

EAST AFR. PROT.  
No. 34184

C O  
34181  
Recd  
17 SEP 06

Series No.  
14

(Subject)

1906

Police Ordinance

at previous Paper.

Submits - to replace Indian Act now applied. It has been drafted by Co-advocate in consultation with J. G. of Police.

(Minutes)

Mr. Risley

H. J. R.

Secy  
21/31.

18/9

Mr. Cox  
Mr. Antoku

Sec 11 is a very considerable violation of Sec 7 of the Indian Act 5 of 1880 (of which this Act is an adaptation). At first I thought that the numbered punishments were confined to the numbered offences, but this is obviously not so because there are 10 offences & 9 punishments mentioned, and the ~~text~~ clearly says that any one or more of the 9 punishments may be awarded for any of the 10 offences. This power is limited by subsec (2) in the case of the junior officers, but the Inspector ~~can~~ at any rate is given power to inflict successive punishments for the less heinous kinds of offences - viz. A fine of a month's pay & a suspension for maladministration, to take an extreme example.

Commissioner's Office,

Nairobi,

August 11th 1906.

AFRICA PROTECTORATE

No. 441

(Incl. 1)

34131

My Lord,

In obedience to the instructions contained in Your

Lordship's despatches Nos. 527 of December 8th 1905 and 146

of March 31st last, I have the honour to submit herewith a

draft Police Ordinance to replace the Indian Act which is

now applied to this Protectorate, together with a table

showing the source of each section.

This Ordinance has been drafted by the Crown

Advocate after consultation with the Inspector General of

Police.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

J. G. Galloway

Principal Secretary of State

(In the absence of H.M. Commissioner)

for the Colonies,

Downing Street,

LONDON, S.W.

responsible by the Inspectorate - second procedure  
to inspect cases, but it is copied exactly from the  
Indian Act and been warranted by Sec 356 of  
the Criminal Procedure Code.

Sec 20 to the present members of the force. All right, I think.

Sec 30 to the term "a just" appropriate to E. Africa?

Sec 35 for "Regulation or ordinance" (in 2 places) I still prefer  
"laws order or bye."

There are the following minor errors -

- Sec 8(1) offence (9) "facts" should be "factories"
- Sec 29(1) last word but one "the" should be "this"
- (5) last word "despence" should be "despense"
- Sec 33. offence - "offencior" should be "offension"
- Sec 35 last word but one before proviso - "the order" should  
be "this order"

Subject to the above errors I think the Indian Act  
has been well & carefully adapted.

J.S.A. 11/10

the author

affairs Dept subject to  
shown as above?

H.B. 11/10

W.H. Oct. 20  
at ...

34184

REC'D  
15 SEP 06

ORDINANCE.

An Ordinance enacted by His Majesty's  
Commissioner for the East Africa Protector-  
ate.

Nairobi,

Dated this        day of        1906.

H.M. Commissioner.

No.        of 1906.

P O L I C E .

ort title.

1.        This Ordinance may be cited as the  
"East Africa Police Ordinance 1906".

terpretation  
ause.

2.        The following words and expressions in  
this Ordinance shall have the meaning  
assigned to them unless there be something  
in the subject or context repugnant to such  
construction that is to say:-

The words "District Superintendent"  
shall include any Assistant District Supe-  
rintendent or other European police officer  
in charge of a police district.

The word "property" shall include any  
moveable property, money or valuable  
security.

The word "cattle" shall besides horned  
cattle include camels, horses, asses, mules,  
sheep, goats and swine.

The word "carriage" includes any  
wheeled thing on which men or goods are  
carried however drawn or propelled or set

or kept in motion, except a railway engine, carriage or truck.

constitution of  
police force:

3. There shall be established in the Protectorate a police force, which shall be constituted in the manner provided by this Ordinance, and shall consist of such number of officers and men who shall receive such pay as shall from time to time be ordered by the Commissioner subject to the sanction of a Secretary of State.

superintendence vested  
in the Commissioner.

4. The superintendence of the police throughout the Protectorate shall vest in, and be exercised by the Commissioner and except as authorized under the provisions of this Ordinance, no person, officer, or Court shall be empowered by the Commissioner to appoint, supersede, or control any police functionary.

Inspector General of  
Police.

5. (1) The Administration of the police throughout the Protectorate shall be vested in an officer to be styled the Inspector General of Police and in such Deputy Inspector General and Assistant Inspector General as to a Secretary of State shall seem fit.

District Superin-  
tendents.

(2) The Administration of the police in Districts shall under the control and direction of the officer administering the police in the Protectorate be vested in a District Superintendent and such Assistant District Superintendent or European Inspectors as the Commissioner shall deem necessary.

3.

(3) In any district where there is a force of police but no Superintendent or European officer in charge the Collector or Acting Collector shall have charge of the police force in that district and shall have powers of a District Superintendent as far as regards discipline, duties, pay and distribution of men.

6. The Inspector General, Deputy Inspector General, Assistant Inspector General, District Superintendents, Assistant District Superintendents and European Inspectors shall from time to time be appointed by a Secretary of State or by the Commissioner with the sanction of the Secretary of State and may be removed by a Secretary of State.

7. The Inspector General of Police and the Deputy Inspector General shall have the full powers of a Magistrate throughout the Protectorate, but shall exercise such powers subject to such limitation as may, from time to time, be imposed by the Commissioner

8. (1) The appointments of all police officers other than those mentioned in Section 6 of this Ordinance, shall, subject to such rules (if any) as the Commissioner shall from time to time, sanction, rest with the Inspector General, Assistant Deputy Inspector General and District Superintendents or Assistant District Superintendents of Police, who may under such rules as

Directors.

Appointment of  
superior officers.Powers of Inspector  
General and Deputy  
Inspector General.Appointment dismissal  
punishment of  
officers other than  
those mentioned  
in section 6

aforsaid, at any time dismiss, suspend or reduce any police officer whom they think remiss or negligent in the discharge of his duty or unfit for the same;

or may, subject to such rules as aforesaid, award any one or more of the punishments hereinafter specified to any police officer who is guilty of any of the following offences:-

- (1) Drunkenness or drinking on duty.
- (2) Insubordination.
- (3) Striking or showing disrespect to a superior officer.
- (4) Violation of duty or wilful breach or neglect of any rule or regulations or lawful order made by a competent authority.
- (5) Malingering.
- (6) Destroying or doing away with kit or equipment.
- (7) Incurring debts either in or out of the force.
- (8) Making false statements on joining the police force.
- (9) Withdrawing from the duties of his office without permission or falls (without reasonable cause) to report himself at the expiration of his leave.
- (10) Any act, conduct, disorder or neglect to the prejudice of

~~or neglect to the prejudice of~~  
good order and discipline:-

Punishments:-

(1) Suspension.

~~Reduction~~

(2) Reduction.

(3) Confinement to Barracks for a term not exceeding 28 days.

(4) Confinement to cells for a term not exceeding 10 days.

(5) Fine to any amount not exceeding one month's pay.

(6) Deprivation of good conduct pay and badges.

(7) Removal from any office of distinction or special emoluments.

(8) Corporal punishment not exceeding 24 lashes.

(9) Dismissal.

(2) Provided that:-

(1) No officer other than the Inspector General of Police shall dismiss a native Inspector or Deputy Inspector, or non-commissioned officer.

(2) No officer below the rank of the Deputy Inspector General shall award the punishments (2),

(3) & (9) mentioned in the preceding sub-section or by the Inspector General.

days or shall impose a fine exceeding half a month's pay.

- (3) No Inspector in independent charge shall award any punishment other than confinement to barracks for a term not exceeding 7 days, confinement to cells not exceeding 3 days, or a fine not exceeding 5 rupees.

itions of appoint- 9. (1)

Every police officer appointed under the preceding section shall serve for three months on probation, and if at the expiration of the period of probation his appointment shall be confirmed in the manner prescribed by the rules hereunder he shall be enrolled in the police force for a term of three years which term shall date from the date of his first appointment.

- (2) Every such police officer on being enrolled in the police force shall be required to make the following declaration by such form of oath as he may declare to be most binding upon his conscience, or where such officer holds no oath binding upon him, by solemn affirmation.

I, ..... do hereby  
 Solemnly and sincerely declare and  
 promise that I will be faithful and  
 bear true allegiance to His Majesty  
 King Edward VII his heirs and successors



and I will faithfully serve His Majesty the King for a period of three years and will obey all orders of His Majesty and of the officers placed over me, and subject myself to all Ordinances rules and regulations relating to the police force of the East Africa Protectorate now in force or which may hereinafter come into force.

- (3) Nothing in this section shall be deemed to prohibit the re-engagement of any police officer for a period other than three years and on such re-engagement the period of service shall be substituted for the period of three years in the declaration which such officer shall be required to make under the preceding sub-section.

10. Certificates to police officer.

Every police officer appointed under section 8 shall receive, on his appointment, a certificate in the form in the schedule hereto, under the seal of the Inspector General or such other officer as the Inspector General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a police officer; Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police officer, and, on his ceasing to be a police officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

11. Surrender of certificate.

*No police officer shall engage in any employment or office whatsoever, other than his duties under this Ordinance, unless expressly permitted to do so, by the Inspector General*

8.

A police officer shall not, by reason of being suspended from office, cease to be a police officer, during the term of such suspension, the powers, functions and privileges vested in him as a police officer shall be in abeyance; but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended

ce officer not to  
without leave.

11.(0

No police officer shall be at liberty to withdraw from the duties of his office, unless expressly allowed to do so by the District Superintendent, or by some other officer authorized to grant such permission or without leave of the Inspector General of Police to resign his office.

\*

12.

The Inspector General may, from time to time subject to the approval of the Commissioner, frame such orders and rules as he shall deem expedient relative to the organisation, classification, distribution, and discipline of the police force; the places at which the members of the force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements, and other necessaries to be furnished to them; the collecting and communicating of intelligence and information, and all such other orders and rules relative to the police force as the Inspector General may, from time to time deem expedient

of Inspector  
to make

for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

Additional police officers 13. Employed at cost of individuals.

It shall be lawful for the Inspector General or any Deputy Inspector General or Assistant Deputy Inspector General or for the District Superintendent on the application of any person showing the necessity thereof to depute any additional number of police officers to keep the peace at any place within the Protectorate, and for such time as shall be deemed proper. Such force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of the person making the application;

Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector General, Deputy Inspector General, or Assistant Inspector General, or to the District Superintendent, to require that the police officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional force.

14. Whenever any railway, canal or other public work, or any manufactory or commercial concern, shall be carried on, or be in operation, in any part of the country, and it shall appear to the Inspector General that the employment of an additional police

Appointment of additional police officers in the neighbourhood of railway and other works.

force in such place is rendered necessary by the behaviour, or reasonable apprehension of the behaviour, of the persons employed upon such work, manufactory, or concern, it shall be lawful for the Inspector General, with the consent of the Commissioner, to depute such additional force to such place, and to employ the same so long as such -- necessity shall continue; and to make orders from time to time, upon the person having the control or custody of the funds used in carrying on such work, manufactory, or concern, for the payment of the extra force so rendered necessary, and such person shall thereupon cause payment to be made accordingly

recovery of moneys payable under sections 13 & 14.

15. (1) All moneys payable under sections 13 & 14 shall be recoverable by the Magistrate of the district in manner provided by the Code of Criminal Procedure for the recovery of fines, or by suit in a competent court.

(2) All moneys paid or recovered under Sections 13 & 14 shall be credited to a fund to be called "The General Police fund" and shall be applied to the maintenance of the police force under such orders as the Commissioner shall pass.

Special Police officers.

16. When it shall appear that any unlawful assembly or riot, or disturbance of the peace, has taken place or may be reasonably apprehended, and that the police force

11.

ordinarily employed for preserving the peace is not sufficient for the preservation, and for the protection of the inhabitants, and the security of property in the place where such unlawful assembly or riot, or disturbance of the peace, has occurred, or is apprehended, it shall be lawful for any police officer not below the rank of Inspector, to apply to the nearest Magistrate to appoint so many of the residents of the neighbourhood as such police officer may require to act as special police officers for such time and within such limits as he shall deem necessary; and the Magistrate to whom such application is made shall, unless he see cause to the contrary, comply with the application.

17. Every special police officer so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities as the ordinary officers of the police.

18. If any person being appointed a special police officer shall without sufficient cause, neglect or refuse to serve as such, or to obey such lawful orders or directions as may be given to him in the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty rupees for

12.

every such neglect, refusal, or disobedience

Police officers enrolled under this Ordinance shall not exercise any authority except the authority provided for a police officer under this Ordinance or any law or Ordinance now in force or which may hereafter come into force conferring any powers, rights or duties upon all or any police officer.

19.

All the provisions of this Ordinance (excepting section 9 (1) ) and of all rules orders or regulations made in pursuance thereof, shall extend to police officers who at the commencement of this Ordinance shall be serving in the police force of the Protectorate in like manner as if such person had been appointed under this Ordinance. Provided that every such police officer other than those mentioned in section 6 shall be required within one month of commencement of this Ordinance to make the declaration prescribed in section 9 (2) of this Ordinance there being substituted for the words "for a period of three years" such period of service not exceeding three years as shall be determined in each individual instance by the Inspector General, and any such police officer who at the expiration of one month as aforesaid shall refuse to make the declaration aforesaid shall thereupon cease to belong to or have any claim upon the police force.

Provided that any police officer

authority to be  
exercised by police  
officer.

provisions relating  
to police officers  
serving at the  
time of the commence-  
ment of this Ordinance.

...  
 serving in the police force before the date on which this Ordinance comes into force, and who shall be unwilling to serve under the provisions thereof, shall have the option of resigning within one month after such date.

21. Every police officer shall, for all purposes in this Ordinance contained, be considered to be always on duty, and may at any time be employed as a police officer in any part of the Protectorate.

22. It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend, <sup>and for whose</sup> ~~apprehension~~ sufficient ground exists; and it shall be lawful for every police officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking shop, gambling house, or other place of resort of loose and disorderly characters.

23. It shall be lawful for any police officer to lay any information before a Magistrate, and to apply for a ~~warrant~~ <sup>warrant, search warrant, or such other</sup> legal process as may be lawfully against

...  
 Every police officer always on duty and may serve in any part of the Protectorate.

...  
 Every police officer always on duty and may serve in any part of the Protectorate.

...  
 Every police officer always on duty and may serve in any part of the Protectorate.

any person committing an offence.

unclaimed property.

24. It shall be the duty of every police officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the district.

The police officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the district.

Magistrate may detain unclaimed property.

25. (1) The Magistrate of the district may detain the property, and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

(2) If the property is subject to speedy or natural decay, or the Magistrate is of opinion that its sale would be for the benefit of the owners, the Magistrate may at any time direct it to be sold.

unclaimed property become the property of the Government.

26. (1) If no person shall, within the period allowed, claim such property or the proceeds thereof, if sold, it may if not already sold under subsection (2) of the last preceding section, be sold under the orders of the Magistrate of the district.

(2) The sale proceeds of property sold under the preceding subsection and the proceeds of property sold under



15.

section 25 to which no claim has been established, shall be at the disposal of the Government.

27. Every person who has received a certificate and appointments as a police officer, and who ceases to be a police officer,

Every person having ceased to be an enrolled police officer under this Ordinance who shall not forthwith deliver up his certificate, and the clothing, accoutrements appointments, and other necessaries which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred rupees or to imprisonment, with or without hard labour, for a period not exceeding six months, or to both.

28. Every police officer who shall be guilty of striking a superior officer, or of any violation of duty, or wilful breach or neglect of any rule or regulation, or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, shall fail, without reasonable cause, to report himself for the expiration of such leave; or who shall be guilty of cowardice; or who shall be guilty of any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment, with or without

28.

Every police officer who shall be guilty of striking a superior officer, or of any violation of duty, or wilful breach or neglect of any rule or regulation, or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, shall fail, without reasonable cause, to report himself for the expiration of such leave; or who shall be guilty of cowardice; or who shall be guilty of any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment, with or without

hard labour, for a period not exceeding six months, or to both:

Provided that no proceeding shall be taken against any police officer under this section in respect of any offence for which he has already been punished under section 8 of this Ordinance.

regulations of public assemblies.

29. (1) The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, such procession may pass.
- (2) He may also on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the District or of the subdivision of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice, that the persons so convening or collecting such assembly, or directing or promoting such procession, shall apply for a licence.
- (3) On such application being made, he may issue a licence specifying the names of the licencees, and defining the conditions on which alone such

17.

assembly or such procession is to be permitted to take place, and otherwise giving effect to the section.

- (4) He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies.
- (5) Any Magistrate or District Superintendent of Police, or Assistant District Superintendent of Police or Inspector of Police, or any police officer in charge of a station, may stop any procession which violates the conditions of a licence granted under the foregoing sub-section, and may order it or any assembly which violates any such conditions as aforesaid, to disperse.
- (6) Any procession or assembly which neglects or refuses to obey any orders given under the last preceding sub-section shall be deemed to be an unlawful assembly.

30.

lice to keep order  
public roads.

It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats, and landing places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and procession on the public roads and in the public streets or in the neighbourhood of places of worship during the time of public worship, and in any case when any road, thoroughfare,

18.

or landing place may be thronged, or may be liable to be obstructed.

penalties for disobey- 31.  
the orders under -  
preceding sections.

Every person opposing or not obeying the orders issued under the last two preceding sections, or violating the conditions of any licence granted by the District Superintendent or Assistant District Superintendent of police for the use of music, or for the conduct of assemblies and processions, shall be liable on conviction before a Magistrate, to a fine not exceeding two hundred rupees.

the of control of 32.  
Magistrate of District.

Nothing in the last three preceding sections shall be deemed to interfere with the general control of the Magistrate of the district over the matters referred to therein.

penalty for certain 33.  
offences on roads etc

Any person who, on any road, or in any open place or street or thoroughfare within the limits of any township within the meaning of the any Ordinance relating to townships, or within the limits of any place to which this section shall be specially extended by the Commissioner, commits any of the following offences to the obstruction, inconvenience, annoyance, risk, danger, or damage of the residents or passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment not exceeding eight days, and it shall be lawful for any police officer to take into custody, without a warrant, any person who, within his view, commits any of such offences,

namely:-

First:-

Any person who slaughters any cattle or cleans any carcase, a person who rides or drives ~~or~~ any carriage or cattle recklessly or furiously, or trains or break any horse or other cattle.

Second:-

Any person who wantonly or cruelly beats abuses, or tortures any animal.

Third:-

Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading, or for taking up or setting down passengers, or who leaves any conveyance in such a manner to cause inconvenience or danger to the public.

Fourth:-

Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials; or who constructs any cowshed, stable, or the like; or who causes or permits any offensive matters to run from any factory, dung-heap, or the like.

Fifth:-

Any person who is found drunk, or riotous or disorderly or who is incapable of taking care of himself.

Sixth:-

Any person who wilfully and indecently exposes his person or any

20.

offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing <sup>in</sup> any tank or reservoir not being a place set apart for that purpose.

Section 34:-

Any person who neglects to fence in, or duly to protect, any well tank, or other dangerous place or structure.

34. (1)

A police officer may stop and detain any person whom he sees, or suspects of doing any act or thing for which a licence is required by the provisions of any Ordinance or other law and may require such person to produce his licence.

(2)

Any person who shall fail to produce such licence when called upon by a police officer may be arrested without a warrant unless he shall give his name and address to the satisfaction of the police officer.

35.

Nothing contained in this Ordinance shall be construed to prevent any person from being prosecuted under any other Regulation or Ordinance for any offence made punishable by this Ordinance, or from being liable under any other Regulation or Ordinance to any other or higher penalty or punishment than is provided for such offences by the Ordinance.

Provided that no person shall be punished twice for the same offence.

power to inspect  
cesses.

power to prosecute  
under other law not  
affected.

covery of penalties  
and fines.

36.

The provisions of the Indian Penal Code and of the Code of Criminal Procedure with respect to fines, shall apply to penalties and fines imposed under this Ordinance, on conviction before a Magistrate

Provided that notwithstanding anything contained in the first mentioned Code, any person sentenced to fine under section 33 of this Ordinance may be imprisoned in default of payment of such fine for any period not exceeding eight days.

wards to police to  
paid into General  
lice fund.

37.

All sums paid for the service of process by police officers, and all rewards, forfeitures, and penalties, or shares of rewards, forfeitures and penalties, which by law are payable to informers, shall, when the information is laid by a police officer, be paid into the General Police Fund.

lice of action  
against police  
officer to be  
ven.

38.

Notice in writing of any action and of the cause thereof against any person which may be lawfully brought for anything done or intended to be done under the provisions of this Ordinance or under the general police powers hereby given, shall be given to the defendant, or to the District Superintendent of the District in which the act <sup>was</sup> committed, one month at least before the commencement of the action.

No plaintiff shall recover in any such action if tender of sufficient amends shall

have been made before such action was brought or if a sufficient sum of money shall have been paid into the Court after such action was brought, by or on behalf of the defendant and, though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action.

Provided always that no action shall in any case lie where such officers shall have been prosecuted criminally for the same act.

that act was  
under warrant.

39.

When any action or prosecution shall be brought, at any proceedings held, against any police officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Such plea shall be proved by the production of the warrant directing the act and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine.

Provided always that any remedy which the party may have against the authority



issuing such warrant shall not be affected by any thing contained in this section.

Police officers to keep diary.

40.

It shall be the duty of every officer in charge of a police station to keep a general diary in such form as shall, from time to time, be prescribed by the Commissioner, and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the name of the witnesses who shall have been examined.

The Magistrate of the district shall be at liberty to call for and inspect such diary.

The Commissioner may prescribe form of returns.

41.

The Commissioner may direct the submission of such returns by the Inspector General and other police officers as to such Commissioner shall seem proper, and may prescribe the form in which such returns shall be made.

The Indian Police Act to cease to apply to the Protectorate.

42.

From the date of the commencement of this Ordinance the Indian Police Regulations Act 1861 ( Act V of 1861 ) shall cease to be applied to the Protectorate.

SCHEDULE.

FORM OF CERTIFICATE OF APPOINTMENT.

A. B. has been appointed a Police

Officer

Officer under the East Africa Police Ordinance 1906 and is vested with the powers functions and privileges of a police officer.

H.M. Commissioner.

EAST AFRICA POLICE  
ORDINANCE 1906.

CORRESPONDING SECTION IN THE INDIAN POLICE  
ACT 1861. (No.V of 1861) AND REMARKS.

Section 1.	Short title.
Section 2.	Interpretation clauses.
Section 3.	Provision constituting the police force section 2.
Section 4.	Section 3.
Section 5 (1) & (2).	Section 4 paras 1 & 2. The second paragraph has been altered by adding European Inspectors who are at times the only European police officer in a district.
Section 5 (3).	Gives the Collector of a district the powers of a Superintendent of police in the district where there is no European police officer.
Section 6.	Section 4 paragraph 3. This Section has been altered according to instructions received from the Colonial Office.
Section 7.	Section 5.
Section 8.	Section 7. This section has been altered so as to enable European police officers to punish the members of the force for offences against good order and discipline. The powers of the junior European officers with regard to the awarding of punishment is restricted under sub-section 2.
Section 9.	New provision. Inserted at the request of the Inspector General of Police who is of opinion that in order to obtain an efficient police force the men should be bound to serve for not less than 3 years.
Section 10.	Section 8.
Section 11.	Section 9. The provision regarding resignation after two months' notice has been omitted as being inconsistent with the 3 years service.

THE EAST AFRICA POLICE  
ORDINANCE 1906.

CORRESPONDING SECTION IN THE INDIAN  
POLICE ACT 1861 (No-V of 1861) AND

REMARKS.

Section 12.

Section 12.  
The words "and discipline" has been inserted after the word "distribution" so as to enable the Inspector General of Police with the sanction of the Commissioner to make rules regarding discipline.

Section 13.

Section 13.

Section 14.

Section 14.

Section 15.

Section 16.  
Altered as section 15, 15(a) have been omitted in the new Ordinance.

Section 16.

Section 17.

Section 17.

Section 18.  
The words "save as hereinafter provided" have been inserted as the punishment prescribed by the next section for neglect of duty is different to that prescribed by section 8.

Section 18.

Section 19.

Section 19.

Section 20.

Section 20.

Provision regarding police officer serving at the date of the commencement of the Ordinance.

Section 21.

Section 22.

Section 22.

Section 23.

Section 23.

Section 24.

Section 24.

Section 25.

Section 25.

Section 26.

Section 26.

Section 27.

EAST AFRICA POLICE FINANCE 1906.	CORRESPONDING SECTION IN THE INDIAN POLICE ACT 1861 (No. V of 1861) AND REMARKS.
ion 27.	Section 28.
ion 28.	Section 29 the words "striking a superior officer" have been inserted. The second para in the new section has been added to shew that it is not intended that persons should be liable to the punishments prescribed by this section in addition to any punishment which may have been awarded under section 8.
ion 29.	Section 30. The last paragraph in the above section has been omitted as under the rules made under the Township Ordinance a fee is charged for these licences. Section 30 A.
ion 30.	Section 31.
ion 31.	Section 32.
ion 32.	Section 33.
ion 33.	Section 34. As the above section has already been applied to all townships the wording of the section has been altered so that it may continue to apply to those townships without further notice. The word carriage has been inserted in the first offences in order to make it an offence to ride or drive a bicycle or motor car to the danger of the public. The fourth offence prescribed in the above section has been omitted as it is considered to be an unnecessary provision.
ion 34.	A new provision giving the police the right to demand the production of a game, gun, or other licence.
ion 35.	Section 36.
ion 36.	
ion 37.	

Comms  
34187

L.A.P.  
338



DRAFT.

L.A.P. No 684  
Comms  
Col Sadler

and 1202

26 October 06

Sir  
I have the honor to  
ack the receipt of ~~Mr~~ Mr  
Jackson's despatch No 441  
of the 11<sup>th</sup> Inst bears  
nothing a draft of  
a Police Order to replace  
the Indian Act which  
is at present in force in  
the L.A.P.

MINUTE.

- Mr. Ellis 25/10
- Mr. Kealey 25
- Mr. Antrobus 25
- Mr. Cox
- Mr. Lucas
- Mr. Frigham
- Sir M. O'Malley
- Mr. Churchill
- The Earl of Elgin

2. Sec 8(1) gives to  
the higher officers of the  
police a very considerable  
intervention of the powers of  
justice which conferred  
by 27 of the Indian  
Act.

income tax, the Infr  
gent, at any rate,  
is your power to inflict  
a fine of 2 months pay  
& 24 lashes for m. b. g. r. i. n. g.  
I am of opinion  
I would ~~argue~~ either  
that the Ord<sup>e</sup> should be  
revised, or as to adjust  
the ~~provisions~~ <sup>provisions</sup> ~~now~~  
fairly to the officers, or  
that rules with a similar  
subject ~~may~~ <sup>may</sup> be issued  
under the provisions of the  
section, ~~simultaneously~~  
with the promulgation  
of the Ord<sup>e</sup>.

3. In a 30 I am unaware  
whether the term "hat"  
is in use in East Africa;  
if not, some equivalent  
expression ~~should~~ <sup>should</sup> be  
substituted.

4. In a 35 the phrase  
"has Ord<sup>e</sup> of Regulation"

337  
should be substituted for  
"Regulation or Ord<sup>e</sup>" in  
two places.

5. Note the following  
minor errors

Par. 8 (1) officer (9) ~~face~~  
should be "facing";

Par. 29 (3) last word but  
one "the" should be  
"this";

(5) last word,  
"dispen<sup>e</sup>" should be "dis-  
-pen<sup>e</sup>".

Par. 33 6<sup>th</sup> officer,  
"offensive" should be "offen-  
-sive".

Par. 35 last word but one  
before the phrase "the  
(Ord<sup>e</sup>)" should be "this  
(Ord<sup>e</sup>)".

6. Subject to the above  
changes, I approve  
the draft Ord<sup>e</sup> as  
submitted.