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.


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. 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.
(2) There shall be four grades of retired re-employed service members as set out in the Grades in the Second Schedule.

7. A retired re-employed officer and a retired re-employed service member may be appointed as a public officer and employed in the Defence Headquarters, Service Headquarters or in any other military establishment, in a post in which his military knowledge in the Defence Forces may be required.

8. (1) Subject to regulation 9, retired officers may be employed as Retired Re-employed Officers if such officers:

(a) are aged between 39 and 56 years;
(b) have held a Regular Commission;
(c) have retired or resigned on grounds other than disciplinary or misconduct;
(d) are medically fit for service;
(e) have no criminal record;
(f) do not hold dual citizenship; and
(g) are not engaged in elective politics.

(2) Subject to regulation 9, retired Service members may be employed as Retired Re-employed Service members if such retired service members:

(a) are aged between 39 and 56 years;
(b) have held the rank of Sergeant and above on retirement;
(c) have retired or resigned on grounds other than disciplinary or misconduct;
(d) are medically fit for service;
(e) have no criminal record;
(f) do not hold dual citizenship; and
(g) have engaged in elective politics.

9. (1) An application for employment as a retired officer or retired service member shall be made to the Defence Council-

(a) by a serving officer or service member through his Service Headquarters to the Defence Council six months before his due date of retirement; or

(b) by an officer or service member who has already retired from the Defence forces through his former Service Headquarters to the Defence Council.

10. A retired officer employed under these Regulations shall insert the letters (Rtd) after his service rank when signing official papers and documents.

11. The engagement of a retired re-employed officer or service member shall be on contract as may be prescribed in the terms and conditions of service.
12. An appointment under these Regulations may be terminated by the Defence Council at any time on such grounds as may be prescribed in the terms and conditions of service.

13. Where the term of contract is completed or where the contract is terminated pursuant to regulation 12 other than on disciplinary grounds, the retired re-employed officer or service member concerned shall be entitled to service gratuity as provided in the terms and conditions of service.

14. Where a retired re-employed officer or service member employed under these Regulations dies while still serving, the Defence Council in consultation with Treasury may grant to his dependants a gratuity of an amount not exceeding his total annual emoluments or his earned service gratuity, whichever is greater.

FIRST SCHEDULE (r. 6(1))

<table>
<thead>
<tr>
<th>RO Grade</th>
<th>Defence Forces Rank at Retirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>RO 1</td>
<td>Brigadier</td>
</tr>
<tr>
<td>RO 2</td>
<td>Colonel</td>
</tr>
<tr>
<td>RO 3</td>
<td>Lieutenant Colonel</td>
</tr>
<tr>
<td>RO 4</td>
<td>Major</td>
</tr>
</tbody>
</table>

SECOND SCHEDULE (r. 6(2))

<table>
<thead>
<tr>
<th>RSVC Grade</th>
<th>Equivalent</th>
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</thead>
<tbody>
<tr>
<td>RSVC 1</td>
<td>WOI</td>
</tr>
<tr>
<td>RSVC 2</td>
<td>WOII</td>
</tr>
<tr>
<td>RSVC 3</td>
<td>SSGT</td>
</tr>
<tr>
<td>RSVC 4</td>
<td>SGT</td>
</tr>
</tbody>
</table>


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. 231

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 (CONSTABULARY) REGULATIONS, 2017