

1934

23271

1934

23271

KENYA

C0533/451

Police Ordinance.

Proposed

3009/33.

Subsidiary

38139/55

Room 309 7/8

Room 309 7

Room 309 26/11

Room 309 24/11

Room 309 24/11

Room 309 ✓

The Administrator 30/11

The Clerk 11

The Secretary 1/12

Room 309 8/12

Room 309 8/12

(Room 309) 4/12

297.

Police Ordinance. 1. Act Secretary 31st (minutes) 6th Aug '20.
Trans. 12 copies of report of Select Committee of Aug 15. on a
Bill to amend the Police Ordinance.

Shaw & Lacey

Poly
J. J. [unclear]
7/9 etc

1/10

2. Act Secy 31st (minutes) 27 October '20
Trans. 12 copies of report of Select Committee of Leg. Council
on a Bill to amend the Police Ordinance 1920

Shaw & Lacey

DESTROYED UNDER STATUTE

See No. 1.
Not by
C. J. [unclear]
26/9/20 above

1/11

3. Commission Report 6th 26th November '20
Trans. 2 authenticated & 10 printed copies of the Police
(Amend) Ordinance, no. of 1920 together with report of legal sub-
committee table & copy of Ordinance in bill form.

1 authenticated
& 10 printed copies
& Lacey

4. Act Secy 31st 27th Nov '20
DESTROYED UNDER STATUTE also conf. reference to No 5

Apart from changes in nomenclature, the
chief content of substance which the Ordinance
introduces is the substitution of quarters for tax-
exemption form (89), and the abolition of
provision for African police (400). The City
Commission (21. 1920) attacked the quarter

importance to making African policemen
possible - see his memo. enclosed in 2 on
15/8/30; but the present administration
appears not to share his view, and
the Governor's Conference agreed last year
that it was undesirable to present
native policemen (1 on 200/30).

§ 13 abolishes corporal punishment
as an instrument of discipline in the
Police Force.

Subject to legal views, 2/63.

J. B. ...
17/1

Mr. Brauns (Crown Counsel T.T.) has
examined this, & I attach his notes.
I have looked at the sections which
appear from the legal report to be
important & wish to comment on § 29.
There are certain questions which a
witness may lawfully be asked but
which he need not answer. Subsection (9)
does not safeguard him in this respect
but penalises him if he refuses to
answer. Now does subsection (11) completely
prevent all the usual witness privileges e.g.
communications between husband & wife.

J. B. ...
20/1/30

This is a large and fairly complicated
amending Ordinance but there is little in it which
would normally call for comment from here, it being
a matter of local administration to a great extent.

I must own, however, that I am perturbed
at the removal from the Ordinance of the provisions
enabling pensions to be granted to the African
Police. The last Commissioner, Mr. Spicer, was very
strong on the subject, as will be seen from his
memorandum in 15989/30. In the despatch forwarding
the original Ordinance and Mr. Spicer's memorandum,
the Governor said that he was "entirely in favour
of the provision relating to the payment of
pensions and gratuities to African personnel", and
went on to say that he was agreed that some inducement
must be held out to encourage recruitment and the
retention of personnel, that the proportion of
serving police with more than five years' service was
deplorably small, and that the Executive Council
agreed that the provision of a pension after long
service would be a valuable incentive to Africans to
remain in the Force. He said he was definitely
opposed to a system of gratuities only but was
considering the possible commutation of part of the
pensions.

The provision for pensions is now dropped
and we are given no indication as to the views of
the present Commissioner of Police. The only
thing urged in justification in the proceedings of
the Governor's Conference at which the Governor of
Uganda objected to a pension scheme for African
Police on the ground that Uganda was considering a
contributory

contributory pension scheme for all African officials and would not consider any scheme of police pensions until this was settled, while Tanganyika thought that the present system of gratuities was quite satisfactory. On this the Conference reached the conclusion that it was undesirable to introduce a free pensions scheme.

As I have said above, I am not happy about it, and it is one of the cases where I think that Kenya might well have told us more. Either Mr. Spicer's view urged so forcibly and so weightily and accepted by the Governor in 1930, is right or wrong. If it is right then Kenya ought not to go back on it because other East African Administrations are not prepared to follow suit. If it is wrong, then Kenya ought to say so and give some reasons for their complete reversal of form.

The substitution of gratuities for tax exemption, to which Mr. Preston refers, is voluntary and not compulsory. Mr. Spicer laid importance on the tax exemption as giving a sort of cachet to policemen and if his view is correct there will probably be few cases of election to receive a gratuity.

I think, then, that the action to be taken should be to signify non-disallowance, putting the points in Mr. Roberts-Gray's minute and at the same time saying that in view of the strong views expressed by Mr. Spicer and the Governor in 1930, the Secretary of State would have wished to have some further explanation

of

of the complete change in regard to pensions for the African ranks and presumes that the change has the support of the present Commissioner of Police. (which I for one much doubt)

J. O. Hood
12.55

*Off. as Mr. Hood below - to be seen
see it. I am not clear whether
African officials getting on to have
free pensions - if not, it is an
argument in favour of the present
change that police should not be
in a privileged position but
merely common folk.*

Web 2/2/35

*Noted
to you
revised
1/1/35*

To Kenya III (3rd unad) C/P }
Kenya, Conf (2) } was

7/8
7 FEB 1935

Library (Legal) know

*C.D.
Commission for African Police
abolished*

*Taxation
Exemption of Police from
poll tax - ~~being a lien~~*

*Police (African ranks)
Subsidiary to them of
tax exemption at time
of change of A*

28271/344

6

Mr. Grossmith. 7/2
Mr. ~~Phillips~~ 5
Mr. Roberts-Wray 5/2
Mr. ~~Amstrong~~ 5-2

Amended by No 1
38159/35

DOWNING STREET.

X Sir G. Tomkinson
Sir C. Batterley 6-2
Sir J. Shackburgh
Parol. U.S. of S.
Privy. U.S. of S.
Secretary of State.

O. D.
R 6-FEB.
D 7 "

7 February, 1935.

Sir,

DRAFT.

CONFIDENTIAL.

CONFIDENTIAL. (2)

CONFIDENTIAL.

(5)

I have, etc. to refer to my despatch No. .!!!. of even date, in which I informed you that His Majesty would not be advised to exercise his powers of disallowance in respect of Ordinance No. XLIV of 1934, and to invite your observations with regard to the following points of detail in the Ordinance.

Section 29 of the Ordinance empowers any police officer making an investigation to require the attendance of witnesses. As you are aware, there are certain questions which a witness may lawfully be asked, but which he need not answer. Sub-section (b) of Section 29 of the Ordinance does not safeguard the witness in this respect, but penalises him if he refuses to answer. Nor does

FURTHER ACTION.

any legal question

Sub-section (11) preserve all the usual witnesses' privileges, e.g. communications between husband and wife.

You will no doubt consider whether the Ordinance should be amended in this ^{respect} ~~aspect~~.

2. I observe that Section 22 delegates the provisions of Section 55 of the Principal Ordinance with regard to the eligibility of African subordinate officers for pensions.

While I am aware that it was agreed at the Governor's Conference in May, 1934, that it would be undesirable to introduce a free pension scheme for the African ranks

of the ^{Police} ~~Police~~, ~~and subordinate officers~~, in view of the strong ~~opinion~~ ^{views} expressed in Mr. Spicer's Memorandum dated the

12th of April, 1930, and by Sir Edward Grigg in his Confidential Despatch No. 74 of

the 20th of May, 1930, ~~and~~ ^{I shall return} some further explanation of the ~~present~~ ^{present} change of

views ^{with} regard to pensions for African ranks. ~~and~~ ^{you may wish to consider the matter further with the Comm^r of Police in his return from}

See
No 2
15/5/30

↓ only 15th April

Mr. Roberts-Wray

5

I have read through the
amending Bill and
find it spelled in
order.

Sec 32 is a somewhat
unusual provision but
there is nothing really
against it.

No provision is
made in the Section
to certifying the copy
so deposited in the
Supreme Court although
the word "certified" is used
in the penultimate line.

J. F. Branigan

24-1035

36

KENYA.

No. 611.



RECEIVED
20 DEC 1954
C. O. REG.

GOVERNMENT HOUSE
NAIROBI,
KENYA.

26th November, 1954.

Sir,

I have the honour to transmit herewith two authenticated and twelve printed copies of "An Ordinance to Amend the Police Ordinance, 1950," No. XLIV of 1954, which passed its third reading in Legislative Council on the 25th October and to which I assented in His Majesty's name on the 15th November.

Copies of the Legal Report by the Attorney General, together with a comparative table and a copy of the Ordinance in Bill form, including the amendments made in Select Committee, and shewing on the left hand side the sections of the principal Ordinance affected, are also enclosed.

2. In regard to Clause 22, the question of the provision of pensions for African ranks of the Police Force has been the subject of previous correspondence.

You will be aware that the question was referred to the recent Conference of Governors, and that in Minute IV of the Conference it was agreed such provision was undesirable.

The relative provision has, therefore, been repealed, and it should be added that effect has never been given to the original provision as, for reasons given in the Legal Report, the principal Ordinance has not yet been brought into operation.

I have the honour to be,
Sir,
Your most obedient humble servant,

Brigadier-General,
G. O. F. R. O. R.

Enclosed (6)

No. 9
15/11/54

24/6/54
EA

MAJOR THE RIGHT HONOURABLE
SIR PHILIP CUNLIFFE-LISTER, F.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W. 1

No. XLIV.

1934



Colony and Protectorate of Kenya.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.
JOSEPH ALOYSIUS BYRNE, G.C.M.G., K.B.E., C.B.,
Governor.

Assented to in His Majesty's
name this 15 day of *November*
1934.

J. BYRNE

Governor.

AN ORDINANCE TO AMEND THE POLICE
ORDINANCE, 1930

ORDINANCE No. XLIV of 1934

**An Ordinance to Amend the Police Ordinance,
1930.**

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 Police (Amend-^{Short title}
ment) Ordinance, 1934, and shall be read as one with the
Police Ordinance, 1930, hereinafter referred to as the Principal No. 64 of 1930
Ordinance.

2. Section 2 of the Principal Ordinance is hereby ^{Amendment of}
amended as follows:— ^{section 2 of}
^{the Principal}
^{Ordinance.}

(a) By the substitution of the words "Deputy Instructor" ^{Amendment of}
for the words "Sergeant Instructor" which occur in the ^{section 2 of}
definition of "Inspector"; ^{the Principal}
^{Ordinance.}

(b) By the deletion of the definitions of "Commissioned
Officer," "Non-Commissioned Officer," and "Subordinate
Officer," and the insertion of the following definitions:—

"Superior Police Officer" means any police officer of
or above the rank of Assistant Superintendent;

"Subordinate Police Officer" means any police officer
below the rank of Assistant Superintendent;

"Police station" means a post or place appointed by
the Commissioner to be a police station, and includes any
local area policed from such station."

3. Section 3 of the Principal Ordinance is hereby ^{Repeal and}
repealed and the following is substituted therefor:— ^{replacement of}
^{section 3 of}
^{the Principal}
^{Ordinance.}

Conditions of
Police Force.

2. The Police Force (to be known as 'The Kenya Police') shall be formally enrolled and shall consist of such number of superior police officers and subordinate police officers as may from time to time be ordered by the Governor.

Amendment of
section 4 of
the Principal
Ordinance.

4. Section 4 of the Principal Ordinance is hereby amended—

(a) By the deletion of the headings "Commissioned Officers" and "Non-Commissioned Officers" and by the substitution thereof of the headings "Superior Police Officers" and "Subordinate Police Officers" respectively;

(b) By the deletion of the heading "Subordinate Officers"

(c) By the deletion of the words "European Constables" and the substitution thereof of the term "Assistant Inspectors, Second Grade"

(d) By the deletion of the term "Sergeant Instructors" and the substitution thereof of the term "Depot Instructors."

Amendment of
section 7 of
the Principal
Ordinance.

7. Section 7 of the Principal Ordinance is hereby amended by the substitution of the words "superior or other police officers as may be appointed by the Commissioner" for the words "commissioned or non-commissioned officer as may be present"

Amendment
section 14 of
the Principal
Ordinance
relating
to
enlistment
of police
officers.

14. Section 14 of the Principal Ordinance is hereby amended and the following section is substituted therefor:—

(1) Every subordinate police officer of or above the rank of assistant sub-inspector shall be enlisted to serve in the Police Force in accordance with the provisions of this Ordinance and with the regulations in force for the time being in the Colony governing the conditions of service applicable to the office he holds: Provided that in the event of any conflict or inconsistency between the provisions of this Ordinance and the regulations the provisions of this Ordinance shall prevail.

(2) Every subordinate police officer below the rank of assistant sub-inspector shall be enlisted to serve in the Police Force for a period of five years or for such less period as may from time to time be fixed by the Governor, such period to be reckoned from the date on which such subordinate police officer shall have been approved for service and taken on the strength of the force."

7. Section 19 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Amendment of
section 19 of
the Principal
Ordinance.

Leave
condition.

19. (1) European police officers shall be eligible for leave in accordance with the regulations for the time being in force for European officers in the service of the Colony.

(2) Asiatic police officers shall be eligible for leave in accordance with the regulations for the time being in force for the Asiatic permanent staff in the service of the Colony.

(3) African police officers may be granted local leave on full pay not exceeding fourteen days in any one year.

If the exigencies of the service preclude the grant of local leave in any year such leave may accumulate, provided that no leave in excess of six weeks at any time may be granted under this sub-section. Leave granted under this sub-section shall be in addition to any leave granted under sub-section (4) or sub-section (5) of this section.

(4) Any African police officer who, being entitled to his discharge at the end of any period of service, re-engages for further service or who has completed three years of his original term of service on enlistment, may, with the approval of the Commissioner, be granted vacation leave on full pay at the rate of one month for each completed year of service. Leave granted under the provisions of this sub-section shall in no case exceed three months.

(5) African police officers domiciled in Somaliland, Nyassaland, Uganda, Tanganyika, Aden or the Sudan may be granted additional leave on full pay to cover the period necessarily occupied in proceeding to and returning from their place of domicile, in addition to any leave granted in accordance with the provisions of sub-sections (3) or (4) of this section: Provided that, except with the approval of the Governor, such period of additional leave for travelling shall in no case exceed fourteen days."

Amendment of
section 20 of
the Principal
Ordinance.

8. Section 20 of the Principal Ordinance is hereby amended as follows:—

(a) by the substitution of the words "Any subordinate police officer below the rank of assistant sub-inspector" for the words "Any Asiatic non-commissioned officer or any subordinate officer" which occur in the first and second lines of sub-section (1) thereof;

(b) by the deletion of the words "and of the Governor" which occur in the third line of sub-section (2) thereof;

(c) by the deletion of the words "pension or" which occur in the seventh and thirteenth lines of sub-section (4) thereof;

(d) by the substitution of the words "If any subordinate police officer below the rank of assistant sub-inspector" for the words "If any Asiatic non-commissioned officer or any subordinate officer" which occur in the first and second lines of sub-section (5) thereof, and by the deletion of the words "but not of pension" which occur in the eighth line thereof.

9. Section 21 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

"21. (1) Subject to the approval of the Treasurer on the recommendation of the Commissioner every African subordinate police officer who has been enlisted on or before the thirty-first day of December, 1932, shall, after nine years' continuous good service, be exempt from payment of poll tax in respect of himself for his life, or alternatively, he shall be exempt from the payment of poll tax in respect of one last for his life.

Provided that any such African subordinate police officer to whom exemption from paying poll tax or hut tax has been granted under this sub-section may, at his option exercisable at the time of discharge, be paid in lieu of such exemption, a gratuity, viz:—

- (a) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of nine years 7 10
- (b) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of twelve years 10 00

Amendment of
section 21 of
the Principal
Ordinance.
Exemption
from hut or
poll tax or
gratuity in
lieu thereof.

(2) Subject to the approval of the Treasurer on the recommendation of the Commissioner every African subordinate police officer who has been enlisted on or after the first day of January, 1933, shall be granted, in addition to any other gratuity payable on discharge under the provisions of this Ordinance or any regulation thereunder, gratuities, viz:—

- £ s.
- (a) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of nine years 7 10
- (b) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of twelve years 10 00

10. Section 24 of the Principal Ordinance is hereby amended as follows:—

(a) By the deletion of the term "European Constable" wherever that term occurs therein and the substitution therefor of the term "assistant inspector, second grade";

(b) By the deletion of the word "constable" wherever that word occurs therein and the substitution of the words "police officer";

(c) By the repeal of paragraph (a) (ii) of sub-section (1) thereof and the substitution therefor of the following paragraph:—

(ii) If he has not been confirmed in his appointment and is pronounced by a Government medical officer to be mentally or physically unfit for further service";

(d) By the deletion of paragraph (a) (iii) of sub-section (1) thereof;

(e) By renumbering paragraph (a) (iv) of sub-section (1) thereof as (a) (iii);

(f) By the deletion of the words "provisions of the European Officers' Pensions Ordinance, 1927," which occur in the second and third lines of paragraph (b) of sub-section (1) thereof and the substitution therefor of the words "regulations for the time being in force for other European officers";

Amendment
section 24 of
the Principal
Ordinance

any charge under the last preceding section, and, if his decision is against the accused, he may impose on him any one or more of the following punishments—

- (i) In the case of inspectors—
 - (a) Reprimand;
- (ii) In the case of assistant inspectors, chief sub-inspectors, sub-inspectors and assistant sub-inspectors—
 - (a) Reprimand;
 - (b) Fine not exceeding one hundred and fifty shillings;
- (iii) In the case of other subordinate police officers—
 - (a) Reprimand;
 - (b) Imprisonment for a period not exceeding fifteen days with or without punishment drill, extra guards, fatigue or other duty;
 - (c) Fine not exceeding one hundred and fifty shillings;
 - (d) Reduction in rank or grade;
 - (e) Confinement to barracks or lines for a period not exceeding twenty-one days.
- (iv) In the case of followers—
 - (a) Reprimand;
 - (b) Fine not exceeding one hundred shillings;
 - (c) Stoppage of increments;
 - (d) Dismissal.

If any variance between the charge and the evidence appears to the Commissioner to be such that the accused has been thereby deceived or misled, the Commissioner may make an amendment of the charge on such terms as may be just and remit the amended charge to the said superior police officer or inspector or administrative officer to inquire into the truth of such amended charge, or he may himself investigate any such charge.

Every sentence passed under this sub-section involving a reprimand on an inspector, assistant inspector, chief sub-inspector, sub-inspector and assistant sub-inspector or any imposition of a fine or reduction in rank or grade shall, before being carried into execution, be reported to the Commissioner, who may confirm or vary any such sentence.

Any punishment imposed by a superior police officer, inspector in charge or administrative officer under this section may be remitted by the Commissioner or mitigated or increased or altered by the Commissioner to any other punishment which may be imposed for the offence.

(2) The Commissioner may in respect of any conviction made by himself upon investigating any charge under section 41, or in respect of any conviction reported to him under sub-section (1) of this section, impose any one or more of the punishments prescribed in sub-section (1) of this section, and, further, may impose any one or more of the following punishments—

- (i) In the case of subordinate police officers of or above the rank of assistant sub-inspector—
 - (a) Fine not exceeding two hundred shillings;
 - (b) Stoppage of increments;
 - (c) Reduction in rank or grade;
 - (d) Dismissal.
- (ii) In the case of any other subordinate police officer—
 - (a) Forfeiture of all pay which may be due to him;
 - (b) Forfeiture of any reward which he may have earned in the Police Force;
 - (c) Forfeiture of any advantage in respect of gratuity and pension on discharge which he may have earned by past service;
 - (d) Dismissal.

Provided that any subordinate police officer above the rank of assistant inspector, second grade, who has been awarded a punishment under paragraph (i)(d) of this subsection, and who is dissatisfied with the decision of the Commissioner, may, within seven days after the decision has been communicated to him, appeal to the Governor in Council whose decision shall be final.

(3) An investigation by the Commissioner under sub-section (2) of this section shall be conducted in accordance with Rules made by the Governor in Council.

17. Section 43 of the Principal Ordinance is hereby amended by the substitution of the words "Any superior police officer or subordinate police officer" for the words "Any commissioned officer, non-commissioned or subordinate officer" which occur in the first and second lines thereof.

Amendment of section 43 of the Principal Ordinance.

Repeal of section 45 of the Principal Ordinance.

18. Section 45 of the Principal Ordinance is hereby repealed.

Amendment of section 48 of the Principal Ordinance.

19. Section 48 of the Principal Ordinance is hereby amended by the deletion of the proviso thereto and the substitution thereof of the following proviso:—

“Provided that the dismissal of a subordinate police officer above the rank of assistant inspector, second grade, under this section shall be subject to the approval of the Governor.”

Amendment of section 52 of the Principal Ordinance.

20. Section 52 of the Principal Ordinance is hereby amended by substituting the word “imprisonment” for the word “confinement.”

Amendment of section 53 of the Principal Ordinance.

21. Section 53 of the Principal Ordinance is hereby amended by the insertion of the following words between the words “thereunder” and “shall” which occur in the third line thereof:—

“and all fines levied for assaults on members of the Force.”

Amendment of section 55 of the Principal Ordinance.

22. Section 55 of the Principal Ordinance is hereby amended as follows:—

(a) by the deletion of the words “provisions of the European Officers Pensions Ordinance, 1927,” which occur in the second and third lines of sub-section (1) thereof, and the substitution thereof of the words “regulations for the time being in force for other European officers”;

(b) by deleting the words “pensions or” which occur in sub-sections (2) and (3) thereof.

Amendment of section 56 (1) of the Principal Ordinance.

23. Section 56 of the Principal Ordinance is hereby amended as follows:—

(a) by the deletion of the words “pensions or” which occur between the words “of” and “gratuity” in the fourth line of sub-section (1) thereof;

(b) by the insertion of the word “of” after the word “gratuity” which occurs in the fourth line of sub-section (3) thereof;

(c) by the deletion of sub-section (4) thereof.

24. Sub-section (1) of section 57 of the Principal Ordinance is hereby amended by the deletion of the first four words thereof, and the substitution thereof of the following words:—

“Every subordinate police officer on joining”.

25. Section 63 of the Principal Ordinance is hereby repealed.

26. Section 64 of the Principal Ordinance is hereby amended by the insertion of the words “in accordance with such rates of pay as may be prescribed by the Governor in Council” after the word “application” which occurs in the tenth line thereof.

27. Section 69 of the Principal Ordinance is hereby amended by the deletion of the proviso which occurs in sub-section (2) thereof.

28. (1) Section 70 of the Principal Ordinance is hereby amended by substituting the words “51 and proper persons” for the words “residents of the neighbourhood” in sub-section (1), by deleting sub-section (3) and by re-numbering sub-sections (4) and (5) as (3) and (4) respectively.

(2) Wherever in section 70 of the Principal Ordinance the words “special constable” or “special constables” occur, the words “special police officer” or “special police officers”, as the case may be, shall be deemed to be substituted therein.

29. (1) Whenever an officer in-charge of a police station or a police officer making an investigation, has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorized to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search or cause search to be made for such thing in any place within the limits of such station.

(2) A police officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present

Amendment of section 57 of the Principal Ordinance.

Repeal of section 63 of the Principal Ordinance.

Amendment of section 64 of the Principal Ordinance.

Amendment of section 69 of the Principal Ordinance.

Amendment of section 70 of the Principal Ordinance.

Investigation and search by police officers, and their powers to require attendance of witnesses.

at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him to make search, and he shall deliver to such subordinate officer an order in writing specifying the place to be searched, and, so far as possible, the thing for which search is to be made, and such subordinate officer may thereupon search for such thing in such place.

No. 11 of 1934

(4) The provisions of the Criminal Procedure Code as to search warrants and the general provisions as to searches shall, so far as may be, apply to a search made under subsections (1), (2) and (3).

(5) An officer in charge of a police station or a police officer, not being below the rank of sub-inspector, making an investigation, may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place in any case in which the former officer might cause such search to be made within the limits of his own station.

(6) Such officer, so being so required, shall proceed according to the provisions of subsections (1), (2), (3) and (4), and shall forward the thing found, if any, to the officer at whose request the search was made.

(7) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police station or a police officer making an investigation to search or cause to be searched, any place in the limits of another police station in accordance with the provisions of sub-sections (1), (2), (3) and (4) as if such place were within the limits of his own station.

(8) Any officer conducting a search under sub-section (7) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situate.

(9) Any police officer making an investigation into any offence may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station, who, from the information given or otherwise appears to be acquainted with the circumstances of the case and such person shall attend so as required.

Provided that any person whose attendance is required under this sub-section who fails to attend at such time and place as may be appointed, or, having attended, refuses to answer all questions that may be lawfully put to him, shall be liable, on conviction before a magistrate, to a fine not exceeding twenty pounds, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

(10) Any police officer making an investigation under this section or any police officer acting on the requisition of such officer may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may, if he shall be of opinion that any person examined by him will or may be required as a witness, require such person to execute a bond to appear and give evidence before a magistrate if and when required to do so.

(11) Such person shall be bound to give his true name and address and answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

30. The Principal Ordinance is hereby amended as follows:—

Alterations of
designations
of certain
officers.

(1) By the deletion of the terms "Commissioned Officer" and "Commissioned Officers" wherever those terms occur therein and the substitution thereof of the terms "superior police officer" and "superior police officers" respectively;

(2) By the deletion of the terms "non-commissioned officer" and "non-commissioned officers" wherever those terms occur therein and the substitution thereof of the terms "subordinate police officer" and "subordinate police officers" respectively;

(3) By the deletion of the terms "subordinate officer" and "subordinate officers" wherever those terms occur therein and the substitution thereof of the terms "subordinate police officer" and "subordinate police officers" respectively;

(4) By the deletion of the terms "European Constable" and "European Constables" wherever those terms occur therein, and the substitution thereof of the terms "Assistant Inspector, Second Grade" and "Assistant Inspectors, Second Grade" respectively.

(5) By the deletion of the terms "European Police Constable" and "European Police Constables" wherever those terms occur therein and the substitution thereof of the terms "Assistant Inspector, Second Grade" and "Assistant Inspectors, Second Grade" respectively;

(6) By the deletion of the terms "non-commissioned officer or subordinate officer" and "non-commissioned officers or subordinate officers" wherever those terms occur therein and the substitution thereof of the terms "subordinate police officer" and "subordinate police officers" respectively;

(7) By the deletion of the terms "non-commissioned officer or any subordinate officer", "non-commissioned officers and subordinate officers" and "non-commissioned and subordinate officers" wherever those terms occur therein and the substitution thereof in each case of the term "subordinate police officer" and "subordinate police officers" respectively.

Amendment of Ordinances used in O-Classes, etc.

21. Where in any Ordinance or in any order, rule, proclamation, notice, by-law, contract or other document any of the expressions mentioned in the first column of the Schedule to this Ordinance is used, there shall be substituted for such expression the similarly numbered expression in the second column of the said Schedule.

Compilation of the Principal Ordinances and the Ordinances.

22. A copy of the Principal Ordinances with the amendments required by this Ordinance shall be prepared by the Clerk of the Legislative Council and deposited in the Supreme Court and the Government Printer shall print in accordance with the copy so certified all copies of the Principal Ordinances which are printed after the commencement of this Ordinance.

SCHEDULE

No.	First Column	No.	Second Column
1.	European Constable	1.	Assistant Inspector, second grade
2.	European Police Constable	2.	Assistant Inspector, second grade
3.	Commissioned police officer	3.	Superior police officer

Passed in the Legislative Council the twenty-fifth day of October, in the year of Our Lord one thousand nine hundred and thirty-four.

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.

F. G. TROUGHTON

Acting Clerk of the Legislative Council.

LEGAL REPORT.

THE POLICE (AMENDMENT) BILL, 1954.

The object of this Bill is to amend the Police Ordinance, 1950. The Principal Ordinance has not yet been brought into operation, as since its enactment the amendments embodied in this Bill have been under consideration. It is now hoped to bring the Ordinance into force on the 1st day of January, 1955.

The principal amendments proposed by this Bill are as follows:-

Clause 2 - The designation of "sergeant instructor" has been altered to that of "depot instructor". It is not desired to apply the title of "sergeant" to any European member of the police force as that is a rank carried by certain African police officers.

The designation of "commissioned officer" has been altered to that of a "superior police officer." The term "commissioned officer" is a misnomer as there is no officer of the force who carries a King's commission.

The term "non-commissioned officer" is similarly misleading. There exists no valid reason for dividing the lower grades of the force into two categories, i.e. non-commissioned officers and subordinate officers. In future, all officers below the rank of assistant superintendent will be known as subordinate police officers.

The designation of "European constable" will be abolished and "assistant inspector, second grade" substituted therefor. The present title is inappropriate inasmuch as the duties expected of a European police constable are supervisory and not those of a police constable. In effect his work is identical with that performed by an inspector.

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Clause 8 - This Clause replaces Section 18 of the Principal Ordinance in order that the terms of service of subordinate police officers of and above the rank of assistant sub-inspector may conform with the regulations in force for the time being for other officers in the service of the Colony. They constitute no departure from, but will consolidate, existing practice and allow of the introduction of the new terms of the Local Civil Service, both European and Asian. The proviso defining that the provisions of the Ordinance shall prevail are necessary to allow the disciplinary powers of the Ordinance, so essential to a police force, to be applicable when necessary, no such powers existing in other regulations governing terms of service.

Clause 8 - Modifies the provisions of Section 20 of the Principal Ordinance to exclude all officers of or above the rank of assistant sub-inspector. Such officers re-engage in accordance with their terms of service and not in conformity with the Ordinance.

Clause 9.- Under this clause a system of gratuities in lieu of exemption from hut or poll tax has been introduced for future entrants into the Police Force. Provision has also been made for payment of gratuities to men already serving on the first January, 1955, who opt to forgo the exemption from hut or poll tax.

Clause 10 - As other officers in the service of the Colony may resign and are not required to purchase discharges it is not considered necessary to retain the provision of purchasing of discharge. No subordinate police officer may, however, resign unless expressly permitted to do so.

Clause 15.- The object of this clause is to widen the scope of sub-section (1) of Section 57 of the Principal Ordinance so that the practice, with regard to the destruction of photographs and finger-print impressions of a prisoner, not previously convicted, who is discharged or acquitted upon trial, may conform to that which obtains in Great Britain.

Clause 16 - besides making the alterations necessitated by the changes in the titles and ranks referred to under clause 2 makes it clear that confinement as a punishment may be either confinement in cells or confinement to barracks, and provides for an appeal to the Governor in Council by certain subordinate officers against dismissal.

Clause 18 - The Commissioner of Police is of opinion that corporal punishment as a form of punishment in a disciplined police force, the members of which are invested with such wide powers and responsibilities towards every member of the public, is entirely unsuitable and this clause makes the necessary amendment to the Principal Ordinance.

Clause 20 amends Section 59 consequentially.

Clause 21. Provision is made to authorize payment to the Police Rewards and Fines Fund of sums levied as fines for assaults on members of the Police Force. This provision is in conformity with the practice in other similar forces, and enables members of the Force to benefit generally from money obtained from penalties inflicted by courts on persons convicted of attacking the police when in the execution of their duty.

Clause 22 deletes the provision contained in

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Section 55 of the Principal Ordinance making African subordinate police officers eligible for pensions in accordance with regulations made under the Ordinance. It is considered that the gratuity system should continue. The reference to pensions in the case of Asiatic subordinate police officers is deleted, as being redundant, in view of the Non-European Pensions Ordinance, 1952.

Clause 35 makes an amendment to Section 56 of the Principal Ordinance consequential on the decision to abolish pensions for African subordinate officers.

Clause 35 - Section 65 of the Principal Ordinance which it is proposed to repeal by this Bill, makes it obligatory for the medals and decorations of a deceased subordinate police officer to be delivered to the Commissioner for disposal. This practice is contrary to Army Regulations as regards war medals, and in some cases to Royal warrants governing specific decorations.

Clause 38.- Section 70 of the Principal Ordinance, as it stands, restricts the appointment of special police officers to those occasions on which any unlawful assembly, or riot, or disturbance of the peace has taken place or may reasonably be apprehended, and then only in those places where such disturbance has occurred or is likely to occur. It is desired to make provision for the appointment of special police officers for places other than those in which disturbance has occurred or is anticipated. If, for instance, a disturbance in one part of the Colony necessitates the transfer of police from another place it is in that latter place that special police officers are required and can most usefully be employed, and this clause is designed to make such provision.

Clause 29.- This Clause provides for investigations and searches by police officers and their powers to require attendances of witnesses. The provisions of this clause were formerly part of the Criminal Procedure Ordinance (Chapter 7 of the Revised Edition), but they do not appear in the present Criminal Procedure Code. It is considered that the provisions should form part of the Police Ordinance rather than the Criminal Procedure Code.

Clause 32 provides that the amendments made by this Ordinance shall be embodied in the Principal Ordinance, and that all further copies of the Principal Ordinance shall be printed with all these amendments embodied therein. This will be a great boon both to the officials concerned with the working of the Ordinance and to the public, who will then have before them the whole of the law on the subject.

A Comparative Table is attached.

In my opinion, His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

Nairobi,

W. H. H. H.
ATTORNEY GENERAL.

25th October, 1954.

THE POLICE (AMENDMENT) BILL, 1954.

COMPARATIVE TABLE.

Clause of the Bill.	Remarks.
1.	Short title.
2.	Please see the Legal Report. The definition of "police station" is based on the definition of the same term in Kenya Cap. 7 of the Revised Edition, Section 4(q). The reason for this is Clause 29 of the Bill provides that a search may be made in certain circumstances by an officer in charge of a police station within the limits of such station.
3.	Verbal amendment only.
4.	-do-
5.	-do-
6.	Please see the Legal Report.
7.	The amendments made by this clause constitute no departure from a practice which has been in existence since 1925.
8.	Please see the Legal Report.
9.	-do-
10.	-do-
11.	Consequential amendments only.
12.	Formal amendment necessitated by the change in designation.
13.	Please see the Legal Report.
14.	Formal amendment only.
15.	Adds new offences which are necessary for the discipline of the police force.
16.	Please see the Legal Report.
17.	Formal amendment only.
18.	Please see the Legal Report.

Class of the Bill.

Remarks.

- 19. Verbal amendment only.
- 20. Amends Section 52 of the Principal Ordinance consequentially.
- 21. Please see the Legal Report.
- 22. -do-
- 23. -do-
- 24. Consequential amendment only.
- 25. Please see the Legal Report.
- 26. Formal amendment only.
- 27. It is considered that the proviso to be repealed is irregular in that it provides for payment to a private fund or individuals of reimbursement due to Government in respect of expenses incurred in the provision of supernumerary police officers. The Commissioner of Police is opposed to allowing police officers to undertake for payment ^{similar} work to that of normal employment.
- 28. Please see the Legal Report.
- 29. Please see the Legal Report. Cf. Sections 152-155, 187 and 188 of the Kenya Cap. 7 of the Revised Edition. See also Uganda Criminal Procedure Code, Cap. 5, Sections 153, 154, 156 and 159.
- 30. Consequential amendments.
- 31. -do-
- 32. Please see the Legal Report.

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Reference -

C.O. 532

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COPYRIGHT PHOTOGRAPH - NOT TO BE REPRODUCED PHOTOGRAPHICALLY WITHOUT PERMISSION OF THE PUBLIC RECORDS OFFICE, LONDON

A COPY OF THE POLICE (AMENDMENT) ORDINANCE IN THE
FORM OF A BILL, INCLUDING THE AMENDMENTS MADE IN
SELECT COMMITTEE, AND SHOWING ON THE LEFT HAND
SIDE THE SECTIONS OF THE PRINCIPAL ORDINANCE
AFFECTED BY THE AMENDING ORDINANCE.

Section 2 of the Principal Ordinance which it is proposed to amend—

Interpretation.

In this Ordinance, unless the context otherwise requires—

"Police officer" means any person who is a member of the Police Force;

"Commissioner" means the Commissioner of Police.

"Inspector" includes a Chief Inspector, an Inspector, a Sergeant Instructor, and an Assistant Inspector.

"Commissioned Officer" means any police officer of or above the rank of Assistant Superintendent.

"Non-Commissioned Officer" means any police officer of or above the rank of Assistant Sub-Inspector, first grade, but below the rank of Assistant Superintendent;

"Subordinate Officer" means any police officer below the rank of Assistant Sub-Inspector, first grade;

"Followers" means and includes any tracker, porter, coolie, headboy, sweeper or female scavenger attached to or employed in connection with the Police Force;

"Property" includes any movable property, money or valuable security;

"Imprisonment" means imprisonment of either description.

GOVERNMENT NOTICE No. 472

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

J. F. G. TROUGHTON,

Acting Clerk of the Legislative Council.

A Bill to Amend the Police Ordinance, 1930.

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 Police (Amendment) Ordinance, 1934, and shall be read as one with the Police Ordinance, 1930: hereinafter referred to as the Principal Ordinance. Short title.
No. 64 of 1930.

2. Section 2 of the Principal Ordinance is hereby amended as follows:— Amendment of
section 2 of
the Principal
Ordinance.

(a) By the substitution of the words "Depot Instructor" for the words "Sergeant Instructor" which occur in the definition of "Inspector";

(b) By the deletion of the definitions of "Commissioned Officer," "Non-Commissioned Officer," and "Subordinate Officer," and the insertion of the following definitions:—

"Superior Police Officer" means any police officer of or above the rank of Assistant Superintendent;

"Subordinate Police Officer" means any police officer below the rank of Assistant Superintendent;

"Police Station" means a post or place appointed by the Commissioner to be a police station, and includes any local area policed from such station."

Section 3 of the Principal Ordinance which it is proposed to replace:—

Constitution of Police Force.

3. The Police Force (to be known as "The Kenya Police") shall be formally enrolled and shall consist of such number of commissioned officers, non-commissioned officers and subordinate officers as may from time to time be ordered by the Governor.

Section 4 of the Principal Ordinance which it is proposed to amend:—

Composition of Force.

4. The Police Force shall, unless otherwise ordered by the Governor, consist of the following ranks:—

Commissioned Officers:

Commissioner
Deputy Commissioner
Assistant Commissioner
Superintendents
Assistant Superintendents

Non-Commissioned Officers:

Chief Inspectors
Inspectors
Sergeant Instructors
Assistant Inspectors
European Constables
Chief Sub-Inspectors
Sub-Inspectors, first grade
Sub-Inspectors, second grade
Assistant Sub-Inspectors, first grade

Subordinate Officers:

Assistant Sub-Inspectors, second grade
Sergeants, first grade
Sergeants, second grade
Sergeants, third grade
Corporals
Constables, first grade
Constables, second grade
Constables, third grade
Hudoodmen
Buglers

3. Section 3 of the Principal Ordinance is hereby repealed and the following is substituted therefor:—

Repeal and replacement of section 3 of the Principal Ordinance.
Constitution of Police Force.

3. The Police Force (to be known as "The Kenya Police") shall be formally enrolled and shall consist of such number of superior police officers and subordinate police officers as may from time to time be ordered by the Governor.

4. Section 4 of the Principal Ordinance is hereby amended:—

Amendment of section 4 of the Principal Ordinance.

(a) By the deletion of the headings "Commissioned Officers" and "Non-Commissioned Officers" and by the substitution thereof of the headings "Superior Police Officers" and "Subordinate Police Officers" respectively;

(b) By the deletion of the heading "Subordinate Officers";

(c) By the deletion of the term "European Constables" and the substitution thereof of the term "Assistant Inspectors, Second Grade";

(d) By the deletion of the term "Sergeant Instructors" and the substitution thereof of the term "Depot Instructors."

Section 7 of the Principal Ordinance which it is proposed to amend:—

Employment of
Police Force
in times of
emergency.

7. (1) The Governor may, in case of war or other emergency, employ the Police Force or any part thereof in the defence of the Colony:

Provided that, for the purposes of interior economy, the Police Force shall remain under the command of the Commissioner or such commissioned or non-commissioned officer as may be present.

(2) When called upon to serve with the Regular Forces, the Police Force or such part thereof as may be so employed shall be subject to military law.

Section 16 of the Principal Ordinance which it is proposed to replace:—

Enlistment of
constables.

16. (1) Every European police constable shall be enlisted to serve in the Police Force for a tour of service of not less than twenty months' nor more than thirty months' continuous residential service to be reckoned from the date of his arrival or enlistment in the Colony, and for such additional period as may from time to time be fixed by the Governor:

Provided that the tour of service and such additional period shall not together exceed thirty-six months.

(2) Any European constable of good character who has satisfactorily completed a period of not less than twenty-four months' continuous residential service may be placed on the permanent and pensionable establishment in accordance with the regulations in force for the time being for European officers in the service of the Colony, and in such event such period shall count towards pensionable service.

(3) Every Asiatic officer shall be enlisted to serve in the Police Force for a probationary period of not less than twelve months' continuous residential service (hereinafter referred to as "probationary period") to be reckoned from the date of his arrival or enlistment in the Colony, and for such additional period as may from time to time be fixed by the Governor: Provided that the probationary period and such additional period shall not together exceed thirty-six months.

(4) Every African subordinate officer shall be enlisted to serve in the Police Force for a period of five years, or for such less period as may from time to time be fixed by the Governor.

5. Section 7 of the Principal Ordinance is hereby amended by the substitution of the words "superior or other police officer as may be appointed by the Commissioner" for the words "commissioned or non-commissioned officer as may be present"

Amendment of
section 7 of
the Principal
Ordinance.

6. Section 16 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repealing
section 16 of
the Principal
Ordinance.

"16. (1) Every subordinate police officer of or above the rank of assistant sub-inspector shall be enlisted to serve in the Police Force in accordance with the provisions of this Ordinance and with the regulations in force for the time being in the Colony governing the conditions of service applicable to the office he holds: Provided that in the event of any conflict or inconsistency between the provisions of this Ordinance and the regulations the provisions of this Ordinance shall prevail.

Substitution
of police
officers.

(2) Every subordinate police officer below the rank of assistant sub-inspector shall be enlisted to serve in the Police Force for a period of five years or for such less period as may from time to time be fixed by the Governor, such period to be reckoned from the date on which such subordinate police officer shall have been appointed for service and taken on the strength of the force.

such period to be reckoned from the date on which such subordinate officer shall have been approved for service and taken on the strength of the force.

Section 19 of the Principal Ordinance which it is proposed to replace:—

Leave conditions.

19. (1) European police officers shall be eligible for leave in accordance with the regulations for the time being in force for European officers in the service of the Colony.

(2) Asiatic police officers shall be eligible for leave in accordance with the regulations for the time being in force for the Asiatic staff, other than clerks, in the service of the Colony.

(3) African subordinate officers not serving in the Northern Frontier Province or the Turkana Province may be granted local leave on full pay not exceeding fourteen days in any one year.

(4) African subordinate officers serving in the Northern Frontier Province or Turkana Province may at the expiration of three years' continuous service in either or both of such Provinces be granted local leave on full pay not exceeding sixty days.

(5) Where part of the service of an African subordinate officer has been in the Northern Frontier Province or the Turkana Province such officer may be granted local leave on full pay in proportion to the amounts which would be due under sub-sections (3) and (4) of this section.

(6) Notwithstanding anything in this section contained, African subordinate officers domiciled in Somaliland or Nyasaland may subject to re-engagement be granted leave on full pay not exceeding one month for each completed year of service in respect of which no leave shall have been granted, and, except with the approval of the Governor, not exceeding in any case five months.

(7) Any African subordinate officer who, being entitled to his discharge at the end of any period of service, re-engages for further service or who has completed three years of his original term of service on enlistment, may, with the approval of the Commissioner, be granted leave on full pay

7. Section 19 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Amendment of section 19 of the Principal Ordinance.

Leave conditions.

19. (1) European police officers shall be eligible for leave in accordance with the regulations for the time being in force for European officers in the service of the Colony.

(2) Asiatic police officers shall be eligible for leave in accordance with the regulations for the time being in force for the Asiatic permanent staff in the service of the Colony.

(3) African police officers may be granted local leave on full pay not exceeding fourteen days in any one year.

If the exigencies of the service preclude the grant of local leave in any year such leave may accumulate, provided that no leave in excess of six weeks at any time may be granted under this sub-section. Leave granted under this sub-section shall be in addition to any leave granted under sub-section (4) or sub-section (5) of this section.

(4) Any African police officer who, being entitled to his discharge at the end of any period of service, re-engages for further service or who has completed three years of his original term of service on enlistment, may, with the approval of the Commissioner, be granted vacation leave on full pay at the rate of one month for each completed year of service. Leave granted under the provisions of this sub-section shall in no case exceed three months.

(5) African police officers domiciled in Somaliland, Nyasaland, Uganda, Tanganyika, Aden or the Sudan may be granted additional leave on full pay to cover the period necessarily occupied in proceeding to and returning from their place of domicile, in addition to any leave granted in accordance with the provisions of sub-sections (3) or (4) of this section: Provided that, except with the approval of the Governor, such period of additional leave for travelling shall in no case exceed fourteen days.

not exceeding one month for each completed year of service in respect of which no leave shall have been granted, and not exceeding in any case three months.

Section 20 of the Principal Ordinance which it is proposed to amend :—

Re-engage-
ment.

20. (1) Any Asiatic non-commissioned officer or any subordinate officer of good character who has completed or is within three months of completing his period of enlistment may, with the approval of the Commissioner, re-engage to serve for a further period of one or more years as may be fixed by the Commissioner but not exceeding three years and may similarly re-engage for a third or any subsequent period until he shall have completed a whole period of twelve years, reckoning from the date of his enlistment.

(2) Upon completing such period of twelve years he may, if he so desires, and with the approval of the Commissioner, re-engage to serve for any period or periods as may be fixed by the Commissioner until he shall have completed a total period of twenty-one years, reckoning from the date of his enlistment.

(3) Upon completing such period of twenty-one years he may, if he so desires, and with the approval of the Commissioner and of the Governor, continue in the Police Force in the same manner and in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of three months after he has given notice to the officer in charge of the Police Force at the place at which he is stationed of his wish to be discharged.

Re-engage-
ment after
discharge.

(4) If any African subordinate officer offers to re-engage for service within three months after having received his discharge he shall, if the Commissioner approves of his re-engagement, be entitled to the rank or grade which he held at the date of his discharge, and the service of an African subordinate officer who has so re-engaged shall be deemed to be continuous for the purposes of pension or gratuity.

If, however, any such subordinate officer is permitted to re-engage for service after the expiration of three months from the date of his discharge then it shall be discretionary with the Commissioner, subject to the approval of the Governor, to allow the previous service, or part of such service,

8. Section 20 of the Principal Ordinance is hereby amended as follows Amendment of
section 20 of
the Principal
Ordinance.

(a) by the substitution of the word, "Any subordinate police officer below the rank of assistant sub-inspector" for the words "Any Asiatic non-commissioned officer or any subordinate officer" which occur in the first and second lines of sub-section (1) thereof.

(b) by the deletion of the words "and" which occur in the third line of sub-section

(4) by the substitution of the words "police officer below the rank of assistant sub-words "If any Asiatic non-commissioned of ordinate officer" which occur in the first and second lines of sub-section (5) thereof,

"and by the deletion of the words "but not of pension" which occur in the eighth line there-
of."

of such officer to count for the purposes of pension or gratuity, and the question of the reinstatement of such officer in the rank or grade which he held at the date of his discharge shall rest with the Commissioner.

(3) If any Asiatic non-commissioned officer or any subordinate officer who has served as a non-commissioned officer or constable in the similarly constituted police service of the Uganda Protectorate or the Nyasaland Protectorate or the Tanganyika Territory is enlisted in the Police Force within three months after having received his discharge from the appropriate authority he shall be entitled for the purposes of gratuity but not of pension to count his period of service in such Protectorate or Territory as if it had been service in the Police Force.

Section 21 of the Principal Ordinance which it is proposed to repeal

Exemption from hut or poll tax after seven years' service.

21. Subject to the approval of the Governor on the recommendation of the Commissioner every African subordinate officer shall, after nine years' continuous good service be exempt from payment of poll tax in respect of himself for his life or alternatively, he shall be exempt from the payment of hut tax in respect of one hut for his life: provided that the exemption conferred by this section shall not be granted to any African subordinate officer enlisted after the 31st day of March, 1931.

9. Section 21 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 21 of the Principal Ordinance.

21. (1) Subject to the approval of the Treasurer on the recommendation of the Commissioner every African subordinate police officer who has been enlisted on or before the thirty-first day of December, 1932, shall, after nine years' continuous good service, be exempt from payment of poll tax in respect of himself for his life, or alternatively, he shall be exempt from the payment of hut tax in respect of one hut for his life:

Exemption from hut or poll tax or gratuity in lieu thereof.

Provided that any such African subordinate police officer to whom exemption from paying poll tax or hut tax has been granted under this sub-section may, at his option exercisable at the time of discharge, be paid in lieu of such exemption, a gratuity, viz:—

£ s.

- (a) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of nine years 7 10
- (b) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of twelve years 10 00

Discharge of European constables and subordinate officers.

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

24. (1) Any European constable may be discharged by the Commissioner at any time :-

- (a) Without pension or gratuity :-
 - (i) If the Commissioner shall consider that he is unlikely to become an efficient constable.
 - (ii) If he has not completed twenty-four months' continuous residential service and is pronounced by a Government medical officer to be mentally or physically unfit for further service;
 - (iii) On purchase of his discharge, with the approval of the Commissioner at the following rates :-

£15 during the first year of service;
 £10 during the second year of service;
 £10 during the third year of service.

Provided that if at the date of the purchase of discharge such European constable has not completed twenty-four months' continuous residential service he shall receive the whole or such portion of the sum of any, as the Commissioner may determine, awarded by the Government in being his in the Colony, including the amount of salary drawn in respect of return leave granted

(2) Subject to the approval of the Treasurer on the recommendation of the Commissioner every African subordinate police officer who has been enlisted on or after the first day of January, 1933, shall be granted, in addition to any other gratuity payable on discharge under the provisions of this Ordinance or any regulation thereunder, gratuities, viz

	£ s.
(a) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of nine years	7 10
(b) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of two-and-a-half years	10 00

10. Section 25 of the Principal Ordinance is hereby amended as follows

- (a) By the deletion of the term "European Constable" wherever that term occurs therein and the substitution thereof of the term "assistant inspector, second grade";
- (b) By the deletion of the word "constable" wherever that word occurs therein and the substitution of the words "police officer";
- (c) By the repeal of paragraph (a) (ii) of sub-section (1) thereof and the substitution thereof of the following paragraph :-
 - (ii) If he has not been confirmed in his appointment and is pronounced by a Government medical officer to be mentally or physically unfit for further service";
- (d) By the deletion of paragraph (a) (iii) of sub-section (1) thereof;
- (e) By renumbering paragraph (d) (iv) of sub-section (1) thereof as (a) (iii);
- (f) By the deletion of the words "provisions of the European Officers' Pensions Ordinance, 1927," which occur in the second and third lines of paragraph (b) of sub-section (1) thereof and the substitution thereof of the words "regulations for the time being in force for other European officers".

Amendment of section 24 of the Principal Ordinance.

during his preceding leave, together with any salary drawn by him in respect of the voyage from England or elsewhere:

(iv) If he has been sentenced to be dismissed from the Police Force for misconduct.

(v) With pension or gratuity according to length of service in accordance with the provisions of the European Officers' Pensions Ordinance, 1927:—

No. 11 of 1927.

(i) If the Commissioner shall consider that he has ceased to be an efficient constable;

(ii) If he has completed twenty-four months' continuous residential service and is pronounced by a Government medical officer to be mentally or physically unfit, not through his own misconduct, for further service;

(iii) On rejection of establishment.

(2) Any Asiatic non-commissioned officer or any subordinate officer may be discharged by the Commissioner at any time:—

(i) If the Commissioner shall consider that he is unlikely to become or has ceased to be an efficient police officer;

(ii) If he is pronounced by a Government medical officer to be mentally or physically unfit for further service;

(iii) On purchase of his discharge, with the approval of the Commissioner, at the following rates:—

In the case of an—

Asiatic African

£5/0/0 £4/0/0 during the first year of service;

£4/10/0 £3/0/0 during the second year of service;

£3/0/0 £2/0/0 during the third or any subsequent year of service;

Provided that if at the date of the purchase of discharge such Asiatic non-commissioned officer or subordinate officer has not completed the

(6) By the repeal of paragraph (b) (ii) of sub-section (1) thereof and the substitution thereof of the following paragraph:—

z. (ii) If he has been confirmed in his appointment and is pronounced by a Government medical officer to be mentally or physically unfit, not through his own misconduct, for further service;

(b) By the insertion of the words "or African" after the word "Asiatic" where such word occurs in the first line of sub-section (2) thereof;

(c) By the repeal of paragraph (iii) of sub-section (2) thereof;

(d) By the re-numbering of paragraphs (iv) and (v) of sub-section (2) thereof as (iii) and (iv) respectively.

During his preceding leave, together with any salary drawn by him in respect of the voyage from England or elsewhere;

(iv) If he has been sentenced to be dismissed from the Police Force for misconduct.

(b) With pension or gratuity according to length of service in accordance with the provisions of the European Officers' Pensions Ordinance, 1927:—

No. 11 of 1927.

(i) If the Commissioner shall consider that he has ceased to be an efficient constable;

(ii) If he has completed twenty-four months' continuous residential service and is pronounced by a Government medical officer to be mentally or physically unfit, not through his own misconduct, for further service;

(iii) On reduction of establishment.

(c) Any Asiatic non-commissioned officer or any subordinate officer may be discharged by the Commissioner at any time:—

(i) If the Commissioner shall consider that he is unlikely to become or has ceased to be an efficient police officer;

(ii) If he is pronounced by a Government medical officer to be mentally or physically unfit for further service;

(iii) On purchase of his discharge, with the approval of the Commissioner, at the following rates:—

In the case of an—

Asiatic African

£50/0—£40/0 during the first year of service;

£40/0—£30/0 during the second year of service;

£30/0—£20/0 during the third or any subsequent year of service.

Provided that if at the date of the purchase of discharge such Asiatic non-commissioned officer or subordinate officer has not completed the

(g) By the repeal of paragraph (b) (ii) of sub-section (1) thereof and the substitution thereof of the following paragraph:—

(ii) If he has been confirmed in his appointment and is pronounced by a Government medical officer to be mentally or physically unfit, not through his own misconduct, for further service;

(h) By the insertion of the words "or African" after the word "Asiatic" where such word occurs in the first line of sub-section (a) thereof;

(i) By the repeal of paragraph (iii) of sub-section (c) thereof;

(j) By the re-numbering of paragraphs (iv) and (v) of sub-section (2) thereof as (iii) and (ix) respectively.

period of service for which he was first enlisted he shall refund the whole or such portion of the cost (if any), as the Commissioner may determine, incurred by the Government in bringing him to the Colony.

- (ix) If he has been sentenced to be dismissed from the Police Force for misconduct;
- (x) On reduction of establishment.

Section 25 of the Principal Ordinance which it is proposed to amend:—

25. In reckoning the service of any European constable or Asiatic non-commissioned officer or any subordinate officer for purposes of discharge there shall in all cases be excluded therefrom all periods during which such constable or officer has been absent from duty for any of the following reasons:—

- (a) Imprisonment for any cause save that of detention awaiting any trial which results in the acquittal or discharge of the prisoner;
- (b) Desertion;
- (c) Absence without leave exceeding forty-eight hours.

Section 26 of the Principal Ordinance which it is proposed to amend:—

26. Subject to the provisions of sections 25 and 25A any Asiatic non-commissioned officer or any subordinate officer who has completed his period or periods of service in accordance with the provisions of this Ordinance shall be discharged by the officer in charge of the Police Force at the headquarters of the district in which such Asiatic non-commissioned officer or any subordinate officer is stationed, unless at the date of such completion of service he is undergoing punishment for, or stands charged with, the commission of any offence, in which case his service shall be prolonged and his discharge deferred until such punishment shall have terminated or until he has undergone his trial and any punishment which may be awarded in respect of the offence with which he has been charged, as the case may be.

Rules for reckoning service for purposes of discharge of European constables, Asiatic non-commissioned and subordinate officers.

Discharge on completion of service.

11. Section 25 of the Principal Ordinance is hereby amended by the substitution of the words "Assistant Inspector, second grade, Asiatic or African subordinate police officer" for the words "European constable or Asiatic non-commissioned officer or any subordinate officer" which occur in the first and the second lines thereof, and by the deletion of the words "constable or" which occur in the fourth line thereof.

Amendment of section 25 of the Principal Ordinance.

12. Section 26 of the Principal Ordinance is hereby amended by the deletion of the words "any Asiatic non-commissioned officer or any subordinate officer" and the substitution thereof of the words "any subordinate police officer below the rank of Assistant Sub-Inspector".

Amendment of section 26 of the Principal Ordinance.

Section 37 of the Principal Ordinance which it is proposed to amend :—

Power to take finger prints of all persons in lawful custody.

37. (1) It shall be lawful for any police officer to take and record for the purpose of identification the finger prints of all persons who may from time to time be in lawful custody: Provided that if the finger prints are taken by a police officer below the rank of assistant sub-inspector such finger prints shall be taken in the presence of a magistrate or a justice of the peace or a police officer of or above the rank of assistant sub-inspector.

(2) Any person in lawful custody who shall refuse to submit in a proper manner to the taking of his finger prints shall be liable to be punished as if he had committed an offence under section 37 of the Principal Ordinance.

40. No salary or other allowance paid to a European constable or any non-commissioned officer or below the rank of chief sub-inspector or any subordinate officer shall be liable to be attached, sequestered or levied upon for or in respect of any debt or claim for any money borrowed by him or any goods supplied to him or to any person on his behalf while such European constable, non-commissioned officer or subordinate officer is a member of the Police Force.

Salary of certain police officers not to be attached for money borrowed or goods supplied.

proposed

Offences against discipline.

41. Any non-commissioned or subordinate officer or follower who—

- (1) Begins, excites, causes or joins in any mutiny or sedition amongst the Police Force, or does not use his utmost endeavours to suppress such mutiny or sedition, or conspires with any other person to cause any mutiny or sedition, or being cognisant of any mutiny or sedition, or intended mutiny or sedition, does not without delay give information thereof to his superior officer; or
- (2) Persuades or endeavours to persuade, procures or attempts to procure, or assists any police officer to desert, or being cognisant of any such desertion or intended desertion does not without delay give information thereof to his superior officer; or
- (3) Uses traitorous or disloyal words regarding His Majesty; or
- (4) Is disrespectful in word, act or demeanour to his superior officer; or
- (5) Wilfully disobeys any lawful command; or

13. Sub-section (1) of section 37 of the Principal Ordinance is hereby amended by the addition at the end thereof of the following proviso :—

Amendment of section 37 (1) of the Principal Ordinance.

And provided further that if the finger prints are taken of a person who has not previously been convicted of crime, and such person is discharged or acquitted by a court, all such finger prints and the photographs, if any, of such finger prints shall be destroyed.

14. Section 40 of the Principal Ordinance

is hereby amended by the deletion of the words 'or any subordinate officer' which occur in the third line thereof and by the insertion of the word 'or' between the word 'constable' and the word 'non-commissioned' which occur in the seventh line thereof.;

(a) By the insertion of the following paragraph, to be numbered (2a), after paragraph (2) :—

(2a) strikes, or uses or offers any violence against his superior officer, or uses threatening or abusive language to his superior officer; or

(b) By the insertion of the word "negligently" before the word "allows" in the first line of paragraph (2)(c).

(c) By the repeal of paragraph (1)(b).

(d) By the insertion after paragraph (2)(c) of the following paragraph, to be numbered (2)(d) :—

(2)(d) is idle or negligent in the performance of his duties; or

(e) By the repeal of paragraph (2)(d) and the substitution thereof of the following :—

(2)(d) provides for duty, duty or custody in his person, arms, clothing or equipment; or

(f) By the insertion after paragraph (2)(d) of the following paragraph, to be numbered (2)(e) :—

(2)(e) makes or signs any false statement in any official record or document; or

- (6) is guilty of drunkenness; or
- (7) drinks intoxicating liquor when on duty; or
- (8) absent himself without leave; or
- (9) is found sleeping at his post, or leaves his post before he is regularly relieved except in fresh pursuit of any offender whom it is his duty to apprehend; or
- (10) being under arrest or in confinement leaves, or escapes from his arrest or confinement before he is set at liberty by proper authority; or
- (11) neglects or refuses to assist in the apprehension of any police officer charged with any offence when lawfully ordered so to assist; or
- (12) allows to escape any prisoner who is committed to his charge or while it is his duty to keep or guard; or
- (13) offers unwarrantable personal violence to any person in his custody; or
- (14) is guilty of cowardice; or
- (15) discharges his rifle without orders or just cause; or
- (16) without reasonable cause fails to appear at any parade appointed by his superior officer; or
- (17) jurses, sells, loses by neglect, makes away with, wilfully damages or fails to report any damage to any arm, ammunition, accoutrement, uniform or other appointment supplied to him or any Government property entrusted to his charge; or
- (18) steals any money or goods the property of any police officer or steals or embezzles any Government money or goods, or receives any such money or goods knowing the same to have been stolen or embezzled from any police officer or from the Government; or
- (19) commits any act of plunder or wanton destruction of property; or
- (20) accepts or solicits a bribe or gratuity; or
- (21) is dishonest, inefficient, inept or quackish; or

(g) By the insertion after paragraph (22a) of the following paragraph, to be numbered (22b):—

"(22b) makes or joins in making any anonymous complaint; or"

- (22) fails to keep his rifle clean; or
- (23) without due authority discloses or conveys any information concerning any investigation or other police or departmental matter; or
- (24) malingers, or feigns or produces any disease or infirmity; or
- (25) is wilfully guilty of misconduct, or wilfully disobeys, whether in hospital or elsewhere, any orders, by which misconduct or disobedience he produces or aggravates any disease or infirmity or delays its cure; or
- (26) incurs debt in or out of the Police Force; or
- (27) without proper authority exacts from any person, carriage, postage or provisions; or
- (28) resists an escort whose duty it is to apprehend him or to have him in charge; or
- (29) breaks out of police lines, camp or quarters; or
- (30) makes any false statement upon joining the Police Force; or
- (31) refuses or neglects to make or send a report or return which it is his duty to make or send; or
- (32) makes a false accusation against any police officer knowing such accusation to be false; or
- (33) in making a complaint against any police officer makes a false statement affecting the character of such officer knowing such statement to be false or knowingly and wilfully suppresses any material facts; or
- (34) engages without authority in any employment or office other than his police duties; or
- (35) becomes security for any person or engages in any loan transaction with any police officer without the permission in writing of the Commissioner; or
- (36) if called upon by a commissioned officer to furnish a full and true statement of his financial position fails to do so; or

(37) is guilty of any act, conduct, disorder or neglect which is declared by regulations made under this Ordinance to be an offence against duty or discipline ;

or
(38) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline, not heretofore specified,

shall be deemed to have committed an offence against discipline, and shall suffer such punishment, according to the degree and nature of the offence, as may be awarded in accordance with section 42 of this Ordinance.

A commissioned officer or an inspector may arrest or order the arrest of any police officer (not being an officer of his own or of a superior rank), or any follower who is accused of an offence under this section, and any police officer may, on receipt of any such order as aforesaid, apprehend such accused person without a warrant and shall forthwith bring him before a commissioned officer or an inspector.

Section 42 of the Principal Ordinance which it is proposed to replace :-

Punishments which may be awarded.

42. (1) A commissioned officer or an inspector in charge of the Police Force in any place or an administrative officer in any place where there is no commissioned officer or inspector in charge may enquire into the truth of any charge under the last preceding section, and, if his decision is against the accused, he may impose on him any one or more of the following punishments :-

(a) In the case of inspectors :-

Reprimand ;

(b) In the case of other non-commissioned officers :-

(i) Reprimand ;

(ii) Fine not exceeding one hundred and fifty shillings.

(c) In the case of subordinate officers :-

(i) Reprimand ;

(ii) Confinement for a period not exceeding fifteen days with or without punishment drill, extra guard, fatigue or other duty ;

76.15. Section 42 of the Principal Ordinance is hereby repealed and the following substituted therefor :-

Repeal and replacement of section 42 of the Principal Ordinance.

42. (1) A superior police officer or an inspector in charge of the Police Force in any place or an administrative officer in any place where there is no superior police officer or inspector in charge may inquire into the truth of any charge under the last preceding section, and, if his decision is against the accused, he may impose on him any one or more of the following punishments :-

Punishments which may be awarded.

(i) In the case of inspectors—
Reprimand ;

(ii) In the case of assistant inspectors, chief sub-inspectors, sub-inspectors and assistant sub-inspectors—

(a) Reprimand ;

(b) Fine not exceeding one hundred and fifty shillings ;

(c) Fine not exceeding one hundred and fifty shillings;

(d) Reduction in rank or grade;

(iv) In the case of followers:—

(a) Reprimand;

(b) Fine not exceeding one hundred shillings;

(c) Stoppage of increment;

(d) Dismissal.

Every sentence passed under this sub-section involving a reprimand on a non-commissioned officer or the imposition of a fine or reduction in rank or grade shall, before being carried into execution, be reported to the Commissioner who may confirm or vary any such sentence: Provided that the Commissioner shall not increase any such sentence without giving the accused an opportunity of being heard.

Special
powers of
Commissioner

(12) The Commissioner may, in respect of any conviction made by himself upon investigating any charge under section 41 or in respect of any conviction reported to him under sub-section (1) of this section, impose any one or more of the following punishments:—

(i) In the case of any non-commissioned officer:—

(a) Fine not exceeding two hundred shillings;

(b) Stoppage of increment;

(c) Reduction in rank or grade;

(d) Dismissal.

(ii) In the case of any subordinate officer:—

(a) Forfeiture of all pay which may be due to him;

(b) Forfeiture of any reward which he may have earned in the Police Force;

(c) Forfeiture of any advantage in regard to gratuity or discharge which he may have earned by past service;

(d) Dismissal.

(iii) In the case of other subordinate police officers:—

(a) Reprimand;

(b) Imprisonment for a period not exceeding fifteen days with or without punishment drill, extra guards, fatigues or other duty;

(c) Fine not exceeding one hundred and fifty shillings;

(d) Reduction in rank or grade;

(e) Confinement to barracks or lines for a period not exceeding twenty-one days.

(iv) In the case of followers:—

(a) Reprimand;

(b) Fine not exceeding one hundred shillings;

(c) Stoppage of increment;

(d) Dismissal.

If any variance between the charge and the evidence appears to the Commissioner to be such that the accused has been thereby deprived or misled, the Commissioner may make an amendment of the charge on such terms as may be just and remit the amended charge to the said superior police officer or inspector in charge to inquire into the truth of such amended charge, or he may himself investigate any such charge.

Every sentence passed under this sub-section involving a reprimand on an inspector, assistant inspector, chief sub-inspector, sub-inspector and assistant sub-inspector or any imposition of a fine or reduction in rank or grade shall, before being carried into execution, be reported to the Commissioner, who may confirm or vary any such sentence.

Any punishment imposed by a superior police officer, inspector in charge or administrative officer under this section may be mitigated or increased or altered to any other punishment which might have been imposed for the offence committed by the Commissionee.

"Any punishment imposed by a superior police officer, inspector in charge or administrative officer under this section may be remitted by the Commissioner or mitigated or increased or altered by the Commissioner to any other punishment which may be imposed for the offence."

Provided that any non-commissioned or subordinate officer who has been awarded a punishment under paragraphs (i) (d), (ii) (b), (ii) (c), or (ii) (d) of this sub-section and who is dissatisfied with the decision of the Commissioner may within seven days after the decision has been communicated to him appeal to the Governor in Council whose decision shall be final.

(3) An investigation by the Commissioner under sub-section (2) of this section shall be conducted in accordance with Rules made by the Governor in Council.

Section 43 of the Principal Ordinance which it is proposed to amend:—

43. Any commissioned officer, non-commissioned or subordinate officer may be interdicted from duty at any time by the Commissioner pending an inquiry under Colonial Regulations or this Ordinance, as the case may be, but shall not, by reason of such interdiction, cease to be a police officer:

Provided that the powers, privileges and benefits vested in him as a police officer shall, during his interdiction, be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

(2) The Commissioner may, in respect of any conviction made by himself upon investigating any charge under section 41 or in respect of any conviction reported to him under sub-section (1) of this section, impose any one or more of the following punishments:—

- (a) In the case of subordinate police officers of or above the rank of assistant sub-inspectors, ~~and~~ grade:—
 - (i) Fine not exceeding two hundred shillings;
 - (ii) Stoppage of increment;
 - (iii) Reduction in rank or grade;
 - (iv) Dismissal.

- (b) In the case of any other subordinate police officer:—
 - (i) Forfeiture of all pay which may be due to him;
 - (ii) Forfeiture of any reward which he may have earned in the Police Force;
 - (iii) Forfeiture of any advantage in regard to gratuity and pension on discharge which he may have earned by past service;
 - (iv) Dismissal.

(3) An investigation by the Commissioner under sub-section (2) of this section shall be conducted in accordance with Rules made by the Governor in Council.

18. Section 43 of the Principal Ordinance is hereby amended by the substitution of the words "Any superior police officer or subordinate police officer" for the words "Any commissioned officer, non-commissioned or subordinate officer" which occur in the first and second lines thereof.

Amendment of section 43 of the Principal Ordinance.

(2) The Commissioner may, in respect of any conviction made by himself upon investigating any charge under section 41 or in respect of any conviction reported to him under sub-section (1) of this section, impose any one or more of the following punishments:—

Provided that the powers, privileges and benefits vested in him as a police officer shall, during his interdiction, be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

Corporal
punishment.

Section 45 of the Principal Ordinance which it is proposed to repeal:—

45. (1) Any African subordinate officer or follower who—
- (a) strikes, or uses or offers any violence against his superior officer, or uses threatening or insubordinate language to his superior officer; or
 - (b) wilfully disobeys any lawful command; or
 - (c) malingers, or feigns or produces any disease or infirmity; or
 - (d) resists an escort whose duty it is to apprehend him or to have him in charge; or
 - (e) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline; or
 - (f) having been previously convicted of any offence under section 41, is convicted of any further offence under the said section.

may, in addition to or in lieu of any other punishment to which he may be liable, be sentenced to undergo corporal punishment not exceeding fifteen lashes, to be inflicted only as prescribed by this section.

(2) No sentence of corporal punishment shall be imposed by an officer other than a commissioned officer, and every such sentence shall be reported to the Commissioner.

(3) A sentence of corporal punishment shall not be carried out except in the presence of a Government medical officer or, in case no medical officer is available, of a magistrate or commissioned officer, and such medical officer, magistrate or commissioned officer, as the case may be, shall first satisfy himself and shall certify in writing as to the physical fitness of the offender to undergo the sentence. The medical officer, magistrate or commissioned officer, as the case may be, shall give such orders as he may deem necessary for preventing injury to the health of the offender and all such orders shall be immediately obeyed. In case the said medical officer or magistrate or commissioned officer as the case may be shall order the punishment to be discontinued it shall be discontinued immediately.

(4) No sentence of corporal punishment shall be carried out except with an instrument approved by the Governor.

Section 45 of the Principal Ordinance is hereby repealed.

Repeal of section 45 of the Principal Ordinance.

Section 48 of the Principal Ordinance which is proposed to amend:—

Dismissal and reduction in rank of non-commissioned and subordinate officers sentenced to imprisonment.

48. The Commissioner may reduce in rank or grade or may dismiss from the Police Force any non-commissioned or subordinate officer who has been sentenced to imprisonment by any court in respect of any offence, whether under this Ordinance or otherwise:

Provided that the dismissal of a non-commissioned officer, other than a European constable, under this section shall be subject to the approval of the Governor.

Section 52 of the Principal Ordinance which it is proposed to amend:—

Place of confinement of offenders under this Ordinance.

52. All police officers who are arrested for any offence under this Ordinance, and all offenders sentenced to confinement by a police or administrative officer under this Ordinance, shall be confined in any building set apart as a guardroom or cell.

Section 53 of the Principal Ordinance which it is proposed to amend:—

Establishment of Police Rewards and Fines Fund.

53. (1) All fines imposed by a police or administrative officer upon a member of the Police Force under the provisions of this Ordinance or any regulations made thereunder shall be paid to the Treasurer to be placed to the credit of a fund to be called the "Police Rewards and Fines Fund."

(2) No payment shall be made from the Police Rewards and Fines Fund except upon the authority of the Commissioner.

(3) The Commissioner may sanction payments from the Police Rewards and Fines Fund for any of the following purposes:—

- (a) Assistance to the wives or families of deceased non-commissioned or subordinate officers, or to non-commissioned or subordinate officers discharged from the Police Force as medically unfit for further service, at the discretion of the Commissioner;
- (b) Contributions towards prizes to be given at athletic meetings, assaults-at-arms and similar events organized by or for the benefit of the Police Force;
- (c) Purchase of ammunition for the encouragement of range practice among the members of the Police Force;

1745. Section 48 of the Principal Ordinance is hereby amended by the deletion of the proviso thereto and the substitution thereof of the following proviso:—

Amendment of section 48 of the Principal Ordinance.

Provided that the dismissal of a subordinate police officer above the rank of assistant inspector, second grade, under this section shall be subject to the approval of the Governor.

2019. Section 52 of the Principal Ordinance is hereby amended by substituting the word "imprisonment" for the word "confinement."

Amendment of section 52 of the Principal Ordinance.

2120. Section 53 of the Principal Ordinance is hereby amended by the insertion of the following words between the words "thereunder" and "shall" which occur in the third line thereof:—

Amendment of section 53 of the Principal Ordinance.

and all fines levied for assaults on members of the Force."

- (d) Payments to non-commissioned or subordinate officers as rewards for meritorious acts or service in the execution of duty, if such payments are not met from Colonial funds;
- (e) Expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Police Force.
- (4) Annual estimates of revenue and expenditure on account of the Police Rewards and Fines Fund shall be framed by the Commissioner and shall be submitted to the Treasurer in sufficient time to admit of their consideration before the commencement of the year to which they relate.

Section 55 of the Principal Ordinance which it is proposed to amend:—

Pensions and gratuities.
No. 11 of 1927.

55. (1) European police officers shall be eligible for pensions or gratuities in accordance with the provisions of the European Officers' Pensions Ordinance, 1927.
- (2) Asiatic police officers shall be eligible for pensions or gratuities in accordance with the regulations for the time being in force for other Asiatic officials.
- (3) African subordinate officers shall be eligible for pensions or gratuities in accordance with regulations made under this Ordinance.

Power to make regulations for granting of pensions or gratuities to Africans.

Section 56 of the Principal Ordinance which it is proposed to amend:—

56. (1) It shall be lawful for the Governor in Council, with the sanction of the Secretary of State, from time to time to make, and when made to vary and revoke regulations for the granting of pensions or gratuities to African subordinate officers.
- (2) Every such regulation when made shall be laid before the Legislative Council and shall be published in the Gazette.
- (3) No such regulation shall provide for the payment of a gratuity to any such officer who has not completed twelve years' continuous service nor shall any such officer be eligible in any case for a gratuity a sum exceeding thirty pounds.
- (4) No such regulation shall provide for the grant of a pension to any such officer who has not completed sixteen

21. 21. Section 55 of the Principal Ordinance is hereby amended as follows—

Amendment of section 55 of the Principal Ordinance.

- (a) by the deletion of the words "provisions of the European Officers Pensions Ordinance, 1927," which occur in the second and third lines of sub-section (1) thereof, and the substitution therefor of the words "regulations for the time being in force for other European officers";
- (b) by deleting the words "pensions or" which occur in sub-sections (2) and (3) thereof.

23. 23. Section 56 of the Principal Ordinance is hereby amended as follows—

Amendment of section 56 (1) of the Principal Ordinance.

- (a) by the deletion of the words "pensions or" which occur between the words "of" and "gratuity" in the fourth line of sub-section (1) thereof;
- (b) by the insertion of the word "of" after the word "gratuity" which occurs in the fourth line of sub-section (3) thereof;
- (c) by the deletion of sub-section (4) thereof.

years' continuous service, and no pension shall in any case exceed half the maximum salary drawn by any such officer at any time.

Section 57 of the Principal Ordinance which it is proposed to amend :-

Provision for disposal of personal property of non-commissioned or subordinate police officers.

57. (1) Every constable on retirement shall declare the name or names of the person or persons to whom, in the event of his death without having made a valid will, any utensils or personal property should be paid or delivered, and the name or names of such person or persons shall be recorded at the headquarters of the Police Force. The records shall be verified periodically and it shall be the duty of every police officer to report any alteration in the records which he may desire to be made.

(2) Any non-commissioned officer or any officer of any police department having in his charge or control any pay, gratuity, allowances or other moneys or any personal property belonging to any non-commissioned or subordinate officer who has died or who has retired having complied with the requirements aforesaid shall pay or deliver the same to the person or persons whose name or names have or have been recorded by such officer in the manner prescribed.

Section 63 of the Principal Ordinance which it is proposed to repeal :-

Mutual wills, or wills, not to be included in estate of deceased non-commissioned or subordinate officer.

63. Wills and bequests shall not be included in the personal property of any deceased non-commissioned or subordinate officer but the same shall be delivered to the Commissioner and shall be disposed of in accordance with regulations made under this Ordinance.

Section 64 of the Principal Ordinance which it is proposed to amend :-

Employment of additional police officers at various places.

64. The Commissioner may, subject to the direction of the Governor, on the application of any person and on being satisfied as to the necessity therefore, employ any additional number of police officers for special duty at any place in the Colony and for such period as he may consider necessary. Such police officers shall, subject to the provisions of this Ordinance, be exclusively under the orders of the officer in

2486: Sub-section (1) of section 57 of the Principal Ordinance is hereby amended by the deletion of the first four words thereof, and the substitution therefor of the following words :-

Amendment of section 57 of the Principal Ordinance.

"Every subordinate police officer on joining".

2494: Section 63 of the Principal Ordinance is hereby repealed.

Repeal of section 63 of the Principal Ordinance.

2628: Section 64 of the Principal Ordinance is hereby amended by the insertion of the words "in accordance with such rates of pay as may be prescribed by the Governor in Council" after the word "application" which occurs in the tenth line thereof.

Amendment of section 64 of the Principal Ordinance.

charge of the Police Force in such place and shall, unless the Governor otherwise directs, be employed at the expense of the person making the application.

Provided that any person on whose application additional police officers have been deputed for special duty at any place may, on giving one month's notice to the Commissioner, require that such additional police officers shall be withdrawn from such place; and at the expiration of one month from the date of such notice such person shall be relieved of any further expense in connection with the employment of such additional police officers.

Section 62 of the Principal Ordinance which it is proposed to amend—

Salary and
expenses paid
under sections
64, 65, 66
and 67

62. (1) All moneys payable under sections 64, 65, 66 and 67 shall be recoverable by a magistrate in the manner provided by law for the recovery of fines imposed in criminal proceedings or by suit in any competent court.

(2) All moneys recovered under sections 64, 65 and 66 shall be paid to the Treasurer for the use of the Colony.

Provided that the Governor may, on the recommendation of the Commissioner, direct that one-third of any moneys recovered under section 64 shall be paid into a fund which shall be called the "Barrack Fund" and shall be under the control of the Commissioner and shall be disposed of in accordance with regulations and that an additional one-third of such moneys shall be paid proportionately to the additional police officers employed.

(3) All moneys recovered under section 67 shall be paid by the magistrate to the person to whom and in the proportions in which the same are payable.

Section 70 of the Principal Ordinance which it is proposed to amend—

Power to
appoint
special
constables

70. (1) Whenever it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or may reasonably be apprehended, and that the Police Force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred or is apprehended, any magistrate or justice of the peace may, on the application of a commissioned officer or an administrative

2700 Section 59 of the Principal Ordinance is hereby amended by the deletion of the proviso which occurs in sub-section (1) thereof. Amendment of section 59 of the Principal Ordinance.

2701 (1) Section 70 of the Principal Ordinance is hereby amended by substituting the words "fit and proper persons" for the words "residents of the neighbourhood" in sub-section (1), by deleting sub-section (3) and by re-numbering sub-sections (4) and (5) as (3) and (4) respectively. Amendment of section 70 of the Principal Ordinance.

(2) Wherever in section 70 of the Principal Ordinance the words "special constable" or "special constables" occur, the words "special police officer" or "special police officers", as the case may be, shall be deemed to be substituted therefor.

officer in charge of police, appoint residents of the neighbourhood to act as special constables, in such manner, for such period, and within such limits as he may consider necessary:

Provided that whenever special constables shall have been appointed under this section the magistrate or justice of the peace making the appointment shall forthwith transmit to the Governor copies of such appointment and of the circumstances which rendered such appointment expedient.

(2) All persons who are exempt from liability to serve as jurors shall be exempt from service as special constables.

(3) All persons serving as special constables shall be entitled during their period of service to remuneration at the same rate as shall for the time being be paid to European constables.

(4) Every special constable so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities as police officers.

(5) If any person who is appointed a special constable as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, on conviction before a magistrate, to a fine not exceeding five pounds for every such neglect, refusal or disobedience.

24-00: (1) Whenever an officer in charge of a police station, or a police officer making an investigation, has reasonable grounds for believing that anything necessary for the purposes of an investigation, into any offence which he is authorized to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search or cause search to be made for such thing in any place within the limits of such station.

(2) A police officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present

Investigations and searches by police officers, and their powers to require attendance of witnesses.

at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him to make search, and he shall deliver to such subordinate officer an order in writing specifying the place to be searched, and, so far as possible, the thing for which search is to be made, and such subordinate officer may thereupon search for such thing in such place.

(4) The provisions of the Criminal Procedure Code as to search warrants and the general provisions as to searches shall, so far as may be, apply to a search made under sub-sections (1), (2) and (3). No. 11 of 1930.

(5) An officer in charge of a police station or a police officer, not being below the rank of sub-inspector, making an investigation, may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place in any case in which the former officer might cause such search to be made within the limits of his own station.

(6) Such officer, on being so required, shall proceed according to the provisions of sub-sections (1), (2), (3) and (4), and shall forward the thing found, if any, to the officer at whose request the search was made.

(7) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police station or a police officer making an investigation to search or cause to be searched, any place in the limits of another police station in accordance with the provisions of sub-sections (1), (2), (3) and (4) as if such place were within the limits of his own station.

(8) Any officer conducting a search under sub-section (7) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situate.

(9) Any police officer making an investigation into any offence may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station, who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required:

Provided that any person whose attendance is required under this sub-section who fails to attend at such time and place as may be appointed, or, having attended, refuses to answer all questions that may be lawfully put to him, shall be liable, on conviction before a magistrate, to a fine not exceeding twenty pounds, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

(10) Any police officer making an investigation under this section or any police officer acting on the requisition of such officer may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may, if he shall be of opinion that any person examined by him will or may be required as a witness, require such person to execute a bond to appear and give evidence before a magistrate if and when required to do so.

(11) Such person shall be bound to give his true name and address and answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

~~30-30~~ The Principal Ordinance is hereby amended as follows:—

Alterations of designations of certain officers.

(1) By the deletion of the terms "Commissioned Officer" and "Commissioned Officers" wherever those terms occur therein and the substitution thereof of the terms "superior police officer" and "superior police officers" respectively;

(2) By the deletion of the terms "non-commissioned officer" and "non-commissioned officers" wherever those terms occur therein and the substitution thereof of the terms "subordinate police officer" and "subordinate police officers" respectively;

(3) By the deletion of the terms "subordinate officer" and "subordinate officers" wherever those terms occur therein and the substitution thereof of the terms "subordinate police officer" and "subordinate police officers" respectively;

(4) By the deletion of the terms "European Constable" and "European Constables" wherever those terms occur therein, and the substitution thereof of the terms "Assistant Inspector, Second Grade" and "Assistant Inspectors, Second Grade" respectively.

(5) By the deletion of the terms "European Police Constable" and "European Police Constables" wherever those terms occur therein and the substitution thereof of the terms "Assistant Inspector, Second Grade" and "Assistant Inspectors, Second Grade" respectively;

(6) By the deletion of the terms "non-commissioned officer or subordinate officer" and "non-commissioned officers or subordinate officers" wherever those terms occur therein and the substitution thereof of the terms "subordinate police officer" and "subordinate police officers" respectively;

(7) By the deletion of the terms "non-commissioned officer or any subordinate officer", "non-commissioned officers and subordinate officers" and "non-commissioned and subordinate officers" wherever those terms occur therein and the substitution thereof in each case of the term "subordinate police officer" and "subordinate police officers" respectively.

3/80. Where in any Ordinance or in any order, rule, proclamation, notice, by-law, contract or other document any of

Amendment of designations

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OBJECTS AND REASONS.

The object of this Bill is to amend the Police Ordinance, 1933. This Ordinance has not yet been brought into operation, as since its enactment certain other matters have been receiving consideration. The matters are now provided for in this Bill.

48

REPORT
OF
THE SELECT COMMITTEE OF LEGISLATIVE COUNCIL
APPOINTED TO CONSIDER AND REPORT UPON
THE PROVISIONS OF A BILL TO AMEND
THE POLICE ORDINANCE, 1930.

Your Excellency,

We, Members of the Select Committee of Legislative Council appointed to consider and report upon a Bill to amend the Police Ordinance, 1930, have the honour to make our report as follows:-

We recommend the following amendments to the Bill:-

1. That Clause 2 be amended by the insertion of the following definition after the definition of "Subordinate Police Officer" which occurs in paragraph (b) thereof:-

"'Police Station' means a post or place appointed by the Commissioner to be a police station, and includes any local area policed from such station."

2. That Clause 6 of the Bill be amended by the insertion of the brackets and figure (2) before the word "every" in line twelve.

3. That Clause 8 be amended by the insertion after sub-clause (b) of a new sub-clause to be numbered (c) to read as follows:-

"(c) by the deletion of the words 'pension or' which occur in the seventh and thirteenth lines of sub-section (4) thereof;"
and that the existing sub-clause (c) be re-numbered (d) accordingly;
and by the substitution of a comma for a full-stop

at the end of new sub-clause (d) thereof and the addition thereafter of the following words:-

"and by the deletion of the words 'but not of pension' which occur in the eighth line thereof."

4. That clause 12 be amended by the deletion of the word "any" which occurs in the second and fourth lines thereof and by the insertion of the words "which occur in the second, sixth and seventh lines thereof" between the word "officer" and the word "and" which occur in the third line thereof.

5. That a new Clause to be numbered 14 to be inserted after Clause 13 as follows:-

"14. Section 40 of the principal Ordinance is hereby amended by the deletion of the words 'or any subordinate officer' which occur in the third line thereof and by the insertion of the word 'or' between the word 'constable' and the word 'non-commissioned' which occur in the seventh line thereof."

and that the subsequent clauses be renumbered accordingly.

6. That new Clause 16 be amended by the deletion of the words "assistant sub-inspectors, first grade" which occur in the fifty-ninth and sixtieth lines thereof, and substitution therefor of the words "assistant inspectors, first grade", and by the insertion immediately after the seventy-fourth line thereof of the following proviso:-

"Provided that any assistant inspector, first grade, who has been awarded a punishment under

paragraph (i)(d) of this sub-section and who is dissatisfied with the decision of the Commissioner may within seven days after the decision has been communicated to him appeal to the Governor in Council whose decision shall be final."

7. That a new Clause to be numbered 32, be added after new Clause 31, as follows:-

"Consolidation of the Principal Ordinance and this Ordinance."

"32. A copy of the Principal Ordinance with the amendments required by this Ordinance shall be prepared by the Clerk of the Legislative Council and deposited in the Supreme Court and the Government Printer shall print in accordance with the copy so certified all copies of the principal Ordinance which are printed after the commencement of this Ordinance."

The Hon'ble member for Kiambu and the Hon'ble Mr. Isher Dass, members of the Select Committee were not present at the meeting when the Bill was considered, and have not signed the Report.

We have the honour to be,
Your Excellency's obedient servants.

SD. T. D. H. BRUCE (CHAIRMAN)
SD. S. H. LA FONTAINE (MEMBER)
SD. H. E. E. WELBY (MEMBER)
SD. F. W. CAVENDISH-BENTINCK (MEMBER)

NAIROBI,

1st August, 1954.