



## LAWS OF KENYA

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# **THE POLICE ACT**

## CHAPTER 84

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**CHAPTER 84****THE POLICE ACT****ARRANGEMENT OF SECTIONS****PART I—PRELIMINARY***Section*

- 1—Short title.
- 2—Interpretation.

**PART II—CONSTITUTION AND ADMINISTRATION**

- 3—Composition of the Force.
- 4—Commissioner may delegate his powers.
- 5—Force standing orders.
- 6—*Repealed.*
- 7—Declaration on joining the Force.
- 8—Certificate of appointment.
- 9—Police officers prohibited from taking other employment.
- 10—Prolongation of service in case of war, etc.
- 11—Restrictions on resignation of inspectors and subordinate officers.
- 12—*Repealed.*
- 13—Surrender of public property on resignation, etc.

**PART III—DUTIES, POWERS AND PRIVILEGES**

- 14—Functions of the Force.
- 14A—Control and conduct of Force in executing function.
- 15—Obedience to orders and warrants, prevention and detection of crime, etc.
- 16—Maintenance of order on roads, etc.
- 17—Unclaimed property.
- 18—Police station records.
- 19—Power to lay complaints, apply for warrants, etc.
- 20—Power to search without warrant in special circumstances.
- 21—Power to take photographs, X-rays, fingerprints, etc.
- 22—Power to compel attendance at police station or office.
- 23—Power to require bond for attendance at court.
- 24—Police bail bonds, etc., to issue free of charge.
- 25—Power to inspect licences and vehicles.
- 26—Road barriers.
- 27—Prohibition or restriction of traffic.
- 28—Power to use arms.
- 29—Powers, etc., whilst engaged on duties of prison officer.

## ARRANGEMENT OF SECTIONS—(Contd.)

*Section*

- 30—Non-liability for act done in obedience to warrant.  
31—*Repealed*.

## PART IV—DISCIPLINE

- 32—*Repealed*.  
33—Power to summon witnesses.  
34—Powers of arrest for disciplinary offences.  
35 }  
36 } *Repealed*.  
37 }  
38—Recovery of fines by deduction from salary.  
39—Loss or damage to property to be made good by  
stoppage of pay.  
40—Prohibition against police officer being member of trade  
union.  
41—Desertion.  
42—Traitorous or disloyal language.  
43—Penalty for mutiny and sedition, and for failing to  
suppress or report same.  
44—Interdiction.

PART V—PRIVATE USE OF POLICE AND PROVISION FOR  
ADDITIONAL POLICE OFFICERS

- 45—Private use of police on application.  
46—Employment of additional officers on private property.  
47—Additional officers for disturbed or dangerous areas.  
48—Power to appoint special police officers.

PART VI—RECIPROCAL ARRANGEMENTS WITH NEIGHBOURING  
COUNTRIES

- 49—Reciprocating country defined.  
50—Service of police officers in neighbouring country.  
51—Service of police officers of neighbouring country in  
Kenya.  
52—*Repealed*.

## PART VII—KENYA POLICE RESERVE

- 53—Composition of the Reserve.

## ARRANGEMENT OF SECTIONS—(Contd.)

*Section*

- 54—*Repealed.*
- 55—Period of service in the Reserve.
- 56—*Repealed.*
- 57—Employment and calling out of the Reserve.
- 58—Disciplinary powers over Reserve officers.

## PART VIII—GENERAL

- 59—Unlawful possession of police property, personation, etc.
- 60—Disorderly conduct in police building, etc.
- 61—Penalty for causing disaffection, etc., among police officers.
- 62—Liability of police officers to prosecution under other laws.
- 63—General penalty.
- 64—Application of Code of Regulations.
- 65—Regulations.

## SCHEDULES.

## CHAPTER 84

## THE POLICE ACT

*Commencement: 1st February, 1961*

**An Act of Parliament to provide for the functions, organization and discipline of the Kenya Police Force and Kenya Police Reserve, and for matters incidental thereto**

## PART I—PRELIMINARY

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

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

“arms” include firearms;

“Commissioner” means the Commissioner of Police appointed under the Constitution;

“Force” means the Kenya Police Force, referred to in section 3, including the Reserve;

“gazetted officer” means a police officer holding one of the ranks specified in Part I of the First Schedule of this Act;

“inspector” means a police officer holding one of the ranks specified in Part II of the First Schedule of this Act;

“police officer” means an officer of the Force;

“police station” means a post or place appointed by the Commissioner, by notice in the Gazette, to be a police station;

“Reserve” means the Kenya Police Reserve referred to in section 53 of this Act;

“reserve police officer” means an officer of the Reserve;

“subordinate officer” means a police officer holding one of the ranks specified in Part III of the First Schedule of this Act.

## PART II—CONSTITUTION AND ADMINISTRATION

**3.** (1) The Kenya Police Force shall consist of such maximum number of officers as shall be determined from time to time by the

58 of 1960,  
15 of 1961,  
L.N. 399/1963,  
L.N. 124/1964,  
29 of 1968,  
L.N. 119/1973,  
10 of 1983,  
L.N. 7/1990,  
L.N. 10/1997,  
2 of 2002.

Short title.

Interpretation.  
29 of 1968, s.2.

Composition of the  
Force.

15 of 1961, Sch.,  
L.N. 399/1963,  
L.N. 124/1964,  
29 of 1968, Sch.

President.

(2) The Force shall consist of the ranks set forth in the First Schedule, and police officers shall have seniority according to their position in the Schedule.

(3) The Minister may from time to time, by notice in the Gazette, amend the Schedule.

Commissioner may  
delegate his powers.  
29 of 1968, s. 3.

4. (1) The Commissioner may delegate any of the powers conferred upon or vested in him by this Act or, unless a contrary intention appears, by any other written law, to any gazetted officer of or above the rank of senior superintendent.

(2) Without prejudice to any power vested in the Commissioner (whether or not delegated under subsection (1)), the control of the Force in any province, district, area, place or unit shall be vested in such police officer as may be appointed by, or under the directions of, the Commissioner for that purpose.

Force standing  
orders.  
L.N. 399/1963,  
L.N. 124/1964,  
29 of 1968, Sch.

5. (1) The Commissioner may issue administrative orders, to be called Force standing orders, not inconsistent with the Constitution or the provisions of this Act or of any regulations made thereunder, for the general control, direction and information of the Force.

(2) Force standing orders shall not require to be published in the Gazette.

6. (*Repealed by L.N. 399/1963.*)

Declaration on  
joining the Force.  
L.N. 399/1963,  
29 of 1968, Sch.

7. Every police officer shall on being enlisted make and sign before some officer authorized by law to administer oaths or before the Commissioner, in English or in some other language which he understands, and in such manner as he may declare to be most binding on his conscience, the oath or the affirmation set forth in the Second Schedule.

Certificate of  
appointment.  
L.N. 399/1963,  
29 of 1968, Sch.

8. A certificate of appointment in such form as may be prescribed, signed by such gazetted officer as may be authorized by the Commissioner in that behalf, shall be issued to every police officer on appointment, and shall be evidence of his appointment under this Act.

Police officers  
prohibited from  
taking other  
employment.  
L.N. 399/1963,  
29 of 1968, Sch.

9. No police officer other than a Reserve police officer shall engage himself in any trade, business or employment, or take part in any commercial or agricultural undertaking, outside the scope of his duties as an officer of the Force, except with the authority of the Commissioner.

**10.** Any police officer whose period of service expires during a state of war or state of emergency or during any time when any regulations are in force under section 3 or section 4 of the Preservation of Public Security Act may be retained in the Force and his service prolonged for such further period as the Commissioner may direct, but not for more than six months after the ending of such state or time.

Prolongation of service in case of war, etc.  
L.N. 399/1963, 29 of 1968, Sch. Cap. 57.

**11.** (1) No inspector shall resign from the Force before the expiry of three months (or such lesser period as the Commissioner may in any particular case accept) after he has given written notice to the Commissioner of his intention to resign.

Restrictions on resignation of inspectors and subordinate officers.  
L.N. 399/1963, 29 of 1968, Sch.

(2) No subordinate officer shall resign from the Force before the expiry of one month (or such lesser period as the Commissioner may in any particular case accept) after he has given written notice to the Commissioner of his intention to resign.

**12.** (*Repealed by L.N. 124/1964.*)

**13.** (1) Every police officer leaving the Force shall forthwith, on ceasing duty as such, deliver to the police officer in charge of the Force at such person's last station of employment in the Force, or to such other person as the Commissioner may appoint for the purpose, all uniforms, arms, accoutrements and equipment supplied to him as public property.

Surrender of public property on resignation, etc.  
L.N. 399/1963, 29 of 1968, Sch.

(2) Any person who fails to comply with subsection (1), or who returns such property in a damaged condition, the damage not being attributable to the proper discharge of his duties in the Force, shall be guilty of an offence and liable, whether or not any penalty is otherwise imposed, for the cost of replacing such property, or, as the case may require, for the cost of its repair, and such cost shall be recoverable by the Government by deduction from any moneys due to such person, and shall be a debt due from such person to the Government.

### PART III—DUTIES, POWERS AND PRIVILEGES

**14.** (1) The Force shall be employed in Kenya for the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws and regulations with which it is charged.

Functions of the Force.  
L.N. 399/1963.

Control and conduct  
of Force in executing  
function.  
10 of 1997.

**14A.** (1) The force shall perform its functions under the overall direction, supervision and control of the Commissioner of Police, and shall be impartial and objective in all matters and in particular in all political matters and shall not accord different treatment to different persons on the basis of their political opinions.

(2) No police officer shall subject any person to torture or to any other cruel, inhuman or degrading treatment.

(3) Any police officer who contravenes the provisions of this section shall be guilty of a felony.

Obedience to orders  
and warrants,  
prevention and  
detection of crime,  
etc.

**15.** (1) Every police officer shall promptly obey all lawful orders in respect of the execution of his office which he may from time to time receive from his superiors in the Force.

(2) Every police officer shall promptly obey and execute all orders and warrants lawfully issued to him, collect and communicate intelligence affecting law and order and take all steps necessary to prevent the commission of offences and public nuisance, to detect offenders and bring them to justice and to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient ground exists.

Maintenance of order  
on roads, etc.

**16.** (1) It shall be the duty of the Force to regulate and control traffic and to keep order on and prevent obstructions in public places, and to prevent unnecessary obstruction on the occasions of assemblies, meetings and processions on public roads and streets, or in the neighbourhood of places of worship during the time of worship therein.

(2) Any person who disobeys any lawful order given by any police officer acting under subsection (1) shall be guilty of an offence, and may be arrested without a warrant unless he gives his name and address and satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

Unclaimed property.  
L.N. 399/1963,  
L.N. 124/1964,  
29 of 1968, Sch.

**17.** (1) It shall be the duty of a police officer to take charge of unclaimed property handed to him by any other person or found by such police officer to be unclaimed, and to furnish an inventory or description thereof to a magistrate having jurisdiction in the area in which the property is found by, or handed to, him, and such magistrate shall give orders for the detention of the property, and shall cause a notice to be posted in a conspicuous place in his court and at such police stations as he considers necessary, describing such property and requiring any person who may have a claim thereto to appear and establish such claim within six months from the date of the notice:

Provided that—

- (i) if the property is liable to rapid decay, or if the magistrate is of the opinion that its immediate sale would be to the benefit of the owner thereof, he may direct it to be sold, or, if he deems it advisable so to do, may cause the property to be destroyed; and
- (ii) if the property is a firearm or ammunition the magistrate may order that it shall be disposed of in such manner as the Commissioner may direct.

(2) If no owner establishes his claim to the property within six months from the date of such notice, it may be sold in such manner as the magistrate shall direct.

(3) Where such property has been sold in accordance with this section the proceeds of sale shall be paid to the person who establishes his claim thereto, or, if no lawful claim to it has been established, shall be dealt with in the following manner-

- (a) such proportion as the magistrate may direct shall be paid to the finder of the property;
- (b) the balance (if any) shall be paid into the consolidated fund.

**18.** (1) Every police officer in charge of a police station shall keep a record in such form as the Commissioner may direct, and shall record therein all complaints and charges referred, the names of all persons arrested and the offences with which they are charged.

Police station records.  
L.N. 399/1963,  
29 of 1968, Sch.

(2) A copy of any entry in a record kept under subsection (1), certified under the hand of the police officer in charge of the police station to be a true copy, shall be admissible in evidence of its contents in all legal proceedings, and where a copy of an entry purports to be so certified it shall be presumed, until the contrary is proved, that the copy is so certified.

**19.** A police officer may lay any lawful complaint before a magistrate and may apply for a summons, warrant, search warrant or such other legal process as may lawfully be issued against any person.

Power to lay complaints, apply for warrants, etc.

**20.** (1) When an officer in charge of a police station, or a police officer investigating an alleged offence, has reasonable grounds to

Power to search without warrant

in special  
circumstances.  
Cap. 75.

believe that something necessary for the purposes of such investigation is likely to be found in any place and that the delay occasioned by obtaining a search warrant under section 118 of the Criminal Procedure Code will in his opinion substantially prejudice such investigation, he may, after recording in writing the grounds of his belief and such description as is available to him of the thing for which search is to be made, without such warrant as aforesaid enter any premises in or on which he expects the thing to be and there search or cause search to be made for, and take possession of, such thing:

Provided that—

- (i) the officer shall carry with him, and produce to the occupier of the premises on request by him, his certificate of appointment;
- (ii) if any thing is seized as aforesaid he shall forthwith take or cause it to be taken before a magistrate within whose jurisdiction the thing was found, to be dealt with according to law.

(2) Sections 119, 120 and 121 of the Criminal Procedure Code as to the execution of search warrants, and the provisions of that Code as to searches, shall apply to a search without warrant under this section.

Power to take  
photographs, X-rays,  
fingerprints, etc.  
Cap. 75  
L.N. 399/1963,  
29 of 1968, Sch.,  
2 of 2002, Sch..

**21.** (1) Any magistrate or police officer, and any person appointed to give certificates under subsection (2) of section 142 of the Criminal Procedure Code, may take, or cause to be taken in his presence—

- (a) during the course of any investigation into any drug-related offence, such X-ray or other electromagnetic ray photographs as may be considered necessary for the purposes of such investigation; or
- (b) for the purposes of record and identification, the measurements, photographs, footprints and casts thereof, palmprints and fingerprints of any person in lawful custody or who is subject to police supervision:

Provided that if such person is not charged with an offence punishable by imprisonment or is discharged or acquitted by a court, and has not previously been convicted of an offence so punishable, all records of such X-ray or other electromagnetic ray photographs, measurements, photographs, footprints and casts thereof, palmprints and finger prints and any negatives and copies of such photographs or of photographs of such footprints and casts thereof, palmprints and fingerprints shall

forth-with be destroyed or handed over to such person.

(2) The Commissioner may specify the form upon which footprints, palmprints and fingerprints shall be taken in accordance with this section, and the magistrate, police officer or other person appointed as the case may be, shall certify on such form that the footprints, palmprints or fingerprints have been taken by him, or caused to be taken in his presence, in accordance with the directions contained on such form, and that the particulars entered on such form are to the best of his knowledge and belief accurate and true.

(3) Any person who refuses to permit such X-ray or other electromagnetic ray photographs, his measurements, photographs, footprints and casts thereof, palmprints or fingerprints to be taken under this section shall be guilty of an offence, and upon conviction, reasonable force may be used to enable such X-ray or other electromagnetic ray photographs as or, as the case may be, his measurements, photographs, footprints and casts thereof, palmprints and fingerprints to be taken.

(4) For the purposes of this Section the expression “drug-related offence” means any offence specified in the Narcotic Drugs and Psychotropic Substances (Control) Act, 1994 and includes the possession, manufacture, sale, distribution, or receipt of any drug in any quantity whatsoever.

No. 4 of 1994.

**22.** (1) A police officer may by writing under his hand require any person who he has reason to believe has information which will assist him in investigating an alleged offence to attend before him at a police station or police office in the district in which such person resides or for the time being is.

Power to compel attendance at police station or office.

(2) Any person who without reasonable excuse fails to comply with a requisition under subsection (1), or who having complied refuses or fails to give his correct name and address and to answer truly all questions that may be lawfully put to him, shall be guilty of an offence:

Provided that no person shall be required to answer any question the answer to which may tend to expose him to a criminal charge, or to a penalty or forfeiture.

(3) Any police officer may record any statement made to him by any such person, whether such person is suspected of having committed an offence or not, but, before recording any statement from a person whom such police officer has decided to charge or who has been charged with committing an offence, the police officer shall warn such person that any statement which may be recorded may be used in evidence:

Provided that any such statement shall, whenever possible, be recorded in writing and signed by the person making it after it has been read to him in a language which he understands and he has been invited to make any correction he may wish.

Power to require  
bond for attendance  
at court.  
29 of 1968, Sch.

**23.** (1) A police officer investigating an alleged offence (not being an offence against discipline) may require any person to execute a bond in such sum and in such form as may be required, conditioned on his due attendance at court if and when required so to attend.

(2) Any person who refuses or fails to comply with a requirement lawfully made under subsection (1) shall be guilty of an offence.

Police bail bonds,  
etc., to issue free of  
charge.

**24.** Notwithstanding anything to the contrary contained in any law in force, no fee shall be chargeable on any bail bond in a criminal case, recognizance to prosecute or give evidence, or recognizance or personal appearance or otherwise, issued or taken by a police officer.

Power to inspect  
licences and vehicles.

**25.** (1) Any police officer in uniform, and any police officer not in uniform, who, on being required to do so, produces his certificate of appointment, 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 is required under any written law, and may require such person to produce such licence, and may, when in uniform, stop and search any vehicle which he has reasonable grounds for suspecting is being used in the commission of an offence against any written law.

(2) Subject to the provisions of any written law, any person who fails to produce such licence when called upon by a police officer so to do may be arrested without a warrant unless he gives his name and address and satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

(3) Any person who fails to obey any reasonable signal of a police officer under subsection (1) requiring him to stop any vehicle, or who obstructs any police officer in the execution of his duty under that subsection, shall be guilty of an offence, and any police officer may arrest any such person without a warrant, and may cause any

such vehicle found by him to have been used for the commission of an offence against any written law to be moved to the nearest police station and there detained until released by the officer in charge of the police station:

Provided that no such arrest shall take place if such person gives his name and address and satisfies such police officer as provided in subsection (2).

**26.** (1) Notwithstanding the provisions of any other law Road barriers. barriers, in force, any gazetted officer or inspector or any police officer in charge of a police station 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 crime or for the apprehension of offenders, erect or cause to be erected barriers in or across any road or street, or in any public place, in such manner as he may think fit.

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

(3) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of any vehicle as a result of the driver of such vehicle failing to obey any police officer acting under subsection (2).

**27.** (1) Notwithstanding anything to the contrary contained in any law in force, the Commissioner 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 crime, by notice in such manner as the Commissioner may deem fit, prohibit or restrict the driving or use of motor vehicles, or any class of motor vehicles, on specified roads or parts of roads, or in any specified area, either generally or in specified circumstances or subject to specified conditions.

Prohibition or restriction of traffic. L.N. 399/1963, 29 of 1968, Sch.

(2) Any such notice may—

- (a) make different provision for different roads or parts of roads and for different areas and for different days or hours, but no such notice shall apply to the driving or use of any kind of motor vehicle on any road or part of a road or in any area between the hours of half-past six o'clock in the morning and half-past six o'clock in the evening of any day;

(b) provide for the issue by the Commissioner, or by anyone authorized by him, of a written permit exempting any motor vehicle or class of motor vehicle or any person or class of persons from the provisions of the notice or any part thereof, either generally or subject to such conditions or in such circumstances as may be specified in any such permit; and the Commissioner is hereby authorized to issue and to authorize the issue of such permits which, to the extent therein specified, shall have effect, under this section.

(3) Any person who drives or knowingly uses, or causes or permits to be driven or used, any motor vehicle in contravention of the terms or conditions of any notice given under this section or of a licence issued thereunder shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both.

(4) An offence under this section shall be cognizable to the police.

(5) For the purposes of this section, “motor vehicle” and “road” shall have the meanings respectively assigned to them in the Traffic Act.

Cap. 403.

Power to use arms.

**28.** A police officer may use arms against—

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

Provided that arms shall not be used-

- (i) as authorized in paragraph (a), unless the officer has reasonable ground to believe that he cannot otherwise prevent the escape, and unless he gives warning to such person that he is about to use arms against him and the warning is unheeded;
- (ii) as authorized in 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 the rescue or, as the case may be, effect the arrest.

**29.** A police officer engaged in carrying out the duties of a prison officer shall have all the powers, protections and privileges attaching to a prison officer.

Powers, etc., whilst engaged on duties of prison officer.

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

Non-liability for act done in obedience to warrant.  
10 of 1983, Sch.

(2) No proof of the signature of such judge or magistrate shall be required unless the court has reason to doubt the genuineness thereof, and, where such signature is proved not to be genuine, judgment shall nevertheless at the time the act complained of was committed be believed on reasonable grounds that the signature was genuine.

**31.** (*Repealed by 29 of 1968.*)

#### PART IV — DISCIPLINE

**32.** (*Repealed by L.N. 124/1964.*)

**33.** (1) Every police officer empowered to inquire into offences against discipline may summon and examine witnesses on oath or affirmation and require the production of relevant documents in any matter he is inquiring into, and may adjourn any such inquiry from time to time as he may deem fit.

Power to summon witnesses.

(2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons, or, having attended, refuses to answer all questions that are lawfully put to him (other than questions which may incriminate him) or fails without reasonable cause to produce any document, shall be guilty of an offence.

**34.** Any gazetted officer or inspector may arrest without warrant, or order the arrest without warrant of, any police officer (not being a police officer of a higher rank) who is accused of any offence against discipline, and any police officer may, on receipt of any such order, apprehend such police officer without a warrant, and shall forthwith

Powers of arrest for disciplinary offences.

bring him before a gazetted police officer or an inspector, who may confine such police officer in any building set apart as a guard room or cell.

35. }  
 36. } (Repealed by L.N. 124/1964).  
 37. }

Recovery of fines  
 by deduction from  
 salary.  
 L.N. 124/1964.

38. Every fine imposed for an offence against discipline shall be recovered by one or more deductions from the gross monthly salary payable to the officer on whom the fine is imposed, the amount of each deduction being in the discretion of the officer imposing the fine:

Provided that no deduction, nor the aggregate of deductions if more than one fine is outstanding at the same time, shall exceed one-half of the gross salary payable in any month.

Loss or damage to  
 property to be made  
 good by stoppage  
 of pay.  
 L.N. 399/1963,  
 29 of 1968, Sch.

39. Any inspector or subordinate officer who sells, pawns, loses by neglect, makes away with or wilfully or negligently damages any arms, ammunition, accoutrement, uniform or other article of personal issue, or any vehicle or other property committed to his charge belonging to the Government or for which the Government is responsible, may, in addition to or in lieu of any other punishment or penalty, be ordered to make good either partially or wholly the value of such property or the amount of such loss or damage, as the case may be, and the amount of such value or of such loss or damage may be recovered by stoppage from his pay or from any other amount owing to him by the Government.

Prohibition against  
 police officer being  
 member of trade  
 union.

40. (1) It shall not be lawful for any police officer to be or to become a member of—

- (a) any trade union, or any body or association affiliated to a trade union; or
- (b) any body or association the objects or one of the objects of which is to control or influence conditions of employment in any trade or profession; or
- (c) any body or association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of the Force, other than a staff association established and regulated pursuant to regulations made under this Act.

(2) Any police officer who contravenes this section shall be liable to be dismissed from the Force and to forfeit all rights to any pension or gratuity.

(3) If any question arises as to whether any body is a trade union, or body or association to which this section applies, the question shall be referred to the Minister, whose decision thereon shall be final and conclusive.

**41.** (1) Any inspector or subordinate officer who absents himself from duty without leave or just cause for a period exceeding twenty-one days shall, unless the contrary is proved, be deemed to have deserted from the Force.

Desertion.

(2) Upon reasonable suspicion that any person has deserted from the Force, any police officer may arrest him without warrant, and shall thereupon take him before a magistrate having jurisdiction in the area in which such person deserted or was arrested.

(3) Any inspector or subordinate officer who deserts from the Force shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand shillings or to both.

**42.** Any police officer who uses traitorous or disloyal words shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand shillings.

Traitorous or disloyal language.

29 of 1968, Sch.

**43.** (1) Any police officer who begins or joins in any mutiny or sedition among any police officers, or who conspires with any other person to cause any such mutiny or sedition, shall be guilty of an offence and liable to imprisonment for life.

Penalty for mutiny and sedition, and for failing to suppress or report the same.

(2) Any police officer who does not use his utmost endeavours to suppress any mutiny or sedition among any police officers, or who, being cognizant of any such mutiny or sedition or intended mutiny or sedition, does not, without delay, give information thereof to his senior police officer, shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

**44.** Where any police officer has, in accordance with Force standing orders or any other written law, been interdicted from duty, he shall not by reason of such interdiction cease to be a police officer:

Interdiction.

29 of 1968, Sch.

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

PART V—PRIVATE USE OF POLICE AND PROVISION FOR  
ADDITIONAL POLICE OFFICERS

Private use of police  
on application.  
L.N. 399 / 1963,  
L.N. 124 / 1964,  
29 of 1968, Sch.

**45.** (1) The Commissioner may on application by any person, hereafter in this section called the applicant, station a police officer for duty at such place and for such period as the Commissioner may approve, and thereupon and for the period aforesaid the applicant shall pay to the Commissioner from time to time when required to do so the cost, calculated in accordance with the rates from time to time specified by the Commissioner by notice in the Gazette, and the applicant shall provide the police officer with such accommodation and sustenance as may be so specified:

Provided that an applicant may, on giving to the Commissioner one month's notice (or such shorter notice as the Commissioner may agree to accept), require that any such officer be withdrawn from such place, and the applicant shall not be liable for any expense incurred after the expiration of such notice in connexion with the employment of such officer.

(2) Any amount due from an applicant under the provisions of this section shall be a debt due from the applicant to the Government.

Employment of  
additional officers on  
private property.  
L.N. 399/1963,  
L.N. 124/1964,  
29 of 1968, Sch.

**46.** Where the Commissioner considers that the employment of additional police officers in any place is necessary for the safety of the private property of some person, or in the interests of some person, or that there is a reasonable apprehension of a breach of the peace in connexion with any such private property, he may station police officers for duty at such place and for such period as he considers necessary, and such person shall reimburse to the Commissioner the expenses incurred thereby:

Provided that the Minister may remit the whole or any part of such payment.

Additional officers  
for disturbed or  
dangerous areas.  
L.N. 399/1963,  
L.N. 124/1964,  
29 of 1968, Sch.

**47.** (1) The Minister may, by notice in the Gazette, and in such other manner (if any) as he may direct, declare that any area of Kenya is in a disturbed or dangerous state, or that, by reason of the conduct of the inhabitants of such area or any class or section of such inhabitants, it is expedient to increase the number of police officers stationed in such area.

(2) Upon publication of a notice under subsection (1) the Commissioner may—

(a) by notice in the Gazette or in such other manner as he may consider necessary to bring it to the notice of the persons

affected thereby prohibit the possession of arms in the area and order the surrender of all or such arms, by all or such of the inhabitants of the area, as may be specified;

- (b) station an additional number of police officers in the area, and, subject to subsection (5), the cost of such additional police officers shall be borne by the inhabitants of the area:

Provided that any order made under paragraph (a) requiring the surrender of arms shall specify the times and places at which, and the persons to whom, such surrender shall be made, and shall provide for the safe custody of all arms surrendered, and for their return upon revocation or termination of the notice under subsection (1).

(3) If any police officer, in any area in which all or any arms have been ordered to be surrendered under paragraph (a) of subsection (2), has reasonable cause to believe that the delay which would occur in obtaining a search warrant would, or would tend to, defeat the purposes of this section, he may, without warrant, enter and search any land, premises or place in or upon which he has reason to believe any arms ordered to be surrendered may be found, and may seize any such arms there found:

Provided that a police officer entering any land, premises or place under this subsection shall, if required to do so by the occupier thereof, produce to the occupier his certificate of appointment.

(4) Any person who fails to comply with an order made by the Commissioner under subsection (2), or who obstructs any police officer in the due exercise of his powers under subsection (3), shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand shillings or to both, and may be arrested by a police officer without warrant.

(5) Where any additional police officers have been stationed in any area under subsection (2), the Minister shall, after consultation with the Chief Justice, appoint a magistrate who shall make such inquiry as he may consider necessary, and shall apportion the cost of the additional police officers (or so much thereof as, in his judgment, the means of the inhabitants of the area will reasonably afford) among the inhabitants of the area, according to his judgment as to the respective means of the inhabitants:

Provided that the magistrate may exempt any person, or class of persons, or section of the inhabitants, from liability to bear such portion of the cost as he may determine.

(6) Every notice issued under subsection (1) shall state the period for which it is to remain in force, and may, at any time, be withdrawn or continued in force for such further period as the Minister shall, in each case, by notice in the Gazette, direct.

(7) In this section, “inhabitants” means all persons who, by themselves or their agents, servants or tenants, occupy or have a lawful interest in any land within an area specified in a notice issued under subsection (1).

**48.** The Commissioner may at any time, if it appears to him to be expedient in the interests of public order and safety so to do, appoint persons to be special police officers for such period and within such area as he may consider necessary, and every such officer shall during the period of his service as a special police officer be deemed to be a police officer.

Power to appoint special police officers.  
L.N. 399/1963, 29 of 1968, Sch.

#### PART VI—RECIPROCAL ARRANGEMENTS WITH NEIGHBOURING COUNTRIES

**49.** In this Part, “reciprocating country” means any country which the President may, being satisfied that the law of that country contains provisions reciprocal to this Part and that Kenya is or will be declared a reciprocating country for the purpose of those provisions, by notice in the Gazette, declare to be a reciprocating country for the purposes of this Part.

Reciprocating country defined.  
29 of 1968, 7 of 1990.

**50.** (1) The President may, on the application of the government of a neighbouring country, order such number of “police officers as he may think fit to proceed to that country for service therein for the purpose of assisting the police force of that country in a temporary emergency.

Service of police officers in neighbouring country.  
29 of 1968, s. 4.

(2) Where a police officer is punished under the law of a neighbouring country, or under any provisions of this Act applied by the law of a neighbouring country to a police officer whilst present therein, for any offence (whether against discipline or otherwise) committed by him while he was present in that country in pursuance of this Part, he shall be deemed for all purposes to have been punished in Kenya for a like offence committed within Kenya.

**51.** (1) The President may make application to the government of a neighbouring country for police officers of that country to be sent to Kenya for service therein for the purpose of assisting the Force in a temporary emergency.

Service of police officers of neighbouring country in Kenya.  
29 of 1968, s. 4.

(2) Whenever any police officers from a neighbouring country are

present in Kenya in pursuance of an application made under subsection (1)—

- (a) they shall be under the orders of their own officers present with them (if any), subject however to the overall control of the senior officer present whether he is a member of the Force or of the police force of the neighbouring country;
- (b) they shall have and may exercise the powers, and shall be liable to perform the duties, of police officers of equivalent rank in the Force, and shall for this purpose be deemed to be members of the Force;
- (c) the laws which govern their discipline, punishment and terms and conditions of service in their own country shall, so far as is practicable, be applied in Kenya as if they were part of the law of Kenya:

Provided that—

- (i) those laws shall not be taken to confer on an officer of the Force power to punish an officer of the police force of the neighbouring country for an offence against discipline;
- (ii) where those laws confer on a court or magistrate of the neighbouring country jurisdiction to try and punish an offence against discipline, such jurisdiction may be exercised by a court or magistrate possessing comparable jurisdiction within Kenya;
- (d) any contract of service between such an officer and his government may be enforced in Kenya in the same way and with the same effect as if it were made between the officer and the Government of Kenya.

**52.** (*Repealed by L.N. 399/1963.*)

#### PART VII—KENYA POLICE RESERVE

**53.** (1) The Kenya Police Reserve shall consist of such persons resident in Kenya (other than serving members of the armed forces) as, having attained the age of eighteen years, volunteer for service in the Reserve and are enrolled as Reserve police officers.

Composition of the Reserve.  
L.N. 124/1964,  
29 of 1968, Sch.

(2) The Reserve may be employed in Kenya for assisting the Force in the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of

crime, the apprehension of offenders, and the enforcement of all laws and regulations with which the Force is charged.

**54.** *(Repealed by L.N. 399/1963.)*

Period of service in  
the Reserve.  
L.N. 399/1963,  
29 of 1968, Sch.

**55.** Every Reserve police officer enrolled under this Part shall serve in the Reserve for a minimum period of two years and thereafter may re-engage, for further service, for periods of two years:

Cap. 57.

Provided that where there is a state of war or a state of emergency, or where regulations are in force under section 3 or section 4 of the Preservation of Public Security Act, every Reserve police officer shall serve for the duration of the war or emergency, or for as long as the regulations are in force, as the case may be, or for such lesser period as the Commissioner may in any case or class of cases think fit.

**56.** *(Repealed by 29 of 1968, s. 5.)*

Employment and  
calling out of the  
Reserve.  
L.N. 399/1963,  
L.N. 124/1964,  
29 of 1968, Sch.

**57.** (1) Any police officer for the time being in charge of the Force in a province may, in writing, require any Reserve police officer resident in the province to perform police duties and training.

Cap. 57.

(2) The Commissioner may, with the consent of the Minister, by notice in the Gazette, call out all or any Reserve police officers during a state of war or a state of emergency or while any regulations are in force under section 3 or section 4 of the Preservation of Public Security Act, and when so called out they shall remain on duty until released from duty by the Commissioner.

(3) The Commissioner may require any Reserve police officer called out under subsection (2) to undergo such training as he may determine.

Disciplinary powers  
over Reserve officers.  
L.N. 124/1964.

**58.** Every officer of the Reserve who is required to perform police duties or training or who has been called out, under section 57, or who otherwise performs or purports to perform any police duties, shall be subject to the disciplinary provisions which, from time to time, apply to officers of the Force of equivalent rank.

#### PART VIII—GENERAL

Unlawful possession  
of police property,  
personation, etc.

**59.** (1) Any person, not being a police officer, who is found in possession of—

(a) any article which has been supplied to a police officer for use in the execution of his duty; or

(b) any medal or decoration granted to a police officer for gallantry, service or good conduct,

and who fails to account satisfactorily for his possession thereof, shall be guilty of an offence.

(2) Any person who, without lawful authority-

(a) purchases or receives any article which has been supplied to a police officer for use in the execution of his duty, or any medal or decoration granted to any police officer for gallantry, service or good conduct; or

(b) aids or abets any police officer in selling or disposing of any such article, medal or decoration as is referred to in paragraph (a); or

(c) puts on the dress or assumes the name, designation or description of any police officer; or

(d) acts as or personates any police officer,

shall be guilty of an offence.

**60.** (1) Any person who, in any police building, police office lock-up or cell behaves in a riotous, indecent, disorderly, or insulting manner shall be guilty of an offence.

Disorderly conduct in police building, etc.

(2) Any police officer may arrest without a warrant any person who, within his view, commits an offence under subsection (1).

**61.** Any person who—

(a) causes or attempts to cause or does any act calculated to cause disaffection amongst police officers;

(b) induces or attempts to induce or does any act calculated to induce any police officer to commit any breach of discipline; or

(c) induces or attempts to induce or does any act calculated to induce any police officer to withhold his services,

Penalty for causing disaffection, etc., among police officers.

shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand shillings or to both and in addition, if he is a police officer, he shall forfeit all rights to a pension or gratuity and be disqualified thereafter for being

a police officer.

Liability of police officers to prosecution under other laws.

**62.** Nothing in this Act shall exempt any police officer from being proceeded against under the provisions of any other law in force in respect of any act or omission constituting an offence under any of the provisions of this Act:

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

General penalty.

**63.** Any person who is guilty of an offence under this Act for which no other penalty is expressly provided shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred shillings or to both.

Application of Code of Regulations. 29 of 1968, Sch.

**64.** Every police officer shall be subject to Force standing orders and to the provisions of the Code of Regulations for the time being in force, so far as the same are not inconsistent with the provisions of this Act or of any regulations or standing orders made thereunder.

Regulations. L.N. 399/1963, L.N. 124/1964, 29 of 1968, Sch.

**65.** The Minister may make regulations, not inconsistent with the provisions of this Act, for prescribing anything which by this Act is required to be prescribed, or relating to any of the following matters-

- (a) the forms of certificates of appointment and other forms to be used under this Act;
- (b) the disposal, according to law, of personal property of deceased subordinate officers;
- (c) the conditions under which police may be provided for private purposes;
- (d) the establishment, operation and administration of police staff associations;
- (e) the definition of disciplinary offences;
- (f) for enabling the Commissioner to remove from any police officer other than a gazetted officer the powers, privileges and benefits vested in him as a police officer, where the Commissioner considers it necessary, in the interests of the Force, so to do;
- (g) the enlistment, promotion, leave, resignation, release dismissal and re-engagement of Reserve police officers;

- (h) the pay and allowances of Reserve police officers;
- (i) the establishment of stores for arms and ammunition deposited by the public and the regulation thereof, including the imposition of fees, the destruction of any ammunition which is or is likely to become dangerous and the destruction, sale or other disposal of any firearm which is abandoned or in respect of which the fees have not been paid for any period exceeding four years.

L.N. 356/1961,  
L.N. 399/1963,  
29 of 1968, Sch.,  
L.N. 119/1973.

**FIRST SCHEDULE**

(ss. 2 and 3)

## RANKS OF THE FORCE IN ORDER OF SENIORITY

## PART I

*Gazetted Officers:*

Commissioner.  
Deputy Commissioner.  
Senior Assistant Commissioner.  
Assistant Commissioner.  
Senior Superintendent.  
Superintendent.

## PART II

*Inspectorate:*

Chief Inspector.  
Inspector.  
Cadet Inspector.

## PART III

*Subordinate Officers:*

Senior Sergeant.  
Sergeant.  
Corporal.  
Constable.

SECOND SCHEDULE

(s. 7) 29 of 1968, Sch.

OATH OR AFFIRMATION ON ENLISTMENT

I, ....., do hereby  
swear by Almighty God\* that I will be faithful and bear true  
solemnly and sincerely affirm  
allegiance to the President and the Republic of Kenya during my service  
in the Kenya Police Force/Reserve\* ; that I will at all times  
as a special police officer  
do my utmost to preserve the peace and to prevent offences against the  
peace; that I will subject myself to all Acts, orders and regulations now  
or in the future in force relating to my service  
in the Kenya Police Force Reserve\* ; and that I will discharge all  
as a special police officer  
the duties of a police officer according to law, without fear, favour,  
affection or ill-will.

.....  
*Signature or thumb-print of  
police officer*

SWORN\* by the said .....  
AFFIRMED  
.....  
after the same had been read  
over and explained to him in the  
..... language,  
which he appeared to understand,  
at .....  
this..... day of  
....., 19.... ,

Before me,  
.....

\* Delete as necessary.

[Subsidiary]

**SUBSIDIARY LEGISLATION**

**Delegation of powers under section 4 (1)—**

- The Assistant Commissioner of Police in charge of the Nairobi Area.
- The Assistant Commissioner of Police in charge of the Rift Valley Province.
- The Assistant Commissioner of Police in charge of the Central Province.
- The Assistant Commissioner of Police in charge of the Coast Province.
- The Assistant Commissioner of Police in charge of the Nyanza Province.
- The Assistant Commissioner of Police in charge of the Western Province.
- The Assistant Commissioner of Police in charge of the Eastern Province.
- The Assistant Commissioner of Police in charge of the North-Eastern Province.
- The Commandant, General Service Unit.
- The Commandant, Kenya (Railways and Harbours) Police.
- The Commandant, Stock-Theft Unit.

**Finger-print form specified under section 21 (2)**

L.N. 291/1962,  
L.N. 595/1962.

The form set out hereunder is the form upon which finger-prints shall be taken in accordance with section 21 of the Act—

FINGER-PRINT FORM (s. 21 (2))

POLICE 20

Full name .....

Alias.....	Class.....
Identity Card No. ....	
Charge Register No. ....	Docket No. ....

[Subsidiary]

RIGHT HAND

<i>Thumb</i>	<i>Forefinger</i>	<i>Middle Finger</i>	<i>Ring Finger</i>	<i>Little Finger</i>

FOLD

LEFT HAND

<i>Thumb</i>	<i>Forefinger</i>	<i>Middle Finger</i>	<i>Ring Finger</i>	<i>Little Finger</i>

FOLD

LEFT HAND	RIGHT HAND
Plain impressions of the Four Fingers taken simultaneously	Plain impressions of the Four Fingers taken simultaneously

FOLD

[Subsidiary]

*Plain Impress  
Left Thumb*

Finger-prints taken by .....  
Rank..... Date .....  
Police Station .....

*Plain Impress  
Right Thumb*

Finger-prints classified by ..... Date .....  
Tested by ..... Date .....  
Searched by ..... Date .....  
Searched in S of C by ..... Date .....

*Address to which reply is to be sent*

*Remarks*

.....  
.....  
.....

I hereby certify that the finger-prints contained in this form have been

          \*taken by me           in accordance with the directions  
\*taken in my presence

contained in such form and that the particulars entered on this form are, to the best of my knowledge and belief, accurate and true.

.....

*\*Magistrate or Police Officer or any person  
appointed under subsection (2) of section  
142 of the Criminal Procedure Code*

\*Delete the words which are inapplicable.

**Orders under section 27—****THE VEHICLES (PROHIBITION) ORDER**

L.N. 178/1971

1. This Order may be cited as the Vehicles (Prohibition) Order.

2. The driving or use on any public road in Kenya, otherwise than by or on behalf of the Kenya Police Force, of any motor vehicle painted any shade of dark blue with a white roof is hereby prohibited between the hours of half-past six o'clock in the evening and half-past six o'clock in the evening and half-past six o'clock in the morning of any day.

**Country Declared to be a Neighbouring Country under section 49**

L.N. 310/1961

Zanzibar.

[Subsidiary]

**Regulation under section 65**

**THE POLICE REGULATIONS**

PART I—PRELIMINARY

1. These Regulations may be cited as the Police Regulations.

PART II—OFFENCES AGAINST DISCIPLINE

2. (*Deleted by L.N. 124/1964.*)

3. Any inspector or subordinate officer who—

- (1) strikes, or uses or offers violence against any police officer; or
- (2) uses any obscene, abusive or insulting language to any police officer; or
- (3) uses threatening or insubordinate language to a police officer senior to him in rank; or
- (4) causes a disturbance in any police station, barracks, quarters, lines or camp; or
- (5) is guilty of drunkenness; or
- (6) drinks intoxicating liquor when on duty; or
- (7) is disrespectful in word, act or demeanour to any police officer senior to him in ranks; or
- (8) willfully disobeys any lawful command; or
- (9) absents himself without leave; or
- (10) is found sleeping on duty; or
- (11) leaves his post or place of duty before he is regularly relieved, except in fresh pursuit of an offender who it is his duty to apprehend; or
- (12) being under arrest or in confinement, leaves or expects from such arrest or confinement before he is set at liberty by proper authority; or
- (13) without lawful excuse breaks out of police barracks, quarters, lines or camp; or
- (14) neglects or refuses to assist in the apprehension of any police

L.N. 74/1961,  
L.N. 120/1963,  
L.N. 140/1963,  
L.N. 181/1963,  
L.N. 248/1963,  
L.N. 399/1963,  
L.N. 124/1964,  
L.N. 168/1964,  
L.N. 8/1973,  
L.N. 107/209.

[Subsidiary]

- officer charged with any offence, when lawfully ordered so to do; or
- (15) resists any police officer whose duty it is to apprehend him, or have him in charge; or
  - (16) negligently allows any prisoner, who is committed to his charge, or whom it is his duty to guard, to escape; or
  - (17) unlawfully strikes any person or uses or offers unlawful violence to any person; or
  - (18) is guilty of cowardice; or
  - (19) discharges any weapon without orders or without reasonable or lawful cause; or
  - (20) without reasonable cause, fails to attend at any parade, instruction class or court or any other duty which he is required to attend; or
  - (21) sells, pawns, loses by neglect, makes away with or willfully or negligently damages, or fails to report any loss or damage to, any arm, ammunition, accoutrement, uniform or other article of personal issue or any vehicle or other property committed to his charge belonging to the Government or for which the Government is responsible; or
  - (22) is in improper possession of any public or private property; or
  - (23) commits any act of plunder or wanton destruction of property; or
  - (24) is idle and negligent in the performance of his duty; or
  - (25) appears on duty untidy or dirty in his person, arms, clothing or equipment; or
  - (26) is slovenly, inattentive, uncivil or quarrelsome; or
  - (27) makes or signs any false statement in any document or official record; or
  - (28) makes, or joins in making, any anonymous complaint; or
  - (29) without proper authority, discloses or conveys any information concerning any investigation or other police matter; or
  - (30) malingers, or feigns any disease or infirmity, or willfully causes to himself any disease or infirmity; or
  - (31) is willfully guilty of misconduct or willfully disobeys, whether in hospital or elsewhere, any orders and so causes or aggravates

[Subsidiary]

- any disease or infirmity or delays its cure; or
- (32) has contracted any venereal disease and fails to report without delay to a medical officer for treatment; or
- (33) without proper authority demands or exacts from any person any carriage, portorage or provisions; or
- (34) makes any false statements upon joining the Force; or
- (35) refuses or neglects to make or send any report or return which it is his duty to make or send; or
- (36) knowingly makes any false accusation against any police officer or other person; or
- (37) in making any complaint against any police officer or other person, knowingly makes a false statement affecting the character of such police officer or other person or willfully suppresses any material fact; or
- (38) engages without authority in any other employment or office; or
- (39) becomes security for any person, or engages in any loan transaction with any other police, officer without the authority, in writing, of the Commissioner; or
- (40) if called upon by a gazetted officer to furnish a full and true statement of his financial position, fails so to do; or
- (41) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline, not hereinbefore specified,

shall be guilty of an offence against discipline.

4 to 25. (*Deleted by L.N. 124/1964.*)

#### PART IV—THE KENYA POLICE RESERVE

26. All applicants for enlistment in the Reserve shall be examined by a medical officer who shall certify the result of such examination in the space provided for that purpose in form No. 1 contained in the Second Schedule:

Provided that an applicant for enlistment may be examined by a private medical practitioner, but the cost of such examination shall be borne by the applicant.

27. Every applicant for enlistment shall, on enlistment, complete form No. 2 contained in the Second Schedule.

28. The enlistment of Reserve police officers shall be completed in

[Subsidiary]

form No. 1 contained in the Second Schedule.

29. Where any person enlisting in the Reserve is not a Commonwealth citizen or British protected person, he shall, in lieu of making the oath or affirmation set forth in the Second Schedule to the Act, make and sign before some officer authorized by law to administer oaths or before the Commissioner, in English or in such other language which he understands, and in such manner as he may declare to be most binding on his conscience the oath or the affirmation set forth in the Third Schedule to these Regulations.

30. Two copies of the form No. 1 contained in the Second Schedule shall be completed on enlistment and the enlisting officer shall send the original copy to the Commissioner.

31. The following persons shall not be enlisted in the Reserve—

(a) persons who are members of the armed forces:

Provided that members and reservists of the Kenya Regiment may be enlisted subject to the following conditions—

(i) that the application be referred to the Officer Commanding the Regiment who may advise that the application should be rejected, whereupon such application shall be rejected;

(ii) that duty with the Regiment shall take precedence over duty with the Reserve;

(b) persons who have been discharged from the armed forces—

(i) as unfit for further service; or

(ii) for misconduct; or

(iii) with a bad or indifferent character;

(c) persons who are otherwise considered by the Commissioner or the police officer in charge of the province in which the applicant resides to be unsuitable for service.

32. The fitness, including physical fitness, of an applicant for enlistment in the Reserve shall be decided by the Commissioner or by the police officer in charge of the province in which the applicant resides, and such decision shall be final.

33. (1) A Reserve police officer who desires to re-engage in the Reserve shall apply during the three months preceding the expiration of his current term of service, and at the time of making such application he shall make a declaration in form No. 4 contained in the Second Schedule.

[Subsidiary]

(2) On re-engagement a Reserve police officer may, if the person authorized to re-engage him thinks fit, be required to be re-examined by a medical officer and in the case of a Reserve police officer so re-examined, if the medical officer certifies in form No. 4 that he is fit for further service he may be re-engaged:

Provided that—

- (i) every Reserve police officer shall be medically examined upon the expiry of each four years' service in the Reserve;
- (ii) the proviso to regulation 26, and regulation 32, shall apply to any Reserve police officer who desires to re-engage.

34. The Commissioner or the police officer in charge of a province may for good cause release or discharge from the Reserve any Reserve police officer on part-time duty under his direct command and without prejudice to the generality of the foregoing he may release or discharge any such Reserve police officer for the undermentioned causes—

- (1) Termination of engagement.
- (2) At his own request.
- (3) Conduct unsatisfactory.
- (4) Not likely to be, or having ceased to be, an efficient Reserve police officer.
- (5) Disobedience of orders.
- (6) His service being no longer required.
- (7) Having made a false answer.
- (8) Having been irregularly enlisted.
- (9) Medically unfit.
- (10) Having been convicted by the criminal courts of an offence involving moral turpitude.
- (11) Recommendation in that behalf by a police officer in charge of a division.

35. (1) A Reserve police officer whilst undergoing training or performing duty shall be entitled to such allowances as may be approved from time to time by the Minister after consultation with the Minister for the time being responsible for finance.

(2) A Reserve police officer shall—

[Subsidiary]

(a) when called out for full-time service in times of danger or imminent danger, be entitled to the same rates of pay as his equivalent rank in the Kenya Police Force, and to such allowances as may be approved from time to time by the Minister after consultation with the Minister for the time being responsible for finance;

(b) (*Deleted by L.N. 120/1963.*) :

Provided that—

(i) no Reserve police officer shall be entitled to any such pay or allowances in respect of any period during which he is on leave, unless such leave is expressly granted as leave with pay;

(ii) subject to the provisions of subparagraph (i) of this paragraph, in the case of an employee of the Government—

(a) where, in any period, such employee performs his duties as such employee full-time and in addition performs service under this paragraph, he shall be entitled, in respect of such period, to such pay or allowances in addition to his salary and emoluments as such employee;

(b) where, in any period, such employee performs his duties as such employee part-time only, he shall not be entitled to such pay or allowances if, in respect of such period, he suffers no reduction in his salary or emoluments as such employee;

(c) where, in any period, such employee is engaged full time on service under this paragraph, he shall be entitled to his salary and emoluments as such employee, or to such pay and allowances in respect of such period, whichever shall be the greater;

(d) no such employee shall, in respect of any period be entitled as a Reserve police officer to receive any allowance under these Regulations of the same or a similar nature as an allowance payable to him as such employee.

(3) Any dispute arising out of paragraph (2) shall be determined by the Minister.

36. There shall be paid to Reserve police officers a traveling allowance in respect of traveling expenses to and from the place of training or duty, at such rates as may be laid down the Minister after consultation with the Minister for the time being responsible for finance.

37. All uniforms, arms, accoutrements and equipment issued to any Reserve police officer shall be used for police purposes only, and every Reserve police officer to whom they are issued shall produce them in good condition, fair wear and tear excepted, whenever called upon so to do by a police officer

[Subsidiary]

senior to him in rank.

38. No Reserve police officer shall, unless on duty, whether in or out of Kenya, wear the uniform of the Reserve without the permission of the Commissioner.

39. Whenever an injury to, or the death of, a Reserve police officer occurs in the course of his duty, the police officer in charge of the province shall give a written report to the Commissioner of the circumstances in which such injury or death was caused and a medical certificate shall, whenever possible, accompany such report.

40. Any person who knowingly does or omits to do anything so as to penalize any Reserve police officer, or who threatens any Reserve police officer, whereby such Reserve police officer is prevented from or hindered in the carrying out of his duties as a Reserve police officer, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

#### PART V—PRIVATE USE OF POLICE

41. Application for the use of police officers for private purposes shall be made in writing in the form contained in the Fourth Schedule to the Commissioner through the gazetted officer in charge of the province in which the police officers are to be used.

42. all moneys received in respect of the private use of police officers shall be paid into the Consolidated Fund.

43. Subject to subsection (1) of section 4 of the Act, the Commissioner may ensure and shall be the sole judge of whether an adequate number of police officers are used for the purpose and for the period for which the application is made and he may refuse to authorize the use if agreement in this regard cannot be reached with the applicant.

#### PART VI—KENYA POLICE REPRESENTATIVE ASSOCIATION

44. There is hereby constituted an association to be known as the Kenya Police Representative Association (hereinafter referred to as the Association) which shall consist of all serving police officers up to and including the rank of Senior Superintendent, but shall not include any Reserve police officer.

45. The Association shall consist of two branches, as follows—

(a) the Senior Branch which shall consist of all gazetted officers and all officers of the Inspectorate; and

(b) the Junior Branch, which shall consist of all subordinate officers.

46. (1) The objects of the Association shall be to enable police officer to consider and bring to the notice of the Commissioner and the Government

[Subsidiary]

all matters affecting their welfare and efficiency, including pay, pensions and conditions of service, other than questions of discipline and promotion affecting individual police officers.

(2) The Association shall be entirely independent of and unassociated with any body or person outside the Force. The Association may send a member to meetings of the Central Whitley Council and shall not be deemed thereby to be dependent on or associated with the said Council provided the member attends any meeting in the sole capacity as an observer.

47. There shall be set up two levels of representation, namely —

(a) a Joint Central Committee, and

(b) Provincial Boards.

48. The Joint Central Committee shall consist of the gazetted officer, one inspector and one member of the Junior Branch of the Association from each Provincial Board and the Joint Central Committee, when formed, may co-opt not more than two members of the Association in an advisory capacity for the whole or any part of any meeting:

Provided that such co-opted members shall not be entitled to vote.

49. Each Provincial Board shall comprise —

(a) one gazetted officer;

(b) two inspectors;

(c) two members of the Junior Branch,

and may, when formed, co-opt not more than two members of the Association in an advisory capacity for the whole or any part of any meeting:

Provided that such co-opted members shall not be entitled to vote.

50. For the purpose of these Regulations and Commissioner may constitute any police formation or group of police formations to be a province for the purpose of electing a Provincial Board.

51. (1) Election to the Provincial Boards and the Joint Central Committee shall be in accordance with such procedure as the Commissioner may by Force standing order direct.

(2) The gazetted officer of a Provincial Board shall be elected by the votes of the gazetted officers of the province in which he is serving.

(3) The two inspectors of a Provincial Board shall be elected by the voters of the inspectors serving in the province.

[Subsidiary]

(4) The Junior Branch members of a Provincial Board shall be elected from among the subordinate officers serving in that province.

(5) The election of the representative to the Provincial Boards and the Joint Central Committee shall be held on any seven consecutive days between the 1st and the 14th March inclusive of each year.

52. (1) After completion of the elections referred to in paragraph (5) of regulation 51 the inaugural meeting of the Joint Central Committee shall be held during the month of April of each year, subject to the approval of the Commissioner.

(2) The Joint Central Committee shall meet on any one day between the 15th and 30th January, July and October of each year, subject to the approval of the Commissioner.

(3) The Provincial Boards shall meet on any one day between the 1st and 14th January, July and October of each year.

(4) The dates of the meetings given in paragraphs (1), (2) and (3) may be varied by the Commissioner at any time he considers it necessary in the exigencies of the service, and the approval of the Commissioner for the holding of such meetings shall not be unreasonably withheld.

(5) A quorum of the Joint Central Committee shall be seven members.

53. (1) Apart from the meetings prescribed in paragraphs (1), (2) and (3) of regulation 52, the chairman of the Joint Central Committee may request the Commissioner to authorize the holding of any other meetings of the elected representatives, Joint Central Committee or any of the Provincial Boards, if he deems it necessary in any special circumstances.

(2) The chairman of the Provincial Board may request the police officer in charge of the province to authorize the holding of a meeting of the Provincial Board if he deems it necessary in any special circumstances.

(3) Requests made under paragraph (1) and (2) will, subject to the exigencies of the service, invariably be granted.

54. (1) The Commissioner, in relation to any meeting authorized to be held by these Regulations, may authorize its extension beyond one day, upon being satisfied that this is necessary.

(2) A police officer in charge of a province may also so act in relation to the meetings of the Provincial Board in his province.

55. Upon application by the chairman of the Joint Central Committee, or under his own authority, the Commissioner may authorize combined meetings of two or more Provincial Boards for any special purpose connected with the business of the Association.

56. (1) A Provincial Board may submit its representations to the police

[Subsidiary]

officer in charge of a province, who also shall, upon application, grant a personal hearing to the Board, or any representatives thereof, on any matters coming within the objects of the Association provided for in regulation 46.

(2) If a Provincial Board is not satisfied with the outcome of their representations to the police officer in charge of a province, they have the right to refer the matter to the Joint Central Committee for submission to the Commissioner.

(3) The Joint Central Committee shall have the right to make representations to the Commissioners in all matters coming within the objects of the Association provided for in regulation 46.

(4) If the Joint Central Committee is not satisfied with the outcome of their representations made to the Commissioner they have the right to refer the matter to the Government.

(5) The gazetted officer on a Provincial Board shall represent the interests of the gazetted officers of the province, and shall make representations in the manner provided in paragraphs (1) and (2) in matters peculiar to the gazetted officers of the Force.

(6) The two elected members of the inspectorate on a Provincial Board shall represent the interests of the inspectorate of the province and shall make representations as provided in paragraphs (1) and (2) of this regulation in matters peculiar to the inspectorate of the Force.

(7) The two elected members of the Junior Branch of the Association of the province shall represent the interests of the subordinate officers of the province and shall make representations in the manner provided in paragraphs (1) and (2) in matters peculiar to the Junior Branch of the Association.

(8) When necessary the Commissioner may consult the Association in advance on proposals or problems affecting the Force, to the solution of which they might be expected to make a contribution.

57. (1) The Joint Central Committee shall elect from its members, a chairman, vice-chairman and secretary:

Provided that, if in the case of the election of a secretary the Joint Central Committee considers that for the more efficient and expeditious handling of the business of the Association the duties of secretary would more conveniently be carried out by a person not being a member of the Committee, the chairman may make written application to the Commissioner nominating a police officer of not less rank than inspector, selected by the Joint Central Committee, and the Commissioner may authorize the appointment of the nominated police officer as secretary.

(2) The chairman of the Joint Central Committee shall be gazetted officer.

(3) The chairman, vice-chairman and secretary of the Joint Central

[Subsidiary]

Committee shall be respectively the chairman, vice-chairman of the Board.

(4) The gazetted officer of a Provincial Board shall be the chairman of the Board.

58. (1) All business of the Association coming within the objects of the Association as provided for in the regulation 46 of these Regulations shall be regarded as official business

(2) Attendance at any authorized meeting held under the provisions of regulations 52, 53, 54 and 55 shall be regarded as occasions of duty.

#### PART VII—POLICE CERTIFICATES AND FORMS

59. A certificate of appointment of a police officer issued under section 8 of the Act shall be in form No. 1 contained in the Fifth Schedule.

60. A certificate of appointment of a Reserve police officer issued under section 8 of the Act shall be in form No. 2 contained in the Fifth Schedule.

61. A certificate of appointment of a special police officer shall be in form No. 3 contained in the Fifth Schedule to these Regulations.

62. A bond executed by any person who is required to attend at court as provided by subsection (1) of section 23 of the Act shall be in the form contained in the Sixth Schedule to these Regulations.

#### PART VIII—FIREARMS STORES

63. In this Part, unless the context otherwise requires—

“ammunition” means cartridges for small arms, the case of which can be extracted from the small arm after firing, and which is so enclosed as to prevent any explosion in one cartridge being communicated to another cartridge, but does not include tracer, explosive, incendiary, observing or signaling types of cartridges or cartridges containing or designed or adapted to contain any noxious liquid, gas or other thing;

“firearm” means any lethal barreled weapon, other than artillery, designed for the firing of ammunition and includes barreled apparatus designed for firing, observing or signaling types of cartridges;

“firearm store” means a store established under regulation 64 for the custody of firearms and ammunition deposited by members of the public;

“licensing officer” means an officer appointed under section 3 of the Firearms Act;

“officer in charge of a firearm store” means the police officer or other person appointed by the Commissioner to be in charge of a firearm store.

[Subsidiary]

64. There are hereby established the firearm stores specified in the Seventh Schedule, which shall be under the control of the Commissioner.

65. (1) Subject to the provisions of these Regulations a member of the public may deposit with the officer in charge of a police station, a licensing officer or officer in charge of a firearm store any firearm or ammunition which he is lawfully authorized to possess, for custody in a firearm store:

Provided that an officer in charge of a police station, a licensing officer or officer in charge of a firearm store may refuse to accept for custody in a firearm store any gun case, holsters, telescopic sight, sling, cleaning material or other such item which is not an essential component part of a firearm, or ammunition which is not packed in containers to the satisfaction of such officer.

(2) Any person who causes an officer in charge of a police station, licensing officer or officer in charge of a firearm store to accept for custody in a firearm store any ammunition, not being ammunition defined by regulation 63 or any authorized explosive or explosive as defined in section 2 of the Explosives Act , shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

(3) An officer in charge of a firearm store may destroy or cause to be destroyed or dispose of in any other manner any ammunition, not being ammunition as defined in section 2 of the Explosives Act , found in a firearm store and no person shall be entitled to compensation in respect of the destruction or other disposal thereof.

66. The officer in charge of a firearm store may destroy or cause to be destroyed any ammunition deposited for custody in a firearm store which is, in his opinion, dangerous or imminently likely to become dangerous, and no sum of money or other compensation shall be payable to any person in respect of ammunition so destroyed.

67. The officer in charge of a firearm store shall, so far as is possible, maintain any firearm in a firearm store in the same condition as it was at the time of deposit and for this purpose he may clean or oil or cause to be cleaned or oiled such firearm.

68. Any member of the public who has deposited a firearm or ammunition for custody in a firearm store may, subject to the provision of regulation 67, repossess himself of such firearm or ammunition on furnishing proof to an officer in charge of a police station, licensing officer or officer in charge of a firearm store that he is authorized under the Firearms Act to possess such firearm or ammunition. Cap. 114.

[Subsidiary]

## SECOND SCHEDULE—(Contd.)

**FIRST SCHEDULE**

(r. 10)

## SUMMONS

WHEREAS a charge of having committed an offence has been referred before me against (No.) ..... (Rank) .....(Name) ..... (Station) .....; and whereas I have directed that an inquiry be held at ..... on the ..... day of ....., 19....., at ..... o'clock in the .....noon.

Now, in exercise of the powers conferred upon me by section 33 of the Police Act, I do hereby summon and require you ..... to attend as a witness at the said place ..... and to bring with you the documents hereinafter mentioned, viz. ....

Given under my hand at ..... on the ..... day of ....., 19.....

.....  
*Presiding Officer*

**SECOND SCHEDULE**

FORM No. 1

(r. 26)

## KENYA POLICE RESERVE

ENLISTMENT OF: —

K.P.R. No. .... Name ..... Division .....

1. Christian or first name(s) (BLOCK LETTERS) .....

Surname (BLOCK LETTERS) .....

Postal address .....

Residential address .....

2. Place of Birth—

[Subsidiary]

SECOND SCHEDULE—(Contd.)

- Country .....
- Town (county or district) .....
- 3. (a) Nationality .....
- (b) Nationality of parents at birth: Father ..... Mother .....
- 4. Date of birth .....
- 5. Profession, trade or calling .....
- 6. Married, widower or single .....
- 7. Are you willing to be enlisted for service in the Kenya Police Reserve for the term of two years (provided your services are required for such period)?  
.....
- 8. Do you now belong to the Royal Navy, the Army, the Royal Air Force, the Royal Marines, the Territorial Army or any Dominion or Colonial Force? If so, state which unit .....
- 9. Have you formerly so belonged? If so, state which unit, and, if discharged, cause of discharge .....
- 10. Religious denomination .....

I, ....., do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagement made.

*Signature of recruit* .....

*Signature of witness* .....

Date .....

NOTE.— The Paper K.P.R.2 will be attached to the Original Enlistment Form.

[Subsidiary]

SECOND SCHEDULE—(Contd.)

FORM NO. 1 - (Contd.)

To be filled in by the Medical Officer

Apparent age ..... years ..... months
Height ..... ft. .... in.
Weight ..... Ib.

Chest measurement-
Girth when fully expanded ..... in.
Range of expansion ..... in.
Complexion .....
Eyes .....
Hair.....

Distinctive marks, and marks
indicating congenital peculiarities or
previous disease

I have examined the above-named recruit, and find that he is/is not fit for
general service.

.....
Medical Officer

Date .....

NOTE. - Further remarks (if any) by the Medical Officer should be added below.

Statement of the Services of No. .... Name .....

Including training and when on emergency duty.

Table with 6 columns: No. of Part II Order or other Division, Promotions, reductions, casualties, training, range course, policy duty, emergency duty, etc., Rank, From, To, Signatures of officers certifying correctness of entries and date.

SECOND SCHEDULE—(Contd.)

FORM No. 2

(r.27)

KENYA POLICE RESERVE

*Declaration by a Reserve Police Officer Volunteering to Serve in the Kenya Police Reserve*

I, ..... do solemnly declare that I will serve in the Kenya Police Reserve, that I will carry out such police duties as I may be called on so to do by the Commissioner of Police or the officer in charge of a province or a police officer of equivalent rank, and such training as may be ordered by the Commissioner.

.....  
*Signature of Reserve Police Officer*

Declared before me at ..... on (date) .....

.....  
*Signature of person authorized to enlist Reserve Police Officers*

FORM No. 3 (*Deleted by L.N. 399/1963.*)

FORM No. 4

(r. 33)

KENYA POLICE RESERVE

*Declaration to be Made by a Member of the Reserve on Re-engagement for the Reserve*

I, (No.) ..... (Rank) ..... (Name) ..... at present serving in the ..... Division of the Kenya Police Reserve, enlisted on the (date) ..... for a period of ..... years and re-engaged for periods of—

..... years on ..... years on .....  
..... years on ..... years on .....  
..... years on ..... years on .....

and being now desirous of re-engaging, do declare that I will faithfully serve the Republic of Kenya for a further period of two years from the end of my current term of engagement in the Kenya Police Reserve provided my services are required for such period.

.....

[Subsidiary]

SECOND SCHEDULE—(Contd.)

Signature of Reserve Police Officer

Declared before me at ..... (date) .....

Signature of person authorized to enlist Reserve police officers

I certify that I have examined this man and in my opinion he does not suffer from any disability or ailment likely to interfere with the efficient performance of his duties, and he is fit for general police service.

Signature of Medical Officer

Place ..... Date ....., 19.....

THIRD SCHEDULE (r. 29)

Oath or Affirmation to be Taken on Enlistment by Reserve Police Officer who is not a Commonwealth Citizen or British Protected Person

I, ....., do hereby swear by Almighty God (or do hereby solemnly and sincerely affirm) that I will give faithful service while I remain a member of the Kenya Police Reserve, and that I will at all times do my utmost to preserve the peace and to prevent offences against the same, and that I will subject myself to all Acts, orders and regulations relating to the said Reserve now in force or which may from time to time be in force, and will discharge all the duties of a Reserve Police Officer according to law, without fear or favour, affection or ill-will.

(Signature or thumb-print of Reserve Police Officer)

SWORN (or AFFIRMED) by the said ..... after the same had been read over and explained to him in the ..... language, which he appeared to understand at ..... this ..... day of ..... 19 .....

Before me,

.....

**FOURTH SCHEDULE**

(r. 41)

*Application for Hire of Police for Private Purposes*

I/We, the undersigned, hereby apply for the services of the undermentioned police officers—

No. of Inspectors .....

No. of Assistant Inspectors .....

No. of Sergeants .....

No. of Corporals .....

No. of Constables .....

for the purpose of .....

.....

I/We fully understand that the police officers so employed are subject to the order of the Commissioner of Police, and that such employment in no way absolves them from their duties as police officers.

I/We further understand that these officers cannot be employed on any duties other than strictly police duties as shall be interpreted by the officer in charge of police in the area.

I/We further agree to pay the charges for the police officers so employed at the rates for the time being prescribed.

Signature(s) .....

.....

Signature of Commissioner .....

Date .....

**FIFTH SCHEDULE**

FORM NO. 1

(r. 59)

L.N. 107/2009

Certificate of Appointment of Police Officer

[Subsidiary]

FIFTH SCHEDULE—(Contd.)

**KENYA POLICE**



FORCE NO: \_\_\_\_\_

RANK: \_\_\_\_\_

NAME: \_\_\_\_\_

BLOOD GROUP: \_\_\_\_\_



**KENYA POLICE  
CERTIFICATE OF APPOINTMENT**

Issued in accordance with the provisions of Section 8 of the Police Act.

HAVING DULY MADE AND SIGNED THE OATH OR AFFIRMATION PRESCRIBED BY SECTION 7 OF THE POLICE ACT IS HEREBY VESTED WITH THE POWERS, IMMUNITIES AND PRIVILEGES APPERTAINING TO HIS RANK AND APPOINTMENT IN THE KENYA POLICE FORCE.

\_\_\_\_\_  
GAZZETED OFFICER AUTHORISED BY  
THE COMMISSIONER OF POLICE

DATE: \_\_\_\_\_

FIFTH SCHEDULE—(Contd.)

[Subsidiary]

*Certificate of Appointment of Reserve Police Officer*

(Badge)

THE KENYA POLICE RESERVE

CERTIFICATE OF APPOINTMENT

(Photograph)

No. ....

Force No. ....

Rank .....

Name .....

having duly made and signed the oath or affirmation prescribed by section 7 of the Police Act, is hereby vested with the powers, immunities and privileges appertaining to his rank and appointment in the Kenya Police Reserve.

.....  
*Gazetted officer authorized by the  
 Commissioner of Police*

Date .....

[Subsidiary]

FIFTH SCHEDULE—(Contd.)

FORM No. 3

(r. 61)

*Certificate of Appointment of Special Police Officer*

(Badge)

THE KENYA POLICE

---

CERTIFICATE OF APPOINTMENT  
OF SPECIAL POLICE OFFICER

No. .... Rank .....

Name .....

Tribe .....

You are hereby appointed a Special  
Police Officer under section 48 of the  
Police Act.

.....  
*Signature of Police Officer authorized  
to appoint special Police officers*

Dated at .....

this .....

day of .....

19 .....

.....  
*Signature of Special Police Officer*

**SIXTH SCHEDULE**

(r. 62)

BOND TO ATTEND COURT

I, ....., of .....

do hereby bind myself to attend before the .....

Court at ..... at ..... o'clock on

the ..... day of ..... next or when called

upon and then and there to give evidence in the matter of a charge of

.....

[Subsidiary]

.....

against one .....  
and in case of making default herein I bind myself to forfeit to the Government  
the sum of Shillings .....

Dated this ..... day of ....., 19.....

.....

*Signature*

Witness .....

Address .....

Occupation .....

**SEVENTH SCHEDULE**

(r. 64)

FIREARMS STORES

Central Firearms Armoury, Nairobi.

[Subsidiary]

## THE POLICE (POLICE COUNCIL) REGULATIONS

L.N. 182/1963,  
L.N. 415/1963,  
L.N. 684/1963.

1. These Regulations may be cited as the Police (Police Council) Regulations.

2. There is hereby established a Council, to be known as the Police Council (hereinafter referred to as the Council), consisting of eight members, of whom four shall represent the Government, and shall be known as the Official Side, and four shall represent the Kenya Police Representative Association, and shall be known as the Staff Side.

3. (1) The members of the Council shall be—

(a) as to the Official Side—

- (i) the Permanent Secretary of the Ministry, or a person deputed by him, who shall be chairman of the Council;
- (ii) the Director of Personnel, or a person deputed by him;
- (iii) one person appointed by the Minister for Finance;
- (iv) one person to be appointed by the Minister;

(b) as to the Staff Side—

- (i) a person appointed by the Kenya Police Representative Association who shall be vice-chairman of the Council;
- (ii) three persons appointed by the Kenya Police Representative Association.

(2) It shall be open to the Official Side and the Staff Side to vary the membership of the Council at any time.

4. The function of the Council shall be to consider all questions affecting the welfare and efficiency of the Force, including pay, pensions and terms and conditions of service, which are referred to it by the Official Side or the Staff Side and to seek to reach agreement thereon:

Provided that the Council shall not consider any question of discipline and promotion concerning an individual officer of the Force except in a case where the principle underlying the question is in dispute.

5. (1) Ordinary meetings of the Council shall be held not less than twice per year.

(2) A special meeting of the Council may be convened by the chairman and the vice-chairman whenever they consider it necessary after giving fourteen days' notice to the members of the Council.

(3) The quorum of the Council shall be three members of each side of the Council.

(4) Subject to these Regulations, the Council shall regulate its own proceedings.

6. (1) The Council may at any time appoint a subcommittee and delegate the subcommittee its functions in respect of any particular case or matter.

(2) If the Official Side and the Staff Side so agree, membership of the subcommittee shall not be restricted to members of the Council.

(3) The subcommittee may co-opt any person to attend meetings whose knowledge and experience of a particular matter may be of assistance to the subcommittee.

(4) The chairman and vice-chairman shall direct the manner and extent to which any co-opted member may participate in the meetings of the subcommittee.

7. (1) Minutes shall be kept of all meetings of the Council and subcommittee unless the terms of reference of a subcommittee allow an agreed report to be submitted in lieu of Minutes.

(2) Minutes of all meetings of the Council shall be treated as confidential and shall not be published outside the Police Force.

8. The decisions of the Council shall be made between the Official Side and the Staff Side and shall be reported to Government and shall thereupon become operative.

9. In the event of deadlock being reached on any question before the Council either side shall have the right to refer the matter to arbitration in accordance with the Schedule.

10. (1) The Official Side shall bear its own expenses.

(2) The Staff Side shall be responsible for expenses incurred in matters falling outside regulation 58 of the Police Regulations.

(3) The cost of payment of an Arbitration Tribunal shall be in accordance with the rules applicable to arbitration on matters affecting disputes outside the Civil Service.

## **SCHEDULE**

(r. 9)

### **PROVISIONS AS TO ARBITRATION**

1. Failing agreement by negotiation, arbitration shall be open to the Official Side on the one hand and to the Staff Side on the other hand, on

[Subsidiary]

application by either party, in regard to certain matters affecting conditions of service, subject to the limitations and conditions hereinafter defined.

2. Where the parties are unable to reach agreement on any claim falling within the limitations set out in this Schedule, either party may refer to arbitration, in accordance with this Schedule, subject to the right of Government to refuse reference to arbitration of any dispute on grounds which the Government has declared to be matter of public policy.

3. Disputes relating to salaries in excess of the maximum of the Government's PG. 1 Scale for the time being in force shall not be referable except with the agreement of both parties.

4. Disputes relating to individual officers or to the salary scales allotted to particular duties shall not be referable.

5. Disputes affecting emoluments, weekly hours of work and leave of any or all classes of officers shall otherwise be referable.

6. For the purposes of this Schedule, "emoluments" includes pay and allowances of the nature of pay, bonus, overtime rates, subsistence rates and travelling and lodging allowances, and "class" means any well-defined category of officer who, for the purpose of a particular claim, occupy the same position or have a common interest in the claim.

7. After an award has been made by an Arbitration Tribunal under this Schedule, a dispute involving substantially the same issues shall not again be referable within a further period of twelve months from the effective date of the award.

8. (a) The Official Side and the Staff Side shall forthwith each inform the Minister for Defence of the names of not less than three nor more than five persons, the appointment of whom as members of arbitration tribunals would be acceptable to them.

(b) Such persons to be persons of standing who are not themselves servants of any East African Government or Administration or officers or members of an association of employees of one of these Governments or Administrations or members of the National Assembly of Kenya.

(c) Both sides shall thereafter keep the Minister informed of any necessary amendments to these panels of names.

9. The Arbitration Act (Cap. 49) shall not apply to any reference under this Schedule.

10. A dispute within the limits defined in this Schedule may be reported by either party to the Minister for Defence for reference to an Arbitration Tribunal.

11. On receiving such a report the Minister for Defence shall, having confirmed that the Government does not object to arbitration on grounds

[Subsidiary]

of public policy, propose to both parties the name or names of one or more persons whom he considers to be suitable for appointment as chairman of an Arbitration Tribunal, and he shall thereafter negotiate as may be necessary with both parties until agreement is reached on a recommendation to be made by him to the President for the appointment of a chairman acceptable to both parties.

12. The Minister for Defence shall, at the same time, select one name from each of the panels of names submitted in accordance with paragraph 8 of this Schedule, and, having confirmed that both persons will be available for the purpose, appoint them as members of a tribunal.

13. Where on any reference the members of the Tribunal are unable to agree as to their award, the matter shall be decided by the chairman.

14. The appointments of the chairman and members of the Tribunal shall lapse on presentation of their award, except in so far as the Tribunal may be requested to decide any question arising as to the interpretation of the award.

15. An endeavour shall be made by both parties to a dispute to agree the terms of reference or the terms of the remit to the Tribunal, but where this is not practicable the respective statements of case shall be set out, and these together will constitute the terms of reference or of remit.

16. Neither party shall be represented before a Tribunal except by a civil servant or, in the case of the Staff Side by a bona fide salaried official or member of the Kenya Police Representative Association, but the Tribunal, should it so desire, may allow more than one representative to speak.

17. Arrangements shall be made to secure that, wherever possible, under normal conditions claims are heard within one calendar month of the date on which a dispute is referred to a tribunal.

18. The following rules of procedure of an Arbitration Tribunal shall apply, subject to the general jurisdiction of the Tribunal to regulate its own procedure as it thinks fit—

- (a) the Tribunal shall give the parties at least fourteen days' notice of the date of hearing;
- (b) the parties to the reference shall supply to the Tribunal in writing six copies of the statement of their case not later than seven days before the date of hearing;
- (c) when the copies of the statement of case from parties have been lodged with the Tribunal, a copy shall be sent by the Tribunal to the other side before the date of hearing;
- (d) the statement of case shall contain the following particulars—
  - (i) the class or classes concerned, and the number of officers in such class or classes;

[Subsidiary]

- (ii) the nature of the claim, stating whether in respect of emoluments (in pay, allowances of the nature of pay, bonus, overtime rates, subsistence rates, travelling and lodging allowances), weekly hours of work or leave;
  - (iii) where the claim is in respect of emoluments, the present remuneration and bonus (if any) and allowances (if any);
  - (iv) where the claim is in respect of weekly hours of work or leave, the existing weekly hours of work or leave;
  - (v) the grounds in support of or in opposition to the claim;
  - (vi) where reference is made to any document or documents, copies or extracts thereof, if possible;
  - (vii) the names and status of the representative or representatives who will appear before the court;
- (e) the statement of case shall contain all submissions upon which the party relies in support of or in opposition to the claim, as the case may be;
- (f) the Tribunal may require parties at the hearing to read their statements of case;
- (g) evidence, either oral or in writing, and observations in support of or in opposition to the claim shall be referable to the submissions contained in the statements of case of any party to the reference;
- (h) where any party desires that a case should be adjourned from the date fixed to a later date, a consent to such adjournment signed by all parties shall be sent to the Tribunal, and the Tribunal, if good reason is shown, shall thereupon sanction the adjournment; and, if joint consent cannot be obtained, application may be made to the Tribunal by the party desiring the adjournment.

