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Colony and Protectorate of Kenya.

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# Colony and Protectorate of Kenya.

## AN ORDINANCE.

No. 12 OF 1928.

Assented to in His Majesty's name this second day of July, 1928.

EDWARD GRIGG,  
Governor.

[2ND JULY, 1928.] Date of Assent.

### An Ordinance to Provide for the Organisation of the European Inhabitants of the Colony of Kenya for the Defence thereof.

2nd July, 1928.

Date of commencement.

WHEREAS, in view of the responsibility resting upon the European inhabitants of the Colony for the defence thereof and for the protection of life and property therein, it is desirable that special provision be made to enable such inhabitants promptly and efficiently to perform, when called upon, the duty of maintaining law and order incumbent upon them under the common law:

AND WHEREAS for the above purpose it is necessary that all able-bodied British subjects of European origin or descent should be enrolled and organised, and that youths before reaching manhood should be adequately trained:

BE IT THEREFORE ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

#### PART I.

##### ESTABLISHMENT, ORGANISATION AND ADMINISTRATION OF DEFENCE FORCE.

1. This Ordinance may be cited as "the Defence Force Ordinance, 1927," and shall come into operation on such date as the Governor may by notice in the Gazette appoint.

Short title and commencement.

2. There shall be established a Force to be known as the Kenya Colony Defence Force (hereinafter referred to as "the Defence Force") which shall be under the supreme command of the Governor, and the members of which shall be liable to render general military service in any part of the Colony for the defence thereof or any part thereof or for the protection of life and property therein.

Establishment of Defence Force.

3. (1) The Governor shall appoint an officer to be Commandant of the Defence Force, who shall be responsible for the discipline and efficiency of the Defence Force.

Organisation of Defence Force.

(2) The Governor shall appoint a permanent headquarters staff which shall consist of a Staff Officer and such other ranks as the Governor may deem expedient.

(3) The headquarters of the Defence Force shall be at Nairobi.

Central Defence  
Committee.

4. (1) The Governor shall appoint a Central Defence Committee consisting of the Commandant and one delegate from each Defence Force District.

(2) The Central Defence Committee shall perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder.

Central Sub-  
Committee.

(3) It shall be lawful for the Governor to appoint a Central Sub-Committee, consisting of the Commandant and three other members of the Central Defence Committee, for the performance of such functions and the execution of such powers and duties as may be delegated to the Sub-Committee by the Central Defence Committee.

Defence Force  
Districts.

5. (1) For the purposes of this Ordinance the Governor shall divide the Colony into districts to be known as Defence Force Districts, and shall designate the same respectively by such names as he may think fit: Provided that the Governor may at any time alter or abolish such districts or designations and may appoint others in place thereof respectively.

(2) Each Defence Force District shall, in accordance with the provisions of this Ordinance and of any Regulations made hereunder, be organised as far as possible so as to constitute units complete for service in the field, including Supply, Transport, Medical and Veterinary Services, and shall hold its own stock of reserve arms and ammunition, and shall have its own first and second line Transport allocated to it.

District  
organisation.

6. (1) The Governor shall appoint in each Defence Force District a Local Defence Committee which shall include the District or Resident Commissioners of any areas included in such Defence Force District and such other persons as the Governor, on the recommendation of the members of the Force in such District, may approve.

(2) The Governor shall, after consultation with the Local Defence Committee, appoint in each Defence Force District a District Commandant and such Section Commanders as he may deem expedient. Each District Commandant shall *ex officio* be a member of the Local Defence Committee for the district in which he is appointed.

(3) The District Commandant, Section Commanders and Local Defence Committee shall respectively perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder.

Duties of Local  
Defence  
Committee.

7. (1) Each Local Defence Committee shall draw up a scheme of defence for its district, including the selection of rallying points, the establishment of defensive posts and the arrangement of a system for the collection and use of available supplies and transport during such period as the Defence Force or any portion thereof shall be called out on active service.

(2) Each Local Defence Committee shall also collect such topographical and other information as it may consider necessary or expedient. Any such topographical information shall be inserted in the existing maps of the Defence Force District so that the same shall at all times be kept up to date.

(3) The Local Defence Committee shall from time to time send duplicate reports on all or any of the foregoing matters to the Staff Officer of the Defence Force.

8. The Governor may at any time dispense with the services of any officer or member of the Defence Force or of any member of the Central or Local Defence Committees.

Power of Governor to dispense with services.

9. The Governor may, for all or any of the purposes of this Ordinance, delegate all or any of his functions, powers and duties under this Ordinance to such person or persons as he may deem expedient.

Power of Governor to delegate authority.

## PART II.

### CONSTITUTION AND ENROLMENT OF DEFENCE FORCE.

10. Members of the Defence Force shall be divided into the following classes, namely:—

Division of Defence Force into Classes.

Class I.—Persons who have attained the age of eighteen years and have not attained the age of thirty years;

Class II.—Persons who have attained the age of thirty years and have not attained the age of forty years;

Class III.—Persons who have attained the age of forty years and have not attained the age of fifty years;

Class IV.—Persons who have attained the age of fifty years.

11. (1) Subject to the provisions of this Ordinance, every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and has not attained the age of fifty years, and who is ordinarily resident in the Colony, shall attend at the office of the District or Resident Commissioner of his administrative district within one month after the commencement of this Ordinance or within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age, and if any such person shall fail so to enrol himself he shall be deemed to be enrolled as a member of the Defence Force.

Compulsory enrolment of male British subjects between the ages of 18 and 50 years.

(2) Any male British subject, both of whose parents are of European origin or descent who has attained the age of fifty years may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner of his administrative district and shall enrol himself as a member of Class IV of the Defence Force.

Voluntary enrolment of male British subjects who have attained the age of 50 years.

(3) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner as aforesaid, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age.

Enrolment of persons other than British subjects.

(4) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions in actual practice shall only be enrolled or deemed to be enrolled and liable to serve in their professional capacity.

Right of persons to elect as to Class in which they are enrolled.

**12.** Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Defence Force or who volunteers for service therein may, with the permission of the District Commandant of the Defence Force District in which he ordinarily resides, elect to enrol himself as a member of any Class preceding the Class appropriate to his age: Provided that upon such enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by any Regulations made hereunder upon the members of the Class in which he is so enrolled.

Exemptions.

**13.** (1) All persons who are certified under the hand of a Medical Officer to be medically unfit for service under this Ordinance by reason of bodily or mental infirmity or unfitness shall be exempt from enrolment and service in the Defence Force.

(2) The Governor in Council may by order exempt any person or any class of persons from all or any of the obligations imposed by this Ordinance or by any Regulations made hereunder.

Preparation of lists of persons liable to serve.

**14.** (1) The District or Resident Commissioner (hereinafter referred to as "the officer in charge") of each administrative district shall, within two months after the commencement of this Ordinance, and during the month of January in each succeeding year, prepare a list, in the Form given in the Schedule to this Ordinance, containing the names of all persons in his district who are liable for enrolment and service or who volunteer for service under the provisions of this Ordinance.

(2) When such list has been prepared the officer in charge shall cause a copy thereof to be affixed in a conspicuous manner at his office and court-house, and shall cause a notice to be inserted in at least one newspaper of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be earlier than two weeks nor later than four weeks (unless for special reason) after the date on which the copy of such list was affixed as aforesaid.

(3) Upon the day and at the place so notified the officer in charge shall hold a court, and shall, on due proof by the oath of such persons as he shall see fit to examine or by statutory declaration or affidavit, correct all errors in such list, either by adding thereto the names of persons liable to enrolment and service or by striking out the names of persons who claim to be exempt. Such court may be adjourned from day to day until all questions as to the correctness of the list have been determined. The decision of the officer in charge upon any question arising in regard to the correction of the list shall be subject to appeal to the Court of a First Class Magistrate.

(4) As soon as all questions as to the correctness of the list have been determined as aforesaid, the officer in charge shall forthwith transmit such corrected list to the Staff Officer of the Defence Force.



15. Any member of the Defence Force who leaves one Defence Force District to reside in another Defence Force District shall forthwith notify the District Commandant of each such District.

Change of residence of members of Defence Force.

### PART III.

#### ARMS, AMMUNITION AND EQUIPMENT.

16. Such rifles, ammunition and equipment as may be prescribed shall be provided by the Government for members of the Defence Force, and will be issued in accordance with the Regulations to be made under this Ordinance.

Government to provide rifles and ammunition.

17. Every member of the Defence Force in possession of a Government rifle, ammunition and equipment as hereinbefore provided shall be responsible for the same and for keeping the same in a good and efficient condition, and shall be liable for any loss of or damage to such rifle, ammunition or equipment, due to his act, neglect, or default.

Duties of members in regard to Government rifles, etc.

### PART IV.

#### TRAINING.

18. (1) Subject to the provisions of section 20, every member of the Defence Force shall in each year undergo the course of training prescribed for the Class in which he is enrolled: Provided that the annual course of training shall not exceed—

Training.

(a) in the case of Class I, a period of one hundred hours in the aggregate;

(b) in the case of Classes II, III and IV, a period of twelve hours in the aggregate.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of the prescribed period of training.

19. Any member of the Defence Force may be required, as part of his annual course of training, to fire such musketry course as may be prescribed.

Musketry training.

20. (1) A District Commandant may, in his discretion, exempt any member of his unit from the performance of the whole or any part of his compulsory training under the two last preceding sections.

Powers of exemption in regard to training.

(2) A District Commandant may, in his discretion, authorise any member of his unit to fire his musketry course on any military or police range: Provided that in such case such member shall obtain a certificate of efficiency signed by a European Military or Police Officer.

21. The date and place for every course of training and every musketry course shall be notified by the Staff Officer, and notice of such date and place published in the Defence Force Orders and affixed in a conspicuous manner at the office of the District Commandant of each Defence Force District shall be sufficient notice to every member of the Defence Force residing in such District.

Notification of time and place of training.

Penalties for non-attendance at training or musketry course.

22. If any member of the Defence Force shall without reasonable cause or excuse, after due publication of the notice prescribed by the last preceding section, fail to attend at the place mentioned in such notice for the purpose of undergoing the prescribed course of training or of firing the prescribed musketry course, or shall fail to complete such courses or either of them, then and in any such case such member shall be liable, on conviction before a Magistrate of the First or Second Class, to a fine not exceeding five pounds or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment: Provided that no such conviction shall be deemed to exempt the person convicted from all or any of his duties and obligations under this Ordinance or any Regulations made hereunder.

## PART V.

### MOBILIZATION.

Calling out and mobilization of Defence Force.

23. (1) Whenever in the opinion of the Governor it shall be necessary for the defence of the Colony or any part thereof or for the protection of life and property therein, the Governor may, by proclamation, call out and mobilize the Defence Force, or such part or parts thereof as he may deem necessary, for active service:

Provided that a proclamation under this sub-section may call out the members of any one or more of the Classes mentioned in section 10 of this Ordinance, but so that the members enrolled in any Class shall not be called out until the members enrolled in every preceding Class have been called out:

Provided, further, that the Governor may by such proclamation, in lieu of calling out and mobilizing the Defence Force or any part thereof as aforesaid, order the Defence Force, or such part or parts thereof as he may deem necessary, to hold itself in readiness for immediate mobilization.

Power of administrative officers to call out Defence Force.

(2) In the case of sudden and imminent danger in any administrative district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such district may, for the defence of the district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor call out the members of the Defence Force resident in such district, but in such case such officer shall forthwith report to the Governor such calling out and any subsequent step taken by him.

Discipline of Defence Force on mobilization to be governed by Army Act. 44 & 45 Vic., c. 58.

24. Members of the Defence Force shall, when they are on active service or when called out under the last preceding section or when ordered to hold themselves in readiness for mobilization under the second proviso to section 23 (1), be subject to the provisions of the Army Act and all Acts amending or substituted for the same, but so that the Regulations under section 31 hereof may prescribe that any provisions of those Acts shall not apply to the Defence Force: Provided that—

- (a) the words "the Defence Force" shall be read therein for the words "Regular Forces", the words "member of the Defence Force" for the words "officer or soldier", as the case may be, and the word "Governor" for the words "His Majesty" and "Secretary of State";

- (b) no sentence of a court-martial upon the trial of a member of the Defence Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf.

25. On the mobilization of the whole or any part of the Defence Force for active service, every resident (whether he shall or shall not himself be a member of the Defence Force) shall be liable to provide any transport and supplies in his possession if so required; and any person who, without reasonable cause or excuse, shall fail to comply with the requirements of this section shall be liable, on conviction before a Magistrate of the First or Second Class, to a fine not exceeding one hundred pounds or to imprisonment of either description for any term not exceeding six months or to both such fine and imprisonment.

Liability of population to provide transport, etc.

26. No member of the Defence Force shall be liable to be called out for ceremonial parades or for any purpose other than as provided in this Ordinance.

Defence Force not to be called out for ceremonial parades.

27. Any member of the Defence Force who, after publication of any proclamation mentioned in section 23, shall without reasonable cause or excuse fail to attend for service or duty on any occasion, or shall absent himself without the permission of some competent authority, or shall refuse or neglect to obey any lawful command of his superior officer, shall be liable, on conviction before a Magistrate of the First or Second Class, to a fine not exceeding one hundred pounds or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Penalty for breach of duty

Provided always that no such conviction shall be deemed to exempt the person convicted from service or from any future liability to serve under the provisions of this Ordinance.

## PART VI.

### MISCELLANEOUS PROVISIONS.

28. The provisions of this Ordinance shall not apply to any member of the Defence Force during his temporary absence from the Colony.

Temporary absence of members.

29. Nothing in this Ordinance contained shall be deemed to prevent any member of the Defence Force from volunteering to serve in any of His Majesty's Regular or other Forces.

Right of members to volunteer for service in His Majesty's Forces.

30. (1) In the case of any member of the Defence Force who shall be temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him when on service as provided in section 23, the Governor may award to such member such gratuity or yearly pension as to him may seem fit, but, except with the sanction of the Legislative Council, no such gratuity shall exceed two hundred and fifty pounds and no such pension shall exceed one hundred pounds per annum.

Governor may award gratuity or pension in certain events.

(2) The Governor may assign to the widow or family of any such member who may be killed in action or on service as provided in section 23 a pension or allowance not exceeding one hundred pounds per annum.



(3) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due by the recipient thereof or his wife.

Power to make  
Regulations.

31. The Governor in Council may from time to time make provision by Regulations for all or any of the following matters, that is to say—

- (a) the general government, discipline, training and management of the Defence Force;
- (b) the establishment of corps and other units of the Defence Force and the various divisions, branches, grades, numerical establishment, ranks and appointments therein;
- (c) the attendance at drills, inspections, classes and courses of instruction of members of the Defence Force, and the examination of members of the Defence Force as to proficiency in military professional subjects, and the granting of certificates of proficiency in military professional subjects;
- (d) the appointment to, seniority of, promotion in and tenure of commissioned or non-commissioned ranks in the Defence Force;
- (e) the leave of absence, suspension, reduction and discharge of members of the Defence Force;
- (f) the condition as to physical fitness for service in the various branches of the Defence Force;
- (g) the fixing of the rates of pay and allowances and issue of rations to members of the Defence Force when called out under section 23 of this Ordinance;
- (h) the enrolment of all persons liable for service in the Defence Force;
- (i) the convening, composition, procedure and power of boards of officers and courts of inquiry;
- (j) the payment of compensation to widows and families of members of the Defence Force as provided in section 30 of this Ordinance;
- (k) the requisitioning of means of conveyance and transport for service with the Defence Force when called out under section 23 of this Ordinance;
- (l) the conveyance by rail or road of members of the Defence Force and their transport and equipment when travelling on duty;
- (m) the requisitioning of goods, provisions, supplies and accommodation for members of the Defence Force when called out under section 23 of this Ordinance;
- (n) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Defence Force;
- (o) the compiling of registers of transport and the duties of members of the Defence Force in connection therewith;
- (p) the establishment and conduct of camp, regimental, or district institutions for providing recreation and refreshment to members of the Defence Force;

- (q) the returns, books, forms, and correspondence relating to the Defence Force;
- (r) all matters which are by this Ordinance required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for securing the discipline and good management of the Defence Force, or for the carrying out and giving effect to the provisions of this Ordinance.

Such Regulations may provide as a penalty in respect of any breach thereof a fine not exceeding fifty pounds which may be recovered in any court of competent jurisdiction at the instance of the District Commandant of the Defence Force District in which the person infringing the same resides.

#### SCHEDULE.

##### REGISTRATION LIST.

Administrative District .....

Defence Force District .....

No.	Name.	Age	Residence	Calling.	Nationality	Previous military service (if any) and technical qualifications.	Class in which enrolled

GOVERNMENT NOTICE NO. 339.

#### THE DEFENCE FORCE ORDINANCE, 1927.

##### NOTICE.

##### DATE OF COMING INTO OPERATION.

IN EXERCISE of the powers conferred upon him by section 1 of the Defence Force Ordinance, 1927, His Excellency the Governor has been pleased to appoint that the said Ordinance shall come into operation on the 2nd day of July, 1928.

By command of His Excellency the Governor.

Nairobi,

This 2nd day of July, 1928.

H. T. MARTIN,  
*Acting Colonial Secretary.*