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>
</tr>
</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
1. These Regulations may be cited as the Kenya Defence Forces (Constabulary) Regulations, 2017.

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

   “Act” means the Kenya Defence Forces Act;

   “commanding officer” means the commanding officer of the unit to which a member of the constabulary is attached or serving;

   “Constabulary” means a support staff unit established under section 30(1) (b) of the Kenya Defence Forces;

   “detachment” means any formation of the Constabulary attached to any unit of the Kenya Defence Forces; and

   “detachment commander” means a member of the constabulary, not below the rank of the Inspector of Constabulary, who is in immediate command of a detachment.

3. The constabulary shall be commanded by a Commandant appointed by the Chief of the Kenya Defence Forces.

4. The Commandant shall, subject to the directions of the Chief of the Kenya Defence Forces, be responsible for the general control, discipline and administration of the constabulary.

5. The Act and Regulations, Rules or Standing Orders made thereunder shall apply to members of the constabulary as it applies to officers and service members of the regular force, subject to such modifications and limitations specified in these Regulations.

6. (1) The punishments which may be awarded by a court martial to a member of the Constabulary shall include dismissal, imprisonment, reduction in rank, forfeiture, reprimand, admonition, fine and stoppages where the offence has occasioned loss or damage.

   (2) The only punishment which may be awarded to a member of the constabulary for an offence where the charge is dealt with summarily shall be dismissal, reduction in rank and a fine not exceeding the equivalent of one month’s pay, and stoppages where the offence has occasioned loss or damage.

7. (1) A member of the constabulary may be arrested by an officer, military police, warrant officer or non-commissioned officer on the order of an officer or by a member of the constabulary who is senior to him in rank.

   (2) A member of the constabulary of the rank of inspector or above shall only be arrested by an officer or on the order of an officer.

   (3) Section 139(2) and (3) of the Act shall not apply to members of the constabulary.

8. For the purposes of the provisions of the Act relating to summary disciplinary proceedings, the trial authority shall be the Commandant of the Constabulary or the commanding officer.
9. (1) References in sections 209 and 210 of the Act to being, continuing to be or ceasing to be subject to the Act shall be construed to mean being, continuing to be or ceasing to be in circumstances in which Parts V to XII apply.

(2) Despite paragraph (1), provisions of section 209(3) of the Act shall not apply.

10. The provisions of Part XVI of the Act shall not apply to members of the Constabulary.

11. Any fine imposed on a person to whom these Regulations apply whether by a court martial or on a charge being dealt with summarily, shall be recoverable as a debt due to the National Government.

12. (1) Subject to paragraph (3) the Commandant, may delegate to a detachment commander of any rank the power to deal summarily with charges which he himself may deal.

(2) A delegation shall not include the power to remand the accused for trial by court martial.

(3) A detachment commander to whom the power to deal summarily with charges has been delegated under paragraph (1) may only award the following punishments—

(a) a fine not exceeding the equivalent of fifteen days pay;

(b) stoppages up to a maximum of ten thousand shillings.

(4) The commanding officer may not delegate his powers of punishment to any other officer.

13. (1) The Commandant and the commanding officer shall not award the punishment of stoppages exceeding ten thousand shillings.

(2) The punishment of reduction in rank or dismissal, when awarded by a commanding officer or Commandant, are subject to confirmation by the Chief of Kenya Defence Forces.

(3) The Chief of Kenya Defence Forces may delegate in writing to a Service Commander the power to confirm reduction in rank or dismissal.

(4) A commanding officer of the rank of Major or corresponding rank may only award the following punishments—

(a) a fine not exceeding the equivalent of fifteen days pay;

(b) stoppages up to a maximum of five thousand shillings.

(5) A commanding officer of a rank of captain or corresponding rank or below may only award the following punishments—

(a) a fine not exceeding the equivalent of ten days pay;

(b) stoppages up to a maximum of three thousand shillings.
14. The Commandant and the commanding officer shall not deal summarily with a charge under any of the following sections of the Act—

(a) sections 58, 59, 60, 61, 62, 63, 64, 66(1)(b), 67, 68, 69(c) and (d), 70, 71, 72, 73;

(b) sections 87 (a), (b) 88 (a), (b), 91 and 92, where the subject matter exceeds in value ten thousand shillings;

(c) sections 94, 97, 98, 99, 100, 101, 103(1), 106, 107, 109, 110, 111, 114, 115, 117, 118, 119, 120, 122, 124 and 129; and

(d) section 131, 132 and 133, where the Commandant and the commanding officer may not deal summarily with the substantive offence; and

(e) section 133, unless the correspondence civil offence is specified in the Schedule.

SECOND SCHEDULE (r. 14)

Civil Offences Which a Commanding Officer or Commandant May Deal with Summarily

1. Theft, contrary to section 275 of the Penal Code, where the value of the thing stolen does not exceed ten thousand shillings.

2. Common assault, contrary to section 250 of the Penal Code.

3. Careless driving of a motor vehicle, contrary to section 49 of the Traffic Act.

4. Taking and driving away a motor vehicle without the consent of the owner or other lawful authority, contrary to section 65 of the Traffic Act.

5. Reckless or dangerous driving of a bicycle, contrary to section 86 of the Traffic Act.


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

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