

1926

KENYA

24

X. 4236  
12 MAY 1926

GOVERNOR'S DEPT  
NORTHCOLE

CONF. DATE  
50 9th April 1926.

REGULATIONS

APPOINTMENTS & DISMISALS OF OFFICERS.

Considers that the limits imposed upon the power of the Governor by Sections 29 and 51 of the Colonial Regulations might be increased as indicated.

U.S. of S.

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Secretary of State

Previous Paper

X (80)	15/8
Mr Allen	2/5
Mr Smith	25/6
Mr Allen	4/6
Mr Botterby	2/5
General Dept	24/6
Mr Allen	2/7
Mr Botterby	4/7
Room 29	
Room 3	9/7
Room 259	

Subsequent Paper

X. 10239 (Local Affairs)  
10496 (2)

C.R. 29 relates to appts :-

	<u>Present Regn.</u>	<u>Proposed</u>	
Class I	£100	£300	(Reported in quarterly return.
" II	£100-£300	£300- £450	(Report vacancy at once and person recommended.
" III	£300	£450	(Reports vacancy but any appt. to be provisional.

C.R.51 relates to dismissals and disciplinary action against officers on salary not exceeding £100 a year. It is proposed to raise this to £450. (N.B. Any change made would affect C.R's 53 and 73 also).

The change in the case of Ceylon was made in 56776/23, that in the Straits in 59247/20. There is a further precedent in Mauritius (52418/22), and the same question came up in 59783/21 Sierra Leone. In the last mentioned paper it appears that in that case the Letters Patent and Order-in-Council were also affected, and I understand from the Chief Clerks Dept., that if any similar change is made in Kenya the Royal Instructions and Letters Patent will also be involved. I understand that this question is to be considered generally by the Colonial Regulations Committee, and I therefore pass on to you for obsons. If the Kenya proposals are thought rather drastic, that is no

doubt

*to [unclear] - see also  
297/113 S. 189*

M. B. Stanley

I understand from Mr. Smith that the Colonial Regulations Committee will probably shortly reach Colonial Regulation 29, when the other Regulations concerned will also come up. Action on this may also be deferred in the meantime, but this paper should go to the General Department to be brought to the notice of the Committee.

M. B. Stanley

26/5/26

General Dept.

I agree, except that, if the Act is not being taken into consideration, on these limits (CR 29, 51) which we can send out within say 3 months, I do not think we should be under any obligation to the effect that the houses are being generally considered by an Office Act.

M. B. Stanley

27.5.26

The Colonial Regs. Com. at their meeting yesterday amended CR 29 to read:—  
Class I. Those of which the initial expenditure do not exceed two hundred pounds per annum  
Class II. Those of which the initial expenditure exceed two hundred but are less than four hundred pounds per annum  
Class III. Those of which the initial expenditure are not less than four hundred pounds per annum  
and CR 51, £200 was substituted for £100.  
CR 53 was not reached: but the sum specified there must be the same as that in CR 51.

The

The Committee considered that the question of what authority should be given to the Governor of Kenya in this matter was not for the P. of C. to decide

John 24/1/20

The provisions of the instruments referred to in para 5 are at present as follows:-

[ P. 1920  
O.M.C. (Prot.) 1920 ] Governor may dismiss any officer whose ~~total~~ permanent emoluments do not exceed £100 p.a. may suspend any officer.

R. 1 1920

Appointments to posts whose initial emoluments exceed £100 to be provisional only pending allowance or otherwise by H.M. through S.G.S.

Suspension of any officer whose permanent emoluments exceed £100 to be subject to procedure in lines of Col. Regs.

In the H. Coast the limit for Class I has already been raised to £300. We can agree to this figure for Kenya, although the revised Col. Reg. will give £200 only. A similar figure may be adopted for C.R. 5-1 & 5-3 as applied to

Kenya. As regards Class II, I think that Kenya should be asked to accept the new C.R. figure of £400. This would keep people like Asst Treasurers (revised <sup>initial</sup> salary £360 plus quarters) within the control of the S.G.S., whereas £450 would not.

In communicating to you whatever decision is ~~reached~~ reached we can say (as to leave a 59783/21) that amendment of the O.M.C. R. 1. R. P. will be effected at a convenient opportunity (for Howell to note)

C. J. Jeffries 2.7.16

Off for lunch say if that the books are under forward cover for that for the present the J.M. may carry on as indicated at A in the Jeffries' minutes. Add as at A.

C.S. Howley

2/26

Howley

To see

you will write notes

to amend R. 1 as a permanent officer in C does not by any fullness means in this connection

14/7

9 July, 1926.

28

Sir,

I have the honour to acknowledge the receipt of your confidential despatch No. 50 of the 9th of April, on the subject of the limitation of your powers under Sections 29 and 51 of the Colonial Regulations in respect of appointments and dismissals of officers.

1. The question of amending the salary limits contained in these regulations is at present under consideration for Colonies generally. For the time being, however, I am prepared to approve of the limit, so far as Kenya is concerned, for the purposes of Class I in Regulation 29, and for the purposes of Regulations 51 and 52, being raised from £100 to £300; also of the maximum of Class II in Regulation 29 being raised from £200 to £400, which is the figure proposed for application to Colonies generally.

2. The question of amending the Order in Council, Letters Patent and Royal Instructions will be taken up at a convenient opportunity. I am advised that there is no objection in the meantime to effect being given to the above decision.

I have the honour to be,

Sir,

Your most obedient  
humble servant,

(Signed) L. S. AMERY

907 X 4236/26

Kenya

29

9/2/26  
to

- Mr. E. J. Harding
- Mr. Strachey
- Mr. J. Shackburgh
- Mr. G. Grindle
- Mr. C. Davis
- Mr. S. Wilson
- Mr. Gensby-Grove
- Mr. of Clarendon
- Mr. Amery

C	D
R	8 JUL
D	9

9th July 1926

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**DRAFT.**

Kenya

Conf

Gen. Gugg.

in Howell to  
see after  
action.

9/2/26  
20/7/26

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for the purposes

of Regulations 51 and 53,

being raised from £100 to

£300; ~~The figure proposed~~

also of

~~for Colonies generally as~~

the maximum of Class II

being raised from £500 to

in Regn 29 to £400, and

which is the figure proposed

~~in my opinion that this~~

for application to Colonies

should be ~~substantially~~ <sup>not too</sup> high

generally.

~~in Kenya.~~

3. The question of amending

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Patent & Royal Instructions

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X. 4236

GOVERNMENT HOUSE  
NAIROBI

KENYA 30

KENYA

No. 50

CONFIDENTIAL.

9th April 1926.

Sir,

I have the honour to address you on the subject of the limitation of the powers of the Governor under Sections 29 and 51 of Colonial Office Regulations, 1925 in respect of appointments and dismissals of Officers.

2. I am informed that in Malaya the limits of Classes I and II in Regulation 29 are deemed to be 3000 and 5000 dollars respectively and that in Ceylon the appointments by Ceylonese officers and promotions of any officers already in the service of the Ceylon Government to posts carrying salaries of less than £450 per annum are not now referred to you for your approval.

3. As regards Colonial Office Regulation 51, I understand that the limit has been raised in the case of Ceylon to £200 while in Malaya, though the limit has not been raised, the Governor under Letters Patent has power of dismissal of any public officer whose

pensionable

RIGHT HONOURABLE

LIEUTENANT COLONEL

L. C. M. S. AMERY, P.C., M.P.

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

pensionable emoluments do not exceed 3000 dollars per annum.

It is also the case that the General Manager of the Kenya and Uganda Railway was authorized to deal with appointments on grades of pay up to 2250 per annum vide your Confidential despatch of June 26th, 1925.

O.A.C.  
21295  
25

4. As you are aware it is only the very junior staff in Kenya who are appointed on an initial salary as low as £100 per annum, and I suggest that the time has arrived when an increase in the limits imposed in Regulations 29 and 51 might be approved.

These appear to have been designed to correspond with each other. I suggest for your consideration that the regulations be altered to read as follows :-  
Regulation 29.

Class I. Those of whom the initial emoluments do not exceed £300 per annum.

Class II. Those of whom the initial emoluments exceed £300 but do not exceed £450 per annum.

Class III. Those of whom the initial emoluments exceed £450 per annum.

Regulation 51 that the £100 per annum limit be raised to £450 per annum.

5. If these suggestions are approved corresponding emoluments would be required of the Letters Patent, 1920, Article XVIII, The Kenya Protectorate Ordinance Council 1920, and Article XVI,

Royal Instructions of September 11th, 1920.

32

I have the honour to be,

Sir,

Your most obedient,

humble servant,

*J. A. Hartnett*

GOVERNOR Deputy