



LAWS OF KENYA

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## **THE ADMINISTRATION POLICE ACT**

CHAPTER 85

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## CHAPTER 85

### THE ADMINISTRATION POLICE ACT

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## CHAPTER 85

### THE ADMINISTRATION POLICE ACT

*Commencement: 20th June, 1958*

**An Act of Parliament to make provision for the establishment, discipline, powers and duties of the administration police, and for matters incidental thereto**

#### PART I—PRELIMINARY

Short title.  
9 of 1967, Sch.

**1.** This Act may be cited as the Administration Police Act.

Interpretation.  
20 of 1959, s. 2,  
9 of 1967, Sch.,  
10 of 1969, Sch.  
Cap. 128.

**2.** In this Act unless the context otherwise requires—

“chief” and “sub-chief” have the meanings respectively assigned to those expressions by the Chiefs’ Authority Act;

“Commandant” means the Commandant of Administration Police;

“Force” means the Administration Police Force established by section 3;

“officer” means an officer of the Force.

#### PART II—ESTABLISHMENT AND ADMINISTRATION OF THE FORCE

Establishment of the Force.  
9 of 1967, Sch.

**3.** (1) There is hereby established a force, to be known as the Administration Police Force, which shall consist of such number of officers as may from time to time be authorized by the President.

(2) The Minister shall be the Commandant of the Force with the title of Commandant of Administration Police.

(3) The Force shall consist of officers of the ranks specified in the First Schedule; and the Minister may from time to time, by notice in the Gazette, amend that Schedule.

Appointment of administration police.  
9 of 1967, Sch.  
10 of 1969, Sch.

**4.** (1) The District Commissioner of any district or area within which the Minister may, by notice in the Gazette, approve the appointment of administration police may appoint fit and proper persons to be officers of the Force within that district or area.

(2) Every officer shall, on being appointed to the Force, make the declaration contained in the Second Schedule.

(3) The declaration shall be made before an administrative officer and shall be signed by the officer making it.

(4) A certificate of appointment in such form as may be required by the Commandant and signed by the District Commissioner shall be issued by the District Commissioner to every officer and shall be evidence of his appointment under this Act.

**5.** (1) The Force shall be employed in Kenya for the performance of the duties hereinafter specified. Employment of administration police.

(2) The President may, in case of war or other emergency, employ the Force or an part thereof in the defence of Kenya:

Provided that any part of the Force so employed shall continue to be under the direction of the Commandant.

**6.** The District Commissioner of any district within which the appointment of administration police has been approved shall, except when the provisions of section 5 (2) are applied, administer the administration police in his district, subject to the general or special directions of the Provincial Commissioner. Administration of administration police in districts.

#### PART III—POWERS AND DUTIES OF ADMINISTRATION POLICE OFFICERS

**7.** An officer shall carry out the duties imposed upon him by this Act within the district or area in which he is appointed. Area of duty.  
14 of 1971, Sch.

**8.** Every officer shall— Duties of officers.

- (a) when called upon by any chief or sub-chief assist him in the exercise of his lawful duties;
- (b) obey and execute promptly all orders and warrants lawfully issued to him by any competent authority;
- (c) preserve the public peace, prevent the commission of offences and apprehend all persons in respect of whom he holds a valid warrant of arrest;
- (d) undergo such training as may be ordered by the District Commissioner;
- (e) act as messenger in any matter connected with the

administration or the public service.

Power to lay  
information or  
complaint.

17 of 1967, 1st Sch.  
10 of 1983, Sch.

**9.** An officer may lay an information or complaint before any subordinate court and may make application thereto for a summons, warrant or other legal process.

Power to enter  
premises and to stop  
vehicles, etc., without  
warrant.

20 of 1959, s. 3.  
10 of 1997, Sch.

**10.** (1) If an officer (other than a recruit constable) has reasonable cause to believe—

(a) that anything necessary to the investigation of an alleged offence is in any premises and that the delay caused by obtaining a warrant to enter and search the premises would be likely to imperil the success of the investigation; or

(b) that any person in respect of whom a warrant of arrest is in force, or who is reasonably suspected of being guilty of a cognizable offence, is in any premises,

he may demand that the person residing in or being in charge of such premises shall allow him free ingress thereto and afford him all reasonable facilities for a search therein, and if, after notification of his authority and purpose, ingress cannot without unreasonable delay be so obtained the officer may without warrant enter such premises and search therein, and may, if necessary in order to effect such entry, break open any outer or inner door or window or other part of such premises.

(2) An officer may stop, search and detain any vehicle or vessel which he has reasonable cause to suspect is being employed in the commission of, or to facilitate the commission of, an offence.

(3) A person who fails to obey a reasonable signal given by an officer in uniform requiring him to stop any vehicle or vessel shall be guilty of an offence and liable to imprisonment for a term not exceeding six months, and an officer may arrest that person without warrant unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or other proceedings which may issue or be taken against him.

(4) (*Repealed by 10 of 1997, Sch.*)

Power to stop and  
detain any person for  
production of licence,  
etc.

**11.** (1) An officer in uniform may stop and detain any person whom he—

(a) sees doing any act or thing; or

(b) sees in possession of any thing; or

(c) suspects of doing any act or thing or of being in possession of any thing,

for which a licence, permit, certificate or pass is required under any written law and may require the person to produce the licence, permit, certificate or pass.

(2) A person who fails to produce a licence, permit, certificate or pass when called upon by an officer so to do may be arrested without a warrant unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or other proceedings which may issue or be taken against him.

**12.**(1) A District Commissioner or a District Officer may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of any offence, order an officer to erect or place barriers in or across any road or street or in any public place.

Power to erect barriers.  
20 of 1959, s. 4,  
10 of 1997, Sch.

(2) An officer in uniform may take all reasonable steps to prevent any vehicle from being driven past any such barrier, and a driver who fails to comply with any reasonable signal given by an officer in uniform requiring him to stop the vehicle before the barrier shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding one thousand shillings or to both.

(3) (*Repealed by 10 of 1997, Sch.*).

**13.** An officer may without a warrant arrest—

Powers of arrest without warrant.  
17 of 1967, 1st Sch.

(a) a person whom he suspects on reasonable grounds of having committed a cognizable offence;

(b) a person who commits a breach of the peace in his presence;

(c) a person who obstructs an officer while in the execution of his duty or who has escaped or attempts to escape from lawful custody;

(d) a person in whose possession is found anything which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to that thing;

- (e) a person whom he suspects upon reasonable grounds of being a deserter from the armed forces or the National Youth Service;
- (f) person whom he finds in any highway, yard or other place during the night and whom he suspects upon reasonable grounds of having committed or being about to commit a felony;
- (g) a person having in his possession without lawful excuse the burden of proving which excuse shall lie on the person, any implement of housebreaking;
- (h) a person for whom he has reasonable cause to believe a warrant of arrest has been issued.

Power to use  
firearms.

**14.** An officer may use firearms, if and to such extent only as is necessary, against—

- (a) any person in lawful custody charged with or convicted of a felony, when that person is escaping or attempting to escape;
- (b) any person who by force rescues or attempts to rescue any other person from lawful custody;
- (c) any person who by force prevents or attempts to prevent the lawful arrest of himself or any other person:

Provided that resort shall not be had to the use of firearms—

- (i) under paragraph (a), unless the officer has reasonable ground to believe that he cannot otherwise prevent the escape, and unless he shall give warning to such person that he is about to use firearms against him and such warning is unheeded;
- (ii) under paragraph (b) or paragraph (c) unless the officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm or that he cannot otherwise prevent such rescue, or, as the case may be, effect such arrest.

Custody of  
unclaimed property.

**15.** Every officer shall take charge of all unclaimed property handed to him by any person or found by him to be unclaimed and shall deliver that property without delay to the nearest police station.

## PART IV—PROTECTION OF OFFICERS

**16.** (1) Where the defence to any suit instituted against an officer is that the act complained of was done in obedience to a warrant purporting to be issued by a court the court shall, upon production of the warrant, accept that warrant as prima facie evidence of the due making thereof and, upon proof that the act complained of was done in obedience to that warrant, enter judgement in favour of such officer.

Non-liability for act done under authority of a warrant. 10 of 1983, Sch.

(2) No proof of the signature upon such warrant shall be required unless the court has reason to doubt its genuineness, and, where such signature is proved not to be genuine, the court shall nevertheless enter judgment in favour of the officer if it is satisfied that, at the time of the act complained of, such officer believed, on reasonable grounds, that the signature was genuine.

**17.** (*Repealed by 9 of 1962, s. 2.*)

**18.** Any person who assaults, resists or wilfully obstructs any officer in the due execution of his duty or any person acting in aid of such officer shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

Assault in execution of duty.

## PART V—DISCIPLINE

**19.** Every officer shall be deemed to be an officer in the public service of Kenya and, save as otherwise provided in this Act or in any rules or standing orders made under this Act, shall be subject to the law and regulations from time to time in force relating to the public service.

Nature of office.

**20.** (1) Any officer who wilfully disobeys any lawful order or warrant or who is guilty of any act or conduct to the prejudice of good order or discipline shall be liable to be punished by a District Commissioner or a District Officer, or by any public officer duly authorized in writing by a Provincial Commissioner, by—

Penalties for offences by officers.

(a) reprimand; or

(b) confinement to barracks for a period not exceeding fourteen days, with or without punishment drills, extra guard fatigues or other duties; or

(c) fine not exceeding the equivalent of fourteen days pay; or

(d) stoppage of salary increments; or

(e) reduction in rank; or

(f) dismissal from the Force,

or by any combination of such punishments:

Provided that—

- (i) any sentence by a District Officer or public officer authorized as aforesaid shall be subject to confirmation by a District Commissioner;
- (ii) any sentence of dismissal from the Force awarded by a District Commissioner shall be subject to confirmation by a Provincial Commissioner;
- (iii) no District Officer or public officer authorized as aforesaid shall impose the sentence of dismissal.

(2) The officer awarding, or, as the case may be, confirming, any punishment inflicted upon an administration police officer under this section shall enter a record of such punishment, the date thereof and the offence for which it was inflicted on the record sheet of such administration police officer.

(3) All fines imposed by a District Commissioner, District Officer or other public officer under this section shall be recoverable by monthly deductions from the pay due and thereafter becoming due to the administration police officer.

(4) The amount of such deduction in respect of any fine shall, subject to any general or special direction by a Provincial Commissioner, lie in the discretion of the officer imposing the fine, but shall in no case exceed one-third of the monthly salary of the administration police officer concerned; and whenever more than one order for deduction from an administration police officer's salary is in force, so much only of his salary may be deducted as shall leave such officer not less than two-thirds of his salary.

**21.** *(Repealed by 10 of 1969, Sch.).*

**22.** *(Repealed by 10 of 1969, Sch.).*

## PART VI—GENERAL

23. The Minister may make rules for the better carrying into effect of the provisions of this Act. Rules.
24. The Commandant may issue standing orders for the general control, direction and administration of the Force. Standing orders.
25. The expenditure incurred in carrying out the provisions of this Act shall be defrayed out of moneys provided by Parliament. Expenses.  
9 of 1967, Sch.
26. Any tribal police officer appointed under the Tribal Police Act 1929, shall be deemed to have been appointed under this Act. Officers appointed  
under Act 10 of 1929.

## FIRST SCHEDULE

L.N. 17/1982.

(s. 3)

## RANKS

L.N. 94/2000.

Commandant,  
Senior Deputy Commandant,  
Deputy Commandant,  
Senior Assistant Commandant,  
Assistant Commandant,  
Senior Superintendent,  
Superintendent,  
Chief Inspector,  
Inspector,  
Senior Sergeant Major,  
Senior Sergeant,  
Sergeant,  
Corporal,  
Constable,  
Recruit Constable.

## SECOND SCHEDULE

(s. 4)

## DECLARATION ON APPOINTMENT

I, A.B., do swear that I will well and truly serve and true allegiance bear to the President and to the Republic according to law; that I will at all times, as thereunto required and authorized by law, do my utmost to preserve the peace and to prevent offences against the same, and that I will to the best of my skill and knowledge discharge all the duties of an administration police officer faithfully according to law. And that during my service in the Force, I will obey all such lawful orders as may be

given to me and will observe all Acts, Regulations and Orders relating to the Force which may from time to time be in force.

So help me God.

.....

*Signature of Recruit.*

Sworn before me .....

on the ....., 19.....

[Subsidiary]

**SUBSIDIARY LEGISLATION**

Districts or Areas within which the Minister has approved the appointment of administration police under section 4 (1)

L.N. 295 /1958,

L.N. 718 /1963,

L.N.95/2000.

<i>Province</i>	<i>District</i>
Nyanza	Kisumu, Suba, Migori, Siaya, Kisii Central, Kisii North, Homa Bay, Rachuonyo, Kuria, Kisii South, Bondo and Nyando.
Rift Valley	Nakuru, Narok, Bomet, Keiyo, Turkana, Nandi, Samburu, Kajiado, Baringo, Kericho, Marakwet, Laikipia, Trans Mara, Uasin Gishu, West Pokot, Koibatek, Trans Nzoia and Buret.
Central	Nyeri, Thika, Kiambu, Murang'a, Kirinyaga, Nyandarua and Maragwa.
Coast	Mombasa, Taita Taveta, Kwale, Kilifi, Tana River, Lamu and Malindi.
Eastern	Embu, Kitui, Meru Central, Isiolo, Mwingi, Moyale, Makueni, Meru North, Marsabit, Machakos, Tharaka, Mbeere and Meru South.
Western	Kakamega, Teso, Vihiga, Bungoma, Mt. Elgon, Busia, Butere, Mumias and Lugari.
North-Eastern	Mandera, Wajir, Garissa and Ijara.
Nairobi	Nairobi Area.

