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PUBLIC RECORD OFFICE

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Kenya Constables

LEAVE REGULATIONS FOR EUROPEAN OFFICERS
 engaged ~~SERVING ON OVERSEAS AGREEMENT~~ ^{in England}
 IN THE EAST AFRICAN
 DEPENDENCIES
~~Kenya and Nyasaland~~

I. Subject to the necessities of the service, ^{Constable} officers may, after a tour of residential service, be granted vacation leave with full pay for the time necessarily taken on the journey to England, plus 3⁺ days for each completed calendar month of residential service; and if especially detained by the Government on public grounds after the completion of a tour of 30 months' service they may be granted vacation leave for 3⁺ days more with full pay in respect of each completed calendar month that they may have been detained.

In the case of ^{Constables} officers who are returning to East Africa for further service, there may be added to their vacation leave a further period of leave with full pay, known as "return leave", for 3⁺ days for each completed calendar month of residential service, plus the time necessarily taken on the journey from England. ^{Constables} Officers to whom return leave is granted will be required to sign an agreement to the effect that in the event of their failing to return to East Africa for further service they will, if called upon to do so, refund the amount of any pay drawn in respect of such leave, and that in the event of their returning to East Africa for further service but determining the engagement with the approval

+ 2⁺ in respect of service in certain stations in ~~Kenya and Nyasaland~~, 3⁺ in ~~Somaliland~~.

~~in Somaliland 15 months.~~

X approval of the Commissioner or being discharged under Clause ^{(A) (C) or (F)} II of the foregoing Schedule before the completion of a further tour of service, they will, if called upon to do so, refund the amount of any pay drawn in respect of such leave or such part of that pay as the Government may direct, together with the cost of their return passage from England or such part thereof as the Government may direct.

II. ^{Commissioner} ~~Officers~~ ^{of 20 months} invalidated before completing a tour of service may be granted sick leave, with full pay, for the time necessarily taken on the journey to England, plus 3⁺ days in respect of each completed calendar month of residential service.

In addition to the sick leave which may be granted under the foregoing regulation, if there is reason to believe that ^{a Commissioner} ~~an officer~~ will ultimately be fit to return to East Africa for duty, and if the Government desires to retain his services for a further tour, he may be granted "return sick leave" with full pay for 3⁺ days more (making 6^x days in all) in respect of each completed calendar month of residential service, plus the time necessarily taken on the journey from England, subject to the same conditions with regard to repayment as return leave.

III. No extension of vacation leave will be granted ^{the} in/ordinary course, but in exceptional circumstances

+ 2⁺ in respect of certain stations.

x 5 in respect of service in certain stations in Kenya and Nyasaland, 7 in Somaliland.

circumstances, such as continued ill-health, ^{constable} officers who are not returning may be granted an extension of leave at the discretion of the Secretary of State for a period not exceeding 6 calendar months, with such salary as the Secretary of State may direct.

IV. Return leave or return sick leave may be extended with full pay, on the ground of ill-health for any period not exceeding 6 calendar months, and if necessary for a further period of 6 months with half salary; or it may be extended with full pay if the ^{constable} officer is detained in England by the Secretary of State on public grounds.

V. Any extension of leave, however short, which may be granted on any other grounds than those mentioned above, will be without pay unless for special reasons the Secretary of State authorizes full pay or half pay.

VI. For the purpose of reckoning the amount of leave due to ^{a constable} an officer, residential service is taken to begin on the day on which he arrives at the ^{Mombasa} coast and to end on the day preceding that on which he ^{Mombasa} leaves the coast for England.

~~Mombasa for officers serving in Kenya and Uganda,
 Zanzibar for officers serving in Nyasaland, Zanzibar
 for officers serving in Zanzibar, Dar-es-Salaam
 for officers serving in the Tanganyika Territory,
 and Aden for officers serving in Somaliland.~~

A B I L L
INTITULED
AN ORDINANCE TO AMEND THE EAST AFRICA
POLICE ORDINANCE, 1911.

ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof :-

1. The Ordinance may be cited as "The East Africa Police Amendment Ordinance, 1912", and shall be read as one with the East Africa Police Ordinance 1911, (hereinafter referred to as "the Principal Ordinance") and all amendments thereof.

2. Section 28 (1) of the Principal Ordinance is hereby repealed and the following Section substituted in lieu thereof; that is to say :-

"28. (1) Every European Constable shall be enlisted for the first term of his engagement to serve for a tour of ^{not less than twenty} thirty months continuous residential service beginning from the date of enlistment in the Colony and for such ~~other~~ period as shall from time to time be fixed by the Governor provided that the tour of service and such ^{additional} ~~other~~ period as may be fixed shall not together exceed thirty-six months. Provided also that any Constable of good character and approved service who has completed a tour of ^{twenty} thirty months continuous residential service, in this Ordinance referred to as the probationary period, may be placed on the permanent and pensionable establishment in accordance with the rules from time to time laid down for European Officers in the service of the Colony, and in such event the probationary period shall count towards pensionable service."

al of Section
) and amendment
Section 29(4)
he Principal
nance.

3. Section 29 (1) of the Principal Ordinance is hereby repealed, and Section 29 (4) is hereby amended by the deletion of the words "Any European Constable upon attaining the age of 50 years and completing the period of service in which he is then engaged and".

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4. Section 35 of the Principal Ordinance is hereby repealed and the following Section substituted in lieu thereof, that is to say :-

"35. (1) Any European Constable may be discharged by the Commissioner at any time :-

(a) If he fails to present himself for attestation, without pension or gratuity.

(b) When pronounced by a Medical Officer designated by the Government to examine him to be mentally or physically unfit for further service; provided that if such Constable has completed a tour of ^{twenty} thirty months' continuous residential service in the Colony, and if the ~~illness~~ disease is not due to the Constable's own misconduct, he may receive pension or gratuity according to length of service.

(c) When sentenced to be dismissed from the force for misconduct, without pension or gratuity.

(d) If the Commissioner shall consider that he is unlikely to become an efficient Constable; provided that, if such Constable has been re-engaged on the completion of his first agreement

✓ he may receive pension or gratuity according to length of service unless otherwise specially arranged on re-engagement.

✓ (e) On reduction of establishment, with pension or gratuity according to length of service.

(f) On purchase of discharge if approved by the Commissioner at the following rates :-

*without
pension
or gratuity*

£30. 0.0 during the first year of service

£22. 10.0 " " second " " "

£15. 0.0 " " third " " "

and, unless he has completed his tour of ^{twelve} thirty months continuous residential service, on refunding the whole or such portion of the cost, if any, incurred by the Government in bringing such Constable to the Colony as the Commissioner may determine. Provided that, if such Constable has completed a tour of ^{twelve} thirty months continuous residential service, he shall be entitled to determine his engagement, if approved by the Commissioner, without any liability to purchase his discharge.

(2) An Asiatic or African Non-Commissioned Officer or Constable may be discharged by the Commissioner at any time during the currency of any term of engagement :-



eligible for pension in accordance with the Rules from time to time laid down for Non-European Officials in the service of the Colony: provided that continuous service under this Ordinance shall be deemed to be permanent service for the purpose of such Rules.

For the purpose of this Sub-section the service of a Sub-Inspector shall not be deemed to be continuous service, if after receiving a certificate of discharge he re-engages at a later date for further service; and in such case service previous to the date of such re-engagement shall not be reckoned towards pension."

165



In. 49511/23 Kenya.

5th October 1923

DRAFT.

Amnd.
580539

Gentlemen

With reference to the

letter from this Dept. No 62280/21

C.A.

MINUTE.

- Mr. Seal 30/1/23
- Mr. Parkinson 2/11/23
- Mr. [unclear]
- Sir O. Davis.
- Sir G. Grindle.
- Sir H. Read.
- Sir J. Masteron Smith.
- Mr. Ormsby-Gore.
- Duke of Devonshire.

JAN 1924

of the 12th of January, 1922, and

to subsequent correspondence

on the subject of the form of

agreement for the engagement of

Eurasian

~~Police Constables~~
the Police Force
Constables in Kenya

with B.O. letter No 45635/23 of

the 10th of September. I am

pleased to inform you that he has

received in answer to you the

accompanying copy of a despatch

dated the 10th of Sept from the Secretary

copy to Secy to Govt

1401. (10 Sept 1923)

1400. (1911)

recd. (for admission
to local admin)

of Kenya, enclosing a draft
Form of Agreement for the
engagement of Police Constables
in this country for service in
the Colony, and a draft Bill
to amend the East Africa Police
Ordinance, 1911.

2. It will be observed

~~from the enclosed documents~~
~~from the enclosed Bill that~~ ✓

that in Section 2 of the enclosed
Draft Bill provision is taken
to amend Section 29(1) of the
E. A. Police Ordinance, 1911 - a
copy of which is enclosed for
reference - so as to enable European
Police Constables to be admitted
to the permanent and pensionable
~~staff~~ establishment of the Colony, after one year of service
(therefore), on agreement..
If the arrangements now proposed
by the Governor are approved,
European Police Constables will

normally be placed on the permanent ~~and pensionable~~ staff after one tour of service, except in special cases when the new form of Agreement can be adapted for re-engagement for a further tour. The draft form of Agreement submitted with your minutes No M/S.A. 17, of the ^{2nd of October} 30th of August 1923, will therefore not be required, and C.O. Letter No 48635/23, of the 10th of October, 1923, should ~~therefore~~ ^{accordingly} be cancelled. ✓

43245/23

48635/23

3. Before approving

the Governor's proposals,

however, the Duke of Devonshire will be glad to be furnished with your views upon the draft Form of Agreement now enclosed; and in this connection I am to invite your attention

to the following points
which have come to notice
on a preliminary examination
of the draft in this Dept. :-

(a) It is proposed to substitute
in the descriptive title of the agreement
the words "Police Constables
Agreement" for "Police Overseas
Agreement". The present
title of the Agreement

(b) Schedule, Clause 2.

~~It is proposed to amend
this clause so as to provide,
as in the ordinary Class
"B" Agreement, for a term of
service of from twenty to
thirty months.~~

It is proposed that Police
Agreements shall in future
provide, as in the case of the
ordinary Class "B" Agreement,
for a term of service of from
twenty to thirty months.

A clause similar to Clause
1 of the ^{ordinary} Class "B" Agreement
should therefore be substituted

for Clause 2 of the draft
Agreement, and the necessary
amendments should be
effected will be necessary
in other parts of the Schedule
where reference is made to
a term of thirty months
service.

(c) Schedule, Clause 3

In view of the proposal to
place ^{Indian} Constables on the
permanent staff after one
term of service, it is proposed
to amend this clause by
placing ~~the~~ a full stop after
the word "employment",
where it first occurs, and
deleting the rest of the sentence,
the following being substituted:

"The Government shall
decide whether it will offer him
further employment, in which
case it shall be open to the

Commissioner to recommend his admission to the permanent and pensionable establishment; or he may be engaged on such terms and for such period as may be mutually agreed."

(d) Schedule Clause 8

The reference to Clause 4(c) should be deleted from sub Clause 8(E)(i), ~~of the Schedule~~, as no reason is seen ~~for~~ for providing for the grant of a free return passage to a Constable who is dismissed for misconduct; although the Governor may of course recommend such a course in individual cases ~~as an act of grace~~, if he ~~sees~~ thinks it desirable.

(e) Schedule Clause 9

No objection is seen to the removal of the Horses B which the Governor reports; but if helmets are still supplied

in this country, this should be stated, as in the draft Agreement enclosed with your letter D.S.A. 17. of the ~~14~~⁴ of ~~the~~^{the} 8th December, 1923

6250
at 48635/23.

(f) In view of the fact that the Leave Regulations appended to the Schedule to the Agreement necessarily contain references to clauses in the Schedule which ~~do not exist~~
~~are not the same as those~~
in the ^{Schedule to the} ordinary Class "B" Agreement, it appears to be necessary to prepare special Leave Regulations for European Constables serving on Agreement, and ~~the~~ amendments have been made accordingly in the draft enclosed with the Governor's despatch.

~~2 of the enclosed despatch,
the draft Form of Agreement
for the engagement of Police
Constables who are~~

Accordingly, it is proposed to
amend the last 3 lines of
Clause 18 to read as follows:-
"following regulations for Kenya
European Constables engaged
in England:-"

The heading of the regulations
will then be:-

"New regulations for Kenya
European Constables engaged
on agreement in England."

The actual amendments to
the above regulations as in the
Governor's Dept will be
mostly of a minor character:-

- (1) Substitute throughout
"Constables" for "Miles"
- (2) Delete footnote on page 1
except the first part of
footnote & down to the word
"stations"
- (3) In line 2 of page 2 insert
"(a) (c) or (f)" after "Clause 11"

(4)


(4) Amend of 20 in
the "Form of service" in
line 2 of regulation II on
page 2.

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- (5) Amend footnote on page
2 ~~by deleting~~ by deleting
words after "stations".
- (6) Substitute in line 3 of
regulation VI on page 3
"months" for "the
Coast", & delete
the footnote on that page.

(4) I am to add that
the Draft Bill has not
yet been examined in
detail in this Dept,
but it is unlikely that
amendments of substance
will be made except
so far as may be
necessitated by the
decision that the
minimum term for a
Constable shall be
20 months instead
of 30 months - but may
well it will not
be necessary for
you

you to communicate
Bill in your reply
to this letter.


(Signed) H. J. READ

90.49511/23 Kenya.

170

C. F.
R 29 NOV.
30.

~~S2~~

3 Dec
November 1923

For

Sir

DRAFT

ma
No 1675.
W. Compton

Receipts

Recd 26.11.23
Einhart 27
Hines 28/11
Bottomley 28/11 f.s.

in com m.

I have etc. to ack. the receipt of your despatch No 1401, of the 10th of September, ~~con~~ regarding ~~the subject of~~ the Form of Agreement to be entered into by Police Constables engaged into this country, and to inform you that the draft Form of Agreement enclosed therewith is ~~at~~ under revision. I hope to address you further at an early date on the subject of this Form and also of that enclosed proposed for

use in the case of locally
enlisted ~~peacekeepers~~ constables,
which was enclosed in
your despatch No 402
of the 10th of September.

49512/23

2. The Draft Bill
enclosed with your despatch
under acknowledgement
has been submitted to my
legal advisers, and after
considering their remarks
I approve its terms subject
to the following observations:-

(1) There appears
to be no reason why the
period fixed for a
term of service of a Police
Constable should differ
from that of service of a Police
Constable should be
fixed at thirty months

while the period laid down
for other officers is from
twenty to thirty months.
I have therefore to request
that the following alterations
^{may} should be made in the
draft Bill:-

DRAFT.

MINUTE.

- Mr.
- Mr.
- Mr.
- Sir C. Davis.
- Sir G. Girdle.
- Sir H. Road.
- Sir J. Masterton Smith.
- Mr. Ormsby Gore.
- Duke of Devonshire.

(a) Section 28. (1), line 3

Delete "thirty" and
substitute "not less than
twenty"

(b) Section 28. (1) line 4.

Delete "thirty" and substitute
"twenty"

(c) Section 35 (b) line 6.

Delete "thirty" and
substitute "twenty"

(d) Section 35 (b) lines 8 and

15. Delete "thirty"
and substitute "twenty"

(ii) Section 28 (1), lines 5

and 7. The words "additional

period" would appear to be more suitable than "other period".

(iii) Section 28(i) Last sentence.

This sentence does not constitute a proviso to the remainder of the sub-clause, and does not modify or affect the preceding sentence. Its provisions should be embodied in a separate section or subsection.

(iv) The wording of the new section 35(i) is somewhat cumbersome ^{and} ~~of~~ the words "without pay pension or gratuity" can only with difficulty which occur in several places, ~~subsections~~ can ~~be~~ held to qualify the words "may be discharged" ⁱⁿ ~~only~~.

~~Section 35(i)~~ ^{only} by a violation of the rules of grammatical construction.

I would suggest that the order of the grounds of discharge be altered so as to put together at the beginning first those which involve loss of pension. A separate

DRAFT.

MINUTE.

- Mr.
- Mr.
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- Sir J. Masterton Smith.
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- Duke of Devonshire.

subsection should then be inserted showing ^{the question of} how pension or gratuity will be dealt with in the different cases.

(v) In Section 35 (i) (b), line 8, "ill-health" should be substituted for "disease."

Insert for over leaf -

(vi) ~~(vii)~~ Section 35 (i) (f), ~~it~~ it would be advisable to make it clear that a Constable purchasing her discharge relinquishes all rights

to pension or gratuity.

}

insertment leaf

(vi) Section 35.1(d) The proviso to this subsection does not appear to be appropriate. It may be presumed that if a constable has passed the probationary period, and has been admitted to the permanent establishment, he has become efficient and should not be liable to discharge on the ground of ~~inefficiency~~ ^{that he is not likely} to become efficient.

(Signed) DEVONSHIRE