. 582-50	No	Yes	unmarried	Nil	Yes - as per [unclear] by [unclear]

LIST OF G. I. P. OFFICIALS ACCRUED TO MILITARY.

Continued.

showing whether leave earned on military service has been commuted, etc.

Amount paid on 1/3 of leave commuted.	Amount that should have been paid under Civil Regulations for same period.	Balance to be refunded.	Officers present salary plus bonus per month.	Whether officer is on leave.	Whether officer has been on leave since commencing.	Whether officer is married or unmarried.	Number of children if any.	Whether officer has been asked to refund and if so what action has been taken.
---------------------------------------	--	-------------------------	---	------------------------------	---	--	----------------------------	--

OFFICIALS ACCRUED TO CIVIL SERVICE.

hs. etc. No. S. D. hs. etc.

No leave commuted

No leave commuted

No leave commuted

OFFICIALS ACCRUED TO CIVIL SERVICE.

W. J. Williams	11579-92	3410-96	8160-96	50-00	750 -	Yes	Yes	Married	?	Organ Agents are dealing with this case.
W. Turner	6-97-92	1812-34	3685-68	26-50	398-75	Yes	Yes	Unmarried	nil	
W. J. Williams	8-15-91	2015-66	144-91	-	-	No	No	Married	Y	Left service in 1915
W. J. Williams	6-13-16	2515-90	182-90	18-90	175 -	No	No	Unmarried	nil	

925 Ea

250/1

Sent 12 noon
5/8/20

DRAFT. 2d. (Code)

Governor

Wainwright

applies

5 copies

MINUTE.

Mr. Bell 3.5.20

Mr. [unclear] 3.8.20

Mr. Grindle.

Sir H. Lambert.

+ Sir H. Road. 4

Sir G. Fiddes.

Col. Amery.

Lord Milner.

McGavin

30299/18
used

Copy on 30 Apr 20

...
You Sir... from...
I am that...
much regret that...

...
in contemplation...
decision...
1918...
must be faced...
which does...

appear...

...
with out...

...
agree...

Meeting Hall

Wt can

...

when ~~last~~ ^{vacation} leave has been ^{outlet} ~~conceded~~ ^{sedative} ~~refused~~ should not

be called for ^{amount} ~~of~~ ^{of} ~~actually~~

made ^{should} be ^{refused} ~~to~~

^{provided} ~~that~~ ^{no} ~~officer~~

^{must} ~~not~~ ^{be} ~~paid~~ ^{leave} ~~pay~~

^{conceded} ~~had~~ ^{been} ~~paid~~

ⁱⁿ ~~respect~~ ^{of} ~~same~~ ^{period}

^{where} ~~officer~~ ^{has} ~~already~~ ^{been}

^{granted} ~~leave~~ ^{under} ~~civil~~

^{regulations} ~~in~~ ^{respect} ~~of~~

^{military} ~~and~~ ^{civil} ~~service~~

^{and} ~~called~~ ^{on} ~~refused~~ ^{had}

^{conceded} ~~leave~~ ^{pay} ~~refused~~

^{he} ~~has~~ ^{already} ~~received~~

^{leave} ~~pay~~ ^{for} ~~whole~~ ^{period}

^{for} ~~which~~ ^{leave} ~~can~~ ^{be} ~~carried~~

~~but~~ ⁱⁿ ~~the~~ ^{circumstances} ~~and~~ ⁱⁿ ~~these~~ ^{cases} ~~need~~ ^{not} ~~be~~ ^{refused} ~~more~~ ^{than} ~~the~~ ^{sum} ~~id~~ ^{as} ~~civil~~

DRAFT

MINUTE

- Mr.
- Mr.
- Mr.
- Mr. Grindle.
- Sir H. Lambert.
- Sir H. Boud.
- Sir G. Fiddes.
- Col. Amory.
- Mr. ...

~~leave~~ ^{pay} ~~on~~ ^{refused}

~~that~~ ^{the} ~~sum~~ ^{id} ~~as~~ ^{civil}

~~entered~~ ^{hostile} ~~by~~ ^{Kraggen} ~~ref~~

~~Regt.~~ ¹²⁰⁹

~~where~~ ^{the} ~~sum~~ ^{id} ~~as~~ ^{civil}

~~all~~ ^{adjustments}

~~must~~ ^{be} ~~arranged~~

~~that~~ ^{the} ~~sum~~ ^{id} ~~as~~ ^{civil}

~~cases~~ ^{of} ~~any~~ ^{kind}

~~that~~ ^{the} ~~sum~~ ^{id} ~~as~~ ^{civil}

~~the~~ ^{rule} ~~is~~ ^{that}

~~26~~ ^{November} ~~1873~~ ²⁷ ~~19~~

~~that~~ ^{the} ~~sum~~ ^{id} ~~as~~ ^{civil}

copy of this
19