

Extract from a Personal and Private letter  
from Sir Joseph Byrne to Sir Cecil Bottomley  
dated 27th July, 1936.

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Last week I sent Maffey a cutting giving the East African Standard's leading article on the Defence Committee Report. I now send you Commander Couldrey's comments. These papers represent settler opinion in the Colony. I think it may be accepted that the recommendations are looked upon with favour by the bulk of the people affected. I directed that the Report should be considered in last Friday's Executive Council, and I have heard from Wade that - as I anticipated - the advice tendered was that the Secretary of State should be asked to approve of the publication of the two Bills with a view to early introduction.

The controversial financial and other details can then be considered in Select Committee and afterwards. I am opposed to the employment of a completely regular white staff with the Coast Defences; we can easily get the few volunteers we require, whereas the cost of regulars would at present be prohibitive.

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made recommendations which agree generally with Mr. Thomas's suggestion that the Defence Force should be disbanded and be replaced by a Volunteer Force on the Territorial model, supplemented by a Compulsory Force for the purpose of internal defence.

The two Bills annexed to the Report, viz. the Kenya Regiment (Territorial Force) Ordinance and the Kenya Auxiliary Force Ordinance, are designed to give effect to the Committee's recommendations.

4. The Organization which the Committee recommend to take the place of the Defence Force is described in detail in Chapter V of the Report.

Under the first Bill it is provided that the personnel should be drawn from the British male European subjects in the Colony between the age of eighteen and thirty-five (and in special cases up to forty-five).

The normal minimum period which members will be required to serve under the provisions of the Bill is four years in the Regiment and four years in the Reserve. During this service members will be required to attend an annual training camp of twelve days duration and to undergo, in addition, at least 100 hours of training parades.

The Regiment will be provided with a regular staff consisting of one Staff Officer, one Regimental Sergeant Major and one Permanent Staff Instructor per Company.

The main object of the Regiment will be to provide a reserve of officers, non-commissioned officers

6. The chief respects in which the recommendations of the Committee differ from the suggestions contained in your predecessor's despatch are as follows:-

- (a) Paragraph 28: That some degree of training should be given to the Compulsory Force.
- (b) Paragraph 26: That the staff to the new Forces should be appointed to them direct and not be drawn from the King's African Rifles.
- (c) Paragraph 42: That the personnel of the Coast Defence Unit at Mombasa should be composed entirely of regular soldiers.

7. In regard to (c) Sir Joseph Byrne is not in favour of the adoption of this recommendation. He considers that at this juncture it would be a mistake to abandon without trial the scheme approved by the recent Governors' Conference for the establishment of the Coast Defence Unit on a semi-voluntary basis and he does not foresee any difficulty in securing the small establishment, plus a reserve, required.

8. You will observe from Appendix W that, if the recommendations of the Committee are accepted, the total financial provision required in the first year will amount to £11,387.

I am aware that Sir Joseph Byrne considers it desirable that provision for the full amount should be included in the provisional draft Estimates for 1937 and that the question whether the Colony will be able to afford the additional expenditure next year should be

left

left to the Standing Finance Committee for decision in the light of the Colony's financial position when the draft Estimates as a whole are under review. It is also possible that the Committee may consider that it will not be practicable to raise two Companies of the Kenya Regiment in the first year and may recommend a reduction in the provision accordingly. A further despatch will be addressed to you concerning the financial implications of the Report generally when these have been considered by the Standing Finance Committee, but in the meantime it will be of assistance if you will inform me as soon as possible whether you are prepared to afford general approval to the recommendations contained in the Report.

9. In conclusion I desire to invite particular reference to paragraph 50 of the Report and to request that, in the event of your approving the establishment of the Kenya Regiment on the lines proposed, favourable consideration may be given to the Committee's recommendation that officers in the Regiment should hold their Commissions from His Majesty the King.

10. Copies of two Comparative Tables prepared by the Attorney General are enclosed.

I have the honour to be,

Sir,

Your most obedient, Humble servant,

*Arncliffe*

GOVERNOR'S DEPUTY.

Clause of  
the Bill.

Remarks.

- 27. C.f. section 25 of Chapter 42, Revised Laws of Kenya.
- 28. ~~Examination~~ New.
- 29. C.f. section 26 of Chapter 42, Revised Laws of Kenya.  
The proviso is new.
- 30. C.f. section 27 of Chapter 42, Revised Laws of Kenya.
- 31. C.f. section 28 of Chapter 42, Revised Laws of Kenya.
- 32. C.f. section 29 -do-
- 33. C.f. section 30 -do-
- 34. C.f. section 31 -do-
- 35. C.f. section 32 -do-
- 36. C.f. section 33 -do-
- 37. C.f. section 34 -do-
- 38. C.f. section 35 -do-
- 39. C.f. section 36 -do-
- 40. C.f. section 37 -do-
- 41. C.f. section 38 -do-
- 42. C.f. section 39 -do-
- 43. New.
- 44. C.f. section 40 -do-
- 45. Repeal.

THE KENYA AUXILIARY FORCE BILL  
COMPARATIVE TABLE

Clause of the Bill.	Remarks.
1.	Short title. New, but c.f. section 1 of the Kenya Defence Force Ordinance, 1927.
2.	Interpretation. New.
3.	New, but c.f. section 2 and section 5(2) of the Kenya Defence Force Ordinance, 1927.
4.	New, but c.f. section 3(3) of the Kenya Defence Force Ordinance, 1927.
5.	C.f. section 5 of the Kenya Defence Force Ordinance, 1927.
6.	C.f. section 8 -do-
7.	C.f. section 9 -do-
8.	New, but c.f. section 10 of the Kenya Defence Force Ordinance, 1927.
9.	C.f. section 11 of the Kenya Defence Force Ordinance, 1927. The proviso is new, as is also sub-clause (4).
10.	C.f. section 12 of the Kenya Defence Force Ordinance, 1927.
11.	New.
12.	C.f. section 13 of the Kenya Defence Force Ordinance, 1927.
13.	C.f. section 14 -do-
14.	C.f. section 15 -do-
15.	C.f. section 16 -do-
16.	C.f. section 17 -do-
17.	New, but for sub-clause (2) c.f. section 13(2) -do-
18.	C.f. section 20(1) of the Kenya Defence Force Ordinance, 1927.
19.	C.f. section 21 -do-
20.	C.f. section 22 -do-
21.	C.f. section 23 -do-
22.	C.f. section 24 -do-
23.	C.f. section 25 -do-
24.	C.f. section 26 -do-
25.	C.f. section 27 -do-

Clause of  
the Bill.

Remarks.

- 26. New, but first three lines see section 28 of the Kenya Defence Force Ordinance, 1927.
- 27. C.f. section 29 of the Kenya Defence Force Ordinance, 1927.
- 28. New. C.f. section 8 of the South African Act No. 13 of 1918.
- 29. C.f. section 30 of the Kenya Defence Force Ordinance,
- 30. New.
- 31. C.f. section 31 of the Kenya Defence Force Ordinance,
- 32. New.
- 33. Repeal.
- 1st Schedule New.
- 2nd Schedule Cf. Schedule to the Kenya Defence Force Ordinance, 1927.



COLONY AND PROTECTORATE OF KENYA

Report of the Committee appointed by His  
Excellency the Governor on the 4th April,  
1936, to Consider Suggestions for the  
Reorganization of the Defence Forces  
of the Colony.

1936

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER  
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The expenses incurred in connection with the Committee were approximately £50, and the cost of printing and publishing this Report is estimated by the Government Printer at £30. These figures take no account of the time spent by officers of Government not specially seconded for service with the Committee.

## CONTENTS

CHAPTER	PAGE
I. Introductory . . . . .	1
II. The Defence Problem of the Colony . . . . .	2
III. The Kenya Defence Force . . . . .	4
IV. The Organization Suggested in the Colonial Office Despatch . . . . .	6
V. The Organization Proposed . . . . .	10
I.—The Kenya Regiment (Territorial Force) . . . . .	11
II.—The Kenya Auxiliary Force . . . . .	17
VI. The Financial Implications of our Proposals . . . . .	24
VII. The Draft Legislation Necessary to Give Effect to our Recommendations . . . . .	24
 APPENDICES	
I. Colonial Office Despatch of the 26th February, 1936 . . . . .	27
II. Kenya Regiment (Territorial Force) Estimate of Expenditure . . . . .	29
III. Kenya Auxiliary Force Estimate of Expenditure . . . . .	31
IV. School Cadet Corps Estimate of Expenditure . . . . .	31
V. Total Estimated Expenditure Involved in the Recommendations Contained in the Report . . . . .	32
VI. Draft Kenya Regiment (Territorial Force) Bill . . . . .	33
VII. Draft Kenya Auxiliary Force Bill . . . . .	33

# REPORT

## CHAPTER I.

### INTRODUCTORY.

YOUR EXCELLENCY,

On the 4th April, 1936, Your Excellency was pleased to appoint as members of a Committee to Consider Suggestions for the Reorganization of the Defence Forces of the Colony—

- (1) Colonel J. A. Campbell, D.S.O. (Chairman), Commander, Northern Brigade, The King's African Rifles;
- (2) The Hon. T. D. H. Bruce, Solicitor General;
- (3) Mr. R. W. Hemsted, C.M.G., O.B.E.;
- (4) Lieutenant-Colonel A. Dunstan Apsah, M.C., Commanding 1st (Nairobi) Battalion, The Kenya Defence Force;
- (5) Captain F. V. Ward, F.R.S., Kenya Rifle Association;

with the following terms of Reference:—

- (a) To examine the suggestions for the reorganisation of the Defence Forces of the Colony contained in the despatch of 5th February, 1936, and to submit to the consideration of the Government and of the Secretary of State a report thereon.
- (b) To prepare such draft legislation as may be necessary in accordance with paragraph 7 of the despatch.

Appendix I.

2. Mr. C. M. Deverell was appointed Secretary of the Committee. The meetings were, by the courtesy of the Attorney General, held in his office.

3. The Committee on the 25th April published a notice in the Official Gazette and the local Press inviting all persons desirous of placing their views before the Committee to do so either orally or by memoranda. The notice intimated that the oral presentation of views was preferred by the Committee. On the 8th May a communique was published through the Press and Wireless, requesting persons interested to place their views before the Committee not later than the 30th May.

As a result of these invitations twenty-four persons, most of whom also submitted memoranda, appeared before the

Committee and, in addition, eighteen memoranda by persons who did not appear before the Committee were received and considered.

We would take this opportunity of thanking all those who so assisted us in our deliberations.

4. Twenty-one meetings of the Committee were held between the 24th April and the 18th June, 1936.

5. At an early stage in our deliberations we came to the conclusion that the task before us could best be considered under the following heads:—

- (1) The Defence Problem of the Colony.
- (2) The Kenya Defence Force in relation to the Defence Problem.
- (3) The Organization suggested in the Colonial Office despatch in relation to the Defence Problem.
- (4) The Organization which, in our opinion, is best suited to meet the Defence Problem.
- (5) The financial implications of our proposals.
- (6) The draft legislation necessary to give effect to our recommendations.

6. Throughout our deliberations we have been guided by the following general considerations—

- (a) that it was the task of the Committee to recommend what in our opinion was the minimum organization required to meet the Colony's defence problem;
- (b) that, although our terms of reference contained no financial limitations, we should keep before us the desirability of recommending proposals which, while compatible with (a), should not involve the Colony an unreasonable expense.

## CHAPTER II.

### THE DEFENCE PROBLEM OF THE COLONY.

7. The Explanatory Memorandum to the Defence Force Bill published in the Official Gazette of the 12th January, 1927, makes it clear that the purposes for which the Kenya Defence Force was established were two fold. In the first place for defence against External Aggression and secondly for the defence of life and property in the event of Internal Disturbance.

Whatever differences of opinion there may be as to how the European British subjects of this country should be organized for its defence, we have found no one who quarrelled with this description of the two fold nature of the defence problem.

8. We are of the opinion that the parts which the European British subjects of Kenya are called upon to play in relation to these two aspects of defence are distinct, and that no organization which does not reflect this distinction will be satisfactory.

We propose to consider these two aspects separately.

9. We are of the opinion that, in considering the part which the European community of this Colony is best adapted to play in the event of External Aggression, it is impossible to ignore the lessons of the East African Campaign of the late War—that for reasons of climate, knowledge of local conditions, and mobility, European troops were less suited to war in tropical Africa than African troops offered by Europeans. The comparatively small force which the European community could put into the field to oppose External Aggression must also be borne in mind.

10. We have therefore come to the conclusion that in any future war in East Africa the primary function of the European community in the event of External Aggression should be to supply officers, non-commissioned officers, and instructors for the expansion of the Kenyan African Rifles which, in our view, must follow the event of External Aggression.

11. While we regard this as the primary function of the European community in the event of war, we consider that the possibility of eventually establishing some form of auxiliary air, artillery, and ancillary units, should not be lost sight of, and we will have more to say regarding these suggestions at a later stage of our Report.

12. While we do not consider internal disturbances of any magnitude as likely to occur in this Colony under normal peaceful conditions, we cannot ignore the changed European situation and the possibility of a major war with its consequent reaction on internal affairs.

We are, therefore, of opinion that some form of organization of the European community is necessary to protect life and property in the event of a serious or local disturbance.

We have given careful consideration to this part of the problem before us and have arrived at the following conclusions—

- (a) that the forces best suited to suppress any such disturbance are the Regular Forces at the disposal of Government, be they King's African Rifles, Royal Air Force or the Kenya Police;
- (b) that the part which the European community may be called upon to play in the event of a disturbance will therefore be limited to protecting life and property for the short time which must elapse before the Regular Force arrive upon the scene.

13. The dual purposes then which we consider devolve upon the European community are—

- (1) to provide a nucleus of officers, instructors and technicians in the event of External Aggression;
- (2) to hold the fort in outlying districts, in the event of Internal Disturbance, until the Regular Forces in the Colony arrive.

In this connection we consider that the mere knowledge that a European Defence Organization exists, cannot fail to have a steadying effect on the native population in times of unrest.

### CHAPTER III.

#### THE KENYA DEFENCE FORCE.

14. The Kenya Defence Force was established by the Defence Force Ordinance, 1928. The Ordinance makes provision for the compulsory registration of all European males of British nationality in the Colony up to the age of fifty years and for their division into three classes according to age. All British European males of fifty or over can volunteer for enrolment in a fourth class, and any person in any class can volunteer for enrolment in any class preceding his proper class. The Ordinance also allows persons other than British subjects to join the Force with the prior consent of the Governor.

15. The Ordinance lays down the maximum annual training for the three classes as follows :—

- (a) In the case of Class I, composed of men between the ages of eighteen and thirty years, one hundred hours;
- (b) In the case of Classes II, III and IV, not less than twelve hours a year.

In practice there has never been sufficient funds available to apply the training prescribed to classes other than Class I. So that, except in cases where persons over thirty have volunteered to serve in Class I, persons over the age of thirty have only been affected by the Ordinance in so far as they have been compulsorily registered as members of the Force and have been acquainted with the details of local defence schemes.

16. We do not propose to examine the organization of the Defence Force in relation to the problem of Internal Defence save to say that in our opinion there is nothing inherent in its organization to render it unsuitable for the strictly limited functions which we have agreed to assign to it in the event of Internal Disturbance.

17. We will now consider the Defence Force from the aspect of External Aggression and the training of officers, non-commissioned officers, and instructors for additional African battalions.

We consider for the following principal reasons that the present Defence Force is unsuitable to meet the training outlined above :—

- (a) The officers and non-commissioned officers are not themselves sufficiently professional conversant with recent developments among the members of the Force as potential officers or instructors.
- (b) Even if they were sufficiently up to date, the maximum training laid down by the Ordinance is entirely inadequate for the required degree of military proficiency to be attained;
- (c) That for financial reasons it is not possible to provide the degree of training required to create officers, non-commissioned officers and instructors on a compulsory basis for all Class I men.
- (d) That there is an insufficient permanent staff available with the necessary knowledge to provide the training required.

18. We do not intend to imply from the above that no training of any value has been given through the Defence Force. We consider that some of the training which was given was of value for the purposes of Internal Defence. We have also been impressed by the training which some enthusiastic members of the Force have voluntarily undertaken, and we consider that such training was of considerable value.

We do, however, suggest that, apart from the training over and above that laid down in the Ordinance given to volunteers, no training of any value for the purpose of producing officers and instructors has been provided.

19. At a later stage of our Report we will give our views as to the nature and minimum extent of the training which we consider necessary for this purpose. It will suffice here to reiterate that we consider such training can only be provided in this country on a voluntary basis, because the expense of providing compulsory training for the relatively large number of men in Class I, would be beyond the resources of the Colony and because, for reasons of occupation and situation, it would be impracticable for many persons, particularly in upcountry districts, to give up sufficient time for the training required.

20. To summarize our conclusions in this Chapter. We consider that the organization of the Defence Force is not unsuited to meet the requirements of Internal Defence. But that the degree of compulsory training provided by the Defence Force is totally inadequate to train a reserve of officers and non-commissioned officers.

#### CHAPTER IV

##### THE ORGANIZATION SUGGESTED IN THE COLONIAL OFFICER DESPATCH.

21. Before examining this Chapter, it is advisable to turn to the Secretary of State's despatch of the 5th February, 1936, which is printed as Appendix I to this Report. The Secretary of State suggests—

- (a) that the Defence Force be disbanded;
- (b) that it be replaced by a Territorial Force Regiment comprising an infantry unit or units and a battery of Coast artillery for employment at Mombasa;
- (c) that a Reserve should be formed to the Territorial Regiment by the compulsory enrolment of all able-bodied European males of British nationality;
- (d) that the Territorial Regiment should be under the command of the Commander, Northern Brigade, the King's African Rifles, and staffed from that Brigade.

It will be observed that the Secretary of State has not indicated whether the Territorial Force should be on a voluntary or a compulsory basis. We are, however, satisfied that

a volunteer unit is intended, and we propose to assume that this is the case for the purposes of this Report.

22. We have indicated in the last Chapter that in our opinion the present Defence Force is not the best organization that can be devised to enable the potential European man power of this Colony to be utilised to the best advantage. It follows that we are accordingly in agreement with the Secretary of State in concluding that the Defence Force in its present form should be disbanded.

23. We also agree that what is required to take the place of the Defence Force is a Volunteer Force on the Territorial Model with a Compulsory Force composed of the residue of the able-bodied European man power of the Colony.

24. We consider that the primary function of the Volunteer Force should be to make the most of the excellent material available by training suitable men to take their places as officers, non-commissioned officers and instructors, and that the Compulsory Force should be trained primarily for defence in the event of Internal Disturbance.

25. We do not consider that it is practicable for the Coast Defence Battery at Mombasa to be manned by European volunteers and we will make suggestions in this connection in the succeeding Chapter.

26. We do not agree with the suggestions contained in paragraph 4 of the Secretary of State's despatch that the Staff Officer should be supplied from the Northern Brigade, King's African Rifles.

We consider that the Staff Officer should not be below the rank of Captain, and that owing to the prevalence of junior officers now serving with the Northern Brigade, the range of selection would be limited. Even if a Captain could be spared from the Brigade, which is not possible at the present time, there is only one who will not have completed his present tour before the Force is on its feet.

We consider that the best results will be obtained by appointing a specially selected officer of the rank of Captain in the British Army as Staff Officer to both the new Forces.

We consider that this officer should be appointed to the new Force and not to the King's African Rifles so that there can be no complaint that he owes a divided allegiance, but is, on the contrary, appointed solely to assist in the organization and training of the new Forces.

27. It will be observed from the previous paragraphs that we are in general agreement with the Secretary of State as regards his proposals for the establishment of a Territorial Force Regiment. We have now to consider his proposal to establish a Reserve formed by the compulsory registration of all able-bodied European British subjects not members of the Territorial Force.

As we understand this suggestion, the Reserve Force will exist merely on paper, it will receive no training, but will consist solely in the compulsory registration of the man power of the Colony which, in an emergency, could be placed under military discipline and control.

28. We have stated that we consider that the danger of serious internal disturbance is somewhat remote and that the part to be played by the Compulsory Force in such an event is a very limited one, for these reasons we have had to consider carefully whether, in view of the financial state of the Colony, we would be justified in recommending that the Compulsory Force should receive training at all. It has been suggested to us that, were it merely instructed in marksmanship through Rifle Clubs, no other training would be required.

In arriving at the conclusion that such training would be inadequate we have been influenced by the following considerations—

- (1) that, if a force is to have any practical value, it must be acquainted with its leaders and duties so that in time of emergency there will be no risk of confusion;
- (2) that marksmetry training without training in fire direction and control and without a knowledge of elementary organization is of little use;
- (3) that in this country, owing to the very scattered European population in up country districts, the only practical way in which to impart instruction is by camps. Once the men have been collected for a camp it is a waste of time and money not to impart as much instruction as is possible in the time available;
- (4) that it is unfair to the Volunteers, if the non-Volunteers escape without any training;
- (5) that in the event of war the Compulsory Force will have had a ground-work of training, will be able to use its weapons and have, at least, some military knowledge;

(6) that we can rely only on a portion of this Force joining Rifle Clubs, which are entirely voluntary, and the nature of such training would incline more towards shooting practice than towards instruction in service shooting;

(7) that experience in the past has shown that much useful instruction can be imparted in a short period with the material available. Considerably better results will be obtained with the necessary staff available to organize training on the lines desired;

(8) that the registration of the Reserve would be useless unless the resulting roll were kept up to date by inspection by properly appointed officers and that the expense entailed would not be justified unless the Force received some training;

(9) that the Reserve, without training of any kind might, by precipitate and rash action in time of emergency, be an embarrassment to the authorities rather than a help.

29. We consider that the training which the Compulsory Force should be given, should be directed primarily to making them efficient in the use of their weapons and thoroughly conversant with their local defence schemes and rallying points, and the part which each individual would be called upon to play in the event of a local disturbance.

30. We do not consider that there is any good military reason for regarding the Compulsory Force as a Reserve to the Volunteer Force; and it will be seen that, in a later stage of our Report, we recommend that a separate Reserve be formed for the Volunteer Force; for these reasons, and because we consider that the purposes of these two Forces are quite distinct, we propose to call the Compulsory Force "The Kenya Auxiliary Force".

31. While, therefore, we accept the suggestions of the Secretary of State in general, we consider that some training is essential for the Auxiliary Force. We also consider that, owing to the peculiar conditions which prevail in Mombasa where the European population is continually changing, it will be difficult, if not impossible, to supply sufficient volunteers to man the Coast Defence Battery.

CHAPTER V.  
THE ORGANIZATION PROPOSED.

*General.*

32. It should be clear from the preceding Chapters that the organization, which we recommend, might better be described as the reorganization of the existing Defence Force with a Volunteer Force super-imposed. It should also be clear that we regard the creation of a reservoir of officers and instructors as of primary importance and that we consider that the organization and training of the Kenya Defence Force is entirely inadequate for this purpose.

33. We recommend that the Kenya Defence Force be disbanded and replaced by a Volunteer Force up to the strength of a battalion, to be known as "The Kenya Regiment (Territorial Force)" drawn from men between the ages of 18 and 35, and in special cases up to 45, with a Compulsory Force to be called "The Kenya Auxiliary Force" consisting of the balance of able-bodied European British male subjects in the Colony.

34. We recommend that service in the The Kenya Regiment (Territorial Force) should be for a minimum period of four years, and that every member of this Force should put in twelve days' camp every year, and at least 100 hours of training parades.

35. We recommend also that The Kenya Auxiliary Force should be divided into two classes as follows:

Class I—men of 18-30 years of age.

Class II—men over 30 years.

We recommend that Class I men should be compelled to attend a five days' camp once every year and that Class II men should be compulsorily registered, but should receive no training other than that necessary to acquaint them with the part which they are called upon to play in their local defence schemes, and such voluntary instruction through Rifle Clubs, as is necessary to make them proficient in the use of the service rifle.

36. We recommend that any member of Class I of the Auxiliary Force should be eligible to join the Volunteer Force and that service to the satisfaction of his Commanding Officer for a minimum of four years in this Force should entitle a member to exemption from service in Class I of the Auxiliary Force. Any such member would be registered in Class II of

the Auxiliary Force on completion of his service in the Volunteer Force, but would not be subject to the obligation of compulsory training imposed on Class I.

37. We recommend for the reasons given by us in paragraph 26 that the following regular personnel should be seconded to the Kenya Regiment (Territorial Force) and not to the King's African Rifles:—

1 Staff Officer (Captain).

1 Regimental Sergeant Major.

1 Permanent Staff Instructor per Company.

This regular staff, assisted by a cadre of specially selected officers and other ranks from The Kenya Regiment (Territorial Force), will be responsible for the training of the Auxiliary Force under the direction of the Commander, Northern Brigade, King's African Rifles, with the new title of "Commander, Northern Brigade" and Local Forces, Kenya and Uganda.

It is our opinion that the Permanent Staff should, as far as possible, be drawn from the same Regiment of the Regular Army, preferably from the Brigade of Guards.

For the purpose of clarity we propose to consider the new Forces separately.

*1—The Kenya Regiment (Territorial Force).*

38. Before turning to the details of the Volunteer organization which we recommend, we desire to draw attention to certain general considerations which have influenced us in coming to the conclusion that the primary duty devolving upon the European male population of this Colony is to provide officers and instructors for native troops.

39. In the first place it is impossible to ignore the tendency of Powers possessing Colonial Empires to recruit the indigenous man power of the territories under their control for purposes of war. The native armies thus established form an offensive force very different in character to those encountered in the past, when large primitive and undisciplined hordes were customarily dispersed by small, but highly trained, European forces.

It would be foolish to ignore the possibility of this Colony at some future date being attacked by a highly organized native army greatly outnumbering any force which this Colony could possibly put into the field at the present time.

In such an event it is probable that for a considerable time we would have to rely upon our own internal resources to repel such an attack, and could only do so by expanding our existing native forces, the officers being drawn from the European community.

40. We do not believe that the European youth of this country will be more backward than elsewhere in the Empire in accepting the responsibility which is so clearly theirs, and we feel that as soon as they realize that it is only by submitting themselves voluntarily to a course of training in excess of any which may be compulsorily enforced that they can be adequately trained as officers and instructors, the response from them will be such as to enable an effective Territorial Force to be established without delay.

41. Although we have emphasized repeatedly that the primary function of this Force should be to train a nucleus of officers and non-commissioned officers, we also consider that it will provide an efficient striking force which could be used when necessary to support the regular forces at the disposal of Government.

42. We are aware that the success or failure of a force of this nature depends largely on the support which it obtains from public opinion, and we consider that it is essential to the success of this Force that it should be given the active sympathy and support of every section of the community. We realize that in the case of employers some sacrifice may be entailed by releasing employees for as much as twelve day camps a year. But we are confident that when it is realized that the Force is to be an efficient one with its training properly directed by Regular Serving Officers for purposes recognized by all as essential, the response from the public will not be less generous than is the case in other parts of the Empire where Territorial Forces are invariably regarded with affection and sympathy.

43. In order that The Kenya Regiment (Territorial Force) may build up an *esprit de corps* and obtain, and retain, the respect of the public, we regard it as essential that it should be properly equipped, and we consider it imperative that the capital expenditure necessary to purchase the required uniforms and equipment should be forthcoming.

44. We are of the opinion that the ultimate strength of the Regiment should be one Battalion with ancillary units, but that at the beginning a force of two Companies should

be aimed at. As far as can be foreseen one of these Companies would be raised in Nairobi District and the other drawn from up country districts. Each of these Companies would have a Permanent Staff Instructor seconded from the Regular British Army and would be under the control of the Permanent Headquarters Staff consisting of the Staff Officer (Captain, Regular British Army) and the Regimental Sergeant Major. For the rest of the establishment see Appendix II.

The Regiment should be concentrated in camp for a period of twelve days once a year and should, in addition, attend a minimum of fifty parades of two hours duration.

The minimum attendance for training recommended above should be strictly enforced.

45. During the period of peace training in camp we recommend that the officers and men should be paid at rates set out in Appendix II which approximate closely to British Army rates.

We recommend that, if the Regiment is called up for active service, members should be given British Army rates of pay and allowances.

The travelling expenses of all members read from camp should also be paid as well as their messing expenses. In addition we recommend that a small allowance should be made to each man to meet the expenses incurred in attending drills other than those in camp.

46. We do not propose to recommend the details of the training which should be given to this Force save to say that it should be organized so as to enable the Regiment to fulfil the roles for which it is raised.

We consider that it is essential that the camps should be made as interesting and attractive as possible, and that everything should be done to make them as enjoyable as they are instructive.

47. We consider that the defence of Mombasa is a matter which must receive special consideration in the light of the decision to make Mombasa a defended port, and the prevailing state of uncertainty in international affairs.

It is apparent that in the event of war Mombasa will become the port for Eastern Africa as a whole, and that it will therefore be of vital importance to ensure that its defences are maintained at the maximum degree of efficiency. We

have considered carefully the suggestion contained in the Colonial Office despatch of the 5th February, 1936, that the fixed defences of Mombasa should be manned by the Kenya Regiment (Territorial Force).

We understand that on investigating this proposal Government came to the conclusion that, in view of the floating nature of the population at Mombasa and the manual nature of much of the work of the battery, which could be performed more efficiently in the prevailing climatic conditions by native ranks, the best arrangement would be to obtain the services of a Regular Artillery Officer, to be seconded to the King's African Rifles, as the Battery Commander, assisted by a Regular Sergeant Instructor, Royal Engineers, and some eleven officers and other ranks drawn from the Kenya Regiment (Territorial Force), the rest of the unit being composed of native ranks of the King's African Rifles.

After carefully considering this scheme, we recommend strongly that the Mombasa Coast Defence Unit be composed entirely of regular soldiers. We consider that, apart from the defects inherent in a mixed unit of Regulars and Volunteers, it will be found impossible to secure the services of sufficient permanent volunteers in Mombasa, to make a mixed scheme successful, and that the majority of suitable volunteers available might be required for essential services in the event of war.

We feel that, with an increased Regular British Personnel and a more extensive use of native non-commissioned officers drawn from the King's African Rifles than is at present contemplated, it will be possible to establish an efficient regular unit at relatively little extra expense.

If our recommendation on this point is accepted, we would suggest that such volunteer material as may be available in Mombasa and not employed in the Kenya Naval Volunteer Reserve, should be formed into a unit of the Kenya Regiment.

48. Since the Volunteer Force will have as its primary object the provision of a reserve of officers and non-commissioned officers, to be used in the event of External Aggression, we consider that its members should be confined to British subjects in contravention to the Auxiliary Force to which we recommend that non-British subjects may, with the consent of the Governor, belong.

49. In accordance with the usual practice, we recommend that all members of the Kenya Regiment (Territorial

shall be required to take an Oath of Allegiance to the Crown in the form which will be set out in the Regulations to be made in the Ordinance hereinafter referred to.

50. We are strongly of the opinion that the high privilege of holding their Commissions direct from His Majesty the King should be accorded to officers of the Territorial Army in England and we recommend that representations to this effect should be made in the proper quarter.

51. While we are of the opinion that service in this Force should normally be limited to active service within the limits of the Colony, we consider that it should be open to all members on enrolment voluntarily to accept liability for service without the Colony, and we propose to recommend that provision be made for this in the legislation.

52. We recommend that service in the Kenya Regiment should be for four years and that on the completion of four years' service members may be re-engaged for further periods of two years and, on completion of such service, should automatically be required to serve in a Reserve to the Regiment for a further period of four years. The minimum training which members of the Reserve should be compelled to undergo should be one day or eight hours a year.

In addition to the Reserve to which all members must automatically pass, we recommend that provision should be made in the legislation for the establishment of a Special Reserve for the voluntary enrolment of such persons who, by virtue of past service in the Regiment or elsewhere, or special qualifications, it is desirable to retain for service with the Regiment should the necessity arise.

53. We recommend that when a member of the Kenya Regiment has completed his full period of service in the Regiment or the Reserve to the satisfaction of his Commanding Officer he should, regardless of his age, pass automatically into Class 2 of the Auxiliary Force and be exempt from all further training other than that laid down for Class 2.

Any member who is dismissed from the Regiment before he has completed his full period of service will, of course, automatically enter Class 1 of the Auxiliary Force, if of the appropriate age.

54. We consider that an integral part of our scheme for the training of the European man power of the Colony should

be the establishment of School Cadet Corps, which would undertake the preliminary training of the youth of the country on a voluntary basis.

We understand that, for reasons of age, the Prince of Wales School is at the moment the only institution in Kenya where it would be practicable to establish a force on the lines of the Officers' Training Corps at home. We understand that there are some one hundred boys at the Prince of Wales School between the age of fourteen and eighteen, and further that an unofficial organization already exists at this School which could easily be converted into an Officers' Training Corps, and that suitable officers are available to undertake the training of such a Corps.

55. The assistance which should be given to the Cadet Corps should take the form of instruction by the Permanent Staff of the Kenya Regiment, the loan of rifles, the free issue of ammunition for weapon training courses, and financial grants towards camp and equipment expenses.

In Appendix IV we give our estimate of the expenditure which will be required to establish and maintain this Unit.

56. Many of the memoranda which have been placed before us have contained suggestions for the establishment of ancillary units such as tank, machine gun, artillery, and air units. Most of these suggestions, however desirable in themselves, we have been forced to discard at the present time since the expense involved would be entirely beyond the Colony's resources.

57. We have, however, given particular attention to the possibility of establishing an Auxiliary Air Unit, because we feel that there is in Kenya at the present time quite exceptional material from which the personnel for such a unit could be drawn; and because we believe that in the geographical conditions prevailing in this country an auxiliary air unit would be of inestimable value both for defence against external and internal aggression.

58. We are convinced from the evidence that we have had before us that nothing less than a self-contained unit possessing aircraft especially designed and equipped for war would be of any value.

We are aware that the establishment and upkeep of such a unit, and other ancillary units, however small, would be quite beyond the Colony's resources.

We are also aware that, as a general principle, the expense involved in the defence of the Colony is an obligation to be met by the Colony. But we feel that circumstances to-day, and the strategical position of the Colony, are such as to justify Government representing to the Imperial Government the desirability of making a grant from Imperial Defence Funds for the establishment and maintenance of such units in the Colony.

## II—The Kenya Auxiliary Force.

59. Although every conceivable variety of opinion as to the type of organization required for the defence of the Colony has been expressed before the Committee, the large majority of witnesses have insisted that whatever organization is required should be of a compulsory nature. In some cases this insistence was for compulsory training, in others merely for compulsory enrolment.

60. We are entirely in agreement with the compulsory system as applied to this Force, which is primarily designed for internal defence, because we consider that unless everyone is compelled to conform to the Defence Scheme, which has been devised for the defence of any district, it will be found that, in an emergency, some individuals will prefer to defend their own property rather than to pool their resources at a common rallying point for a general good.

61. We have been informed by a number of persons that, provided courses of instruction were given annually and residents were acquainted with their local defence schemes, no further training would, in fact, be required for the purpose of internal defence.

We considered this view carefully, but for the reasons which have already been furnished in paragraph 28 we have come to the conclusion that some training is necessary. We believe that in the conditions which prevail up country where the population is scattered over an extremely wide area such training can be carried out most effectively and economically by means of annual camps. Apart from these considerations, we regard camps as having a valuable psychological effect, in that they create and foster a corporate spirit which mere parades, however often repeated, fail to provide.

62. It will be observed from the estimate of the expenditure which will be required for the Auxiliary Force, set out in Appendix III, that the items which cover the travelling

expenses of members and stores to amount form no less than 38 per cent of the total current Expenditure.

We are strongly of the opinion that the Colony is entitled to require of the Railway Administration that it should make at least no profit on the transportation of men and stores of either of the Colony's Defence Forces. We feel that it is to the advantage of Uganda that an efficient European Force should be established in this Colony, and we therefore recommend that Government should approach the Railway Council with a view to obtaining a concession from the Kenya and Uganda Railways and Harbours Administration of such a nature that at least no profit accrues to it through the transportation of men and stores of the European Forces.

63. We have already indicated in paragraph 35 that we consider that members of the Auxiliary Force over the age of thirty years should receive no compulsory training other than that necessary to acquaint them with the part which they are called upon to play in their local defence schemes, and such voluntary instruction through Rifle Clubs as is necessary to make them proficient in the use of the service rifle.

We consider that the first of these objects can best be brought about by written orders and occasional lectures by the local inhabitants by their Section Commanders directed to acquainting each resident in the part which he must fulfil in the local scheme. Test alarms should be arranged as far as possible.

We consider that such schemes should be generally worked out on the spot by the local Auxiliary Force officers, and that each scheme should be submitted to the Commander for approval, so that the maximum degree of local initiative may be reached compatible with the possible requirements of each district.

64. Although we believe that most members of the Auxiliary Force over the age of thirty, who live in up country districts, know how to shoot, we consider it desirable that every encouragement should be given to them to fire an annual course, to be drawn up by the Commander. We consider that the most satisfactory manner in which this course can be given is through the Rifle Club organization.

The manner in which Government should help these Clubs has attracted our attention, and we desire to make the following recommendations.

65. (1) We recommend that an annual grant of £10 should be made to the Kenya Rifle Association for the upkeep of each of the up country ranges, at present thirteen in number, and that an annual grant of £30 should be made for the upkeep of the Nairobi Range.

(2) We recommend that in lieu of the assistance which is given by the British Government to the National Rifle Association by the detachment from the Crown Forces of working parties, markers, register keepers, range officers, and clerical workers for the Bisley Meeting, an annual grant of £100 should be made to the Kenya Rifle Association towards the local Bisley and other competitions.

(3) We recommend also that a grant of free ammunition should be made for the sale at cost price of good quality the Auxiliary Force. We understand that there is at present a supply of ammunition in the country which could be used for this purpose, and that the cost of providing free ammunition would not, therefore, arise for some years.

(4) In addition to the above, we recommend that provision should be made for the sale at cost price of good quality Mark VII ammunition to the Kenya Rifle Association for the purpose of target practice shooting.

66. We have indicated in paragraph 36 also that we consider that Class I members of the Auxiliary Force should be compelled to undergo five days' training in camps annually. We recommend that this training should be conducted by the Regular Staff of the Kenya Regiment assisted by a cadre of competent officers and non-commissioned officers from the Territorial Force, who have volunteered for this service. It will thus be possible to give, in the time available, a much more concentrated form of appropriate training than was possible in the Kenya Defence Force camps.

While we do not propose to go into the details of the training which should be provided for this class, it is obvious that it should be framed in the light of the task which the Force is designed to undertake, and that all unnecessary exercises should be avoided. We foresee that the more practical the training is the more it will appeal to the members of the Force, who will realize that their efforts are being directed to meet concrete contingencies which directly affect themselves and their neighbours.

67. We do not consider that beyond providing the travelling, clothing, equipment and messing expenses of this class when in camps, any remuneration of its members is required, since we regard the duty of internal security as an obligation which naturally falls to the youth of any community. But we recognize, however, that in view of the varied climatic and commercial conditions obtaining in this Colony, it is not possible to require all members to attend one camp; and we therefore recommend that there should be four annual camps a year, one of which every member of this class must attend.

68. We are of the opinion that it will be found more satisfactory and more economical in the long run to use permanent camps rather than to rely on tentage which is costly to move and quickly deteriorates. These camps should be at Nairobi (2), Eldoret and Nakuru.

We recommend that the Royal Kenya Agricultural and Horticultural Society should be approached with a view to an arrangement being reached by which the Society's Show Grounds would be made available for these camps.

69. We consider that the organization of the Auxiliary Force should be on the lines of that provided for the Kenya Defence Force, with the addition that the Permanent Staff and Instructional Cadre from the Kenya Regiment will be larger and more efficient.

70. We most strongly recommend that the Commander, Northern Brigade, as the officer at present responsible to the Government for the Military Forces of the Colony, should be in command of both the Kenya Regiment and the Auxiliary Force with the title of Commander, Northern Brigade and Local Forces, Kenya and Uganda; and that, in view of the more extensive command envisaged (including the Royal Air Force Unit, the Coast Defences of Mombasa, the Kenya Regiment (Territorial Force) and the Kenya Auxiliary Force), he should hold the appointment of Brigadier.

It has been represented to us by some persons that the European Defence Forces should have a local officer, as Commandant of the Local Forces, between the Commander and Commanding Officers of Units and the District Commandants. We understand that the idea behind this suggestion is that the Commandant would ensure that the interests of the Local Forces were not subordinated to the King's African Rifles.

We find it impossible to appreciate this argument, and we believe that, apart from such an appointment being cumbersome and unnecessary, actually the contrary is true, and that the very fact that the Commander is solely responsible for the efficiency and discipline of the Local Forces and is unable to delegate this responsibility to anybody else, is the best possible guarantee that he will give his personal attention and time to ensuring that the Local Forces are properly conducted. Further, it should be appreciated that the Commander, as a Colonel or a Brigadier, does not belong to the King's African Rifles or to any other Regiment.

71. We have now to consider the difficult problem of whether rifles should be issued individually to members of the Auxiliary Force or not. The views which have been expressed before us by up country residents on this question have been almost equally divided between recommending the individual issue of rifles and the issue to local armouries or specially selected individuals. The individual issue of rifles is open to three serious objections—

- (1) they are liable to be stolen;
- (2) they are liable to be lost;
- (3) they are liable, through the neglect of their holders, to become unserviceable.

Although rifles were not issued to individuals by all District Commandants in the Kenya Defence Force, yet, after an exhaustive inquiry into the case of some hundred of the rifles which were issued but have not been recovered, and a large number of rifles were returned in an unserviceable state due to the neglect of the holders.

It is clear from this unsatisfactory experience that, unless some scheme of inspection were introduced, it would be impossible to recommend the issue of rifles to individuals.

The difficulty in arranging a satisfactory system of inspection is that it would entail heavy expenditure in travelling allowance. No system of inspection would, of course, remove the danger of the rifles being stolen.

72. The chief objections to retaining rifles in armouries are as follows—

- (a) Unless the armouries are erected in some place such as Police Lines, it would be impossible to guard them, and the risk of a large number of arms coming

into wrong hands in the event of a sudden disturbance would be serious.

- (b) If they are kept in armouries outlying farmers may be unable to secure their arms, in the event of a sudden disturbance.

73. After careful consideration of this problem, we have the following recommendations to make:—

- (1) That sufficient arms should be made available in every district for issue to all members of the Auxiliary Force.
- (2) That properly constructed armouries should be erected at selected Police Stations in up country districts. The keys of such armouries should be in the possession of the Officer in Charge of the Police Station and the local Auxiliary Force Commander. The duties of the Police should not extend beyond the guarding of these armouries.
- (3) That arms should not as a rule be issued to individuals, but should be retained in these armouries.
- (4) That in special cases, on the advice of the District Commandant and with the approval of the Commander, rifles may be issued to members in outlying farms. Before recommending such an issue, the District Commandant should first satisfy himself that—

- (a) the applicant has no rifle of his own;
- (b) he is a fit and proper person to have a rifle.

- (5) That, if the Civil Authority has good reason to believe that a state of unrest exists making it desirable to issue rifles temporarily as a precaution to any section or district, he should, after consultation with the local Auxiliary Force Commander, authorize the issue.
- (6) We recommend also that, in addition to the rifles issued to the members of the Kenya Regiment, rifles should be issued to keep members of Rifle Clubs who are recommended by the Council of the Kenya Rifle Association.

74. We assume that as a general rule local Defence Schemes will be based on two stages. In the first stage neighbouring persons would converge on a local rallying point, in

the second each collection of persons at a rallying point would move in convoy to a defended locality which would normally be where the armoury was situated.

We are of the opinion that, even in the event of a disturbance so sudden that the issue recommended in (5) of section 73 could not take place, sufficient private arms and ammunition would be available in most districts to enable the persons to reach the rallying points in safety.

We are aware that in not recommending the issue of arms to individuals generally some risk may be run, though, as we have shown above, we regard this risk as a very small one, but we consider that the risk involved in issuing rifles to all members is a greater one, and we believe that the solution we have proposed is, in all the circumstances, the most suitable.

75. When dealing with the Kenya Regiment, we stated that the success of that Force depends to a large extent on the support it received from the community. Though the Force at present under consideration is a compulsory one, it depends, only to a slightly lesser degree, for its success on the same kind of support.

While we have no reason to believe that this support will not be forthcoming, we consider that it is illogical to make provision for the compulsory training of employees without requiring that employers do not bring undue pressure to bear to obstruct or prevent their employees from attending the compulsory camps.

We have accordingly made provision in the legislation on the lines in force in South Africa to deal with employers who attempt to prevent their employees from attending such service or training as may be prescribed.

76. We attach great importance to the proper registration of the man power of the Colony and recommend that, in addition to the annual return to be made by the District Commissioners, all employers should be required to give particulars of all persons in their employ eligible for service in this Force.

We consider that such returns should contain information regarding the qualifications and the nature of the employment of all persons so that in the event of an emergency the authorities may be in a position to determine what part may be most usefully played by each person.

77. Our attention has been drawn to the existence of a number of amateurs capable of transmitting and receiving

wireless messages, and we consider that every encouragement should be given to them by the Auxiliary Force Authorities with a view to utilizing them in defence schemes.

78. We consider that the closest co-operation should be maintained between the Auxiliary Force Commanders and all departments of Government.

79. Before concluding this Chapter, which deals with the Force which we recommend to take the place of the Kenya Defence Force, we should like to place on record our appreciation of the considerable sacrifices both of time and money which have been made by the officers and men of that Force. We trust that nothing that has been stated in this Report will be taken as meaning that we consider the failure of the Defence Force to be due to any shortcomings in the officers and men, and we hope that the new Forces may have the advantage of the experience and keenness of those who have performed such valuable service for the Colony in the Kenya Defence Force.

## CHAPTER VI

### THE FINANCIAL IMPLICATIONS OF OUR PROPOSALS

80. The financial implications of our proposals will be understood by reference to Appendices II and III, which set out our estimate of the expenditure which will be required for the Kenya Regiment and the Auxiliary Force respectively.

81. It will be observed from Appendix II that the total estimated recurrent annual cost of the Kenya Regiment on a basis of two Companies is \*£5,854. Each additional Company raised will cost £1,772 in the first year.

82. The total estimate of the expenditure required to establish and maintain the Auxiliary Force, set out in Appendix III, amounts to £5,047 of which £3,405 is non-recurrent and only £1,744 recurrent.

## CHAPTER VII

### THE DRAFT LEGISLATION NECESSARY TO GIVE EFFECT TO OUR RECOMMENDATIONS.

83. As the Forces, which we recommend should be raised, are required for different purposes and are also based on entirely different principles, in that one is voluntary and the

\*See notes to Appendix II and V.

other compulsory, it appears to us that two separate Ordinances will best give legal effect to our proposals.

We therefore recommend that two Ordinances on the lines of the draft Bills which form Appendices VI and VII of this Report should be enacted with as little delay as possible.

84. The Kenya Regiment (Territorial Force) Ordinance is modelled on the Territorial Force Ordinance (Chapter 42 of the Revised Edition of the Laws of Kenya), which it repeals. Certain important alterations have been made in the present Ordinance, and a large number of ~~other~~ <sup>minor</sup> ~~ords.~~ <sup>alterations</sup>. In these circumstances, we have deemed it best to draft a completely new Bill, and to repeal the old one, thus giving the persons concerned a clear picture of the law.

85. The Kenya Auxiliary Force Ordinance is modelled on the Defence Force Ordinance, 1927, as amended. In respect to the amendments made in the present Defence Force Ordinance the same considerations apply as in the case of the Territorial Force Ordinance (Chapter 42 of the Revised Edition of the Laws of Kenya). A considerable number of important alterations have been made, and there are a large number of minor alterations. In these circumstances, we have deemed it best to draft a completely new Bill, and to repeal the old one.

86. It is obvious that a great part of the legislation necessary to govern the operation of both these Forces must be in the form of Regulations under the Ordinances.

We believe that the Regulations under the existing Ordinances are in the main what is required for the new Forces. However, in the case of the Kenya Regiment we are of the opinion that the Regulations which exist under Chapter 42 are hardly sufficient, and we consider that before submitting draft Regulations for this Force it would be desirable to give careful consideration to the numerous Territorial Regulations which have been made at home. To do so would, however, mean that this Report would be considerably delayed and, since we regard it as eminently desirable that the new Forces should be established with the minimum of delay, we have decided not to include subsidiary legislation with this Report. In the event of our recommendations being accepted, we should, however, be glad to give any assistance in our power to enable the necessary Regulations to be prepared.

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87. Before concluding this Report, we desire to place on record our keen appreciation of the excellent work done by our Secretary, Mr. C. M. Deverell. His ability and untiring zeal have been of the greatest value to us in our deliberations and in the preparation of this Report.

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

J. A. CAMPBELL, Colonel,  
(Chairman).

T. D. H. BRUCE,  
(Member).

R. W. HEMSTED,  
(Member).

A. DUNSTAN ADAMS, Lt.-Col.  
(Member).

F. V. WARD,  
(Member).

C. M. DEVERELL,  
(Secretary).

18th June, 1936.

## APPENDIX I.

COPY.

DOWNING STREET,

5th February, 1936.

SIR,

I have the honour to refer to your Secret despatch of the 15th of September on the subject of the Kenya Defence Force. I note that in regard to the question of stores, you are taking separate action, and I presume that you will report separately if necessary on this point. In this despatch I propose to deal with the organization of the Defence Force generally.

2. As I informed you in my telegram of the 4th of February, I have now come to the conclusion that, in the interests of the general security of Kenya, the best, and indeed the only possible, course is to disband the existing Defence Force and replace it by some more suitable military organization which will enable the potential European man power of Kenya to be utilized in the best possible way.

3. In existing circumstances my opinion is that the most suitable organization will be that of a Territorial Force Regiment comprising an infantry unit (or units) and a battery of artillery for employment in manning the gun defence of Mombasa. The establishment of the infantry unit should be as for a Battalion of the King's African Rifles, with necessary modifications as regards non-combatants. The Officer Commanding the Northern Brigade of the King's African Rifles should be appointed to command all local forces in Kenya and Uganda, and his present title should be altered by adding the words "and Officer Commanding Local Forces, Kenya and Uganda". In the Ordinance constituting the Regiment provision should be made to vest the command in "the Officer Commanding Local Forces, Kenya and Uganda".

4. As regards the staff, the necessary staff should be supplied from the Northern Brigade, King's African Rifles, the necessary additions to establishment of that force being made to provide for this. The Staff Officer should be appointed to the staff of the Officer Commanding Northern Brigade with the title of Staff Officer, Local Forces. In order to make the change as smoothly as possible, I suggest that it would be advisable in the first place to appoint as Staff Officer, Local Forces, an officer now serving in one of the Battalions in the Northern Brigade. This will secure that the first incumbent of that post will have a knowledge of the problem, the people, and the country, and it would be preferable to appointing an officer from this country who had no such local experience. The officer selected for the appointment of Staff

Officer Local Forces would be replaced by an officer sent from England to complete establishment.

5 I suggest that a suitable designation for the proposed Force would be "The Kenya Regiment (Territorial Force)". The actual strength of the units can be regulated according to possibilities, and, in the first instance, I suggest that the establishment should aim at one infantry battalion and one battery of artillery.

6 In your Secret despatch of the 12th of December, 1944, you stated that you were in agreement with the suggestion that a "security force" should be organized and maintained. I think, however, that the title would be somewhat misleading, though I agree that, in the circumstances of Kenya, everyone who is physically fit should be compulsorily registered for military action in an emergency. Since all house-holders will continue to be placed under liability for military service, it will probably be better to make them members of some definite military organization, which would automatically place them under military or Government orders when a state of emergency is declared. This would have the further advantage of ensuring that, when called upon, they come under military control and discipline in the emergency, with the responsibility for carrying out orders given to them. To secure this end the best course would appear to be to establish for the Kenya Regiment (Territorial Force) a Reserve, and that all house-holders not being members of the Regiment or of the King's African Rifles Reserve of Officers should be required to enrol in it. The Reserve could be divided into classes according to age and education for military training. It would give each man a definite military course to be followed upon for service, and would probably give a more satisfactory course in the end.

7 I make these suggestions as points for your consideration. They had the support of Brigadier Norman when he last considered the matter, and you will, no doubt, have discussed the whole question with him. In any event, the first thing to do would appear to be to prepare legislation to give effect to the changes, and I request that you will submit it to me in draft as you propose.

I have the honour to be,

Sir,

Your obedient and humble servant,

SIR JOSEPH BYRNE

BRIGADIER GENERAL

SIR JOSEPH BYRNE G.C.M.G., K.B.E., C.B.

etc.

etc.

etc.

APPENDIX II  
KENYA REGIMENT (TERRITORIAL FORCE)

Item No.	Estab-lish-ment	DETAILS	Estimated
HEADQUARTERS LOCAL FORCES <i>Personal Emoluments</i>			
1	1	Captain-Staff Officer, Local Forces (Regular Army)	
2	1	Regt. Sgt. Major (Permanent Staff Instructor) at £456 per annum to £470	750
3	1	Clerk (H.Q. Office)	450
4	1	Clerk (Stores)	160
5	1	Store Foreman (Consolidated Rate of Pay)	162
6	1	Store Foreman (Consolidated Rate of Pay)	158
7	4	Pension Contributions - Regular Army Personnel	58
			183
Total Personal Emoluments, Headquarters			
1,857			
HEADQUARTERS, BATTALION			
8	1	*Major at Sh. 30 per diem for 12 days	
9	1	Captain-Adjutant at Sh. 20 per diem for 12 days	18
10	1	Quartermaster at Sh. 15 per diem for 12 days	12
11	1	Regt. Sgt. Major at Sh. 9 per diem for 12 days	9
12	1	Regt. Q.M. Sgt. at Sh. 8 per diem for 12 days	5
			5
Total Personal Emoluments, Battalion Headquarters			
49			
ONE RIFLE COMPANY			
13	1	Captain at Sh. 20 per diem for 12 days	
14	2	Subalterns at Sh. 15 per diem for 12 days	12
15	2	Subalterns at Sh. 10 per diem for 12 days	18
16	1	C.S.M. (Permanent Staff Instructor) at £390 by £10 triennially to £410	12
17	1	C.S.M. at Sh. 8 per diem for 12 days	390
18	1	Company Q.M.S. at Sh. 7 per diem for 12 days	5
19	4	Corporals at Sh. 4/6 per diem for 12 days	14
20	6	Lance-Corporals at Sh. 3/6 per diem for 12 days	17
21	10	Privates at Sh. 2/6 per diem for 12 days	21
22	96	Pension Contributions for Regular Army Personnel	144
23			
			18
Total Personal Emoluments, One Company			
665			
Total Personal Emoluments, Two Companies			
1,310			
Total Personal Emoluments, Headquarters, Battalion Headquarters and 2 Co. Companies			
			3,210
3,210			

\*Lt.-Col. Paid when expanded to full Battalion.

## APPENDIX II—(Contd.)

## KENYA REGIMENT (TERRITORIAL FORCE)

Item No.	Estab-lish-ment	DETAILS	Estimate
		<i>Brought forward</i> ..	£ 3,210
		OTHER CHARGES	
24		Passages (One Officer at £69, plus Family Allowance £40; Three B.W.O.'s at £55, plus One Family Passage Allowance at £30)	304
25		Local Travelling and Transport	500
26		Outfit Allowances	195
27		Uniforms and Equipment	860
28		Messing for 255 at Sh. 2/60 per diem for 12 days	383
29		Stationery and Publications	25
30		Telephone	15
31		Conservancy, Water and Lighting	50
32		Contingencies and Miscellaneous Stores	100
33		House Allowance for Staff Officers (B.W.O.'s being allotted Government Quarters)	112
34		Training Grant (Conjectural)	100
		Total Other Charges	2,944
		TOTAL HEADQUARTERS, BATTALION HEAD-QUARTERS AND TWO COMPANIES	£ 5,954

NOTE.—Item No. 24—Provision will be required in the FIRST and subsequent TRIENNIAL YEARS.

Items No. 26-7—Initial expenditure required in the FIRST year. In the second and subsequent years only a small provision will be necessary for Recruits and replacements.

## APPENDIX III

## KENYA AUXILIARY FORCE

Based on Four Camps Annually NAKURU 9 NAKURU 1, ELDORET 1, and FOUR AUXILIARY FORCE DISTRICTS

ESTIMATE BASED ON TOTAL STRENGTH OF 1,000 GRADE 1 MEN

Item No.	DETAILS	Estimate
		£
	NON-RECURRENT	
1	Outfit Allowances—Officers	200
2	Clothing and Equipment (To last four years)	2,200
3	Camp Furniture (Additional to existing Kenya Defence Force Furniture)	291
4	Tents	712
	Total Non-recurrent Expenditure	3,403
	RECURRENT	
	Local Travelling and Transport	500
	Transport of Camp Stores	120
	Fuel	25
	Lighting	20
	Water	8
	Conservancy	24
	Messing	900
	Hire of Ground and Insurances	25
	Labour and Fixing Camp	18
	Instructors' Pay and Rations (Cadre from Kenya Regiment (Territorial Force))	200
	District Commandants' Allowances (£50 each)	200
	Total Recurrent Expenditure	1,944
	TOTAL KENYA AUXILIARY FORCE, 1st YEAR	5,047

## APPENDIX IV

## PRINCE OF WALES SCHOOL OFFICERS' TRAINING CORPS

Item No.	DETAILS	Estimate
1	Clothing and Equipment for 100 Cadets	110
2	Publications	4
3	Messing—7 days at Sh. 2/60 per diem	91
4	Training	15
		£ 220

Recru.—First Year .. £230  
 Second and Subsequent Year .. £185  
 Arms and Web Requirements will be issued from stock now on charge.

APPENDIX V  
TOTAL ESTIMATE OF EXPENDITURE

	£
<b>A. NON-RECURRENT—</b>	
Kenya Auxiliary Force .. .. .	3,403
Officers' Training Corps .. .. .	80
	£ 3,483
<b>B. RECURRENT—</b>	
Kenya Regiment (Territorial Force) .. .. .	*5,854
Kenya Auxiliary Force .. .. .	1,644
Officers' Training Corps .. .. .	146
Assistance to Rifle Clubs .. .. .	260
	*7,904
<b>TOTAL EXPENDITURE REQUIRED IN FIRST YEAR .. £</b>	<b>11,387</b>

\*N.B.—See Note to Appendix II. Included in the estimate of the expenditure required for the Kenya Regiment (Territorial Force) are three items (24, 26 and 27) which cannot be properly regarded as recurrent.

Item 24.—Passages. This provision will only be required every three years.

Items 26 and 27.—Outfit Allowances, Uniforms and Equipment. This expenditure will be required in the first year. In subsequent years provision will only be required for recruits and replacements. It is impossible to estimate at this stage what figure should be estimated for recruits, but it is considered that a round figure of £5,900 would give a more accurate picture of the probable recurrent expenditure required for the Kenya Regiment (Territorial Force).

APPENDIX VI.

**A Bill to Provide for the Establishment of a Regiment to be known as the Kenya Regiment (Territorial Force).**

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

PART I.

1. The Ordinance may be cited as the Kenya Regiment (Territorial Force) Ordinance, 1936, and shall come into operation upon such date as the Governor may by notification in the Gazette appoint, and shall be applied to such military districts as the Governor may appoint and establish by notification in the Gazette. Short title and commencement

2. In the Ordinance, unless the context otherwise requires, the following expressions shall have the following meanings:— Interpretation

"active service"—every member of the Regiment when called out for the purpose of repelling external aggression or for aiding the civil authority in the protection of life and property and preventing and suppressing internal disorder in the Colony shall be deemed to be on active service;

"Act or Ordinance" shall include all regulations made thereunder.

"cadets" means all boys serving in cadet units subject to the provisions of this Ordinance.

"commanding officer" means the officer in command of any district, unit or detachment.

"member" means any warrant officer, non-commissioned officer or man enrolled in or belonging to the Regiment.

"military district" means a military district appointed and established under this Ordinance.

"officer" means any person appointed by the Governor to hold commissioned rank in the Regiment.

APPENDIX V  
TOTAL ESTIMATE OF EXPENDITURE

	£
<b>A. NON-RECURRENT—</b>	
Kenya Auxiliary Force	3,403
Officers' Training Corps	80
	<b>3,483</b>
<b>B. RECURRENT—</b>	
Kenya Regiment (Territorial Force)	5,854
Kenya Auxiliary Force	1,944
Officers' Training Corps	146
Assistance to Rifle Clubs	260
	<b>7,904</b>
<b>TOTAL EXPENDITURE REQUIRED IN FIRST YEAR</b>	<b>11,387</b>

\*N.B.—See Note to Appendix II. Included in the estimate of the expenditure required for the Kenya Regiment (Territorial Force) are three items (24, 26 and 27) which cannot be properly regarded as recurrent.

Item 24.—Passages. This provision will only be required every three years.

Items 26 and 27.—Outfit Allowances, Uniforms and Equipment. This expenditure will be required in the first year. In subsequent years provision will only be required for recruits and replacements. It is impossible to estimate at this stage what figure should be estimated for recruits, but it is considered that a round figure of £5,000 would give a more accurate picture of the probable recurrent expenditure required for the Kenya Regiment (Territorial Force).

APPENDIX VI.

**A Bill to Provide for the Establishment of a Regiment to be known as the Kenya Regiment (Territorial Force).**

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

PART I

1. The Ordinance may be cited as the Kenya Regiment (Territorial Force) Ordinance, 1936, and shall come into operation upon such date as the Governor may, by notification in the Gazette appoint, and shall be applied to such military districts as the Governor may appoint and establish by notification in the Gazette.

Short title and commencement

2. In the Ordinance, unless the context otherwise requires, the following expressions shall have the following meanings:—

Interpretation

"active service" means every member of the Regiment when called out for the purpose of repelling external aggression or for aiding the civil authority in the protection of life and property and preventing and suppressing internal disorder in the Colony shall be deemed to be on active service;

"Act or Ordinance" shall include all regulations made thereunder;

"cadets" means all boys serving in cadet units subject to the provisions of this Ordinance;

"commanding officer" means the officer in command of any district, unit or detachment;

"member" means any warrant officer, non-commissioned officer or man enrolled in or belonging to the Regiment;

"military district" means a military district appointed and established under this Ordinance;

"officer" means any person appointed by the Governor to hold commissioned rank in the Regiment;

"peace training" means all such training as may be prescribed under this Ordinance other than training on active service;

"permanent staff" means all officers, warrant officers, non-commissioned officers, armourers, clerks and storekeepers or any other persons appointed under section 42 of this Ordinance.

"prescribed" means prescribed by regulations.

"regulations" means regulations made under the provisions of this Ordinance;

"unit" means any portion of the Regiment which may be declared by the Governor to be a unit for the purposes of this Ordinance.

## PART II.

### CONSTITUTION OF REGIMENT.

Formation of Regiment.

3 (1) It shall be lawful for the Governor, by notification in the Gazette, to establish under this Ordinance a regiment for the Colony to be known as the Kenya Regiment (Territorial Force), throughout this Ordinance referred to as "the Regiment", and to accept on behalf of His Majesty the services of any qualified persons to become officers or members of the Regiment.

(2) Upon such notification the Regiment shall be deemed to be lawfully established.

(3) The Regiment shall be under the Supreme Command of the Governor, and under the Command of the Commander, Local Forces, Kenya and Uganda, who shall be responsible to the Governor for the organization, discipline, and efficiency of the Regiment.

(4) The officers of the Regiment shall be commissioned by His Majesty the King.

(5) The Governor may, by notification in the Gazette, declare any portion of the Regiment to be a unit for the purposes of this Ordinance.

(6) Upon such notification a unit shall be deemed to be lawfully constituted.

Membership.

4. Every member of the Regiment must be a British subject of European race or origin between the ages of eighteen and forty-five years, and shall upon enrolment take the oath and complete the attestation form as prescribed:

Provided always that the age limit may be extended by regulations for such classes of warrant officers, non-commissioned officers and men as the Governor may decide.

5. Every officer and every person who has tendered his services and whose services have been accepted and who has been enrolled as a member of the Regiment shall be liable to be called out for active service within the limits of the Colony, and to undergo such peace training as may be prescribed from time to time: Provided that notwithstanding anything in this Ordinance contained, any officer or member of the Regiment may, when taking an oath as prescribed, sign a declaration in the form prescribed to the effect that he is willing to serve under this Ordinance outside the Colony in the event of the Governor deeming such a course expedient.

Liability of those who have tendered and have been accepted.

6. Every member enrolled under the provisions of this Ordinance for service in the Regiment shall except as hereinafter provided serve for a minimum period of four years, and thereafter shall serve for four years in the Reserve formed under the next succeeding section:

Period of service.

Provided that the Governor may, on the recommendation of the Commander, Local Forces, Kenya and Uganda, curtail, to such extent as he may think reasonable, the period of service to be undergone under this section, by any person who produces evidence of previous service with the Kenya Auxiliary Force established under the Kenya Auxiliary Force Ordinance, 1936, or with any of His Majesty's Forces, regular or auxiliary, of such a nature as to satisfy the Governor that his service with the Regiment should be so curtailed.

7. The Governor may establish a Reserve to the Regiment (to be known as the Kenya Regiment (Territorial Force) Reserve) in such manner as may be prescribed, and such Reserve shall form part of the Regiment.

Establishment of Kenya Regiment (Territorial Force) Reserve.

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

Special Reserve to the Regiment.

## PART III.

## CADETS.

Cadet Units.

9. The Governor may appoint Cadet Units, the description, numbers and enrolment in, and organization of which, shall be such as the Governor may from time to time prescribe. Cadet Units shall not form part of the Regiment, but shall be affiliated to it and regarded as a training unit for the Regiment. Cadet Units shall be composed of boys between the ages of fourteen and eighteen years.

Cadets' liability for peace training.

10. All boys who, with the consent of their parents or guardians, have enrolled as members of a Cadet Unit shall be liable to undergo such an annual course of peace training as may be prescribed.

Certificate of efficiency.

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

## PART IV.

## ADMINISTRATION.

Military districts.

12. The Governor may appoint and establish military districts throughout the Colony with the number and designation of units of the Regiment to be allotted to and trained in any military district.

Calling out of Regiment for active service.

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

Not entitled to discharge when on active service.

14. Notwithstanding anything to the contrary in this ordinance contained, no officer, or member of the Regiment while called out or employed on active service shall be entitled to obtain discharge therefrom during the continuance of such service.

Power to disband or discharge.

15. The Governor may at any time discontinue the service of any unit of the Regiment or cause the same to be disbanded, or released from service any officer or discharge any of the members of such unit.

16. The executive military command and inspection of the Regiments or units thereof shall be vested in such officers as may be appointed by the Governor. Officers in executive command.

17. (1) Before any person can be confirmed in his appointment as an officer, he shall satisfy the Governor that he is fully qualified to hold an appointment, and pass such tests as may be prescribed. Appointment and promotion of officers.

(2) No officer of the Regiment shall be promoted to a higher rank in the Regiment until he has proved in the manner prescribed, that he is fully qualified to undertake during peace training and in time of war all the duties that may be required of an officer in that higher rank.

18. The Governor may cancel the commission of any officer at any time, provided that the commission of an officer shall not be cancelled without the holder thereof being notified in writing of any complaint or charge made, and of the action proposed, to be taken against him, not without his being called upon to show cause in relation thereto, and provided further that no such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or more. Cancellation of commission.

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

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

20. An officer of the Regiment, except when on active service, or in anticipation of being called out on the same, may, by writing, under his hand, tender his resignation of his commission, but shall not, unless otherwise ordered by the Governor, be relieved of the duties of his appointment until the acceptance of his resignation is notified in the Gazette. Resignation of commission.

21. (1) A uniform, with distinctive marks or badges, shall be prescribed for every unit of the Regiment and issued to members thereof, to be maintained at their own expense for such periods and under such conditions as may be prescribed. Uniforms, arms, and accoutrements.

(2) Arms, ammunition, and equipment, shall be issued under prescribed conditions to members of the Regiment, and each member to whom a rifle has been issued shall be bound to

keep it in his personal possession, and be responsible for its maintenance in good order and condition, and to produce the same for inspection whenever called upon to do so.

(9) When called out for active service or when undergoing peace training, members shall bring with them their equipment and any ammunition which may have been placed in their custody.

Pay and allowances.

22. The Regiment shall be paid at a prescribed daily rate for the days on which they are called out for active service under the provisions of this Ordinance, and they may also be granted such monetary or other allowances as are laid down in regulations.

Duration of peace training.

23. (1) Each officer and member of the Regiment shall reckon his service as an officer or member from the date of his appointment or enrolment, as the case may be, and shall during each complete year, reckoning from that date, undergo such course of annual peace training, instruction, and other such exercises as may be prescribed.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of any period of peace training, instruction, or service prescribed under this section.

(3) Every member of the Regiment who in any year, without leave or permission, as prescribed, evades or fails duly to perform with proper zeal the full course of training allotted to him for that year, shall be guilty of an offence against this Ordinance.

## PART V.

### PROVISIONS FOR ACTIVE SERVICE.

24. When the Regiment or any portion thereof is called out for active service, the Governor may authorize and appoint officers of the Regiment or of the Special Reserve in the Colony, to obtain and take possession of buildings and other premises, supplies or foodstuffs, for transport, animals and vehicles, and all other articles, necessary for the maintenance in the field of the Regiment or any portion thereof, and of other forces acting in co-operation therewith. A written requisition may, under this section, be made on any person in manner prescribed, but so that every person so requisitioned upon shall be entitled in due course to receive compensation for everything obtained or taken from him.

Transport facilities.

25. (1) The Officer in command of the Regiment on active service in the field when so empowered by the Governor may requisition the authorities controlling any transport system in the Colony to supply suitable engines and rolling stock and marine transport and every other form of transport necessary for the conveyance of officers and members of the Regiment or other forces, together with their animals, guns, baggage, stores, supplies and vehicular transport, and to convey the same by air, road, rail or water to and from any points within or outside the territory, as may be necessary.

(2) The Governor may, under like circumstances, authorize any officer to assume control over any transport system within the territory or any portion thereof.

## PART VI.

### DISCIPLINE.

26. (1) Officers and members of the Regiment, at all times, and officers of the Regiment and Special Reserve, when called out for active service, shall be subject to military law.

(2) The provisions of the Army Act, 44 and 45 Viet., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act), so far as applicable, shall apply to officers and members of the Regiment and Special Reserve when they are on active service or called out for the same, subject to the following modifications:

- The words "the Regiment" may be read therein for the words "regular forces", the words "officer or member of the Regiment" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State".
- No sentence of a court-martial upon the trial of an officer or a member of the Regiment and Special Reserve shall be carried into execution unless confirmed by the Governor.

(3) For the purpose of discipline the provisions of the Army Act, so far as applicable, shall apply to the permanent staff appointed under section 42 of this Ordinance, subject to the modifications set out in sub-section (2) (a) and (b) of this section.

27. Notwithstanding the provisions contained in section 26 of this Ordinance, no officer or member of the Regiment or Special Reserve shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Army Act.

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

Officers and members not punishable under this Ordinance as well as under the Army Act.

Refusal to undergo peace training an offence.

28. Any member of the Regiment who shall refuse or neglect to undergo such peace training as shall be prescribed from time to time shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding fifty pounds or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

Penalty for contravention not otherwise provided for.

29. Any officer or member of the Regiment who shall be guilty of an offence against this Ordinance or who shall be guilty of contravening or failing to comply with any of the provisions of this Ordinance for which no penalty is specially provided, or any of the regulations, shall, upon conviction by his commanding officer or any court having jurisdiction, be liable to a fine not exceeding ten pounds or to a term of imprisonment not exceeding one month, or to both such fine and imprisonment.

Provided that where a commanding officer is below the rank of captain, he shall have power of conviction under any of the regulations, but shall not have power of conviction for an offence against this Ordinance, as provided for under this section, and, in such case, the power of conviction under this section for an offence against this Ordinance shall vest in any officer of, or above the rank of captain, who shall be appointed by the Commander, Local Forces, Kenya and Uganda, for that purpose.

Power of Governor to confirm or reduce sentence.

30. The records of evidence taken before a commanding officer or such other officer as provided for in the proviso to the last preceding section and the finding and sentence inflicted by the commanding officer or such other officer as aforesaid, in the exercise of the jurisdiction conferred upon him by the last preceding section shall be submitted forthwith to the Governor, who may quash the conviction, or confirm or reduce the sentence, and the sentence as confirmed or reduced shall be notified by the commanding officer or such other officer as aforesaid to the member of the Regiment convicted, by means of registered letter, and every fine so notified which is not paid within fourteen days of the date of the posting of such notification, may, together with any costs incurred by reason of such non-payment, be recovered in any magistrate's court having jurisdiction, on mere production to such court of a properly authenticated copy of such notification under the hand of such commanding officer, or such other officer aforesaid.

31. It shall be lawful for any commanding officer or any other officer as aforesaid in the exercise of the jurisdiction conferred upon him by section 29 of this Ordinance, to summon in writing any member of the Regiment under his command alleged to have contravened or failed to comply with any of the provisions of this Ordinance, or the regulations made thereunder, and any witnesses alleged to be material to the charge, to appear before him, and to administer oaths to such witnesses, and generally to investigate the charge in such manner as the Governor may by regulations determine; and any person so summoned as a witness who shall fail to attend at the time and place mentioned in such summons, or having attended, shall refuse to give evidence, shall be liable on conviction before a magistrate, to a fine not exceeding ten pounds, or, in default of payment thereof, to imprisonment not exceeding one month.

Reservation of right to prosecute otherwise than under Ordinance.

32. Nothing in this Ordinance contained shall prevent any offence from being prosecuted otherwise than under the provisions of this Ordinance, in all cases in which he would by law, without this Ordinance, be liable to such prosecution, and any person acquitted of any crime or offence under the provisions of this Ordinance or under the Army Act, shall be liable to be again tried for the same crime or offence.

Offences by officers or members against members of other of His Majesty's forces.

33. Whenever the Regiment or any portion thereof and other of His Majesty's forces are associated together under one command, any act committed by officers or members of the Regiment, which would if committed in respect of, or in relation to, the officers or members or institutions of the Regiment, be an offence against this Ordinance, or the Army Act, so far as applicable, or any modifications or adaptations thereof effected in terms of this Ordinance, shall, if committed in respect of, or in relation to, the officers or members or institutions of His Majesty's forces, be deemed to be a similar offence, and shall be triable and punishable as prescribed by this Ordinance or by the Army Act, so far as applicable.

Penalty for refusing or neglecting to assemble or march as ordered, shall be liable on conviction to a fine not exceeding one hundred pounds, or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment.

34. (1) Any officer or member of the Regiment called out for active service, who refuses or neglects to assemble or march as ordered, shall be liable on conviction to a fine not exceeding one hundred pounds, or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment.

(2) Any officer or member of the Regiment called out for active service as provided under the preceding sub-section shall, as from the date of such calling out, also be subject to the provisions of section 26 (1) and (2) of this Ordinance.

Aiding or inducing members of the Regiment to derelict on duty.

35. Any person who—
- (1) agrees with, or induces, or attempts to induce any officer or member of the Regiment to neglect or to act in conflict with his military duty in that force; or
  - (2) is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any officer or member of the Regiment or any law or regulation with which it is the duty of any member of that force to comply may be evaded or infringed; or
  - (3) supplies, or is a party to supplying, any officer or member of the Regiment with intoxicating liquor when that officer or member is on military duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor;

shall be guilty of an offence against this Ordinance.

Personation.

36. Any officer or member who fraudulently personates or represents himself to be an officer or member of the Regiment travelling on service of that force, with the intent to obtain conveyance at special rates or to evade payment of any toll, shall be guilty of an offence against this Ordinance.

Offences against commanding regulations.

37. Any person who commits any offence against the regulations providing for and regulating the requisitioning in time of war of accommodation or supplies in pursuance of section 24 of this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

Wrongful disposal of property.

38. Any officer or member of the Regiment who, without proper authority and permission, gives, sells, pledges, lends or otherwise disposes of any moneys, animals, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Regiment shall be guilty of an offence against this Ordinance, and, in addition to any penalty for such an offence which may be imposed under this Ordinance, he may be ordered by the court or other authority competent to impose that penalty to make good the loss or deficiency caused by the gift, sale, pledge, loan or other disposition; and every such gift, sale, pledge, loan or disposition shall be null and void.

Penalty for contravening the Ordinance in any way.

39. Any person who is guilty of an offence against this Ordinance or who wilfully contravenes or fails to comply with any of the provisions of this Ordinance, or the regulations made

or prescribed thereunder, shall, when no other penalty is provided for, be liable to a fine not exceeding ten pounds or to a term of imprisonment for a period not exceeding one month, or to both such fine and imprisonment.

40. For the protection of persons acting in the execution of this Ordinance, every civil action against, and every criminal prosecution of, any person in respect of anything done in pursuance or in contravention of this Ordinance shall be commenced within six months after the cause of the proceeding has arisen and notice in writing of any civil action and the cause thereof shall be given to the defendant one month at least before the commencement thereof.

41. Any officer or member of the Regiment or any person employed in the public service, who discloses any information or any other secret or confidential information relating to the defence of the Colony, which comes within his cognizance shall, unless acting under the due authority and in the execution of his duty (the burden of proof whereof shall be upon him) be guilty of an offence against this Ordinance.

## PART VII.

### MISCELLANEOUS.

42. The Governor may from time to time constitute for the Regiment a permanent staff, consisting of such officers, warrant officers, non-commissioner officers and men as he may deem necessary

43. (1) In the case of any member of the Regiment who shall be temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him when on active service as provided in section 13 of this Ordinance, the Governor may award such member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no such gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

(2) The Governor may assign to the widow or family of any such member who may be killed in action, or on active service as provided in section 13 of this Ordinance a pension or allowance of such amount as may be prescribed.

(3) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due by the recipient thereof or his wife.

Limitation of action.

Disclosure of information.

Power to constitute permanent staff.

Governor may award gratuity or pension in certain events.

## Regulations.

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

- (1) The numerical establishment of units of the Regiment and cadets, and the various grades, ranks and appointments therein.
- (2) The appointment, promotion, transfer, leave, resignation and release from service of officers.
- (3) The enrolment, posting, transfer, leave, promotion, reduction, discharge and dismissal of warrant officers, non-commissioner officers and men, and the disbandment of any units.
- (4) The appointment and posting of the permanent staff, together with rules for their control, discipline, pay, allowances, leave, transfer, release from service, discharge and dismissal.
- (5) The discipline of the Regiment.
- (6) The assemblage of courts of inquiry, and rules regarding the attendance of witnesses.
- (7) Exemption of officers or members of the Regiment from carrying out the full course of peace training for any one training year.
- (8) The issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Regiment and for cadets.
- (9) The conveyance by air, road, rail, or water of members of the Regiment and their transport and equipment when travelling on duty.
- (10) The general government and management of the Regiment.
- (11) Drill and peace training instruction.
- (12) Peace training, including camps of exercise.
- (13) Pensions, gratuities and compensation for losses sustained on duty.
- (14) The formation and control of the Regiment Reserve.
- (15) The formation and control of Cadet Units.
- (16) All matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Regiment, or for carrying out and giving effect to this Ordinance.

45. The Territorial Force Ordinance and all regulations made thereunder are hereby repealed

## APPENDIX VII

### A Bill to Provide for the Establishment of the Kenya Auxiliary Force.

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

## PART I.

## ESTABLISHMENT, ORGANIZATION AND ADMINISTRATION.

1. This Ordinance may be cited as the Kenya Auxiliary Force Ordinance, 1936, and shall come into operation on such date as the Governor may appoint by notice published in the Gazette.

Short title and commencement

2. In this Ordinance unless the context otherwise requires, the following expressions have the following meanings:—

Interpretation

"active service"—every member of the Auxiliary Force when called out for the purpose of repelling external aggression or for aiding the civil authority in the protection of life and property and preventing and suppressing internal disorder in the Colony shall be deemed to be on active service;

"peace training" means all such training as may be prescribed under this Ordinance other than training on active service;

"prescribed" means prescribed by regulations;

"regulations" means regulations made under the provisions of this Ordinance.

3. (1) There shall be established in the Colony in connection with the Kenya Regiment (Territorial Force) Ordinance, 1936, a force to be known as the Kenya Auxiliary Force (throughout this Ordinance referred to as the Auxiliary Force), which shall be under the supreme command of the Governor, and the members of which shall be liable, in accordance with the provisions of this Ordinance, to be called out for active service within the limits of the Colony and to undergo such peace training as may be prescribed.

Kenya  
Auxiliary  
Force.  
No. 1 of 1936.

(2) The Governor may from time to time constitute for the Auxiliary Force a permanent staff, consisting of such officer-warrant officers, non-commissioned officers and men as he may deem necessary.

Organization of the Auxiliary Force

4. (1) The Auxiliary Force shall be under the command of the Commander, Local Forces, Kenya and Uganda (hereinafter referred to as the Commander), who shall be responsible to the Governor for the organization, discipline and efficiency of the Auxiliary Force.

(2) The headquarters of the Auxiliary Force shall be in Nairobi, or at such other place as the Governor may from time to time appoint.

Auxiliary Force Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as Auxiliary Force Districts and shall designate the same respectively by such names as he may think fit, and may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

(2) The Governor may appoint in each Auxiliary Force District a District Commandant and such other officers as he may deem expedient.

(3) Every such District and the members of the Auxiliary Force resident therein shall be organised in accordance with the provisions of this Ordinance and of any regulations made thereunder.

Power of Governor to dispense with services.

6. The Governor may at any time dispense with the services of any officer or member of the Auxiliary Force.

Power of Governor to delegate authority.

7. The Governor may, for all or any of the purposes of this Ordinance, by writing under his hand delegate all or any of the functions, powers and duties under this Ordinance or any regulations made thereunder to such person or persons as he may deem expedient.

PART II

CONSTITUTION AND ENROLMENT.

Division of the Auxiliary Force into Classes.

8. Members of the Auxiliary Force shall be divided into the following Classes, namely:—

Class I—Persons who have attained the age of eighteen years and have not attained the age of thirty years.

Class II—Persons who have attained the age of thirty years.

9. (1) Subject to the provisions of this Ordinance every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and who is ordinarily resident in the Colony shall attend at the office of the District Commissioner of his administrative district within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall enrol himself as a member of the Auxiliary Force in the Class appropriate to his age, and if such person shall fail so to enrol himself he shall nevertheless be deemed to be enrolled as a member of the Auxiliary Force:

Compulsory enrolment of male British subjects of 18 years and over.

Provided that any person failing to enrol himself as provided for in this section shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.

(2) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Auxiliary Force, and in such case such person shall attend at the office of the District Commissioner as aforesaid and upon taking an oath in manner prescribed by regulations made under this Ordinance shall enrol himself as a member of the Auxiliary Force in the Class appropriate to his age.

(3) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions in actual practice shall only be enrolled or deemed to be enrolled and liable to serve in the Auxiliary Force in their professional capacity.

(4) For the purpose of ascertaining what persons are liable to serve in the Auxiliary Force and the best use which can be made of their services in time of emergency, regulations may be prescribed requiring employers to give particulars of all persons in their employ and the nature of their employment, from time to time.

10. Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Auxiliary Force or who volunteers for service therein may, with the permission of the Commander, elect to enrol as a member of the Class preceding the Class appropriate to his age:

Right of persons to elect as to Class in which they are enrolled.

Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by any regulations made thereunder upon the members of the Class in which is enrolled.

**Exemptions.**

11. Notwithstanding anything to the contrary in this Ordinance contained, the Classes of persons set out in the First Schedule to this Ordinance shall be exempted from such of the obligations imposed by this Ordinance as are specified in such Schedule.

**Exemptions for health reasons.**

12. (1) All persons who are certified under the hand of a medical officer to be medically unfit for service under this Ordinance by reason of bodily or mental infirmity or unfitness shall be exempt from service in the Auxiliary Force.

(2) The Governor in Council may by order exempt any person or any class of persons from all or any of the obligations imposed by this Ordinance or by any regulations made thereunder.

**Preparation of lists of persons liable to serve**

13. (1) The District Commissioner of each administrative district shall, within two months after the commencement of this Ordinance, and during the month of January in each succeeding year, prepare a list, in the form given in the Second Schedule to this Ordinance, containing the names of all persons in the district who are liable for enrolment and service or who volunteer for service under the provisions of this Ordinance.

(2) When such list has been prepared the District Commissioner shall cause a copy thereof to be affixed in a conspicuous manner at his office and court-house, and shall cause a notice to be inserted in at least one newspaper of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be earlier than two weeks nor later than four weeks (unless for special reasons) after the date on which the copy of such list was affixed as aforesaid.

(3) Upon the date and at the place so notified the District Commissioner shall hold a court, and shall, on due proof by the oath of such person as he shall see fit to examine or by statutory declaration or affidavit, correct all errors in such list, either by adding thereto the names of persons liable to enrolment and service or by striking out the names of persons who have been exempted. Such court may be adjourned from

day to day until all questions as to the correctness of the list have been determined. The decision of the District Commissioner upon any question arising in regard to the correction of the list shall be subject to appeal to the Court of a First Class Magistrate.

(4) As soon as all questions as to the correctness of the list have been determined as aforesaid, the District Commissioner shall forthwith transmit such corrected list to the Commander.

14. Any member of the Auxiliary Force who leaves the Auxiliary Force District to reside in another Auxiliary Force District shall forthwith notify the District Commissioner and the District Commandant of each such District and any such member who fails to make such notification shall be guilty of an offence and shall be liable on conviction to a term of imprisonment not exceeding one month or to a fine not exceeding ten pounds.

Change of residence.

**PART III.**

**ARMS, EQUIPMENT AND TRAINING.**

15. Such rifles, ammunition, equipment and uniform as may be prescribed shall be provided by the Government for members of the Auxiliary Force and will be issued in accordance with regulations.

Government to provide rifles and ammunition.

16. Every member of the Auxiliary Force in possession of a Government rifle, ammunition, equipment and uniform as hereinbefore provided shall be responsible for the same and for keeping the same in a good and efficient condition, and shall be liable for any loss of or damage to such rifle, ammunition, equipment or uniform, due to his act, neglect or default.

Duties in regard to Government rifles, etc.

17. (1) The peace training of each Class of the Auxiliary Force shall be carried out in accordance with regulations made under this Ordinance and every member of the Auxiliary Force shall undergo such peace training in any year as shall be notified in accordance with the provisions of section 19 of this Ordinance.

Peace training.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of the prescribed period of peace training.

18. A District <sup>Commandant</sup> Commissioner may, with the approval of the Commander, exempt any member of the Auxiliary Force in his District from the performance of the whole or any part

Power to exempt from peace training.

of his compulsory peace training under the provisions of section 17 of this Ordinance.

Notification of time and place of peace training.

19. The date and place of every course of peace training shall be notified by the Commander and notice of such date and place published in the Gazette and in the Auxiliary Force Orders and in such other manner as may be prescribed shall be sufficient notice to every member of the Auxiliary Force.

Penalty for non-attendance at peace training.

20. If any member of the Auxiliary Force without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fails to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of peace training, or fails to complete such course, then and in any such case such member shall be liable, on conviction before a magistrate of the first and second Class, to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or any regulations made thereunder.

#### PART IV. MOBILIZATION.

Calling out and mobilization of the Auxiliary Force.

21. (1) Whenever in the opinion of the Governor it shall be necessary to repel external aggression, or to aid the civil authority in the protection of life and property and to prevent and suppress internal disorder in the Colony, the Governor may, by proclamation, call out and mobilize the Auxiliary Force or such part or parts thereof as he may deem necessary for active service:

Provided that a proclamation under this sub-section may call out the members of either Class or both Classes mentioned in section 4 of this Ordinance, but so that the members enrolled in Class 1 shall not be called out until the members enrolled in Class 2 have been called out:

Provided further that the Governor, may by such proclamation, in lieu of calling out and mobilizing the Auxiliary Force or any part thereof as aforesaid, order the Auxiliary Force or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate mobilization.

(2) In the case of sudden and imminent danger in any province or district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer

in charge of such province or district may, for the defence of the province or district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor call out the members of the Auxiliary Force resident in such province or district, but in such case such officer shall forthwith report to the Governor such calling out and any subsequent step taken by him.

22. Members of the Auxiliary Force shall, when they are on active service or when called out in a manner provided by the last preceding section or when ordered to hold themselves in readiness for mobilization in manner provided by the second proviso to section 21 (1), be subject to the provisions of the Army Act, 44 and 45 Vict. Ch. 58, and all Acts amending or substituted for the same, so far as applicable, but so that the Regulations under section 31 of this Ordinance may prescribe that any provisions of those Acts shall not apply to the Auxiliary Force:

Discipline of the Auxiliary Force on mobilization to be governed by Army Act, 44 and 45 Vict. Ch. 58.

Provided that—

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

23. On the mobilization of the whole or any part of the Auxiliary Force for active service, every resident (whether he is or he is not a member of the Auxiliary Force) shall be liable to provide transport and supplies in his possession if so required; and any person who without reasonable cause or excuse, fails to comply with the requirements of this section shall be liable on conviction before a magistrate of the first or second class, to a fine not exceeding one hundred pounds or to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

Liability of population to provide transport, etc.

24. No member of the Auxiliary Force shall be liable to be called out for ceremonial parades or for any purpose other than as provided in this Ordinance.

Auxiliary Force not to be called out for ceremonial parades.

liability for breach of duty.

25. Any member of the Auxiliary Force, who, after any proclamation has been published in pursuance of the provisions of section 21 of this Ordinance, without reasonable cause or excuse fails to attend or absents himself without the permission of some competent authority, or refuses or neglects to obey any lawful command of his superior officer, shall be liable, on conviction before a magistrate of the first or second class, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Provided always that no such conviction shall be deemed to exempt the person convicted from service or from any future liability to serve under the provisions of this Ordinance.

#### PART V.

##### MISCELLANEOUS PROVISIONS.

26. The provisions of the Ordinance shall not apply to any member of the Auxiliary Force during his temporary absence from the Colony, nor to any person while serving in the Kenya Regiment (Territorial Force) established under the Kenya Regiment (Territorial Force) Ordinance, 1936, or in the Reserve or Special Reserve thereof.

Provided that except as hereinafter provided every person on the date of the completion of his service with the Kenya Regiment (Territorial Force) or with the Reserve or Special Reserve thereof shall be deemed to be a member of the Auxiliary Force in Class II thereof as provided for in section 8 of this Ordinance and to be subject in all respects to the provisions of this Ordinance.

Provided further that the provisions of the above proviso shall not apply to any officer or member of the Kenya Regiment (Territorial Force) (excluding the Reserve thereof) between the ages of eighteen and thirty who has been permitted to resign therefrom before having completed the full term of his service thereunder, nor to any such officer or member of the Kenya Regiment (Territorial Force) (excluding the Reserve thereof) whose service with the Regiment has been unsatisfactory. A certificate signed by the Commanding Officer of the unit to which such officer or member belongs to the effect that such officer or member was permitted to resign or a certificate signed by the Commanding Officer of such Unit and approved by the Commander, Local Forces, Kenya and Uganda, to the effect that the service of any officer or member

of the Kenya Regiment (Territorial Force) has been unsatisfactory shall be sufficient for the purposes of this proviso, provided that in the latter case the certificate shall be shown to the officer or member of the Auxiliary Force concerned before being sent to the Commander, Local Forces, Kenya and Uganda. Any such officer or member who has been permitted to resign or whose service has been unsatisfactory shall be deemed to be a member of the Auxiliary Force in Class I thereof and to be subject in all respects to the provisions of this Ordinance, except that the amount of peace training to be done by him shall be in the discretion of the Commander.

27. Nothing in this Ordinance contained shall be deemed to prevent any member of the Auxiliary Force from volunteering to serve in any of His Majesty's Regular or other Forces.

28. (1) It shall be the duty of every employer to give all proper facilities for enabling any person in his employ to enter upon and carry out any service or peace training in the Auxiliary Force for which he is liable or eligible.

(2) Any employer who—

- (a) fails to give the facilities aforesaid; or
- (b) by dismissing an employee or by reducing his wages or in any other manner whatever penalizes him for entering upon or carrying out any service or training as aforesaid: Provided that this paragraph shall not be construed to require an employer to pay any person in his employ any wages or salary for the time he is absent from work for the purpose of peace training or during the time he is engaged on active service; or
- (c) by words, conduct, or otherwise directly or indirectly compels, induces, or prevails upon, or attempts to compel, induce, or prevail upon, any person in or seeking his employ to do or refrain from doing any service or peace training under this Ordinance for which he is liable or eligible.

shall be guilty of an offence and shall be liable, on conviction before a first or second class magistrate, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(3) In proceedings under this section the burden shall lie upon the employer of proving that any person in his employ who has been dismissed or has suffered a reduction of wages, or has been in any other manner penalized, was dismissed,

Right of members to volunteer service in His Majesty's Forces.

Co-operation of employers.

Temporary absence of members, exemptions from service of certain persons.  
No. 1 of 1936

reduced or penalized for some good reason and that such reason is in no way connected with the service or peace training aforesaid.

Governor may award gratuity or pension in certain events.

29. (1) In the case of any member of the Auxiliary Force who is temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him when on active service as provided by section 21 of this Ordinance, the Governor may award to such member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

(2) The Governor may assign to the widow or family of any such member who may be killed in action or on active service as provided in section 21 of this Ordinance a pension or allowance of such amount as may be prescribed.

(3) No pension or gratuity payable under this Ordinance shall be assigned or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due to the recipient thereof or his wife.

Penalty.

30. Any person who contravenes or fails to comply with any of the provisions of this Ordinance for which no other penalty is provided shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

Power to make regulations.

31. (1) The Governor may from time to time make regulations providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this Ordinance and where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient for giving full effect to this Ordinance, providing for or supplying such omission or insufficiency and without prejudice to the foregoing powers, providing for all or any of the following matters—

- (a) the general government, discipline, peace training and management of the Auxiliary Force;
- (b) the establishment of units of the Auxiliary Force and the various grades, numerical establishment, ranks and appointments therein;
- (c) the attendance at drills, inspection, classes and courses of instruction of members of the Auxiliary Force

and the examination of members of the Auxiliary Force as to proficiency in military professional subjects, and the granting of certificates of proficiency in military professional subjects;

- (d) the appointment to, seniority of, promotion in and tenure of commissioned or non-commissioned ranks in the Auxiliary Force;
- (e) the leave of absence, suspension, reduction and discharge of members of the Auxiliary Force;
- (f) the condition as to physical fitness for service in the various units of the Auxiliary Force;
- (g) the fixing of rates of pay and allowances and issues of rations to members of the Auxiliary Force when called out under section 21 of this Ordinance;
- (h) the enrolment of all persons liable for service in the Auxiliary Force;
- (i) the convening, composition, procedure and power of boards of officers and courts of inquiry;
- (j) the payment of compensation to widows and families of members of the Auxiliary Force as provided in section 29 of this Ordinance;
- (k) the requisitioning of means of conveyance and transport for service with the Auxiliary Force when called out under section 21 of this Ordinance;
- (l) the conveyance by air, road, rail, or water of members of the Auxiliary Force and their transport and equipment when travelling on duty;
- (m) the requisitioning of goods, provisions, supplies and accommodation for members of the Auxiliary Force when called out under section 21 of this Ordinance;
- (n) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Auxiliary Force;
- (o) the compiling of registers of transport and the duties of members of the Auxiliary Force in connection therewith;
- (p) the establishment and conduct of camp, regimental, or district institutions for providing recreation and refreshment to members of the Auxiliary Force;
- (q) the returns, books, forms and correspondence relating to the Auxiliary Force;
- (r) all matters which are by this Ordinance required or permitted to be prescribed.

(2) Such regulations may provide as a penalty in respect of any breach thereof for a fine not exceeding fifty pounds which may be recovered in any court of competent jurisdiction at the instance of the District Commandant of the Auxiliary Force District in which the person infringing the same resides.

**32.** Any member of the permanent staff of the Auxiliary Force may institute proceedings against any officer or member of the Auxiliary Force for offences against this Ordinance or the regulations made thereunder, and may thereafter appear in any magistrate's court and prosecute the person against whom such proceedings have been instituted, and for such purpose every member of the permanent staff of the Auxiliary Force shall have the right of audience in any magistrate's court. This provision shall be in addition to and not derogation of any similar provisions or part thereof relating to any person under this Ordinance or under any other Ordinance.

**33.** The Defence Force Ordinance, 1927, as amended by the Defence Force (Amendment) Ordinance, 1930, and the Defence Force (Amendment) Ordinance, 1931, and all regulations made thereunder are hereby repealed.

Member of permanent staff may institute proceedings and appear thereat.

Repeal.  
No. 12 of 1928.  
No. 17 of 1930.  
No. 47 of 1931.

#### FIRST SCHEDULE.

(1) The following persons are exempted from all the obligations imposed by the Ordinance—

Ministers of Religion who have undergone a ceremony of ordination in a recognized church;

Judges of the Supreme Court;

Members of the Executive and Legislative Councils;

Officers and non-commissioned officers of the King's African Rifles;

Officers of the Regular Army Reserve of Officers;

Officers of the Territorial Army Reserve;

Officers and personnel of the Royal Naval Reserve or the Reserve of the Royal Marines;

Serving officers and men of the Kenya Royal Naval Volunteer Reserve;

Officers and non-commissioned officers of the Police Force; European officers of the Prisons Service.

(2) Duly accredited members of missionary bodies are exempted from the obligations imposed by the Ordinance except from the liability to perform after mobilization services of a non-combatant nature.

(3) Administrative officers and resident magistrates are exempted from all the obligations imposed by the Ordinance except where specified duties are assigned to them under the Ordinance.

#### SECOND SCHEDULE.

##### REGISTRATION LIST

ADMINISTRATIVE DISTRICT

AUXILIARY FORCE DISTRICT

No.	Name	Residence	Calling	Nationality	Previous Military Service (if any) and Technical Qualifications	Class in which Enrolled

G. O.

Mr. Grossmith

Mr. Parkin

Major Cole

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C.D  
27 JUL  
31<sup>st</sup>

12

Downing Street,  
-4 AUG 1936~~July, 1936~~

Sir,

I am etc. to transmit to

you, to be laid before the Army

Council, a copy of the report of the

Committee appointed by the Governor

of Kenya to consider suggestions

for the re-organisation of the

Defence Force of the Colony. A copy

of an interim report of the Committee

in question accompanied the letter

from this Department of the 30th of

June regarding the secondment of

Captain The Lord Stratheden,

Coldstream Guards, as Adjutant of

the proposed Kenya Territorial Force

and Staff Officer of the Kenya

Reserve Force.

2 The comments of the Govt.

of Kenya on the final report of the

**DRAFT.**THE UNDER SECRETARY OF STATE,  
WAR OFFICE.

Report.

(End to No 10)

FURTHER ACTION.

Committee will be communicated to the Army  
Council when received. [Mr. Ormsby Gore has  
no reason to suppose, however, that the  
report will be unacceptable to the Kenya  
Govt. He will accordingly be glad to  
receive, in due course, the views of the Army  
Council on the proposals generally and  
particularly with regard to the establishment,  
organisation and administration of the  
proposed Kenya Regiment (Territorial Force)  
and Auxiliary Force.]

I am, etc.

(Signed) J. J. PASKIN.

Omit

1/2/57

102  
10



CONFIDENTIAL.

THE SECRETARIAT,  
NAIROBI,  
KENYA

WHEN REPLYING  
PLEASE QUOTE  
NO. A.KDF. 36/5/104.  
AND DATE

29th June, 1956.

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and, with reference to correspondence terminating with the Secretary of State's telegram No.44 of the 4th March last, has the honour to transmit the accompanying six copies of the Report of the Committee appointed by His Excellency the Governor to Consider Suggestions for the Reorganization of the Defence Force of the Colony, for information.

The comments of this Government will be sent in due course.

*38090/1/50*  
*(115)*  
*copy returned to W.S.P. (12)*

R E P O R T

of the Committee appointed by His Excellency  
the Governor on the 4th April,

1936,

TO CONSIDER SUGGESTIONS FOR THE REORGANIZATION

OF THE

DEFENCE FORCES OF THE COLONY.

R E P O R T.

CHAPTER I

Introductory.

Your Excellency,

On the 4th April, 1936, Your Excellency was pleased to appoint as members of a Committee to Consider Suggestions for the Reorganization of the Defence Forces of the Colony -

- (1) Colonel J.A. Campbell, D.S.O. (Chairman)  
Commander, Northern Brigade,  
The King's African Rifles.
- (2) The Hon. T.D.H. Bruce,  
Solicitor General.
- (3) Mr. R.W. Hemsted, C.M.G., O.B.E.
- (4) Lieutenant-Colonel A. Dunstan Adams, M.C.,  
Commanding 1st (Nairobi) Battalion,  
The Kenya Defence Force.
- (5) Captain F.V. Ward,  
President, Kenya Rifle Association

with the following terms of reference:-

- (a) To examine the suggestions for the reorganization of the Defence Forces of the Colony contained in the Colonial Office despatch of 5th February, 1936, and to submit for the consideration of the Government and of the Secretary of State a report thereon.
- (b) To prepare such draft legislation as may be necessary in accordance with paragraph 7 of the despatch.

2. Mr. Deverell was appointed Secretary of the Committee. The meetings were, by the courtesy of the Attorney General, held in his office.

3. The Committee on the 25th April published a notice in the Official Gazette and the local Press inviting all persons desirous of placing their views before the Committee to do so either orally or by memoranda. The notice intimated that the oral presentation of views was preferred by the Committee. On the 8th May a communique was published through the Press and Wireless, requesting persons interested to place their views before the Committee not later than the 30th May.

As a result of these invitations 24 persons, most of whom also submitted memoranda, appeared before the Committee and, in addition, 18 memoranda by persons who did not appear before the Committee were received and considered.

2.

We would take this opportunity of thanking all those who so assisted us in our deliberations.

4. Twenty meetings of the Committee were held between the 24th April and the 18th June, 1936.

5. At an early stage in our deliberations we came to the conclusion that the task before us could best be considered under the following heads:-

- (1) The Defence Problem of the Colony.
- (2) The Kenya Defence Force in relation to the Defence Problem.
- (3) The Organization suggested in the Colonial Office despatch in relation to the Defence Problem.
- (4) The Organization which, in our opinion, is best suited to meet the Defence Problem.
- (5) The financial implications of our proposals.
- (6) The draft legislation necessary to give effect to our recommendations.

6. Throughout our deliberations we have been guided by the following general considerations:-

- (a) that it was the task of the Committee to recommend what in our opinion was the minimum organization required to meet the Colony's defence problem;
- (b) that, although our terms of reference contained no financial limitations, we should keep before us the desirability of recommending proposals which, while compatible with (a), should not involve the Colony in unreasonable expense.

CHAPTER II.

THE DEFENCE PROBLEM OF THE COLONY.

7. The Explanatory Memorandum to the Defence Force Bill published in the Official Gazette of the 12th January, 1937, makes it clear that the purposes for which the Kenya Defence Force was established were twofold. In the first place for defence against External Aggression and secondly for the defence of life and property in the event of Internal Disturbance.

Whatever differences of opinion there may be as to how the European British subjects of this country should be organized for its defence, we have found no one who quarrelled with this description of the twofold nature of the defence problem.

8. We are of the opinion that the parts which the European British subjects of Kenya are called upon to play in relation to those two aspects of defence are distinct, and that no Organizations which does not reflect this distinction will be satisfactory.

separately. We propose to consider these two aspects

9. We are of the opinion that, in considering the part which the European community of this Colony is best adapted to play in the event of External Aggression, it is impossible to ignore the lessons of the East African Campaign of the late War - that for reasons of climate, knowledge of local conditions, and mobility, European troops were less suited to war in tropical Africa than African troops officered by Europeans. The comparatively small force which the European community could put into the field to oppose External Aggression must also be borne in mind.

10. We have therefore come to the conclusion that in any future war in East Africa the primary function of the European community in the event of External Aggression should be to supply officers, non-commissioned officers, and instructors for the expansion of the King's African Rifles which, in our view, must follow the threat of External Aggression.

11. While we regard this as the primary function of the European community in the event of war, we consider that the possibility of eventually establishing some form of auxiliary, air, artillery, and ancillary units should not be lost sight of, and we will have more to say regarding these suggestions at a later stage of our Report.

12. While we do not consider internal disturbances of any magnitude as likely to occur in this Colony under normal peaceful conditions, we cannot ignore the changed European situation and the possibility of a major war with its consequent reaction on internal affairs.

We are, therefore, of opinion that some form of organization of the European community is necessary to protect life and property in the event of a serious or local disturbance.

We have given careful consideration to this part of the problem before us and have arrived at the following conclusions:-

- (a) that the forces best suited to suppress any such disturbance are the Regular Forces at the disposal of Government, be they King's African Rifles, Royal Air Force or the Kenya Police;
- (b) that the part which the European community may be called upon to play in the event of a disturbance will therefore be limited to protecting life and property for the short time which must elapse before the Regular Forces arrive upon the scene.

13. The dual purposes then which we consider devolve upon the European community are -

- (1) to provide a nucleus of officers, instructors and technicians in the event of External Aggression;
- (2) to hold the fort in outlying districts, in the event of Internal Disturbance, until the Regular Forces in the Colony arrive.

In this connection we consider that the mere knowledge that a European Defence Organization exists, can not fail to have a stabilizing effect on the native population in times of unrest.

CHAPTER III.

THE KENYA DEFENCE FORCE.

14. The Kenya Defence Force was established by the Defence Force Ordinance, 1928. The Ordinance makes provision for the compulsory registration of all European males of British nationality in the Colony up to the age of fifty years and for their division into three classes according to age. All British European males of fifty or over can volunteer for enrolment in a fourth class, and any person in any class can volunteer for enrolment in any class preceding his proper class. The Ordinance also allows persons other than British subjects to join the Force with the prior consent of the Governor.

15. The Ordinance lays down the maximum annual training for the three classes as follows:-

- (a) in the case of Class I, composed of men between the ages of eighteen and thirty years, one hundred hours;
- (b) in the case of Classes II, III and IV, not less than 12 hours a year.

In practice there has never been sufficient funds available to apply the training prescribed to Classes other than Class I. So that, except in cases where persons over thirty have volunteered to serve in Class I, persons over the age of thirty have only been affected by the Ordinance in so far as they have been compulsorily registered as members of the Force and have been acquainted with the details of local defence schemes.

16. We do not propose to examine the organization of the Defence Force in relation to the problem of Internal Defence save to say that in our opinion there is nothing inherent in its organization to render it unsuitable for the strictly limited functions which we have agreed to assign to it in the event of Internal Disturbance.

17. We will now consider the Defence Force from the aspect of External Aggression and the training of officers, non-commissioned officers, and instructors for additional African battalions.

We consider for the following principal reasons that the present Defence Force is unsuitable to provide the training outlined above:-

- (a) the officers and non-commissioned officers are not themselves sufficiently proficient or conversant with recent developments to train the members of the Force as potential officers or instructors,

(b)

- (b) even if they were sufficiently up to date, the maximum training laid down by the Ordinance is entirely inadequate for the required degree of military proficiency to be attained;
- (c) that for financial reasons it is not possible to provide the degree of training required to create officers, non-commissioned officers and instructors on a compulsory basis for all Class I men;
- (d) that there is an insufficient permanent staff available with the necessary knowledge to provide the training required.

18. We do not intend to imply from the above that no training of any value has been given through the Defence Force. We consider that some of the training which was given was of value for the purposes of Internal Defence. We have also been impressed by the training which some enthusiastic members of the Force have voluntarily undertaken, and we consider that such training was of considerable value.

We do, however, suggest that, apart from the training over and above that laid down in the Ordinance given to volunteers, no training of any value for the purpose of producing officers and instructors has been provided.

19. At a later stage of our Report we will give our views as to the nature and minimum extent of the training which we consider necessary for this purpose. It will suffice here to reiterate that we consider such training can only be provided in this country on a voluntary basis, because the expense of providing compulsory training for the relatively large number of men in Class I, would be beyond the resources of the Colony and because, for reasons of occupation and situation, it would be impracticable for many persons, particularly in up country districts, to give up sufficient time for the training required.

20. To summarize our conclusions in this Chapter. We consider that the organization of the Defence Force is not unsuited to meet the requirements of Internal Defence. But that the degree of compulsory training provided by the Defence Force was totally inadequate to train a reserve of officers and non-commissioned officers.

#### CHAPTER IV.

#### THE ORGANIZATION SUGGESTED IN THE COLONIAL OFFICE DESPATCH.

21. Before examining this Chapter, it is advisable to turn to the Secretary of State's despatch of the 5th February, 1936, which is printed as Appendix I to this Report. The Secretary of State suggests:-

- (a) that the Defence Force be disbanded;
- (b) that it be replaced by a Territorial Force Regiment comprising an infantry unit or units and a battery of Coast artillery for employment at Mombasa;

(c)

(c) that a Reserve should be formed to the Territorial Regiment by the compulsory enrolment of all able-bodied European males of British nationality;

(d) that the Territorial Regiment should be under the command of the Commander, Northern Brigade, the King's African Rifles, and staffed from that Brigade.

It will be observed that the Secretary of State has not indicated whether the Territorial Force should be on a voluntary or a compulsory basis. We are, however, satisfied that a volunteer unit is intended, and we propose to assume that this is the case for the purposes of this Report.

22. We have indicated in the last Chapter that in our opinion the present Defence Force is not the best organization that can be devised to enable the potential European man power of this Colony to be utilised to the best advantage. It follows that we are accordingly in agreement with the Secretary of State in concluding that the Defence Force in its present form should be disbanded.

23. We also agree that what is required to take the place of the Defence Force is a Volunteer Force on the Territorial Model with a Compulsory Force composed of the residue of the able-bodied European man power of the Colony.

24. We consider that the primary function of the Volunteer Force should be to make the most of the excellent material available by training suitable men to take their places as officers, non-commissioned officers and instructors, and that the Compulsory Force should be trained primarily for defence in the event of Internal Disturbance.

25. We do not consider that it is practicable for the Coast Defence Battery at Mombasa to be manned by European volunteers and we will make suggestions in this connection in the succeeding Chapter.

26. We do not agree with the suggestion contained in paragraph 4 of the Secretary of State's despatch that the Staff Officer should be supplied from the Northern Brigade, King's African Rifles.

We consider that the Staff Officer should not be below the rank of Captain, and that owing to the prevalence of junior officers now serving with the Northern Brigade, the range of selection would be limited. Even if a Captain could be spared from the Brigade, which is not possible at the present time, there is only one who will not have completed his present tour before the Force is on its feet.

We consider that the best results will be obtained by appointing a specially selected officer of the rank of Captain in the British Army as Staff Officer to both the new Forces.

We consider that this officer should be appointed to the new Force and not to the King's African Rifles so that there can be no complaint that he was a divided

divided allegiance, but is, on the contrary, appointed solely to assist in the organization and training of the new Forces.

27. It will be observed from the previous paragraphs that we are in general agreement with the Secretary of State as regards his proposals for the establishment of a Territorial Force Regiment. We have now to consider his proposal to establish a Reserve formed by the compulsory registration of all able-bodied European British subjects not members of the Territorial Force.

As we understand this suggestion, the Reserve Force will exist merely on paper, it will receive no training, but will consist solely in the compulsory registration of the man power of the Colony which, in an emergency, could be placed under military discipline and control.

28. We have stated that we consider that the danger of serious internal disturbance is somewhat remote and that the part to be played by the Compulsory Force in such an event is a very limited one, for these reasons we have had to consider carefully whether, in view of the financial state of the Colony, we would be justified in recommending that the Compulsory Force should receive training at all. It has been suggested to us that, were it merely instructed in musketry through Rifle Clubs, no other training would be required.

In arriving at the conclusion that such training would be inadequate we have been influenced by the following considerations:

- (1) that, if a force is to have any practical value, it must be acquainted with its leaders and duties so that in time of emergency there will be no risk of confusion;
- (2) that musketry training without training in fire direction and control and without a knowledge of elementary organization is of little use;
- (3) that in this country, owing to the very scattered European population in up country districts, the only practical way in which to impart instruction is by camps. Once the men have been collected for a camp it is a waste of time and money not to impart as much instruction as is possible in the time available;
- (4) that it is unfair to the Volunteers, if the non-Volunteers escape without any training;
- (5) that in the event of war the Compulsory Force will have had a ground-work of training, will be able to use its weapons and have, at least, some military knowledge;
- (6) that we can rely only on a portion of this Force joining Rifle Clubs, which are entirely voluntary, and the nature of such training would incline more towards shooting practice than towards instruction in service shooting;

- (7) that experience in the past has shown that much useful instruction can be imparted in a short period with the material available. Considerably better results will be obtained with the necessary staff available to organize training on the lines desired;
- (8) that the registration of the Reserve would be useless unless the resulting roll were kept up to date by inspection by properly appointed officers and that the expense entailed would not be justified unless the Force received some training;
- (9) that the Reserve, without training of any kind might, by precipitate and rash action in time of emergency, be an embarrassment to the authorities rather than a help.

29. We consider that the training which the Compulsory Force should be given, should be directed primarily to making them efficient in the use of their weapons and thoroughly conversant with their local defence schemes and rallying points, and the part which each individual would be called upon to play in the event of a local disturbance.

30. We do not consider that there is any good military reason for regarding the Compulsory Force as a Reserve to the Volunteer Force; and it will be seen that, in a later stage of our Report, we recommend that a separate Reserve be formed for the Volunteer Force; for these reasons, and because we consider that the purposes of these two Forces are quite distinct, we propose to call the Compulsory Force, "The Kenya Auxiliary Force".

31. While, therefore, we accept the suggestions of the Secretary of State in general, we consider that some training is essential for the Auxiliary Force. We also consider that, owing to the peculiar conditions which prevail in Mombasa where the European population is continually changing, it will be difficult, if not impossible, to supply sufficient volunteers to man the Coast Defence Battery.

## CHAPTER V.

### THE ORGANIZATION PROPOSED.

#### GENERAL.

32. It should be clear from the preceding Chapters that the organization, which we recommend, might better be described as the reorganization of the existing Defence Force with a Volunteer Force super-imposed. It should also be clear that we regard the creation of a reservoir of officers and instructors as of primary importance and that we consider that the organization and training of the Kenya Defence Force is entirely inadequate for this purpose.

33. We recommend that the Kenya Defence Force be disbanded and replaced by a Volunteer Force up to the strength of a Battalion, to be known as "The Kenya Regiment (Territorial Force)" drawn from men between the ages of 18 and 35, and in special cases up to 45, with a Compulsory Force to be called "The Kenya Auxiliary Force" consisting of the balance of able-bodied European British male subjects in the Colony.

34. We recommend that service in The Kenya Regiment (Territorial Force) should be for a minimum period of four years, and that every member of this Force should put in 12 days' camp every year, and at least 100 hours of training parades.

35. We recommend also that the Kenya Auxiliary Force should be divided into two Classes as follows:-

- Class I - men of 18 - 30 years of age.
- Class II - men over 30 years.

We recommend that Class I men should be compelled to attend a 5 days' camp once every year and that Class II men should be compulsorily registered, but should receive no training other than that necessary to acquaint them with the part which they are called upon to play in their local defence schemes, and such voluntary instruction through Rifle Clubs, as is necessary to make them proficient in the use of the service rifle.

36. We recommend that any member of Class I of the Auxiliary Force should be eligible to join the Volunteer Force and that service to the satisfaction of his Commanding Officer for a minimum of 4 years in this Force should entitle a member to exemption from service in Class I of the Auxiliary Force. Any such member would be registered in Class II of the Auxiliary Force on completion of his service in the Volunteer Force, but would not be subject to the obligation of compulsory training imposed on Class I.

37. We recommend for the reasons given by us in paragraph 26 that the following regular personnel should be seconded to the Kenya Regiment (Territorial Force) and not to the King's African Rifles:-

- 1 Staff Officer (Captain).
- 1 Regimental Sergeant Major.
- 1 Permanent Staff Instructor per Company.

This regular staff, assisted by a cadre of specially selected officers and other ranks from the Kenya Regiment (Territorial Force), will be responsible for the training of the Auxiliary Force under the direction of the Commander, Northern Brigade, King's African Rifles, with the new title of "Commander, Northern Brigade and Local Forces, Kenya and Uganda".

It is our opinion that the Permanent Staff should, as far as possible, be drawn from the same Regiment of the Regular Army, preferably from the Brigade of Guards.

For the purpose of clarity we propose to consider the new Forces separately.

## I. THE KENYA REGIMENT (TERRITORIAL FORCE).

38. Before turning to the details of the Volunteer organization which we recommend, we desire to draw attention to certain general considerations which have influenced us in coming to the conclusion that the primary duty devolving upon the European male population of this Colony is to provide officers and instructors for native troops.

39. In the first place it is impossible to ignore the tendency of Powers possessing Colonial Empires to recruit the indigenous man power of the territories under their control for purposes of war. The native armies thus established form an offensive force very different in character to those encountered in the past, when large primitive and undisciplined hordes were customarily dispersed by small, but highly trained, European forces.

It would be foolish to ignore the possibility of this Colony at some future date being attacked by a highly organized native army greatly outnumbering any force which this Colony could possibly put into the field at the present-time.

In such an event it is probable that for a considerable time we would have to rely upon our own internal resources to repel such an attack, and could only do so by expanding our existing native forces, the officers being drawn from the European community.

40. We do not believe that the European youth of this country will be more backward than elsewhere in the Empire in accepting the responsibility which is so clearly theirs, and we feel that as soon as they realize that it is only by submitting themselves voluntarily to a course of training of a nature which may be compulsorily enforced that they can be adequately trained as officers and instructors, the response from them will be such as to enable an effective Territorial Force to be established without delay.

41. Although we have emphasized repeatedly that the primary function of this Force should be to train a nucleus of officers and non-commissioned officers, we also consider that it will provide an efficient striking force which could be used when necessary to support the regular forces at the disposal of Government.

42. We are aware that the success or failure of a force of this nature depends largely on the support which it obtains from public opinion, and we consider that it is essential to the success of this Force that it should be given the active sympathy and support of every section of the community. We realize that in the case of employers some sacrifice may be entailed by releasing employees for as much as twelve day camps a year. But we are confident that when it is realized that the Force is to be an efficient one with its training properly directed by Regular Serving Officers for public service recognized by all as essential, the response from the public will not be less generous than is the case in other parts of the Empire where Territorial Forces are invariably regarded with affection and sympathy.

43. In order that the Kenya Regiment (Territorial Force) may build up an "Esprit de Corps" and obtain, and retain, the respect of the public, we regard it as essential that it should be properly equipped, and we consider it imperative that the capital expenditure necessary to purchase the required uniforms and equipment should be forthcoming.

44. We are of the opinion that the ultimate strength of the Regiment should be one Battalion with ancillary units, but that at the beginning a force of two Companies should be aimed at. As far as can be foreseen one of these Companies would be raised in Nairobi District and the other drawn from up country districts. Each of these Companies would have a Permanent Staff Instructor seconded from the Regular British Army and would be under the control of the Permanent Headquarter Staff consisting of the Staff Officer (Captain, Regular British Army) and the Regimental Sergeant Major. For the rest of the establishment see Appendix II.

Appendix II.

The Regiment should be concentrated in camp for a period of 12 days once a year and should in addition, attend a minimum of 50 parades of 2 hours duration.

The minimum attendance for training recommended above should be strictly enforced.

45. During the period of peace training in camp we recommend that the officers and men should be paid at rates set out in Appendix II which approximate closely to British Army rates.

Appendix II.

We recommend that, if the Regiment is called up for active service, members should be given British Army rates of pay and allowances.

The travelling expenses of all members to and from camp should also be paid as well as their messing expenses. In addition we recommend that a small allowance should be made to each man to meet the expenses incurred in attending drills other than those in camp.

46. We do not propose to recommend the details of the training which should be given to this Force save to say that it should be organized so as to fit the Regiment to fulfil the roles for which it is raised.

We consider that it is essential that the camps should be made as interesting and attractive as possible, and that everything should be done to make them as enjoyable as they are instructive.

47. We consider that the defence of Mombasa is a matter which must receive special consideration in the light of the decision to make Mombasa a defended port, and the prevailing state of uncertainty in international affairs.

It is apparent that in the event of war Mombasa will become the port for Eastern Africa as a whole, and that it will therefore be of vital importance to ensure that

that its defences are maintained at the maximum degree of efficiency. We have considered carefully the suggestion contained in the Colonial Office despatch of the 5th February, 1956, that the fixed defences of Mombasa should be manned by the Kenya Regiment (Territorial Force).

We understand that on investigating this proposal Government came to the conclusion that, in view of the floating nature of the population at Mombasa and the manual nature of much of the work of the battery, which could be performed more efficiently in the prevailing climatic conditions by native ranks, the best arrangement would be to obtain the services of a Regular Artillery Officer, to be seconded to the King's African Rifles, as the Battery Commander, assisted by a Regular Sergeant Instructor, Royal Engineers, and some eleven officers and other ranks drawn from the Kenya Regiment (Territorial Force), the rest of the Unit being composed of native ranks of the King's African Rifles.

After carefully considering this scheme, we recommend strongly that the Mombasa Coast Defence Unit be composed entirely of regular soldiers. We consider that, apart from the defects inherent in a mixed unit of Regulars and Volunteers, it will be found impossible to secure the services of sufficient permanent volunteers in Mombasa, to make a mixed scheme successful, and that the majority of suitable volunteers available might be required for essential services in the event of war.

We feel that, with an increased Regular British Personnel and more extensive use of native non-commissioned officers drawn from the King's African Rifles than is at present contemplated, it will be possible to establish an efficient regular unit at relatively little extra expense.

If our recommendation on this point is accepted, we would suggest that such volunteer material as may be available in Mombasa and not employed in the Kenya Naval Volunteer Reserve, should be formed into a unit of the Kenya Regiment.

48. Since the Volunteer Force will have as its primary object the provision of a reserve of officers and non-commissioned officers, to be used in the event of External Aggression, we consider that its members should be confined to British subjects in contradistinction to the Auxiliary Force to which we recommend that non-British subjects may, with the consent of the Governor, belong.

49. In accordance with the usual practice, we recommend that all members of the Kenya Regiment (Territorial Force) shall be required to take an Oath of Allegiance to the Crown in the form which will be set out in the Regulations to be made in the Ordinance hereinafter referred to.

50. We are strongly of the opinion that the high privilege of holding their Commissions direct from His Majesty, the King afforded to officers of the Territorial

Army in England should be accorded to the officers of the Kenya Regiment, and we recommend that representations to this effect should be made in the proper quarter.

51. While we are of the opinion that service in this Force should normally be limited to active service within the limits of the Colony, we consider that it should be open to all members on enrolment voluntarily to accept liability for service without the Colony, and we propose to recommend that provision be made for this in the legislation.

52. We recommend that service in the Kenya Regiment should be for four years and that on the completion of four years' service members may be re-engaged for further periods of two years and, on completion of such service, should automatically be required to serve in a Reserve to the Regiment for a further period of four years. The minimum training which members of the Reserve should be compelled to undergo should be one day or eight hours a year.

In addition to the Reserve to which all members must automatically pass, we recommend that provision should be made in the legislation for the establishment of a Special Reserve for the voluntary enrolment of such persons who, by virtue of past service in the Regiment or elsewhere, or special qualifications, it is desirable to retain for service with the Regiment should the necessity arise.

53. We recommend that when a member of the Kenya Regiment has completed his full period of service in the Regiment or the Reserve to the satisfaction of his Commanding Officer he should, regardless of his age, pass automatically into Class 2 of the Auxiliary Force and be exempt from all further training other than that laid down for Class 2.

Any member who is dismissed from the Regiment before he has completed his full period of service will, of course, automatically enter Class 1 of the Auxiliary Force, if of the appropriate age.

54. We consider that an integral part of our scheme for the training of the European man power of the Colony should be the establishment of School Cadet Corps, which would undertake the preliminary training of the youth of the country on a voluntary basis.

We understand that, for reasons of age, the Prince of Wales School is at the moment the only institution in Kenya where it would be practicable to establish a force on the lines of the Officers' Training Corps at home. We understand that there are some one hundred boys at the Prince of Wales School between the age of 14 and 18; and further that an unofficial organization already exists at this School which could easily be converted into an Officers' Training Corps, and that suitable officers are available to undertake the training of such a Corps.

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55. The assistance which should be given to the Cadet Corps should take the form of instruction by the Permanent Staff of the Kenya Regiment, the loan of rifles, the free issue of ammunition for weapon training courses, and financial grants towards camp and equipment expenses.

In Appendix IV we give our estimate of the expenditure which will be required to establish and maintain this Unit.

56. Many of the memoranda which have been placed before us have contained suggestions for the establishment of ancillary units such as tank, machine gun, artillery, and air units. Most of these suggestions, however desirable in themselves, we have been forced to discard at the present time since the expense involved would be entirely beyond the Colony's resources.

57. We have, however, given particular attention to the possibility of establishing an Auxiliary Air Unit, because we feel that there is in Kenya at the present time quite exceptional material from which the personnel for such a unit could be drawn; and because we believe that in the geographical conditions prevailing in this country an auxiliary air unit would be of inestimable value both for defence against external and internal aggression.

58. We are convinced from the evidence that we have had before us that nothing less than a self-contained unit possessing aircraft especially designed and equipped for war would be of any value.

We are aware that the establishment and upkeep of such a unit, and other ancillary units, however small, would be quite beyond the Colony's resources.

We are also aware that, as a general principle, the expense involved in the defence of the Colony is an obligation to be met by the Colony. But we feel that circumstances today, and the strategical position of the Colony, are such as to justify Government representing to the Imperial Government the desirability of making a grant from Imperial Defence Funds for the establishment and maintenance of such units in the Colony.

## II. THE KENYA AUXILIARY FORCE.

59. Although every conceivable variety of opinion as to the type of organization required for the defence of the Colony has been expressed before the Committee, the large majority of witnesses have insisted that whatever organization is required should be of a compulsory nature. In some cases this insistence was for compulsory training, in others merely for compulsory enrolment.

60. We are entirely in agreement with the compulsory system as applied to this Force, which is primarily designed for internal defence, because we consider that unless everyone is compelled to conform to the Defence Scheme which has been devised for the defence  
of

of any district it will be found that, in an emergency, some individuals will prefer to defend their own property rather than to pool their resources at a common rallying point for the general good.

61. We have been informed by a number of persons that, provided courses of musketry were given annually, and residents were acquainted with their local defence schemes, no further training would, in fact, be required for the purpose of internal defence.

We considered this view carefully, but for the reasons which have already been furnished in paragraph 28 we have come to the conclusion that some training is necessary. We believe that in the conditions which prevail up country where the population is scattered over an extremely wide area such training can be carried out most effectively and economically by means of annual camps. Apart from these considerations, we regard camps as having a valuable psychological effect, in that they create and foster a corporate spirit which mere parades, however often repeated, fail to provide.

62. It will be observed from the estimate of the expenditure which will be required for the Auxiliary Force, set out in Appendix III, that the items which cover the travelling expenses of members and stores to camps form no less than 38 per cent of the total Recurrent Expenditure.

Appendix III.

We are strongly of the opinion that the Colony is entitled to require of the Railway Administration that it should make at least no profit on the transportation of men and stores of either of the Colony's Defence Forces. We feel that it is to the advantage of Uganda that an efficient European Force should be established in this Colony, and we therefore recommend that Government should approach the Railway Council with a view to obtaining a concession from the Kenya and Uganda Railways and Harbours Administration of such a nature that at least no profit accrues to it through the transportation of men and stores of the European Forces.

63. We have already indicated in paragraph 35 that we consider that members of the Auxiliary Force over the age of 30 years should receive no compulsory training other than that necessary to acquaint them with the part which they are called upon to play in their local defence schemes, and such voluntary instruction through Rifle Clubs as is necessary to make them proficient in the use of the service rifle.

We consider that the first of these objects can best be brought about by written orders and occasional lectures to the local inhabitants by their Section Commanders directed to acquainting each resident in the part which he must take in the local scheme. Test aims should be arranged as funds permit.

We consider that such schemes should be carefully worked out on the spot by the local Auxiliary Force officers, and that each scheme should be submitted to the Commander for approval, so that the maximum degree of standardisation

standardisation may be reached compatible with the peculiar requirements of each district.

64. Although we believe that most members of the Auxiliary Force over the age of 30, who live in up country districts, know how to shoot, we consider it desirable that every encouragement should be given to them to fire an annual course, to be drawn up by the Commander. We consider that the most satisfactory manner in which this course can be given is through the Rifle Club organization.

The manner in which Government should help these Clubs has occupied our attention, and we desire to make the following recommendations.

65. (1) We recommend that an annual grant of £10 should be made to the Kenya Rifle Association for the upkeep of each of the up country ranges, at present thirteen in number, and that an annual grant of £30 should be made for the upkeep of the Nairobi Range.

(2) We recommend that in lieu of the assistance which is given by the British Government to the National Rifle Association by the detachment from the Crown Forces of working parties, markers, register keepers, range officers, and clerical workers for the Bisley Meeting, an annual grant of £100 should be made to the Kenya Rifle Association towards the local Bisley and other competitions.

(3) We recommend also that a grant of free ammunition should be made for the musketry training of both Classes of the Auxiliary Force. We understand that there is at present a supply of ammunition in the country which could be used for this purpose, and that the cost of providing free ammunition would not, therefore, arise for some years.

(4) In addition to the above, we recommend that provision should be made for the sale at cost price of good quality Mark VII ammunition to the Kenya Rifle Association for the purpose of target practice shooting.

66. We have indicated in paragraph 35 also that we consider that Class I members of the Auxiliary Force should be compelled to undergo 5 days' training in camps annually. We recommend that this training should be conducted by the Regular Staff of the Kenya Regiment assisted by a cadre of competent officers and non-commissioned officers from the Territorial Force, who have volunteered for this service. It will thus be possible to give, in the time available, a much more concentrated form of appropriate training than was possible in the Kenya Defence Force camps.

While we do not propose to go into the details of the training which should be provided for this Class, it is obvious that it should be framed in the light of the task which the Force is designed to undertake, and that all unnecessary exercises should be avoided. We foresee that the more practical the training is the more it will appeal to the members of the Force, who will realize that their efforts are being directed to meet concrete contingencies which directly affect themselves and their neighbours.

67. We do not consider that beyond providing the travelling, clothing, equipment and messing expenses of this Class when in camps, any remuneration of its members is required, since we regard the duty of internal security as an obligation which naturally falls to the youth of any community. But we recognize, however, that in view of the varied climatic and commercial conditions obtaining in this Colony, it is not possible to require all members to attend one camp; and we therefore recommend that there should be four annual camps a year, one of which every member of this Class must attend.

68. We are of the opinion that it will be found more satisfactory and more economical in the long run to use permanent camps rather than to rely on tentage which is costly to move and quickly deteriorates. These camps should be at Nairobi (2), Eldoret and Nakura.

We recommend that the Royal Kenya Agricultural and Horticultural Society should be approached with a view to an arrangement being reached by which the Society's Show Grounds would be made available for these camps.

69. We consider that the organization of the Auxiliary Force should be on the lines of that provided for the Kenya Defence Force, with the addition that the Permanent Staff and Instructional Cadre from the Kenya Regiment will be larger and more efficient.

70. We most strongly recommend that the Commander, Northern Brigade, as the officer at present responsible to the Governor for the Military Forces of the Colony, should be in command of both the Kenya Regiment and the Auxiliary Force with the title of Commander, Northern Brigade and Local Forces, Kenya and Uganda, and that, in view of the more extensive command envisaged (including the Royal Air Force Unit, the Coast Defences of Mombasa, the Kenya Regiment (Territorial Force) and the Kenya Auxiliary Force), he should hold the appointment of Brigadier.

It has been represented to us by some persons that the European Defence Forces should have a local officer, as Commandant of the Local Forces, between the Commander and Commanding Officers of Units and the District Commandants. We understand that the idea behind this suggestion is that the Commandant would ensure that the interests of the Local Forces were not subordinated to the King's African Rifles.

We find it impossible to appreciate this argument, and we believe that, apart from such an appointment being cumbersome and unnecessary, actually the contrary is true, and that the very fact that the Commander is solely responsible for the efficiency and discipline of the Local Forces and is unable to delegate this responsibility to anybody else, is the best possible guarantee that he will give his personal attention and time to ensuring that the Local Forces are properly conducted. Further, it should be appreciated that the Commander, as a Colonel or a Brigadier, does not belong to the King's African Rifles or to any other Regiment.

71. We have now to consider the difficult problem of whether rifles should be issued individually to members of the Auxiliary Force or not. The views which have been expressed before us by up country residents on this question have been almost equally divided between recommending the individual issue of rifles and the issue to local armouries or specially selected individuals. The individual issue of rifles is open to three serious objections:-

- (1) they are liable to be stolen;
- (2) they are liable to be lost;
- (3) they are liable, through the neglect of their holders, to become unserviceable.

Although rifles were not issued to individuals by all District Commandants in the Kenya Defence Force, yet, after an exhaustive enquiry, more than one hundred of the rifles which were issued have never been recovered, and a large number of rifles were returned in an unserviceable state due to the neglect of the holders.

It is clear from this unsatisfactory experience that, unless some scheme of inspection were introduced, it would be impossible to recommend the issue of rifles to individuals.

The difficulty in arranging a satisfactory system of inspection is that it would entail heavy expenditure in travelling allowance. No system of inspection would, of course, remove the danger of the rifles being stolen.

72. The chief objections to retaining rifles in armouries are as follows:-

- (a) unless the armouries are erected in some place such as Police Lines, it would be impossible to guard them, and the risk of a large number of arms coming into wrong hands in the event of a sudden disturbance would be serious;
- (b) if they are kept in armouries outlying farmers may be unable to secure their arms, in the event of a sudden disturbance.

73. After careful consideration of this problem, we have the following recommendations to make:-

- (1) that sufficient arms should be made available in every district for issue to all members of the Auxiliary Force;
- (2) that properly constructed armouries should be erected at selected Police Stations in up country districts. The keys of such armouries should be in the possession of the Officer-in-Charge of the Police Station and the local Auxiliary Force Commander. The duties of the Police should not extend beyond the guarding of these armouries;

- (3) that arms should not as a rule be issued to individuals, but should be retained in these armouries;
- (4) that in special cases, on the advice of the District Commandant and with the approval of the Commander, rifles may be issued to members in outlying farms. Before recommending such an issue, the District Commandant should first satisfy himself that -
- (a) the applicant has no rifle of his own;
  - (b) he is a fit and proper person to have a rifle;
- (5) that, if the Civil Authority has good reason to believe that a state of unrest exists making it desirable to issue rifles temporarily as a precaution to any section or district, he should, after consultation with the local Auxiliary Force Commander, authorise the issue;
- (6) We recommend also that, in addition to the rifles issued to the members of the Kenya Regiment, rifles should be issued to keen members of Rifle Clubs who are recommended by the Council of the Kenya Rifle Association.

74. We assume that as a general rule local Defence Schemes will be based on two stages. In the first stage neighbouring persons would converge on a local rallying point, in the second each collection of persons at a rallying point would move in convoy to a defended locality which would normally be where the armoury was situated.

We are of the opinion that, even in the event of a disturbance so sudden that the issue recommended in (5) of Section 73 could not take place, sufficient private arms and ammunition would be available in most districts to enable the persons to reach the rallying points in safety.

We are aware that in not recommending the issue of arms to individuals generally some risk may be run, though, as we have shown above, we regard this risk as a very small one, but we consider that the risk involved in issuing rifles to all members is a greater one, and we believe that the solution we have proposed is, in all the circumstances, the most suitable.

75. When dealing with the Kenya Regiment, we stated that the success of that Force depends to a large extent on the support it received from the community. Though the Force at present under consideration is a compulsory one it depends, only to a slightly lesser degree, for its success on the same kind of support.

While we have no reason to believe that this support will not be forthcoming, we consider that it is illogical to make provision for the compulsory training of employees without ensuring that employers do not bring undue pressure to bear to obstruct or prevent their employees from attending the compulsory camps.

We have accordingly made provision in the legislation on the lines in force in South Africa to deal with employers who attempt to prevent their employees from attending such service or training as may be prescribed.

76. We attach great importance to the proper registration of the man power of the Colony and recommend that, in addition to the annual return to be made by the District Commissioners, all employers should be required to give particulars of all persons in their employ eligible for service in this Force.

We consider that such returns should contain information regarding the qualifications and the nature of the employment of all persons, so that in the event of an emergency the authorities may be in a position to determine what part may be most usefully played by each person.

77. Our attention has been drawn to the existence of a number of amateurs capable of transmitting and receiving wireless messages, and we consider that every encouragement should be given to them by the Auxiliary Force Authorities with a view to utilising them in defence schemes.

78. We consider that the closest co-operation should be maintained between the Auxiliary Force Commanders and all departments of Government.

79. Before concluding this Chapter, which deals with the Force which we recommend to take the place of the Kenya Defence Force, we should like to place on record our appreciation of the considerable sacrifices both of time and money which have been made by the officers and men of that Force. We trust that nothing that has been stated in this Report will be taken as meaning that we consider the failure of the Defence Force to be due to any shortcomings in the officers and men, and we hope that the new Forces may have the advantage of the experience and keenness of those who have performed such valuable service for the Colony in the Kenya Defence Force.

## CHAPTER VI.

### THE FINANCIAL IMPLICATIONS OF OUR PROPOSALS.

Appendix II.  
Appendix III.  
80. The financial implications of our proposals will best be understood by reference to Appendices II and III which set out our estimate of the expenditure which will be required for the Kenya Regiment and the Auxiliary Force respectively.

Appendix II.  
81. It will be observed from Appendix II that the total estimated recurrent annual cost of the Kenya Regiment on a basis of two Companies is £5,854. Every additional Company raised will cost £1,772 in the first year.

82. The total estimate of the expenditure required to establish and maintain the Auxiliary Force, set out in Appendix III, amounts to £5,047 of which £3,403 is non-recurrent and only £1,744 recurrent.

#### CHAPTER VII.

#### THE DRAFT LEGISLATION NECESSARY TO GIVE EFFECT TO OUR RECOMMENDATIONS.

83. As the Forces, which we recommend should be raised, are required for different purposes and are also based on entirely different principles, in that one is Voluntary and the other Compulsory, it appears to us that two separate Ordinances will best give legal effect to our proposals.

We therefore recommend that two Ordinances on the lines of the draft Bills which form Appendices VI and VII of this Report should be enacted with as little delay as possible.

84. The Kenya Regiment (Territorial Force) Ordinance is modelled on the Territorial Force Ordinance (Chapter 42 of the Revised Edition of the Laws of Kenya), which it repeals. Certain important alterations have been made in the present Ordinance, and a large number of minor ones. In these circumstances, we have deemed it best to draft a completely new Bill, and to repeal the old one, thus giving the persons concerned a clear picture of the law.

85. The Kenya Auxiliary Force Ordinance is modelled on the Defence Force Ordinance, 1927, as amended. In respect to the amendments made in the present Defence Force Ordinance the same considerations apply as in the case of the Territorial Force Ordinance (Chapter 42 of the Revised Edition of the Laws of Kenya). A considerable number of important alterations have been made, and there are a large number of minor alterations. In these circumstances, we have deemed it best to draft a completely new Bill, and to repeal the old one.

86. It is obvious that a great part of the legislation necessary to govern the operation of both these Forces must be in the form of Regulations under the Ordinances.

We believe that the Regulations under the existing Ordinance are in the main what is required for the Forces. However, in the case of the Kenya Regiment we are of the opinion that the Regulations which exist under Chapter 42 are hardly sufficient, and we consider that before submitting draft Regulations for this Force it would be desirable to give careful consideration to the numerous Territorial Regulations which have been made at home. To do so would, however, mean that this Report would be considerably delayed and, since we regard it as eminently desirable that the new Forces should be established

established with the minimum of delay, we have decided not to include subsidiary legislation with this Report. In the event of our recommendations being accepted, we should, however, be glad to give any assistance in our power to enable the necessary Regulations to be prepared.

87. Before concluding this Report, we desire to place on record our keen appreciation of the excellent work done by our Secretary, Mr. C.M. Deverell. His ability and untiring zeal have been of the greatest value to us in our deliberations and in the preparation of this Report.

We have the honour to be,

Your Excellency's most obedient servants,

(Signed)	J.A. CAMPBELL,	(Chairman)
	Colonel.	
( " )	T.D.H. Bruce.	(Member)
( " )	R.W. Hemsted.	(Member)
( " )	A. Dunstan Adams,	(Member)
	Lt. Col.	
( " )	F.V. Ward.	(Member)

(Signed) C.M. Deverell.

(Secretary)

18th June, 1936.

COPY

APPENDIX I.

DOWNING STREET,

5th February, 1936.

Sir,

I have the honour to refer to your Secret despatch of the 15th of September on the subject of the Kenya Defence Force. I note that in regard to the question of staffs, you are taking separate action, and I presume that you will report separately if necessary on this point. In this despatch I propose to deal with the organization of the Defence Force generally.

2. As I informed you in my telegram of the 4th of February, I have now come to the conclusion that, in the interests of the general security of Kenya, the best, and indeed the only possible, course is to disband the existing Defence Force and replace it by some more suitable military organization which will enable the potential European man power of Kenya to be utilised in the best possible way.

3. In existing circumstances my opinion is that the most suitable organization will be that of a Territorial Force regiment comprising an infantry unit (or units) and a battery of artillery for employment in manning the gun defence of Mombasa. The establishment of the infantry unit should be as for a Battalion of the King's African Rifles, with necessary modifications as regards non-combatants. The Officer Commanding the Northern Brigade of the King's African Rifles should be appointed to command all local forces in Kenya and Uganda, and his present style should be altered by adding the words "and Officer Commanding Local Forces, Kenya and Uganda". In the Ordinance constituting the regiment provision should be made to vest the command in "the Officer Commanding Local Forces, Kenya and Uganda".

4. As regards the staff, the necessary staff should be supplied from the Northern Brigade, King's African Rifles, the necessary additions to establishment of that force being made to provide for this. The Staff Officer should be appointed to the staff of the Officer Commanding Northern Brigade with the title of Staff Officer, Local Forces. In order to make the change as smoothly as possible, I suggest that it would be advisable in the first place to appoint as Staff Officer, Local Forces, an officer now serving in one of the Battalions in the Northern Brigade. This will secure that the first incumbent of that post will have a knowledge of the problem, the people, and the country, and it would be preferable to appointing an officer from this country who had no such local experience. The officer selected for the appointment of Staff Officer Local Forces would be replaced by an officer sent from England to complete establishment.

5. I suggest that a suitable designation for the proposed Force would be "The Kenya Regiment (Territorial Force)". The actual strength of the units can be regulated according to possibilities, and, in the first instance,

GOVERNOR,

BRIGADIER GENERAL,

SIR JOSEPH BYRNE, G.C.M.G., K.B.E., C.B.,  
etc., etc., etc.

2.

instance, I suggest that the establishment should aim at one infantry battalion and one battery of artillery.

6. In your Secret despatch of the 12th of December, 1954, you stated that you were in agreement with the suggestion that a "security force" should be organized and maintained. I think, however, that the title would be somewhat misleading, though I agree that, in the circumstances of Kenya, everyone who is physically fit should be compulsorily registered for military action in an emergency. Since all house-holders will continue to be placed under liability for military service, it will probably be better to make them members of some definite military organization, which would automatically place them under military or Government orders when a state of emergency is declared. This would have the further advantage of ensuring that, when called upon, they come under military control and discipline in the emergency, with the responsibility for carrying out orders given to them. To secure this end the best course would appear to be to establish for the Kenya Regiment (Territorial Force) a Reserve, and that all house-holders not being members of the Regiment or of the King's African Rifles Reserve of Officers should be required to enrol in it. The Reserve could be divided into classes according to age and obligation for military training. It would give each man a definite military status if he is called upon for service, and would probably prove the most satisfactory course in the end.

7. I make these suggestions as points for your consideration. They had the support of Brigadier Norman when he last considered the matter, and you will, no doubt, have discussed the whole question with him. In any event, the first thing to do would appear to be to prepare legislation to give effect to the changes, and I request that you will submit it to me in draft as you propose.

I have the honour to be,  
Sir,

Your most obedient, humble servant,

(Signed) J.H. THOMAS.

KENYA REGIMENT (TERRITORIAL FORCE)

Item No.	Estab-lishment.	Details.	Estimate £.
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HEADQUARTERS: LOCAL FORCES.Personal Emoluments:

1	1	Captain - Staff Officer, Local Forces (Regular Army)	750
2	1	Regt. Sgt. Major (Permanent Staff Instructor) @ £450 x £10 triennially to £470	450
3	1	Clerk (H. Q. Office)	150
4	1	Clerk (Store)	162
5	1	Asian Armourer (consolidated rate of pay)	158
6	4	Store Porters @ S. 24/- per mensem	58
7		Pension contributions - Regular Army Personnel	123
<u>TOTAL PERSONAL EMOLUMENTS - HEADQUARTERS</u>			<u>£ 1,851</u>

HEADQUARTERS: BATTALION.

8	1	* Major ..... @ S. 30/- per diem for 12 days	18
9	1	Captain - Adjutant . @ S. 20/- - do -	12
10	1	Quartermaster ..... @ S. 15/- - do -	9
11	1	Regt. Sgt. Major .... @ S. 9/- - do -	5
12	1	Regt. Q. M. Sgt. .... @ S. 8/- - do -	5
<u>TOTAL PERSONAL EMOLUMENTS - Bn. HEADQUARTERS</u>			<u>£ 49</u>

ONE RIFLE COMPANY.

13	1	Captain ..... @ S. 20/- per diem for 12 days	12
14	2	Subalterns ..... @ S. 15/- - do -	18
15	2	Subalterns ..... @ S. 10/- - do -	12
16	1	C. S. M. (Permanent Staff Instructor) @ £390 x £10 triennially to £410	390
17	1	C. S. M. .... @ S. 8/- per diem for 12 days	5
<u>TOTAL PERSONAL EMOLUMENTS - ONE RIFLE COMPANY</u>			<u>£ 437</u>

CARRIED FORWARD .... £ 1,900

\* Lt. Colonel if and when expanded to full Battalion.

Item No.	Establishment.	Details.	
			BROUGHT FORWARD ..... (£ 1,900 / 487)
18	1	Company Q.M.S. ....	@ Sr.7/- per diem for 12 days 4
19	4	Sergeants .....	@ Sr.6/- - do - 14
20	6	Corporals .....	@ Sr.4/50 - do - 17
21	10	Lance Corporals .....	@ Sr.3/50 - do - 21
22	96	Privates .....	@ Sr.2/50 - do - 144
23		Pension contributions for Regular Army Personnel	18
			<u>TOTAL PERSONAL EMOLUMENTS - ONE COMPANY ... £ - 655</u>
			<u>TOTAL PERSONAL EMOLUMENTS - TWO COMPANIES . £ 1,310</u>
			<u>TOTAL PERSONAL EMOLUMENTS - HEADQUARTERS, BATTALION HEADQUARTERS AND TWO COMPANIES ..... £ 3,210</u>

OTHER CHARGES.

24	Passages (1 officer @ £69 plus family allowance £40 - 3 B.W.Os. @ £55 plus 1 family passage allowance @ £50)	304
25	Local travelling and transport	500
26	Outfit allowances	195
27	Uniforms and equipment	860
28	Messing for 255 @ Sr.2/50 per diem for 12 days	383
29	Stationery and publications	25
30	Telephone	15
31	Contingency, water and lighting	50
32	Contingencies and miscellaneous stores	100
33	House allowance for Staff Officer (B.W.Os. being allotted Government Quarters)	112
34	Training grant (conjectural)	100
		<u>TOTAL OTHER CHARGES ..... £ 2,644</u>
		<u>TOTAL HEADQUARTERS, BATTALION HEADQUARTERS AND TWO COMPANIES ... £ 5,854.</u>

NOTE: Item No.24. Provision will be required in the FIRST and subsequent TRIENNIAL YEARS.  
 Item No.26:) Initial expenditure required in the FIRST year. In the second and subsequent years only a small  
 Item No.27:) provision will be necessary for Recruits and replacements.

APPENDIX IIIKENYA AUXILIARY FORCE.

Based on Four Camps annually - NAIROBI 2, NAKURU 1, ELDORET 1,  
and four Auxiliary Force Districts.

ESTIMATE BASED ON TOTAL STRENGTH OF 1000 CLASS I MEN.

Item No.	Details.	Estimate £.
<u>NON-RECURRENT.</u>		
1	Outfit Allowances - officers	200
2	Clothing and Equipment (To last four years)	2,200
3	Camp furniture (Additional to existing Kenya Defence Force furniture)	291
4	Tents	<u>712</u>
<u>TOTAL NON-RECURRENT EXPENDITURE</u>		<u>£3,403</u>
<u>RECURRENT.</u>		
	Local Travelling and Transport	500
	Transport of camp stores	120
	Fuel	28
	Lighting	20
	Water	8
	Conservancy	24
	Messing	500
	Hire of ground and insurance	28
	Labour and fitting camp	16
	Instructors' pay and rations (Cadre from Kenya Regiment (Territorial Force))	200
	District Commandants Allowances (£50 each)	<u>200</u>
<u>TOTAL RECURRENT EXPENDITURE</u>		<u>£ 1,644</u>
<u>TOTAL KENYA AUXILIARY FORCE - FIRST YEAR</u>		<u>£ 5,047.</u>

APPENDIX IV.

PRINCE OF WALES SCHOOL.  
OFFICERS' TRAINING CORPS.

Item No.	Details.	Estimate £.
1	Clothing and Equipment for 100 Cadets	116
2	Publications	4
3	Messing - 7 days @ £.2/50 per diem	91
4	Training	15
		<u>£ 226</u>

NOTE:

FIRST YEAR ..... £ 226  
 SECOND AND SUBSEQUENT YEARS ..... £ 146

Arms and Web Equipment will be issued  
 from stock now on charge.

APPENDIX V.

TOTAL ESTIMATE OF EXPENDITURE.

A. <u>NON-RECURRENT:</u>	£
Kenya Auxiliary Force	3,403
Officers' Training Corps	<u>80</u>
	<u>£ 3,483</u>
 B. <u>RECURRENT:</u>	
Kenya Regiment (Territorial Force)	<sup>x</sup> 5,854
Kenya Auxiliary Force	1,644
Officers' Training Corps	146
Assistance to Rifle Clubs	<u>260</u>
	<sup>x</sup> <u>£ 7,904</u>

TOTAL EXPENDITURE REQUIRED IN FIRST YEAR - £ 11,387.

N.B. See note to Appendix II. Included in the estimate of the expenditure required for the Kenya Regiment (Territorial Force) are three items (24, 26 and 27) which can not be properly regarded as recurrent.

Item 24 - Passages - This provision will only be required every three years.

Items 26 and 27 - Outfit Allowances, and Uniforms and Equipment - This expenditure will be required in the first year. In subsequent years provision will only be required for recruits and replacements. It is impossible to estimate at this stage what figure should be estimated for recruits, but it is considered that a round figure of £5000 would give a more accurate picture of the probable recurrent expenditure required for the Kenya Regiment (Territorial Force).

APPENDIX VI.

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A REGIMENT TO BE KNOWN AS THE KENYA REGIMENT (TERRITORIAL FORCE).

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

PART I.

Short title and commencement.

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) Ordinance, 1936, and shall come into operation upon such date as the Governor may by notification in the Gazette appoint, and shall be applied to such military districts as the Governor may appoint and establish by notification in the Gazette.

Interpretation.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the following meanings:-

- "active service" - every member of the Regiment when called out for the purpose of repelling external aggression or for aiding the civil authority in the protection of life and property and preventing and suppressing internal disorder in the Colony shall be deemed to be on active service;
- "Act or Ordinance" shall include all regulations made thereunder;
- "cadets" means all boys serving in cadet units subject to the provisions of this Ordinance;
- "commanding officer" means the officer in command of any district, unit or detachment;
- "member" means any warrant officer, non-commissioned officer or man enrolled in or belonging to the Regiment;
- "military district" means a military district appointed and established under this Ordinance;
- "officer" means any person appointed by the Governor to hold commissioned rank in the Regiment;
- "peace training" means all such training as may be prescribed under this Ordinance other than training on active service;
- "permanent staff" means all officers, warrant officers, non-commissioned officers, armourers, clerks and storekeepers or any other persons appointed under section 42 of this Ordinance;
- "prescribed" means prescribed by regulations;
- "regulations" means regulations made under the provisions of this Ordinance;
- "unit" means any portion of the Regiment which is declared by the Governor to be a unit for the purposes of this Ordinance.

PART III.

Constitution of Regiment.

Formation of Regiment.

3. (1) It shall be lawful for the Governor, by notification in the Gazette, to establish under this Ordinance a regiment for the Colony to be known as the Kenya Regiment (Territorial Force), throughout this Ordinance referred to as "the Regiment", and to accept on behalf of His Majesty the services of any qualified

qualified persons to become officers or members of the Regiment.

(2) Upon such notification the Regiment shall be deemed to be lawfully established.

(3) The Regiment shall be under the Supreme Command of the Governor, and under the Command of the Commander, Local Forces, Kenya and Uganda, who shall be responsible to the Governor for the organization, discipline, and efficiency of the Regiment.

(4) The officers of the Regiment shall be commissioned by His Majesty the King.

(5) The Governor, may by notification in the Gazette, declare any portion of the Regiment to be a unit for the purposes of this Ordinance.

(6) Upon such notification a unit shall be deemed to be lawfully constituted.

Membership.

4. Every member of the Regiment must be a British subject of European race or origin between the ages of eighteen and forty-five years, and shall upon enrolment take the oath and complete the attestation form as prescribed:

Provided always that the age limit may be extended by regulations for such classes of warrant officers, non-commissioned officers and men as the Governor may decide.

Liability of those who have tendered and have been accepted.

5. Every officer and every person who has tendered his services and whose services have been accepted and who has been enrolled as a member of the Regiment shall be liable to be called out for active service within the limits of the Colony, and to undergo such peace training as may be prescribed from time to time; Provided that notwithstanding anything in this Ordinance contained, any officer or member of the Regiment may, when taking an oath as prescribed, sign a declaration in the form prescribed to the effect that he is willing to serve under this Ordinance outside the Colony in the event of the Governor deeming such a course expedient.

Period of service.

6. Every member enrolled under the provisions of this Ordinance for service in the Regiment shall except as hereinafter provided serve for a minimum period of four years, and thereafter shall serve for four years in the Reserve formed under the next succeeding section:

Provided that the Governor may, on the recommendation of the Commander, Local Forces, Kenya and Uganda, curtail, to such extent as he may think reasonable, the period of service to be undergone, under this section, by any person who produces evidence of previous service with the Kenya Auxiliary Force established under the Kenya Auxiliary Force Ordinance, 1936, or with any of His Majesty's Forces, regular or auxiliary, of such a nature as to satisfy the Governor that his service with the Regiment should be so curtailed.

Establishment of (Territorial Force) Reserve.

7. The Governor may establish a Reserve to the Regiment (to be known as the Kenya Regiment (Territorial Force) Reserve) in such manner as may be prescribed, and such Reserve shall form part of the Regiment.

Special Reserve to the Regiment.

8. The Governor may form a Special Reserve to the Regiment in such manner as may be prescribed and those

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

PART III.

Cadets

Cadet Units.

9. The Governor may appoint Cadet Units, the description, numbers in, equipment, and organization of which, shall be such as the Governor may from time to time prescribe. Cadet Units shall not form part of the Regiment, but shall be affiliated to it and regarded as a training unit for the Regiment. Cadet Units shall be composed of boys between the ages of fourteen and eighteen years.

Cadets' liability for peace training.

10. All boys who, with the consent of their parents or guardians, have enrolled as members of a Cadet Unit shall be liable to undergo such an annual course of peace training as may be prescribed.

Certificate of efficiency.

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

PART IV.  
Administration.

Military districts.

12. The Governor may appoint and establish military districts throughout the Colony with the number and designation of units of the Regiment to be allotted to and trained in any military district.

Calling out of Regiment for active service.

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

Not entitled to discharge when on active service.

14. Notwithstanding anything to the contrary in this Ordinance contained, no officer, or member of the Regiment while called out or employed on active service, shall be entitled to obtain discharge therefrom during the continuance of such service.

Power to disband or discharge.

15. The Governor may at any time discontinue the service of any unit of the Regiment or cause the same to be disbanded, or release from service any officer or discharge any of the members of such unit.

Officers in Executive command.

16. The executive military command and inspection of the Regiments or units thereof shall be vested

vested in such officers as may be appointed by the Governor,

Appointment and promotion of officers.

17. (1) Before any person can be confirmed in his appointment as an officer, he shall satisfy the Governor that he is fully qualified to hold an appointment, and pass such tests as may be prescribed.

(2) No officer of the Regiment shall be promoted to a higher rank in the Regiment until he has proved in the manner prescribed, that he is fully qualified to undertake during peace training and in time of war all the duties that may be required of an officer in that higher rank.

Cancellation of commission.

18. The Governor may cancel the commission of any officer at any time, provided that the commission of an officer shall not be cancelled without the holder thereof being notified in writing of any complaint or charge made, and of the action proposed to be taken against him, nor without his being called upon to show cause in relation thereto, and provided further that no such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or more.

Retirement of officers.

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

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

Resignation of commission.

20. An officer of the Regiment, except when on active service, or in anticipation of being called out on the same, may, by writing, under his hand, tender his resignation of his commission, but shall not, unless otherwise ordered by the Governor, be relieved of the duties of his appointment until the acceptance of his resignation is notified in the Gazette.

Uniforms, arms, and accoutrements.

21. (1) A uniform, with distinctive marks or badges, shall be prescribed for every unit of the Regiment and issued to members thereof, to be maintained at their own expense for such periods and under such conditions as may be prescribed.

(2) Arms, ammunition, and equipment, shall be issued under prescribed conditions to members of the Regiment, and each member to whom a rifle has been issued shall be bound to keep it in his personal possession, and be responsible for its maintenance in good order and condition, and to produce the same on inspection whenever called upon to do so.

(3) When called out for active service, or when undergoing peace training, members shall bring with them their equipment and any ammunition which may have been placed in their custody.

Pay and allowances.

22. The Regiment shall be paid at a prescribed daily rate for the days on which they are called out for active service under the provisions of this Ordinance, and they may also be granted such military or

or other allowances as are laid down in regulations.

Duration of peace training.

23. (1) Each officer and member of the Regiment shall reckon his service as an officer or member from the date of his appointment or enrolment, as the case may be, and shall during each complete year, reckoning from that date, undergo such course of annual peace training, instruction, and other such exercises as may be prescribed.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of any period of peace training, instruction, or service prescribed under this section.

(3) Every member of the Regiment who in any year without leave or permission, as prescribed, evades or fails duly to perform with proper zeal the full course of training allotted to him for that year, shall be guilty of an offence against this Ordinance.

PART V.

Provisions for Active Service.

Commandeering.

24. When the Regiment or any portion thereof is called out for active service, the Governor may authorise and appoint officers of the Regiment or of the public service in the Colony, to obtain and take possession of buildings and other premises, supplies of foodstuffs, forage, transport, animals and vehicles, and all other articles, necessary for the maintenance in the field of the Regiment or any portion thereof, and of other forces acting in co-operation therewith. A written requisition may, under this section, be made on any person in manner prescribed, but so that every person so requisitioned upon shall be entitled in due course to receive compensation for everything obtained or taken from him.

Transport facilities.

25. (1) The officer in command of the Regiment on active service in the field when so empowered by the Governor may requisition the authorities controlling any transport system in the Colony to supply suitable engines and rolling stock and marine transport and every other form of transport necessary for the conveyance of officers and members of the Regiment or other forces, together with their animals, guns, baggage, stores, supplies and vehicular transport, and to convey the same by air, road, rail or water to and from any points within or outside the territory, as may be necessary.

(2) The Governor may, under like circumstances, authorise any officer to assume control over any transport system within the territory or any portion thereof.

PART VI.

Discipline.

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

26. (1) Officers and members of the Regiment at all times, and officers of the Regiment and Special Reserve, when called out for active service, shall be subject to military law.

(2) The provisions of the Army Act, 44 and 45 Viot., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as "the Army Act"), so far as applicable, shall apply to officers and members of the Regiment and Special Reserve when they are on active service or called out for the same, subject to the following modifications:-

(a) The words "the Regiment" may be read therein for the words "regular forces", the words "officer or member of the Regiment" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State".

(b) No sentence of a court-martial upon the trial of an officer or a member of the Regiment and Special Reserve shall be carried into execution unless confirmed by the Governor.

(3) For the purposes of discipline the provisions of the Army Act, so far as applicable, shall apply to the permanent staff appointed under section 42 of this Ordinance, subject to the modifications set out in sub-section (a) and (b) of this section.

Officers and members not punishable under this Ordinance as well as under the Army Act.

27. Notwithstanding the provisions contained in section 26 of this Ordinance, no officer or member of the Regiment or Special Reserve shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Army Act.

Refusal to undergo peace training an offence.

28. Any member of the Regiment who shall refuse or neglect to undergo such peace training as shall be prescribed from time to time shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding fifty pounds or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

Penalty for contravention not otherwise provided for.

29. Any officer or member of the Regiment who shall be guilty of an offence against this Ordinance or who shall be guilty of contravening or failing to comply with any of the provisions of this Ordinance in which no penalty is specially provided, or any of the regulations, shall, upon conviction by his commanding officer or any court having jurisdiction, be liable to a fine not exceeding ten pounds or to a term of imprisonment not exceeding one month, or to both such fine and imprisonment.

Provided that where a commanding officer is below the rank of captain, he shall have power of conviction under any of the regulations, but shall not have power of conviction for an offence against this Ordinance, as provided for under this section, and, in such case, the power of conviction under this

this section for an offence against this Ordinance shall vest in any officer of or above the rank of captain who shall be appointed by the Commander, Local Forces, Kenya and Uganda, for that purpose.

Power of Governor to confirm or reduce sentence.

30. The records of evidence taken before a commanding officer or such other officer as provided for in the proviso to the last preceding section and the finding and sentence inflicted by the commanding officer or such other officer as aforesaid, in the exercise of the jurisdiction conferred upon him by the last preceding section shall be submitted forthwith to the Governor, who may quash the conviction, or confirm or reduce the sentence, and the sentence so confirmed or reduced shall be notified by the commanding officer or such other officer as aforesaid to the member of the Regiment convicted, by means of registered letter, and every fine so notified which is not paid within fourteen days of the date of the posting of such notification, may, together with any costs incurred by reason of such non-payment, be recovered in any magistrate's court having jurisdiction, on mere production to such court of a properly authenticated copy of such notification under the hand of such commanding officer, or such other officer as aforesaid.

Commanding Officer may summon witnesses, etc.

31. It shall be lawful for any commanding officer or any other officer as aforesaid in the exercise of the jurisdiction conferred upon him by section 29 of this Ordinance, to summon in writing any member of the Regiment under his command alleged to have contravened or failed to comply with any of the provisions of this Ordinance, or the regulations made thereunder, and any witnesses alleged to be material to the charge, to appear before him, and to administer oaths to such witnesses, and generally to investigate the charge in such manner as the Governor may by regulations determine; and any person so summoned as a witness who shall fail to attend at the time and place mentioned in such summons, or having attended, shall refuse to give evidence, shall be liable on conviction before a magistrate, to a fine not exceeding ten pounds, or, in default of payment thereof, to imprisonment not exceeding one month.

Reservation of right to prosecute otherwise than under Ordinance.

32. Nothing in this Ordinance contained shall prevent any offender from being prosecuted otherwise than under the provisions of this Ordinance, in all cases in which he would by law, without this Ordinance, be liable to such prosecution, but no person acquitted of any crime or offence under the provisions of this Ordinance or under the Army Act, shall be liable to be again tried for the same crime or offence.

Offences by officers or members against members of other of His Majesty's forces.

33. Whenever the Regiment or any portion thereof and other of His Majesty's forces are associated together under one command, any act committed by officers or members of the Regiment, which would if committed in respect of, or in relation to, the officers or members or institutions of the Regiment, be an offence against this Ordinance, or the Army Act, so far as applicable, or any modifications or adaptations thereof effected in terms of this Ordinance, shall, if committed in respect of, or in relation to, the officers or members or institutions of His Majesty's forces be deemed to be a similar offence, and shall be triable and punishable as prescribed by this Ordinance or by the Army Act, so far as applicable.

Penalty for refusing or neglecting to assemble when called out for active service.

34. (1) Any officer or member of the Regiment called out for active service, who refuses or neglects to assemble or march as ordered, shall be liable on conviction to a fine not exceeding one hundred pounds, or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment.

(2) Any officer or member of the Regiment called out for active service as provided under the preceding sub-section shall, as from the date of such calling out, also be subject to the provisions of section 26 (1) and (2) of this Ordinance.

Aiding or inducing members of the Regiment to dereliction of duty.

35. Any person who

(1) agrees with, or induces, or attempts to induce any officer or member of the Regiment to neglect or to act in conflict with his military duty in that force; or

(2) is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any officer or member of the Regiment or any law or regulation with which it is the duty of any member of that force to comply may be evaded or infringed; or

(3) supplies, or party to supplying, any officer or member of the Regiment with intoxicating liquor when that officer or member is on military duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor; shall be guilty of an offence against this Ordinance.

Personation.

36. Any officer or member who fraudulently personates or represents himself to be an officer or member of the Regiment travelling on service of that force, with the intent to obtain conveyance at special rates or to evade payment of any toll, shall be guilty of an offence against this Ordinance.

Offences against  
commandeering  
regulations.

37. Any person who commits any offence against the regulations providing for and regulating the requisitioning in time of war of accommodation or supplies in pursuance of section 24 of this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

Wrongful disposal  
of property.

38. Any officer or member of the Regiment who, without proper authority and permission, gives, sells, pledges, lends or otherwise disposes of any monies, animals, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Regiment shall be guilty of an offence against this Ordinance, and, in addition to any penalty for such an offence which may be imposed under this Ordinance, he may be ordered by the court or other authority competent to impose that penalty to make good the loss or deficiency caused by the gift, sale, pledge, loan or other disposition; and every such gift, sale, pledge, loan or disposition shall be null and void.

Penalty for  
contravening the  
Ordinance in any  
way.

39. Any person who is guilty of an offence against this Ordinance or who wilfully contravenes or fails to comply with any of the provisions of this Ordinance, or the regulations made or prescribed thereunder, shall, when no other penalty is provided for, be liable to a fine not exceeding ten pounds or to a term of imprisonment for a period not exceeding one month, or to both such fine and imprisonment.

Limitation of  
action.

40. For the protection of persons acting in the execution of this Ordinance, every civil action against, and every criminal prosecution of, any person in respect of anything done in pursuance or in contravention of this Ordinance shall be commenced within six months after the cause of the proceedings has arisen and notice in writing of any civil action and the cause thereof shall be given to the defendant one month at least before the commencement thereof.

Disclosure of  
information.

41. Any officer or member of the Regiment or any person employed in the public service, who discloses any information or any other secret or confidential information relating to the defence of the Colony, which comes within his cognizance shall, unless acting under the due authority and in the execution of his duty, (the burden of proof whereof shall be upon him) be guilty of an offence against this Ordinance.

#### PART VII.

#### Miscellaneous.

Power to constitute  
permanent staff.

42. The Governor may from time to time constitute for the Regiment a permanent staff, consisting of such officers, warrant officers, non-commissioned officers and men as he may deem necessary.

Governor may award gratuity or pension in certain events.

43. (1) In the case of any member of the Regiment who shall be temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him when on active service as provided in section 13 of this Ordinance, the Governor may award such member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no such gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

(2) The Governor may assign to the widow or family of any such member who may be killed in action or on active service as provided in section 13 of this Ordinance a pension or allowance of such amount as may be prescribed.

(3) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due by the recipient thereof or his wife.

#### Regulations.

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

- (1) The numerical establishment, of units of the Regiment and cadets, and the various grades, ranks and appointments therein;
- (2) The appointment, promotion, transfer, leave, resignation and release from service of officers;
- (3) The enrolment, posting, transfer, leave, promotion, reduction, discharge and dismissal of warrant officers, non-commissioned officers and men, and the disbandment of any units;
- (4) The appointment and posting of the permanent staff, together with rules for their control, discipline, pay, allowances, leave, transfer, release from service, discharge and dismissal;
- (5) The discipline of the Regiment;
- (6) The assemblage of courts of inquiry, and rules regarding the attendance of witnesses;

- (7) Exemption of officers or members of the Regiment from carrying out the full course of peace training for any one training year;
- (8) The issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Regiment and for cadets;
- (9) The conveyance by air, road, rail, or water of members of the Regiment and their transport and equipment when travelling on duty;
- (10) The general government and management of the Regiment;
- (11) Drill and peace training instruction;
- (12) Peace training, including camps of exercise;
- (13) Pensions, gratuities and compensation for losses sustained on duty;
- (14) The formation and control of the Regiment Reserves;
- (15) The formation and control of Cadet Units;
- (16) All matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Regiment, or for carrying out and giving effect to this Ordinance.

Repeal.  
Cap. 42.

45. The Territorial Force Ordinance and all regulations made thereunder are hereby repealed.

A BILL TO PROVIDE FOR THE ESTABLISHMENT  
OF THE KENYA AUXILIARY FORCE:

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

PART I.ESTABLISHMENT, ORGANISATION AND ADMINISTRATION.

Short title and commencement.

1. This Ordinance may be cited as the Kenya Auxilliary Force Ordinance, 1936, and shall come into operation on such date as the Governor may appoint by notice published in the Gazette.

Interpretation.

2. In this Ordinance unless the context otherwise requires, the following expressions have the following meanings :-

"active service" - every member of the Auxiliary Force when called out for the purpose of repelling external aggression or for aiding the civil authority in the protection of life and property and preventing and suppressing internal disorder in the Colony shall be deemed to be on active service;

"peace training" means all such training as may be prescribed under this Ordinance other than training on active service;

"prescribed" means prescribed by regulations;

"regulations" means regulations made under the provisions of this Ordinance.

Kenya Auxil -  
iary Force.

No. of 1936.

3. (1) There shall be established in the Colony in connection with the Kenya Regiment (Territorial Force) Ordinance, 1936, a Force to be known as the Kenya Auxil iary Force (throughout this Ordinance referred to as "the Auxil iary Force"), which shall be under the supreme command of the Governor, and the members of which shall be liable, in accordance with the provisions of this Ordinance, to be called out for active service within the limits of the Colony and to undergo such peace training as may be prescribed.

(2) The Governor may from time to time constitute for the Auxil iary Force a permanent staff, consisting of such officers, warrant officers, non-commissioned officers and men as he may deem necessary.

Organisation of  
the Auxil iary  
Force.

4. (1) The Auxil iary Force shall be under the command of the Commander, Local Forces, Kenya and Uganda, (hereinafter referred to as "the Commander") who shall be responsible to the Governor for the organisation, discipline and efficiency of the Auxil iary Force.

(2) The headquarters of the Auxil iary Force shall be in Nairobi, or at such other place as the Governor may from time to time appoint.

Auxiliary Force Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as Auxiliary Force Districts and shall designate the same respectively by such names as he may think fit, and may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

(2) The Governor may appoint in each Auxiliary Force District a District Commandant and such other officers as he may deem expedient.

(3) Every such District and the members of the Auxiliary Force resident therein shall be organised in accordance with the provisions of this Ordinance and of any regulations made thereunder.

Power of Governor to dispense with services.

6. The Governor may at any time dispense with the services of any officer or member of the Auxiliary Force.

Power of Governor to delegate authority.

7. The Governor may, for all or any of the purposes of this Ordinance, by writing under his hand delegate all or any of the functions, powers and duties under this Ordinance or any regulations made thereunder to such person or persons as he may deem expedient.

PART II.

CONSTITUTION AND ENROLMENT.

Division of the Auxiliary Force into Classes.

8. Members of the Auxiliary Force shall be divided into the following Classes, namely:-

Class I - Persons who have attained the age of eighteen years and have not attained the age of thirty years;

Class II - Persons who have attained the age of thirty years.

Compulsory enrolment of male British subjects of 18 years and over.

9. (1) Subject to the provisions of this Ordinance every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and who is ordinarily resident in the Colony shall attend at the office of the District Commissioner of his administrative district within one month after the date of the coming into operation of this Ordinance, or within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall enrol

himself

himself as a member of the Auxiliary Force in the Class appropriate to his age, and if such person shall fail so to enrol himself he shall nevertheless be deemed to be enrolled as a member of the Auxiliary Force:

Provided that any person failing to enrol himself as provided for in this section shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.

(2) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Auxiliary Force, and in such case such person shall attend at the office of the District Commissioner as aforesaid and upon taking an oath in manner prescribed by regulations made under this Ordinance shall enrol himself as a member of the Auxiliary Force in the Class appropriate to his age.

(3) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions in actual practice shall only be enrolled or deemed to be enrolled and liable to serve in the Auxiliary Force in their professional capacity.

(4) For the purpose of ascertaining what persons are liable to serve in the Auxiliary Force and the best use which can be made of their services in time of emergency, regulations may be prescribed requiring employers to give particulars of all persons in their employ and the nature of their employment, from time to time.

Right of persons  
to elect as to  
Class in which  
they are enrolled.

10. Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Auxiliary Force or who volunteers for service therein may, with the permission of the Commander, elect to enrol as a member of the Class preceding the Class appropriate to his age:

Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by any regulations made thereunder upon the members of the Class in which he is enrolled.

Exemptions.

11. Notwithstanding anything to the contrary in this Ordinance contained, the Classes of persons set out in the First Schedule to this Ordinance shall be exempted from such of the obligations imposed by this Ordinance as are specified in such Schedule.

Exemptions for health reasons.

12. (1) All persons who are certified under the hand of a medical officer to be medically unfit for service under this Ordinance by reason of bodily or mental infirmity or unfitness shall be exempt from service in the Auxiliary Force.

(2) The Governor in Council may by order exempt any person or any class of persons from all or any of the obligations imposed by this Ordinance or by any regulations made thereunder.

Preparation of lists of persons liable to serve.

13. (1) The District Commissioner of each administrative district shall, within two months after the commencement of this Ordinance, and during the month of January in each succeeding year, prepare a list, in the form given in the Second Schedule to this Ordinance, containing the names of all persons in the district who are liable for enrolment and service or who volunteer for service under the provisions of this Ordinance.

(2) When such list has been prepared the District Commissioner shall cause a copy thereof to be affixed in a conspicuous manner at this office and court-house, and shall cause a notice to be inserted in at least one newspaper of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be earlier than two weeks nor later than four weeks (unless for special reasons) after the date on which the copy of such list was affixed as aforesaid.

(3) Upon the date and at the place so notified the District Commissioner shall hold a court, and shall, on due proof by the oath of such person as he shall see fit to examine or by statutory declaration or affidavit, correct all errors in such list, either by adding thereto the names of persons liable to enrolment and service or by striking out the names of persons who have been exempted. Such court may be adjourned from day to day until all questions as to the correctness of the list have been determined. The decision of the District Commissioner upon any question arising in regard to the correction of the list shall be subject to appeal to the Court of a First Class Magistrate.

(4) As soon as all questions as to the correctness of the list have been determined as aforesaid, the District Commissioner shall forthwith transmit such corrected list to the Commander.

Change of residence.

14. Any member of the Auxiliary Force who leaves the Auxiliary Force District to reside in another Auxiliary Force District shall forthwith notify the District Commissioner and the District Commandant of each such District and any such member who fails to make such notification shall be guilty of an offence and shall be liable on conviction to a term of imprisonment not exceeding one month or to a fine not exceeding ten pounds.

PART III.

ARMS, EQUIPMENT AND TRAINING.

Government to provide rifles and ammunition.

15. Such rifles, ammunition, equipment and uniform as may be prescribed shall be provided by the Government for members of the Auxiliary Force and will be issued in accordance with regulations.

Duties in regard to Government rifles etc.

16. Every member of the Auxiliary Force in possession of a Government rifle, ammunition, equipment and uniform as hereinbefore provided shall be responsible for the same and for keeping the same in a good and efficient condition, and shall be liable for any loss of or damage to such rifle, ammunition, equipment or uniform, due to his act, neglect or default.

Peace training.

17. (1) The peace training of each Class of the Auxiliary Force shall be carried out in accordance with regulations made under this Ordinance and every member of the Auxiliary Force shall undergo such peace training in any year as shall be notified in accordance with the provisions of section 19 of this Ordinance.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of the prescribed period of peace training.

Power to exempt from peace training.

18. A District Commissioner may, with the approval of the Commander, exempt any member of the Auxiliary Force in his District from the performance of the whole or any part of his compulsory peace training under the provisions of section 17 of this Ordinance.

Notification of time and place of peace training.

19. The date and place of every course of peace training shall be notified by the Commander and notice of such date and place published in the Gazette and in the Auxiliary Force Orders and in such other manner as may be prescribed shall be sufficient notice to every member of the Auxiliary Force.

Penalty for non-attendance at peace training.

20. If any member of the Auxiliary Force without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fails to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of peace training, or fails to complete such course, then and in any such case such member shall be liable, on conviction before a magistrate of the first or second Class, to a fine not exceeding twenty-pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment;

Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or any regulations made thereunder.

PART IV.

MOBILIZATION.

Calling out and mobilization of the Auxiliary Force.

21. (1) Whenever in the opinion of the Governor it shall be necessary to repel external aggression, or to aid the civil authority in the protection of life and property and to prevent and suppress internal disorder in the Colony, the Governor may, by proclamation, call out and mobilize the Auxiliary Force or such part or parts thereof as he may deem necessary for active service:

Provided that a proclamation under this sub-section may call out the members of either Class or both Classes mentioned in section 8 of this Ordinance, but so that the members enrolled in Class II shall not be called out until the members enrolled in Class I have been called out:

Provided further that the Governor, may by such proclamation, in lieu of calling out and mobilizing the Auxiliary Force or any part thereof as aforesaid, order the Auxiliary Force or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate mobilization.

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

Discipline of the Auxiliary Force on mobilization to be governed by Army Act, 44 and 45 Vict. Ch. 58.

22. Members of the Auxiliary Force shall, when they are on active service or when called out in a manner provided by the last preceding section or when ordered to hold themselves in readiness for mobilization in manner provided by the second proviso to section 21 (1), be subject to the provisions of the Army Act, 44 and 45 Vict. Ch. 58, and all Acts amending or substituted for the same, so far as applicable, but so that the Regulations under section 31 of this Ordinance may prescribe that any provisions of those Acts shall not apply to the Auxiliary Force:

Provided that -

(a) the words "the Auxiliary Force" shall be read therein for the words "Regular Forces", "the words "member of the Auxiliary Force" for the words "officer or soldier" as the case may be, and the word "Governor" for the words "His Majesty" and "Secretary of State";

(b) no sentence of a court-martial upon the trial of a member of the Auxiliary Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

Liability of population to provide transport etc.

23. On the mobilization of the whole or any part of the Auxiliary Force for active service, every resident (whether he is or he is not a member of the Auxiliary Force) shall be liable to provide transport and supplies in his possession if so required; and any person who without reasonable cause or excuse, fails to comply with the requirements of this section shall be liable on conviction before a magistrate of the First or Second Class, to a fine not exceeding one hundred pounds or to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

Auxiliary Force not to be called out for ceremonial parades.

24. No member of the Auxiliary Force shall be liable to be called out for ceremonial parades or for any purpose other than as provided in this Ordinance.

Penalty for breach of duty.

25. Any member of the Auxiliary Force who, after any proclamation has been published in pursuance of the provisions of section 21 of this Ordinance, without reasonable cause or excuse fails to attend or absents himself without the permission of some competent authority, or refuses or neglects to obey any lawful command of his superior officer, shall be liable, on conviction before a magistrate of the First or Second Class, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment:

Provided always that no such conviction shall be deemed to exempt the person convicted from service or from any future liability to serve under the provisions of this Ordinance.

PART V.

MISCELLANEOUS PROVISIONS.

Temporary absence of members, exemptions from service of certain persons.

No. of 1936.

26. The provisions of this Ordinance shall not apply to any member of the Auxiliary Force during his temporary absence from the Colony, nor to any person while serving in the Kenya Regiment (Territorial Force) established under the Kenya Regiment (Territorial Force) Ordinance, 1936, or in the Reserve or Special Reserve thereof:

Provided that except as hereinafter provided every person on the date of the completion of his service with the Kenya Regiment (Territorial Force) or with the Reserve or Special Reserve thereof shall be deemed to be a member of the Auxiliary Force in Class II thereof as provided for in section 8 of this Ordinance and to be subject in all respects to the provisions of this Ordinance:

Provided further that the provisions of the above proviso shall not apply to any officer or member of the Kenya Regiment (Territorial Force) (excluding the Reserve thereof) between the ages of 18 and 30 who has been permitted to resign therefrom before having completed the full term of his service therewith, nor to any such officer or member of the Kenya Regiment (Territorial Force) (excluding the Reserve thereof) whose service with the Regiment has been unsatisfactory. A certificate signed by the Commanding Officer of the Unit to which such officer or member belongs to the effect that such officer or member was permitted to resign or a certificate signed by the Commanding Officer of such Unit and approved by the Commander, Local Forces, Kenya and Uganda, to the effect that the service of any officer or member of the Kenya Regiment (Territorial Force) has been unsatisfactory shall be sufficient for the purposes of this proviso, provided that in the latter case the certificate shall be shown to the officer or member of the Auxiliary Force concerned before being sent to the Commander, Local Forces, Kenya and Uganda. Any such officer or member who has been unsatisfactory shall be deemed to be a member of the Auxiliary Force in Class I thereof and to be subject in all respects to the provisions of this Ordinance, except that the amount of peace training to be done by him shall be in the discretion of the Commander.

x Permitted to resign or whose service has been

Right of members to volunteer service in His Majesty's Forces.

Co-operation of employers.

27. Nothing in this Ordinance contained shall be deemed to prevent any member of the Auxiliary Force from volunteering to serve in any of His Majesty's Regular or other Forces.

28. (1) It shall be the duty of every employer to give all proper facilities for enabling any person in his employ to enter upon and carry out any service or peace training in the Auxiliary Force for which he is liable or eligible.

(2) Any employer who -

(a) fails to give the facilities aforesaid; or

(b) by dismissing an employee or by reducing his wages or in any other manner whatever penalizes him for entering upon or carrying out any service or training as aforesaid: Provided that this paragraph shall not be construed to require an employer to pay any person in his employ any wages or salary for the time he is absent from work for the purpose of peace training or during the time he is engaged on active service; or

(c) by words, conduct, or otherwise directly or indirectly compels, induces, or prevails upon, or attempts to compel, induce, or prevail upon, any person in or seeking his employ to do or refrain from doing any service or peace training under this Ordinance for which he is liable or eligible.

shall be guilty of an offence and shall be liable, on conviction before a First or Second Class Magistrate, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(3) In proceedings under this section the burden shall lie upon the employer of proving that any person in his employ who has been dismissed or has suffered a reduction of wages, or has been in any other manner penalized, was dismissed, reduced or penalized for some good reason and that such reason is in no way connected with the service or peace training aforesaid.

Governor may award gratuity or pension in certain events.

29. (1) In the case of any member of the Auxiliary Force who is temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him when on active service as provided by section 21 of this Ordinance, the Governor may award to such member

member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

(2) The Governor may assign to the widow or family of any such member who may be killed in action or on active service as provided in section 21 of this Ordinance a pension or allowance of such amount as may be prescribed.

(3) No pension or gratuity payable under this Ordinance shall be assigned or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due to the recipient thereof or his wife.

Penalty.

30. Any person who contravenes or fails to comply with any of the provisions of this Ordinance for which no other penalty is provided shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

Power to make regulations.

31. (1) The Governor may from time to time make regulations providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this Ordinance and where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient for giving full effect to this Ordinance, providing for or supplying such omission or insufficiency, without prejudice to the foregoing powers, providing for all or any of the following matters -

(a) the general government, discipline, peace training and management of the Auxiliary Force;

(b) the establishment of units of the Auxiliary Force and the various grades, numerical establishment, ranks and appointments therein;

(c) the attendance at drills, inspection, classes and courses of instruction of members of the Auxiliary Force and the examination of members of the Auxiliary Force as to proficiency in military professional subjects, and the granting of certificates of proficiency in military professional subjects;

(d) the appointment to, seniority of, promotion in and tenure of commissioned or non-commissioned

member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

(2) The Governor may assign to the widow or family of any such member who may be killed in action or on active service as provided in section 31 of this Ordinance a pension or allowance of such amount as may be prescribed.

(3) No pension or gratuity payable under this Ordinance shall be assigned or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due to the recipient thereof or his wife.

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(a) the general government, discipline, peace training and management of the Auxiliary Force;

(b) the establishment of units of the Auxiliary Force and the various grades, numerical establishment, ranks and appointments therein;

(c) the attendance at drills, inspection, classes and courses of instruction of members of the Auxiliary Force and the examination of members of the Auxiliary Force as to proficiency in military professional subjects, and the granting of certificates of proficiency in military professional subjects;

(d) the appointment to, seniority of, promotion in and tenure of commissioned or non-commissioned

non-commissioned ranks in the Auxiliary Force;

(e) the leave of absence, suspension, reduction and discharge of members of the Auxiliary Force;

(f) the condition as to physical fitness for service in the various units of the Auxiliary Force;

(g) the fixing of rates of pay and allowances and issues of rations to members of the Auxiliary Force when called out under section 21 of this Ordinance;

(h) the enrolment of all persons liable for service in the Auxiliary Force;

(i) the convening, composition, procedure and power of boards of officers and courts of inquiry;

(j) the payment of compensation to widows and families of members of the Auxiliary Force as provided in section 29 of this Ordinance;

(k) the requisitioning of means of conveyance and transport for service with the Auxiliary Force when called out under section 21 of this Ordinance;

(l) the conveyance by air, road, rail, or water of members of the Auxiliary Force and their transport and equipment when travelling on duty;

(m) the requisitioning of goods, provisions, supplies and accommodation for members of the Auxiliary Force when called out under section 21 of this Ordinance;

(n) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Auxiliary Force;

(o) the compiling of registers of transport and the duties of members of the Auxiliary Force in connection therewith;

(p) the establishment and conduct of camp, regimental, or district institutions for providing recreation and refreshment to members of the Auxiliary Force;

(q) the returns, books, forms and correspondence relating to the Auxiliary Force;

(r) all matters which are by this Ordinance required or permitted to be prescribed.

(2) Such regulations may provide as a penalty in respect of any breach thereof for a fine not exceeding fifty pounds which may be recovered in any court of competent jurisdiction at the instance of the District Commandant of the Auxiliary Force District in which the person infringing the same resides.

Member of Permanent Staff may institute proceedings and appear thereat.

32. Any member of the permanent staff of the Auxiliary Force may institute proceedings against any officer or member of the Auxiliary Force for offences against this Ordinance or the regulations made thereunder, and may thereafter appear in any magistrate's court and prosecute the person against whom such proceedings have been instituted, and for such purpose every member of the permanent staff of the Auxiliary Force shall have the right of audience in any magistrate's court. This provision shall be in addition to and not derogation of any similar provisions or part thereof relating to any person under this Ordinance or under any other Ordinance.

Repeal.  
No. 12 of 1928.  
No. 17 of 1930.  
No. 47 of 1931.

33. The Defence Force Ordinance, 1927, as amended by the Defence Force (Amendment) Ordinance, 1930, and the Defence Force (Amendment) Ordinance, 1931, and all regulations made thereunder are hereby repealed.

#### FIRST SCHEDULE.

(1) The following persons are exempted from all the obligations imposed by the Ordinance -

Ministers of religion who have undergone a ceremony of ordination in a recognised church;

Judges of the Supreme Court;

Members of the Executive and Legislative Councils;

Officers and non-commissioned officers of the King's African Rifles;

Officers of the King's African Rifles Reserve of Officers;

Officers of the Regular Army Reserve of Officers;

Officers of the Territorial Army Reserve;

Officers and personnel of the Royal Naval Reserve or the Reserve of the Royal Marines;

Serving Officers and men of the Kenya Royal Naval Volunteer Reserve;

Officers and non-commissioned officers of the Police Force;

European Officers of the Prisons Service.



C. O.

Mr. *L. M. 1977*  
 Mr. *Bunt. 1577*  
 Mr. *S. 11. 1977*

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

27 July, 1936.

**DRAFT.**

The U.S. of S.  
 War Office.

acc. dft.

FURTHER ACTION.

(71) Sir,

I am so. to acknowledge the receipt of your letter no. P/10649/6 (M.S.1.) of the 8th of July, regarding the selection of Captain The Lord Shathden, Goldstream Guards, for appointment to the newly-created post of Adjutant of the Kenya Territorial Force and Staff officer of the Kenya Reserve Force.

I am to ask that, if the Army Council /encs

sees no objection, the enclosed  
letter offering Lord Stratheden  
the appointment in question  
may be forwarded to him.  
I am &c.

(Signed) J. E. W. FLOOD

38240/36

C. O.

Mr. Grossmith. 4/3

Mr. Parkin 14/7

Mr. Flood 15/16

Sir C. Parkinson

Sir G. Temlinson

Sir C. Bottomley

Sir J. Shuckburgh

Perms. U.S. of S.

Perms. U.S. of S.

Secretary of State.



Downing Street,

17 July, 1936.

My Lord,

I am etc. to inform you that  
subject to your being passed as  
physically fit for service in East  
Africa it is proposed to select you for  
appointment to the newly created post of  
Adjutant of the Kenya Territorial Force  
and Staff Officer of the Kenya Reserve  
Force, with salary at the fixed rate of  
£750 <sup>per</sup> year with free quarters, suitable  
for an unmarried officer, or an  
allowance in lieu at the prevailing  
local rate. The salary is subject to  
the temporary levy on official military  
salaries now in force in Kenya which is  
at the rate of 5% on all salary (includ-  
ing duty, personal, and acting allowances  
up to £1,000 per annum. Particulars of  
the duties attaching to the post would

DRAFT.

CAPTAIN THE LORD STRATHEDEN.

(Inf. S. to W.O. with D.S.)

(African No. 263)

(Notes)

J. E. W. F.

J. E. W. F.

FURTHER ACTION.

Copy to J. E. W. F.

be explained to you on your arrival in Kenya.

2. <sup>as long as</sup> the appointment will be independent of the Establishment of the K.A.R.

You would, however, be under the orders and directions of the Commander, Northern Brigade, K.A.R., in his capacity as Commander of the local Forces.

3. The terms of service will be similar to those applicable to Army Officers employed with the K.A.R. except that you will be granted travelling and motor allowances, when travelling on duty in the Colony, at the rates applicable to civil officers in the service of the Kenya Govt. You will also be granted the family passage assistance accorded to civil officers, viz: an allowance of £40 towards the cost of the passage of your wife and/or family between the United Kingdom and East Africa. This grant may be made only once in respect of passages in each direction during a tour of service. A copy of the Conditions of Service for Officers of the K.A.R. is enclosed for your information together with a copy of "Hints on the Preservation

of

*It is however not possible at present to give you any precise information as to your duties, as the organization of the forces is still under consideration by the Govt. of Kenya. Certain proposals have been submitted by a local Committee under the chairmanship of the Commander, Northern Brigade, K.A.R. It is suggested that you should call at this office to peruse the Report of this Committee.*

C. O.

- Mr.
- Mr.
- Mr.
- Sir C. Parkinson.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permi. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

**DRAFT.**

of Health in Eastern Africa".

4. If you are prepared to accept the appointment on these conditions you should present yourself as soon as possible for examination to one of the Consulting Physicians to this Department, whose names are given in the enclosed letter. The letter is to be left with him, and you will be required to pay him a fee of 10 guineas. He will send his report direct to this Department. A Medical History Sheet is also enclosed which should be filled up and handed to the Consulting Physician at the time of the examination. Travelling expenses on the occasion of your visit to the Consulting Physician cannot be refunded to you.

**FURTHER ACTION.**

5. If you are passed as fit by the Consulting Physician, passage accommodation will be reserved for you in the S.S. "Matiana" which is due to

leave

be explained to you on your arrival in Kenya

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- Sir C. Parkinson.
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- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

**FURTHER ACTION.**

of Health in Eastern Africa".

4 If you are prepared to accept the appointment on these conditions you should present yourself as soon as possible for examination to one of the Consulting Physicians to this Department, whose names are given in the enclosed letter. The letter is to be left with him, and you will be required to pay him a fee of 1½ guineas. He will send his report direct to this Department. A Medical History Sheet is also enclosed which should be filled up and handed to the Consulting Physician at the time of the examination. Travelling expenses on the occasion of your visit to the Consulting Physician cannot be refunded to you.

5 If you are passed as fit by the Consulting Physician, passage accommodation will be reserved for you in the S.S. "Matiana" which is due to

leave London on the 22nd of August,  
and the Crown Agents for the Colonies,  
4, Millbank, S.W.1., will be asked to  
send the passage tickets to you. *The C.A. will also*

*pay you your outfit allowance of £40.*

I am to ask you to state as  
early as possible whether you accept  
*the*  
the appointment on ~~the~~ conditions, and to  
furnish an address to which communications  
should be sent to you.

I am, etc.

(Signed) J. E. W. FLOOD

Any further communication on this subject should be addressed to -  
The Under-Secretary of State,  
The War Office,  
London, S.W.1.  
and the following number, quoted



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

8th July, 1936.

19349/6. (M.S.1.)

Sir, H.

With reference to your letter No. 38240/36 dated 30th June, 1936, and enclosures, I am commanded by the Army Council to inform you that Captain The Lord Stratheden, Goldstream Guards, is desirous<sup>of</sup> and available for the appointment of Adjutant of the Kenya Territorial Force and Staff Officer of the Kenya Reserve Force, subject to being passed fit for service in Kenya.

I am to add that three copies of this officers record of service will be forwarded to you in due course.

I am,

Sir,

Your obedient Servant,

*At. Wildes*

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

C. O.

38240 / Keya  
/36

Mr. Hood 2-7.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

X Sir C. Bottomley 2-7.

Sir J. Shuckburgh

+ Permt. U.S. of S. 3-7 *at au*

Early. U.S. of S.

Secretary of State.

*Coded as sent*

*10.0pm 2/7*

*2/7/36*

*770 168*

*Your letter 20 June to Bottom*

*No objection to publication of Depar*

*Force report.*

*seen*

**DRAFT.**

*Code tel*

*Governor*

*Nairobi*

*[Handwritten signature]*

**FURTHER ACTION.**

AIR MAIL.



GOVERNMENT HOUSE, <sup>2</sup>  
 KENYA, \_\_\_\_\_  
 EAST AFRICA. 181  
 20th June, 1936.

My dear Bottomley,

I have just received the Report of the Defence Force Committee and have read through it so as to make myself acquainted with its general terms.

Naturally it will require close examination and it will have to be considered in Executive Council. After this a despatch will be sent containing our views and recommendations.

*Handwritten: Mrs B*

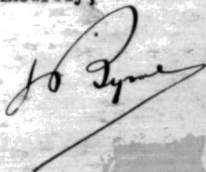
My object in sending the enclosed copy to you at once is to seek the Secretary of State's permission to publish this Report without delay and without comment. As you are aware the public have been much agitated over the Defence question and I believe this carefully reasoned Report and the conclusions arrived at will receive general acceptance throughout the Colony: it should put an end to a controversy which, owing to the too hasty action of the European Elected Members, became somewhat embarrassing.

I should be greatly obliged to you if you would approach the Secretary of State and should he approve....

approve of publication send me a telegram.

Six additional copies will be sent to you by Sea mail; this will save the heavy Air Mail postage which would be incurred if they had to accompany the Air Mail despatch which will follow later.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "J. P. Lynch". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Sir W.C. Bottomley. K.C.M.G., C.B., O.B.E.  
The Colonial Office.  
London. S.W.1.

R E P O R T

of the Committee appointed by His Excellency

the Governor on the 4th April,

1936,

TO CONSIDER SUGGESTION FOR THE REORGANIZATION

OF THE

DEFENCE FORCES OF THE COLONY.

CONFIDENTIAL.

R E P O R T.

CHAPTER I.

Introductory.

Your Excellency,

On the 4th April, 1956, Your Excellency was pleased to appoint as members of a Committee to Consider Suggestions for the Reorganization of the Defence Forces of the Colony -

- (1) Colonel J.A. Campbell, D.S.O. (Chairman)  
Commander, Northern Brigade,  
The King's African Rifles.
- (2) The Hon. T.D.H. Bruce,  
Solicitor General.
- (3) Mr. R.W. Hemsted, C.M.G., O.B.E.
- (4) Lieutenant-Colonel A. Dunstan Adams, M.C.,  
Commanding 1st (Nairobi) Battalion,  
The Kenya Defence Force.
- (5) Captain F.V. Ward,  
President, Kenya Rifle Association

with the following terms of reference:-

- (a) To examine the suggestions for the reorganization of the Defence Forces of the Colony contained in the Colonial Office despatch of 5th February, 1956, and to submit for the consideration of the Government and of the Secretary of State a report thereon.
- (b) To prepare such draft legislation as may be necessary in accordance with paragraph 7 of the despatch.

Appendix I. 5m  
38090/11

2. Mr. Deverell was appointed Secretary of the Committee. The meetings were held by the courtesy of the Attorney General, held in his office.

3. The Committee on the 25th April published a notice in the Official Gazette and the local Press

inviting

inviting all persons desirous of placing their views before the Committee to do so either orally or by memorandum. The notice intimated that the oral presentation of views was preferred by the Committee. On the 8th May a communique was published through the Press and Wireless, requesting persons interested to place their views before the Committee not later than the 30th May.

As a result of these invitations 24 persons, most of whom also submitted memoranda, appeared before the Committee and, in addition, 18 memoranda by persons who did not appear before the Committee were received and considered.

We would take this opportunity of thanking all those who so assisted us in our deliberations.

4. *Twenty* Meetings of the Committee were held between the 24th April and the 18th June, 1956.

5. At an early stage in our deliberations we came to the conclusion that the task before us could best be considered under the following heads:-

- (1) The Defence Problem of the Colony.
- (2) The Kenya Defence Force in relation to the Defence Problem.
- (3) The Organization suggested in the Colonial Office despatch in relation to the Defence Problem.
- (4) The Organization which, in our opinion, is best suited to meet the Defence Problem.
- (5) The financial implications of our proposals.
- (6) The draft legislation necessary to give effect to our recommendations.

6. Throughout our deliberations we have been guided by the following general considerations:-

- (a) that it was the task of the Committee to recommend what in our opinion was the minimum organization required to meet the Colony's defence problem;
- (b) that, although our terms of reference contained no financial limitations, we should keep before us the desirability of recommending proposals which, while compatible with (a), should not involve the Colony in unreasonable expense.

## CHAPTER II.

THE DEFENCE PROBLEM OF THE COLONY.

7. The Explanatory Memorandum to the Defence Force Bill published in the Official Gazette of the 12th January, 1927, makes it clear that the purposes for which the Kenya Defence Force was established were twofold. In the first place for defence against External Aggression and secondly for the defence of life and property in the event of Internal Disturbance.

Whatever differences of opinion there may be as to how the European British subjects of this country should be organized for its defence, we have found no one who quarrelled with this description of the twofold nature of the defence problem.

8. We are of the opinion that the parts which the European British subjects of Kenya are called upon to play in relation to the two aspects of defence are distinct, and that no organization which does not reflect this distinction will be satisfactory.

We propose to consider these two aspects separately.

9. We are of the opinion that, in considering the part which the European community of this Colony is best adapted to play in the event of External Aggression, it is impossible to ignore the lessons of the East African Campaign of the late War - that for reasons of climate, knowledge of local conditions, and mobility, European troops were less suited to war in tropical Africa than African troops officered by Europeans. The comparatively small force which the European community could put into the field to oppose External Aggression must also be borne in mind.

10. We have therefore come to the conclusion that in any future war in East Africa the primary function of the European community in the event of External Aggression should be to supply officers, non-commissioned officers, and instructors for the expansion of the King's African Rifles which, in our view, must follow the threat of External Aggression.

11. While we regard this as the primary function of the European community in the event of war, we consider that the possibility of eventually establishing some form of auxiliary, air, artillery, and ancillary units should not be lost sight of, and we will have more to say regarding these suggestions at a later stage of our Report.

12. While we do not consider internal disturbances of any magnitude as likely to occur in this Colony under normal peaceful conditions, we cannot ignore the changed European situation and the possibility of a major war with its consequent reaction on internal affairs.

We are,

We are, therefore, of opinion that some form of organization of the European community is necessary to protect life and property in the event of a serious or local disturbance.

We have given careful consideration to this part of the problem before us and have arrived at the following conclusions:-

- (a) that the forces best suited to suppress any such disturbance are the Regular Forces at the disposal of Government, be they King's African Rifles, Royal Air Force or the Kenya Police;
- (b) that the part which the European community may be called upon to play in the event of a disturbance will therefore be limited to protecting life and property for the short time which must elapse before the Regular Forces arrive upon the scene.

15. The dual purposes then which we consider devolve upon the European community are -

- (1) to provide a nucleus of officers, instructors and technicians in the event of External Aggression;
- (2) to hold the fort in outlying districts, in the event of Internal Disturbance, until the Regular Forces in the Colony arrive.

In this connection we consider that the mere knowledge that a European Defence Organisation exists, can not fail to have a steadying effect on the native population in times of unrest.

## CHAPTER III.

THE KENYA DEFENCE FORCE.

14. The Kenya Defence Force was established by the Defence Force Ordinance, 1928. The Ordinance makes provision for the compulsory registration of all European males of British nationality in the Colony up to the age of fifty years and for their division into three classes according to age. All British European males of fifty or over can volunteer for enrolment in a fourth class, and any person in any class can volunteer for enrolment in any class preceding his proper class. The Ordinance also allows persons other than British subjects to join the Force with the prior consent of the Governor.

15. The Ordinance lays down the maximum annual training for the three classes as follows:-

- (a) in the case of Class I, composed of men between the ages of eighteen and thirty years, one hundred hours;
- (b) in the case of Classes II, III and IV, not less than 12 hours a year.

In practice there has never been sufficient funds available to apply the training prescribed to Classes other than Class I. So that, except in cases where persons over thirty have volunteered to serve in Class I, persons over the age of thirty have only been affected by the Ordinance in so far as they have been compulsorily registered as members of the Force and have been acquainted with the details of local defence schemes.

16. We do not propose to examine the organization of the Defence Force in relation to the problem of Internal Defence save to say that in our opinion there is nothing inherent in its organization to render it unsuitable for the strictly limited functions which we have agreed to assign to it in the event of Internal Disturbance.

17. We will now consider the Defence Force from the aspect of External Aggression and the training of officers, non-commissioned officers, and instructors for additional African battalions.

We consider for the following principal reasons that the present Defence Force is unsuitable to provide the training outlined above:-

- (a) the officers and non-commissioned officers are not themselves sufficiently proficient or conversant with recent developments to train the members of the Force as potential officers or instructors;
- (b) even if they were sufficiently up to date, the maximum training laid down by the Ordinance is entirely inadequate for the required degree of military proficiency to be attained;
- (c) that for financial reasons it is not possible to provide the degree of training required to create officers, non-commissioned officers and instructors on a compulsory basis for all Class I men;
- (d) that there is an insufficient permanent staff available with the necessary knowledge to provide the training required.

18. We do not intend to imply from the above that no training of any value has been given through the

the Defence Force. We consider that some of the training which was given was of value for the purposes of Internal Defence. We have also been impressed by the training which some enthusiastic members of the Force have voluntarily undertaken, and we consider that such training was of considerable value.

We do, however, suggest that, apart from the training over and above that laid down in the Ordinance given to volunteers, no training of any value for the purpose of producing officers and instructors has been provided.

19. At a later stage of our Report we will give our views as to the nature and minimum extent of the training which we consider necessary for this purpose. It will suffice here to reiterate that we consider such training can only be provided in this country on a voluntary basis, because the expense of providing compulsory training for the relatively large number of men in Class I, would be beyond the resources of the Colony and because, for reasons of occupation and situation, it would be impracticable for many persons, particularly in up country districts, to give up sufficient time for the training required.

20. To summarize our conclusions in this Chapter. We consider that the organization of the Defence Force is not unsuited to meet the requirements of Internal Defence. But that the degree of compulsory training provided by the Defence Force was totally inadequate to train a reserve of officers and non-commissioned officers.

## CHAPTER IV.

THE ORGANIZATION SUGGESTED IN THE COLONIAL OFFICE  
DESPATCH.

21. Before examining this Chapter, it is advisable to turn to the Secretary of State's despatch of the 5th February, 1956, which is printed as Appendix I to this Report. The Secretary of State suggests:-

- (a) that the Defence Force be disbanded;
- (b) that it be replaced by a Territorial Force Regiment comprising an infantry unit or units and a battery of Coast artillery for employment at Mombasa;
- (c) that a Reserve should be formed to the Territorial Regiment by the compulsory enrolment of all able-bodied European males of British nationality;
- (d) that the Territorial Regiment should be under the command of the Commander, Northern Brigade, The King's African Rifles, and staffed from that Brigade.

It will be observed that the Secretary of State has not indicated whether the Territorial Force should be on a voluntary or a compulsory basis. We are, however, satisfied that a volunteer unit is intended, and we propose to assume that this is the case for the purposes of this Report.

22. We have indicated in the last Chapter that in our opinion the present Defence Force is not the best organization that can be devised to enable the potential European man power of this Colony to be utilized to the best advantage. It follows that we are accordingly in agreement with the Secretary of State in concluding that the Defence Force in its present form should be disbanded.

23. We also agree that what is required to take the place of the Defence Force is a Volunteer Force on the Territorial Model with a Compulsory Force

composed

composed of the residue of the able-bodied European man power of the Colony.

24. We consider that the primary function of the Volunteer Force should be to make the most of the excellent material available by training suitable men to take their places as officers, non-commissioned officers and instructors, and that the Compulsory Force should be trained primarily for defence in the event of Internal Disturbance.

25. We do not consider that it is practicable for the Coast Defence Battery at Mombasa to be manned by European volunteers and we will make suggestions in this connection in the succeeding Chapter.

26. We do not agree with the suggestion contained in paragraph 4 of the Secretary of State's despatch that the Staff Officer should be supplied from the Northern Brigade, King's African Rifles.

We consider that the Staff Officer should not be below the rank of Captain, and that owing to the prevalence of junior officers now serving with the Northern Brigade, the range of selection would be limited. Even if a Captain could be spared from the Brigade, which is not possible at the present time, there is only one who will not have completed his present tour before the Force is on its feet.

We consider that the best results will be obtained by appointing a specially selected officer of the rank of Captain in the British Army as Staff Officer to both the new Forces.

We consider that this officer should be appointed to the new Force and not to the King's African Rifles so that there can be no complaint that he owes a divided allegiance, but is, on the contrary, appointed solely to assist in the organization and training of the new Forces.

27. It will be observed from the previous paragraphs that we are in general agreement with the Secretary of State as regards his proposals for the establishment of a Territorial Force Regiment. We have now to consider his proposal to establish a Reserve formed by the compulsory registration of all able-bodied European British subjects not members of the Territorial Force.

As we understand this suggestion, the Reserve Force will exist merely on paper, it will receive no training, but will consist solely in the compulsory registration of the man power of the Colony which, in an emergency, could be placed under military discipline and control.

28. We have stated that we consider that the danger of serious internal disturbance is somewhat remote and that the part to be played by the Compulsory Force in such an event is a very limited one, for these reasons we have had to consider carefully whether, in view of the financial state of the Colony, we would be justified in recommending that the Compulsory Force should receive training at all. It has been suggested to us that, were it merely instructed in marketry through Rifle Clubs, no other training would be required.

In arriving at the conclusion that such training would be inadequate we have been influenced by the following considerations:-

- (1) that, if a force is to have any practical value, it must be acquainted with its leaders and duties so that in time of emergency there will be no risk of confusion;
- (2) that musketry training without training in fire direction and control and without <sup>of</sup> elementary organization is of little use;
- (3) that in this country, owing to the very scattered European population in up country districts, the only practical way in which to impart instruction is by camps. Once the men have been collected for a camp it is a waste of time and money not to impart as much instruction as is possible in the time available;
- (4) that it is unfair to the Volunteers, if the ~~new~~ Volunteers escape without any training;
- (5) that in the event of war the Compulsory Force will have had a ground-work of training, will be able to use its weapons and have, at least, some military knowledge;
- (6) that we can rely only on a portion of this Force joining Rifle Clubs, which are entirely voluntary, and the nature of ~~the~~ training would incline more towards shooting practice than towards instruction in service shooting;
- (7) that experience in the past has shown that much useful instruction can be imparted in a short period

period

period with the material available. Considerably better results will be obtained with the necessary staff available to organize training on the lines desired;

- (8) that the registration of the Reserve would be useless unless the resulting roll were kept up to date by inspection by properly appointed officers and that the expense entailed would not be justified unless the Force received some training;
- (9) that the Reserve, without training of any kind might, by precipitate and rash action in time of emergency, be an embarrassment to the authorities rather than a help.

29. We consider that the training which the Compulsory Force should be given, should be directed primarily to making them efficient in the use of their weapons and thoroughly conversant with their local defence schemes and rallying points, and the part which each individual would be called upon to play in the event of a local disturbance.

30. We do not consider that there is any good military ~~logical~~ reason for regarding the Compulsory Force as a Reserve to the Volunteer Force; and it will be seen that, in a later stage of our Report, we recommend that a separate Reserve be formed for the Volunteer Force; for these reasons, and because we consider that the purposes of these two Forces are quite distinct, we propose to call the Compulsory Force, "The Kenya Auxiliary Force".

51. While, therefore, we accept the suggestions of the Secretary of State in general, we consider that some training is essential for the Auxiliary Force. We also consider that, owing to the peculiar conditions which prevail in Mombasa where the European population is continually changing, it will be difficult, if not impossible, to supply sufficient volunteers to man the Coast Defence Battery.

#### CHAPTER V.

#### THE ORGANIZATION PROPOSED.

##### GENERAL:

52. It should be clear from the preceding Chapters that the organization, which we recommend, might better be described as the reorganization of the existing Defence Force with a volunteer force super-imposed. It should also be clear that we regard the creation of a reservoir of officers and instructors as of primary importance and that we consider that the organization and training of the Kenya Defence Force is entirely inadequate for this purpose.

53. We recommend that the Kenya Defence Force be disbanded and replaced by a Volunteer Force up to the strength of a battalion, to be known as "The Kenya Regiment (Territorial Force)" drawn from men between the ages of 18 and 35; and in special cases up to 45, with a Compulsory Force to be called "The Kenya Auxiliary Force" consisting of the balance of able-bodied European British male subjects in the Colony.

54. We recommend that service in The Kenya Regiment (Territorial Force) should be for a minimum period of four years, and that every member of this Force should put in 12 days' camp every year, and at least 100 hours of training parades.

55. We recommend also that the Auxiliary Force should be divided into two Classes as follows:-

Class I -men of 18 - 30 years of age.

Class II -men over 30 years.

We recommend that Class I men should be compelled to attend a 5 days' camp once every year and that Class II men should be compulsorily registered, but should receive no training other than that necessary to acquaint them with the part which they are called upon to play in their local defence schemes, and such voluntary instruction through Rifle Clubs, as is necessary to make them proficient in the use of the service rifle.

56. We recommend that any members of Class I of the <sup>Force</sup> Auxiliary should be eligible to join the Volunteer Force and that service to the satisfaction of his Commanding Officer for a minimum of 4 years in this Force should entitle a member to exemption from service in Class I of the Auxiliary Force. Any such member would be registered in Class II of the <sup>Force</sup> Auxiliary on completion of his service in the Volunteer Force, but would not be subject to the obligation of compulsory training imposed on Class I.

57. We recommend for the reasons given by us in paragraph 26 that the following regular personnel should

should be seconded to the Kenya Regiment (Territorial Force) and not to the King's African Rifles:-

1 Staff Officer (Captain).

1 Regimental Sergeant Major.

u 1 Permanent <sup>staff</sup> Sergeant Instructor per Company.

This regular staff, assisted by a cadre of specially selected officers and other ranks from the Kenya Regiment (Territorial Force), will be responsible for the training of the Auxiliary/under the ~~XXXXXX~~ direction of the Commander, Northern Brigade, King's African Rifles, with the new title of "Commander, Northern Brigade and Local Forces Kenya and Uganda".

It is our opinion that the Permanent Staff should, as far as possible, be drawn from the same Regiment of the Regular Army, preferably from the Brigade of Guards.

For the purpose of clarity we propose to consider the new Forces separately.

#### I. THE KENYA REGIMENT (TERRITORIAL FORCE).

58. Before turning to the details of the Volunteer organization which we recommend, we desire to draw attention to certain general considerations which have influenced us in coming to the conclusion that the primary duty devolving upon the European male population of this Colony is to provide officers and instructors for native troops.

59. In the first place it is impossible to ignore the tendency of Powers possessing Colonial Empires

to

to recruit the indigenous man-power of the territories under their control for purposes of war. The native armies thus established form an offensive force very different in character to those encountered in the past, when large primitive and undisciplined hordes were customarily dispersed by small, but highly trained, European forces.

It would be foolish to ignore the possibility of this Colony at some future date being attacked by a highly organized native army greatly outnumbering any force which this Colony could possibly put into the field.

In such an event it is probable that for a considerable time we would have to rely upon our own internal resources to repel such an attack, and could only do so by expanding our existing native forces, the <sup>being</sup> officers drawn from the European community.

40. We do not believe that the European youth of this country will be more backward than elsewhere in the Empire in accepting the responsibility which is so clearly theirs, and we feel that as soon as they realize that it is only by submitting themselves voluntarily to a course of training in excess of any which may be compulsorily enforced that they can be adequately trained as officers and instructors, the response from them will be such as to enable an effective Territorial Force to be established without delay.

41. Although we have emphasized repeatedly that the primary function of this Force should be to train  
train

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train a nucleus of officers and non-commissioned officers, we also consider that it will provide an efficient striking force which could be used when necessary to support the regular forces at the disposal of Government.

42. We are aware that the success or failure of a force of this nature depends largely on the support which it obtains from public opinion, and we consider that it is essential to the success of this Force that it should be given the active sympathy and support of every section of the community. We realize that <sup>in</sup> the case of employers some sacrifice may be entailed by releasing employees for as much as twelve day camps a year. But we are confident that, when it is realised that the Force is to be an efficient one with its training properly directed by Regular Serving Officers for purposes recognised by all as essential, the response from the public will not be less generous than is the case in other parts of the Empire where Territorial Forces are invariably regarded with affection and sympathy.

43. In order that the Kenya Regiment (Territorial Force) may build up an "Esprit de Corps" and obtain, and retain, the respect of the public, we regard it as essential that it should be properly equipped, and we consider it imperative that the capital expenditure necessary to purchase the required uniforms and equipment should be forthcoming.

44. We are of the opinion that the ultimate strength of the Regiment should be one Battalion with Ancillary units, but that at the beginning a force of

two Companies should be aimed at. As far as can be foreseen one of these Companies would be raised in Nairobi District and the other drawn from up country districts. Each of these Companies would have a Permanent Staff Instructor seconded from the Regular British Army and would be under the control of the Permanent Headquarter Staff consisting of the Staff Officer (Captain, Regular British Army) and the Regimental Sergeant Major. For the rest of the establishment see Appendix II.

Appendix II.

The Regiment should be concentrated in camp for a period of 12 days once a year and should, in addition, attend a minimum of 50 parades of 2 hours duration.

The minimum attendance for training recommended above should be strictly enforced.

45. During the period of peace training in camp we recommend that the officers and men should be paid at rates set out in Appendix II which approximate closely to British Army rates.

Appendix II.

We recommend that, if the Regiment is called up for active service, members should be given British Army rates of pay and allowances.

The travelling expenses of all members to and from camp should also be paid as well as their messing expenses. In addition we recommend that a small allowance should be made to each man to meet the expenses incurred in attending drills other than those in camp.

46. We do not propose to recommend the details of the training which should be given to this

Force

Force save to say that it should be organized so as to fit the Regiment to fulfil the roles for which it is raised.

We consider that it is essential that the camps should be made as interesting and attractive as possible, and that everything should be done to make them as enjoyable as they are instructive.

47. We consider that the defence of Mombasa is a matter which must receive special consideration in the light of the decision to make Mombasa a defended port, and the prevailing state of uncertainty in international affairs.

It is apparent that in the event of war Mombasa will become the port for East Africa as a whole, and that it will therefore be of vital importance to ensure that its defences are maintained at the maximum degree of efficiency. We have considered carefully the suggestion contained in the Colonial Office despatch of the 5th February, 1956, that the fixed defences of Mombasa should be manned by the Kenya Regiment (Territorial Force).

We understand that on investigating this proposal Government came to the conclusion that, in view of the floating nature of the population at Mombasa and the manual nature of much of the work of the battery, which could be performed more efficiently in the prevailing climatic conditions by native ranks, the best arrangement would be to obtain the services of a Regular Artillery Officer, to be seconded to the King's African Rifles, as the Battery Commander, assisted by a Regular

Regular Sergeant Instructor, Royal Engineers, and some eleven officers and other ranks drawn from the Kenya Regiment (Territorial Force), the rest of the Unit being composed of native ranks of the King's African Rifles.

After carefully considering this scheme, we recommend strongly that the Mombasa Coast Defence Unit be composed entirely of regular soldiers. We consider that, apart from the defects inherent in a mixed unit of Regulars and Volunteers, it will be found impossible to secure the services of sufficient permanent volunteers in Mombasa, to make a mixed scheme successful, and that the majority of suitable volunteers available might be required for essential services in the event of war.

We feel that, with an increased Regular British Personnel and a more extensive use of native non-commissioned officers drawn from the King's African Rifles than is at present contemplated, it will be possible to establish an efficient regular unit at relatively little extra expense.

If our recommendation on this point is accepted, we would suggest that such volunteer material as may be available in Mombasa and not employed in the Kenya Royal Naval Volunteer Reserve, should be formed into a unit of the Kenya Regiment.

46. Since the Volunteer Force will have as its primary object the provision of a reserve of officers and non-commissioned officers, to be used in the event of External Aggression, we consider that its members should be confined to British subjects in contradistinction to the Auxiliary Force to which we recommend that non-British

non-British subjects may, with the consent of the Governor, belong.

49. In accordance with the usual practice, we recommend that all members of the Kenya Regiment (Territorial Force) shall be required to take an Oath of Allegiance to the Crown in the form which will be set out in the Regulations to be made in the Ordinance hereinafter referred to.

50. We are strongly of the opinion that the high privilege of holding their Commissions direct from His Majesty the King afforded to officers of the Territorial Army in England should be accorded to the officers of the Kenya Regiment, and we recommend that representations to this effect should be made in the proper quarter.

51. While we are of the opinion that service in this Force should normally be limited to active service within the limits of the Colony, we consider that it should be open to all members on enrolment voluntarily to accept liability for service without the Colony, and we propose to recommend that provision be made for this in the legislation.

52. We recommend that service in the Kenya Regiment should be for four years and that on the completion of four years' service members may be re-engaged for further periods of two years and, on completion of such service, should automatically be required to serve in a Reserve to the Regiment for a further period of four years. The minimum training which members of the Reserve should be compelled to undergo should be one day or eight hours a year.

In addition to the Reserve to which all members must automatically pass, we recommend that provision should be made in the legislation for the establishment of a Special Reserve for the voluntary

enrolment

enrolment of such persons who, by virtue of past service in the Regiment or elsewhere, or special qualifications, it is desirable to retain for service with the Regiment should the necessity arise.

55. We recommend that when a member of the Kenya Regiment has completed his full period of service in the Regiment or the Reserve to the satisfaction of his Commanding Officer he should, regardless of his age, pass automatically into Class 2 of the Auxiliary Force and be exempt from all further training other than that laid down for Class 2.

Any member who is dismissed from the Regiment before he has completed his full period of service will, of course, automatically enter Class 1 of the Auxiliary Force, if of the appropriate age.

54. We consider that an integral part of our scheme for the training of the European man-power of the Colony should be the establishment of School Cadet Corps, which would undertake the preliminary training of the youth of the country on a voluntary basis.

We understand that, for reasons of age, the Prince of Wales School is at the moment the only institution in Kenya where it would be practicable to establish a force on the lines of the Officers' Training Corps at home. We understand that there are some one hundred boys at the Prince of Wales School between the age of 14 and 18, and further that an unofficial organization already exists at this School which could easily be converted into an Officers' Training Corps, and that suitable officers are available to undertake the training of such a Corps.

55. The assistance which should be given to the Cadet Corps should take the form of instruction by the Permanent Staff of the Kenya Regiment, the loan of

rifles.

rifles, the free issue of ammunition for weapon training courses, and financial grants towards camp and equipment expenses.

In Appendix we give our estimate of the expenditure which will be required to establish and maintain this Unit.

56. Many of the memoranda which have been placed before us have contained suggestions for the establishment of ancillary units such as tank, machine gun, artillery, and air units. Most of these suggestions, however desirable in themselves, we have been forced to discard at the present time since the expense involved would be entirely beyond the Colony's resources.

57. We have, however, given particular attention to the possibility of establishing an Auxiliary Air Unit, because we feel that there is in Kenya at the present time quite exceptional material from which the personnel for such a unit could be drawn; and because we believe that in the geographical conditions prevailing in this country an auxiliary air unit would be of inestimable value both for defence against external and internal aggression.

58. We are convinced from the evidence that we have had before us that nothing less than a self-contained unit possessing aircraft especially designed and equipped for would be of any value.

We are aware that the establishment and upkeep of such a unit, and other ancillary units, however small, would be quite beyond the Colony's resources.

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We are also aware that, as a general principle, the expense involved in the defence of the Colony is an obligation to be met by the Colony. But we feel that circumstances today, and the strategical position of the Colony, are such as to justify Government representing to the Imperial Government the desirability of making a grant from Imperial Defence Funds for the establishment and maintenance of such Units in the Colony.

## II. THE KENYA AUXILIARY FORCE.

59. Although every conceivable variety of opinion as to the type of organization required for the defence of the Colony has been expressed before the Committee, the large majority of witnesses have insisted that whatever organization is required should be of a compulsory nature. In some cases this insistence was for compulsory training, in others merely for compulsory enrolment.

60. We are entirely in agreement with the compulsory system as applied to this Force, which is primarily designed for internal defence, because we consider that unless everyone is compelled to conform to the Defence Scheme which has been devised for the defence of any district it will be found that, in an emergency, some individuals will prefer to defend their own property rather than to pool their resources at a common rallying point for the general good.

61. We have been informed by a number of persons that, provided courses of musketry were given annually and residents were acquainted with their local defence schemes, no further training would, in fact, be required

required for the purpose of internal defence.

We considered this view carefully, but for the reasons which have already been furnished in paragraph 28 we have come to the conclusion that some training is necessary. We believe that in the conditions which prevail up country where the population is scattered over an extremely wide area such training can be carried out most effectively and economically by means of annual camps. Apart from these considerations, we regard camps as having a valuable psychological effect in that they create and foster a corporate spirit which mere parades, however often repeated, fail to provide.

62. It will be observed from the estimate of the expenditure which will be required for the Auxiliary Force, set out in Appendix III, that the items which cover the Travelling Expenses of members to camps form no less than per cent of the total Recurrent Expenditure.

We are strongly of the opinion that the Colony is entitled to require of the Railway Administration that it should make at least no profit on the transportation of men and stores of either of the Colony's Defence Forces. We feel that it is to the advantage of Uganda that an efficient European force should be established in this Colony and we therefore recommend that Government should approach the Railway Council with a view to obtaining a concession from the Kenya and Uganda Railways and Harbours Administration of such a nature <sup>that</sup> at least no profit accrues to it through the transportation of men and stores of the European Forces.

63. We have already indicated in paragraph 56 that we consider that members of the Auxiliary Force over the age of 50 years should receive no compulsory training other than that necessary to acquaint them with the part which they are called upon to play in their local defence schemes, and such voluntary instruction through Rifle Clubs as is necessary to make them proficient in the use of the service rifle.

We consider that the first of these objects can best be brought about by written orders and occasional lectures to the local inhabitants by their Section Commanders directed to acquainting each resident in the part which he must take in the local scheme. Test alarms should be arranged as funds permit.

We consider that such schemes should be carefully worked out on the spot by the local Auxiliary Force officers, and that each scheme should be submitted to the Commander for approval, so that the maximum degree of standardisation may be reached compatible with the peculiar requirements of each district.

64. Although we believe that most members of the Auxiliary Force over the age of 50, who live in up-country districts, know how to shoot, we consider it desirable that every encouragement should be given to them to fire an annual course with the service rifle, to be drawn up by the Commander. We consider that the most satisfactory manner in which this course can be given is through the Rifle Club organization.

The manner in which Government should help these Clubs has occupied our attention, and we

desire

desire to make the following recommendations.

65. (1) We recommend that an annual grant of £10 should be made to the Kenya Rifle Association for the upkeep of each of the up-country ranges, at present thirteen in number, and that an annual grant of £80 should be made for the upkeep of the Nairobi Range.

(2) We recommend that in lieu of the assistance which is given by the British Government to the National Rifle Association by the detachment from the Crown Forces of working parties, markers, register keepers, range officers, and clerical workers for the Bisley Meeting, an annual grant of £100 should be made to the Kenya Rifle Association towards the local Bisley and other competitions.

(3) We recommend also that a grant of free ammunition should be made for the musketry training of both Classes of the Auxiliary Force. We understand that there is at present a supply of ammunition in the country which could be used for this purpose, and that the cost of providing free ammunition would not, therefore, arise for some years.

(4) In addition to the above, we recommend that provision should be made for the sale at cost price of good quality Mark VII ammunition to the Kenya Rifle Association for the purpose of target practice shooting.

66. We have indicated in paragraph 55 also that we consider that Class I members of the Auxiliary Force should be compelled to undergo 5 days' training in camps annually. We recommend that this training should be conducted by the Regular Staff of the Kenya Regiment assisted by a cadre of competent officers and non-commissioned officers from the Territorial Force, who have volunteered for this service. It will thus be possible

possible to give, in the time available, a much more concentrated form of appropriate training than was possible in the Kenya Defence Force camps.

While we do not propose to go into the details of the training which should be provided for this Class, it is obvious that it should be framed in the light of the task which the Force is designed to undertake, and that all unnecessary exercises should be avoided. We foresee that the more practical the training is the more it will appeal to the members of the Force, who will realize that their efforts are being directed to meet concrete contingencies which directly affect themselves and their neighbours.

67. We do not consider that beyond providing the travelling, clothing, equipment and messing expenses of this Class, and when in camps, any remuneration of its members is required, since we regard the duty of internal security as an obligation which naturally falls to the youth of any community. But we recognise, however, that in view of the varied climatic and commercial conditions obtaining in this Colony, it is not possible to require all members to attend one camp, and we therefore recommend that there should be four annual camps a year, one of which every member of this Class must attend.

68. We are of the opinion that it will be found more satisfactory and more economical in the long run to use permanent camps rather than to rely on tentage which is costly to move and quickly deteriorates.

These

These camps should be at Nairobi (2), Eldoret and Nakuru.

We recommend that the Royal Kenya Agricultural and Horticultural Society should be approached with a view to an arrangement being reached by which the Society's Show Grounds would be made available for these camps.

69. We consider that the organization of the Auxiliary Force should be on the lines of that provided for the Kenya Defence Force, with the addition that the Permanent Staff and Instructional Cadre from the Kenya Regiment will be larger and more efficient.

70. We most strongly recommend that the Commander, Northern Brigade, as the officer at present responsible to the Governor for the Military Forces of the Colony, should be in command of both the Kenya Regiment and the Auxiliary Force with the title of Commander, Northern Brigade and Local Forces, Kenya and Uganda, and that, in view of the more extensive command envisaged (including the Royal Air Force Unit, the Coast Defences of Mombasa, the Kenya Regiment (Territorial Force) and the Kenya Auxiliary Force), he should hold the appointment of Brigadier.

It has been represented to us by some persons that the European Defence Forces should have a local officer, as Commandant of the Local Forces, between the Commander and Commanding Officers of Units and the District Commandants. We understand that the idea behind this suggestion is that the Commandant would ensure that the interests of the Local Forces were not subordinated to the King's African Rifles.

We find it impossible to appreciate this argument, and we believe that, apart from such an appointment being cumbersome and unnecessary, actually

the contrary is true, and that the very fact that the Commander is solely responsible for the efficiency and discipline of the Local Forces and is unable to delegate this responsibility to anybody else, is the best possible guarantee that he will give his personal attention and time to ensuring that the Local Forces are properly conducted. Further, it should be appreciated that the Commander, as a Colonel or a Brigadier, does not belong to the King's African Rifles or to any other Regiment.

71. We have now to consider the difficult problem of whether rifles should be issued individually to members of the Auxiliary Force or not. The views which have been expressed before us by up-country residents on this question have been almost equally divided between recommending the individual issue of rifles and the issue to local armouries or specially selected individuals. The individual issue of rifles is open to three serious objections:-

- (1) they are liable to be stolen;
- (2) they are liable to be lost;
- (3) they are liable, through the neglect of their holders, to become unserviceable.

Although rifles were not issued to individuals by all District Commandants in the Kenya Defence Force, yet, after an exhaustive enquiry, more than one hundred of the rifles which were issued have never been recovered, and a large number of rifles were returned in an unserviceable state due to the neglect of the holders.

It is clear from this unsatisfactory experience that, unless some scheme of inspection were introduced, it would be impossible to recommend the issue of rifles to individuals.

The difficulty in arranging a satisfactory system of inspection is that it would entail heavy expenditure in travelling allowance. No system of inspection would, of course, remove the danger of the rifles being stolen.

72. The chief objections to retaining rifles in armouries are as follows:-

- (a) unless the armouries are erected in some place such as Police Lines, it would be impossible to guard them, and the risk of a large number of arms coming into wrong hands in the event of a sudden disturbance would be serious;
- (b) if they are kept in armouries outlying farmers may be unable to secure their arms, in the event of a sudden disturbance.

73. After careful consideration of this problem, we have the following recommendations to make:-

- (1) that sufficient arms should be made available in every district for issue to all members of the Auxiliary Force;
- (2) that properly constructed armouries should be erected at selected Police Stations in up-country districts. The keys of such armouries should be in the possession of the Officer-in-Charge of the Police Station and the local Auxiliary Force Commander. The duties of Police should not extend beyond the guarding of these armouries;
- (3) that arms should not as a rule be issued to individuals, but should be retained in these armouries;

- (4) that in special cases, on the advice of the District Commandant and with the approval of the Commander, rifles may be issued to members in outlying farms. Before recommending such an issue, the District Commandant should first satisfy himself that -
- (a) the applicant has no rifle of his own;
  - (b) he is a fit and proper person to have a rifle;
- (5) that, if the Civil Authority has good reason to believe that a state of unrest exists making it desirable to issue rifles temporarily as a precaution to any section or district, he should, after consultation with the local Auxiliary Force Commander, authorise the issue;
- (6) We recommend also that, in addition to the rifles issued to the members of the Kenya Regiment, rifles should be issued to keen members of Rifle Clubs who are recommended by the Council of the Kenya Rifle Association.

74. We assume that as a general rule local Defence Schemes will be based on two stages. In the first stage neighbouring persons would converge on a local rallying point, in the second each collection of persons at a rallying point would move in convoy to a defended locality which would normally be where the armoury was situated.

We are of the opinion that, even in the event of a disturbance so sudden that the issue recommended in (5) of Section 75 could not take place, sufficient private arms and ammunition would be available in most districts to enable the persons to reach the rallying

rallying points in safety.

We are aware that in not recommending the issue of arms to individuals generally some risk may be run, though, as we have shown above, we regard this risk as a very small one, but we consider that the risks involved in issuing rifles to all members is a greater one, and we believe that the solution we have proposed is, in all the circumstances, the most suitable.

75. When dealing with the Kenya Regiment, we stated that the success of that Force depends to a large extent on the support it received from the community. Though the Force at present under consideration is a compulsory one, it depends, only in a slightly lesser degree, for its success on the same kind of support.

While we have no reason to believe that this support will not be forthcoming, we consider that it is illogical to make provision for the compulsory training of employees without ensuring that employers do not bring undue pressure to bear to obstruct or prevent their employees from attending the compulsory camps.

We have accordingly made provision in the legislation on the lines in force in South Africa to deal with employers who attempt to prevent their employees from attending such camps or training as may be prescribed.

76. We attach great importance to the proper registration of the man-power of the Colony and recommend that, in addition to the annual returns to be made by the District Commissioners, all employers should be required to give particulars of all persons in their employ

employ eligible for service in this Force.

We consider that such returns should contain information regarding the qualifications and the nature of the employment of all persons, so that in the event of an emergency the authorities may be in a position to determine what part may be most usefully played by each person.

77. Our attention has been drawn to the existence of a number of amateurs capable of transmitting and receiving wireless messages, and we consider that every encouragement should be given to them by the Auxiliary Force Authorities with a view to utilising them in defence schemes.

78. We consider that the closest co-operation should be maintained between the Auxiliary Force Commanders and all departments of Government.

79. Before concluding this Chapter, which deals with the Force which we recommend to take the place of the Kenya Defence Force, we should like to place on record our appreciation of the considerable sacrifices both of time and money which have been made by the officers and men of that Force. We trust that nothing that has been stated in this report will be taken as meaning that we consider the failure of the Defence Force to be due to any shortcomings in the officers and men, and we hope that the new Forces may have the advantage of the experience and keenness of those who have performed such valuable service for the Colony in the Kenya Defence Force.

CHAPTER V.THE FINANCIAL IMPLICATIONS OF OUR PROPOSALS.

80. The financial implications of our proposals will best be understood by reference to Appendices VI and VII which set out our estimate of the expenditure which will be required for the Kenya Regiment and the Auxiliary Force respectively.

AppendixAppendix

81. It will be observed from Appendix VII that the total estimated recurrent annual cost of the Kenya Regiment on a basis of two Companies is £ 7,854. Every additional Company raised will cost £ 1,770 in the first year.

Appendix

82. The total estimate of the expenditure required to establish and maintain the Auxiliary Force set out in Appendix VI amounts to £5,047 of which £3,405 is non-recurrent and only £1,744 recurrent.

AppendixCHAPTER VI.THE DRAFT LEGISLATION NECESSARY TO GIVE EFFECT TO OUR RECOMMENDATIONS.

83. As the Forces, which we recommend should be raised, are required for different purposes and are also based on entirely different principles, in that one is Voluntary and the other Compulsory, it appears to us that two separate Ordinances will best give legal effect to our proposals.

We therefore recommend that two Ordinances on the lines of the draft Bills which form Appendices VI and VII of this Report should be enacted with as little delay as possible.

AppendixAppendix

84. The Kenya Regiment (Territorial Force) Ordinance is modelled on the Territorial Force Ordinance (Chapter 42 of the Revised Edition of the Laws of Kenya), which it repeals. Certain important alterations have been made in the present Ordinance, and a large number of minor ones. In these circumstances, we have deemed it best to draft a completely new Bill, and to repeal the old one, thus giving the persons concerned a clear picture of the law.

85. The Kenya Auxiliary Force Ordinance is modelled on the Defence Force Ordinance, 1927, as amended. In respect to the amendments made in the present Defence Force Ordinance the same considerations apply as in the case of the Territorial Force Ordinance (Chapter 42 of the Revised Edition of the Laws of Kenya). A considerable number of important alterations have been made, and there are a large number of minor alterations. In these circumstances, we have deemed it best to draft a completely new Bill, and to repeal the old one.

86. It is obvious that a great part of the legislation necessary to govern the operation of both these Forces must be in the form of Regulations under the Ordinances.

We believe that the Regulations under the existing Ordinances are in the main what is required for the new Forces. However, in the case of the Kenya Regiment we are of the opinion that the Regulations which exist under Chapter 42 are hardly sufficient, and we consider that before submitting draft Regulations for this

Force

86.

Force it would be desirable to give careful consideration to the numerous Territorial Regulations which have been made at home. To do so would, however, mean that this Report would be considerably delayed and, since we regard it as eminently desirable that the new Forces should be established with the minimum of delay, we have decided not to include subsidiary legislation with this Report. In the event of our recommendations being accepted, we should, however, be glad to give any assistance in our power to enable the necessary Regulations to be prepared.

87. Before concluding this Report, we desire to place on record our keen appreciation of the excellent work done by our Secretary, Mr. C.M. Deverell. His ability and untiring zeal have been of the greatest value to us in our deliberations and in the preparation of this Report.

We have the honour to be,

Your Excellency's most obedient servants,

CHAIRMAN.

*A. M. ...*

MEMBER.

*T. D. ...*

MEMBER.

*M. ...*

MEMBER.

*A. ...*

MEMBER.

*J. ...*

SECRETARY.

*C. M. Deverell*

COPY

APPENDIX I.

DOWNING STREET,

5th February, 1956.

Sir,

I have the honour to refer to your Secret despatch of the 15th of September on the subject of the Kenya Defence Force. I note that in regard to the question of stores, you are taking separate action, and I presume that you will report separately if necessary on this point. In this despatch I propose to deal with the organisation of the Defence Force generally.

2. As I informed you in my telegram of the 4th of February, I have now come to the conclusion that, in the interests of the general security of Kenya, the best, and indeed the only possible, course is to disband the existing Defence Force and replace it by some more suitable military organisation which will enable the potential European man power of Kenya to be utilised in the best possible way.

5. In existing circumstances my opinion is that the most suitable organisation will be that of a Territorial Force regiment comprising an infantry unit (or units) and a battery of artillery for employment in manning the gun defence of Mombasa. The establishment of the infantry unit should be as for a Battalion of the King's African Rifles, with necessary modifications as regards non-combatants. The Officer Commanding the Northern Brigade of the King's African Rifles should be appointed

GOVERNOR,

BRIGADIER GENERAL

SIR JOSEPH BYRNE, G.C.M.G., K.B.E., C.B.,  
etc., etc., etc.

2.

appointed to command all local forces in Kenya and Uganda, and his present style should be altered by adding the words "and Officer Commanding Local Forces, Kenya and Uganda". In the Ordinance constituting the regiment provision should be made to vest the command in "the Officer Commanding Local Forces, Kenya and Uganda".

4. As regards the staff, the necessary staff should be supplied from the Northern Brigade, King's African Rifles, the necessary additions to establishment of that force being made to provide for this. The Staff Officer should be appointed to the staff of the Officer Commanding Northern Brigade with the title of Staff Officer, Local Forces. In order to make the change as smoothly as possible, I suggest that it would be advisable in the first place to appoint as Staff Officer, Local Forces, an officer now serving in one of the Battalions in the Northern Brigade. This will secure that the first incumbent of that post will have a knowledge of the problem, the people, and the country, and it would be preferable to appointing an officer from this country who had no such local experience. The officer selected for the appointment of Staff Officer Local Forces would be replaced by an officer sent from England to complete establishment.

5. I suggest that a suitable designation for the proposed Force would be "The Kenya Regiment (Territorial Force)". The actual strength of the units can be regulated according to possibilities, and, in the first instance, I suggest that the establishment should aim at one infantry battalion and one battery of artillery.

6. In

6. In your secret despatch of the 12th of December, 1954, you stated that you were in agreement with the suggestion that a "security force" should be organised and maintained. I think, however, that the title would be somewhat misleading, though I agree that, in the circumstances of Kenya, everyone who is physically fit should be compulsorily registered for military action in an emergency. Since all house-holders will continue to be placed under liability for military service, it will probably be better to make them members of some definite military organisation, which would automatically place them under military or Government orders when a state of emergency is declared. This would have the further advantage of ensuring that, when called upon, they come under military control and discipline in the emergency, with the responsibility for carrying out orders given to them. To secure this end the best course would appear to be to establish for the Kenya Regiment (Territorial Force) a Reserve, and that all house-holders not being members of the Regiment or of the King's African Rifles Reserve of Officers should be required to enrol in it. The Reserve could be divided into classes according to age and obligation for military training. It would give each man a definite military status if he is called upon for service, and would probably prove the most satisfactory course in the end.

7. I make the suggestions as points for your consideration. They had the support of Brigadier Norman when he last considered the matter, and you will, no doubt, have discussed the whole question with him.

In any

In any event, the first thing to do would appear to be to prepare legislation to give effect to the changes, and I request that you will submit it to me in draft as you propose.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Sd.) J.H. THOMAS.

## KENYA REGIMENT (TERRITORIAL FORCE)

Item Estab-  
No. lishment.

Details.

Estimate  
£.HEADQUARTERS: LOCAL FORCES.Personal Emoluments:

1	1	Captain - Staff Officer, Local Forces (Regular Army)	750
2	1	Regtl. Sgt. Major (Permanent Staff Instructor) @ £450 x £10 triennially to £470	450
3	1	Clerk (H. Q. Office)	150
4	1	Clerk (Store)	162
5	1	Asian Armourer (consolidated rate of pay)	158
6	4	Store Porters at £.04/- per mensem	58
7		Pension contributions - Regular Army Personnel	125
			<u>£ 1,851</u>
<u>TOTAL PERSONAL EMOLUMENTS - HEADQUARTERS</u>			<u>£ 1,851</u>

HEADQUARTERS: BATTALION.

8	1	x Major .....	@ £.50/- per diem for 12 days	18
9	1	Captain - Adjutant	@ £.20/- - do -	12
10	1	Quartermaster	.... @ £.15/- - do -	9
11	1	Regtl. Sgt. Major	.. @ £. 9/- - do -	5
12	1	Regtl. Q. M. Sgt.	... @ £. 8/- - do -	5
			<u>TOTAL PERSONAL EMOLUMENTS - Bn. HEADQUARTERS</u>	<u>£ 49</u>

ONE RIFLE COMPANY.

15	1	Captain .....	@ £.20/- per diem for 12 days	12
14	2	Subalterns	..... @ £.15/- - do -	18
15	2	Subalterns	..... @ £.10/- - do -	12
16	1	C. S. M. (Permanent Staff Instructor)	@ £590 x £10 triennially to £410	590
17	1	C. S. M.	@ £.8/- per diem for 12 days	5
			<u>£ 457</u>	

CARRIED FORWARD..... £ 1,900

x Lt. Colonel if and when expanded to full battalion.

Item No.	Estab-lishment.	Details.	Estimate £.
		BROUGHT FORWARD .....	(£ 1,900. 457)
18	1	Company Q.M.S. .... @ 3.7/- per diem for 12 days	4
19	4	Sergeants ..... @ 3.6/- - do -	14
20	6	Corporals ..... @ 3.4/50 - do -	17
21	10	Lance Corporals ..... @ 3.5/50 - do -	21
22	96	Privates ..... @ 3.2/50 - do -	144
25		Pension contributions for Regular Army Personnel	18
		<b>TOTAL PERSONAL EMOLUMENTS - ONE COMPANY ...</b>	<b>£ 655</b>
		<b>TOTAL PERSONAL EMOLUMENTS - TWO COMPANIES .</b>	<b>£ 1,510</b>
		<b>TOTAL PERSONAL EMOLUMENTS - HEADQUARTERS, BATTALION HEADQUARTERS AND TWO COMPANIES .....</b>	<b>£ 5,210</b>
		<b>OTHER CHARGES.</b>	
24		Passages (1 officer @ £69 plus family allowance £40 - 5 B.W.Os. @ £55 plus 1 family passage allowance @ £50	504
25		Local travelling and transport	500
26		Outfit allowances	195
27		Uniforms and equipment	880
28		Messing for 255 @ 3.2/50 per diem for 12 days	585
29		Stationery and publications	25
30		Telephone	15
31		Conservancy, water and lighting	50
32		Contingencies and miscellaneous stores	100
33		House Allowance for Staff Officer (B.W.Os. being allotted Government Quarters)	112
34		Training grant (conjectural)	100
		<b>TOTAL OTHER CHARGES</b>	<b>£ 2,644</b>
		<b>TOTAL HEADQUARTERS, BATTALION HEADQUARTERS &amp; TWO COMPANIES</b>	<b>£ 5,854</b>

**NOTE:** Item No. 24. Provision will be required in the First and subsequent TRIENNIAL YEARS.  
 Item No. 26: Initial expenditure required in the First year. In the second and subsequent years only a small  
 Item No. 27: provision will be necessary for Recruits and replacements.

APPENDIX III.KENYA AUXILIARY FORCE.

Based on four Camps annually - NAIROBI 2, NAKURU 1, ELDORET 1,  
and four Auxiliary Force Districts.

ESTIMATE BASED ON TOTAL STRENGTH OF 1000 MEN *Classified*

<u>Item No.</u>	<u>Details.</u>	<u>Estimate £</u>
<b><u>NON-RECURRENT.</u></b>		
1	Outfit Allowances - officers	300
2	Clothing and Equipment (To last four years)	2,900
3	Camp furniture (Additional to existing Kenya Defence Force furniture)	391
4	Tents	712
<b><u>TOTAL NON-RECURRENT EXPENDITURE</u></b>		<b><u>£ 4,403</u></b>
<b><u>RECURRENT.</u></b>		
	Local Travelling and Transport	500
	Transport of camp stores	120
	Fuel	25
	Lighting	20
	Water	5
	Conceivancy	24
	Messing	200
	Hire of ground and insurance	20
	Labour and fixing camp	15
	Instructors' pay and battens (Cadre from Regiment (Territorial Force))	300
	District Commandants' Allowances (£50 each)	300
<b><u>TOTAL RECURRENT EXPENDITURE</u></b>		<b><u>£ 1,544</u></b>
<b><u>TOTAL KENYA AUXILIARY FORCE - FIRST YEAR</u></b>		<b><u>£ 5,947</u></b>

PRINCE OF WALES SCHOOL.

OFFICERS' TRAINING CORPS.

Item No.	Details.	Estimate. £.
1	Clothing and Equipment for 100 Cadets	116
2	Publications	4
3	Messing - 7 days @ 3.2/50 per diem	91
4	Training	15
		<u>£ 226</u>

NOTE:

FIRST YEAR ..... £ 226

SECOND AND SUBSEQUENT YEARS .. £ 146

Arms and Web Equipment will be issued  
from stock now on charge.

## TOTAL ESTIMATE OF EXPENDITURE.

A.	<u>NON-RECURRENT:</u>	£
	Kenya Auxiliary Force	5,408
	Officers' Training Corps	80
		<u>£ 5,488</u>
B.	<u>RECURRENT:</u>	
	Kenya Regiment (Territorial Force)	<sup>x</sup> 5,854
	Kenya Auxiliary Force	1,644
	Officers' Training Corps	146
	Assistance to Rifle Clubs	280
		<u><sup>x</sup> £ 7,904</u>

TOTAL EXPENDITURE REQUIRED IN FIRST YEAR - £ 11,587.

<sup>x</sup>N.B. See note to Appendix II. Included in the estimate of the expenditure required for the Kenya Regiment (Territorial Force) are three items (24, 26 and 27) which can not be properly regarded as recurrent.

Item 24 - Passages - This provision will only be required every three years.

Items 26 and 27 - Outfit Allowances, and Uniforms and Equipment - This expenditure will be required in the first year. In subsequent years provision will only be required for recruits and replacements. It is impossible to estimate at this stage what figure should be estimated for recruits, but it is considered that a round figure of £5000 would give a more accurate picture of the probable recurrent expenditure required for the Kenya Regiment (Territorial Force).

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A REGIMENT TO BE KNOWN AS THE KENYA REGIMENT (TERRITORIAL FORCE).

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-00-

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

PART I.

Short title and commencement.

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) Ordinance, 1956, and shall come into operation upon such date as the Governor may by notification in the Gazette appoint, and shall be applied to such military districts as the Governor may appoint and establish by notification in the Gazette.

Interpretation.

2. In this Ordinance, unless the context otherwise requires, the following expression shall have the following meanings:-

"active service" - every member of the Regiment when called out for the purpose of repelling external aggression or for aiding the civil authority in the protection of life and property and preventing and suppressing internal disorder in the Colony shall be deemed to be on active service;

"Act or Ordinance" shall include all regulations made thereunder;

"cadets" means all boys serving in cadet units subject to the provisions of this Ordinance;

"commanding officer" means the officer in command of any district, unit or detachment;

"member" means any warrant officer, non-commissioned officer or man enrolled in or belonging to the Regiment;

"military district" means a military district

appointed and established under this Ordinance;

"officer" means any person appointed by the Governor to hold commissioned rank in the Regiment;

"peace training" means all such training as may be prescribed under this Ordinance other than training on active service;

"permanent staff" means all officers, warrant officers, non-commissioned officers, armourers, clerks and storekeepers or any other persons appointed under section 42 of this Ordinance;

"prescribed" means prescribed by regulations;

"regulations" means regulations made under the provisions of this Ordinance;

"unit" means any portion of the Regiment which may be declared by the Governor to be a unit for the purposes of this Ordinance.

## PART II.

### Constitution of Regiment.

Formation of  
Regiment.

3. (1) It shall be lawful for the Governor, by notification in the Gazette, to establish under this Ordinance a regiment for the Colony to be known as the Kenya Regiment (Territorial Force), throughout this Ordinance referred to as "the Regiment", and to accept on behalf of His Majesty the services of any qualified persons to become officers or members of the Regiment.

(2) Upon such notification the Regiment shall be deemed to be lawfully established.

(3) The Regiment shall be under the Supreme Command of the Governor, and under the Command of the Commander, Local Forces, Kenya and Uganda, who shall be responsible to the Governor for the organisation, discipline, and efficiency of the Regiment.

(4) The officers of the Regiment shall be commissioned by His Majesty the King.

(5) The Governor may, by notification in the Gazette, declare any portion of the Regiment to be a unit for the purposes of this Ordinance.

(6) Upon such notification a unit shall be deemed to be lawfully constituted.

Membership.

4. Every member of the Regiment must be a <sup>face of</sup> British subject of European/origin between the ages of eighteen and forty-five years, and shall upon enrolment take the oath and complete the attestation form as prescribed:

Provided always that the age limit may be extended by regulations for such classes of warrant officers, non-commissioned officers and men as the Governor may decide.

Liability of those who have tendered and have been accepted.

5. Every officer and every person who has tendered his services and whose services have been accepted and who has been enrolled as a member of the Regiment shall be liable to <sup>be</sup> called out for active service within the limits of the Colony, and to undergo such peace training as may be prescribed from time to time: Provided that notwithstanding anything in this Ordinance contained, any officer or member of the Regiment may, when taking an oath as prescribed, sign a declaration in the form prescribed to the effect that he is willing to serve under this Ordinance outside the Colony in the event of the Governor deeming such a course expedient.

Period of service.

6. Every member enrolled under the provisions of this Ordinance for service in the Regiment shall except as hereinafter provided serve for a minimum <sup>period</sup> of four years, and thereafter shall serve for four years in the Reserve formed under the next succeeding section:

Provided that the Governor may, on the recommendation of the Commander, Local Forces, Kenya and Uganda, curtail, to such extent as he may think reasonable, the period of service to be undergone, under this section, by any person who produces evidence of previous service established under the Kenya Auxiliary Force Ordinance, 1938, with the Kenya Auxiliary Force, or with any of His Majesty's Forces, regular or auxiliary, of such a nature as to satisfy the Governor that his service with the Regiment should be so curtailed.

Establishment of (Territorial Force) Reserve.

7. The Governor may establish a Reserve to the Regiment (to be known as the Kenya Regiment (Territorial Force) Reserve in such manner as may be prescribed, and such Reserve shall form part of the Regiment.

Special Reserve to the Regiment.

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

PART III.  
Cadets.

Cadet Units.

9. The Governor may appoint Cadet Units, the description, numbers in, enrolment in, and organization of which, shall be such as the Governor may from time to time prescribe. Cadet Units shall not form part of the Regiment, but shall be affiliated to it and regarded as a training unit for the Regiment. Cadet Units shall be composed of boys between the ages of fourteen and eighteen years.

Cadets' liability for peace training.

10. All boys who, with the consent of their parents or guardians, have enrolled as members of a Cadet Unit shall be liable to undergo such an annual course of peace training as may be prescribed.

Certificate of efficiency.

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

PART IV.

Administration.

Military districts.

12. The Governor may appoint and establish military districts throughout the Colony with the number and designation of units of the Regiment to be allotted to and trained in any military district.

Calling out of Regiment for active service.

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

Not entitled to discharge when on active service.

14. Notwithstanding anything to the contrary in this Ordinance contained, no officer, or member of the Regiment while called out or employed on active service shall be entitled to obtain discharge therefrom during the continuance of such service.

Power to disband  
or discharge.

15. The Governor may at any time discontinue the service of any unit of the Regiment or cause the same to be disbanded, or release from service any officer or discharge any of the members of such unit.

Officers in  
executive  
command.

16. The executive military command and inspection of the Regiments or units thereof shall be vested in such officers as may be appointed by the Governor.

Appointment and  
promotion of  
officers.

17. (1) Before any person can be confirmed in his appointment as an officer, he shall satisfy the Governor that he is fully qualified to hold an appointment, and pass such tests as may be prescribed.

(2) No officer of the Regiment shall be promoted to a higher rank in the Regiment until he has proved, in the manner prescribed, that he is fully qualified to undertake during peace training and in time of war all the duties that may be required of an officer in that higher rank.

Cancellation  
of commission.

18. The Governor may cancel the commission of any officer at any time, provided that the commission of an officer shall not be cancelled without the holder thereof being notified in writing of any complaint or charge made, and of the action proposed to be taken against him, nor without his being called upon to show cause in relation thereto, and provided further that no such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or more.

Retirement of  
officers.

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

(2) The ages of compulsory retirement of officers

of the Regiment shall be as prescribed.

**Resignation of  
commission.**

20. An officer of the Regiment, except when on active service, or in anticipation of being called out on the same, may, by writing, under his hand, tender his resignation of his commission, but shall not, unless otherwise ordered by the Governor, be relieved of the duties of his appointment until the acceptance of his resignation is notified in the Gazette.

**Uniforms, arms,  
and accoutrements.**

21 (1) A uniform, with distinctive marks or badges, shall be prescribed for every unit of the Regiment and issued to members thereof, to be maintained at their own expense for such periods and under such conditions as may be prescribed.

(2) Arms, ammunition, and equipment, shall be issued under prescribed conditions to members of the Regiment, and each member to whom a rifle has been issued shall be bound to keep it in his personal possession, and be responsible for its maintenance in good order and condition, and to produce the same for inspection whenever called upon to do so.

(3) When called out for active service, or when undergoing peace training, members shall bring with them their equipment and any ammunition which may have been placed in their custody.

**Pay and allowances.**

22. The Regiment shall be paid at a prescribed daily rate for the days on which they are called out for active service under the provisions of this Ordinance and they may also be granted such monetary or other allowances as are laid down in regulations.

**Duration of peace  
training.**

23. (1) Each officer and member of the Regiment shall reckon his service as an officer or member from the date of his appointment or enrolment, as the case

may be, and shall during each complete year, reckoning from that date, undergo such course of annual peace training, instruction, and other such exercises as may be prescribed.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of any period of peace training, instruction, or service prescribed under this section.

(3) Every member of the Regiment who in any year without leave or permission, as prescribed, evades or fails duly to perform with proper zeal the full course of training allotted to him for that year, shall be guilty of an offence against this Ordinance.

PART V.

Provisions for Active Service.

Commandeering.

24. When the Regiment or any portion thereof is called out for active service, the Governor may authorise and appoint officers of the Regiment or of the public service in the Colony, to obtain and take possession of buildings and other premises, supplies of foodstuffs, forage, transport, animals and vehicles, and all other articles, necessary for the maintenance in the field of the Regiment or any portion thereof, and of other forces acting in co-operation therewith. A written requisition may, under this section, be made on any person in manner prescribed, but so that every person so requisitioned upon shall be entitled in due course to receive compensation for everything obtained or taken from him.

Transport facilities.

25. (1) The officer in command of the Regiment on active service in the field when so empowered by the Governor may requisition the authorities controlling

any transport system in the Colony to supply suitable engines and rolling stock and marine transport and every other form of transport necessary for the conveyance of officers and members of the Regiment or other forces, together with their animals, guns, baggage, stores, supplies and vehicular transport, and to convey the same by air, road, rail or water to and from any points within or outside the territory, as may be necessary.

(2) The Governor may, under like circumstances, authorise any officer to assume control over any transport system within the territory or any portion thereof.

#### PART VI.

#### Discipline.

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

36. (1) <sup>and members</sup> Officers of the Regiment, at all times, and officers of the Regiment and Special Reserve, when called out for active service, shall be subject to military law.

(2) The provisions of the Army Act, 44 and 45, Vict., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as "the Army Act"), so far as applicable, shall apply to officers and members of the Regiment and Special Reserve when they are on active service or called out for the same, subject to the following modifications:

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

(5) For the purposes of discipline the provisions of the Army Act, so far as applicable, shall apply to the permanent staff appointed under section 48 of this Ordinance, subject to the modifications set out in sub-section (2)(a) and (b) of this section.

Officers and members not punishable under this Ordinance as well as under the Army Act.

27. Notwithstanding the provisions contained in section 26 of this Ordinance, no officer or member of the Regiment <sup>or Special Reserve</sup> shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Army Act.

Refusal to undergo peace training an offence.

28. Any member of the Regiment who shall refuse or neglect to undergo such peace training as shall be prescribed from time to time shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding fifty pounds or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

Penalty for contravention not otherwise provided for.

29. Any <sup>officer or</sup> member of the Regiment who shall be <sup>guilty of an offence against this Ordinance or who shall be</sup> guilty of contravening or failing to comply with any of the provisions of this Ordinance for which no penalty is specially provided, or any of the regulations, shall, upon conviction by his commanding officer or any court having jurisdiction, be liable to a fine not exceeding ten pounds or to a term of imprisonment not exceeding one month, or to both such fine and imprisonment:

Provided that where a commanding officer is below the rank of captain, he shall have power of conviction under any of the regulations, but shall not have power of conviction for an offence against this Ordinance, as provided for under this section, and, in such case, the power of conviction under this section for an offence against this Ordinance shall vest in any officer of or above the rank of captain who shall be appointed by the

Commander, Local Forces, Kenya and Uganda, for that purpose.

Power of Governor to confirm or reduce sentence.

30. The records of evidence taken before a commanding officer or such other officer as provided for in the proviso to the last preceding section and the finding and sentence inflicted by the commanding officer or such other officer as aforesaid, in the exercise of the jurisdiction conferred upon him by the last preceding section shall be submitted forthwith to the Governor, who may quash the conviction, or confirm or reduce the sentence, and the sentence so confirmed or reduced shall be notified by the commanding officer or such other officer as aforesaid to the member of the Regiment convicted, by means of registered letter, and every fine so notified which is not paid within fourteen days of the date of the posting of such notification, may, together with any costs incurred by reason of such non-payment, be recovered in any magistrate's court having jurisdiction, on mere production to such court of a properly authenticated copy of such notification under the hand of such commanding officer, or such other officer as aforesaid.

Commanding officer may summon witnesses, etc.

31. It shall be lawful for any commanding officer or any other officer as aforesaid in the exercise of the jurisdiction conferred upon him by section 29 of this Ordinance, to summon in writing any member of the Regiment under his command alleged to have contravened or failed to comply with any of the provisions of this Ordinance, or the regulations made thereunder, and any witnesses alleged to be material to the charge, to appear before him, and to administer oaths to such witnesses, and generally to investigate the charge in such manner as the Governor may by regulations determine;

and any person so summoned as a witness who shall fail to attend at the time and place mentioned in such summons, or having attended, shall refuse to give evidence, shall be liable on conviction before a Magistrate, to a fine not exceeding ten pounds, or, in default of payment thereof, to imprisonment not exceeding one month.

Reservation of right to prosecute otherwise than under Ordinance.

52. Nothing in this Ordinance contained shall prevent any offender from being prosecuted otherwise than under the provisions of this Ordinance, in all cases in which he would by law, without this Ordinance, be liable to such prosecution, but no person acquitted of any crime or offence under the provisions of this Ordinance or under the Army Act, shall be liable to be again tried for the same crime or offence.

Offences by officers by members against members of other of His Majesty's forces.

53. Whenever the Regiment or any portion thereof and other of His Majesty's forces are associated together under one command, any act committed by officers or members of the Regiment, which would if committed in respect of, or in relation to, the officers or members or institutions of the Regiment, be an offence against this Ordinance, or the Army Act, so far as applicable, or any modifications or adaptations thereof effected in terms of this Ordinance, shall, if committed in respect of, or in relation to, the officers or members or institutions of His Majesty's forces be deemed to be a similar offence, and shall be triable and punishable as prescribed by this Ordinance or by the Army Act, so far as applicable.

Penalty for refusing or neglecting to assemble when called out for active service.

54. (1) Any officer or member of the Regiment called out for active service, who refuses or neglects to assemble or march as ordered, shall be liable on conviction to a fine not exceeding one hundred pounds.

or to a term of imprisonment not exceeding two years,  
or to both such fine and imprisonment.

(2) Any officer or member of the Regiment called out for active service as provided under the preceding sub-section shall, as from the date of such calling out, also be subject to the provisions of section 86 (1) and (2) of this Ordinance.

Aiding or inducing members of the Regiment to dereliction of duty.

55. Any person who:-

(1) agrees with, or induces, or attempts to induce any officer or member of the Regiment to neglect or to act in conflict with his military duty in that force; or

(2) is a party to, or aids or abets, or ~~instigates~~ incites to the commission of, any act whereby any lawful order given to any officer or member of the Regiment or any law or regulation with which it is the duty of any member of that force to comply may be evaded or infringed; or

(3) supplies, or party to supplying, any officer or member of the Regiment with intoxicating liquor when that officer or member is on military duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor;  
shall be guilty of an offence against this Ordinance.

Personation.

56. Any officer or member who fraudulently personates or represents himself to be an officer or member of the Regiment travelling on service of that force, with the intent to obtain conveyance at special rates or to evade payment of any toll, shall be guilty of an offence against this Ordinance.

Offences against commandeering regulations.

57. Any person who commits any offence against the regulations providing for and regulating the requisitioning in time of war of accommodation or supplies in pursuance of section 24 of this Ordinance shall be guilty

of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

Wrongful disposal of property.

38. Any officer or member of the Regiment who, without proper authority and permission, gives, sells, pledges, lends or otherwise disposes of any monies, animals, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Regiment shall be guilty of an offence against this Ordinance, and, in addition to any penalty for such an offence which may be imposed under this Ordinance, he may be ordered by the court or other authority competent to impose that penalty to make good the loss or deficiency caused by the gift, sale, pledge, loan or other disposition; and every such gift, sale, pledge, loan or disposition shall be null and void.

Penalty for contravening the Ordinance in any way.

39. Any person who is guilty of an offence against this Ordinance or who wilfully contravenes or fails to comply with any of the provisions of this Ordinance, or the regulations made or prescribed thereunder, shall, when no other penalty is provided for, be liable to a fine not exceeding ten pounds or to a term of imprisonment for a period not exceeding one month, or to both such fine and imprisonment.

Limitation of action.

40. For the protection of persons acting in the execution of this Ordinance, every civil action against, and every criminal prosecution of, any person in respect of anything done in pursuance or in obedience of this Ordinance shall be commenced within six months after the cause of the proceedings has arisen and notice in writing of any civil action and the cause thereof shall be given to the defendant one month at least before the commencement thereof.

Disclosure of information.

41. Any officer or member of the Regiment or any person employed in the public service, who discloses any information or any other secret or confidential information relating to the defence of the Colony, which comes

within his cognizance shall, unless acting under due authority and in the execution of his duty (the burden of proof whereof shall be upon him) be guilty of an offence against this Ordinance.

PART VII.

Miscellaneous.

Power to constitute permanent staff.

42. The Governor may from time to time constitute for the Regiment a permanent staff, consisting of such officers, warrant officers, non-commissioned officers and men as he may deem necessary.

Governor may award gratuity or pension in certain events.

43. (1) In the case of any member of the Regiment who shall be temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him <sup>when</sup> on active service as provided in section 13 of this Ordinance, the Governor may award such member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no such gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

(2) The Governor may assign to the widow or family of any such member who may be killed in action or on active service as provided in section 13 of this Ordinance a pension or allowance of such amount as may be prescribed.

(3) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due by the recipient thereof or his wife.

Regulations.

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

(1) The numerical establishment of units of the Regiment and cadets, and the various grades, ranks and appointments therein:

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF  
THE KENYA AUXILIARY FORCE.

-----oOo-----

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

PART I.

ESTABLISHMENT, ORGANISATION AND ADMINISTRATION.

1. This Ordinance may be cited as the Kenya Auxiliary Force Ordinance, 1956, and shall come into operation on such date as the Governor may appoint by notice published in the Gazette.

2. In this Ordinance unless the context otherwise requires, the following expressions have the following meanings:-

"active service" - every member of the Auxiliary Force when called out for the purpose of repelling external aggression or for aiding the civil authority in the protection of life and property and preventing and suppressing internal disorder in the Colony shall be deemed to be on active service;

"peace training" means all such training as may be prescribed under this Ordinance other than training on active service;

"prescribed" means prescribed by regulations;

"regulations" means regulations made under the provisions of this Ordinance.

Short title and commencement.

Interpretation.

Kenya Auxiliary  
Force.

No. of 1956.

5. (1) There shall be established in the Colony in connection with the Kenya Regiment (Territorial Force) Ordinance, 1956, a Force to be known as the Kenya Auxiliary Force (throughout this Ordinance referred to as "the Auxiliary Force"), which shall be under the Supreme Command of the Governor, and the members of which shall be liable, in accordance with the provisions of this Ordinance, to be called out for active service within the limits of the Colony and to undergo such peace training as may be prescribed.

(2) The Governor may from time to time constitute for the Auxiliary Force a permanent staff, consisting of such officers, warrant-officers, non-commissioned officers and men as he may deem necessary.

Organisation of  
the Auxiliary  
Force.

4. (1) The Auxiliary Force shall be under the command of the Commander, Local Forces, Kenya and Uganda, (hereinafter referred to as "the Commander") who shall be responsible to the Governor for the organisation, discipline and efficiency of the Auxiliary Force.

(2) The headquarters of the Auxiliary Force shall be in Nairobi, or at such other place as the Governor may from time to time appoint.

Auxiliary Force  
Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as Auxiliary Force Districts and shall designate the same respectively by such names as he may think fit, and may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

(2) The Governor may appoint in each Auxiliary Force District a District Commandant and such other officers as he may deem expedient.

(5) Every such District and the members of the Auxiliary Force resident therein shall be organised in accordance with the provisions of this Ordinance and of any regulations made thereunder.

Power of Governor to dispense with services.

6. The Governor may at any time dispense with the services of any officer or member of the Auxiliary Force.

Power of Governor to delegate authority.

7. The Governor may, for all or any of the purposes of this Ordinance, by writing under his hand delegate all or any of the functions, powers and duties under this Ordinance or any regulations made there-  
person or  
under to such/persons as he may deem expedient.

PART II.

CONSTITUTION AND ENROLMENT.

Division of the Auxiliary Force into Classes.

8. Members of the Auxiliary Force shall be divided into the following Classes, namely -

Class I - Persons who have attained the age of eighteen years and have not attained the age of thirty years;

Class II - Persons who have attained the age of thirty years.

Compulsory enrolment of male British subjects of 18 years and over.

9. (1) Subject to the provisions of this Ordinance every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and who is ordinarily resident in the Colony shall attend at the office of the District Commissioner of his administrative district within one month after the date of the coming into operation of this Ordinance, or within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall

enrol himself as a member of the Auxiliary Force in the Class appropriate to his age, and if such person shall fail so to enrol himself he shall nevertheless be deemed to be enrolled as a member of the Auxiliary Force :

Provided that any person failing to enrol himself as provided for in this section shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.

(2) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Auxiliary Force, and in such case such person shall attend at the office of the District Commissioner as aforesaid and upon taking an oath in manner prescribed by regulations made under this Ordinance shall enrol himself as a member of the Auxiliary Force in the Class appropriate to his age.

(3) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions in actual practice shall only be enrolled or deemed to be enrolled and liable to serve in the Auxiliary Force in their professional capacity.

(4) For the purpose of ascertaining what persons are liable to serve in the Auxiliary Force and the best use which can be made of their services in time of emergency, regulations may be prescribed requiring employers to give particulars of all persons in their employ and the nature of their employment from time to time.

Right of persons  
to elect as to  
Class in which  
they are enrolled.

10. Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Auxiliary Force or who volunteers for service therein may, with the permission of the Commander, elect to enrol as a member of the Class preceding the Class appropriate to his age:

Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by any regulations made thereunder upon the members of the Class in which he is enrolled.

Exemptions.

11. Notwithstanding anything to the contrary in this Ordinance contained, the Classes of persons set out in the First Schedule to this Ordinance shall be exempted from such of the obligations imposed by this Ordinance as are specified in such Schedule.

Exemptions for  
health reasons.

12. (1) All persons who are certified under the hand of a medical officer to be medically unfit for service under this Ordinance by reason of bodily or mental infirmity or unfitness shall be exempt from service in the Auxiliary Force.

(2) The Governor in Council may by order exempt any person or any class of persons from all or any of the obligations imposed by this Ordinance or by any regulations made thereunder.

Preparation of  
lists of persons  
liable to serve.

13. (1) The District Commissioner of each administrative district shall, within two months after the commencement of this Ordinance, and during the month of January in each succeeding year, prepare a list, in the form given in the Second Schedule to this Ordinance, containing the names of all persons in the district who are liable for enrolment and service or who volunteer for service under the provisions of this Ordinance.

(2) When such list has been prepared the District Commissioner shall cause a copy thereof to be affixed in a conspicuous manner at his office and court-house, and shall cause a notice to be inserted in at least one newspaper of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be earlier than two weeks not later than four weeks (unless for special reasons) after the date on which the copy of such list was affixed as aforesaid.

(3) Upon the date and at the place so notified the District Commissioner shall hold a court, and shall, on due proof by the oath of such person as <sup>he</sup> shall see fit to examine or by statutory declaration or affidavit, correct all errors in such list, either by adding thereto the names of persons liable to enrolment and service or by striking out the names of persons who have been exempted. Such court may be adjourned from day to day until all questions as to the correctness of the list have been determined. The decision of the District Commissioner upon any question arising in regard to the correction of the list shall be subject to appeal to the Court of a First Class Magistrate.

(4) As soon as all questions as to the correctness of the list have been determined as aforesaid, the District Commissioner shall forthwith transmit such corrected list to the Commander.

Change of  
residence.

14. Any member of the Auxiliary Force who leaves the Auxiliary Force District to reside in another Auxiliary Force District shall forthwith notify the District Commissioner and the District Commandant of each such District and any such member who fails to make such notification shall be guilty of an offence and shall be liable on conviction to a term of imprisonment not exceeding one month or to a fine not exceeding ten

pounds.

PART III.

ARMS, EQUIPMENT AND TRAINING.

Government to provide rifles and ammunition.

15. Such rifles, ammunition, equipment and uniform as may be prescribed shall be provided by the Government for members of the Auxiliary Force and will be issued in accordance with regulations.

Duties in regard to Government rifles etc.

16. Every member of the Auxiliary Force in possession of a Government rifle, ammunition, equipment and uniform as hereinbefore provided shall be responsible for the same and for keeping the same in a good and efficient condition, and shall be liable for any loss of or damage to such rifle, ammunition, equipment or uniform, due to his act, neglect or default.

Peace training.

17. (1) The peace training of each Class of the Auxiliary Force shall be carried out in accordance with regulations made under this Ordinance and every member of the Auxiliary Force shall undergo such peace training in any year as shall be notified in accordance with the provisions of section 19 of this Ordinance.

(2) The time occupied in proceedings to or returning from a camp or place of assembly or instruction shall not be reckoned as part of the prescribed period of peace training.

Power to exempt from peace training.

18. A District Commissioner may, with the approval of the Commander, exempt any member of the Auxiliary Force in his District from the performance of the whole or any part of his compulsory peace training under the provisions of section 17 of this Ordinance.

Notification of time and place of peace training.

19. The date and place of every course of peace training shall be notified by the Commander and notice

of such date and place published in the Gazette and in the Auxiliary Force Orders and in such other manner as may be prescribed shall be sufficient notice to every member of the Auxiliary Force.

Penalty for non-attendance at peace training.

80. If any member of the Auxiliary Force without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fails to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of peace training, or fails to complete such course, then and in any such case such member shall be liable, on conviction before a magistrate of the First or Second Class, to a fine not exceeding twenty-pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment:

Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or any regulations made thereunder.

#### PART IV.

##### MOBILIZATION.

Calling out and mobilization of the Auxiliary Force.

81. (1) Whenever in the opinion of the Governor it shall be necessary to repel external aggression, or to aid the civil authority in the protection of life and property and to prevent and suppress internal disorder in the Colony, the Governor may, by proclamation, call out and mobilize the Auxiliary Force or such part or parts thereof as he may deem necessary for active service:

Provided that a proclamation under this sub-section may call out the members of either Class or both Classes mentioned in section 8 of this Ordinance, but so that the members enrolled in Class II shall not be called out until the members enrolled in Class I have been called out:

Provided further that the Governor, may by such proclamation, in lieu of calling out and mobilizing the Auxiliary Force or any part thereof as aforesaid, order the Auxiliary Force or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate mobilization.

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

22. Members of the Auxiliary Force shall, when they are on active service or when called out in a manner provided by the last preceding section or when ordered to hold themselves in readiness for mobilization in manner provided by the second proviso to section 21(1), be subject to the provisions of the Army Act, 44 and 45 Vict.Ch.58, and all Acts amending or substituted for the same, so far as applicable, but so that the Regulations under section 31 of this Ordinance may prescribe that any provisions of those Acts shall not apply to the Auxiliary Force:

Provided that -

- (a) the words "the Auxiliary Force" shall be read therein for the words "Regular Forces", the words "member of the Auxiliary Force" for the words "officer or soldier", as the case may be, and the word "Governor" for the words "His Majesty" and "Secretary of State";

Discipline of the Auxiliary Force on mobilization to be governed by Army Act, 44 and 45 Vict.Ch.58.

(b) no sentence of a court-martial upon the trial of a member of the Auxiliary Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

Liability of population to provide transport etc.

23. On the mobilisation of the whole or any part of the Auxiliary Force for active service, every resident (whether he is or he is not a member of the Auxiliary Force) shall be liable to provide transport and supplies in his possession if so required; and any person who without reasonable cause or excuse, fails to comply with the requirements of this section shall be liable on conviction before a magistrate of the First or Second Class, to a fine not exceeding one hundred pounds or to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

Auxiliary Force not to be called out for ceremonial parades.

24. No member of the Auxiliary Force shall be liable to be called out for ceremonial parades or for any purpose other than as provided in this Ordinance.

Penalty for breach of duty.

25. Any member of the Auxiliary Force who, after any proclamation has been published in pursuance of the provisions of section 21 of this Ordinance, without reasonable cause or excuse fails to attend or absents himself without the permission of some competent authority, or refuses or neglects to obey any lawful command of his superior officer, shall be liable, on conviction before a magistrate of the First or Second Class, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment:

Provided always that no such conviction shall be deemed to exempt the person convicted from service or

from any future liability to serve under the provisions of this Ordinance.

PART V.

MISCELLANEOUS PROVISIONS.

Temporary absence of members, and exemptions from service of certain persons.

26. The provisions of this Ordinance shall not apply to any member of the Auxiliary Force during his temporary absence from the Colony, nor to any person while serving in the Kenya Regiment (Territorial Force) established under the Kenya Regiment (Territorial Force) Ordinance, 1936, or in the Reserve or Special Reserve thereof:

No. of 1936.

Provided that except as hereinafter provided every person on the date of the completion of his service with the Kenya Regiment (Territorial Force) or with the Reserve or Special Reserve thereof shall be deemed to be a member of the Auxiliary Force in Class II thereof as provided for in section 8 of this Ordinance and to be subject in all respects to the provisions of this Ordinance:

Provided further that the provisions of the above proviso shall not apply to any officer or member of the Kenya Regiment (Territorial Force) (excluding the Reserve thereof) between the ages of 18 and 30 who has been permitted to resign therefrom before having completed the full term of his service therewith, nor to any such officer or member of the Kenya Regiment (Territorial Force) (excluding the Reserve thereof) whose service with the Regiment has been unsatisfactory. A certificate signed by the Commanding Officer of the Unit to which such officer or member belongs to the effect that such officer or member was permitted to resign or a certificate signed by the Commanding Officer of such Unit and approved by the Commander, Local Forces, Kenya and Uganda, to the effect that the service of any officer or member of the Kenya Regiment (Territorial Force)

has been unsatisfactory shall be sufficient for the purposes of this proviso, provided that in the latter case the certificate shall be shown to the officer or member of the Auxiliary Force concerned before being sent to the Commander, ~~Local Force~~, Local Forces, Kenya and Uganda. Any such officer or member who has been permitted to resign or whose service has been unsatisfactory shall be deemed to be a member of the Auxiliary Force in Class I thereof and to be subject in all respects to the provisions of this Ordinance, except that the amount of peace training to be done by him shall be in the discretion of the Commander.

Right of members to volunteer service in His Majesty's Forces.

27. Nothing in this ~~existing~~ Ordinance contained shall be deemed to prevent any member of the Auxiliary Force from volunteering to serve in any of His Majesty's Regular or other Forces.

Co-operation of employers.

28. (1) It shall be the duty of every employer to give all proper facilities for enabling any person in his employ to enter upon and carry out any service or peace training in the Auxiliary Force for which he is liable or eligible.

(2) Any employer who -

(a) fails to give the facilities aforesaid; or

(b) by dismissing an employee or by reducing his wages or in any other manner whatever penalizes him for entering upon or carrying out any service or training as aforesaid; provided that this paragraph shall not be construed to require an employer to pay any person in his employ any wages or salary for the time he is absent from work for the purpose of peace training or during the time he is engaged on active service; or

(c) by words, conduct, or otherwise directly or

indirectly compels, induces, or prevails upon, or attempts or compel, induce, or prevail upon, any person in or seeking his employ to do or refrain from doing any service or <sup>peace</sup> training under this Ordinance for which he is liable or eligible, shall be guilty of an offence and shall be liable, on conviction before a First or Second Class Magistrate, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(5) In proceedings under this section the burden shall lie upon the employer of proving that any person in his employ who has been dismissed or has suffered a reduction of wages, or has been in any other manner penalized, was dismissed, reduced or penalized for some good reason and that such reason is in no way connected with the service or peace training aforesaid.

Governor may award gratuity or pension in certain events.

29. (1) In the case of any member of the Auxiliary Force who is temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him when on active service as provided by section 21 of this Ordinance, the Governor may award to such member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no gratuity shall exceed two hundred and fifty pounds and no <sup>such</sup> pension shall exceed one hundred pounds per annum.

(2) The Governor may assign to the widow or family of any such member who may be killed in action or on active service as provided in section 21 of this Ordinance a pension or allowance of such amount as may be prescribed.

(3) No pension or gratuity payable under this Ordinance shall be assigned or transferable, nor shall

the same be attached, arrested or levied upon for or in respect of any debt or claim due to the recipient thereof or his wife.

Penalty.

30. Any person who contravenes or fails to comply with any of the provisions of this Ordinance for which no other penalty is provided shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

Power to make regulations.

31. (1) The Governor may from time to time make regulations providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this Ordinance and where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient for giving full effect to this Ordinance, providing for or supplying such omission or insufficiency and without prejudice to the foregoing powers, providing for all or any of the following matters -

- (a) the general government, discipline, peace training and management of the Auxiliary Force;
- (b) the establishment of units of the Auxiliary Force and the various grades, numerical establishment, ranks and appointments therein;
- (c) the attendance at drill, inspection, classes and courses of instruction of members of the Auxiliary Force and the examination of members of the Auxiliary Force as to proficiency in military professional subjects, and the granting of certificates of proficiency in military professional subjects;
- (d) the appointment to, seniority of, promotion in

- and tenure of commissioned or non-commissioned ranks in the Auxiliary Force;
- (e) the leave of absence, suspension, reduction and discharge of members of the Auxiliary Force;
  - (f) the condition as to physical fitness for service in the various units of the Auxiliary Force;
  - (g) the fixing of rates of pay and allowances and issues of rations to members of the Auxiliary Force when called out under section 21 of this Ordinance;
  - (h) the enrolment of all persons liable for service in the Auxiliary Force;
  - (i) the convening, composition, procedure and power of boards of officers and courts of inquiry;
  - (j) the payment of compensation to widows and families of members of the Auxiliary Force as provided in section 29 of this Ordinance;
  - (k) the requisitioning of means of conveyance and transport for service with the Auxiliary Force when called out under section 21 of this Ordinance;
  - (l) the conveyance by air, road, rail, or water of members of the Auxiliary Force and their transport and equipment when travelling on duty;
  - (m) the requisitioning of goods, provisions, supplies and accommodation for members of the Auxiliary Force when called out under section 21 of this Ordinance;
  - (n) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Auxiliary Force;

- (o) the compiling of registers of transport and the duties of members of the Auxiliary Force in connection therewith;
- (p) the establishment and conduct of camp, regimental, or district institutions for providing recreation and refreshment to members of the Auxiliary Force;
- (q) the returns, books, forms and correspondence relating to the Auxiliary Force;
- (r) all matters which are by this Ordinance required or permitted to be prescribed.

(2) Such regulations may provide as a penalty in respect of any breach thereof for a fine not exceeding fifty pounds which may be recovered in any court of competent jurisdiction at the instance of the District Commandant of the Auxiliary Force District in which the person infringing the same resides.

Member of permanent Staff may institute proceedings and appear thereat.

52. Any member of the permanent staff of the Auxiliary Force may institute proceedings against any officer or member of the Auxiliary Force for offences against this Ordinance or the regulations made thereunder and may thereafter appear in any magistrate's court and prosecute the person against whom such proceedings have been instituted, and for such purpose every member of the permanent staff of the Auxiliary Force shall have the right of audience in any magistrate's court. This provision shall be in addition to and not in derogation of any similar provision or part thereof relating to any person under this Ordinance or under any other Ordinance.

Repeal.  
No. 12 of 1926.  
No. 17 of 1930.  
No. 47 of 1931.

53. The Defence Force Ordinance, 1927, as amended by the Defence Force (Amendment) Ordinance, 1930, and the Defence Force (Amendment) Ordinance, 1931, and all regulations made thereunder are hereby repealed:

FIRST SCHEDULE.

(1) The following persons are exempted from all the obligations imposed by the Ordinance -

- Ministers of religion who have undergone a ceremony of ordination in a recognised church;
- Judges of the Supreme Court;
- Members of the Executive and Legislative Councils;
- Officers and non-commissioned officers of the King's African Rifles;
- Officers of the King's African Rifles Reserve of Officers;
- Officers of the Regular Army Reserve of Officers;
- Officers of the Territorial Army Reserve;
- Officers and personnel of the Royal Naval Reserve or the Reserve of the Royal Marines;
- Serving Officers and men of the Kenya Royal Naval Volunteer Reserve;
- Officers and non-commissioned officers of the Police Force;
- European Officers of the Prisons Service.

(2) Duly accredited members of Missionary Bodies are exempted from the obligations imposed by the Ordinance except from the liability to perform after mobilisation services of a non-combatant nature.

(3) Administrative Officers and Resident Magistrates are exempted from all the obligations imposed by the Ordinance except where specified duties are assigned to them under the Ordinance.

SECOND SCHEDULE.  
REGISTRATION LIST.

Administrative District.....  
Auxiliary Force District.....

No.	Name.	Residence.	Calling.	Nationality.	Previous military service (if any) and technical qualifications.	Class in which enrolled.

C. O.

Mr. Grossmith.

Mr. ~~Tarkin~~ *276*

Mr. ~~Cole~~ *2876 f*

Sir C. Parkinson *2876*

Sir G. Tomlinson *2876*

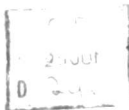
Sir C. Bottomley.

Sir J. Shuckburgh.

Permd. U.S. of S.

Parly. U.S. of S.

Secretary of State.



Rowning Street,

31 June, 1936.

Sir,

I am etc. to transmit to

you for the information of the Army

Council a copy of an interim report

which has been submitted to the

Governor of Kenya by the Committee

appointed to examine suggestions for

the re-organisation of the defence

forces of the Colony.

2 The Governor has accepted

the conclusions reached by the

Committee contained in paragraph 9

of the report and he wishes that the

Army Council may be approached with

a view to the ~~ad~~ndment of a

suitable Regular Officer of the rank

of Captain in the British Army as

early as possible for <sup>employment</sup> service in

Kenya in the proposed dual post of

Adjutant

**DRAFT.**

THE UNDER SECRETARY OF STATE,  
WAR OFFICE.

*573*

*Cpy of Encl to No 3.*

**FURTHER ACTION.**

C. G.

Mr.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Stuchburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

**DRAFT.**

ruling rates. The only variations in such terms of service which are recommended are that the officer should be granted the same travelling and motor allowances, when travelling within the Colony in connection with his duties, as are accorded to civil officers in the service of the Kenya Government, and that, if married he should be granted such passage allowance and travelling privileges as are given to married civil

Officers. <sup>In this case</sup> ~~This would mean that~~ the officer would be granted a free ~~first~~ ~~class~~ passage and an allowance of £40 towards the cost of the passage tickets of his wife ~~and~~ family between

England and E. Africa. *The point would be made only in respect of passage in East African Service - term of service.*  
The Governor agreed with

Colonel Campbell that Captain Lord Stratheden ~~of the 1st~~ Goldstream

Guards

**FURTHER ACTION.**



RECEIVED.

30 May, 1936.



Sir,

to correspondence terminating in your telegram No. 44 of the 4th March, 1936, on the subject of the re-organisation of the Defence Forces of the Colony, I have the honour to forward, for your information, the accompanying copy of an Interim Report which has been submitted to the Governor by the Committee appointed to examine suggestions for the re-organisation of the Defence Forces of the Colony.

2. Sir Joseph Byrne has accepted the conclusions reached by the Committee contained in paragraph 9 of the Report and in his absence from Nairobi has instructed me to approach you on the subject of the appointment of a Staff Officer.

3. The Governor would be glad, provided you see no objection, if the Army Council could be asked to second a suitable Regular Officer of the rank of Captain in the British Army as early as possible for service in this Colony in the proposed dual post of Adjutant of the Kenya Territorial Force and Staff Officer of the Kenya Reserve Force.

The Commander, Northern Brigade, King's African Rifles, has advised Sir Joseph Byrne that it would have a better effect locally if the holder of the new post were not attached to the King's African Rifles and that the officer should hold an independent

appointment

THE RIGHT HONOURABLE

J. H. THOMAS, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON S.W.

38090/1/35

(13)

Report.

By order to W.O. 14

appointment. It will be observed that the Committee supports Colonel Campbell's recommendation, which has the approval of the Governor.

5. In the circumstances it is proposed that the selected officer should be seconded from the Regular Army to the independent post suggested on a fixed salary at the rate of £750 per annum, with terms of service as regards length of tour and leave, etc., similar to those of which officers of the British Army are usually seconded to the King's African Rifles and with free quarters, suitable for a single man, or allowance in lieu in accordance with ruling rates. The only variations in such terms of service which are recommended are that the officer should be granted the same travelling and motor allowances, when travelling within the Colony in connection with his duties, as are accorded to Civil Officers in the service of this Government, and that, if married, he should be granted such passage allowance and travelling privileges as are given to married Civil Officers.

6. I have to add that in the opinion of Colonel Campbell Captain Lord Stratheden of the 1st Coldstream Guards is well qualified for the dual post and that Sir Joseph Byrne, therefore, suggests that the Army Council be approached with a view to the appointment of this officer, if possible.

7. In connection with the request contained in this despatch I have to observe that the Governor has concurred in the advice tendered to him by Colonel Campbell that Colonel T.O. Fitzgerald, O.B.E., M.C., the present Staff Officer "G" of the existing Kenya Defence Force, should be given three months notice of the termination of his appointment in accordance with the terms of the agreement under which he is serving. Since Colonel

Fitzgerald

Fitzgerald has ceased for some years to be a regular serving officer it is not considered that he would be suitable for the new post it is intended to create. His appointment is being terminated accordingly.

8. Until such time as the final Report of the Defence Committee is submitted to the Governor and has received consideration, and until legislation which the Committee may recommend, creating new Defence Forces to replace the existing Kenya Defence Force, has been enacted and provision can be made in the Annual Estimates of the Colony for the necessary expenditure, it is intended that the salary and other expenses connected with the new appointment should be met from general savings which it is anticipated will occur on the various amounts provided in the current Estimates for the Kenya Defence Force.

I have the honour to be,  
SIR,  
Your most obedient servant,

*Arthur D. S.*

GOVERNOR'S DEPUTY

INTERIM  
REPORT

Your Excellency,

We, the Committee appointed by Your Excellency on the 4th April, 1936, with the following terms of reference:-

- (a) To examine the suggestions for the reorganization of the Defence Forces of the Colony contained in the Colonial Office despatch of 5th February, 1936, and to submit for the consideration of the Government and of the Secretary of State a report thereon;
- (b) To prepare such draft legislation as may be necessary in accordance with paragraph 7 of the despatch;

consider that it will be of advantage, for the reasons which will appear below, to submit to Your Excellency at this stage an interim report of certain of the conclusions which we have already reached.

2. We began our enquiry by considering the Defence Problem of the Colony and reached the conclusion that it was twofold -

- (a) Defence against External Aggression;  
(b) Defence against Internal Disturbance.

3. We are of the opinion that the parts which the European British subjects of Kenya are called upon to play in relation to these two aspects of defence are distinct and that no organization which does not reflect this distinction will be satisfactory.

2.

4. We consider that in any future war in East Africa the primary function of the European male community in the event of external aggression should be to supply officers, non-commissioned officers and instructors for the expansion of the King's African Rifles which, in our view, must follow the threat of war.
5. We do not consider that in present conditions an internal disturbance of any magnitude is likely to occur in this Colony, but we are of the opinion that some form of organization of the European Community is necessary to protect life and property should any disturbance occur. We consider that in the event of a disturbance the part which will devolve upon the European Community will be to hold the fort in outlying districts for the short time which must elapse before the regular forces arrive.
6. For reasons which will be fully stated in our ultimate report we consider that a volunteer force on the Territorial basis is the organization best suited to train the nucleus of officers, non-commissioned officers and instructors to be used in the event of external aggression.
7. We consider that a compulsory force consisting of the balance of able-bodied European British male subjects, who have not enrolled in the Volunteer Unit, should be established as a Reserve to the Volunteer Force and for the protection of life and property in the event of internal disturbance.

/8. We

8. We consider that the training to be given to the Volunteer Force should be directed primarily to creating a nucleus of officers, non-commissioned officers and instructors, and that the training of the Compulsory Force should be confined to -

- (a) the training of men between the ages of 18 and 30 by means of annual camps, such training to be directed to fitting them for the function of internal defence;
- (b) such training as is necessary to acquaint men over the age of 30 with the part which they are called upon to play in local defence schemes, and such voluntary instruction through Rifle Clubs as is necessary to make them proficient in the use of the service rifle.

9. We consider that in order to ensure that suitable up-to-date training is afforded to the Volunteer Force it is essential that a specially selected Regular Officer of the rank of Captain in the British Army should be appointed as Staff Officer of both Units of the new Force.

We do not agree with the suggestion contained in paragraph 4 of the Secretary of State's despatch that the Staff Officer should be supplied from the Northern Brigade, King's African Rifles.

We consider that the Staff Officer should not be below the rank of Captain, and owing to the prevalence of junior officers now serving with the Northern Brigade, the range of selection would be limited. Even if a Captain could be spared from the Brigade, which is not possible at the present time, there is only one who will not have completed his present tour before the Force is on its feet.

10. While we have still to make up our minds regarding the details and precise functions of the

proposed forces, we are of the opinion that our final recommendations will be on the general lines indicated above.

We have been impressed with the general concensus of opinion that in any reorganization of the Colony's Defence Forces the Staff Officer and instructors should be drawn from the serving army, and we are of the opinion that, whether our recommendations are accepted finally or not, it will be found desirable to appoint the Staff Officer of whatever force is ultimately established from the Regular Army.

11. We therefore venture to suggest that, if these conclusions as far as they go meet with Your Excellency's approval, to avoid delay immediate steps should be taken to approach the Secretary of State and the War Office with a view to selecting a suitable regular serving officer, not below the rank of Captain, as Staff Officer of the new Force.

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

(Signed) J. J. Campbell, CHAIRMAN.  
Colonel.

" T. D. H. Bruce.

" R. W. Hemsted.

" A. Dunstan Adams, Col.

" F. V. Ward.

1000

38 Dec 1936



7

Mr. *Downhill* 25736  
Mr. *Shuck* 715  
Mr. *Scott* 8

Sir C. Parkinson  
Sir G. Tomkinson

X Sir C. Bottonby 9

Sir J. Shuckburgh  
Permt. U.S. of S.  
Parly. U.S. of S.  
Secretary of State.

AIR MAIL

Yr. pr Sir C. Bottonby's  
Signature.

DRAFT.

British General  
Sir Joseph Byrne  
G.M.G., C.B.E., C.B.

11  
My dear Payne.

11 May, 1936

We have been making enquiries about the possibility of securing *Colonel* Lord Skelthorpe for the appointment of Staff Officer for the Local Forces and Adjutant of Territorials. I understand from the War Office that there is a reasonable prospect of his services being available and that he could like the appointment.

FURTHER ACTION.

I gather from your letter of the 16th of April that you propose to ask for his

55  
Series, to replace Colonel Fitzgerald,  
without writing for until decisions  
have been taken on the organization  
of the Technical Force. This would make  
it rather difficult to give him  
any very precise information as to his limits & responsibilities  
in future, but as I do not suggest  
that this ~~is~~ would necessarily cause  
any serious difficulty, but I have  
thought it as well to mention the  
point, to ensure that it is  
covered in your despatch.

Our idea is that  
(as in the case of the Artillery Officer  
for the Bombardier battery) he should  
be appointed to the U.A.R., for  
employment ~~as~~ as Staff Officer  
& Adjutant, Local Forces, (or whatever  
title you may decide to be appropriate,  
pending a final decision on the  
organization of your forces).

Yours sincerely,

(Signed) W. C. BOTTOMLEY.

274  
END

EXTRACT From a letter from Sir Joseph Byrne  
to Sir Cecil Bottomley.  
Dated 16th April, 1936.

x x x x

As regards the Defence Force, the Committee should commence its investigations next week and I hope their report will be issued without undue delay. I imagine that Mr. Thomas' suggestions will form the main basis of their recommendations for it is clear that finance will be the deciding factor and this will rule out any grandiose ideas of expensive conscript training designed to "discipline the youth of Kenya". In this connection there is one matter regarding which I would be grateful for your help. Colonel Campbell and I both agree that the type of Officers we have in the King's African Rifles is not suitable for the appointment of Local Forces' Staff Officer and Adjutant of Territorials (as suggested in the Secret - despatch). In this peculiar country a very special class of man is required. Campbell has ascertained privately that Captain Lord Stratheden, Coldstream Guards, would be willing to come and that his Commanding Officer would have no objection. He is I'm told very suitable, having already been a Territorial Brigade Major (a Guards, plus a title, appeals to the settler community here). Could you possibly ascertain whether we would be successful if we sent in an official application for this officer's services? The salary would I think be £700 a year but this is not material as I understand Stratheden has money. If I received a favourable reply from you I would send a despatch by Air Mail and at the same time give notice of termination of appointment to Colonel Fitzgerald, the present Staff Officer, whom Colonel Campbell is very anxious to get rid of.