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.
“Service Commander” means a commander of a service of the Kenya Defence Forces.

3. (1) Where an officer considers himself aggrieved by a superior officer or an officer of equivalent rank, the officer may complain in writing to the Commanding Officer if the superior officer or other officer is of junior rank to the Commanding Officer, or in any other case to the Chief of the Kenya Defence Forces through the Commanding Officer, Higher Commander and the Service Commander.

(2) The Commanding Officer shall—
(a) refer the complaint received under paragraph (1) to the military police for investigation if the complaint, on the face of it, discloses an offence;
(b) convene a Board of Inquiry to investigate the complaint and report to him in accordance with section 301 of the Act;
(c) investigate the complaint and grant any redress which appears to be necessary; or
(d) refer the complaint to the Chief of the Kenya Defence Forces through the Service Commander and Higher Commander.

(3) While forwarding a complaint to the Chief of the Kenya Defence Forces, the Commanding Officer, the higher commander and the Service Commander shall make recommendations on the manner in which the complaint should be dealt with and any possible remedies if the complaint so merits.

(4) Where a complaint has been forwarded to the Chief of the Kenya Defence Forces in accordance with these Rules, the Commanding Officer shall await the directions and decision of the Chief of the Kenya Defence Forces.

(5) The Service Commander or the higher commander may convene a Board of inquiry to investigate the complaint and report to him in accordance with section 301 of the Act.

4. (1) The Commanding Officer to whom a complaint is lodged shall enter a record and maintain a register of all complaints received under these Rules.

(2) Upon finding of the Board of Inquiry, the Commanding Officer shall enter the finding of the Board in the register referred to under paragraph (1).

(3) The Commanding Officer shall enter in the register the decision or recommendations made under regulation 3.

5. (1) Where an officer does not obtain the redress which he or she considers he or she is entitled to, the officer may forward the complaint to the Chief of the Kenya Defence Forces through the Commanding Officer, Higher Commander and the Service Commander.
(2) Despite paragraph (1), the higher commander or the Service Commander may grant any redress which appears necessary provided that the officer by reason of his or her redress not being granted to his or her satisfaction may request in writing that the complaint be forwarded to the Chief of the Kenya Defence Forces and the complaint shall be forwarded to the Chief of the Kenya Defence Forces.

6. On receiving a complaint under rule 3 or 5, the Chief of the Kenya Defence Forces may—

(a) cause investigation of the complaint by a Board of Inquiry or military police and grant redress as appears necessary;

(b) refer the complaint to the relevant Service Commander other than the Service Commander through whom the complaint was forwarded to deal with it; or

(c) dismiss the complaint if he or she considers the same to be frivolous or without merit.

7. Rules 3, 4, 5 and 6 shall apply with necessary modification to complaints by cadets, service members and constabulary.

8. Where a civilian considers himself wronged in any matter by a person subject to the Act, the civilian may complain in writing to the Chief of the Kenya Defence Forces.

9. On receiving a complaint under rule 8, the Chief of the Kenya Defence Forces may—

(a) refer the complaint to the relevant Service Commander for investigation;

(b) cause investigation of the complaint by a Board of Inquiry or military police and award any appropriate redress; or

(c) dismiss the complaint if he considers the same to be frivolous or without merit.

10. The Commanding Officer, Higher Commander, Service Commander or the Chief of the Kenya Defence Forces shall afford the person against whom the complaint is made an opportunity to make representations either orally or in writing.

11. (1) All complaints under these Rules shall be dealt with within thirty days from the date of receipt of such complaint unless the Chief of the Kenya Defence Forces or the Service Commander in writing extends the time within which the complaint shall be dealt with.

(2) The extension of time referred to under paragraph (1) shall not exceed ninety days.

12. Any officer or person expected to handle the complaint under these regulations shall do so expeditiously and within the limits provided in rule 11 above.
13. (1) The Chief of the Kenya Defence Forces shall be the final authority in the internal grievance mechanism.

(2) Paragraph (1) does not preclude any person from seeking justice through other means provided for in the Constitution or an Act of Parliament.


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

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

LEGAL NOTICE NO. 230
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 (RETIRED OFFICERS AND SERVICE MEMBERS) REGULATIONS, 2017
1. These Regulations may be cited as the Kenya Defence Forces (Retired Officers and Service Members) Regulations, 2017.
2. In these Regulations, unless the context otherwise requires—
“retired re-employed officer” means a retired officer of the Kenya Defence Forces employed to serve under a contract;
“retired re-employed service member” means a retired warrant officer or senior non-commissioned officer of the Kenya Defence Forces re-employed to serve under a contract; and
“retired re-employed senior non-commissioned officer” means a service member who retired while holding the rank of sergeant or senior sergeant or corresponding rank and is re-employed to serve under a contract.
3. These Regulations shall apply to re-employed Officers or Service members who have retired from the Kenya Defence Forces.
4. The appointing authority for retired re-employed officers and retired re-employed service members shall be the Defence Council.
5. The Defence Council shall be responsible for the promulgation of terms and conditions of service, the appointments and the administration of retired re-employed officers and retired re-employed service members.
6. (1) There shall be four grades of retired re-employed officers as set out in the First Schedule.