

EAST AFRIC. PROT.  
34015

34015  
Recd. 5. NOV. 1910

1509  
1910  
October  
Foreign Paper.

Subjects mentioned in the list raised by the Treaty  
of the Nile and the Nile Ordinance.

Mr. Risley

Mr. Reid headed as this as to thought  
it was partly a matter for us, and I agree  
no mind to agree later than the first plan for it.  
I trouble you with it because of the deep  
questions involved. I need only refer to  
certain questions of principle.

It is not the desire to retain the  
thing at 50 for all concerns and the  
proposals under (1) remain to effect this.

There is no harm in making assurance  
possible now by reserving contentment, indeed  
with the engagements set is desirable then  
on (2)

If you will refer to (3) we

Vertical handwritten notes on the left margin, including the word "Consent" and other illegible characters.

Foreign Paper  
219/11



Continuity of Service

Section 839 - para 2.  
in any other case shall  $\frac{1}{2}$   
count for pension or  
gratuity and service which is  
not only from which the person is  
absent. This is the only direct

reference to the subject of receipt of  
pension or gratuity.  
I think that the intention is to  
include any period of absence which  
is not only from which the person is  
absent.

I think that the intention is to  
include any period of absence which  
is not only from which the person is  
absent. I think that the intention  
is to include any period of absence  
which is not only from which the  
person is absent.

the best way would be to draft a  
draft bill (in the lines of the  
draft of 38 (2)).

For the purpose of this subsection the  
absence of a European Constable shall not  
be deemed to be continuous service if  
the receiving a certificate of  
discharge he re-engages at a later date  
for a further term and in such case  
the service for such period previous to the  
date of such re-engagement shall not  
be reckoned towards pension.

This also  
must be  
inserted  
by the  
Bill

3) I quite agree with the Governor.  
The necessary letter is not still clear  
at this point. If they wish to raise  
definite point, let them do so  
intelligibly.

Before leaving this part of the  
amendment, I would call attention  
to Section 30. It appears that the  
phrase "any non-commissioned officer  
or constable" includes European  
constables. This being so, I think  
that the phrase "2 1/2 years" will  
need amendment. I find it very  
difficult to devise a suitable  
amendment. I would suggest that  
the section read -

"In reckoning the service of any non-commissioned  
officer or constable for discharge, there shall  
be excluded therefrom in all cases  
all periods during which he has been  
absent from the service for any of the  
following reasons -

Particulars

2) The general reasons for the scale  
of gratuity advanced by the  
Governor are sound.  
As regards the comparison with  
Spain...

except that "Sergeant" "Grade" in East  
takes the place occupied by the  
Sergeant major in Uganda.

The analogy is by no means exact  
I do not think that we should  
happily have feared that this  
manner should ever get

in Uganda  
requirement for having them in East

be the period  
of the Police  
and that  
as to the latter I will not pass it on  
the Police

2.3) Here again I agree with the Governor's  
great objection

comparison with Ug. Police  
is helpful in support of East  
say nothing

2.4) The Gov's proposed amendment clears  
away any doubt.

With regard to the  
unstable

minute this & several other points  
to be dealt with when the financial  
part of the Ord. is settled in the Treasury  
are being borne in mind.

As to the Uganda Police Ord.  
I point out with satisfaction that  
the scale of gratuities was within  
your bodily from the old Uganda  
Army (constabulary) Ord. of 1911  
of 1912 attempted and as  
participation now. If the Treasury  
say later in reply that we  
are committed as to the Uganda  
Ord. ~~ordinarily~~ which you  
refer so briefly? we can  
explain the position. But there  
is no reason to mention them  
points unless they raise a  
technical

It would prefer not to send the  
Treasury a copy of the Dispatch,  
while I will reply to their letter  
Dec 6.3 on the basis of the Dispatch  
existing for the most part the  
word wording of the Dispatch  
however referring to the K.A.P.  
with modifications as above  
p. 1-2 - suggesting appropriate

Sections from Uganda Police Div<sup>n</sup>  
1908 when necessary

acc<sup>d</sup>

1912

~~W. C.~~  
W. C.

you are all sample with the...

S.S.

C O  
34015

430

GOVERNMENT HOUSE, NAIROBI.

BRITISH EAST AFRICA

October 5th 1910.

EAST AFRICA PROTECTORATE.

No. 607

My Lord,

I have the honour to acknowledge the receipt of Your Lordship's despatch No. 48 of the 17th of August and to submit a reply to the points raised by the Lords Commissioners of the Treasury in their letter of the 6th August.

(1) In order to bring the provisions of the Ordinance as regards pensions into conformity with the ordinary pension regulations as applied to this Protectorate the following alteration is suggested (1) would be necessary, viz delete "until the completion of two years" and substitute "until he attains the age of 50 years; provided, however, that any European Constable who has attained the age of 47 may, with the approval of the Commission, be engaged for any period, the termination of which will be coincident with such constable attaining the age of 50 years". In Section 25 (1), the further alteration

THE RIGHT HONOURABLE

THE EARL OF CRENSHAW, K.C.

SECRETARY OF STATE FOR THE COLONIES.

DUNNING, HAMILTON, & CO., S.W.

alteration viz: delete "upon completing such period of 21 years' service, any European Constable and any Asiatic or African Non-Commissioned Officer or Constable may" and substitute "any European constable, upon attaining the age of 20 years and completing the period of service in which he is then engaged, and any Asiatic or African Non-Commissioned Officer or Constable upon completing 21 years' service, may". These alterations will give effect to the course proposed by the Lords Commissioners.

(2) As it is so carefully set forth in the acts, regulations, &c. under which the pensions of European Officials are granted, that service to be pensionable must be continuous, further provision in the Ordinance would seem unnecessary.

(3) As regards the leave of absence, it is in reasoning he has served for pension & considered that they should be treated in the same way as other European officials. A constable, who would be pensionable whilst on leave, will thus be pensionable, and his application for pension should be considered in accordance with the provisions of Section 12 (1) prior to proceeding on leave.

11. GRATUITY

(1) If the rules pertaining to the pensions and gratuities for the subordinate staff are applied to the Asiatic and African Police only the last of the subordinate staff will ever become

eligible

eligible for pensions, and the remainder of the ranks and grades, though nominally eligible for gratuities will, in actual practice, rarely obtain them owing to the provisions of Section 4 of the Superannuation Act of 1887.

This Section of the Act provides that a man can only be granted a gratuity

(a) If he is removed in consequence of the abolition of his employment

(b) On re-organisation of the department with a view to economy

(c) On discharge after not less than 15 years service owing to infirmity of mind or body.

The Inspector General of Police and the Commissioners of Police are of opinion that occasional gratuities might be granted under (a) and (b), but that in order to give men an opportunity of obtaining a pension under (c) it would be necessary to retain men who are unequal, owing to age and the attendant decrease in physical strength, to the strenuous duties of police work. The strain of continuous night-work and constant exposure to the weather, whether in far more pronounced upon Asiatics and Africans than upon Europeans, and the result is that certain diseases become prevalent amongst the former, which necessitate the invaliding of a great majority before the completion of the 15 years service required by the Act. Some inducement should, I think, be offered to the men to remain in the service a number of years, instead of 15 years, and to be granted a gratuity after that period.



(4)

second period of service; and it is with the hope that the grant of a gratuity after a certain period of service will encourage re-engagement and thus ensure a higher degree of efficiency, that I consider the scale of gratuities as laid down in Section 38 (b) should stand.

I may mention that exactly similar provisions have been made for gratuities for the Uganda Police and the King's African Rifles and a similar principle in the case of the East African Police would constitute an anomaly which would be unfair to the members of this Corps and might tend to prejudice the East African Police in the eyes of the natives from whom its recruits are drawn.

(2) The granting of gratuities after 12 instead of after 15 years as I consider, justified by the fact that the duties of the police are of such a nature that it is imperative that the men should be energetic and physically sound. The natives from whom the police are drawn are adverse to remaining for any length of time in fixed employment, and if the hope of reward is too long deferred, the chance of obtaining any gratuity at all will be neglected. The value of retaining the services of men of experience, so long as they are physically fit, cannot be overestimated. (3) Gratuities after 12 years service are granted by the King's African Rifles Ordinance 1907 and also by the Uganda Police Ordinance 1907.

(3) The Lords Commissioners are correct in

second period of service; and it is with the hope that the grant of a gratuity after a certain period of service will encourage re-engagement and thus ensure a higher degree of efficiency, that I consider the scale of gratuities as laid down in Section 38 (B) should stand.

I may mention that exactly similar provisions have been made for gratuities for the Uganda Police and the King's African Rifles. It is to be noted that the provisions of the Uganda Police would constitute an unfair and unjust precedent to prejudice the King's African Rifles in the eyes of the natives from whom its recruits are drawn.

(2) The granting of gratuities after 12 instead of after 15 years is, I consider, justified by the fact that the duties of the Police are of such a nature that it is imperative that they should be energetic and physically strong. The natives from whom the Police are drawn are adverse to remaining for any length of time in fixed employment, and if the hope of reward is too long deferred, the object of offering any gratuity at all will be defeated. The value of retaining the services of men of experience, so long as they are physically fit, cannot be overestimated. Gratuities after 12 years service are granted by the King's African Rifles Ordinance 1902 and also by the Uganda Police Ordinance 1905.

(3) The Lords Commissioners are correct in

...that the concluding Paragraph of Section 47, when read in conjunction with Section 53 (2) of the Kenyan Statute, in a better position than the British Statute, and the custom of the law, may be taken into consideration. It is to be noted that for a man who has definitely refused to re-engage himself when his discharge time arrives to return to the service and as to be re-eligible for re-employment, it is not an issue which...

...in a case of a Government man who has taken leave without pay, the leave and has re-engaged. It is an inducement, which is now proposed, is offered. It is reasonable to suppose that a man will return after the end of two months of freedom, and the necessity for re-employment of men who are recruits will to some extent be eliminated.

...provisions of the Sections objected to by the Legislative Council are almost identical with those of Section 18 (2) of the King's African Rifles Ordinance 1902 and are exactly similar to those of Section 30 (2) of the Uganda Police Ordinance 1908.

The suggestion that the restoration of forfeited service under Section 47 refer solely to service which has been forfeited. It is suggested that the anxiety on this point may be removed by inserting the words "under Section 53 (2) (c)" after the word "forfeited" in line 3 of Section 47.

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

*A. S. ...*  
 GOVERNOR.

Greenwood 36015

Exp

MINUTE

Dec 1940

- Mr. [unclear]
- Mr. [unclear] 20
- Mr. [unclear] 23
- X Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]

... of the 9th of August  
 No 12000  
 on the subject of ...  
 cancelled with Pensions ...  
 Gratuité ...

reply to ...  
 the ... of the ...

1. Pensions

... of ... means with the  
 opinion expressed in your  
 letter under reply that the

Copy for 93 12 Feb 1941

minimum age limit for  
recruitment of European  
Contractors without medical  
certificate should be  
as for other  
officials in  
the service.

insurance  
allowance  
from 25th Feb 1944  
6 months of completing

with age for further service  
by periods of 3 years until  
he attains the age of 47 years  
provided however that  
European Contractor who  
has attained the age of  
47 years may with

the approval of the Commandant,  
the contract for any period  
the termination of which  
will be contingent upon  
with such possible  
attending the age of  
50 years.

Section 29(a) of the  
Act as follows:  
"Any European Contractor  
who attains the age of  
47 years and completing  
the period of service in which  
he is then engaged, and  
who is a British or African  
Contractor shall be entitled  
to receive a gratuity of  
one month's pay for each  
year of service." (b)

approval of the Commandant  
of the Force, continued in the Force  
in the same manner and  
in all respects as if the term  
of his service were still unexpired,  
except that etc. etc."

and Section 36





...and physically  
...the value  
...of some ... fact  
...employment  
...the page of the ...  
...long before ...  
...offering ...  
...it will be ...  
...value of retaining the services  
...of men of experience, so  
...long as they are physically  
...fit cannot be  
...reestimated and  
...again ...  
...of the amounts of the  
...gratuities, so with the  
...qualifying period of  
...service to the Uganda  
...Police Ordinance has been

that period ...  
...12 years ...  
...and the same arguments  
...which have been brought  
...to the attention of the  
...to the relation of the

...  
...from applying ...  
...to this point

(3) It is correct  
in opinion that the  
concluding part of Section  
30(2) when read  
in conjunction with Section  
30(1) places the Non-

...request ...  
...for gratuity  
...request ...  
...for pension

European in a better  
position than the European  
but the habits & customs  
of the former must  
be taken into account  
It is an everyday occurrence  
for a man who has  
definitely refused to  
re-engage and who has





