

NO. 17 OF 2018

THE NATIONAL YOUTH SERVICE ACT

SUBSIDIARY LEGISLATION

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THE NATIONAL YOUTH SERVICE (BOARD OF INQUIRY) REGULATIONS

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THE NATIONAL YOUTH SERVICE (BOARD OF INQUIRY) REGULATIONS

[Legal Notice 9 of 2021]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the National Youth Service (Board of Inquiry) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the National Youth Service Act (Cap. 208);

"Board" means the Board of Inquiry convened by the Director-General or an officer authorized by the Director-General for the purposes of conducting an inquiry under section 60 of the Act;

"child" has the meaning assigned to it under Article 260 of the Constitution;

"Chairperson" means the Chairperson of the Board of Inquiry;

"convening Authority" means the Director-General or an officer acting under the delegated authority of the Director-General; and

"Order" means a directive issued by the convening Authority to the Board, specifying the terms of reference and timeframe within which the Board is to conclude its inquiry.

PART II – BOARD OF INQUIRY**3. Board of Inquiry**

(1) The convening Authority may convene a Board of Inquiry, through an Order in writing, to investigate and report on facts relating to any matter under section 60 of the Act.

(2) The Board shall consist of five persons, one of whom shall be an officer of a rank not lower than that of a Chief Inspector who shall be the Chairperson of the Board.

(3) The Order made under paragraph (1) shall specify the terms of reference of the Board of Inquiry and the timeframe within which the Board shall conclude its proceedings.

4. Investigations

(1) The Board shall investigate and report to the convening Authority on facts relating to any of the matters referred to under section 60 of the Act.

(2) The Board may, on conclusion of the investigation under paragraph (1), express its opinion on any question arising out of such matters.

5. Meeting

(1) The Board shall meet at the time and place as stated in the Order.

(2) Despite paragraph (1), the Board may with the approval of the convener, meet at such place and time as it deems necessary.

6. Terms of reference

(1) The Chairperson shall, at the first sitting, lay the terms of reference before the Board as set out in the Order.

(2) The Board shall, on tabling of the terms of reference in accordance with paragraph (1), proceed to hear and record evidence in accordance with these Regulations and the Act.

7. Inquiry

(1) The Board shall hear the evidence of any witness who has been made available to it by the convening Authority and any other person it deems fit.

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(2) Subject to regulation 9, a witness may be represented while giving evidence before the Board.

(3) A witness for the prosecution who has been summoned by the Board shall be reimbursed such reasonable expenses of his or her attendance upon production of the necessary documentation.

(4) Subject to the Evidence Act (Cap. 80), the Board may take into consideration any evidence it considers relevant to the subject of the matter before it.

8. Witnesses

A person who is the subject of inquiry may question a witness or call any witness to give evidence on any matter which may affect him or her and if represented, the representative may examine a witness, but the representative shall not address the Board without the permission of the Board.

9. Examination of witnesses

(1) The convening Authority may, subject to paragraph (2) direct that every witness before the Board be examined on oath.

(2) If in the opinion of the Board a child of tender age does not understand the nature of an oath, the evidence of the child may be received, even though not given on oath, if the Board is satisfied that the child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

(3) An oath shall be administered before the Board in the manner set out in the Schedule.

10. Exhibit

(1) Any evidence produced before the Board by a witness when giving his or her evidence shall be an exhibit.

(2) Every exhibit shall—

- (a) be marked with a number or letter and be signed by the Chairperson or have a label affixed to it bearing a number or letter and the signature of the Chairperson; and
- (b) be attached to or kept with a record of the proceedings unless in the opinion of the Board it is not expedient to attach it to or keep it with the record.

(3) The Chairperson shall ensure that proper steps are taken for the safe custody of exhibits where an exhibit is not attached or kept with the record of proceedings.

11. Recording of proceedings

(1) The Chairperson shall record or cause to be recorded the proceedings of the Board, in writing, and in sufficient detail to enable the convening Authority to follow the course of the proceedings.

(2) The evidence of each witness shall be recorded in narrative form and in as nearly as possible the words used, provided that if the Board considers it necessary, any particular question and answer shall be taken down verbatim.

(3) The evidence of each witness, shall be read to the witness as soon as it has been taken down in accordance with paragraph (2), and shall be signed by the witness upon confirmation of its accuracy.

(4) A record of the proceedings shall be signed by the Chairperson and the Board members and forwarded to the convening Authority.

12. Report

(1) On conclusion of an inquiry, the Board shall submit to the convening Authority a detailed report containing the record of its proceedings including the witness statements, the convening Order, list of exhibits, the oath administered to the witnesses and the findings and recommendations of the Board.

(2) The convening Authority shall act on the recommendations of the Board.

SCHEDULE

[r. 9(3)]

OATH

I (Personal Number, Rank, Name), do solemnly affirm/ swear by the Almighty God that the evidence I shall give before this Board touching the matter in question shall be the truth nothing but the whole truth.

**THE NATIONAL YOUTH SERVICE
(DISCIPLINARY PROCEDURE) REGULATIONS**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation
2. Interpretation
3. Guiding principles

PART II – COMPLAINTS, INVESTIGATION, CHARGE AND HEARING

4. Complaint
5. Investigations
6. Formulation of a charge
7. Presiding Officer
8. Summons
9. Documents to be supplied
10. Witnesses
11. Hearing
12. Review
13. Power of the Director-General
14. Disciplinary offences

SCHEDULES

SCHEDULE —

FORMS

THE NATIONAL YOUTH SERVICE (DISCIPLINARY PROCEDURE) REGULATIONS

[Legal Notice 8 of 2021]

PART I – PRELIMINARY

1. Citation

These Rules may be cited as the National Youth Service (Disciplinary Procedure) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the National Youth Service Act (Cap. 208);

"accused officer" means a member of the Service who is alleged to have committed an offence against discipline;

"decorations" means an honour through official recognition, status or award conferred by the President under Article 132(4)(c) of the Constitution;

"delegated officer" means an officer acting under the direct instructions of the Director-General;

"investigating officer" means a member of the Service appointed by the Director-General or a delegated officer to investigate an offence against discipline;

"offence" means an offence against discipline as set out in the Fourth Schedule to the Act;

"presiding officer" means the Director-General or a delegated officer who presides over the orderly proceedings of the Service; and

"receiving officer" means an officer to whom a complaint is reported.

3. Guiding principles

(1) A presiding officer shall in the discharge of his or her functions observe and uphold the rules of natural justice.

(2) Notwithstanding paragraph (1) a presiding officer shall ensure that—

- (a) no punishment is meted out against an accused officer, unless there has been full and careful inquiry and the presiding officer is satisfied beyond any reasonable doubt that an offence has been committed;
- (b) where there is any doubt as to the true facts, the accused officer shall be given the benefit of the doubt and the charge dismissed;
- (c) no person shall be punished until he or she has been accorded an opportunity to be heard;
- (d) no person is punished twice for the same offence; and
- (e) the punishment meted out against the accused officer is proportionate to the offence committed.

PART II – COMPLAINTS, INVESTIGATION, CHARGE AND HEARING

4. Complaint

(1) A person may report a complaint, orally or in writing that an offence against discipline has been committed.

(2) Where a complaint is made orally, the receiving officer shall cause the complaint to be reduced into writing.

[Subsidiary]

(3) The receiving officer shall, on receipt of the complaint and where it appears that a member of the Service has committed an offence against discipline, cause the particulars of the complaint to be entered in Form I set out in the Schedule.

(4) Upon entering the particulars of the complaint, the receiving officer shall within twenty-four hours of receipt of the complaint, notify the Director-General through the commanding officer, that an offence against discipline has been committed.

5. Investigations

(1) On receipt of the complaint under regulation 4 and after the particulars of the complaint are entered in the appropriate form, the Director-General shall designate a member of the service to be an investigating officer and to immediately commence the investigations.

(2) An investigating officer under paragraph (1) shall be an officer of a rank superior to the accused officer and shall have no direct interest in the matter under investigation.

(3) An investigating officer to whom a matter has been referred shall commence and conclude the investigations within fourteen days, unless an extension is granted by the Director-General, and cause the evidence to be reduced into writing in the form of an abstract of evidence in Form II set out in the Schedule.

(4) Where the evidence taken in accordance with paragraph (3) discloses an offence other than the offence which is the subject of the investigations, a charge alleging that offence may be preferred against the accused officer.

(5) On completion of the investigations, the investigating officer shall compile and forward a report containing the evidence collated and the recommendations to the Director-General.

6. Formulation of a charge

An investigating officer shall, upon being satisfied that there is sufficient evidence to support the breach of offence against discipline, frame a charge-sheet in Form III set out in the Schedule.

7. Presiding Officer

Where the Director-General is satisfied with the evidence to support an offence against discipline, the Director-General shall appoint a presiding officer to hear the matter.

8. Summons

(1) On conclusion of the investigations and upon being satisfied with the report of the investigating officer, the presiding officer shall issue notice of summons to the accused officer to appear before him or her on the date stated in the summons.

(2) The summons referred to in paragraph (1), shall be in Form IV set out in the Schedule.

(3) An investigating officer may cause for the arrest of the accused officer who fails to honor the summons having been served and shall—

- (a) immediately following the arrest, inform the accused officer of the reasons for his or her arrest; or
- (b) as soon as practicable report this fact and the grounds thereof to the arrested person's commanding officer.

(4) The investigating officer shall ensure that the accused officer is availed before the presiding officer within twenty-four hours of the arrest.

9. Documents to be supplied

Where an accused officer has been charged with an offence against discipline, the investigating officer shall as soon as practicable, but before the hearing commences, supply the accused officer with a copy of the abstract of evidence containing the evidence to be adduced against him or her before the presiding officer.

10. Witnesses

The accused officer shall have the right to state in writing, the names and addresses of the witnesses he or she intends to call at the hearing to support his or her case.

11. Hearing

(1) Upon receipt of the investigations report and the charge sheet from the investigating officer, the presiding officer shall as soon as practicable, commence the hearing of the allegations against the accused officer.

(2) The presiding officer upon being satisfied that the person brought before him or her is the accused officer as named in the charge sheet, shall proceed as follows—

- (a) record that the accused officer is before him or her and that he or she has been charged with the particulars of the offence as shown in the charge sheet;
- (b) record that the accused officer admits that he or she understands the charge and has been required to plead thereto;
- (c) read out the charge to the accused officer in a language he or she understands then ask the accused officer whether or not, he or she pleads guilty;
- (d) record the plea of the accused officer;
- (e) a plea of "not guilty" shall be recorded as such and an unequivocal plea shall be treated and recorded as a plea of "not guilty";
- (f) if the plea is one of "not guilty", the presiding officer shall hear all the prosecution witnesses, and the accused officer shall be accorded an opportunity to cross-examine the prosecution witnesses;
- (g) after hearing the prosecution witnesses, the presiding officer shall decide whether a *prima facie* case has been established against the accused officer;
- (h) if in the opinion of the presiding officer, it appears that from the evidence of the prosecution that a *prima facie* case has not been established, the presiding officer shall record a dismissal of the charge;
- (i) if in the opinion of the presiding officer, it appears that from the evidence of the prosecution that a *prima facie* case has been established, the accused officer shall be asked to make his or her own defence and may call witnesses in support of his or her defence; and
- (j) on reaching the conclusion, the presiding officer shall record a ruling stating the reasons thereof.

(3) The presiding officer may on conviction, and upon according the accused officer an opportunity to mitigate the charges, impose any of the penalties set out in section 34 of the Act.

(4) Without prejudice to the generalities of paragraph (1), a record of the proceedings shall be made in the Form V set out in the Schedule.

12. Review

(1) An accused officer who has been convicted and penalty imposed may pursuant to section 34(6) of the Act, apply for a review of the decision within fourteen days of the decision.

(2) An application for review under paragraph (1) may be made on the ground of—

- (a) biasness against the accused officer;
- (b) the discovery of new facts or evidence not within the knowledge of the accused officer when the decision was made;
- (c) miscarriage of justice; or
- (d) on account of some error apparent on the face of the record.

[Subsidiary]

(3) On receipt of an application for review and upon hearing the accused officer, the Council or Director-General may quash, uphold or enhance the penalty imposed against the accused person.

13. Power of the Director-General

The Director-General may on receipt of a report, allegation or complaint that a member of the Service has committed an offence against discipline, temporarily suspend that officer from the Service, whether or not the matter has been investigated.

14. Disciplinary offences

A disciplinary offence may be any such offence as set out in the Fourth Schedule to the Act.



Form I

(r. 4(3))

Note: A copy of each written statement of evidence in relation to the alleged breach is enclosed.

I hereby acknowledge that I have recorded the complaint voluntarily.

Name:

Signature:



Form II

(r. 5(3))

Abstract of Evidence

Abstract of evidence in the case of (number, rank, name, unit) consisting of the (insert the number of statements) attached statements and (insert the number of précis) précis of evidence¹ of witnesses for the prosecution and compiled by me (the Investigating Officer) (.....² on the instructions of the commanding officer of the accused).

..... (Signature and rank)

(Date) 20



(r. 6)

Form III

Charge Sheet

No. Rank Name

Field Unit

Date of Offence Date of Proceedings

Charge Contrary to Section of the National Youth Service Act (Cap. 208).

Particulars of Offence

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

Witness

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

Plea

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

Notes

¹ Strike out any reference to statements or précis which are not applicable.

² Insert name and rank of the officer making the abstract

Judgment

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

Sentence

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

The accused officer wishes / Does not wish to exercise his right of appeal against conviction and punishment.

Signature of the Accused

Presiding Officer

Signature

Designation

Date

Confirmed by

Signature.....

Designation

Date

Accused officer enlisted

Date of Offence

National Youth Service

[Subsidiary]

Number of Previous Offences
General Character

*Precise evidence to be attached.

Notes

¹Strike out any reference to statements or précis which are not applicable.

²Insert name and rank of the officer making the abstract.



Form IV

(r. 8(2))

Notice of Summons

To (name) of (address)

1. Take notice that an offence against discipline contrary to section of the National Youth Service Act (Cap. 208), being offence No. of has been filed with the Service against you.
2. Service of the summons on you was ordered to be by this notice.
3. A copy of the summons and investigations report may be obtained from the Presiding officer's office on weekdays between 8:00 A.M.- 5:00 P.M.

Unless you appear before the presiding officer on the stated date and time an arrest warrant against you shall issue.

Signature

Director General/ Presiding Officer

DATED this day of 20



Form IV

(r. 11(4))

Record of Proceedings

Accused's number, rank and name Unit

1. The Presiding officer dealing with the case shall inform the accused of his right to elect to be tried by a different officer duly appointed by the Director General and shall ask the accused—

Q.Do you wish to be tried summarily?

A.

2. Questions to be put to the accused by the officer dealing with the case before the charge is read.
 Q. Have you been served with a copy of the charge sheet and the abstract of evidence not less than 24 hours before this trial?
 A.
 Q. Have you had sufficient time to prepare your defense?
 A.
3. The officer dealing with the case shall then read the charge(s) to the accused and ask him the following question —
 Q. Have you agreed in writing that the witnesses against you need not give their evidence in person?
 A.
4. If the accused has agreed in writing that the witnesses against him need not give their evidence in person the officer dealing with the case shall read the abstract of evidence to the accused if the accused so requires but, if the accused has not so agreed, the witnesses against him shall give their evidence in person and it shall be recorded on a separate sheet and be attached to this record.
5. After the abstract of evidence has been read or the witnesses against the accused have given their evidence, as the case may be, the officer dealing with the case shall say to the accused—
 Q. Do you wish to give evidence on oath or to make or hand in a statement without being sworn? Your evidence or statement may deal with the facts of the case.
 A.
 Q. Do you wish to present any other evidence in your defense?
 A.
6. If the accused elects to give evidence or to make a statement or to call witnesses the evidence for the defense including any statement made by the accused himself shall be recorded on a separate sheet and attached to this record. The officer dealing with the case shall then:
 - (i) consider all the evidence and determine whether the accused is guilty of the offence or not; and
 - (ii) if he determines that the accused is guilty, make such a finding.
7. Finding
8. Where a finding of guilty has been entered, the Officer dealing with the case shall ask the accused the following question—
 Q. Do you wish to adduce evidence or give a statement dealing with your character and matters in mitigation of punishment?
 A

National Youth Service

[Subsidiary]

9. The Officer dealing with the charge shall examine and consider the accused's record of service and mitigation, if any, before giving an award.

Award

.....
(Signature of the accused) Date

.....
(Signature, rank and appointment of Commanding Officer/appropriate superior authority)

.....
Date

**THE NATIONAL YOUTH SERVICE (DISPOSAL OF
UNIFORMS AND DECORATIONS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation
2. Interpretation
3. Application

PART II – RETURN AND DISPOSAL OF UNIFORMS

4. Uniforms
 5. Return of uniforms
 6. Certificate of return
 7. Alteration specialist
 8. Disposal of textile scrap
 9. Decorations
-

THE NATIONAL YOUTH SERVICE (DISPOSAL OF UNIFORMS AND DECORATIONS) REGULATIONS

[Legal Notice 13 of 2021]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the National Youth Service (Disposal of Uniforms and Decorations) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the National Youth Service Act (Cap. 208);

"alteration specialist" means a gazetted officer appointed by the Director-General to repurpose and repair returned uniforms;

"decorations" means an honour through official recognition, status or award conferred by the President under Article 132(4)(c) of the Constitution;

"officer" means a member of the Service;

"textile scrap" means returned uniforms that may not be refurbished due to wear and tear and need to be disposed;

"uniforms" means the clothing, badges of rank, insignia, medals and accessories issued to members of Service; and

3. Application

These Regulations shall apply to all officers.

PART II – RETURN AND DISPOSAL OF UNIFORMS

4. Uniforms

All uniforms issued to any officer shall remain the property of the Service.

5. Return of uniforms

(1) Upon termination, resignation, death or retirement, all officers or their appointed next of kin shall return the uniforms issued by the Service to their respective unit commanders.

(2) A commanding officer shall, upon receipt of returned issued uniforms, transmit the returned issued uniforms together with an inventory to the Director-General or a delegated officer.

6. Certificate of return

Every officer or appointed next of kin shall be issued with a Certificate of Return upon the return of issued uniforms.

7. Alteration specialist

(1) The Director-General shall appoint one of the officers as an alteration specialist.

(2) The alteration specialist shall sift through the uniforms and attempt to repurpose as many uniforms as possible.

(3) The alteration specialist may wash, clean, and cannibalize uniforms in order to repair other uniforms for repurposing.

(4) Once a uniform item is repaired, it shall be placed into a marked container where an inventory of what is in each marked container shall be kept for reissuance.

[Subsidiary]

(5) The alteration specialist shall also identify textile scrap and set the same aside for disposal subject to the relevant legislation.

(6) The alteration specialist shall prepare and submit an annual report to the Director-General on the return, repurpose, reissuance and uniforms identified for disposal.

8. Disposal of textile scrap

The Director-General shall order the disposal of the uniforms identified as textile scrap by ensuring that the processes employed do not endanger the environment.

9. Decorations

Subject to the authority of the Director-General, decorations may be retained by the officer beyond duty with the Service.

**THE NATIONAL YOUTH SERVICE (LIMITATION OF
FUNDAMENTAL RIGHTS AND FREEDOMS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation
2. Interpretation
3. Application

PART II – LIMITATION OF FUNDAMENTAL RIGHTS AND FREEDOMS

4. Search, seizure and inspection
5. Prohibited associations
6. Prohibited trade
7. Access to information
8. Trade unions

SCHEDULES

SEARCH AND SEIZURE FORM

THE NATIONAL YOUTH SERVICE (LIMITATION OF FUNDAMENTAL RIGHTS AND FREEDOMS) REGULATIONS

[Legal Notice 10 of 2021]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the National Youth Service (Limitation of Fundamental Rights and Freedoms) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the National Youth Service Act (Cap. 208);

"in active service" has the meaning assigned to it under section 45 of the Act;

"inspection" means an official visit to the living or work place of a member of the Service;

"investigating officer" means a member of the Service appointed by the Director-General to conduct an investigation on breach of any of the provisions of the Act;

"premises" includes the place of living or work place; and

"rights and freedoms" includes the Fundamental Rights and Freedoms enshrined under Chapter 4 of the Constitution.

3. Application

These Regulations shall only apply to members of the Service in active service.

PART II – LIMITATION OF FUNDAMENTAL RIGHTS AND FREEDOMS

4. Search, seizure and inspection

(1) An investigating officer may, in the course of an investigation, apply to the Director-General in the Form set out in the Schedule for an order to enter the premises of a member of the Service to conduct a search and seize any material evidence against the member of the Service suspected to have committed an offence under the Act.

(2) The investigating officer shall, when making an application under paragraph (1)—

- (a) explain the reason for the belief that the material sought may be found in the premises to be searched;
- (b) state that the search relates to evidence that may be altered, tampered with or otherwise destroyed unless there is immediate entry to the premises upon arrival;
- (c) identify and explain, the type of evidence suspected to be found in the premises; and
- (d) explain the manner in which the search and seizure will be carried out.

(3) The Director-General may, upon being satisfied by the application under the paragraph (2), order that the premises of the member of the Service under investigation be searched and any relevant material evidence be seized.

(4) The Director-General may at any time order, in writing, that an inspection be conducted in the premises of a member of the Service.

5. Prohibited associations

(1) A member of the Service shall not—

- (a) join, form, participate in or be associated with any organization or movement of a political character; or

National Youth Service

[Subsidiary]

- (b) remain or become a member of any association or society, except one whose activities are exclusively professional, sporting, recreational, educational, artistic or social.

(2) Despite paragraph (1), a member of the Service may register as a voter and vote by secret ballot in any election or referendum.

(3) If there is any doubt as to whether an organization under paragraph (1)(b) is of a political character, the matter shall be referred to the Director-General for determination.

6. Prohibited trade

(1) A member of the Service shall not engage in any trade, business or employment outside the scope of his or her duties as a member of the Service if the trade, business or employment results to a conflict of interest with the performance of the member's duties.

(2) A member of the Service who intends to engage in any form of employment or business may apply to the Director-General for an approval.

7. Access to information

A member of the Service's right of access to and disclosure of information held by the Service pursuant to Article 35 of the Constitution, the Access to Information Act (Cap. 7M) and the Act, may be limited if the information—

- (a) undermines the national security or interests of Kenya;
- (b) impedes the due process of law;
- (c) endangers the safety, health or life of any person;
- (d) involves the unwarranted invasion of the right of another member of the service, other than the applicant or the person on whose behalf an application has been made with the authority of the Director-General;
- (e) substantially prejudices the commercial interests, including intellectual property rights of the Service or third party from whom the information was obtained;
- (f) causes substantial harm to the ability of the Service to manage its functions under the Act;
- (g) damages the Service's position in any actual or contemplated legal proceedings; or
- (h) infringes professional confidentiality as recognized in law or by the rules of a registered association of a profession.

8. Trade unions

(1) A member of the Service shall not picket, join or form a trade union, anybody or association affiliated to a trade union whose object is to control or influence conditions of employment in the Service.

(2) The Director-General shall determine whether a body or association is a trade union.

SCHEDULE

[r. 4(1)]

SEARCH AND SEIZURE FORM

In the Matter of the Search of Case No.

(Briefly describe the property to be Searched and the Person by name, rank/designation and address).

National Youth Service

[Subsidiary]

PART I

I Investigating Officer (Personal Number, Rank, Name), request for a Search Warrant having a reason/reasons to believe that property seized shall be used a proof or evidence of crime (describe the property to be seized/the type of evidence expected to be found in the premises).

.....
.....

The Search is related to violation of (Section and Offense Description)

.....
.....

The application is based on these facts (Explain reason why you believe that the material to be sought may be found in the premises to be searched).

.....
.....

How to carry out the Search and Seizure (briefly explain how the Search and Seizure will be carried out).

.....
.....

Points to note: *The Officer executing this Warrant or an Officer present during the execution of the Warrant, must prepare an Inventory and must give a copy of the same to the person from whom, or from whose premises, the property was taken.*

Name of Investigating Officer (IO)/Officer Applying for the Search

Rank

Sign

Date

PART II

You are Commanded to execute this warrant on or before (not to exceed 14 days)

(a) in the day time 6:00 am. to 10:00 pm

(b) at any time in the day or night because good cause has been established.

REQUEST APPROVED/NOT APPROVED (REASONS)

.....
.....

Sign Date

Time

Director-General

THE NATIONAL YOUTH SERVICE (MISSING OFFICERS) REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation
2. Interpretation
3. Application

PART II – ASSESSMENT

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 7. Board of Inquiry proceedings relating whereabouts and status of a missing officer
 8. Access to Board of inquiry proceedings
 9. Report of the Board of inquiry
 10. Findings of the Board of inquiry
 11. Determination by the Director General
 12. Treatment of Determination
 13. Return alive of person declared missing or presumed dead
 14. Limitation of power of court
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THE NATIONAL YOUTH SERVICE (MISSING OFFICERS) REGULATIONS

[Legal Notice 11 of 2021]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the National Youth Service (Missing Officers) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the National Youth Service Act (Cap. 208);

"Board" means the Board of Inquiry convened by the Director-General or an officer authorized by the Director-General for the purposes of conducting an inquiry under section 60 of the Act;

"commanding officer" means the administrative head of a unit in the Service;

"convening Authority" means the Director-General or an officer acting under the delegated authority of the Director-General.

3. Application

(1) These Regulations shall apply to an officer in active service who has been captured or becomes involuntarily absent in the course of operations of the Service in circumstances not constituting an offence under the Act.

(2) For purposes of these Regulations, "in active service" means an officer engaged in routine duty, active Service duty and training in the Service.

PART II – ASSESSMENT**4. Preliminary assessment and recommendation by Commanding Officer**

(1) Upon receiving information that the whereabouts and status of an officer is uncertain and that the absence of the officer may be involuntary, the commanding officer or an authorized officer shall make a preliminary assessment of the circumstances.

(2) If, as a result of that assessment, the commanding officer concludes that the officer is missing, the commanding officer shall—

- (a) recommend that the officer be placed in a missing status; and
- (b) not later than forty-eight hours after receiving such information, transmit a report containing the recommendation to the Director-General.

(3) Subject to paragraph (1), a commanding officer making a preliminary assessment shall safeguard and forward for official use any information relating to the whereabouts and status of the missing officer that results from the preliminary assessment or from actions taken to locate the missing officer.

5. Board of Inquiry into the whereabouts and status of missing officer

(1) Upon receiving a recommendation under regulation 4(2)(b), the Director-General shall review the recommendation and, not later than twenty-one days after receiving such recommendation, appoint a Board to conduct an inquiry into the whereabouts and status of the missing officer.

(2) A Board appointed under paragraph (1) shall comprise five officers and shall—

- (a) be chaired by an officer of a rank not lower than Chief-Inspector; and
- (b) consist of at least one officer who has experience and understanding of operations or activities similar to the operation or activity in which the missing officer may have disappeared.

[Subsidiary]

(3) Any officer appointed as a member of the Board under these Regulations shall have the requisite security clearance that affords the officer access to all information relating to the whereabouts and status of the missing officer covered by the inquiry.

6. Duties of the Board of Inquiry into the whereabouts and status of a missing officer

A Board appointed to conduct an inquiry into the whereabouts and status of a missing officer shall—

- (a) collect, investigate and develop all facts and evidence relating to the disappearance or whereabouts and status of the missing officer;
- (b) collect appropriate documentation of the facts and evidence covered by its investigation;
- (c) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the missing officer; and
- (d) with respect to each missing officer who was subject to the inquiry, recommend to the Director-General that the missing officer either be placed in a missing status, be declared to have deserted or be presumed dead.

7. Board of Inquiry proceedings relating whereabouts and status of a missing officer

During the proceedings of an inquiry relating to the whereabouts and status of a missing officer, a Board shall—

- (a) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information, whether classified or unclassified, relating to the whereabouts and status of the missing officer covered by the inquiry;
- (b) gather information relating to actions taken to find the missing officer, including any evidence of the whereabouts and status of the missing officer arising from such actions; and
- (c) maintain a record of its proceedings.

8. Access to Board of inquiry proceedings

(1) The proceedings of a Board during an inquiry regarding a missing officer under these Regulations shall be closed to the public.

(2) The Board, with the authority of the Director-General, may make exceptions for the next of kin and immediate family members to attend the proceedings.

9. Report of the Board of inquiry

(1) A Board appointed under these Regulations shall, not later than thirty days after the date of the appointment of the Board, submit a report with its findings and opinion on the inquiry to the Director-General.

(2) The report shall include—

- (a) a discussion of the facts and evidence considered by the Board in the inquiry;
- (b) disclosure of whether classified documents and information were reviewed by the Board or were otherwise used by the Board in forming recommendations under paragraph (2)(d);
- (c) a classified annexure which may contain information and documentation that requires security protection; and
- (d) the recommendation of the Board pursuant to regulation 7(1)(d) with respect to the missing officer.

10. Findings of the Board of inquiry

The findings and opinion of the Board in original form shall be forwarded to the Director-General who may—

- (a) where the findings reveal that the officer is deemed missing under circumstances arising out of an offence against discipline, direct that efforts be made to recover or apprehend the officer with a view to take appropriate disciplinary action;
- (b) where the findings raise a presumption of death beyond reasonable doubt in respect of the missing officer, issue a death certificate; or
- (c) where the findings do not establish the fact in either (a) or (b) above, declare the person missing.

11. Determination by the Director General

(1) The Director-General shall, within fourteen days of receiving a report from the Board under regulation 10, review the report.

(2) The Director-General shall, when reviewing the report, determine whether or not the report is complete and free of administrative error.

(3) If the Director-General determines that the report is incomplete, or that the report is not free of administrative error, the Director-General may return the report to the Board for further action by the Board.

(4) Upon a determination by the Director-General that a report reviewed under this Part is complete and free of administrative error, the convening Authority shall make a determination concerning the status of the missing officer, including whether the missing officer shall be—

- (a) declared to be missing;
- (b) declared to have deserted; or
- (c) presumed dead.

12. Treatment of Determination

Any determination of the status of a missing officer under regulation 11 shall be treated as the determination of the status of the missing officer by all State organs, Ministries, Departments and Agencies of the Republic.

13. Return alive of person declared missing or presumed dead

(1) Any officer declared to be missing or presumed dead and who is found alive and returns to the control of the Service shall be paid for the full time of their absence while given missing status or presumed dead.

(2) The Director-General shall issue a certificate of return to an officer who is found alive.

14. Limitation of power of court

Nothing in these Regulations shall be construed to invalidate or limit the power of any court to presume a person dead in accordance with the Evidence Act (Cap. 80).

**THE NATIONAL YOUTH SERVICE
(STAKEHOLDER ENGAGEMENT) REGULATIONS**

ARRANGEMENT OF REGULATIONS

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THE NATIONAL YOUTH SERVICE (STAKEHOLDER ENGAGEMENT) REGULATIONS

[Legal Notice 12 of 2021]

1. Citation

These Regulations may be cited as the National Youth Service (Stakeholder Engagement) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the National Youth Service Act (Cap. 208);

"commanding officer" means the administrative head of a unit in the Service;

"stakeholders" means those individuals, groups of individuals or organizations that impact and are impacted by the activities, products or services of the Service and include the public, service providers and suppliers, national and county governments and their agencies, media and the community; and

"unit" means an administrative camp in the Service headed by a commanding officer and includes a paramilitary training college in the Service.

3. Application

These Regulations shall apply to the Service regarding its activities and interactions with stakeholders.

4. Guiding Principles

The Service shall observe and uphold the national values and principles of governance set out in Article 10, the Bill of Rights enshrined in Chapter Four, the values and principles of Public Service set out in Article 232(1) of the Constitution and for the avoidance of doubt, shall—

- (a) develop responsible business models that are innovative, transparent, integrating, open, committed and capable of creating sustainable value for all its stakeholders;
- (b) maintain a strategy of strong involvement in the communities in which it operates;
- (c) instill and sustain consultative and collaborative engagement with all its stakeholders through proactive, continued, and systematic establishment of fluid channels for dialogue with stakeholders;
- (d) promote and coordinate responsible actions with stakeholders within a constant process of adaptation to their needs, expectations, and interests;
- (e) disseminate significant and reliable information on its performance and activities annually; and
- (f) ensure transparency and accountability to its stakeholders.

5. Objects

The object and purpose of these Regulations are to—

- (a) provide guidance on how the Service may engage with its stakeholders;
- (b) set out a method of engagement with stakeholders who impact and influence the Service's operations; and
- (c) identify opportunities and threats arising from stakeholders.

[Subsidiary]

PART II – STAKEHOLDER ENGAGEMENT

6. Methods of engagement with stakeholders

(1) The Service shall employ diverse methods of engagement with its stakeholders which shall include various channels and means of communications pursuant to each specific stakeholder group.

(2) Notwithstanding paragraph (1) the Service may, through the following channels, engage its stakeholders—

- (a) strategic plans;
- (b) annual reports;
- (c) investor briefings;
- (d) engagement forums;
- (e) surveys;
- (f) town hall meetings;
- (g) industry and regulatory forums;
- (h) conferences;
- (i) media briefings; and
- (j) social media platforms.

7. Accountability and grievances procedure

(1) There shall be a complaints and compliments office in every unit of the Service.

(2) A stakeholder may lodge a complaint or compliment in their own name or on behalf of another stakeholder.

(3) A complaint or compliment lodged under paragraph (2) may be lodged through—

- (a) visiting any of the units of the Service in person;
- (b) by telephone or facsimile;
- (c) by e-mail or ordinary mail;
- (d) social media platforms through direct messaging; and
- (e) any other mode as may be determined.

(4) All complaints or compliments shall be reduced into writing and recorded in a register.

(5) The complaints and compliments offices in every unit of the Service shall uphold the principles of confidentiality, impartiality, informality and independence in providing assistance to stakeholders.

(6) An initial assessment of the nature and gravity of the complaint or compliment shall be made by the receiving officer for categorization and prioritization.

(7) Every unit shall aim to resolve the complaints through consultation with all stakeholders and inform those stakeholders of the solutions.

(8) In the event that a unit is not able to resolve a complaint, the unit shall escalate the complaint to the commanding officer.

(9) Where the commanding officer is unable to resolve the complaints, the commanding officer shall forward any unresolved matter to the Director-General.

(10) Every complaint and compliment office shall file quarterly reports to the commanding officer for onward transmission to the Director-General.

(11) The report referred to under paragraph (10) shall contain the following information—

- (a) name and address of the stakeholder;
- (b) category of the stakeholder;
- (c) particulars and nature of complaint or compliment;
- (d) resolutions made;
- (e) recommendations from the commanding officer; and

- (f) any other necessary information.
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