(e) the Principal Secretary of the Ministry for the time being responsible for education, or a person deputed by him in writing for the purposes of these Regulations.

5. (1) The Board shall meet at such times as the Chief of the Kenya Defence Forces may decide.

(2) The quorum for the conduct of business at a meeting of the Board shall be the chairperson and not less than three other members.

(3) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by concurrence of majority of all the members.

(4) Every recommendation of the Board shall be signified under the hand of the chairperson.

6. Subject to the provisions of these Regulations the Board may regulate its own procedure.

7. (1) The Chairperson of the Board may co-opt to serve on the Board any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Board.

(2) The person co-opted shall neither have a vote nor be considered as part of the quorum of the Board as provided in regulation 5(2) above.

8. The Chief of the Kenya Defence Forces shall appoint an officer not below the rank of lieutenant colonel to be secretary to the Board.


SAITOTI TOROME,
Principal Secretary and Secretary to the Defence Council.

RAYCHELLE OMAMO,
Cabinet Secretary for Defence and Chairperson to the Defence Council.

LEGAL NOTICE NO. 228

THE KENYA DEFENCE FORCES ACT

(No. 25 of 2012)

IN EXERCISE of the powers conferred by section 304(1)(t) of the Kenya Defence Forces Act, 2012, the Defence Council makes the following Regulations:—

THE KENYA DEFENCE FORCES (ACTIVE SERVICE PUNISHMENT) REGULATIONS, 2017

1. These Regulations may be cited as the Kenya Defence Forces (Active Service Punishment) Regulations, 2017.
2. In these Regulations, unless the context otherwise requires—

"Act" means the Kenya Defence Forces Act; and

"Constabulary" means a support staff unit established under section 30 (1) (b) of the Act.

3. (1) An offender shall undergo active service punishment with the unit to which he or she belongs or to which he or she is for the time being attached.

(2) Where the officer commanding anybody of service members or any command or other area has appointed an officer to supervise the carrying out of active service punishment, the offender may be required to undergo the whole or any part of his punishment elsewhere under the supervision of that officer.

4. (1) Active service punishment consists of one or more of the following, in addition to those duties which an offender might be required to perform if he or she were not undergoing punishment—

(a) solitary confinement not exceeding three days in any one week and in such place and such manner as may be directed by the officer commanding the unit in which the offender undergoing the punishment is serving, or by the officer appointed to supervise the carrying out of such punishment;

(b) additional drill not exceeding three separate periods of one hour each in any one day with an interval of not less than one hour between each drill:

Provided that such drill shall not be performed on a day which is set aside for divine service of the religious denomination to which the offender belongs; or

(c) such other duties and loss of privileges as may be directed by the officer commanding the unit in which the offender undergoing the punishment is serving, or by the officer appointed to supervise the carrying out of the punishment; but so that an offender shall not be subjected to any treatment to which he or she could not be subjected if he or she were undergoing a sentence of imprisonment in a service prison.

(2) The punishments enumerated in paragraph (1) shall be performed in accordance with the law.

5. (1) An offender may not be placed under personal restraint except—

(a) to prevent his escape; or

(b) to protect himself or others from injury.

(2) An offender shall not be placed under personal restraint except in accordance with the following conditions—
a) the period for which the offender may be kept continuously under personal restraint shall not exceed twenty-four hours:

Provided that the officer superior in command to the officer supervising the personal restraint may authorize such additional period as he may consider necessary so long as the total period of such restraint does not exceed forty-eight hours at any one time; and

b) handcuffs shall not be placed with the hands of the offender behind his body unless it is necessary by reason of his violence.


SAITOTI TOROME,
Principal Secretary and Secretary to the Defence Council.

RAYCHELLE OMAMO,
Cabinet Secretary for Defence and Chairperson to the Defence Council.

LEGAL NOTICE NO. 229

THE KENYA DEFENCE FORCES ACT
(No. 25 of 2012)

IN EXERCISE of the powers conferred by section 304(1)(t) of the Kenya Defence Forces Act, 2012, the Defence Council makes the following Rules:—

THE KENYA DEFENCE FORCES (INTERNAL GRIEVANCE MECHANISM) RULES, 2017

1. These Rules may be cited as the Kenya Defence Forces (Internal Grievances Mechanism) Rules, 2017.

2. In these Rules, unless the context otherwise requires—

“Act” means the Kenya Defence Forces Act;

“Board of Inquiry” means the Board of Inquiry referred to under section 301 (1) of the Act and established under the Kenya Defence Forces (Board of Inquiry) Regulations;

“civilian” means a person who is not an officer, service member, cadet or a member of the constabulary;

“Constabulary” means a support staff unit established under Section 30(1)(b) of the Act;

“higher commander” means an officer superior in command than a Commanding Officer but subordinate to the Service Commander; and

“register” means a register of complaint kept and maintained under regulation 4.