

1938

Kenya

No. 38240/2

SUBJECT. C0533/498

Kenya Territorial Force

Legislation

Previous

1937 226

Subsequent

30-312/37

1. Gov. Kenya Conf. 27 31/1/38.  
 (3-1937 file send) Draft memo dealing with points raised by W.O. together with draft amending Bill and request to be performed as early as possible whether S. of S. agrees with amendments proposed.  
 (Dupl. rept. on 38090/3/38)

*Also see memo 38090/3/38 file*

This despatch suggests amendments to the Kenya Regiment and the Kenya Defence Force Ordinances of 1937 and forwards draft Bills doing so. They can most conveniently be dealt with on the same file.

Kenya Regiment (Territorial Force) Amendment Bill.

Paragraphs 3, 5 and 7 of the draft Bill embody amendments to the 1937 Ordinance as suggested in No.13 on the 1937 file.

In No.6 on the 1937 file the War Office recommended, and we agreed in No.13, that the qualification for the privilege of wearing uniform and retaining rank on retirement should be ten years' service (see No.10 on the 1937 file); and that this qualification should be included in the Ordinance instead of in the Regulations. Kenya thinks that this would be inappropriate because the first Commanding Officer would, under such a provision, be ineligible for the privilege. An alternative amendment to the Ordinance is proposed making the general provision suggested but giving the Governor power to waive the qualification in special cases.

Clause 6 of the Bill repeals Clause 29 of the Ordinance because it is thought that the penalty provided under Clause 29 was excessive. (I do not entirely follow the reasons for this, but the change seems unobjectionable.)

Clauses 4 and 2 of the Bill change the procedure for mobilization to bring it into line with that in the Defence Force Ordinance.

These changes seem suitable and subject to legal  
obtain ? the introduction of the Bill can be approved.

Kenya Defence Force Amendment Bill.

Kenya thinks there is no need to meet  
the War Office criticism - see paragraph 2  
of (5) on the 1937 file - that "members" "officer"  
and "permanent staff" are not defined in the  
Ordinance, because their meaning is made  
precise on each occasion on which they occur.

Clause 6 of the Bill, amending Clause 23  
of the Ordinance, meets the War Office criticism  
that "Act" requires definition by making  
specific references to the Army Act in the  
required contexts. It is thought that it is  
unnecessary to define "Regulations" in view  
of Clause 2(26) of the Interpretation and  
General Clauses Ordinance. Clause 6 of the  
Bill also meets the other criticisms of  
Clause 23 of the Ordinance contained in No.13  
on the 1937 file.

Clauses 2, 3, 5 and 8 of the Bill change  
the provision for the maximum age limit for the  
purposes of the Ordinance, in accordance with  
the suggestion made in No.4 on 38240/37 (flagged).

Clause 7 of the Bill deletes Clause 31(1)(d)  
of the Ordinance which is redundant in view of  
Clause 3(2).

All the amendments suggested in No.15  
on the 1937 file have been made with the  
exception of those noted above. There seems to  
be nothing in the draft Bill to which exception  
<sup>and</sup> should be taken and ? its introduction  
may be approved subject to legal obtain.

*Clough White*

*I suggest that  
it might be  
desirable to  
insert in  
clause 6 of  
the Bill*

*1/10*

The only comment I have to offer is that  
of S.19(1) of the Kenya Reg<sup>t</sup> is amended as  
proposed, then does not seem any need  
to require the approval of the S. of P., even  
a case when it is denied that an officer  
with less than 10 years service should obtain  
his name on being placed on the retired  
list. Surely the Gov's authority is sufficient  
for this.

I suggest that it will be desirable  
to send this to the W.O. for any observations  
they may wish to offer.

Do so, commencing as above  
(including any further comments that  
may be made on the Draft Bill with 5  
H.M. but draw their attention  
to para. 4 of the Draft, which gives a very  
early reply.

*J.P. Brown*  
*14/2*

See also report on 58050/3/38

N.B. It is hoped to introduce this  
amending legislation at the next  
session of the Leg Co. (in May). It  
is therefore becoming a matter of  
some urgency, & we shall be glad to  
hear what you think of the W.O.

*J.P. Brown*  
*15/3*

I have attached notes showing my offered comments.

As regards the Kenya Regt ordinance, the only observations the War Office had to make were with regard to Section 29 and Section 19. The V.O. suggestions have been accepted and the amendments meet the V.O. views.

As regards the Defence Force ordinance, the War Office comments have been met, except with respect to para 2 (d) of their letter of 17th June, 1937 (see 5 on 38240/2/1937). On this point, our Legal Advisers did not consider any action was required as the necessary provision was contained in the Criminal Procedure Code - see Mr Dale's minute of 20.9.37 on 38240/2/1937.

Subject to the legal observations on the amending ordinances, it may not be considered necessary to refer again to War Office before telling the Governor of agreement with the amendments, and approving introduction. I have raised a point in X of my notes on the Kenya Regiment ordinance which may need consideration in replying to Kenya.

S. J. Gee

15/7/38

X Notes by a commissioned officer in the  
achieve list of the Regiment after the

1. 17 of the Defence Force Ordinance, which is

from reaching Class III from his liability to  
undergo peace hearing? See (c) on 38240/37

Obtain all this in an order

W. J. D. S.

16.3.

Kenya Regt (2) - 1 Approved - 21 MAR 1938

2. W.O. (w/c 1 and 2 and w/c 2 on  
380907/2/38) - 6.11.38 - 22 MAR 1938

4 W.O. 0165/2313. (M.O. 2) 26.4.38  
Agrees that persons who are not British  
subjects, but who are permitted to enrol in  
the Defence Force, shall be exempted from  
taking prescribed oath.

The point raised in para 2 (d) of the letter  
of 17th June '37 (No 5 in - B) was covered in the  
penultimate para of the Memo at No 12 in - B/37  
a copy of which was forwarded to the W.O. in  
No 14 in that file.

No in draft herewith  
C. J. White 24/4

DESTROYED UNDER STATUTE

5 To W.O. (4 ans)

2 - MAY 1958

6 Copy of a Bill to amend the Kenya  
Regiment (Territorial Force) Order 1937  
Regulation for review

Put by  
anyway  
297 10/6/38

W. J. D. S.  
at once 20/5/38

7. Gov 103

27.5.38

In 2 with 12 plain copies of Order 13 of  
1938 with legal report thereon  
Spaced to  
Library

Any comment, please?

W. J. D. S.  
36

No

W. J. D. S.  
6.6



Major Cole

? Allow LF

Copy of the Ord.

C. W. O. w/ LF ref. (3)

A. M. Dawe

6.6

1.1.38  
2.5.38

Attn

A. M. Dawe  
14.6

DESTROYED UNDER STATUTE  
C.S. 21/1/38  
27.6.38

Kenya 337  
Kenya Const. of 1938 } 21. 6. 38.

Kenya  
To Mr. Cole  
27.6.38

10 Service (w/ and 13.6.38) w/ 6.38.

11 Governor's Deputy - 175 leaf 21/9/38  
Two two authenticated and ten printed copies  
of Ordinance No 15 of 1938. - Kenya Defence  
Force (Amendment) Ordinance 1938.

Transferred  
to 38090/3/38.

*[Handwritten signature]*

C. O.

9

Mr. Simpson

Mr. Whitcomb

Mr. Tomlinson.

Sir C. Bottomley.

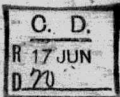
Sir J. Shuckburgh.

Sir G. Grindle.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.



54

16/6  
17/6  
LS

21. June, 1938.

DRAFT

Sir

Kunya

Confidential

Gov.

I have, etc. to acknowledge  
 the receipt of your Confidential  
 despatch No. 105 of the 27<sup>th</sup> of  
 May, transmitting copies of  
 Ordinance No. XIII of 1938,  
 and to invite attention to my  
 despatch No. 354 of the 21<sup>st</sup>  
 June.

I have, etc.

\* Despatch Section to file  
of reg. off.  
in No. & date/plan.

2 Drafts. & LF

(Signed) MALCOLM MacDONALD.

KENYA  
No. 103



GOVERNMENT HOUSE  
NAIROBI  
KENYA

CONFIDENTIAL.

RECEIVED  
1 MAY 1938  
C. O. REGY

27 May, 1938.

38240/2/38

Sir,

2

I have the honour to refer to the Confidential (2) despatch of the 21st March last from Mr. Ormsby-Gore (now Lord Harlech) conveying His Lordship's approval of the introduction of a Bill to Amend the Kenya Regiment (Territorial Force) Ordinance, 1937, and to forward two authenticated and twelve printed copies of Ordinance No. XIII of 1938 entitled "An Ordinance to Amend the Kenya Regiment (Territorial Force) Ordinance, 1937, together with a Legal Report thereon and enclosure prepared by the Attorney General.

2. This Ordinance passed its third reading in the Legislative Council on the 5th of May and I assented to it in His Majesty's name on the 14th May, 1938.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Brooker Popham*

AIR CHIEF MARSHAL  
GOVERNOR.

THE RIGHT HONOURABLE

MALCOLM MACDONALD, M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W. 1.

*Handwritten notes:*  
⑨  
⑩  
any answer w.o. 10

THE KENYA REGIMENT (TERRITORIAL FORCE) (AMENDMENT)  
BILL, 1938.  
-----

The object of this Bill is to give effect to various suggestions which have been made by the Secretary of State and his military advisers.

The chief amendments are as follows:-

Clause 4 provides that the Governor may in lieu of calling out the Regiment order it to hold itself in readiness and moreover empowers the civil officer in charge of a province or district to call it out in times of emergency.

Clause 5 provides that save in exceptional circumstances the privilege of retaining rank and wearing uniform should only be conferred on officers placed on the retired list who have served for ten years in the Regiment.

Clause 6 makes it clear that it is only the disciplinary provisions of the Army Act which apply to the Regiment on the occasions specified in section 24 of the Principal Ordinance.

The Bill prior to its introduction into the Legislative Council was submitted to the Secretary of State and was approved by him.

No Comparative Table accompanies the Bill since the amendments contained therein are not modelled on any Colonial Ordinance or Imperial Act, but a copy of the Bill showing the amendments made since the Bill was approved by the Secretary of State and sections of the Principal Ordinance which it is proposed to amend or replace is enclosed for transmission to the Secretary of State.

8

As the Bill has received the approval of the Secretary of State, I am of the opinion that His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

*Theodore Wallace*

Nairobi,

ACTING ATTORNEY GENERAL.

6th May, 1958.



COPY OF THE KENYA REGIMENT (TERRITORIAL FORCE)  
(AMENDMENT) BILL, 1938, SHOWING THE AMEND-  
MENTS MADE SINCE THE BILL WAS APPROVED  
BY THE SECRETARY OF STATE AND SEC-  
TIONS OF THE KENYA REGIMENT  
(TERRITORIAL FORCE) ORDINANCE,  
1937, WHICH IT IS PROPOSED TO  
AMEND OR REPLACE.

**A Bill to Amend the Kenya Regiment (Territorial Force) Ordinance, 1937**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) (Amendment) Ordinance, 1938, and shall be read as one with the Kenya Regiment (Territorial Force) Ordinance, 1937, hereinafter referred to as the Principal Ordinance. show title. No. 4 of 1937.

2. Section 8 of the Principal Ordinance is hereby amended by inserting the words "or ordered to hold itself in readiness for immediate calling out" immediately after the word "service" which occurs in the fifth line thereof. Amendment of section 8 of the Principal Ordinance.

3. Section 11 of the Principal Ordinance is hereby amended by deleting therefrom the words "Holders of such certificates may be transferred to the Regiment as trained men" which occur in the last two lines thereof. Amendment of section 11 of the Principal Ordinance.

Section 8 of the Principal Ordinance which it is proposed to amend:—

8. The Governor may establish a Special Reserve to the Regiment in such manner as may be prescribed, and those persons who offer their services and whose services are accepted, shall be liable, when the whole or any part of the Regiment is called out for active service, to render services with such portion of any local force as the Governor may decide. The Special Reserve shall be subject to such peace training as may be prescribed from time to time.

Section 11 of the Principal Ordinance which it is proposed to amend:—

11. A cadet who has undergone the prescribed course of instruction for any one year, and passed the prescribed tests, shall be deemed to be an efficient cadet for that year, and if he is deemed to be efficient for not less than three years, and his conduct under instruction in cadet training has proved satisfactory, he shall be entitled, on attaining the age of eighteen years, to receive a certificate of efficiency. Holders of such certificates may be transferred to the Regiment as trained men.

Special Reserve to the Regiment.

Certificate of efficiency.

Calling out of  
Regiment for  
active service.

Section 13 of the Principal Ordinance which it is proposed to replace:—

13. The Governor may, by notice in the Gazette, call out the whole or any part of the Regiment for active service and when so called out they shall be held to that service until such time as the Governor may, by notice in the Gazette, declare that they are relieved from that service.

Retirement of  
officers.

Sub-section (1) of section 19 of the Principal Ordinance which it is proposed to replace:—

19. (1) The Governor may place officers on the retired list, and officers in that list may, with the approval of the Governor, retain their rank and wear the prescribed uniform.

(2) The ages of compulsory retirement of officers of the Regiment shall be prescribed.

4. Section 13 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and  
replacement of  
section 13 of the  
Principal  
Ordinance.

"13. (1) The Governor may, by proclamation in the Gazette, call out the whole or any part of the Regiment, the Reserve and the Special Reserve for active service and when so called out they shall be held to that service until such time as the Governor may, by proclamation in the Gazette, declare that they are relieved from that service:

Calling out of  
Regiment for  
active service.

Provided that the Governor may, by such proclamation in lieu of calling out the Regiment, the Reserve and the Special Reserve or any part thereof for active service, order the Regiment, the Reserve and the Special Reserve or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate calling out.

(2) In the case of sudden and immediate danger in any province or district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such province or district may, for the defence of the province or district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor, call out the whole or any part of the Regiment, the Reserve and the Special Reserve resident in such province or district, but in such case such civil officer shall forthwith report to the Governor such calling out and any subsequent step taken by him."

5. Sub-section (1) of section 19 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

Repeal and  
replacement of  
section 19(1) of  
the Principal  
Ordinance.

"19. (1) The Governor may place officers on the retired list, and officers on that list who have served for ten years in the Regiment as commissioned officers on the active list may, with the approval of the Governor, retain their rank and wear the prescribed uniform:

Retirement of  
officers.

Provided that in exceptional circumstances the Governor may with the approval of the Secretary of State grant such privileges to officers with less than ten years' service in the Regiment."

Officers and members of Regiment, Reserve and Special Reserve on mobilization to be under Army Act.

Section 24 of the Principal Ordinance which it is proposed to amend:—

24. The provisions of the Army Act, 44 and 45-Vict., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall apply to the permanent staff and officers at all times and to members, the Reserve and the Special Reserve when they are on active service, when they are called out for active service, during peace training, when they are engaged in any military exercise of drill or musketry, when they are carrying out any escort duty or guard of honour and when they are in uniform at any time or place, subject to the following modifications—

- (a) the words "the Regiment" shall be read therein for the words "regular forces", the words "officer or member of the Regiment" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State", and
- (b) no sentence of a court martial upon the trial of an officer or a member of the Regiment, Reserve or Special Reserve shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

Section 29 of the Principal Ordinance which it is proposed to repeal:—

Offences against commanding regulations.

29. Any person who commits any offence against the regulations providing for and regulating the requisitioning of accommodation or supplies in pursuance of this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

Section 36 of the Principal Ordinance which it is proposed to amend:—

Regulations.

36. The Governor may from time to time make regulations for all or any of the matters or things following connected with the Regiment—

- (1) the numerical establishment of units of the Regiment and cadets, and the various grades, ranks and appointments therein;
- (2) the appointment, promotion, transfer, leave, resignation and release from service of officers;
- (3) The enrolment, posting, transfer, leave, promotion,

6. Section 24 of the Principal Ordinance is hereby amended by deleting the words "shall apply to the permanent staff and officers" which occur in the third and fourth lines thereof and by substituting therefor the words "shall as to the provisions therein contained respecting discipline, apply to officers and to the permanent staff (if not otherwise subject thereto)".

Amendment of section 24 of the Principal Ordinance.

7. Section 29 of the Principal Ordinance is hereby repealed.

Repeal of section 29 of the Principal Ordinance.

8. Section 36 of the Principal Ordinance is hereby amended—

Amendment of section 36 of the Principal Ordinance.

- (a) by deleting the word "and" which occurs at the end of paragraph (13) thereof,
- (b) by renumbering paragraph (14) thereof as (15) and by inserting the following new paragraph as paragraph (14):—

"(14) the requisitioning of goods, provisions, supplies and accommodation for officers and members of the Regiment, the Reserve and the Special Reserve when called out under section 13 of this Ordinance; and"

- reduction, discharge and dismissal of warrant officers, non-commissioned officers and men, and the disbandment of any units;
- (4) the appointment and posting of the permanent staff and the control, discipline, pay, allowances, leave, transfer, release from service, and dismissal thereof;
  - (5) the discipline of the Regiment;
  - (6) the convening of courts of inquiry, and the attendance of witnesses;
  - (7) the exemption of officers and members from carrying out the full course of peace training for any one training year;
  - (8) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Regiment and for cadets;
  - (9) the conveyance by air, road, rail, or water of officers and members and their transport and equipment when travelling on duty;
  - (10) the general government control and management of the Regiment;
  - (11) drill, peace training instruction, camps and medical treatment thereof;
  - (12) the establishment, control and management of the Reserve and Special Reserve;
  - (13) the establishment, control and management of Cadet Units; and
  - (14) all matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Regiment, or for carrying out and giving effect to this Ordinance.

#### OBJECTS AND REASONS

The object of this Bill is to give effect to various suggestions which have been made by the Secretary of State and his military advisers.

The chief amendments are as follows:

Clause 4 provides that the Governor may in lieu of calling out the Regiment order it to hold itself in readiness and moreover empowers the civil officer in charge of a province or district to call it out in times of emergency.

Clause 5 provides that save in exceptional circumstances the privilege of retaining rank and wearing uniform should only be conferred on officers placed on the retired list who have served for ten years in the Regiment.

Clause 6 makes it clear that it is only the disciplinary provisions of the Army Act which apply to the Regiment on the occasions specified in section 24 of the Principal Ordinance.

No expenditure of public moneys will be involved if the provisions of this Bill become law.





**Colony and Protectorate of Kenya**

IN THE SECOND YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI**

**HENRY ROBERT MOORE BROOKE-POPHAM**  
G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C. *Governor*

Assented to in His Majesty's  
name this 14 MAY 1938  
1938.

**R. BROOKE-POPHAM**

*Governor*

**AN ORDINANCE TO AMEND THE KENYA  
REGIMENT (TERRITORIAL FORCE)  
ORDINANCE, 1937**

**ORDINANCE No. XIII of 1938**

**An Ordinance to Amend the Kenya Regiment  
(Territorial Force) Ordinance, 1937**

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof—as follows:—

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) (Amendment) Ordinance, 1938, and shall be read as one with the Kenya Regiment (Territorial Force) Ordinance, 1937, hereinafter referred to as the Principal Ordinance.

Short title  
No. 4 of 1937.

2. Section 8 of the Principal Ordinance is hereby amended by inserting the words "or ordered to hold itself in readiness for immediate calling out" immediately after the word "service" which occurs in the fifth line thereof.

Amendment of section 8 of the Principal Ordinance.

3. Section 11 of the Principal Ordinance is hereby amended by deleting therefrom the words "Holders of such certificates may be transferred to the Regiment as trained men" which occur in the last two lines thereof.

Amendment of section 11 of the Principal Ordinance.

4. Section 13 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 13 of the Principal Ordinance.

"13. (1) The Governor may, by proclamation in the Gazette, call out the whole or any part of the Regiment, the Reserve and the Special Reserve for active service and when so called out they shall be held to that service until such time as the Governor may, by proclamation in the Gazette, declare that they are relieved from that service:

Calling out of Regiment for active service.

Provided that the Governor may, by such proclamation in lieu of calling out the Regiment, the Reserve and the Special Reserve or any part thereof for active service, order the Regiment, the Reserve and the Special Reserve or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate calling out.

(2) In the case of sudden and immediate danger in any province or district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such province or district may, for the defence of the province or district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor, call out the whole or any part of the Regiment, the Reserve and the Special Reserve resident in such province or district, but in such case such civil officer shall forthwith report to the Governor such calling out and any subsequent step taken by him.

Repeal and replacement of section 19 (1) of the Principal Ordinance.

Retirement of officers.

5. Sub-section (1) of section 19 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

"19. (1) The Governor may place officers on the retired list, and officers on that list who have served for ten years in the Regiment as commissioned officers on the active list may, with the approval of the Governor, retain their rank and wear the prescribed uniform:

Provided that in exceptional circumstances the Governor may with the approval of the Secretary of State grant such privileges to officers with less than ten years' service in the Regiment."

Amendment of section 24 of the Principal Ordinance.

6. Section 24 of the Principal Ordinance is hereby amended by deleting the words "shall apply to the permanent staff and officers" which occur in the third and fourth lines thereof and by substituting therefor the words "shall as to the provisions therein contained respecting discipline, apply to officers and to the permanent staff (if not otherwise subject thereof)".

Repeal of section 29 of the Principal Ordinance.

7. Section 29 of the Principal Ordinance is hereby repealed.

8. Section 36 of the Principal Ordinance is hereby amended—

(a) by deleting the word "and" which occurs at the end of paragraph (13) thereof,

(b) by renumbering paragraph (14) thereof as (15) and by inserting the following new paragraph as paragraph (14):—

"(14) the requisitioning of goods, provisions, supplies and accommodation for officers and members of the Regiment, the Reserve and the Special Reserve when called out under section 13 of this Ordinance; and"

Passed in the Legislative Council the third day of May, in the year of our Lord one thousand nine hundred and thirty-eight.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said-Bill.

Young Clerk to the Legislative Council

Section 8 of the Principal Ordinance which it is proposed to amend:—

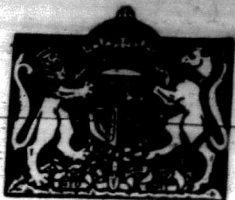
Special Reserve to the Regiment.

The Governor may establish a Special Reserve to the Regiment in such manner as may be prescribed, and those persons who offer their services and whose services are accepted, shall be liable, when the whole or any part of the Regiment is called out for active service, to render services with such portion of any local force as the Governor may decide. The Special Reserve shall be subject to such peace training as may be prescribed from time to time.

Section 11 of the Principal Ordinance which it is proposed to amend:—

Certificate of efficiency.

11. A cadet who has undergone the prescribed course of instruction for any one year, and passed the prescribed tests, shall be deemed to be an efficient cadet for that year, and if he is deemed to be efficient for not less than three years, and his conduct under instruction in cadet training has proved satisfactory, he shall be entitled, on attaining the age of eighteen years, to receive a certificate of efficiency. Holders of such certificates may be transferred to the Regiment as trained men.



THE  
OFFICIAL GAZETTE  
OF THE  
COLONY AND PROTECTORATE  
OF  
KENYA  
(SPECIAL ISSUE)

Published under the Authority of His Excellency the Governor of the  
Colony and Protectorate of Kenya

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NAIROBI, April 13, 1938

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GOVERNMENT NOTICE No. 288

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

R. W. BAKER-BEALL,  
*Acting Clerk to the Legislative Council.*

**A Bill to Amend the Kenya Regiment (Territorial Force) Ordinance, 1937**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) (Amendment) Ordinance, 1938, and shall be read as one with the Kenya Regiment (Territorial Force) Ordinance, 1937, hereinafter referred to as the Principal Ordinance. Short title.  
No. 4 of 1937.

2. Section 8 of the Principal Ordinance is hereby amended by inserting the words "or ordered to hold itself in readiness for immediate calling out" immediately after the word "service" which occurs in the fifth line thereof. Amendment of section 8 of the Principal Ordinance.

3. Section 11 of the Principal Ordinance is hereby amended by deleting therefrom the words "Holders of such certificates may be transferred to the Regiment as trained men" which occur in the last two lines thereof. Amendment of section 11 of the Principal Ordinance.



Section 13 of the Principal Ordinance which it is proposed to replace:—

Calling out of Regiment for active service.

13. The Governor may, by notice in the Gazette, call out the whole or any part of the Regiment for active service and when so called out they shall be held to that service until such time as the Governor may, by notice in the Gazette, declare that they are relieved from that service.

Sub-section (1) of section 19 of the Principal Ordinance which it is proposed to replace:—

Retirement of officers.

19. (1) The Governor may place officers on the retired list, and officers in that list may, with the approval of the Governor, retain their rank and wear the prescribed uniform.

(2) The ages of compulsory retirement of officers of the Regiment shall be prescribed.

4. Section 13 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 13 of the Principal Ordinance.

"13. (1) The Governor may, by proclamation in the Gazette, call out the whole or any part of the Regiment, the Reserve and the Special Reserve for active service and when so called out they shall be held to that service until such time as the Governor may, by proclamation in the Gazette, declare that they are relieved from that service.

Calling out of Regiment for active service.

Provided that the Governor may, by such proclamation in lieu of calling out the Regiment, the Reserve and the Special Reserve or any part thereof for active service, order the Regiment, the Reserve and the Special Reserve or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate calling out.

(2) In the case of sudden and immediate danger in any province or district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such province or district may, for the defence of the province or district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor, call out the whole or any part of the Regiment, the Reserve and the Special Reserve resident in such province or district, but in such case such civil officer shall forthwith report to the Governor such calling out and any subsequent step taken by him."

6. Sub-section (1) of section 19 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:

Repeal and replacement of section 19 (1) of the Principal Ordinance.

"19. (1) The Governor may place officers on the retired list, and officers on that list who have served for ten years in the Regiment as commissioned officers on the active list may, with the approval of the Governor, retain their rank and wear the prescribed uniform."

Retirement of officers.

Provided that in exceptional circumstances the Governor may with the approval of the Secretary of State grant such privileges to officers with less than ten years' service in the Regiment."

Section 24 of the Principal Ordinance which it is proposed to amend:—

24. The provisions of the Army Act, 44 and 45 Vict. Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall apply to the permanent staff and officers at all times and to members, the Reserve and the Special Reserve when they are on active service, when they are called out for active service, during peace training, when they are engaged in any military exercise of drill or musketry, when they are carrying out any escort duty or guard of honour and when they are in uniform at any time or place, subject to the following modifications—

- (a) the words "the Regiment" shall be read therein for the words "regular forces", the words "officer or member of the Regiment" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State"; and
- (b) no sentence of a court martial upon the trial of an officer or a member of the Regiment, Reserve or Special Reserve shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

Section 29 of the Principal Ordinance which it is proposed to repeal:—

29. Any person who commits any offence against the regulations providing for and regulating the requisitioning of accommodation or supplies in pursuance of this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

Section 36 of the Principal Ordinance which it is proposed to amend:—

36. The Governor may from time to time make regulations for all or any of the matters or things following connected with the Regiment—

- (1) the numerical establishment of units of the Regiment and cadets, and the various grades, ranks and appointments therein;
- (2) the appointment, promotion, transfer, leave, resignation and release from service of officers;
- (3) The enrolment, posting, transfer, leave, promotion,

Officers and  
members of  
Regiment,  
Reserve and  
Special Reserve  
on mobilisation  
to be under  
Army Act.

Offences  
against  
regulations  
providing  
for  
requisitioning

Regulations

8. Section 24 of the Principal Ordinance is hereby amended by deleting the words "shall apply to the permanent staff and officers" which occur in the third and fourth lines thereof and by substituting therefor the words "shall as to the provisions therein contained respecting discipline, apply to officers and to the permanent staff (if not otherwise subject thereto)".

Amendment of  
section 24 of the  
Principal  
Ordinance.

7. Section 29 of the Principal Ordinance is hereby repealed.

Repeal of  
section 29 of  
the Principal  
Ordinance.

8. Section 36 of the Principal Ordinance is hereby amended

Amendment of  
section 36 of the  
Principal  
Ordinance.

(a) by deleting the word "and" which occurs at the end of paragraph (13) thereof,

(b) by renumbering paragraph (14) thereof as (15) and by inserting the following new paragraph as paragraph (14):—

"(14) the requisitioning of goods, provisions, supplies and accommodation for officers and members of the Regiment, the Reserve and the Special Reserve when called out under section 13 of this Ordinance; and"

- reduction, discharge and dismissal of warrant officers, non-commissioned officers and men, and the disbandment of any units;
- (4) the appointment and posting of the permanent staff and the control, discipline, pay, allowances, leave, transfer, release from service, and dismissal thereof;
  - (5) the discipline of the Regiment;
  - (6) the convening of courts of inquiry, and the attendance of witnesses;
  - (7) the exemption of officers and members from carrying out the full course of peace training for any one training year;
  - (8) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Regiment and for cadets;
  - (9) the conveyance by air, road, rail, or water of officers and members and their transport and equipment when travelling on duty;
  - (10) the general government control and management of the Regiment;
  - (11) drill, peace training instruction, camps and medical treatment thereat;
  - (12) the establishment, control and management of the Reserve and Special Reserve;
  - (13) the establishment, control and management of Cadet Units; and
  - (14) all matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Regiment, or for carrying out and giving effect to, this Ordinance.

#### OBJECTS AND REASONS

The object of this Bill is to give effect to various suggestions which have been made by the Secretary of State and his military advisers.

The chief amendments are as follows:

Clause 4 provides that the Governor may in lieu of calling out the Regiment order it to hold itself in readiness and ~~thereby empowers~~ empowers the civil officer in charge of a province or district to call it out in times of emergency.

Clause 5 provides that save in exceptional circumstances the privilege of retaining rank and wearing uniform should only be conferred on officers placed on the retired list who have served for ten years in the Regiment.

Clause 6 makes it clear that it is only the disciplinary provisions of the Army Act which apply to the Regiment on the occasions specified in section 24 of the Principal Ordinance.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

Tel. No.—Whitehall 9400.

Any further communication on this subject should be addressed to:—

The Under-Secretary of State,  
The War Office,  
London, S.W.1,  
and the following number, quoted.



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

0165/2515 (M.O. 2.)

26 April, 1938.

Sir,

REC  
27 APR 1938  
C. O. 2.

3. I am commanded by the Army Council to acknowledge receipt of Colonial Office letter No. 58240/2/38 dated 22nd March, 1938, and to state, for the information of Mr. Secretary Ormsby Gore, that the Council cannot trace any reference in the correspondence forwarded with the letter under reply to the point raised in paragraph 2(d) of War Office letter 0165/2515 (M.O. 2.) dated 17th June, 1937.

2. I am to say that the Council agree with the proposal that persons who are not British subjects, but who are permitted to enrol in the Defence Force shall be exempted from the obligation to take the prescribed oath.

I am,

Sir,

Your obedient Servant,

H. H. Wickham

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

C. O.

36240 /2/38.

Mr. Costley-White. 18/3/38.

Mr. Dale 18

Mr. H. Moore.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

*Ans'd 4*

DOWNING STREET.

22 March, 1938.

*875*

2 DRAFTS

THE UNDER SECRETARY OF STATE,  
WAR OFFICE.

*(6) in 37/2  
file*

Sir,

With reference to

your letter O165/2315 (M.O.2)

of the 31st of July, 1937, I am etc

to enclose for the information of

the Army Council, copies of further

correspondence with the Governor

of Kenya on the subject of the

Kenya Regiment (Territorial Force)

Ordinance, 1937, and the Kenya

Defence Force Ordinance, 1937.

2. It will be observed from

the Governor's despatch of the

(1) 31st of January that full

consideration has been given to the

From Kenya - 21st January  
(1)

From Gov. - 28th February  
(2) on 38090/3/38.

To Gov. - 21. 3. 38.  
draft herewith.

**FURTHER ACTION.**

Copy to go on  
38090/3/38.



points raised concerning the proposed amendments to the two Ordinances in the correspondence ending with your letter under reference.

3. With regard to the Governor's despatch of the 26th of February, (2) on 38090/3/38

Mr. Ormsby Gore has no doubt that the Army Council will agree that the proposal to exempt persons who are not British subjects, but who are permitted to enrol in the Defence Force, from the obligation to take a prescribed oath is one to which no objection need be taken, and, as will be seen from the last paragraph of the despatch to the

(Draft herewith)

Governor of ~~Kenya~~ of he has approved an additional amendment to the Defence Force Ordinance giving effect to the proposal.

G.O.

38240/2/38.

Mr. Costley-White 18/3/38.

Mr. Dale 18.

Mr. ~~...~~

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Parlm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

21.3 J.

amend 7

C. D.  
R 21 MAR  
D. A. V.

DOWNING STREET.

21. March, 1938.

2 DRAFTS

KENYA

CONFIDENTIAL. (2)

Governor.

Copy to G.O. - 3

Sir,

I have etc. to acknowledge the receipt of your Confidential despatch No. 27 of the 31st of January transmitting copies of draft Bill to amend the Kenya Regiment (Territorial Force) Ordinance, 1937, and the Kenya Defence Force Ordinance, 1937, and to inform you that subject to the following comments I approve reference of the Bill to Executive Council with a view to their introduction during the next session of the Legislative Council.

of the Bill

FURTHER ACTION.

Copy to G.O. on 38090/3/38.

2. With regard to the proposed amendment of Section 19 of the Kenya Regiment Ordinance as set out in <sup>(Terminative Form)</sup> paragraph 2 of the memorandum accompanying your despatch under reference, I suggest that the words "as commissioned officers on the active list" should be inserted after the word "Regiment" which appears in the third line thereof.

3. It has been suggested that, in view of the last sentence of my telegram No. 63 of the 19th of March, 1937, which reads "Class 3 need not be required to do any annual training ...", the opportunity might conveniently now be taken to <sup>omit</sup> except Class ~~3~~ from the liability to undergo <sup>the</sup> training which is imposed by Section 19(1) of the Kenya Defence Force Ordinance.

4. With reference to your Confidential despatch No. 46 of the 26th of February, I agree that an additional amendment should

(4) on 36240/37.

(2) on 38090/3/38

C. O.

- Mr.
- Mr.
- Mr.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Stuchburgh.
- Perm. U.S. of S.
- Part. U.S. of S.
- Secretary of State.

**DRAFT.**

**FURTHER ACTION.**

be made to the Kenya Defence Force Ordinance in order to exempt persons who are not British subjects, but who are permitted to enrol in the Defence Force, from the obligation to take a prescribed oath under Section 9(2) of the Ordinance.

I have, etc

Signed W. ORMSBY GORE

*Handwritten notes*

Sec. 8.

I think that this amendment is acceptable. It provides for the liability of the Special Reserve to be called up for service when the Regiment is ordered to be in a state of readiness. This seems clearly desirable as delay and complications might result if the Regiment could not receive the Special Reserve personnel until it was actually called out for service.

Sec. 11.

This amendment meets the criticism made in the memorandum enclosed with S. of S's despatch of 30.11.37 (No 13 on 38840/2/1937, Kenya).

Sec. 13.

I think that this amendment can be accepted. It provides for mobilisation by Proclamation instead of by notice; it gives the Governor power to order a precautionary state of readiness; and, in cases of a sudden and immediate danger where there is no time to obtain the authority of the Governor, it gives power to the civil officer in charge of the province or district to call out members of the Regiment, and its reserves, resident in that province or district, for immediate service.

Subject to any legal objections this seems desirable.

Sec. 24.

This meets the criticism made in the memorandum enclosed with 13 on 38240/2/1937.

Sec. 29.

Repealed. They are making provision for regulating the requisitioning of accommodation or supplies by a Regulation power under Sec. 36.

This seems to meet the case satisfactorily and I think can be accepted.

Sec. 36.

This amendment follows the T.O. suggestion and gives power to the Governor to deal with the matters contained in the Section 29, now repealed, by Regulations made under the Ordinance.

This seems to be satisfactory.

NOTE:-

The T.O. only criticism of the Kenya Regt (T.F.) Ordinance has been met by the repeal of Sec. 29 and the addition to Sec. 36.

Sec 19.

In the memorandum accompanying the proposed amendment Ordinance, an amendment to Section 19 is suggested which would provide for the Special Reserve to be called up for service as a condition for eligibility for promotion of rank as a normal condition but giving the Government to consider exceptional cases, with approval of S. of S., of officers with less than 10 years service.

I see no military objection, in the circumstances stated out by Kenya, to the special power to consider an exceptional case but it was stated in the circular of 3rd February 1937 - see 10 on 38840/2/37 that such service must be commissioned service. The War Office made rather a point of this.

X It is, therefore, for consideration in the event of acceptance of the proposed amendment of Sec. 19 whether we should not suggest that the words "as a commissioned officer on the active list" be inserted in line 3 after the word "served".

*Handwritten signature and date*

KENYA DEFENCE FORCE ORDINANCE, Amendments.

Sec. 8.

This amendment gives effect to the suggestion made in the S. of S's telegram in 4 on 38240/1937.

Sec. 9.

Is a consequential amendment on the above.

Sec. 10, marginal note.

This meets the War Office criticism and now appears to be satisfactory.

Sec. 21. (1).

Consequent on the amendment to Section 8.

Section 23.

Meets the criticism contained in the memorandum enclosed with 13 on 38240/2 and appears to be satisfactory.

Section 31.

In view of the explanation given by Kenya, the deletion of sub-section (1) seems to be in order as the power to constitute a permanent staff is already contained in Section 3(2).

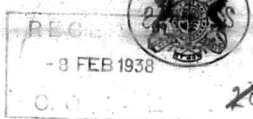
No comments on Clauses 8 (1) and (2) of the Amendment Ordinance. These are consequential on the amendment of Section 8 of the Principal Ordinance.

~~172~~

*Dipl. regd on 38090/3/38*

18

KENYA  
No. 27



GOVERNMENT HOUSE  
NAIROBI  
KENYA

CONFIDENTIAL.

3/ January, 1938.

Sir,

*(13) ov 38240 2 3*

With reference to your Confidential (2) despatch of the 30th November, 1937, on the subject of amendments to the Kenya Regiment (Territorial Force) Ordinance, 1937, and the Kenya Defence Force Ordinance, 1937, I have the honour to enclose a Memorandum which has been prepared by the Attorney General in consultation with the Commander, Northern Brigade, King's African Rifles and Local Forces, dealing seriatim with the points raised by the War Office and by your Advisers and with other amendments which it is proposed to make to the Ordinances, together with two draft amending Bills which, subject to your prior approval, it is proposed to refer to my Executive Council with a view to their introduction during the next session of the Legislative Council.

2. I am anxious that the passage of these measures should no longer be delayed, and it will therefore be appreciated if I can be informed as early as possible whether you are in agreement with the amendments proposed.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Approved (2)*  
*Copy to Govt - 2*

*A. Brecker Joffe*

AIR CHIEF MARSHAL,  
GOVERNOR.

THE RIGHT HONOURABLE  
W. ORMSBY GORE, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W. 1.

MEMORANDUM.

THE KENYA REGIMENT (TERRITORIAL FORCE)  
ORDINANCE.

SECTION 11. There is no reason for the last sentence which has been deleted as suggested (vide Clause 3 of the Bill).

SECTION 19. The steps which have hitherto been taken to give effect to the views expressed in the Secretary of State's Circular despatch of the 3rd February, 1937, are as follows:-

(a) Regulation 119 of the Kenya Regiment (Territorial Force) Regulations, 1937, provides that -

"119. The names of any officers placed on the retired list who have been granted permission to wear uniform and retain their rank shall be notified in the Gazette, and such officers shall be entitled to wear the uniform of the unit in which they last served." AND

(b) Instructions have been issued that the Governor's attention is to be drawn to the Circular despatch whenever any application for this privilege is being forwarded to him. It is suggested that this procedure accords with the views expressed in the Circular despatch without unduly fettering the discretion of the Governor and it is pointed out by the Commander, Northern Brigade, that, if section 19 is amended on the lines proposed by the Secretary of State's Advisers, as the present Commanding Officer cannot under Regulation 24 serve for 10 years in the Regiment, he could not be granted the privilege although the Governor might consider that in view of his special position as the first Commanding Officer he should be granted such privilege. Should the Secretary of State consider that it is more advisable to have this matter governed by a specific provision in the Ordinance, it is suggested that section 19(1) might be amended to read as follows:-

"The



2.

"The Governor may place officers on the retired list, and officers on that list who have served for ten years in the Regiment may with the approval of the Governor, retain their rank and wear the prescribed uniform:

Provided that in exceptional circumstances the Governor may with the approval of the Secretary of State grant such privileges to officers with less than ten years' service in the Regiment."

This would enable the Governor in appropriate cases to grant the privilege in exceptional cases such as that cited.

SECTION 24. The amendments suggested by the Secretary of State's Advisers have been made (vide Clause 5 ~~24 and 25~~ of the Bill).

SECTIONS 29 & 36. From a perusal of Clauses 24 and 25 of the original Bill submitted to the Secretary of State under cover of Kenya despatch No. 375 of the 25th July, 1936, it will be observed that, at that time, it was proposed to empower the Governor to appoint officers to take possession of buildings, foodstuffs, transport animals, etc., but when the Bill was under consideration by the Select Committee it was decided, on the advice of the Commander, Northern Brigade, that these Clauses should be deleted as it was thought that they would conflict with the general defence scheme of the Colony and that in any case, in the event of any emergency, the necessary powers already exist. Although no specific provision was included in rule making section 29 of the Ordinance, which is a revised version of Clause 37, was inserted in order to provide a severe penalty in case regulations were made under the general rule making power. The suggestion made by the War Office is, however, acceptable, and specific power has been taken to make regulations on the lines suggested by <sup>the Secretary of State</sup> ~~him~~ (vide Clause 7 of the Bill). It is proposed that the penalty for offences

against



against these Regulations should be the same as that provided in the general penalty section (Section 31) since the penalty at present prescribed is considered to be unduly excessive. Consequently it is proposed to repeal section 29 (vide Clause 6 of the Bill).

SECTION 13. It is proposed to amend section 13 of the Kenya Regiment (Territorial Force) Ordinance by providing that the Regiment should be mobilized by proclamation rather than by notice, which is the method to be employed in the case of the Defence Force (vide Section 21(1) of the Kenya Defence Force Ordinance) and also to include provisions on the lines of the second proviso to sub-section (1) and of sub-section (2) of Section 21 of the Kenya Defence Force Ordinance. These provisions have been made in Clause 4 of the Bill.

A consequential amendment of Section 8 is therefore necessary and this has been made in Clause 2 of the Bill.

#### THE KENYA DEFENCE FORCE ORDINANCE.

SECTION 2. There does not appear to be any necessity to define "member", "officer" or "permanent staff" as throughout the Ordinance wherever these words are used the words "of the Defence Force" follow them, whereas the analogous procedure has not been followed in the case of the Kenya Regiment Ordinance. The criticism with regard to the definition of the term "Act" has been met by the amendment which has been made to Section 25 (vide Clause 6 of the Bill).

It is unnecessary to provide that Ordinance includes "Regulations" as this is already provided in paragraph

paragraph (26) of Section 2 of the Interpretation and General Clauses Ordinance, Chapter 1 of the Revised Edition.

SECTIONS 10 & 25. The suggested amendments have been made vide Clauses 4 and 6 of the Bill. The

amendments contained in Clauses 2, 3, 5 and 8 of the Bill are to give effect to the proposal contained in Kenya

despatch No. 146 of the 4th March, 1957, and approved by the Secretary of State in his telegram No. 63 of the 19th March, 1957.

(3) and  
(4) in  
38240/37

SECTION 31. It is proposed to delete paragraph (d) of Section 31(1) as it is redundant in view of the provisions of Section 3(2).

A BILL TO AMEND THE KENYA REGIMENT (TERRITORIAL FORCE) ORDINANCE, 1937.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows -

Short title.

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) (Amendment) Ordinance, 1938, and shall be read as one with the Kenya Regiment (Territorial Force) Ordinance, 1937, hereinafter referred to as the Principal Ordinance.

No. 4 of 1937.

Amendment of section 8 of the Principal Ordinance.

2. Section 8 of the Principal Ordinance is hereby amended by inserting the words "or ordered to hold itself in readiness for immediate calling out" immediately after the word "service" which occurs in the fifth line thereof.

Amendment of section 11 of the Principal Ordinance.

3. Section 11 of the Principal Ordinance is hereby amended by deleting therefrom the words "holders of such certificates may be transferred to the Regiment as trained men" which occur in the last two lines thereof.

Repeal and replacement of section 15 of the Principal Ordinance.

4. Section 15 of the Principal Ordinance is hereby repealed and the following section is substituted therefor -

"Calling out of Regiment for active service."

15.(1) The Governor may, by proclamation in the Gazette, call out the whole or any part of the Regiment the Reserve and the Special Reserve for active service and when so called out they shall be held to that service until such time as the Governor may, by proclamation in the Gazette, declare that they are relieved from that service:

Provided that the Governor may, by such proclamation in lieu of calling out the Regiment, the Reserve and Special Reserve or any part thereof for active service, order the Regiment, the Reserve and Special Reserve or such part or parts thereof as he may deem necessary

2.

necessary to hold itself in readiness for immediate calling out.

(2) In the case of sudden and immediate danger in any province or district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such province or district may, for the defence of the province or district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor, call out the whole or any part of the Regiment, the Reserve and Special Reserve resident in such province or district, but in such case such civil officer shall forthwith report to the Governor such calling out and any subsequent step taken by him."

5. Section 24 of the Principal Ordinance is hereby amended by deleting the words "shall apply to the permanent staff and officers" which occur in the third and fourth lines thereof and by substituting therefor the words "shall, as to the provisions therein contained respecting discipline, apply to officers and to the permanent staff (if not otherwise subject thereto)".

6. Section 29 of the Principal Ordinance is hereby repealed.

7. Section 36 of the Principal Ordinance is hereby amended by renumbering paragraph (14) thereof as "15" and by inserting the following new paragraph as paragraph 14 -

" (14) The requisitioning of goods, provisions, supplies and accommodation for officers and members of the Regiment, the Reserve and the Special Reserve when called out under Section 15 of this Ordinance."

Amendment of section 24 of the Principal Ordinance.

Repeal of section 29 of the Principal Ordinance.

A BILL TO AMEND THE KENYA DEFENCE FORCE ORDINANCE, 1937.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows -

Short title.

1. This Ordinance may be cited as the Kenya Defence Force (Amendment) Ordinance, 1938, and shall be read as one with the Kenya Defence Force Ordinance, 1937, hereinafter referred to as the Principal Ordinance.

No. 5 of 1937.

Amendment of section 8 of the Principal Ordinance.

2. Section 8 of the Principal Ordinance is hereby amended -

- (a) by deleting the word "fifty-five" which occurs in the last two lines thereof and by substituting therefor the word "fifty"; and
- (b) by adding thereto at the end thereof the following - "Class III - Persons who have attained the age of fifty years".

Amendment of section 9(1) of the Principal Ordinance.

3. Sub-section (1) of Section 9 of the Principal Ordinance is hereby amended by deleting therefrom the words "and who has not attained the age of fifty-five years" which occur in the fourth line thereof.

Amendment of Section 10 of the Principal Ordinance.

4. The marginal note to Section 10 of the Principal Ordinance is hereby amended by deleting the last eight words thereof and by substituting therefor the words "to serve in the Class preceding their appropriate Class".

Amendment of Section 21(1) of the Principal Ordinance.

5. Sub-section (1) of Section 21 of the Principal Ordinance is hereby amended by deleting the first proviso thereto and substituting therefor the following proviso -

" Provided that a proclamation under this sub-section may call out the members of any one or more of the Classes mentioned in section 8 of this Ordinance, but so that the members enrolled in any Class shall not be called out until the members enrolled in every preceding Class have been called out."

Amendment of section 23 of the Principal Ordinance.

6. Section 23 of the Principal Ordinance is hereby amended -

- (a) by deleting the words "same" which occurs in the second line thereof and substituting therefor the words "same, and all regulations made thereunder"; and
- (b) by deleting the words "shall apply to the permanent staff and officers of the Defence Force" which occur in the third and fourth lines thereof and substituting therefor the words "shall, as to the provisions therein contained respecting discipline, apply to officers of the Defence Force and to the permanent staff thereof (if not otherwise subject to the Army Act)".

Amendment of section 31(1) of the Principal Ordinance.

7. Sub-section (1) of section 31 of the Principal Ordinance is hereby amended by deleting therefrom paragraph (d) thereof and by relettering paragraphs (e) to (r) inclusive as paragraphs (d) to (s) respectively.

Amendment of the Principal Ordinance.

8. (1) Any person who under the provisions of the Principal Ordinance was not required to enrol but who under the provisions of the Principal Ordinance as amended by section 5 of this Ordinance is required to enrol shall within one month after the commencement of this Ordinance comply with the requirements of section 10 of the Principal Ordinance and be subject to all the provisions of the Principal Ordinance and all amendments thereto.

(2) Any person who at the date of the commencement of this Ordinance is enrolled or deemed to be enrolled in Class II of the Defence Force and who at that date has attained the age of fifty years shall, subject to the provisions of section 10 of the Principal Ordinance, be transferred to Class III of the Defence Force.